

URBIS

**42-44 BOOREA
STREET,
LIDCOMBE
SSD-36464788**

Supplementary Submissions
Report

Prepared for
HALE PROPERTY SERVICES PTY LTD
8 March 2023

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Jennifer Cooper
Associate Director	Belinda Thomas
Consultant	Harsha Yadav
Project Code	P0037566
Report Number	FINAL

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

1.	Introduction	4
	1.1. Project Description	4
	1.2. Supporting Documentation	4
2.	Analysis of Submissions.....	6
	2.1. Breakdown of Submissions	6
	2.2. Categorising Key Issues	6
3.	Actions Taken Since Exhibition.....	10
	3.1. Further Engagement	10
	3.2. Refinements to the Project	11
	3.3. Additional Impact Assessment.....	12
4.	Responses to Submissions	13
	4.1. The Project.....	13
	4.2. Procedural Matters.....	13
	4.3. Environmental Impacts	15
	4.4. Social Impacts.....	35
5.	Conclusion	36
6.	Disclaimer	37

TABLES

Table 1 Supporting Documentation	4
Table 2 Categorising Issues Raised	6
Table 3 Further Engagement Summary	10
Table 4 Design Refinements to Proposed Development	11
Table 5 Response to Submissions	13

1. INTRODUCTION

This Supplementary Submissions Report relates to the proposed warehouse and distribution centre at 42 and part of 44 Boorea Street, Lidcombe (**the site**). On behalf of Hale Property Services Pty Ltd (**the Applicant**), this Supplementary Submissions Report has been prepared to address additional comments provided by the Department of Planning and Environment (**DPE**), public agencies and Cumberland City Council (**Council**) in January 2023, on the Response to Submissions (**RtS**) package submitted to DPE in December 2022. This Supplementary Submissions Report is to be read in conjunction with the main Submission Report prepared by Urbis, dated 8 December 2022 and accompanying technical documents.

The State Significant Development Application (**SSDA**) was lodged with the DPE in July 2022 (SSD-36464788). The SSDA was placed on public exhibition for 28 days between 14 July and 10 August 2022. A Response to Submissions (**RtS**) package was submitted in December 2022 to address the matters raised by the Department of Planning, Environment (**DPE**), public agencies, Cumberland City Council (**Council**), the community and other relevant stakeholders.

This Supplementary Submissions Report has been prepared in accordance with the DPE *State Significant Development Guidelines – Preparing a Submissions Report (Appendix C) July 2021*.

1.1. PROJECT DESCRIPTION

The proposal will deliver an innovative multi-level warehouse and distribution facility of a high-quality design that is consistent with the local context. The proposal will provide for the optimal use of land within an established industrial precinct to deliver a variety of employment opportunities, while minimising any potential impacts on local amenity. The project description has not changed from when it was exhibited and seeks development consent for the same works as outlined below.

The SSDA seeks development consent for:

- Construction, fit out and operation of a two-storey warehouse and distribution centre comprising approximately 28,962m² GFA.
- Provision of 34 bicycle parking spaces, 10 motorcycle spaces and 188 car parking spaces at the ground and first floor level.
- Approximately 4,579m² (11.1%) of landscaping across the site and 134 proposed trees with a total canopy cover of 4146m² (10.1% of the site).
- Provision of one point access onto the site through a 'battle axe style' driveway from Boorea Street.
- Earthworks and upgrades to existing on-site infrastructure.
- Provision of internal vehicle access route and loading docks.
- Building identification signage.
- Operation 24 hours per day seven days per week.

1.2. SUPPORTING DOCUMENTATION

This Supplementary Submissions Report is supported by the following technical reports and documentation.

Table 1 Supporting Documentation

Appendix	Report	Prepared By
Appendix A	Air Quality Impact Assessment	RWDI
Appendix B	Construction Traffic Management Plan	Ason Group
Appendix C	Noise and Vibration Impact Assessment	RWDI
Appendix D	Civil Report, Letter and Drawings	Costin Roe

Appendix	Report	Prepared By
Appendix E	Biodiversity Letter	Ecologique
Appendix F	Landscape Letter	Geoscapes
Appendix G	Ground Floor Plan	SBA Architects
Appendix H	Traffic Letter and Swept Paths	Ason Group
Appendix I	Arborist Letter	Canopy Trees

2. ANALYSIS OF SUBMISSIONS

This section provides a summary of the submissions received including a breakdown of respondent type, nature/ position and number of submissions received.

2.1. BREAKDOWN OF SUBMISSIONS

Since the submission of the RtS package in December 2022, further comments were received from three public agencies, including Transport for New South Wales (**TfNSW**), Sydney Water, the DPE Environment and Heritage Group (**EHG**), and Council and DPE seeking further clarification on the information provided as part of the RtS package.

Submissions from TfNSW, the Environment and Heritage Group, Council and DPE provided comments on the proposal and contained some recommended conditions. Sydney Water requested a Section 73 application to be lodged and had no further comments on the RtS package.

Most issues related to the environmental impacts of the proposal as set out in **Table 2** below.

2.2. CATEGORISING KEY ISSUES

In accordance with the DPE *State Significant Development Guidelines*, the issues raised in the submissions have been categorised as outlined in **Table 2**.

Table 2 Categorising Issues Raised

Category of Issue		Summary of Matters Raised
The project	Consistency of project description and GFA	<ul style="list-style-type: none"> Consistency between the Preliminary Construction Traffic Management Plan and RtS regarding the project description and GFA.
	Solar panels	<ul style="list-style-type: none"> Recommendation that details of the solar panels to be submitted to the principal certifying authority for approval prior to the issue of any Construction Certificate
Procedural matters	Consultation with Ausgrid	<ul style="list-style-type: none"> Consultation with Ausgrid regarding any impact on the easement located close the proposed new additional land on 44 Boorea Street.
	Section 73 Application	<ul style="list-style-type: none"> Referral to Sydney Water for a Section 73 application. Submit a Section 73 application
Environmental Impacts	Traffic	<ul style="list-style-type: none"> Consistency of total number of movements (heavy and light vehicles) between the Traffic Assessment (TA) and the Air

Category of Issue		Summary of Matters Raised
		<p>Quality Impact Assessment (AQIA).</p> <ul style="list-style-type: none"> ▪ Amend swept path analysis in Drawing Sheet No. AG02 by Ason Group shows a B-Double may need to mount the landscaped area along the site boundary. ▪ Amend Loading Dock Management Plan to restrict B-double side loading at the loading docks servicing Warehouse 4. ▪ Restriction on use of development as a local distribution centre.
	Noise and vibration impact	<ul style="list-style-type: none"> ▪ Provide all proposed acoustic treatments. ▪ Consider if the PNTL has been calculated correctly for NCA02. ▪ Consider increase in vehicle numbers, type of trucks (rigid, semi, b-double), acceleration/deceleration and engine braking (if applicable for larger trucks), trailer impact noise. ▪ Provide sleep disturbance assessment.
	Biodiversity and tree removal	<ul style="list-style-type: none"> ▪ Recommendation on condition of consent regarding the mitigation measures from section 8.2 of the BDAR to be included in the conditions of consent in addition to the credit obligation. ▪ Recommendation on condition of consent regarding pre-clearance and clearance surveys to be included in conditions of consent.

Category of Issue	Summary of Matters Raised
	<ul style="list-style-type: none"> ▪ Clarify if the juvenile and semi-mature vegetation is proposed to be removed. ▪ Clarify if tree hollows occur on site which potentially support smaller species of native fauna. ▪ Recommendation on condition of consent regarding reuse of native trees that are approved for removal. ▪ Consistency regarding number of trees proposed for to be removed and retained in the RtS and EIS. ▪ Impact on urban heat island effect due to removal of trees, particularly removal of trees with High Landscape Significance. ▪ Consistency regarding number of replacement trees in the RtS and EIS. ▪ Recommendation on condition of consent regarding replacement ratio of 1:1 for trees proposed to be removed and not included in the biodiversity offset strategy.
Landscaping and vegetation	<ul style="list-style-type: none"> ▪ Provide details on the current existing riparian setback width along the creek and details on revegetation along Haslam's Creek. ▪ Confirm if the proposed 10m landscaped setback along the creek was a condition of consent as part of the previous Development Application for this site. ▪ Provide details of the trees proposed to be removed along the creek. ▪ Demonstrate the plant species in the Landscape Plans are from

Category of Issue		Summary of Matters Raised
		<p>the local native vegetation community.</p> <ul style="list-style-type: none"> ▪ Demonstrate enough space to accommodate the growth of trees to maturity.
	Flood impacts	<ul style="list-style-type: none"> ▪ Addressed EHG previous flood related comments included in its submission of 16 August 2022 on the EIS. ▪ Address flood risk management measures as per the food control matrix.
	Stormwater	<ul style="list-style-type: none"> ▪ Provide detailed stormwater drainage plans.
	Water Sensitive Urban Design (WSUD)	<ul style="list-style-type: none"> ▪ Provide details regarding filtration in the MUSIC Model.
Social Impact	Crime risk	<ul style="list-style-type: none"> ▪ Recommendation on condition of consent regrading referral to the NSW Police for comment.

