

Horsley Park Concept Plan and Project Application Response to February 2012 Submissions



Table 1 – February 2012 Submissions

	Authority	Key Issue	Issue Raised in Submission	Jacfin Response
1.	Department of Planning & Infrastructure	Visual & Acoustic	Despite the changes to the proposal as outlined in the response to submissions document, the Department remains concerned about the potential visual and amenity impacts that the proposal could have on nearby residential properties.	As described in the PPR document the revised industrial scheme has been further developed to better mitigate visual and acoustic impacts. Independent specialist consultants have been engaged to further develop the treatment at the boundary interface between the proposed industrial development and the existing residential development as well as show the resultant impact on the outlook of the neighbouring properties.
2.		Regional Road Alignment	Proposal to be amended to reflect the preferred alignment for the Southern Link Road Network	The regional road alignment has been amended on both the Concept Plan and Stage 1 Project Application drawings and is now consistent with the Department's preferred alignment.
3.	Penrith City Council	Visual Impact – building height	The response prepared by JBA Planning states that the height of the warehouse buildings along the southern boundary of the site would be restricted to a maximum height of RL94. However the Sections CC and DD (both showing a cross section of the southern boundary) indicate warehouse buildings constructed to RL 92. Should the warehouse buildings be constructed along this southern boundary to the maximum RL94 as stated in the response, the sight line would be incorrect and therefore even greater visual impact would result from both the proposed acoustic wall and building height.	The heights nominated on the southern boundary will range between RL92 and RL94 as is reflected in the revised sections. The revised photomontages demonstrate that the earth mound will mitigate visual impacts appropriately (see Appendix J).
4.		Photomontages	Additionally no sight line has been indicated for Section AA and it appears the indicative wall shown on option 1 at the fence line is not reflective of the actual proposal.	Sections and photomontages have been prepared by independent specialists and are provided at Appendix B and J respectively.
5.		Proximity to residents - inadequate setback	Council maintains the view that the developable area indicated on the Concept Plans (Attachment B & C) is not necessarily suitable for either industrial or residential development. Clause 23 of WSEA SEPP states that consent must not be granted on land within 250m of land zoned primarily for residential purposes, unless the proposal is compatible with the height, scale, siting and character of the surrounding area. As stated in Council's previous response, which is reiterated with the current proposal, the options and proposed setbacks are not considered to be compatible with the character of the surrounding area given the extensive excavation, visual impacts and inadequate buffer areas to existing residents.	Refer to the detailed discussion on this clause in Section 4.4 of the PPR.

6.		Acoustic	Council questions the need for an engineered acoustic wall to address visual and noise impacts that could be mitigated through more amenable options utilising greater setbacks and increased vegetation. Additionally, the proposed lot orientation and subsequent building footprints should be redesigned to minimise noise impacts resulting from the operation of each proposed site.	<p>As has been demonstrated at the Erskine Park Industrial Development, a separation between the two uses alone is not sufficient to ameliorate noise impacts.</p> <p>The proposed development with an earth mound, landscaping and orientation of loading and servicing away from the residents provides a superior visual and acoustic outcome for the residents of neighbouring properties. Further details of the exact siting and use of each warehouse will be provided in future development applications along with specific acoustic characteristic and mitigation measures.</p>
7.		Regional Road Alignment	The Southern Link Road regional road network devised by the DPI has been finalised and the exhibited road pattern has been agreed to by the relevant Councils and other relevant agencies. The road pattern nominated in the proposed concept plan has not addressed the Southern Link Road regional road network.	<p>The application was lodged before the revised regional road alignment was made publicly available. The Proponent had no choice but to lodge the application with the alignment as shown within the WSEA SEPP.</p> <p>At the direction of the DPI, the road alignment in the application has been amended to reflect the preferred alignment publicly exhibited last year.</p>
8.		Landscaping	It is considered more appropriate for a landscape design approach of heavy tree planting to reduce the scale and bulk of the built forms associated with the use, particularly along the southern boundary.	Landscaping principles along the southern and eastern boundaries have been reviewed and are described further in the documentation provided by Clouston Associates at Appendix B .
9.		Contamination	Details of any contamination and details how the standards sampling guide relates to the NSW EPA's Sampling Design Guidelines should be provided.	Details of potential contaminants and soil sampling were provided in the Environmental Assessment that accompanied the EAR (Appendix D of the EAR).
10.		Urban Design	The proposal should consider the building's place and siting both on the lot, in the subdivision and in the surround landscape. This could also be utilised in reducing acoustic impacts on adjoining properties.	The buildings along the southern and eastern boundaries of the site have been purposefully sited such that loading and servicing can occur on the northern and western sides of the buildings, thus reducing noise impacts on the neighbouring properties in Capitol Hill Drive and Greenway Place (respectively).
11.		Development Controls	Penrith Development Control Plan (DCP) 2006, Part 6.10 Erskine Business Park is applicable to the site.	DCPs are not a relevant consideration in the assessment of a Part 3A application. Notwithstanding, we believe that the proposed development meets the relevant objectives of the DCP and in many cases exceeds the requirements of the controls, particularly with respect to the provisions of setbacks and mitigative design measures at the industrial/residential interface. Refer to section 4.4 of the PPR.
12.		Building Code of Australia	The Building Code of Australia is applicable to the development.	Agree. BCA reports will be provided with each development application.
13.		Drainage	The site includes an existing watercourse and dam which should be considered for stormwater harvesting/on-site detention and minimising stormwater impacts on	The existing dam is not proposed to be retained, however on-site stormwater detention basins are proposed elsewhere on the site which will achieve the

			adjoining properties.	same environmental outcome as that desired by Council.
14.		Sustainability	It is considered appropriate that Green Cover Demonstration Design principles be applied to a large development such as this. This project is also aligned with the priorities identified in the Sydney Metropolitan Plan 2036.	A sustainability report was provided with the application which outlines sustainability measures that will be adopted on the site.
15.		Pollution	The emission of air impurities is to be controlled and limited to the standards allowed by the Protection of the Environment Operations Act, 1979, to the satisfaction of Council and the Environmental Protection Authority at all times.	Noted, relevant conditions of consent will be imposed and each development application will address air quality issues relevant to the specific use.
16.	Fairfield City Council	Photomontages	<ul style="list-style-type: none"> – The images shown in the photomontage for location 2 are misleading and incorrect. The photomontage suggests and outlook shown is from no. 38-40 Greenway Place, however, a site inspection reveals that the view shown is actually from the adjoining property to the south at no. 33-37 Greenway Place. – No.33-37 Greenway Place is located on a small knoll ranging between (approx) 2-4 metres above the properties to the north. In this regard it is not possible to determine the degree of impact on the outlook of the properties to the north of no. 33 – 37 Greenway Place who may completely lose their current outlook toward the Blue Mountains due to the height of the proposed earth mound and acoustic wall. – No visual impact analysis is provided for properties further to the south. It is impossible to tell whether or not the proposed earth mound will provide sufficient screening from the industrial development and whether current views from these properties toward the Nepean Valley and Blue Mountains will be completely obliterated. – An appropriate visual impact analysis of the proposed earth mound and acoustic wall needs to be carried out from all the properties in Greenway Place which have an outlook towards the Nepean Valley and Blue Mountains. – The proposed outlook and degree of impacts need to be confirmed by survey levels prepared by a qualified surveyor. – The DP&I should commission a review of any further visual impact assessment by an independent expert qualified in the area. – The finished levels of the earth mound and acoustic wall may need to vary to respond to the undulating terrain of varying ground levels of residential properties and to obscure views of the industrial development while at the same time protecting their western outlooks to the Blue Mountains. 	<ul style="list-style-type: none"> – Agreed, the photomontage should have been labelled 33-37 Greenway Place. – Revised and additional photomontages have been prepared which accurately show the future outlook of various properties in Greenway Place and Capitol Hill Drive (see Appendix J). – A survey of the levels of each of the properties along Greenway Place and Capitol Hill Drive has now been undertaken the levels are detailed on the landscape sections. – The finished levels of the earth mound are provided in the sections prepared by Cloustons at Appendix B.
17.		Acoustic Impacts	<ul style="list-style-type: none"> – Subject to conditions (including further reports and compliance monitoring) the proposal may be capable of meeting general acoustic standards for warehouse uses. 	Noted. Further acoustic reports will be submitted with each development application demonstrating how the noise objectives will be achieved.

