

PW:IMS No. 2738244
Peter Wood
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29 November 2010

Ms Felicity Greenway
Senior Planner – Industry
Mining and Industry Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Felicity,

Proposed Kemps Creek Logistics Facility

Thankyou for your referral of the Environmental Assessment for the above project and the opportunity to comment. Concerns over the proposal raised in Council's submissions on the Draft DGR's and the Draft EA dated 30 April 2010 and 29 September 2010 respectively remain and are summarised in the following key points:

Site Suitability

- Over the last decade only approximately 35% of the existing Erskine Park Employment Area has been developed, leaving 65% of suitably zoned, serviced and vacant land available for development. The more recent expansion of zoned employment land under the SEPP south of the pipeline has added further development opportunities. The implications of progressing this site ahead of the abovementioned lands in the absence of any clear strategic planning response raises serious issues regarding landowner equity, the economic and orderly development of zoned employment land and the proper and optimal utilisation of existing services and transport infrastructure. It has not been adequately demonstrated that new sites, outside of the zoned WSEA lands are required to be brought on line at this stage;
- Despite Council's submission that the Draft EA did not adequately demonstrate how the projected employment numbers would be achieved nor link this to demand for jobs in Western Sydney, the EA has not provided any additional detail. In this regard

1.4 The Proponent and End Users indicates current staff numbers at existing facilities are well below the total nominated for this site.

To this end, the proposal must not be a speculative warehouse development which cannot clearly demonstrate its ability to deliver jobs for specified end users. Concern is raised that the proposed floorplates which maximise site coverage for two nominated operators are only loosely based on operating needs and the masterplan establishes sites for potentially numerous unknown end users;

- The EA refers to the detailed strategic analysis undertaken by the DoP of the Western Sydney Employment Lands Investigation Area (WSELIA) and mentions that the investigations established the potential for 4,000 ha of employment land in the investigation area. The EA gives the impression that this investigation and the DoP *Guide to the Western Sydney Employment Area* substantiate the strategic suitability of this site for employment purposes. Council was a member of the Local Government Taskforce that participated/consulted in the investigation process. The draft Structure Plan prepared by the DoP investigation team recognised the topographical constraints of this locality and identified the land for residential purposes not employment uses.

Whilst the use of the land for residential purposes and subdivision patterns can be debated, that choice of land use reflects the topographical constraints of the site and immediate locality. The issue of maintaining viewpoints and the future character of Mamre Road were also considered by the Taskforce. These constraints are reflected in the need for significant earthworks, both cut and fill, to create the required building platforms and the regrading of Bakers Lane to facilitate access.

These works and their implications for urban design and visual impact, access to properties opposite in Bakers Lane, disturbance of overland flow, need to dispose of 50,000m³ of excavated material, and potential salinity issues seriously question the suitability of the land for buildings with large floor plates, as required by employment uses of the type proposed in this application. As the DoP Taskforce concluded, the site topography is unsuitable for large floor plate employment uses for the reasons outlined above;

- The interface with adjoining land uses namely rural land to the south, east and west and the land occupied by a high school and retirement village to the north is inherently incompatible with the industrial nature of this development with limited setbacks;

Road Access

- The DoP are currently facilitating investigations into the development of the Southern Link Road Network for the Western Sydney Employment Area (south of the pipeline). The investigations to date focus on the existing Bakers Lane alignment.

Council has continued to highlight the constraints from the existing developments along Bakers Lane and sought clarification on alternative routes for the western portion of the Southern Link Road Network. To this end, Council has promoted a couple of alternatives, with the main focus being to ensure that the existing Bakers Lane is not simply upgraded to arterial road standard. Arterial road frontage across these existing developments (including the school) is not appropriate and could not be supported. The options Council staff have promoted include:

1. offsetting the arterial road slightly to the south and establishing the existing Bakers Lane as a parallel service road, or
2. offsetting the arterial road south by a couple of hundred meters to bisect the subject development site and provide dual arterial road frontage, with Bakers Lane remaining of local road status.

Environmental Impact

Noise

Noise generation is a substantial environmental issue in relation to the proposed development. The site is surrounded by rural, residential and school uses and is isolated from other employment activities. Council receives noise complaints from time to time for activities operating in Emslie Business Park in the zoned employment lands. The application is supported by a noise assessment prepared by Wilkinson Murray dated Aug 2010. Concerns in relation to the noise assessment for the proposed development are:

- The long term noise monitoring locations may not reflect the background (ambient) noise levels for rural properties to the south of the development. This could lead to inaccurate predictions, calculations and impacts on these properties;
- There are number of sites which will be adversely impacted by construction noise with the report outlining that two sites in particular will receive noise above the construction noise criteria;
- There are number of site which will be adversely impacted by operational noise with the report outlining that two sites will receive noise above the accepted noise criteria;
- To mitigate operational noise, a 4 metre high barrier is proposed. On planning grounds the barrier is not deemed appropriate for the area and the noise mitigation proposal should be reinvestigated;
- Noise impacts from reversing alarm noise have been under estimated;

- The report outlines that several residents will be adversely impacted by traffic noise on Baker's Lane with noise levels exceeding the noise criteria. This proposal would ultimately make Bakers Lane part of the southern link connection road. The Noise assessment for this development outlines that the noise criteria can not be met for this LOGOS development. If the connection road includes Bakers Lane, the noise impact on the existing residents will only increase far beyond the acceptable noise criteria.

Contamination

The Part 3A application is supported by a Preliminary Environmental Site Assessment prepared by Urban Environmental. This report is unsatisfactory and does not appear to be prepared in accordance with the EPA's Guidelines for Consultants Reporting on Contaminated Sites. As such this report should not be relied upon to determine the state of the land in relation to contamination.

Air/Odour

Air pollution is considered to be mainly associated with the construction part of the development. These impacts can be adequately dealt with through appropriate conditions of consent. Greenhouse Gas emissions are stated to be substantial volumes. Transport generation is submitted to be mitigated by encouraging sustainable transport modes however this is reliant of future road upgrades and bus routes not proposed to be triggered by this development. Any bicycle facilities within the development or Bakers Lane would be isolated given the current two way standard of Mamre Road with no sealed verge.

Environmental Capacity

The environmental capacity of Mamre Road and Erskine Park Road will be further impacted by the proposal given the projected timeframes for alternate access. This is of concerns given potential ongoing impacts to adjoining residential areas which are already experiencing significant impacts in part from delay in link road connection to the M7.

WSELLA

Council has been a strong advocate for emerging employment opportunity identified in the WSELLA. It is critical however that this area, and the subject site form part of a comprehensive strategic plan for the area, so that issues such as site suitability environmental constraints and co-ordinated infrastructure delivery are properly considered and addressed. This sentiment is conveyed in Council's letter to the Minister signed by the Mayor and dated 24 December 2009.

In conclusion it is essential that if such a project proceeds outside of WSEA, the following matters are captured by any consent as essential works:

- Determination of the location of the western end of the Southern Link Road together with the timing and contribution requirements necessitated by this development;
- Determination and delivery of employee targets for each stage before future stages are consented to;
- Determination and delivery of the appropriate apportionment of all infrastructure necessitated by the development both within the development site, on major arterial roads and including that within the WSEA.

I trust that the Department will have due regard to this submission in its consideration of the proposal. Please contact me if you have any queries on 4732 7577.



Peter Wood

Development Assessment Co-ordinator