3. ACTIONS TAKEN SINCE EXHIBITION

In response to the key issues raised within the submissions, minor design refinements and clarifications have been made to the proposed development since the additional comments were received from Agencies in January 2023.

This section summarises the changes that have been made to the project since comments were received from Agencies in January 2023. It also outlines the additional assessment undertaken to respond to the concerns raised with the public agencies and organisations outlined in **Section 2**.

3.1. FURTHER ENGAGEMENT

Since receiving comments back from DPE, Council and the Agencies in January 2023, the Applicant undertaken further consultation with agencies outlined below.

Table 3 Further Engagement Summary

Issue	How this group was consulted	Feedback	Project response
Cumberland City Council	<p>Urbis, Costin Roe, Hale Property Group and Tactical had a Teams meeting with Council (including Mr Ravi Tulachan and Ms Elizabeth Chan) on 8 February 2023. The meeting was also attended by Sally Munk from DPE.</p> <p>Costin Roe has also consulted with Council via telephone and email in February 2023.</p>	Mr Ravi Tulachan and Ms Elizabeth Chan at Cumberland City Council further explained Council’s comments regarding flooding and stormwater design.	Costin Roe has amended the Civil Drawings (Appendix D) to address Council’s comments, including revising the on-site detention, high early discharge systems and stormwater treatment device chamber arrangement. Also, all civil drawings were updated to show concept invert levels and gradients.
Ausgrid	Edgewater Connections contacted Ausgrid via telephone and email on 31 January 2023.	Edgewater Connections confirmed Ausgrid will not permit any structures within proximity to the easement at 44 Boorea Street that form part of the subject site.	<p>SBA Architects reduced the splay of the driveway adjacent to the easement at 44 Boorea Street on the Ground Floor Plan DA100 Revision P (Appendix G).</p> <p>Ason Group revised updated the swept paths accordingly. The swept paths (Appendix H) demonstrate that the proposal no longer encroaches on the</p>

Issue	How this group was consulted	Feedback	Project response
			easement at 44 Boorea Street.
EHG	Urbis contacted EHG (Janne Grose) via email on 1, 8 and 20 February 2023.	<p>EHG replied on 7th February 2022, and declined a meeting invitation and noted that the RTS has not addressed previous flood comments and considers EHG comments are still relevant.</p> <p>EHG did not provide a further response to emails dated 8 and 20 February 2023.</p>	Costin Roe has provided a supplementary letter (Appendix D) to address EHG comments, including a response to the queries regarding flooding and stormwater. Coston Roe also updated their civil drawings including revising the on-site detention, high early discharge systems and stormwater treatment device chamber arrangement. Also all civil drawings were updated to show concept invert levels and gradients.
DPE	Urbis contacted DPE (Sally Munk) via Teams on 1 and 24 February 2023.	DPE provided further clarification regarding the comments from DPE and Agencies in terms of what additional information to provide including supplementary letters from consultants.	The project team has sought further clarification from consultants and has provided additional letters responding to comments from DPE and the Agencies as part of this RTS package.

3.2. REFINEMENTS TO THE PROJECT

The following table summarises the minor refinements and clarifications proposed as part of RtS package submitted to DPE in December 2022, and as a result of further engagement undertaken post receipt of additional comments from public agencies.

Importantly, these refinements are changes that fit within the limits set by the project description. These refinements do not change what the application is seeking consent for, and therefore an amendment to the proposal is not required.

Table 4 Design Refinements to Proposed Development

Location	Proposed Refinements
Site	<ul style="list-style-type: none"> ▪ The proposed driveway splay access has been reduced across the property boundary line of 44 Boorea Street, to ensure no structures would impede on the existing easement at 44 Boorea Street. ▪ Swept Paths have also been updated accordingly.
Ground	<p>Civil Plans have been updated in the following manner:</p> <ul style="list-style-type: none"> ▪ Included pit surface levels on plan. ▪ Included pit invert levels on plan. ▪ Adjusted the OSD Tank & WQ tank to include for council’s comments pertaining to High-Early Discharge.

Refer to the revised Civil Plans (**Appendix D**), updated Ground Floor Plan (**Appendix G**) and updated Swept Path (**Appendix H**) for further details on the stormwater and driveway design refinements made since receipt of additional comments from public agencies.

3.3. ADDITIONAL IMPACT ASSESSMENT

Additional assessments have been prepared to respond to the additional comments on the information provided as part of the RtS package. These include the following updated reports, plans and supplementary letters:

- Air Quality Impact Assessment, prepared by RWDI (**Appendix A**).
- Construction Traffic Management Plan, prepared by Ason Group (**Appendix B**).
- Noise and Vibration Impact Assessment, prepared by RWDI (**Appendix C**).
- Civil Report, Letter and Drawings, prepared by Costin Roe (**Appendix D**).
- Biodiversity Letter, prepared by Ecologique (**Appendix E**).
- Landscape Letter, prepared by Geoscapes (**Appendix F**).
- Ground Floor Plan, prepared by SBA Architects (**Appendix G**).
- Traffic Letter and Swept Paths, prepared by Ason Group (**Appendix H**).
- Arborist Letter, prepared by Canopy Trees (**Appendix I**).

4. RESPONSES TO SUBMISSIONS

This section provides a detailed summary of the Applicant's response to the additional comments on the RtS package. The response has been structured according to the categorisation of issues outlined in **Section 2**. The Table below set out responses to additional comments as categorised in **Table 5**.

4.1. THE PROJECT

Table 5 Response to Submissions

Submission	Response
Consistency of project description and GFA	
Consistency between the Preliminary Construction Traffic Management Plan and RtS regarding the project description and GFA.	<ul style="list-style-type: none"> The Construction Traffic Management Plan has been updated to reflect the correct GFA numbers and project description as this supplementary RtS.
Further Engagement	
Table 3 in the RtS outlines the outcomes of further engagement carried out with public authorities. The project response column for the NSW Department of Environment and Heritage states "N/A". It is not clear why there is no project response here.	<ul style="list-style-type: none"> Urbis has undertaken further engagement with EHG since the submission of the RtS package details of which are provided in Table 3 above.
Solar panels	
It is confirmed the believed that the solar panels installed on the roof of the warehouse building is limited in scale and limited to the roof area of the proposed warehouse building. As such, it is recommended that details of the solar panels to be submitted to the principal certifying authority for approval prior to the issue of any Construction Certificate.	<ul style="list-style-type: none"> Noted. The recommended condition for the applicant to submit details of the solar panels to the principal certifying authority for approval prior to the issue of any Construction Certificate is considered appropriate.

4.2. PROCEDURAL MATTERS

Submission	Response
Consultation with Ausgrid	
The Department notes the two existing substations on 44 Boorea Street are located close to the small area of the proposed new additional land on 44 Boorea Street. Please advise if there are any restrictions on building within proximity of these? The architectural plans indicate there are electricity easements in this location. This may require confirmation from Ausgrid that the proposed	<ul style="list-style-type: none"> Edgewater Connections emailed Ausgrid on 30 January 2023 and confirmed that two substations on 44 Boorea Street (S.6490 & S.61188) are located in close proximity to the driveway of the site. The email noted that the kiosks are set back into the site due to a drainage easement along the frontage of the property.