18.		Potential rural residential buffer	<ul style="list-style-type: none"> There are a number of deficiencies with Scheme 1 (Industrial Option) particularly in relation to visual and acoustic impacts. From the perspective of surrounding residents, the rural residential buffer (Scheme 2) contains a number of advantages in terms of minimising both visual and acoustic impacts from the industrial development. Any consideration of a planning proposal to create a rural residential buffer cannot be deferred to a later date. In the event the DP&I issue an approval for industrial development on the site, there would be significant constraints on the potential of creating a rural residential buffer to the need to undertake major redesign of the industrial footprint, services and roads. 	Jacfin explored the potential for introducing rural residential development as part of the amended Concept Plan. As rural residential land use is prohibited on the site neither the DPI nor Council were willing to accept such an amendment as part of the Part 3A process. A rezoning of this site was also not favoured by the authorities and would incur considerable delays and application risks to the proponent. Due to the uncertainty that such a process brings Jacfin has decided to proceed with the industrial option.
19.		Regional Road Network	<ul style="list-style-type: none"> Since Council's submission, a draft report and proposed new route for the road has been released by the DP&I which proposes to shift the alignment of the road to the north of its current position through the Jacfin site. At this stage, final advice from the State Agencies on the preferred alignment for the road is yet to be made available. From this perspective, the issues raised in Council's previous submission that consideration of the Jacfin site should be deferred, remain unchanged. 	<p>The application was lodged before the revised regional road alignment was made publicly available. The applicant had no choice but to lodge the application with the alignment as shown within the WSEA SEPP.</p> <p>At the direction of the DPI, the road alignment in the application has been amended to reflect the preferred alignment publicly exhibited last year.</p>
20.	NSW Office of Water	Flood Mitigation Works	<p>To ensure the riparian requirements are transparent to future owners of the site, it is recommended that a commitment is included which states:</p> <ul style="list-style-type: none"> Flood mitigation and stormwater basins should be located outside of the riparian area; and The basins are to be planted to complement the native plant communities of the riparian corridor. 	Commitments to this effect have been provided in the final Concept Plan Statement of Commitments in the PPR (see Commitment 5).
21.		Rehabilitation and Maintenance of Riparian Land	To ensure a consistent approach, the rehabilitation of the E2/riparian land should be sufficiently detailed in a site VMP to give guidance for individual DAs. Details of the delineation between the IN2 land and E2 land should also be dealt with in the VMP for the site.	<p>Given the small amount of land zoned E2 on the site such a management plan is considered unnecessary.</p> <p>We believe the Concept Plan establishes sufficient delineation between the two zones within the landscaping scheme presented with the Concept Plan.</p>
22.		Groundwater	If groundwater is to be encountered as part of the excavations for the development, NOW reiterates that it requires more detailed information to be provided to assess the need for a licence, including the volume of groundwater proposed to be dewatered, the quality of the groundwater, where it is proposed to dispose of ground water etc.	Noted. If groundwater is likely to be encountered for a particular development on the site further details will be provided with the relevant development application. A licence will also be sought from NOW where relevant.
23.		Concept Plan	NOW supports the zoning of the riparian areas as E2 and the locating of APZs outside of the riparian area. As previously advised the extent of the riparian zone should be in accordance with the riparian width shown on Figure 29 of the EA.	Noted.
24.	38-40 Greenway	Visual Impact	<ul style="list-style-type: none"> Using the information provided by Jacfin, this document proves that we will lose 100% of our views. Our finished floor level of our house and outside living area is 	The visual impact assessments submitted with the Response To Submissions were preliminary in order to try and illustrate the mitigation approach which

	Place – P & McHale		<p>RL91.6 as per our survey, therefore, we would never be able to see over a wall at our boundary if the height is RL94. We believe that it needs to be at RL89 to 90 in order to maintain views.</p> <ul style="list-style-type: none"> Section diagrams have been prepared and are also limited to only a few view points, to the best vantage point of the proponent. Notable the section diagrams have no reference to our Blue Mountains views beyond the buildings. Only one property on Greenway Place has been analysed, in Section AA. This reflects that in addition to the mound at RL92 and acoustic wall at RL 94, there will be screening vegetation at RL99 which could possible grow taller. Although this would block the view of the building, trees that are 5 metres taller than the wall will definitely block our views of the Blue Mountains, even if the wall is lower. As noted in our original submission, the top of the tree in front of our neighbours' property is currently RL99 and is much higher than the horizon when viewing from our property. 	<p>Jacfin proposed to further develop as part of a PPR.</p> <p>Independent photomontages, surveys and site sections around the southern and eastern boundaries have now been prepared so as to further detail the proposed scheme and the resultant outlook from the neighbouring residential properties.</p>
25.		Noise Impact	<ul style="list-style-type: none"> If the development is approved, the Department should impose a specific condition that individual noise assessments should be included with each application. Will there be monitoring of actual noise levels, once each building becomes operational? This is necessary if residents are to be assured that future noise levels will actually comply with levels predicted. What is the overall noise level that we will be expected to put up with, including noise from the link road and traffic. We understand that the final alignment of the link road has not yet been confirmed, which means that it is still not possible to predict our final overall noise levels and determine whether they are acceptable The proponent indicates in point 39 that noise will be managed by developing a 'drivers code of conduct'. Whilst this may be a well-meaning suggestion, it is not a solution. From a practical perspective it would be impossible to police this, and to communicate the Code to the numerous drivers coming into the industrial estate, who are possibly driving from various places all over the country. 	<p>A commitment is made to lodge separate acoustic reports with each development application which will detail the specific noise emissions to be generated by the development and the mitigation measures that will be implemented, if required, so as to ensure that the relevant noise criteria are met.</p> <p>The regional road will now be further removed from the residential properties and due to the location of the earth mound along the southern side of the brickworks and the natural ridgeline on the Jacfin site, is unlikely to be readily heard from the residential properties in Greenway Place.</p> <p>The drivers code of conduct will be one noise management measure implemented on the site. The operation of trucks on each warehouse site will be more detailed within each project application, as will noise mitigation measures.</p>
26.		Setbacks	<p>The original setback provided for the eastern boundary was 30 metres in the original Concept Plan (not 20 metres as noted in the proponent's response to submissions). We feel that an increase of 8 metres (simply to accommodate the mound) is inadequate. We refer back to the original submission from Penrith Council, which states that existing developments in Erskine Park have a buffer of 125 metres from residents, and this is not adequately dealing with issues of noise, lighting, visual impact, etc. To approve any buffer less than 250 metres would be unacceptable and inequitable to residents, given the existing evidence.</p>	<p>The Preferred Project increases the setbacks from the southern and eastern boundaries as detailed on the Clouston Landscape documents at Appendix B. The setbacks to the eastern boundary are no in the order of 60m and the setbacks to the southern residential properties are also in the order of 60m when taking into account the road reservation.</p>
27.		Retention of Knoll	<p>The so-called 'knoll' is actually quite a large hill, with an RL of 94. Our intentions in</p>	<p>A response to this issue and reasons why the southern ridgeline is not retained</p>

			requesting retention of the hill were to both meet the requirements of Section 21 of the SEPP to work with the existing topography of the site, as well as to provide a suitable visual and noise buffer for the residents of Capitol Hill. Cutting into the southern side of the hill and putting in a factory, whilst retaining only the top of the hill, is contradictory to these objectives.	is provided in section 4.13 of the PPR.
28.	Alternative Use	<ul style="list-style-type: none">Consider using the land for a Business Park (with height restrictions), similar to Norwest, rather than using the site for general industrial purposes. This would provide a better outcome for local residents with regard to noise, pollution and visual impact, whilst also providing more employment options for the wider community.During the June 2011 meeting at Fairfield Council, the adjoining residents presented a solution that was acceptable (although we would of course prefer to keep the area in its current rural state). The proposal involved joining up the two hills through the creation of an artificial ridgeline to block out the warehouses and help to minimise noise and other impacts. Please refer to Attachment 4 (topography diagram from Appendix J to the original Environmental Assessment, p.5), to identify the hills and an indicative outline. We still believe that this is the most reasonable outcome for all parties, in order to mitigate problems and impacts. It is the only option that considers and addresses both Sections 21 and 23 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009.	<p>A business park use is not permitted on the site. Further applications will be lodged for the specific use of each building on the site. Only uses permissible under the WSEA SEPP will be able to be provided on the site.</p> <p>Due to the topography of the site, the amount of fill required to construct such a ridgeline and the amount of developable land that would be lost, this option is not viable and will not be pursued. Refer to PPR for further detail.</p>	
29.	Requested conditions of consent	<ul style="list-style-type: none">Maximum height (RL) for finished floor levels of warehouses, in order to mitigate visual impacts on residents.Maximum height of finished warehouses. (9 metres as per applicable Penrith Council LEP 2006.) Notably, consideration also needs to be given to the warehouses beyond those directly bordering our properties, as they will also impact our views.Maximum height of bund wall and acoustic wall to ensure views to the Blue Mountains are maintained. (RL 89 at top of acoustic wall at our end of the site.)Limit operations to normal working hours, rather than 24 hour operation, 7 days per week.Set restrictions on the type of activity that may be undertaken on the site, acknowledging its proximity to residents and the potential harmful impacts from any hazardous materials.Require the proponent to prepare a new Acoustic Report and noise predictions for each specific building, once the final size, layout, industry type and activity is actually known.Ensure that compliance monitoring for noise is undertaken on a regular 3 monthly	<p>The maximum RLs of the building ridge height and building pads for buildings at the southern and eastern boundaries are nominated on the plan prepared by Cloustone at Appendix B. Further maximum height limits are established in the revised design guidelines.</p> <p>The height of the earth mound is nominated on the sections and plans prepared by Cloustone at Appendix B.</p> <p>The acoustic report prepared by Wilkinson Murray outlines that development on the site can operate 24 hours a day without adverse noise impacts, subject to the implementation of noise mitigation measures.</p> <p>Future applications will be lodged for the construction and use of warehouse buildings on the site (refer to Statement of Commitments).</p> <p>A commitment is made to lodge separate acoustic reports with each development application in the future.</p>	

