Jacfin – Horsley Park Concept Plan and Project Applications RESPONSE TO PUBLIC SUBMISSIONS



In total 117 submissions were received from 102 surrounding properties (i.e. duplicate submissions were received from some properties).

	Key Issue	Issue Raised in Submission	Response	Action
1.	Impact on Residential Amenity / character of the area	As the application is requesting 24 hour operations 7 days a week, the impact of noise and lighting will result in sleep disturbance.	 As outlined in the acoustic report, the acoustic consultant is confident that the proposed development can comply with the relevant acoustic criteria and that there will be no adverse impacts on the neighbouring properties. The recent addition of a mound and acoustic wall will further mitigate potential noise and light spill impacts. Each application for the construction of warehouses in the south-eastern corner of the site will be accompanied by an acoustic report which will further demonstrate how compliance with the relevant criteria will be achieved. 	Commitment has been made to provide acoustic reports with all future development applications on the site relating to the construction and/or operation of warehouses (refer to CP commitment 10).
2.		The proposed setback from the boundaries of only 20-30 metres is insufficient; we believe a minimum setback would be at least 250m.	 The revised site layout provides a 30m to 40m setback. Within that setback is an earth mound and an acoustic wall. This solution will provide a far superior solution than the suggested increased setback as it will provide acoustic protection as well as screen the warehouse development. A 250m setback would not achieve this. Furthermore a 250m setback would sterilise approximately 33.5Ha of developable industrial land, impacting significantly on the feasibility of the 	The setbacks have been increased by 10 – 20 metres, and other measures (mounding, acoustic wall and landscaping) provide sufficient protection.

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			project and reducing the supply of warehouse facilities and employment by approximately 670 – 1,340 workers (assuming 20 – 40 jobs per developable hectare).	
3.		Proposal will generate air pollutants.	 The proposal will comply with the relevant air quality legislation. This issue will be dealt with in both Construction and Environmental Management Plans applying to the site/warehouses. 	Commitment has already been made (refer to commitment 1 for CP and commitment 1 for PA)
4.		Noise will be generated by the semi-trailers arriving and departing from these warehouses day and night. The braking noises from the semi-trailers / trucks, which in a rural area can be heard from several kilometres away and that of any other machinery which may be used in the premises during operation of work.	 Acoustic protection is proposed at the boundary of the site so as to ensure that neighbouring properties will not be subject to unacceptable levels of noise. 	Commitment has already been made (refer to Commitment 10 of CP)
5.		The development is incompatible with the rural landscape and integrity of Capitol Hill and Horsley Park.	 The earth mound to be constructed around the site will obscure most views of the proposed warehouse development. Landscaping will be planted on the residential side of the acoustic wall in order to a provide a green buffer to the surrounding dwellings. 	Plan has been amended to include additional mitigation measures at the residential interfaces.
6.		This project was designed without taking into consideration the rural residential area at Horsley Park, as the figures clearly illustrate the boarders of the proposed project does not leave any decent distance that can separate the rural residential area from the industrial one. Hence major disturbance to residential residence who originally decided to live in a rural area seeking tranquillity and healthy environment – proposed alternative plan attached to submission showing park area along western boundary of the site.	 The site has been rezoned for industrial development. The application now addresses the land use interface issue with a landscaped earth mound and an acoustic wall. Retention of part of the site for a public park is not reasonable or feasible and would reduce the amount of employment that can be generated on the site. 	Plan has been amended to include additional mitigation measures at the residential interfaces.