Submission	Response
<p>driveway extension won't impact on these easements.</p>	<ul style="list-style-type: none"> ▪ As noted by DPE the proposed driveway design encroaches onto the extended easement for substation S.6490 due to the driveway splay being widened. ▪ Ausgrid confirmed via email on 31 January 2023 that it does not permit any structures within an easement area, and therefore Ausgrid will not permit the proposed driveway encroaching onto the drainage easement. ▪ Ason Group reviewed the swept paths of the driveway and determined that the splay could be reduced in width and still accommodate 26M B Double vehicles without encroaching on the easement at 44 Boorea Street. The updated swept paths, (Appendix H) confirm this access is acceptable without encroaching on the easement. ▪ SBA Architects updated the driveway splay accordingly as noted on the revised Ground Floor Plan (Appendix G).
Section 73 Application	
<p>Sydney Water advises that there are no further referral requirements from Sydney Water. We do note however that we advise the proponent to lodge an application noting the considerations above directly with Sydney Water (via their WSC) as soon as possible to prevent unnecessary servicing delays resulting from the complexity of this application.</p> <p>This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual.</p>	<ul style="list-style-type: none"> ▪ Noted. ▪ The applicant will lodge a Section 73 Compliance Certificate with Sydney Water via the water servicing coordinator, to ensure the development has adequate water, wastewater and stormwater services.
Identification of relevant statutory requirements	
<p>Council is of the view that the signage details demonstrate a full compliance with the Part 2, Part 3 and Schedule 1 of the State Environmental Planning Policy (Industry and Employment) 2021. In this regard, this matter has been resolved.</p>	<ul style="list-style-type: none"> ▪ Noted.

4.3. ENVIRONMENTAL IMPACTS

Submission	Response
Traffic and Parking	
<p>Council agrees that the issue of shortfall of parking, loading & unloading bays has been resolve as shown on the amended plans.</p>	<ul style="list-style-type: none"> ▪ Noted.
<p>Council provided the following comments regarding traffic and access:</p> <p>The south-eastern corner of the Warehouse 5 is likely to block the sight line of the vehicles manoeuvring up and down the ramp to Level 1 loading area. Appropriate measures to address the issue need to be implemented and relevant conditions is recommended as suggested by the applicant.</p>	<ul style="list-style-type: none"> ▪ Ason Group note in their supplementary letter (Appendix H) that the design has been amended with increased width through the corner so that concurrent two-way flow is available, and Stopping Sight Distance achieved is suitable for the proposed signposted speeds (10km/h). Notwithstanding, a convex mirror can be provided as a supplementary measure.
<p>The amended design fails to eliminate the conflict between the vehicle manoeuvring up and the down the ramp to level 1, appropriate ramp access priority system such and a traffic signal system and sign must be implemented. As indicated on the swept path diagram, the manoeuvring vehicle overrun into the path of vehicle in opposite direction through the ramp resulting in conflict and cannot pass each other at the ramp to the warehouses on the upper level. Hence, appropriate traffic management plan which incorporate the traffic devices as outlined above should be incorporated.</p>	<ul style="list-style-type: none"> ▪ Ason Group confirm (Appendix H) Sheet AG03 of the swept path analysis demonstrates that continuous two-way flow can be achieved. Regardless, line-marking, convex mirrors and signage can be provided.
<p>At every turning corner turn speed limit sign must be installed to warn the truck driver of the narrowness of the road and the sharpness of the bend. Consultant's response clarification noted with their request to incorporate the requirement into condition of consent. The Department of Planning must be notified of this requirement.</p>	<ul style="list-style-type: none"> ▪ Noted – Ason Group confirm (Appendix H) the location of the turn speed limit sign will be nominated as part of the Construction Certificate detailed design.
<p>Appropriate traffic control mechanism must be incorporated at the exit point front the car parking area where the existing trucks from the ground level warehouses are likely to cause conflict. Consultant's response clarification noted. The amendments plan indicates relocation of entry/exit for car parking area away from the truck ramp to level 1. However, conflict still exists between the vehicles from the car park</p>	<ul style="list-style-type: none"> ▪ Ason Group confirm (Appendix H) appropriate line marking and signage for the development will be provided throughout the site, inclusive of this location. It is noted that the conflict referred to is no different to any other location where driveways and road or car park accesses intersect and is expected to operate in a similar manner. Giveway line

Submission	Response
ramp and the ground level parking area. Appropriate priority traffic sign etc. will be required.	marking, and signage will be provided as practicable. It is recommended that a line marking and signage plan be provided as part of Construction Certificate works.
e. The long-section profile through the car ramp has been provided and this matter is being resolved.	<ul style="list-style-type: none"> ▪ Noted
<p>Council provided the following supplementary comments on letter dated 31 January 2023</p> <p>The comments are based on the additional information provided (Appendices).</p> <p>The applicant must demonstrate how this issue is addressed. Based on the applicant's response it may be considered for incorporating into appropriate condition.</p>	<ul style="list-style-type: none"> ▪ Ason Group confirm (Appendix H) the revised design has ensured Stopping Sight Distance is achieved for the proposed signposted speeds of 10k/h. Nevertheless, line marking, signage and convex mirrors are to be installed. This will be included within the recommended line marking and signage plan to be prepared at CC stage.
<p>The applicant must demonstrate as to how the issue is addressed Based on the applicant's response it may be considered for incorporating into appropriate condition.</p>	<ul style="list-style-type: none"> ▪ Ason Group confirm (Appendix H) two-way flow along the ramp has been provided for, so there would be no conflict. Therefore, no additional management measures, other than signage and line marking, are deemed necessary.
<p>It can be incorporated into Prior to CC condition.</p>	<ul style="list-style-type: none"> ▪ Noted.
<p>The applicant must demonstrate as to how this issue is addressed. Based on the applicant's response it may be considered for incorporating into appropriate condition.</p>	<ul style="list-style-type: none"> ▪ Ason Group confirm (Appendix H) that the car park access points have been redesigned to provide for 1 consolidated access. Both light and heavy vehicles will have appropriate sight distances, with giveaway marking and signage to be provided, as appropriate. No further traffic controls measures are considered necessary.
<p>Long-Section profile provided and satisfactory.</p>	<ul style="list-style-type: none"> ▪ Noted
<p>The Department had previously requested confirmation on the traffic movement data used in the Traffic Assessment (TA) and the Air Quality Impact Assessment (AQIA). While it is noted the AQIA has been updated to clearly state the total number of movements of both heavy and light vehicles, these numbers still do not align with the numbers used in the TA. The AIQA refers to 1,224 total movements and 288 medium/HV movements, whereas the TA refers to 1267 total movements and 290 medium/HV movements. Please confirm and provide evidence to</p>	<ul style="list-style-type: none"> ▪ RWDI confirmed Traffic numbers were updated and not captured in last revision of the AQIA. The supplementary AQIA (Version C) (Appendix A) presents the outcomes for the revised traffic numbers. It is noted that there were no appreciable difference to the modelling results.

Submission	Response
<p>demonstrate the inputs to the two assessments are consistent.</p>	
<p>The swept path analysis in Drawing Sheet No. AG02 by Ason Group shows a B-Double may need to mount the landscaped area along the site boundary to complete its egress movement from the northern end of the loading dock. Further vehicle size restrictions must be committed to for the bays servicing Warehouse 4. The Department recommends the Loading Dock Management Plan be amended to restrict B-double side loading at the loading docks servicing Warehouse 4.</p>	<ul style="list-style-type: none"> ▪ The previous swept paths included an easement line which was confused with the site boundary, this easement line has been switched off on the updated swept path analysis. ▪ The B-Double vehicles do not need to mount the landscaped area along the site boundary as the hardstand area has been widened to allow for egress, there is no encroachment and therefore no condition is required (refer to the updated swept path analysis).
<p>In reviewing the revised Traffic Response it is noted that the proposal description refers to the design of the development being suitable for use as a 'last mile' type of use. As at 30 June 2022, the definition of 'warehouse and distribution centres' was amended to exclude local distribution centres. 'Last mile' constitutes a 'local distribution centre' which is not what this has been assessed as. The SSD trigger only relates to WDCs, and excludes local distribution centres (as at 30 June 2022). The Department is likely to recommend a condition that restricts the use of the development as a local distribution centre.</p>	<ul style="list-style-type: none"> ▪ It is noted that DPE is likely to impose a condition which restricts the use of the development as a local distribution centre as no saving provisions were identified when the definition changed on 30th June 2022 and the SSDA was formally lodged on 8th July 2022. ▪ If required, a future tenant may lodge a DA with Cumberland Council to facilitate assessment of a change of use from 'warehouse or distribution centre' to 'local distribution premises'.
<p>The Preliminary Construction Traffic Management Plan project description is inconsistent with the amended project description in the RtS and GFAs on Drawing No.DA07. There are also inconsistencies with references to the number of car parking spaces (191 in some places, 188 in others). The CTMP should be updated.</p>	<ul style="list-style-type: none"> ▪ The CTMP (Appendix B) has been updated by Ason Group to include updated project description and consistent car parking numbers to 188 parking spaces. A supplementary CTMP has been provided dated 25 January 2023.
<p>TfNSW has reviewed the submitted documents and raise no objection to the development as the traffic generated by the proposed development would have minor impact on the efficiency and safety of the classified road network. The following requirement should be included in any consent issued to the application:</p> <p>Prior to the issue of an Occupation Certificate, the final Green Travel Plan should be updated and submitted to TfNSW for review and endorsement.</p>	<ul style="list-style-type: none"> ▪ Ason Group confirm (Appendix H) the recommended condition of consent requiring the Green Travel Plan is considered acceptable by the proponent.