			basis, to give resident's confidence that there would be action taken if noise predictions are exceeded.	
30.	1 Capitol Hill Drive – K & J Crestani	Topography	<ul style="list-style-type: none"> – The removal of the southern ridgeline and a substantial part of the hillside (with the proponent offering only the “token” retention of the knoll in the south eastern corner) will effectively take away the only remaining natural buffer between the existing rural residential landscape and the proposed industrial area. – The preservation of the existing southern ridgeline and hillside will provide: <ul style="list-style-type: none"> a) A substantial visual buffer between our residence, the existing rural residential properties situated to the south [the whole of the Capitol Hill Estate], the southern end of Greenway Place and various properties situated in Horsley Road, and the proposed industrial development, and b) A significant natural buffer in reducing the impact of noise of the proposed industrial development on the existing rural residential properties to the south. c) A separating element between the residential area and the proposed industrial development. d) An interface that is compatible with the competing values across the boundaries of both kinds of land. – The proposed building line setbacks from the eastern and southern boundaries of 38-40 m and 35-40 m respectively fail to provide anywhere near a sufficient buffer area to separate the industrial estate from the adjoining residential area. – The re-design fails to address the particular recommendations proposed by residents before a meeting at Fairfield City Council on 8 June 2011: <ul style="list-style-type: none"> e) the preservation of the ridgeline and hillside to the south as a natural buffer, and f) an extension of the ridgeline to the east by constructing an earth mound linking up the knoll at the south eastern corner to the hill nearest the corner boundary of the quarry to the north. 	<p>A response to this issue and the retention of the southern ridgeline is provided in section 4.13 of the PPR.</p> <p>Notwithstanding that the ridgeline is to be reduced in height, we believe that the proposed development achieves a suitable amenity for neighbouring properties to the south in that:</p> <ul style="list-style-type: none"> – Visual impacts are mitigated by the proposed earth mound and landscaping around the boundary of the site; – Visual impacts are further mitigated by the limitation of building heights along the southern boundary to a maximum height of RL94; – The development will be designed to comply with the maximum noise criteria established in the acoustic report thus complying with the relevant noise guidelines; and – The proposed setbacks are more than that required under the Penrith DCP and also greater than those residential interfaces studied (see section 4.4 of the PPR).
31.		Acoustic	<ul style="list-style-type: none"> – There are already reports of problems with insufficient setbacks between nearby industrial developments and residential properties. Penrith City Council has advised [in their previous submissions of 23 May 2011] of complaints relating to visual and noise impacts from residents near to the Erskine Park Industrial Park where there is in existence a buffer distance of 125 metres. – In the event the revised industrial concept plan is approved [against our objection], it would be reasonable in our view to require the proponent to provide the following as part of any consent approval: <ul style="list-style-type: none"> g) A noise assessment of the proposed development which demonstrates that 	<p>As noted in the PPR the ‘125 buffer’ in the Erskine Park industrial development is a direct result of the electricity easement that runs between the two land uses. It is not a distance separation prescribed for amenity or any other environmental mitigation reasons. No other acoustic treatments are provided and consequently residents are not protected from noise impacts.</p> <p>The proposed development with an earth mound, vegetation and building orientation will provide a superior outcome to the Erskine Park development.</p>

			<p>the operational noise generated by the proposed development and any other development on the site will not exceed a specified noise criteria.</p> <p>h) A compliance acoustic report after the building becomes operational at 3 monthly intervals for a specified period.</p> <p>— No attempt has been made by the proponent to consider alternatives such as a business park/office precinct along the southern and south eastern boundaries which would operate within normal business hours.</p>	<p>A noise assessment for the overall development was submitted with the application and the response to submissions. Separate acoustic assessments will be submitted with each development application.</p> <p>A business park is not permissible on the site under the WSEA SEPP. The proponent is limited to those uses listed as being permissible in the WSEA SEPP IN1 General Industrial Zone.</p>
32.	Photomontage and sections	<p>— The so-called Visual Impact Analysis prepared by JBA Planning is grossly inadequate - it is limited to photomontages which purportedly demonstrate the visual effect of the proposed bund and wall for only our residence and another in Greenway Place. There has been no attempt by JBA to comply with requests for photomontages to be prepared from the view of each of the other 8 residential properties in Greenway Place or the property to the west of our residence.</p> <p>— The two photomontages as submitted as part of the re-design fail to superimpose the location of the warehouses/roof lines beyond the bund and wall.</p> <p>— According to the section plan relating to the purported sight line from our residence, which assumes an RL of 84 as our building pad [without confirmation as to accuracy by survey], a 7 metre earth mound and wall at a height of RL 89, and a warehouse building with a height of 10 metres to RL 92, we will still see the roof top of the building. These assumptions represent a best case scenario for the proponent. Neither the photomontage or section plan examine the change in view from our residence based on any variation in height of the bund and wall or the height of the warehouse. Any increase at all in height of the warehouse will obviously be visible to us and at an RL of 94, will totally obscure any view of the knoll in the background.</p> <p>— Neither the photomontage or section plan examine the impact of view from the second level of our residence. Assuming our dwelling building pad is at RL 84, the view from our second level windows will be at RL 89. At this level, we will be confronted with a very close range eyesore of at least 3 vertical metres of a wall and roof of a warehouse extending along the boundary for 130 metres [even if the warehouse is built to a height of RL 92].</p>	<p>Independent photomontages have been prepared by Urbaine and are provided at Appendix J. View impacts are also further discussed in the PPR.</p>	
33.	Design Deficiencies	<p>— The design response is inaccurate, inconsistent and/or incomplete in areas of detail:</p> <p>— The building line setback from the eastern boundary as originally proposed was 30 metres and not 20 metres as referred to in the letter of JBA Planning of 9 December 2011.</p> <p>— The increase in the building line setback from the southern boundary of 35- 40</p>	<p>The design documentation has been reviewed and the concept plan is now consistent with the sections prepared by Cloustons. Information such as pad levels and building heights are also shown on the plans.</p>	

			<p>metres is not supported by the Section Plan for buildings 2, 3 and 4 along the southern boundary [which allow for only a 30 metre setback].</p> <ul style="list-style-type: none"> – There is a proposal to restrict the height of buildings along the southern boundary to a maximum height of RL 94, but there is no confirmation in the Design Response of a restriction in height of buildings 2 and 5 along the south eastern boundary [building 5 being located nearest to our residence to a maximum height of RL 92, although referred to in the Section Plan for these buildings. – There is no accompanying proposal of a height restriction of buildings along the eastern boundary. – There is no confirmation of pad levels of buildings, other than a general statement that the “nearest buildings” to adjoining residential properties will be such that the roofs will not be readily visible above the mound and wall from the adjoining properties. 	<p>Height restrictions at the boundary interface are now dealt within the revised design guidelines and building pads are also clarified on the plan prepared by Cloustons at Appendix B.</p> <p>The buildings are setback 40m from the southern boundary or (accounting for the unformed road reservation) setback 60m from the adjoining rural residential properties.</p>
34.		Stormwater	The report of Brown Consulting of 8 December 2011 does not address the effect of diverting the natural water course along the south eastern corner of the site as shown in the revised industrial concept plan, or the basis for installing a 20 metre wide drain along the south eastern boundary. These issues require clarification.	Refer to the revised stormwater statement at Appendix L of the PPR.
35.		Employment	According to a statement issued by Mr Paul Brennan, Chairman of the Penrith Business Allianz in February 2011, key industrial sites in Penrith such as the nearby Erskine Business Park were generating only 12-15 jobs per hectare because the land uses related mainly to the highly automated transport and logistics sector. This statistic is significantly lower than the figure claimed by JBA Planning of a job generation rate of 20-40 per developable hectare	The job generation figures provided are consistent with those estimated by the Department of Planning for the WSEA.
36.		Suggested Conditions	<ol style="list-style-type: none"> 1) The preservation of the ridgeline and hillside running along the southern section of the site. 2) A setback to the north of the southern ridgeline of such a distance as to limit the construction of warehouses to a height which is lower than the level of the ridgeline. 3) A setback/buffer to the east in the form of an earth mound linking up the knoll at the south eastern corner to the hill nearest the corner boundary of the quarry to the north. 4) Landscaping of the buffer areas. 5) A restriction of operating hours to reasonable hours of daily weekday activity. 	<p>Given the amendments made to the scheme the imposition of these conditions is not considered necessary.</p> <p>This suggestion is addressed in section 4.13 of the PPR and is considered unreasonable and unnecessary.</p>
37.	33-37 Greenway Place – T & L Micallef	Visual Impact	<ul style="list-style-type: none"> – The addition of an earth mound and acoustic wall, from our boundary fence, and just 38 meters in width, seems to be the answer to all our problems, according to Jacfin. We feel that this is grossly inconsiderate on their behalf. The sheer size of this earth mound and acoustic wall on top is huge. Our home is only 60 meters 	The proposed boundary solution has been further developed by Cloustons and is shown on the sections at Appendix B . The new urbane photomontages show as accurately as possible the outlook that will be achieved from each of the properties in Greenway Place (Appendix J). The images show that the