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7.		There needs to be a buffer zone implemented exactly the same way Fairfield council has a buffer zone in between Wetherill Park Industrial Area and Horsley Park between Cowpasture Road and Wallgrove Road.	 A buffer is proposed which includes an acoustic wall and landscaped mound. This addresses both visual and acoustic impacts and is far superior to the example provided where only a major road (The Horsley Drive) separates the industrial development from the residential development to the south. 	Plan has been amended to include additional mitigation measures at the residential interfaces.
8.		The proposal does not protect the natural landforms (ridgelines and hillsides).	 The revised scheme now retains the knoll in the south-east corner of the site. 	Plan has been amended.
9.		The bulk height and scale of the proposal is inconsistent with the surrounding landscape, and rural residential area.	 The proposed building form reflects the industrial zoning of the site. 	Plan has been amended so that outlook maintains a landscaped view.
10.		Concerns over electrical easements running over residents' properties, will they be upgraded? What effect will it have on resident's lives?	 No change is proposed to the electricity easements. 	N/A
11.		The area in front of residents should be used for rural residential development blocks, this would provide a buffer to existing residents and be consistent that would be consistent in existing landscapes, heights and character of the surrounding residential areas (as per SEPP 23).	 This option has been investigated (see Attachment B). However the land use is not permissible and as such cannot be dealt with as part of this application. However the Proponent is willing to consider a Planning Proposal in the future. 	N/A
12.		No specific information has been provided re the exact type of buildings or purposes of the site, only that it is zoned 'general industrial'.	 The Site Design Guidelines contain controls which restrict the height of buildings on the site. Further applications will be lodged for future stages of the development which will detail the design and construction of the warehouses to be erected on the site. The Project Application provides detail of the type of development and buildings anticipated. 	See Project Application for type of development anticipated.

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13.		The removal of the southern ridgeline and hillside will remove the only remaining buffer between the current landscape and the proposed industrial area.	 The revised design ensures that residents along the southern boundary will still view the knoll, which is to be retained. 	Plan amended.
14.		The existing topography of the site hasn't been considered.	 The design takes into account the topography and building heights have been set accordingly so as to minimise their visual impact. The knoll is now retained. 	Plan amended.
15.		There should be a buffer to separate industrial from existing residential: either residential development or a natural buffer.	 A buffer is now proposed in the form of a landscaped mound and acoustic wall. 	Plan amended.
16.		Rural landscape will be destroyed and or diminished, but should instead be preserved or preferably enhanced.	 The site has been zoned by the State Government for industrial development and is expected to provide employment. Retention of the site for rural purposes is inconsistent with State Government policy of providing employment in Western Sydney. 	Buffer revised to provide landscaped outlook.
17.		Are street lights going to be left on all night?	 Yes the street lights will be on at night, however these will be designed such there will not be any adverse lightspill impacts. 	N/A
18.		Are residents going to be compensated for diminished land value as a result of this development?	 Land value is not a planning consideration. 	N/A
19.		The warehouse development should be shifted out of sight beyond the boundary of the PGH Quarry.	 As noted previously the site forms part of the WSEA and is to be used for employment purposes. The visual impact is mitigated by the proposed treatment in the buffer area and the warehouses have been moved further from the existing residential development. 	Plan amended.

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20.		The EA does not consider various alternatives and only provides 1 version of the concept plan.	 During the preparation of the Concept Plan several iterations were prepared following advice from specialist consultants. Since the application was publicly exhibited Jacfin has investigated a revised industrial option and a rural residential option. It has been decided to proceed with the revised industrial option which is permissible in the zone and resolves the issues raised in the public submissions. 	Plan amended.
21.		The developer should create an earth mound or artificial ridge around the industrial site (with height limitations to retain views) to assist with reducing the acoustic impacts and visual impact. The ridge should be just grass covered, rather than landscaped with tall vegetation that may potentially block views.	 An earth mound with an acoustic wall is now proposed, the top of the acoustic wall has been set at RL 94 along the eastern edge of the site so as to obscure views of the proposed warehouses but retain views towards the Blue Mountains. Vegetation on the mound will be clumped or restricted in height so as to ensure views are respected. 	Refer to amended plan.
22.		There should be a max building pad level of RL 78 or lower and also building heights should be limited to 9m in order to minimise visual impacts.	 Retaining pad levels of RL78 or lower would require significantly more excavation works which is an unacceptable environmental impact and not feasible. The height of the buildings have been determined such that they will not be readily visible from neighbouring residential properties. 	Plan amended to screen the buildings.
23.		Will all the electricity use affect residents' power supply?	 There will be no change to existing power supply. 	N/A
24.		No impact documents supplied to residents with strategies to mitigate the problems.	 All of the EAR was publicly available on the Department of Planning and Infrastructure's website – this is standard procedure. 	N/A