Submission	Response
<p>It must be noted that an encroachment with the site boundary is identified on the 26m B-Double Site Circulation drawing AG02 prepared by Ason Group. Department of Planning and Environment shall be satisfied to the site's internal circulation and the safety and efficiency of the site.</p>	<ul style="list-style-type: none"> ▪ Ason Group (Appendix H) confirm the B-double does not encroach onto the site boundary. Refer to the amended swept path package in (Appendix H).
<p>Noise Impact</p>	
<p>Table 5 in the RtS states that a detailed acoustic assessment with fully documented acoustic treatments will be undertaken at the detailed design phase of the development. Assessments cannot be undertaken post-determination. The NVIA should include all proposed acoustic treatments. Noise verification studies can be undertaken following detailed design and then following the commencement of operation to confirm the predictions and if required, the Applicant must install additional mitigation measures if limits are not met. The Applicant should make a commitment to undertake noise verification studies.</p>	<ul style="list-style-type: none"> ▪ RWDI note in their Noise and Vibration Impact Assessment dated 6 February 2023 (Appendix C), that an acoustic assessment has been provided with the best information currently available commensurate with an EIS. The assessment has confirmed that the operation of the site can meet relevant noise and vibration goals. ▪ No additional acoustic treatments are required or recommended. ▪ RWDI confirm (Appendix C) a noise verification study could be included in the conditions of consent at the detailed design phase if required.
<p>The Department acknowledges the justification provided for classifying NCA02 as 'urban' rather than 'suburban' provided in the RtS and the NVIA is on the basis of this catchment being impacted by road traffic noise on Olympic Drive. However, the Department requests the following be addressed in a revised NVIA:</p> <p>Having regarded the high traffic noise provisions in the Noise Policy for Industry, Section 2.4.1. If highly affected by road traffic noise, then the NVIA needs to consider if the proposed to be termed project noise trigger levels (PNL) has been calculated correctly for NCA02.</p>	<ul style="list-style-type: none"> ▪ RWDI note in their Noise and Vibration Impact Assessment dated 6 February 2023 (Appendix C), that Noise Catchment Area 01 (NCA01) and Noise Catchment Area 02 (NCA02) have been reclassified as suburban receivers.
<p>The NVIA must consider the Practice Note on 'Determining the NPfI Noise Amenity Category for Residential Receivers' (Acoustics Australia Vol.50, No.3 September 2022) (attached) which clearly states that land use zoning should be considered first in determining the appropriate classification. Where a change in receiver category would affect a group or catchment of residential receivers, the justification</p>	<ul style="list-style-type: none"> ▪ RWDI confirm (Appendix C) high traffic amenity level has been applied for NCA02 for evening and night time. The noise monitor L02 was installed at receiver R09. The equivalent continuous noise level (LAeq 15min) at this location would be dominated by through traffic on Boorea Street – which would pass receiver R06.

Submission	Response
<p>should extend to a demonstration that the matters influencing the change would apply across the whole catchment. Logger LO2 was placed near R10, but this is likely to be quite different to the acoustic environment experienced at R06 or other properties within this noise catchment on Yarram Street or Nyrang Street.</p>	
<p>Attended measurements and noise observations do not appear to have been made as part of the NVIA to confirm that road traffic noise was the dominant background noise at all receivers in noise catchment NCA02, and not just at logger LO2. Attended measurements are required to support any justification to deviate from the classification of 'suburban.</p>	<ul style="list-style-type: none"> ▪ RWDI confirm (Appendix C) NCA02 has been resized to only cover residents along Boorea St and Olympic Drive, as these residents are impacted by road traffic noise.
<p>Road Traffic noise assessment – DPE requests that the proposal needs to consider increase in vehicle numbers, type of trucks (rigid, semi, b-double), acceleration/deceleration + engine braking (if applicable for larger trucks), and trailer impact noise as they enter the site or traverse across uneven surfaces.</p>	<ul style="list-style-type: none"> ▪ RWDI confirmed in their Noise and Impact Assessment Report dated 6 February 2023, (Appendix C) that the road traffic noise assessment considered the increase in heavy vehicle numbers assuming the same traffic mix, acceleration/deceleration, engine braking, trailer impact noise. ▪ The nature of the noise experienced by residents will not change. A relative increase assessment which would account of the increased occurrences in the predicted LAeq period.
<p>DPE requires an assessment of maximum noise level and number of events (i.e. sleep disturbance assessment) - this information needs to be used in conjunction with the LAeq noise level assessment to evaluate noise mitigation measures and rank their effectiveness at mitigating impacts associated with night-time heavy vehicle movements.</p>	<ul style="list-style-type: none"> ▪ RWDI confirmed in their Noise and Impact Assessment Report dated 6 February 2023, (Appendix C) that a sleep disturbance assessment has been conducted for the onsite noise. ▪ Boorea Street currently has approximately 37 heavy vehicle movements during the night period. The development proposes to generate up to 13 additional heavy vehicle movements during the night period, all of which would be rigid trucks. ▪ This is a small number of movements would not be perceivable and generate additional noise awakening when consider the existing nature of noise on Boorea St and the high

Submission	Response
	background noise levels during the night period.
<p>Council notes that the memorandum prepared by RWDI (report no: 2201867) dated 25 May 2022 has addressed Council’s concern in relation to the potential noise and vibration impacts including from operational noise, construction noise and road traffic noise on surrounding sensitive receivers which include industrial and residential developments.</p> <p>With regards to noise the response included that conditions of consent will be imposed requiring a Construction Noise and Vibration Management Plan (CNVMP) and Operational Noise Management Plan (ONMP) in accordance with the relevant guidelines and that these plans will include the recommendations contained within the acoustic report.</p>	<ul style="list-style-type: none"> ▪ Noted.
Biodiversity and Tree Removal	
<p>EHG previously recommended the mitigation measures from section 8.2 of the BDAR are written into the conditions of consent in addition to the credit obligation.</p>	<ul style="list-style-type: none"> ▪ Ecologique confirm in their letter dated 6 March 2023 (Appendix E) that pre-clearance and ecological clearance supervision (when necessary) are standard practice and supported.
<p>Table 3 (Further Engagement Summary) in the RtS notes Urbis contacted EHG via telephone and email on 2 November 2022 and it states under ‘Feedback’ that “Ms Janne Grose, Senior Conservation Planning Officer, to confirm if the recommended BDAR mitigation measures would form part of conditions of consent.”</p> <p>This table makes no mention that on 4 November 2022 EHG provided a response to Urbis and confirmed that EHG recommends pre-clearance and clearance surveys are undertaken and conditions of consent are included in this regard for such surveys to be undertaken.</p>	<ul style="list-style-type: none"> ▪ Noted – pre-clearance and ecological clearance supervision (when necessary) are standard practice and supported.
<p>EHG previously advised that the RtS should provide details on what the current existing riparian setback width is along Haslem Creek, that has previously been planted on the site, and what is the proposed width of the vegetated setback along the creek</p>	<ul style="list-style-type: none"> ▪ The existing riparian setback width adjacent to Haslam’s Creek varies from approximately 2m to approximately 15m in width for different components. The proposed riparian setback width is a 10m wide landscape setback which provides an improved landscape setback