			<p>from our boundary fence and the proposed earth mound. At the moment we have uninterrupted views of the Blue Mountains and rural lands. With this earth mound, we will feel like we are closed in and buried by it. We feel strongly that we need open space between us and the earth mound. In their report, they show a photo from our back door verandah, showing what we would see once the mound is built. It shows no view and in the modified photo it looks further away than what it really is. The photo (attachment 1) is very misleading in this regard as well as to the note on the bottom as to where the photo was taken from. The photo was taken from our property 33-37 Greenway Place not our neighbours' as shown in the key plan numbered 2. It should be noted that our neighbours' RL is 4 meters lower than us. All in all this visual impact is very misleading. Fairfield Council put in their submission that they wanted an individual visual impact assessment for each adjoining property. This has not been provided. Only two have been provided and one is incorrect.</p> <ul style="list-style-type: none">— We feel that the option presented at the June meeting at Fairfield Council by the residents is the best outcome for us. By joining the two hills, (south-eastern corner hill and the quarry corner boundary hill) with an earth mound, and pushing the development beyond that point, would be the best solution.— This will create open space between properties on Greenway Place and the development, and also create a natural buffer for residents on Horsley Road and in Capitol Hill Estate. This open space could be used for not so intrusive purposes. Penrith Council noted in their original submission, that in Erskine Park, an existing warehouse development is 125 meters from residents. The residents are complaining about noise and other impacts. This shows that a buffer of 125 meters is not enough. So the proposed 40 meters is definitely not enough. It has also been noted that a representative from JBA (at the June meeting) has said that the area adjoining the rural residential area, should never have been zoned as industrial.	<p>horizon views of the Blue Mountains will be largely retained.</p> <p>Refer to discussion on this option in Section 4.13 of the PPR.</p> <p>See comments previously on this option.</p>
38.	Acoustic & Lighting	<ul style="list-style-type: none">— The noise factor has still not been addressed adequately. The proposal of having these warehouses operating 24 hours a day 7 days a week upsets us greatly. The proponent has made no amendments to the original proposal except for this eye sore earth mound and wall. Surely in this quiet rural area we will still hear the operations of all the machinery and trucks and workings going on, just 30-40 meters over the earth mound. The noise levels that they have predicted cannot be assured, as we, and they, do not know what type of manufacturing/warehouse industry will operate there. The noise modelling was based on warehousing but it is zoned as general industrial. We also feel that it is important that the Department make it a condition of approval, that Jacfin lodge a new acoustic report assessment for each new building as they will then know what industry will be there. When the buildings become operational, noise compliance monitoring	<p>The acoustic report prepared by Wilkinson Murray outlines that development on the site can operate 24 hours a day without adverse noise impacts, subject to the implementation of noise mitigation measures.</p> <p>Separate acoustic reports will be prepared with each development application once the specific use of each warehouse is known. Each report will demonstrate that the development will meet the noise criteria set for the Concept Plan area.</p>	

			<p>should be undertaken every 3 months.</p> <p>– The constant glow at night would also be a disturbance.</p>	Lighting on the site will comply with the relevant Australian Standards. Refer to the revised statement of commitments (section 5 of the PPR).
39.		Suggested Conditions of Consent	<p>6) The maximum height of the warehouses so as not to impact on the residents. (Section 21 of the SEPP)</p> <p>7) The maximum height of the earth mound and acoustic wall so as to preserve the views of the Blue Mountains and to block the warehouses out of sight. (Sections 21 and 23)</p> <p>8) 24 hour 7 days a week operations close to existing residents should be limited to normal working hours (Section 23)</p> <p>9) That the Department make it a condition of approval, that Jacfin lodge a new acoustic report assessment for each new building as they will then know what industry will be there. When the buildings become operational, noise compliance monitoring should be undertaken every 3 months.</p> <p>10) The joining of the two hills as a buffer for Greenway Place, Horsley Rd and Capitol Hill would leave some open space between the development and the residents. This would utilize some of the natural topography of the site. (Section 21)</p>	<p>Maximum heights are now stipulated on the plans and in the design guidelines. These heights were derived, along with those of the mound, to ensure impacts are reasonable and contained.</p> <p>Maximum heights of the earth mound around the edge of the site are provided on the sections prepared by Cloustons (Appendix B).</p> <p>The acoustic report prepared by Wilkinson Murray outlines that development on the site can operate 24 hours a day without adverse noise impacts, subject to the implementation of noise mitigation measures.</p> <p>A commitment to prepare an acoustic report with each development application is made in the PPR.</p> <p>This is not a viable option as outlined in the PPR.</p>
40.	41-43 Greenway Place – R & J Stivala	Earth Mound & Acoustic Wall	<p>– Firstly, our house is positioned approximately only 50 metres from the boundary with the Jacfin property. We already have an earth mound right along the boundary with the PGH quarry, on the northern side of our property. Having another high mound on the other side, so close to our house as proposed in the new Concept Plan, will really close in our property. There is also a 2 metre wall proposed for the top of the bund, which will be unsightly and look very unnatural. Does this 'acoustic wall' add any value? The revised Acoustic Report does not provide any actual detail about the changes to the Plan and how this will improve our situation by adding the acoustic wall.</p> <p>– Furthermore, we are concerned about the potential for flooding that may arise with a bund wall so close to our property. The revised stormwater report does not discuss this issue.</p>	<p>The acoustic wall has now been removed from the proposed scheme. The proposed mound will serve to obscure the warehouse buildings whilst also providing a green landscaped outlook and the blue mountains will largely remain visible in the distance.</p> <p>Refer to the stormwater statement prepared by Brown Consulting at Appendix L of the PPR.</p>
41.		Visual Impact	The proponent has not prepared a Visual Impact study for our property (or numerous others).	Additional photomontages are provided at Appendix J including one for this property.
42.		Preferred Option	The preferred option is the construction of a mound in between the two existing hills so as to push back the development away from the existing residents.	This is not a viable option for environmental and economic reasons, refer to explanation within PPR.
43.		Suggested Conditions	11) We continue to support the option presented by the residents group during the June meeting with the Department, proponent's representatives and Fairfield and Penrith Councils. The use of land within that buffer is a matter for negotiation between the developer, Department of Planning and Council, however, we insist	This is not a viable option for environmental and economic reasons, refer to explanation within PPR.

			<p>on this setback.</p> <p>12) The height of the mound and wall need to be at least 4 metres lower than the latest revised Concept Plan, in order for us to maintain our Blue Mountains views.</p> <p>13) Buildings beyond the mound need height restrictions to ensure they are not higher than the mound/wall.</p> <p>14) Factories or warehouses situated closest to residents should not be permitted to operate 24/7.</p> <p>15) If the development is approved, the Department should require noise compliance monitoring to be undertaken on a regular quarterly basis. Additionally, a new Acoustic Report should be provided with each individual project application, once the actual size and use of the building is known.</p>	<p>The height of the mound has been revised and it has been demonstrated that horizon views will be largely retained.</p> <p>The acoustic report has demonstrated that the buildings can operate during these hours without generating adverse noise impacts.</p> <p>A commitment to prepare acoustic reports with each DA has been made.</p>
44.	COX Architecture Pty Ltd on behalf of Pazit	Building Heights	<p>The mitigation measures are noted, however it is difficult to ascertain the true height of the proposed industrial buildings without a proper and detailed survey of the Jacfin site and a detailed section to scale through the proposed buildings. This is necessary to ensure that the roofs will be restricted to a height so as not to be visible from future dwellings to be constructed on the zoned sites of Capitol Hill and need to apply to any future siting of buildings. The site survey and associated maximum height envelopes need to be undertaken by an independent surveyor.</p>	<p>Scaled sections have been prepared by Cloustons (see Appendix B) which are based on a survey undertaken on the site which nominates the heights of neighbouring buildings.</p>
45.		Acoustic Impacts	<p>It is also difficult to accept the noise mitigation figures given that the future use and operating times for future buildings is unknown as are the loading and unloading arrangements. The current report leaves compliance to the individual developer and this gives little confidence that noise limits will be respected in the future. It is requested that an independent acoustic consultant sets the noise standards which are acceptable to adjacent residential development and that these are requirements of any development approvals for the Jacfin site.</p>	<p>The acoustic report sets noise criteria that all future developments must comply with. Further acoustic reports submitted with each DA will detail mitigation measures where required demonstrating that the noise goals will be achieved (see Statement of Commitments at Section 5 of PPR).</p>
46.	26 Greenway Place – R & M Borg	Visual Impacts	<ul style="list-style-type: none"> Our concern with our property is that the very front of our property is probably the most highest on our street but at the very rear of our property is the lowest where we have a dam which that dam overflows onto a natural valley leading to the farm dam on the Jacfin site. As proposed on the concept plan there is an earth mound with no detail. To our understanding this mound will have to be quite substantial in height for our view to be as minimal as possible to not be affected by the proposed ware houses. This large earth mound we think is not suited to the rear of us because of the natural valley and the earth mound will not match the existing topography of the surrounding area. 	<p>The visual impacts and design details of the earth mound are now provided in the photomontages and sections at Appendices J & B respectively.</p>
47.		Acoustic	<p>There will be a major impact still on the neighbouring residents from the warehouses due to loading dock activity, manufacturing activity, internal traffic, and traffic from</p>	<p>Loading activities will occur on the western side of the buildings so as to ensure acoustic impacts are minimised by the building itself as well as the proposed</p>