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25.	Visual Impact	The development will be visually confronting with outlook to large factories from Greenway Place.	 The proposed mitigation measures have been revised with a mound and an acoustic wall and some buildings have been reduced in height such that the warehouse buildings will not be readily visible from any neighbouring property. 	Plan amended.
26.		The proposal will reduce any buffer zone between the current rural landscape and the industrial area and progressively mean a view dominated by factories.	 The proposed development of the site for industrial purposes is consistent with the WSEA SEPP. The mitigation measures have been revised to ensure that views are not dominated by warehouse buildings. 	Plan amended.
27.		We live in a tranquil semi rural residential area with views to the Blue Mountains, I would strongly oppose any development that would hinder that view.	 The proposed landscaped mound will provide a green outlook in foreground views and views will be largely maintained to the Blue Mountains. 	Plan amended.
28.		The EA should provide a visual impact study for every individual adjoining property, not just one best case scenario version as in the EA.	 Additional view impact images have been prepared 	View impact analysis undertaken to take into account new treatment in buffer areas. See Attachment E .
29.		The visual impact and noise of Regional Road.	 The Regional Road is dictated by the WSEA SEPP. Notwithstanding this, the revised mound/acoustic wall design and the proposed location is sufficiently far removed from any residential development such that it will not be visible and will not cause unacceptable noise levels. 	Plan amended.
30.		From the perspective of at least 1 property the information in the VIA is false, as their views will be completely and totally blocked, according to a consultant.	 We disagree with this statement. The sections provided at Attachment D detail the proposed design and demonstrate that long range views towards the Blue Mountains will be retained. 	Sections and view impact analysis prepared for new measures.

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31.		The EA classifying the visual impact on Greenway Place residents as low to medium is inaccurate, with at least 1 resident's property having 100% of views blocked it should be reclassified as high to extremely high direct impact.	 See comment above. The amended design of the mound and fence ensures a landscaped view in the foreground. 	Plan amended.
32.		View sharing is not practical in this situation simply due to the sheer size of the warehouses.	 The view analysis and sections demonstrate that views across to the Blue Mountains will be retained to a reasonable extent. 	N/A
33.		There has been a minimal attempt to provide screening of the industrial structures.	 The proposed earth mound and additional landscaping will now predominantly screen the industrial development. 	Plan amended.
34.		There should be height limitations to ensure existing vistas are maintained.	 The mound and acoustic wall have been designed such that the warehouses will be obscured and that views to the Blue Mountains will be maintained. 	Plan amended.
35.		Mountain views blocked out by warehouses.	 The long range mountain views will be largely retained if the revised scheme is implemented. 	Plan amended.
36.	Roads/Traffic	Given the extent of additional traffic utilising Old Wallgrove Road as a result of this development (during both its construction and operational stages), Council would seek to ensure that any relevant funding under Voluntary Planning Agreements or other monetary contributions (such as State Infrastructure Contributions) is sought from this development towards the upgrade and maintenance of Old Wallgrove Road, insofar as this is able to be achieved under the Environmental Planning & Assessment Act, 1979.	 The Proponent has offered to enter into a Voluntary Planning Agreement with the Department of Planning and Infrastructure which will govern the terms of the State Infrastructure Contributions payable on the site. 	Letter of offer provided by Jacfin at Attachment G .
37.		The proposed development will generate extra traffic in the local area both during construction of the warehouses and operational hours of the proposed industrial estate.	 The proposed development has been reviewed by a traffic engineer who found that the surrounding road network has the capacity to accommodate the proposed development. 	N/A