Submission	Response
	<p>adjacent to Haslam’s Creek than the existing situation.</p>
<p>EHG also advised the previous planting along Haslams Creek may be due to the 2002 development requiring a Part 3A Permit under the now repealed Rivers and Foreshores Improvement Act 1948 (RFI Act) and that a condition may have been included in the Part 3A permit to prepare a VMP to establish a vegetated corridor along the canal with local native species to protect the environment. EHG suggested that the RtS address this and provide details on the existing corridor width. It is noted the RtS has not addressed whether the riparian corridor along the creek is due to a Part 3A permit requirement for the previous 2002 development. In response the RtS states “the proposed design provides a 10m landscape setback from the site’s western boundary. No changes are proposed to the existing width of vegetation along the riparian corridor” (page 36). It would be helpful if the applicant confirmed whether this 10m width along the creek was a condition of consent as part of the previous Development Application for this site.</p>	<ul style="list-style-type: none"> ▪ The existing vegetated corridor ranges from approximately 2m-15m wide. It is unclear based on the publicly available information as to whether the existing vegetation was delivered via a previous approval from 2002. No details regarding the cited approval are provided on the DPE Major Projects Portal. Further, neither the EHG or DPE were able to provide additional identifying details to enable the proponent to lodge a GIPA request seeking a copy of the approval. ▪ Regardless, it is clear from the existing site condition and the proposed landscape plans that the existing 10-metre-wide landscaped setback will be retained and enhanced through the delivery of additional trees and planting along Haslams Creek. This includes trees which form part of Cumberland Plain Woodland community (eg Syncarpia glomulifera and Eucalyptus maculate), plus shrubs and groundcovers (eg Dodonaea triquetra, Indigofera australis and Dianella caerulea). Bio retention basin planting include water tolerant species such as Carex appress, Imperate cylindriva and Juncus usitatus. ▪ Overall, it is considered there is sufficient information to assess and determine the current proposal based on the information provided with the EIS and the RtS. ▪ If it is deemed essential the 2002 approval is reviewed, then the EHG and/or DPE will need to provide identifying details to enable a GIPA search to be lodged. However, it remains unclear why this is necessary, noting the age of the approval and Vegetation Management Plans being typically limited to a maintenance and monitoring schedule of five (5) years.
<p>EHG previously advised the BDAR indicates that several existing trees are proposed to be removed from along the creek and the RtS should provide details on this.</p>	<ul style="list-style-type: none"> ▪ Canopy Consulting confirmed in their letter, (Appendix I) that the proposed condition should be altered to minimise the removal of <i>‘vegetation only indigenous to the LGA from along Haslams Creek’</i> rather than <i>‘all native</i>

Submission	Response
<p>EHG repeats its recommendation that the SSD avoids or minimises the removal of local native trees from along the Haslams Creek.</p>	<p><i>vegetation</i> and exclude <i>Casuarina glauca</i> as it readily self-seeds, grows from root grafting and tends to colonise an area rather than favour biodiversity.</p>
<p><i>Translocation of juvenile native plants</i></p> <p>EHG previously noted that the EIS refers to a very small area of juvenile to semi mature vegetation that have been assessed as naturally occurring (Section 6.1.7.2, page 60) and that the RtS should clarify if the juvenile and semi-mature vegetation is proposed to be removed. The RtS has not addressed this.</p> <p>EHG repeats if juvenile and semi-mature vegetation is proposed to be removed it is recommended prior to clearing, the juvenile local native plants are removed and replanted in the proposed landscape areas on the site. The juvenile plants must be translocated prior to any earthworks and clearing of native vegetation commencing and a condition of consent is included to this effect:</p> <p><i>Juvenile remnant native vegetation that is to be removed from the site, shall be relocated by a suitably qualified bush regenerator to the landscape areas of the site. The plants should be relocated when plant growth conditions are ideal to give the native plants the best possible opportunity to survive and should be maintained until established.</i></p>	<ul style="list-style-type: none"> ▪ Ecologique confirm in their letter dated 6 March 2023 (Appendix E), that this condition is not supported and should be removed. ▪ The removal of the condition is justified as native species on the site include trees and shrubs (many that are clonal Casuarinas that have suckered from a parent plant) and are not suitable for transplanting. The understorey is comprised of High Threat Weed species and lacks any native herbs, forbs or grasses.
<p><i>Tree Hollows</i></p> <p>The EIS indicated the trees on site do not possess hollow-bearing parts capable of supporting large fauna (section 6.1.5.1) and the updated Arborist report confirms this (section 4.4). EHG previously advised that while tree hollows which support 'large fauna' may not be present it is unclear if any tree hollows occur on site which potentially support smaller species of native fauna and the RtS should clarify this. In response the RtS only repeats that "no trees were observed to possess hollow-bearing parts capable of supporting large fauna" (page 37) but it does not address the potential for tree hollows to be present for smaller fauna species. This should be addressed.</p>	<ul style="list-style-type: none"> ▪ Ecologique confirm in their letter dated 6 March 2023 (Appendix E), that no hollow bearing trees were detected during site investigations. ▪ Section 8.3.1 of the Biodiversity Development Assessment Report (BDAR) addressed the absence of habitat for all arboreal fauna (which includes large and small fauna), as follows: <p><i>Based on historical imagery, planted native vegetation is at the most 30 years of age and not sufficiently mature to provide suitable sized hollows for threatened species habitat.</i></p> <p><i>Note: no hollow bearing trees were found by the arboriculturalist or ecologist during site investigations.</i></p>

Submission	Response
	<p data-bbox="879 230 1428 371"><i>During site investigations no obvious arboreal habitat usage was evident (i.e., dreys, nests, scratchings, exudation, bark decortication, faecal stains/droppings).</i></p> <ul data-bbox="836 405 1428 786" style="list-style-type: none"> <li data-bbox="836 405 1428 618">▪ Despite larger mature trees present within the subject site, the proximity of planted trees to buildings, internal roads and car parks has resulted in maintenance lopping/trimming which has prevented any potential hollows forming. <li data-bbox="836 645 1428 786">▪ Table 4.2 in Section 4 of the BDAR further identifies the absence of hollow bearing trees as habitat constraints for several species including the microbat <i>Southern Myotis</i>.
<p data-bbox="165 819 799 1111">EHG previously advised the removal of existing trees and the benefits that they provide, will take decades for a juvenile tree to grow and replace and may also remove the potential supply of future hollows that would be expected to form in time. The BDAR indicated the planted native vegetation may be 30 years in age but not sufficiently mature to provide suitable sized hollows” (section 8.3.1).</p> <p data-bbox="165 1140 799 1464">In another 30 years the trees proposed to be removed would be 60 years in age. To mitigate the removal of trees which could potentially provide hollows for smaller species, EHG recommends a condition of consent is included that nest boxes / artificial hollows are provided and affixed to suitable retained trees (see below). This work should be done by an appropriately qualified and experienced expert in nest boxes and/or compensatory artificial hollows.</p>	<ul data-bbox="836 819 1428 1319" style="list-style-type: none"> <li data-bbox="836 819 1428 965">▪ Ecologique have confirmed (Appendix E) the proposed condition is not applicable as the subject site does not contain hollow-bearing trees. <li data-bbox="836 992 1428 1319">▪ Ecologique also advise that compensatory artificial hollows using the Hollow Hog tool is not recommended within a built-up area due to the potential risks should the structural stability of a tree be compromised. This method should only be promoted where safety is not an issue and where public liability is not an issue for the Hollow Hog tool operator.
<p data-bbox="165 1503 799 1603">Prior to felling trees approved for removal, a nest <i>box management plan must be prepared which includes details on:</i></p> <ul data-bbox="165 1632 799 1946" style="list-style-type: none"> <li data-bbox="165 1632 799 1704">▪ the number, size, type and location of tree hollows to be removed. <li data-bbox="165 1731 799 1946">▪ the size, type, number and location of where the replacement nest boxes and/or compensatory artificial hollows using a Hollow Hog tool (https://www.hollowhog.com.au/) are to be installed based on the results of the pre-clearing survey. 	<ul data-bbox="836 1503 1428 1641" style="list-style-type: none"> <li data-bbox="836 1503 1428 1641">▪ Ecologique have confirmed (Appendix E) the proposed condition is not applicable as the subject site does not contain hollow-bearing trees.