			access to warehouses.	earth mound.
48.		Topography	The amended concept plan shows that part of the knoll has been retained and we appreciate that it has been taken into consideration Thank you. By our understanding the rest of the site is still a cut and fill site required for the building pads. The amended concept plan shows a bund wall or earth mound along the rear of our boundary along the site, the bund wall proposed will not look as part of the natural landscape topography.	The earth mound has been carefully modulated in its design and landscaping to provide a naturalised green outlook from the neighbouring properties. The site has been rezoned for industrial land use and it is not realistic or possible to retain a rural outlook.
49.		Setbacks	<ul style="list-style-type: none"> – Setback from the boundary to southern-eastern has only increased in the new proposed concept plan by a further 18 meters. – This is still unacceptable as this will still have a minimal improvement to minimise our view of the warehouses. – We believe that residents in Erskine Park have a buffer of 125m, and that distance is still not inadequate as they still complain to Penrith council of noise and other impacts due to the industrial estate. – We feel very strongly that the earth mound should be between the hill at the southern-eastern corner and the hill near the quarry corner boundary, and further development should be beyond that point. 	<p>The setback has been increased to a minimum of 35m but will predominantly be around 54m and additional boundary treatments have been proposed to improve the interface between the two different landuses.</p> <p>Provision of an increased setback beyond 35-54m will not have any appreciable impact on the amenity of the neighbouring residential properties compared to that already proposed in terms of acoustic amenity and retention of views of the Blue Mountains.</p> <p>Provision of an earth mound between the two high points as suggested by the residents is not feasible. Refer to section 4.13 of the PPR.</p>
50.		Stormwater	<p>The new amended concept plan with the proposed bund wall does not address any issues of the natural flow of storm water especially leading from our dams onto the Jacfin site which there is a natural valley leading to another dam. Once again the proponent has noted the dam on the site cannot be retained.</p> <ul style="list-style-type: none"> – Can natural valley to the rear of us and dam of the Jacfin site, be part of our natural buffer? – Our concerns of the bund wall will restrict or block the storm water flow. (again no detail on design of wall to address this issue) – With restriction of storm water flow this could impact on our properties future development potential. 	Refer to the stormwater statement prepared by Brown Consulting at Appendix L of the PPR.
51.		Suggestion	As a compromise for us to be getting a major setback can the department review the rest of the Jacfin site to the rear of us and other Jacfin sites of the Western employment lands give them a greater building density ratio.	Due to the nature of industrial buildings, which require large building footprints within single storey buildings, the provision of a greater FSR could not be achieved (unlike for other development types such as commercial or residential).
52.	Lot 6 Greenway Place – G Pirri	Rural Character	We have chosen to live here because we enjoy the peaceful rural surroundings. All this will change, and we believe for the worst, especially if this development is allowed to go ahead so close to our boundary. Our current rural outlook will be destroyed and replaced with the rooftops of the large industrial sheds. Instead of the quiet of our rural area, we will have to listen to the noise of warehouses, trucks and traffic, reversing alarms, loading dock activities etc. Even though a mound is being provided, the noise	The loss of the rural character is inevitable with the industrial zoning of the land. However, to ensure the outlook of the residential properties is not unduly compromised a landscaped earth mound is proposed which will predominantly obscure views of the warehouse buildings, providing a green outlook whilst also maintaining horizon views of the Blue Mountains.

			will carry from across the site and up to our property.	
53.		Setbacks	There should be a buffer zone provided to existing residents (at a minimum of 250 metres), with the buildings moved back as far away as possible. This would help to minimise some of the negative effects on residents.	250m would result in the loss of a significant proportion of developable land which is inconsistent with the objectives of the WSEA SEPP to provide new employment in western Sydney. The proposed solution provides a more reasonable response which seeks to balance the objectives of the SEPP whilst also maintaining the amenity of the neighbouring properties.
54.		Operation	Factories and warehouses should not be allowed to operate 24 hours, 7 days a week, when there are a number of residents located so close to the site.	The acoustic report prepared by Wilkinson Murray outlines that development on the site can operate 24 hours a day without adverse noise impacts, subject to the implementation of noise mitigation measures.
55.	76-83 Greenway Place – E & P Basso	Setbacks	<ul style="list-style-type: none"> There should be a substantial buffer zone between the residential properties and the industrial structures. This will help to minimise some of the potential impacts from the development and will ensure that the development is more consistent with its surrounding area. The redesign fails to adequately address the issue of interfacing between the proposed development site with the existing rural residential landscape. The proposed building line setbacks from the eastern and southern boundaries of 38-40m and 35-40m respectively fails to provide anywhere near a sufficient buffer area to separate the industrial estate from the adjoining residential area. 	<p>A buffer zone is proposed along the southern and eastern boundaries of the site. The buffer zone includes a landscaped mound which provides acoustic mitigation as well as a green outlook for residents.</p> <p>This particular property is on the western side of Greenway Place and is more than 100m away from the proposed development. It does not have a direct interface with the site and is therefore sufficiently removed from the proposed development so as to ensure that there will be no adverse effects on the amenity of this particular property.</p>
56.		Construction Impacts	We are concerned about the noise and pollution when they are building the buffer zone.	A commitment has been made to prepare a detailed Construction and Environmental Management Plan prior to commencement of works on the site. The CEMP will address measures such as construction noise and air pollution.
57.		Operational Impacts	We are opposed to the 24 hours, 7 days a week activities to be carried out, trucks turning and braking and the flood lighting shining in our bedroom which are in the front of our house.	The acoustic report prepared by Wilkinson Murray outlines that development on the site can operate 24 hours a day without adverse noise impacts, subject to the implementation of noise mitigation measures.
58.		View Impacts	Our views of the mountains will be blocked out by these buildings and warehouses.	This property is higher than those located on the eastern side of Greenway Place. As the residents on the eastern side of the road will retain their long distance views so will the occupants of this particular property.
59.	48 Greenway Place – M Nightingale	View Impacts	The visual, acoustic & environmental impact of such a development bordering on a rural residential community such as ours is enormous. A bund topped by a wall erected virtually on the back fences on a number of properties will serve to obliterate the current beautiful rural views to the Blue Mountains for many of us but not avoid the view of warehouses & factories for others.	The sections and photomontages prepared for the PPR demonstrate that long distance views of the Blue Mountains will be retained by all neighbouring properties in Greenway Place.
60.		Topography	The SEPP calls for 'site topography to be taken into consideration' and that 'building heights will not adversely impact on the amenity of adjacent residential areas'. I do not see how removing hills and flattening the land adjacent to Greenway Place, which is	The retention of the knoll and the design of the mound take into account the natural topography.

			undulating and irregular ,to erect overly tall structures emitting noise, light and pollutants 24 hours a day, 7 days a week, adheres to these guidelines.	<p>The building pad levels are varied across the site, reflecting the varied topography of the site.</p> <p>Building heights have been limited along the eastern boundary so as to ensure that horizon views to the Blue Mountains are retained by the residents in Greenway Place.</p>
61.		Setbacks	The proposed setback of 38-40 metres is far too minimal. A buffer zone of at least 250 metres would be needed to alleviate some of our concerns but close attention to the natural water course at the rear of the properties would need to be taken into consideration as well.	<p>250m would result in the loss of a significant proportion of developable land which is inconsistent with the objectives of the WSEA SEPP to provide new employment in western Sydney.</p> <p>The proposed solution provides a more reasonable response which seeks to balance the objectives of the SEPP whilst also maintaining the amenity of the neighbouring properties.</p>
62.	64-67 Greenway Place – R & N Postaj	Impact on amenity	<ul style="list-style-type: none"> – Notwithstanding the wall, the noise will still travel. – The wall is too close to the residents that are backing onto the development site. A bigger separation distance should be provided – Concerned regarding the pollution the proposed development will emit. – The operation of the factories/warehouses should be limited to normal working hours, not 24 hours. 	<p>The acoustic report demonstrates that the proposal will meet the noise criteria outlined in the relevant legislation and standards during the operational phase of the development.</p> <p>The acoustic wall has been deleted and the earth mound further designed with a landscaping concept to create an attractive green outlook for residents of Greenway Place will have.</p> <p>Future applications will include further information as to how air quality standards will be maintained and achieved.</p> <p>The acoustic report prepared by Wilkinson Murray outlines that development on the site can operate 24 hours a day without adverse noise impacts, subject to the implementation of noise mitigation measures.</p>
63.		Lack of detail	In the plan it does not say how big these factories/warehouses are, what they will be used for and what they will look like.	The Concept Plan outlines the broader parameters of the development. Future development applications will detail the specific design and use of each warehouse and the hours of operation etc.
64.		Topography	How can a developer come in and flatten the natural landscape? This developer has not taken the fall of the natural land into account when putting in this new plan.	The proposal has been designed to minimise cut and fill of the site, however due to the slope of the land and the building footprints required for the anticipated type of warehouse buildings, substantial cut and fill is required.
65.	273-291 Lincoln Road, Horsley Park – T & F Bagala	Setback	The proposed setbacks of up to 40m is equivalent to a residential block of land and is not a sufficient buffer area to separate the industrial estate from the adjoining residents as it does not provide a clear distinction of both areas and does not reduce the visual impact and noise impact that the proposed site will have on adjoining residents. To effectively separate the proposed industrial estate from the adjoining residential area there needs to be a setback of a minimum 100m. The buffer should include trees, as this will keep the natural look of the area and will also minimise the impact of noise	Within the 60m setback there will be a landscaped earth mound which will provide acoustic protection and a green outlook thus ensuring that the acoustic and visual amenity of the neighbouring properties is reasonably protected. A setback of 100m without the mound would mean that the warehouse buildings would be more visible and acoustics impacts would be increased. The proposal is therefore considered to provide a superior outcome.