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38.		Are there any traffic proposals to be instigated that will affect access to the sites, is there any future thought being considered on access to and from the freeway as it is only just coping with the extra lane that has been made available at Old Wallgrove and Wallgrove Roads.	 The regional road network is to be upgraded to accommodate the industrial development within the Western Sydney Employment Area, this includes the Horsley Park site. 	N/A
39.		The planned access using Burley Road will impact on the current light road system that leads into Horsley Village shops to and from the M7 and Wallgrove Road. This includes passing two primary schools. There are no suitably constructed roads with the capacity to support the quantity of heavy traffic that would be a result of this development, including Mamre Road. The access via Burley Road, despite being in the Penrith LGA will have traffic directed through the adjoining Fairfield LGA. This raises the question of who provides the needed road infrastructure to carry the volume of traffic and to divert it from other local residential areas.	 Access to the site will be from the M7 via Old Wallgrove Road and then Burley Road. These roads are to be upgraded to accommodate heavy vehicle movements. No heavy vehicles will use Burley Road east of its intersection with Old Walgrove. Once the State Government implements the regional road network access to the site will be provided via these roads which will be specifically designed to cater for heavy vehicle movements. 	Commitment to be made to prepare a driver code of conduct which will include a driver code of conduct and truck route management plan (see Concept Plan Commitment 18).
40.		An increase in traffic will impact on community safety.	 See note above regarding commitment to prepare a driver code of conduct. 	N/A
41.		Because the setback will be used for parking and other vehicles to move around the building there will effectively be no setback whatsoever from the existing properties and such industrial activities, e.g. Semi trailers travelling very close to the boundary with no buffer zone.	 An earth mound has been included which will separate the industrial development from residential properties. Consequently no semi-trailers will be visible at the boundary of the site. 	Plan amended.
42.	Character of the area	The large amount of earthwork which is to take place would mean that the area would no longer have a rural landscape but rather views of an industrial estate.	 The proposed earth mound is to be landscaped so as to retain the green visual outlook from neighbouring properties. 	Plan amended.
43.	Drainage/ Water Quality	Redistribution of catchment areas should be minimised to the greatest extent possible.	 The proposed design seeks to minimise changes to the natural catchment areas where possible. 	N/A
44.		Flow attenuation should be provided for the full range of Average Recurrence Intervals to ensure that the effective frequency of flooding is not increased. It appears that this is the strategy proposed.	 The proposal does include a flow attenuation strategy. 	N/A

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45.		Flow frequency and runoff volumes should also be controlled to maintain waterway stability. Current Growth Centres also require waterway stability to be addressed in the form of a Stream Erosion Index Assessment. This issue should also be addressed as part of new development.	 The proposed development includes detention basins which will ensure that post development flows are equal to or less than that currently occurring at the site. 	N/A
46.		The stormwater management strategy is used as the basis of development controls and as such should consider the cumulative impacts of similar development occurring in the Western Sydney Employment Area (WSEA). These cumulative impacts could result in increased peak flows that may require additional storage and discharge control requirements for the overall WSEA development to comply with the stated stormwater quantity objectives of 'no increase in flood flows'.	 The proposed stormwater management strategy has been designed to ensure that there is no increased in flood flows beyond the site as a result of its development. 	N/A
47.		The flood modelling should allow for a hydraulic roughness representing a fully restored riparian corridor and therefore the proposed flood levels may be higher than existing. Flood modelling for the tributary in the north-east of the site should also be provided.	 Flood modelling incorporates roughness for a riparian corridor. The catchment in the north-east is minor and does not require flood modelling. 	N/A
48.		The pollutant reduction stated should be met, including all site areas. It is not clear from the documentation cited with this application whether any treatment of roof water is proposed.	 The stated pollution reduction rates will be achieved. Roof runoff will not be treated but will be stored for reuse. 	N/A
49.		Rainwater harvesting should be maximised to the greatest extent possible to limit excessive runoff volumes into receiving waters.	 Rainwater harvesting will occur on site. Details will be provided with each project application. 	N/A
50.		The Sustainability Report prepared by Worley Parsons states that the proposed stormwater management strategy will contribute to improvements in the long term health of Ropes Creek. Previous experience indicates that the proposed targets will limit the adverse impacts on receiving waters and will not necessarily result in an improvement in waterway health.	 The proposed design will seek to achieve the best outcome possible using best practice methods. 	N/A