Submission	Response																					
<p>Pre-clearance fauna surveys and Relocation of native fauna</p> <p>EHG previously noted that the EIS includes a mitigation measure that an experienced ecologist must be present during the pre-clearing surveys to relocate any fauna captured. EHG recommends if the SSD is approved:</p> <ul style="list-style-type: none"> ▪ the mitigation measures in Section 8.2 of the BDAR are included as conditions of consent. ▪ the clearing of trees and shrubs should be avoided in late winter/spring during breeding/nesting period for birds ▪ evidence of the pre-clearing surveys and inspections for fauna and any relocation of fauna is provided to the Department. 	<ul style="list-style-type: none"> ▪ Ecoloquique (Appendix E) note that Preclearance, clearing supervision and reporting is standard practice and supported ▪ Avoiding breeding/nesting period for birds is also good practice but clearing should not be precluded in late winter/spring (i.e., a four month period) providing preclearance surveys find no breeding/nesting activity present. 																					
<p>Reuse of removed trees</p> <p>EHG previously recommended the SSD salvages and reuses the native trees that are approved for removal including tree trunks and root balls and these are placed along Haslams Creek corridor and in the landscape areas on the site. EHG also advised if the Boorea Street site is not able to reuse all removed native trees, the proponent should consult with the local community restoration / rehabilitation groups etc, to determine if the removed trees can be re-used by others in habitat rehabilitation work. The RtS has not addressed this.</p> <p>EHG recommends the following condition of consent is included:</p> <p><i>The Proponent must where it is practicable reuse any of the native trees that are to be removed as part of this project, including tree trunks (greater than 25-30 centimetres in diameter and 2-3 metres in length), root balls and logs on the ground to enhance habitat:</i></p> <p><i>If removed native trees are not able to be entirely re-used by the project, the proponent should consult with local community restoration/rehabilitation groups, Landcare groups, and relevant public authorities, local councils, and Greater Sydney Local Land Services prior to removing any native trees to determine if the removed trees can be reused in habitat enhancement and rehabilitation work. This</i></p>	<ul style="list-style-type: none"> ▪ Canopy Consulting confirmed in their letter (Appendix I) that the proposed condition should be altered to include 'vegetation only indigenous to the LGA' rather than 'all native vegetation' and exclude <i>Casuarina glauca</i> as it readily self-seeds, grows from root grafting and tends to colonise an area rather than favour biodiversity. ▪ Canopy Consulting suggested the condition should only focus on trees larger than 10m tall, which would be a total of 6 trees (see table below), excluding <i>Casuarina glauca</i>. <table border="1" data-bbox="874 1391 1378 1778"> <thead> <tr> <th>Tree no.</th> <th>Botanical Name</th> <th>DBH (cm)</th> </tr> </thead> <tbody> <tr> <td>13</td> <td><i>Angophora costata</i></td> <td>24</td> </tr> <tr> <td>14</td> <td><i>Angophora costata</i></td> <td>23</td> </tr> <tr> <td>30</td> <td><i>Eucalyptus tereticornis</i></td> <td>46</td> </tr> <tr> <td>40</td> <td><i>Corymbia maculata</i></td> <td>54</td> </tr> <tr> <td>67</td> <td><i>Eucalyptus tereticornis</i></td> <td>33</td> </tr> <tr> <td>69</td> <td><i>Eucalyptus tereticornis</i></td> <td>20</td> </tr> </tbody> </table> <ul style="list-style-type: none"> ▪ The root ball and size will depend on the size of the tree. ▪ The Proponenet have confirmed they will reuse trees on site where practicable. 	Tree no.	Botanical Name	DBH (cm)	13	<i>Angophora costata</i>	24	14	<i>Angophora costata</i>	23	30	<i>Eucalyptus tereticornis</i>	46	40	<i>Corymbia maculata</i>	54	67	<i>Eucalyptus tereticornis</i>	33	69	<i>Eucalyptus tereticornis</i>	20
Tree no.	Botanical Name	DBH (cm)																				
13	<i>Angophora costata</i>	24																				
14	<i>Angophora costata</i>	23																				
30	<i>Eucalyptus tereticornis</i>	46																				
40	<i>Corymbia maculata</i>	54																				
67	<i>Eucalyptus tereticornis</i>	33																				
69	<i>Eucalyptus tereticornis</i>	20																				

Submission	Response
<p><i>detail including consultation with the community groups and their responses must be documented.</i></p>	<p>However, the following alternative wording is proposed:</p> <p><i>If removed vegetation only indigenous to the LGA is not able to be entirely re-used by the project, the proponent should consult with their Arborist to determine if the removed trees can be reused in habitat enhancement and rehabilitation work. This detail must be documented.</i></p>
<p>EHG previously advised the RtS needs to clarify the total number of trees that are proposed to be removed as the EIS documents provide differing information in this regard. In response Section 4.3.5 of the RtS indicates 296 trees are to be removed (page 35) and the updated Arborist (Appendix J) indicates the same and that 26 trees are to be retained (page 3).</p> <p>The SEARs require the Landscape Plan to demonstrate how the development would mitigate the urban heat island effect, contribute to the objective of increased urban tree canopy cover, maximise opportunities for green infrastructure, consistent with Greener Places. EHG considers the best way to achieve this would be for the development to be designed to retain existing trees, particularly local native trees.</p> <p>DPE needs to be satisfied as to whether the proposed removal of 296 trees and the retention of only 26 trees on the site is adequate in mitigating the urban heat island effect, and if this adequately contributes to the objective of increased urban tree canopy cover.</p> <p>Section 4.5 of the Arborist identifies 20 trees (trees 1, 6, 7, 10, 17, 30, 32, 39, 40, 47, 76, 77, 85, 129, 140, 157, 163, 166, 187 and 188) that were determined to possess a High Landscape Significance Rating. The Arborist Report indicates that one of the reasons given for this rating is due to the trees being a remnant or is a planted locally indigenous specimen and/or is rare or uncommon in the local area or of botanical interest or of substantial age. According to Table 10, trees 45 and 72 are also a High Priority for retention while tree 157 has been given a low retention value in this table. It is noted Table 10 only</p>	<ul style="list-style-type: none"> ▪ Canopy Consulting confirmed there is a total of 296 trees recommended for removal under 163 tree tags (combined groups and individuals) and the retention of 26 trees. ▪ The Landscape Plan SSD-01 Revision E, dated 27.10.22 confirms there are 158 trees proposed. ▪ The Arborist Report and Landscape Plans submitted with the SSDA provide a list of species to be removed and replacement trees. ▪ It is noted that planting in the area adjacent to Haslam's Creek will include groups of trees part of Cumberland Plain Woodland community such as <i>Syncarpia glomulifera</i> and <i>Eucalyptus maculate</i>, also trees underplanted with shrubs and groundcovers such as <i>Dodonaea triquetra</i>, <i>Indigofera australis</i> and <i>Dianella caerulea</i>. This planting would mitigate the urban heat island effect, contribute to the objective of increased urban tree canopy cover. ▪ Bio retention basin planting will be provided above the OSD to include water tolerant species such as <i>Carex appress</i>, <i>Imperate cylindriva</i> and <i>Juncus usitatus</i>.

Submission	Response
<p>recommends retaining two of these High Landscape Significance Rating trees (tree 140 and 163).</p>	
<p>EHG previously advised that the RtS needs to clarify the total number of replacement trees at the site as the EIS documents provide differing information in this regard. For example, Section 3.2.2.4 of the EIS indicates 134 trees are proposed while Section 7.5 of the EIS refers to 195 new trees.</p> <p>The RtS response includes differing information in relation to the number of trees to be planted:</p> <ul style="list-style-type: none"> • section 1.1 of the RtS indicates the SSD seeks development consent for 134 proposed trees • sections 4.3.5 and 4.3.6 of the RtS indicates 158 new trees are to be planted. <p>It is noted that the number of trees the RtS proposes to plant is less than the 195 trees which Section 7.5 of the EIS indicated were to be planted. The number of trees to be planted is also considerably less than the 296 trees the RtS states are to be removed by this SSD. The statement in section 4.3.6 of the RtS that the total number of trees proposed to be planted has been increased is not consistent with section 7.5 of the EIS.</p> <p>EHG repeats its recommendation that trees removed which are not covered by a biodiversity offset strategy are replaced at a ratio greater than 1:1 and this should be included as a condition of consent.</p>	<ul style="list-style-type: none"> ▪ Canopy Consulting (Appendix I) confirmed there is a total of 296 trees recommended for removal under 163 tree tags (combined groups and individuals) and the retention of 26 trees. ▪ Geoscapes confirm that the landscape plans are correct, and 158 trees are proposed to be planted. EHG also recommended that of the total of 296 trees to be removed the replacement ratio should be greater than 1:1. Due to site constraints including an easement (K) to the north and a retaining wall and easement (H) to the east, the replacement of all 296 trees is unachievable. The number of trees over 10m in height and rated as being either of high or of medium significance listed in the Arborist report totals 50. Landscape plans specify replacement trees which would ultimately become trees of high significance following maturity. These including species include <i>Syncarpia glomulifera</i>, <i>Eucalyptus paniculate</i> and <i>Corymbia maculata</i> total 94 in number. ▪ Therefore, the replacement of trees rated as high or medium significance over 10m in height is a ratio of 1.88:1. 25 Trees of high or medium significance below 10m in height are also being removed and being replaced by 64 proposed trees. ▪ Therefore, the replacement of high or medium trees below 10m in height is a ratio of 2.6:1. ▪ The number of trees rated as low significance within the arborist report totalled 239. ▪ The proposed tree replacement strategy described above and site constraints, Geoscapes believes that a condition of consent requiring the replacement of all 296 at a ratio of 1:1 is not required.
<p>Council's Landscape Officer confirmed the Arborist Response submitted on 21 December 2022 now</p>	<ul style="list-style-type: none"> ▪ Noted.