			from the proposed site.	
66.		Property Values	The proposed development will dramatically affect the value of the properties adjoining the proposed site and will also reduce the market value of the properties in close proximity to the proposed site. However, by having the 100m setback the value of the properties adjoining the proposed site will not be as dramatically affected as they would be if the setback was to remain at 40m.	Property values are not a relevant planning consideration under the EP&A Act.
67.	Petition Letter – Various residents	Visual Impact	The visual impact analysis is limited and unreliable. Despite Fairfield Council's request that the proponent prepare an individual visual impact assessment for each directly adjoining property, this has not been provided. Not all properties will retain their views of the Blue Mountains. Instead they will be confronted with a mound and wall immediately along the boundary (at a height of RL 94), with only some properties retaining views over this wall. From some view points, it is possible that the rooftops of the industrial development will be visible.	A specialist consultant was engaged to prepare photomontages of the views from properties in Greenway Place and Capitol Hill Drive (Appendix J). A landscape consultant was also engaged to further develop the design of the earth mound (see Appendix B). These demonstrate that the long range views towards the Blue Mountains from the various properties adjoining the site in Greenway Place will be retained.
68.		Lighting	The re-design fails to adequately consider the effect of lighting during the night period on residents in surrounding areas.	Lighting will be designed and installed in accordance with the relevant Australian Standards (see Commitment 10). Further details of the specific lighting design will be provided with each development application.
69.		Noise	<ul style="list-style-type: none"> Despite the installation of an earth mound and acoustic wall, the Acoustic report still indicates unacceptable noise levels, particularly on the Capitol Hill side. Furthermore, we have reservations about the reliability of information provided, considering the exact nature of activities is still unknown. There will be cumulative noise impact on neighbouring residents from the warehouses, loading dock activities, potential manufacturing activity, internal traffic and traffic from the Erskine Park Link Road, to name a few sources. Such cumulative information is not provided by the Proponent, to show the true impacts on residents. During the prolonged 5 stage construction phase, residents will be impacted by ongoing construction noise beyond acceptable levels, with an exception that they will just need to accept this for the 'short term'. This report still makes minimal effort to identify strategies to mitigate this impact. 	<p>The acoustic report for the Concept Plan sets the maximum noise criteria for the site. Future development applications will assess the specific use of each warehouse and will confirm compliance with the criteria established for the site. Where required noise mitigation measures will be detailed.</p> <p>Cumulative noise issues are considered in the acoustic report at Appendix E.</p> <p>Construction and Environmental Management Plans will be submitted with each development application which will outline specific noise mitigation measures that will be implemented during the construction stage so as to minimise noise impacts.</p>
70.		Topography	<ul style="list-style-type: none"> The proponent's response still does not adequately consider the existing topography of the site, in order to work with existing natural buffers to residents, including ridgelines and hillsides. Instead, they have retained only the top of the knoll on the south-eastern end of the property. Other than this small concession, the majority of the site will be levelled. Adjoining residents have provided an option that considered the natural topography and would be acceptable to them, during two meetings with the Department, proponent and Councils. This has not been acknowledged of 	<p>As noted previously pad levels across the site have been determined according to the topography of the site. However due to the sloping nature of the site and the size of the building footprints, cut and fill of the site is necessary in order to deliver the industrial development.</p> <p>An analysis of the residents proposal is provided in the PPR.</p>

			analysed in the Response to Submissions.	
71.		Setbacks	<ul style="list-style-type: none"> – The setbacks have been increased to 38-40 metres (including earth mound within this area). This is still grossly inadequate and will have minimal improvement to the outcomes for residents. – Penrith Council indicated in their original submission that existing warehouse developments in Erskine Park have a buffer of 125m. This distance has proved inadequate and residents still complain about the noise and other impacts. 	<p>The setbacks from the building to the rural residential properties on Greenway Place is now 60m and from Capitol Hill Drive is 60m from the rural residential properties when taking into account the road reservation which are greater than other residential/industrial interfaces.</p> <p>See comments previously regarding the lack of acoustic treatments at Erskine Park.</p>
72.		Air Quality	<ul style="list-style-type: none"> – During the extended construction period, we will most likely be affected by dust generated by the earthworks and excavation activity. This area is prone to westerly winds and we are concerned that dust will be carried to residents outside the immediate locality. – There is a potential for air pollution from manufacturing activities that may be allowed to operate within the site. 	Mitigation measures to minimise dust during earthworks and other air quality measures will be detailed in the Construction and Environmental Management Plans that will be submitted with each subsequent development application.
73.		Stormwater	The response fails to address in detail the risk that the proposed development will increase the flow path of flooding or stormwater on adjoining properties, particularly as a result of creating the earth mound so close to residential properties.	Refer to the stormwater statement prepared by Brown Consulting at Appendix L of the PPR.
74.		Financial Impact	The proponent inappropriately dismisses the residents' concerns about the financial impact of property devaluation.	As noted previously this is not a relevant planning consideration under the EP&A Act and cannot be taken into account during the assessment of the applications.
75.		Lack of detail	<ul style="list-style-type: none"> – The proponent has not provided adequate or reliable detail regarding the building heights, pad levels, visual impacts, size of warehouses/factories, type of activity, hours of operation for each specific building etc. It seems that residents are expected to accept an uncertain outcome, and we anticipate an enduring and burdensome process of objections each time a new stage is being planned. – The Department should include very specific criteria and conditions on the development upon determination, in order to minimise the ongoing burden on residents. 	The application provides more detailed information regarding building heights and boundary treatments than would normally be provided in a concept plan application. Specific details of the construction and use of each warehouse building will be provided in subsequent development applications once the final use and operation are known. It is noted that these future applications will be publicly exhibited and residents will have the opportunity to make further submissions on the proposed developments as they eventuate.
76.		Lack of community consultation	The proponent has not initiated any formal consultation process with residents. The only meetings that have taken place were initiated by the Department and the Council's based on residents' requests.	<p>As part of the preparation of the PPR the Proponent met with residents to discuss the proposal and in particular the detailed design of the boundary treatment.</p> <p>Representatives of Jacfin have also attended various meetings organised by the DPI and Fairfield Council and has attended various site meetings.</p>

Table 2 – May 2011 Submissions (Additional Information)

	Authority	Key Issue	Issue Raised in Submission	Jacfin Response
77.	Sydney Water		The proposed development will be serviced from the Cecil Park Water Supply System via the 500mm trunk water main located at the intersection of Horsley Drive and Wallgrove Road, Horsley Park	Noted.
78.			The developer will be required to construct reticulation mains within the industrial development site.	Noted.
79.			The lead developer Goodman has commenced planning and design of the above lead-in main that services the Oakdale development which is located directly opposite the Jacfin development site. The funding and timing of the delivery of required lead-in mains are yet to be determined by Goodman. The proponent may therefore need to deliver these works in order to meet its development timeframe	Noted.
80.			The St Marys wastewater catchment has sufficient treatment capacity to service this development. The proposed servicing contained in the EAR does not meet Sydney Water's requirements and has not been endorsed by Sydney Water. Detailed wastewater servicing of the WSEA is being undertaken by Sydney Water, two options are being considered which are expected to be delivered in late 2013. As this may not meet the developers timeframe, the proponent (and other surrounding developers) may wish to expedite the planning under commercial arrangements with Sydney Water to determine the servicing strategy and fund the works upfront.	Noted. Servicing of the site will be addresses when the Proponent applies for a Section 73 certificate.
81.			Sydney Water will further assess the impact of the development when the developer applies for a Section 73 certificate	Noted.
82.	Endeavour Energy		To make supply available to the Jacfin Horsley Park Project at least two 11kV underground feeders will be required from Endeavour Energy's Eastern Creek Zone Substation and the site reticulated	Noted.
83.			Customer will be responsible for the funding and installation of 'Connection Assets'	Noted.
84.	Sydney Catchment Authority		SCA needs to maintain vehicle access to pipelines and service corridor	Noted, development is not adjacent to and does not cross the pipeline
85.			Major development has the potential to impact on the integrity of the pipeline	Noted, development is removed from the pipeline. Construction management measures will be in place to ensure no adverse off-site impacts.
86.			Security of pipelines	The development is removed from the pipeline and will not generate any potential for increased security incidents along pipeline
87.			SCA is supportive of proposed stormwater management to maintain pre-development flows in Ropes Creek	Noted.