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51.	Ecological Impact	We note that two rural dams exist on the subject property. It appears that the largest of the two dams affords the greater ecological and habitat function. Surely the alignment of buildings and infrastructure can be modified slightly to accommodate retention of the larger rural dam and thus retain the habitat and foraging function it has performed for some time?	 Whilst the existing dams cannot be retained on site it is noted that new detention basins are proposed which will provide a similar habitat to that existing. The E2 zoned land will also be maintained within the scheme. 	Details to be provided at the relevant Project Application stage.
52.		The proposed zoning of the riparian area as E2 is also supported, however clarification is required on what flood mitigation works are proposed within the E2 zone as Appendix H notes that ` <i>no development is proposed within</i> <i>the E2 zone with the exception of flood mitigation</i> <i>works</i> '(page 3).	 Details of the proposed flood mitigation works will be provided with the relevant development application for that particular part of the site. 	See Concept Plan Commitments 4 & 5.
53.		It is not clear if the riparian area is proposed to be naturally regenerated? NOW recommends the existing introduced species are removed from the riparian land and the riparian area is actively rehabilitated, consisting of local native plant species that emulate the local community. The establishment and maintenance of riparian vegetation will require the preparation of a Vegetation Management Plan for the proposal.	 Details of the rehabilitation and ongoing management of the E2 zone will be provided with the relevant development application. 	New commitment added to Concept Plan statement of commitments (See commitment 19).
54.		NOW recommends bollards are used to demarcate the riparian land and that the area immediately adjacent to the riparian corridor is planted with local native trees, shrubs and ground covers to further improve habitat diversity rather than only planting low native grasses. The bollards would need to be located along the outside edge of the riparian land to ensure the riparian area is not managed as part of the APZ.	 Clear delineation between the IN2 land and E2 land will be provided. Details will included with the relevant development application. 	New commitment added to Concept Plan statement of commitments (see commitment 19).
55.	Infrastructure	There is inadequate infrastructure to support: the development itself; the increase in employment; or the heavy vehicles.	 The EAR demonstrates how the site will be serviced. It is noted that the site has been rezoned for industrial use on the basis that new infrastructure will be provided to the WSEA. 	N/A

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56.	Groundwater	If the proposal is likely to intercept groundwater or use groundwater, a licence may be required from NOW under Part 5 of the Water Act 1912 in relation to this development pending further information of the magnitude of groundwater inflows. It is noted further investigation is recommended should earthworks be proposed at significant depths below the groundwater table.	 Noted. A licence will be sought if applicable. 	Subject to conditions.
57.	Construction	Given the site's proximity to residential properties, the impact of the proposed construction activities would need to be carefully considered in any conditions of consent, particularly in relation to minimising noise.	 Noted. A construction and environmental management plan will be prepared which will address the issue of noise amongst other issues. 	Refer to commitment 1 in both the CP and PA statement of commitments.
58.		Dust and noise during development which should be extensive and for a long period given the size of the project will render backyards unusable, impact on resident's health and wellbeing.	 Construction works will be undertaken in accordance with best practice methods so as to minimise any disturbance to neighbouring properties. Management measures will be detailed in the construction and environmental management plan. 	N/A
59.	Easements	In order to improve the visual qualities of the area, Council requests that where possible, all new communications, electricity and other easements be provided underground and not within the airspace above. Figure 22 of the Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Limited (dated March 2011) is not clear in this regard.	 All services will be provided underground where feasible. 	Commitment to be made to this effect (See Concept Plan Commitment 20).
60.	Financial Impact	The proposal will result in a reduction in market value for rural residential properties in the area.	 Property value is not a planning consideration. 	N/A
61.	Community	No open and transparent consultation with residents.	 Since the application was exhibited there has now been two community meetings. The applicant is willing to attend further meetings with the community if the DPI considers this warranted. 	
62.		Residents weren't considered and consulted adequately prior to rezoning of the land.	 This is a matter for the DPI to respond to. 	N/A

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63.		Would like a forum with the developers and the community re the proposal.	 As noted above two community meetings have been held. 	N/A
64.		Consultation process did not follow EPA Act and was overall an unjust process.	 The seven week consultation period was held in excess of the requirements of the Act (30 days). 	N/A
65.		Insufficient opportunity to voice concerns due to lack of full extent of advertising, longer period to respond to the notification, no prior community consultation before exhibition.	 As noted above two consultation meetings have now been held which were attended by the proponent. We believe the proposed amended scheme responds to many of the issues that have been raised at those meetings and in the submissions received. 	N/A
66.	Health/ Pollution	Restrictions should be set on the type of industrial activity that can take place on the site given its proximity to residents and the potential increased noise and air pollution will result in decreased quality of life for residents.	 The amended plan provides greater mitigation of noise, visual and light impacts. Any development occurring on the site in the future will be the subject of a separate development application and will need to demonstrate compliance with the relevant planning controls and Australian Standards. 	Plan amended.
67.		Health risk to residents because of pollution (including air and other industrially related pollutants.	 See comment above. 	Plan amended.