Submission	Response
<p>satisfied and no further information will be required to address this matter.</p>	
<p>Council is of the view that the documents from 44 Boorea Street, Lidcombe did not confirm who are the authorised people to sign the consent. However, should DPE consider this is sufficient, no further information will be required by Council and the removal of the neighbouring tree can be granted.</p>	<ul style="list-style-type: none"> ▪ Noted.
<p>Landscaping and vegetation</p>	
<p>Council acknowledges that the development is compliant with the front setback controls and the bulk and scale of the development is considered acceptable and the amount of landscaped area proposed on site is fairly similar to other industrial development within the proximity.</p> <p>In this regard, whilst the proposal remains non-compliant with the numerical control for landscaped area, the new deep soil zone and new trees are being introduced into the site to improve the amenity and appearance of the proposed.</p>	<ul style="list-style-type: none"> ▪ Noted.
<p>Site landscaping and use of native provenance species</p> <p>EHG previously advised the planting schedule in the Landscape Plans should demonstrate the plant species are from the local native vegetation community that once occurred on the site and are of local provenance. The Landscape Plans have not been updated to include this information.</p> <p>EHG previously advised that the RtS needs to demonstrate the SSD will provide enough space to accommodate the growth of trees to maturity to avoid the need to lop and trim branches and to allow for increased urban tree canopy cover. In response the RtS states “The plant schedule which forms part of the Landscape Plans (Appendix D) ensure selected species will be located so they will have sufficient space to reach maturity”. DPE as the consent authority needs to be satisfied that enough space is available with this development to allow the existing trees to be retained on the site and the trees proposed to be planted to grow to maturity. identifies</p>	<ul style="list-style-type: none"> ▪ Geoscape confirmed in their letter dated 3 March 2023 (Appendix F) that the proposed landscape plan condition is not required as Ecologique support the species used currently specified as per below: <ul style="list-style-type: none"> <i>Sydney Urban Bushland Biodiversity Survey (Pre-European) 1997. VIS_ID 4104 (NPWS 1997) mapping shows Sydney Turpentine Ironbark Forest (STIF) and Cumberland Plain Woodland (CPW) as previously occurring proximal to the subject area.</i> <i>The landscape planting schedule includes constituent plant species from these communities.</i> <i>Constituent plant species from PCT 1234 is not recommended as this community is a forested wetland assemblage that is accustomed to waterlogged soils and infrequent inundation and is not suitable for landscaping within the development site.</i>

Submission	Response
<p>the type of tree, the mature height of that tree, the required pot size and the spacing as shown on the landscape plan. This plant schedule will ensure selected species will be located so they will have sufficient space to reach maturity". DPE as the consent authority needs to be satisfied that enough space is available with this development to allow the existing trees to be retained on the site and the trees proposed to be planted to grow to maturity.</p> <p>EHG recommends the following conditions of consent are included:</p> <p><i>A Landscape Plan is to be prepared and implemented by an appropriately qualified bush regenerator and include details on:</i></p> <p><i>a. the native vegetation community (or communities) that occur or once occurred on the site and the plan demonstrates that the proposed plant species are from the relevant native vegetation community</i></p> <p><i>b. the local provenance tree, shrub and groundcover species to be used. Tree planting shall use advanced and established local native trees for local native tree species which are commercially available. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed</i></p> <p><i>c. the type, species, size, quantity, and location of replacement trees, including the area/space required to allow the planted trees to grow to maturity</i></p> <p><i>d. the species, quantity and location of shrubs and groundcover plantings</i></p> <p><i>e. the number of trees and location to be removed, the tree replacement ratio and number and location of trees to be planted</i></p> <p><i>f. plant maintenance regime. The planted vegetation must be regularly maintained and watered for 12 months following planting. Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species.</i></p> <p><i>g. The replacement plantings will be with the same growth form (i.e., a tree with a tree, a shrub with a shrub etc). The replacement planting must not decrease species diversity</i></p>	<ul style="list-style-type: none"> ▪ Geoscape confirm that spacings for tree planting are generally at a minimum distance of 3m to trunks (1 per 9m²), assuming that large trees reach a trunk width of 1m then that would leave 2m between mature trees. This will create a dense tree canopy while allowing sufficient space for trees to grow. ▪ Geoscapes does not believe that a condition of consent is required to amend the landscape plans as suggested by the EHG and the current SSDA plans can be approved by the minister in their current form. ▪ Geoscapes confirms a landscape management plan (LMP) will be prepared as part of the expected Minister's conditions of consent, and this will include all maintenance and management details as described in the EHG comments. The LMP is issued to the DPE for approval before operation of the site.

Submission	Response
<p>The applicant should then maintain the landscaping and vegetation on the site in accordance with the approved Landscape Plan for the life of the development.</p>	
<p>Flood impact</p>	
<p>The RtS has not addressed EHG previous flood related comments included in its submission of 16 August 2022 on the EIS (our ref: DOC22/618258). Accordingly, these comments are still relevant.</p> <p>Comments from 16 August 2022</p> <p>In the Civil Engineering report prepared by Costin Roe Consulting Cumberland Council has advised that the site is within the flood planning area (FPA). This contradicts other information in the report that the site is in the low flood risk precinct where the land is located above the FPA and below the probable maximum flood (PMF).</p>	<ul style="list-style-type: none"> ▪ Costin Roe provided a flooding and stormwater letter dated 2 March 2023 (Appendix D). ▪ Costin Roe's letter referenced CO14411.01-06c.ltr dated 10 November 2022 remain consistent to address the comments below. ▪ An excerpt from Cumberland Council's Map 1, shown in Table 7.2 of the Civil Engineering Report, shows the site is within the Flood Planning Level area, requiring council or a professional engineer to certify that the site is not a flood storage area, a floodway area, a flow path, a high hazard area or a high-risk area. Each of the above is addressed in Table 7.2 of the report. ▪ Review of the Council's Flood Letters received (Appendix I) and Council's online Stormwater and Flood Maps indicate there is no flooding in the 1% AEP local events, but some flooding in the PMF event. ▪ Council's Provisional PMF Flood Hazard Categories Map shows the site is affected by high-hazard and low-hazard flooding categorisation during a PMF Flood event. The high hazard (PMF) zones are limited to the western boundary of the site along the Haslams Creek, with the north-western and southwestern portions extending slightly further into the site. ▪ The low-hazard (PMF) zones are limited to the overland flow from 25-27 Nyrang Street across the site along the southern boundary towards the Haslams Creek. ▪ The site is not affected by high hazard flooding categorisation in the 1% AEP flood event, with the high-hazard categorisation being maintained within the Haslams Creek Channel.