88.			Future access will depend on the construction of a regional link road network. SCA has previously raised concerns with DPI regarding the proposed crossing over the pipeline, no response received to date	For DPI to respond
89.	Office of Environment & Heritage		OEH notes many of the errors and inadequacies of the November 2010 version of the Heritage Assessment report have not been addressed in the March 2011 version currently on exhibition.	It was agreed with the Department of Planning that the report as drafted could be publicly exhibited and that a revised version would be submitted with the PPR. The report has now been updated and is provided at Appendix M .
90.			The Heritage Assessment is factually incorrect as it does not incorporate OEH's previous advice regarding the 1 October 2010 amendments to the National Parks and Wildlife Act 1974.	Refer to updated report at Appendix M .
91.			OEH requests that the project be readvertised in a local newspaper to invite registrations from interested groups or individuals	This occurred on 17th March 2011 in the Penrith City Star. No additional submissions were received.
92.			Aspects of archaeological assessment have not been addressed.	Refer to updated report at Appendix M .
93.	Blacktown City Council	Stormwater Management	The site predominantly drains to Ropes Creek, which also flows through the Blacktown LGA, in addition to the north-eastern part of the site that flows via an unnamed tributary of Ropes Creek. Council therefore requests that the DPI carefully consider the proposal against the stormwater management objectives outlines in Council's adopted Eastern Creek Precinct Plan Stage 3, as prepared under Part 3 of SEPP 59.	The application has been considered in accordance with the controls adopted by Penrith Council which are relevant to the proposal – refer to Brown Consulting stormwater management plan.
94.	Fairfield City Council	Erskine Park Link Road	The proposed development includes a section of the regional road network (as per the WSEA SEPP), however, the Study being undertaken by the Department has the potential to result in changes being made to the alignment/route of the road network through the subject site.	The application was lodged before the proposal to review the regional road alignment was made publicly available. The applicant had no choice but to lodge the application with the alignment as shown within the WSEA SEPP. At the direction of the DPI, the road alignment in the application has been amended to reflect the preferred alignment publicly exhibited last year.
95.			In this regard, the Department should defer consideration of the proposal until such time as the new road network and layout for the EPLR network and adjoining roads has been determined.	Refer comment above.
96.			Further analysis of acoustic impacts from traffic associated with the subject site and State Road on adjoining residential properties in Horsley Park would also need to be undertaken once the road layout for the State Road network is determined.	As the road is now to be located off the subject site and is further removed from the residential properties we do not believe such an acoustic assessment is necessary as part of this application.
97.		Photomontages	The location of buildings in photomontages appears to be inconsistent with the detail and information shown on the other plans showing the location of buildings and amount of cut and fill on the subject site. In particular, the photomontages appear to be suggesting the provision of a landscaped buffer area and setbacks from the residential properties in Greenway Place that is not possible given the amount of cut and fill proposed up to the rear boundary of the Jacfin site.	Refer to revised photomontages at Appendix J .

98.			The photomontage of the development for the southern section of Greenway Place (Figure 13) does not show the full extent of buildings proposed in the development. It also includes a vista of a small hill and trees to the north of the industrial buildings that based on the cut and fill plans for the site are proposed to be removed/excavated.	Refer to revised photomontages at Appendix J .
99.			The hill and trees shown in the photomontage at the southern end of Greenway Place are located well into the Jacfin site. In this regard it would appear the location of buildings shown in the photomontage for this position are inaccurate and do not give a true impression of the scale and bulk of buildings.	Refer to revised photomontages at Appendix J .
100.			Similarly, the photomontage of the development for the northern part of Greenway Place (Figure 15) appears to show setbacks for the proposed warehouse buildings that are inconsistent with aerial photographs and plans of the proposal. In this regard it is considered the photomontages do not show a true representation of the scale and bulk of buildings that would be visible from residential properties in Greenway Place.	Refer to revised photomontages at Appendix J .
101.			There are a total of 19 properties in Greenway Place, 9 of which directly adjoin the development. In this regard, the analysis is extremely limited and does not represent the full breadth of visual impacts on properties in Greenway Place.	Refer to revised photomontages at Appendix J .
102.			The VIA has not considered other option (including alternative subdivision pattern and/or building footprints) that would help to mitigate visual impacts. Rather the VIA appears to have been prepared as an after thought for the proposal rather than as a meaningful tool to help design the development so as to address visual impacts. This is evidenced by the fact that the subdivision pattern and building footprints included in the proposal comprise relatively regimented and consistent layout across the entire site.	The building layouts at the residential interface have been adjusted. They are indicative only but demonstrate how we anticipate the site will be developed. Until tenants are secured it is not possible to determine what their specific needs will be in terms of building size, layout etc. Such detail will be provided in future development applications.
103.			Reconfiguration of the subdivision/building footprints from a predominantly north/south to east/west orientation along the south-eastern section of the site would assist in opening up view corridors and significantly reduce the scale and mass of buildings affecting the views and outlooks of residential properties in Greenway Place. There has been no regard or analysis of this option in the VIA.	The buildings have been orientated so as to ensure that acoustic impacts are minimised and to provide for view corridors. The view corridors between the buildings are evident in the plans, landscape sections and photomontages.
104.		Landscaped Areas	There has been no serious attempt made by the applicant to incorporate landscaped measures either at the current concept plan stage or in the future to mitigate visual impacts of the development through the utilisation of landscaped measures.	Landscape concepts were provided with the original EAR and have been further developed within the PPR, refer to Appendix B . A highly detailed landscape design of the mound and interface area generally has now been completed, and to a level far exceeding that usually required at the Concept Plan stage.
105.			The review of landscaping measures to mitigate visual impacts of the development should incorporate the following critical elements: <ul style="list-style-type: none"> — Provision of deep soil areas within the site that can support a range of landscape screening measures — Inclusion of a landscape buffer along the south eastern boundary of the site at the 	<p>The landscape mound will comprise a deep soil zone.</p> <p>The buffer to the eastern and southern boundaries will be extensively</p>

			<p>same level as the existing ground level of adjoining properties immediately to the east of the site capable of supporting a range of appropriate landscape screening</p> <ul style="list-style-type: none"> – Provision of an appropriate terraced setback design in the remainder of the setback area where additional sustainable landscaping and planting measures can be provided. 	<p>landscaped as demonstrated.</p> <p>Terracing of the site, if required will be detailed in the developed designs contained within the development application documentation.</p>
106.		Addition design measures to reduce visual impacts	<ul style="list-style-type: none"> – The potential for further excavation in the moderate to high visually sensitive portions of the site to further lower the profile of buildings – The potential to modify the building form and roof profile of buildings located in moderate to high visually sensitive portions of the site to further mitigate impacts of the development. – Provision of alternate colour schemes/finishes for the industrial warehouse buildings to reduce their dominance in vistas from properties to the east of the site – Inclusion of non reflective surface materials on buildings to further reduce visual impacts on properties to the east of the site. 	<p>The maximum building pad levels have been determined so as to ensure that the warehouse buildings will not be readily visible from the neighbouring properties. Similarly the maximum building RLs have also been set so as to ensure that the roofs of the buildings are not readily visible from the neighbouring residential properties.</p> <p>Information on external materials and finishes will be provided with each development application.</p>
107.		Traffic Generation	The RTA trip generation rate adopted by the consultant should be verified with the RTA and their concurrence obtained, as the entire traffic study is based on certain assumptions regarding traffic generation levels from the site.	The RTA trip generation rate assumed in the traffic report is the same that has been adopted for various other developments within the WSEA and we see no reason why it should not also apply to this site.
108.			The intersection analysis shows intersections perform satisfactorily for traffic signals and roundabouts. Roundabouts are preferred as they would afford more flexibility in terms of traffic access.	Noted. The traffic consultant has recommended that the intersection of the proposed local road with the regional road will ultimately need to be signalised.
109.			The predicted level of service for the Horsley Park/Old Wallgrove Road/Ropes Creek/Oakdale Stage 1 is not considered to be satisfactory and the intersection layout needs to be reviewed with a view to improving the predicted levels of service.	This is a matter for the RTA/DPI to address as the intersection is outside of the concept plan area and not the responsibility of the proponent.
110.		Parking	Additional justification needs to be provided in relation to the proposed level of car parking on the site. 180 car parking spaces (including overflow parking) are proposed compared to the 330 spaces that would be required by Council for this form of development.	Given that the site will ultimately be served by public transport, a lower parking provision rate is considered appropriate. Examples of other industrial developments within the area suggest that council's rates are in excess of that actually required for modern industrial/warehouse developments.
111.		Servicing	The loading and manoeuvring area need to be designed to accommodate access requirements of B-Double vehicles.	Noted. The Stage 1 Project Application has been designed to accommodate such vehicles. Future development applications will detail such access where required.
112.			The proponent will need to ensure that adequate provision is made for heavy vehicle parking and rest areas within the premises.	Noted. Each development application will provide parking areas for such vehicles.
113.		Public Transport	In order to encourage employees to use public transport, the development should be designed in a manner that integrates public transport into the site. A number of issues	The concept plan can accommodate bus stop locations if required. Cycle paths and pedestrian footpaths are proposed thus encouraging the use of sustainable

			<p>would therefore need to be considered including:</p> <ul style="list-style-type: none"> – The provision of safe and secure bus stop facilities. These facilities should include bus shelters, special purpose lighting and specially designed footpaths that link the development with bus stops. – The development should have a transport marketing plan that promotes the use of public transport by employees. – The provision of communication infrastructure that communicates real time public transport information to employees and the general public at and within the site. 	transport.
114.		Noise	<p>There is no buffer between the noise criteria and predicted noise levels (they are the same). Given the predicted noise levels are based on a range of assumptions (particularly around reversing alarms/beepers) and computer modelling. It is unknown whether the actual operation of such a development will meet the stipulated criteria and in turn cause offensive noise to the residents of Greenway Place.</p>	Refer to the acoustic report at Appendix E .
115.			<p>The proponent has failed to make clear exact measures that will be employed at the construction stage to mitigate impacts on residents in Greenway Place and should be required to provide this information to ensure that any impacts are minimised.</p>	Detailed Construction & Environmental Management Plans will be submitted with each development application in the future which outline specific construction management measures.
116.		CEMP	<p>In the event of any approval granted by the development there should also be a requirement for a CEMP to be submitted to the relevant consent authority and adjoining Council at DA stage for review and the application of appropriate conditions to ensure its effectiveness and enforcement.</p>	Noted, the proponent has committed to the preparation of a CEMP at the DA Stage.
117.		Lighting	<p>A lighting assessment should be required with each development application for those lots adjoining Greenway Place residence demonstrating compliance with AS4282:1997: Control of the Obtrusive Effects of Outdoor Lighting.</p>	A commitment (commitment No. 10) to this effect has been made at section 5 of the PPR.
118.	Penrith Council	Southern Ridgeline/ Visual Impact/Topography	<p>The ridgeline in the south-east part of the site is recommended to be retained with the current landform creating a buffer area. The removal of the existing ridgeline on the southern portion to screen the development is seen to be excessive with excavation of up to 16m to create level pads for construction, the proposed amount of cut and fill is inconsistent with clause 21 of the WSEA SEPP.</p> <p>The visual impact of the removal of the ridgeline would be significant for the rural outlook of the existing environment. Views from outside and across the site require adequate landscaping treatments to the boundary of the site. Scale, elevation and views onto any proposed buildings are to be considered with any edge treatment. Photomontages of the indicative developments, at correct levels, would assist visual assessment. The proposed removal of natural vegetation, level of cut and buffer distances is to be addressed as a whole.</p> <p>Any proposed retaining wall is to address visual impact, given the amount of cut and fill proposed. Design guidelines to retaining walls should address bulk, scale and</p>	Refer to discussion on this issue at section 4.13 of the PPR.

			materials to minimise their visual impact.	
119.		Proximity to Residents	<p>The current concept is not considered to be compatible with the character of the surrounding area given the extensive excavation within south-east portion of the site, the limited visual assessment of the proposed buildings and the 20m buffer to existing residents.</p> <p>Council has experienced concerns relating to visual and noise impacts from the existing Erskine Park Industrial Area to the north. This area is subject to a buffer distance of 125m between industrial development and residential properties and these concerns are still relevant. Council's minimum expectation for a buffer distance to residential properties would be at least 125m.</p>	<p>See comments made previously on the lack of the acoustic treatments at Erskine Park and the consequences this has had on the amenity of nearby residents.</p> <p>The Horsley Park proposal with the proposed earth mound and landscaping is a superior outcome in terms of protecting the acoustic and visual amenity of the neighbouring residents.</p>
120.		Noise	The 24 hour operations are to consider the impact to the adjoining residents particularly from the loading docks on the western side of the warehouse.	See comments made previously regarding the 24 hour operation of the site.
121.			Noise generated during the construction phase compared to the established criteria varies significantly. In this respect it appears that the residents of Greenway Place and Capitol Hill Drive will experience excessive noise during the construction phase of the development. Although the consultant has provided some recommendations, further mitigation measures are to be outlined during the construction stage for these rural residents.	Specific acoustic mitigation measures will be detailed in the CEMP to be submitted with each application. Refer to commitment 1 at section 5 of the PPR.
122.		Contamination	The Environmental Assessment prepared by CES has provided a recommendation that a phase 2 environmental assessment be undertaken. This phase 2 investigation is recommended to be undertaken ahead of consent being granted to ensure that the land is suitable for the proposed land use as any potential remediation would need to be undertaken prior to granting consent to subsequent development stages.	CES undertook a phase 1 contamination assessment and considered that the greatest risk for a potential contamination source would have been from the application of pesticides used on stock. Site testing undertaken revealed that none of the site samples taken reported any heavy metal, hydrocarbon and pesticide concentrations above the site assessment criteria. Consequently CES concluded that the site was suitable for the proposed industrial/commercial development. However they recommend that Phase 2 investigations be undertaken for future project applications along the north eastern boundary of the site so as to confirm no contamination has been transferred via groundwater or the like from the neighbouring property.
123.		Regional Road Network	The road pattern nominated is inconsistent with the Southern Link Road regional road network devised by the Department. It is inappropriate to determine the application until the relevant link road network has been finalised as a result of consultation with the relevant councils.	<p>The application was lodged before the proposal to review the regional road alignment was made publicly available. The applicant had no choice but to lodge the application with the alignment as shown within the WSEA SEPP.</p> <p>At the direction of the DPI, the road alignment in the application has been amended to reflect the preferred alignment publicly exhibited last year.</p>
124.		Landscaping	<p>The following landscaping requirements are to be demonstrated through the proposal:</p> <ul style="list-style-type: none"> – No shrub/native grasses planting in public road reserves that Council is required to maintain. Only trees and turf are permissible. Median design to be further 	Landscaping principles were established in the landscape report submitted with the original EAR. Additional detail is now provided in the landscape documents submitted at Appendix B of the PPR.

			<p>discussed in detail with the possible inclusion of trees.</p> <ul style="list-style-type: none"> – Tree canopies must not compromise street lighting – Trees are required in parking areas to reduce heat island effect, provide shade and ameliorate visual amenity – There is a gross undersupply of trees provided within private lots, including the stage 1 lot. To compensate for large built forms and impermeable surfaces many trees are required. – Outdoor area for staff has poor amenity due to its location adjacent to the care park. This area should be an attractive place, naturally shielded with sunny aspect (not south side of the building). – Whilst street trees are required, an emphasis is placed upon providing a well landscaped and heavily canopied landscaped setback to supplement and contribute to quality streetscape character, as well as reduce the scale and bulk of building forms. 	
125.		Local Road setback	The proposed 7.5m setback for local roads is less than the required 15m setback required by Penrith DCP 2006, Part 6.10.	A 7.5m setback is consistent with other industrial precincts approved within the WSEA and is sufficient to ensure that a suitable level of landscaping is able to be provided between the street and any warehouse development.
126.		Subdivision	A plan of subdivision should be provided that indicates which parts of the subdivision require important treatments e.g. landmarks, different architectural treatments.	Subdivision of the site will be an ongoing process as tenants identify their specific land requirements. All buildings on the site will need to demonstrate compliance with the design guidelines established for the site.
127.		Development Controls	Penrith Development Control 2006, Part 6.10 Erskine Business Park is applicable to the site. This document and its requirements were not included in the EA documentation.	DCPs are not a relevant consideration for a Part 3A application, nevertheless this DCP has been taken into account in the preparation of the assessment of the Concept Plan. In particular the setback controls is considered in the PPR.
128.		Drainage	The site includes an existing watercourse and dam which should be considered for stormwater harvesting/on-site detention and minimising stormwater impacts on adjoining properties and the locality through consultation with the OEH and Council's development engineers. Opportunities to harvest into the Sydney Water network could also be explored.	Due to its size and central location it is not possible to maintain the existing farm dam on the site. In lieu of the dam several stormwater detention basins will be constructed on the site. Rainwater tanks will also be provided for each warehouse.
129.	Richard Lamb & Associates	Lack of sensitivity to scenic resources	A reasonable development would consider how to locate development in a way that satisfies the requirements of clauses 21 and 23 of SEPP WSEA without destroying the amenity and views of the directly adjacent residential properties.	The revised documents demonstrate that the proposed development has been designed so as to maintain the horizon views of the Blue Mountains whilst also providing an immediate green landscaped outlook to the residents at Greenway Place & Capitol Hill Drive. This provides a reasonable balance between allowing for modern industrial development and residential amenity.
130.			The cut and fill diagrams show virtually none of the site will escape from landform modification. However since the original topography is shown at one scale and contour internal and the cut and fill is shown in another, while there is no final landform plan	As the Concept Plan outlines an indicative layout it is not possible to detail the final cut and fill details of all the development on the site. Such detail will be provided in each development application as redevelopment of the site

			that shows the internal topography of the cuts and fills that are presumably required around the perimeters it is difficult to ascertain precisely what is proposed.	progresses.
131.		38-40 Greenway Place	<p>The rear terrace of the McHale residence has a level of RL 91.6. The building pad for the nearest building has an approximate level of RL85. The base of the tree in the photographs and on the survey is at RL84.4 and it has a canopy height of approx. RLL99, giving a height about natural ground level of approx. 14.6m.</p> <p>In the photographs taken by myself and Ms McHale, the tree can be seen to extend above the horizon of the Blue Mountains Plateau in the view line. The tree is about 45m inside the boundary of the subject land and is therefore inside the setback (that is, inside the building zone). Relative to the back boundary of the McHale land, the pad of the nearest building is at approximately the same level as the base of the tree.</p> <p>As such, the 14m height of a building is approximately the same as the tree. The buildings will block the view from the terrace toward the Ropes Creek valley and the Blue Mountains Plateau beyond. The view blocking effect would be greater for a standing viewer in the rear yard, or a seated viewer inside the residence itself.</p>	A revised visual impact analysis has been prepared for the McHale residence which demonstrates that the horizon views of the Blue Mountains will still be available from that property.
132.		33-37 Greenway Place	<p>The rear verandah of the Micallef residence has a level of RL95.72. The Micallef residence has a more expansive view in a horizontal sense than the McHale enjoy. The nearest building pad of the nearest building is at approx RL85.</p> <p>In the photographs taken by Ms Micallef from a standing position on the verandah, the same tree as a scale object can be seen. The canopy of the tree is as high as the mountain horizon in the background. On this basis of the same logic used above, it is clear that a building proposed in the application will block the view toward the Mountains for a standing viewer at the rear of the dwelling, contrary to the claims in Volume 2 of the EAR and in Appendix T. The view block effect would be greater for a standing viewer in the rear yard of a seated viewer inside the residence itself.</p>	A photomontage has been prepared for the Micallef residence which demonstrates that the horizon views of the Blue Mountains will be retained by that property.