Submission	Response
	<ul style="list-style-type: none"> ▪ Council's Flood Risk Precinct Map shows the site is shown as generally being low risk based on the PMF flood event. ▪ The flood letters received from Council reviews available information from the "Draft Haslams Creek Overland Flood Study" prepared by Royal Haskoning DHV in March 2016. Table 7.1 show 42 Boorea Street (Overland Flow) and Haslam Creek's flood levels for both the 1% AEP event and the PMF event. ▪ The flood letter confirms that development that is proposed within the flood control zones within the 1% AEP flood extent (dark blue areas shown in Figure 7.1) would require a pre- and post-flood study with the Development Application. This site is free of any development within these zones and would therefore not require a pre- and post-flood study to be completed. ▪ The proposed works in and around the light brown shaded areas are such that overland flows shall not be impeded or diverted.
<p>Consideration should be given to the Haslams Creek Floodplain Risk Management Study and Plan of 2003.</p>	<ul style="list-style-type: none"> ▪ Costin Roe (Appendix D) confirm the Haslams Creek Floodplain Risk Management Study and Plan of 2003 will be reviewed and considered. This can be addressed in a Flood Emergency Response Management Plan (if required). ▪ The flood letters received from Council reviews available information from the "Draft Haslams Creek Overland Flood Study" prepared by Royal Haskoning DHV in March 2016, which informed the flood study.
<p>No flood impact assessment has been undertaken to identify the impact of the proposed development including any proposed earthworks on the existing flood behaviour and on adjacent properties under both mainstream and overland flooding conditions for the full range of floods up to the PMF.</p> <p>This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories.</p>	<ul style="list-style-type: none"> ▪ Costin Roe (Appendix D) confirm the flood letters received from Council states that should the proposed development be outside the 1% AEP flood extent, a Complying Development Certificate may be considered for the site and no flood impact assessment would be required. ▪ A desktop flood assessment have been conducted and because the site is not affected by the 1% AEP flood extent, it is

Submission	Response
	<p>noted that a detailed pre- and post-flood study is not required for this proposed development.</p>
<p>The assessment should include the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change and associated impacts.</p>	<ul style="list-style-type: none"> ▪ Costin Roe (Appendix D) confirm the proposed development considered flooding and large rainfall events in relation to the adjacent Haslams Creek Canal, and local runoff and overland flow paths including the overland flow from the neighbouring site to the east to the Haslams Creek channel. The site is shown to be clear of any significant local overland flow paths for events up to the 1% AEP event and considered low risk in a PMF event.
<p>The assessment must consider any impacts the development may have on the social and economic costs to the community as consequence of flooding.</p>	<ul style="list-style-type: none"> ▪ Costin Roe (Appendix D) confirm the Water Cycle Management (WCM) is a holistic approach that addresses competing demands placed on a region's water resources, whilst optimising the social and economic benefits of development in addition to enhancing and protecting the environmental values of receiving waters. ▪ This Water Cycle Management Strategy has been prepared to inform DPIE, and relevant stakeholders, that the development is able to provide and integrate WCM measures into the stormwater management strategy for the development to avoid any social and economic costs to the community as a consequence of flooding.
<p>The assessment should address any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW State Emergency Service (SES) and/or council. Emergency management can be complex and encompasses multiple responses including evacuation, potential human behaviours, and severity of hazards. The development must not increase the existing risk to life and evacuation. The local flood plan, if available, should be considered since the site will be surrounded by flood waters and become a high flood island during rare flooding. The NSW SES or council can be consulted in this regard.</p>	<ul style="list-style-type: none"> ▪ Costin Roe (Appendix D) confirm safe refuge is available on the site in the upper levels of the hardstand and the hardstand. The upper levels of the warehouse are free of the PMF. ▪ The Council Flood maps provided also states the site to be a low risk area for the PMF event. The ground floor is therefor considered to be a low risk during the PMF event. ▪ The Civil Report notes that emergency evacuation via Boorea Street is available to High ground further south-east on Boorea Street. Evacuation is recommended to occur prior to flooding on Boorea Street.

Submission	Response
	<ul style="list-style-type: none"> For all areas subject to pedestrian traffic, the product (dV) of the depth of flow d (in metres) and the velocity of flow V (in metres per second) will be limited to 0.4, for all storms up to the 100-year ARI. For other areas, the Dv product will be limited to 0.6 for stability of vehicular traffic (whether parked or in motion) for all storms up to the 100-year ARI.
<p>Furthermore, it is critical that occupiers and owners of the site are educated on the potential flood risks within and outside the vicinity of the development, before, during and after a flood event. A flood emergency management plan including community education and awareness should also be discussed with council and/or the NSW SES.</p>	<ul style="list-style-type: none"> Costin Roe (Appendix D) confirm a flood emergency management plan can form a condition of consent.
<p>Council is of the view that the response clarification has been reviewed and considered not satisfactory. The flood information advice letter clearly states that the site is flood control lot. Flood related control applies to this lot and the flood risk Management plan must address those requirements. However, it is noted that the ground floor level of the building is proposed at RL10.00m AHD which is above the minimum floor level requirement.</p> <p>Council provided the following supplementary comments on letter dated 31 January 2023</p> <p>The comments made on Council's letter dated 20 January 2023 are based on the additional information provided (Appendices).</p> <p>Though the site may be higher than 1%AEP flood event, the site is still affected by the flood up to PMF event. However, the minimum floor level requirement which appears to be satisfied. Other relevant floor risk management measures as per the food control matrix (flood risk management policy) need to be looked at and addressed accordingly. Nevertheless, the relevant flood risk related control measures may not be that complex and easily achievable.</p>	<ul style="list-style-type: none"> Costin Roe (Appendix D) note Council's Flood Map 4 in Table 7.2 in the Costin Roe Water Cycle Management Strategy Report (referenced Co14411.01-03e.rpt) confirms the site to be classified as a "low risk precinct". Based on the "low risk" classification, we provided Table 7.3 on page 38 under Section 7.3 addressing the other relevant flood risk management measures as per the Cumberland City Council Flood Risk Management Policy, POL-061, 5 Nov 2021, for an industrial development within a low risk precinct. Evacuation via Boorea Street is available to High ground further south-east on Boorea Street. Evacuation is recommended to occur prior to flooding on Boorea Street.
<ul style="list-style-type: none"> Stormwater 	
<p>Council provided the following comments regarding stormwater:</p> <p>The drawing CO14411.01-DA47 indicates that the HED control pit is too large and does not generate</p>	<ul style="list-style-type: none"> Costin Roe (Appendix D) note to refer updated drawings CO14411.01-DA40-F, DA42-F & DA47-B.

Submission	Response
<p>the high early discharge outflow rate quicker. This therefore fails to comply with the requirement.</p> <p>Whilst the additional information indicates pit numbers, it does not provide the grate/pit surface level and invert levels. Further, it is unclear and in absence of the invert levels whether the pipelines are in compliance with the minimum gradients or not.</p> <p>Although drawing CO14411.01-DA41 and DA42 indicate the provision of pits, a grated-drainage across the surface flow path (e.g., driveway) at regular interval is recommended to ensure efficient and effective capture of the surface runoff and to direct the captured flow into the adjacent surface collection pits.</p> <p>No concept design certificate and OSD checklist of the proposed stormwater system design has been provided to enable Council's review. The design must be certified by a qualified stormwater engineer.</p> <p>The proposed stormwater system has not been assessed as it lacks sufficient information.</p> <p><i>Council provided the following supplementary comments on letter dated 31 January 2023</i></p> <p>The comments are based on the additional information provided (Appendices).</p> <p>All relevant additional information was reviewed and the comments 16(a) to 16(d) were based on the submitted additional information.</p> <p>The item 16(e) was incorrectly stated as "has not been assessed". The item 16(e) should be read as:</p> <p>The submitted drawing lacks requested information.</p> <p>The design of High early discharge (HED) chamber/pit is inefficient as the chamber appears to be too large.</p> <p>The design, layout arrangement is not satisfactory. The proposed OSD system does not appear to function as intended.</p>	<ul style="list-style-type: none"> ▪ Further to the discussion during the electronic meeting held on 8 February 2023 at 12h00 (meeting invitation referenced OA2022/0003 – 42 Boorea St, Auburn), the On-site Detention, High Early Discharge chamber and stormwater treatment device chamber arrangement have been revised as discussed. ▪ Stormwater from the development site captured within the in-ground drainage system will first be discharged into a high- and low flow splitter pit (weir controlled, designed during detail design stage), from where the low flows (3-month flowrate, first-flush flow) from the contributing catchment will be diverted into the proposed stormwater treatment chamber for treatment by the specified treatment filter cartridges. Flows greater than the 3-month flows (high flows) will discharge into the HED chamber (reduced substantially to be 3.2m x 1.5m) with the Orifice size and the HED weir level set using the UPRCT OSD Calculation spreadsheet attached to Appendix K of the Water cycle management strategy report for SSD-36464788, to attenuate the water appropriately. ▪ Refer updated drawings CO14411.01-DA40-F, DA-41-F & DA42-F. All drawings updated to show concept invert levels and gradients. Final pit and pipe cover and invert levels will be confirmed during detail design stage with a DRAINS model to confirm hydraulics to council standards/requirements. ▪ The proposed drainage concept involves a crest- and sag drainage arrangement, with the low points (sags) spaced only 30m apart. ▪ Grated drains within these crests and sags in the pavement is not recommended. ▪ Grated drains are proposed at the bottom of ramps up to the upper levels as well as at intervals up the ramp. ▪ Costin Roe (Appendix D) note attached to their letter is a completed UPRCT "B8A - OSD Stormwater Concept Plan Submission"

Submission	Response
	<p>form. A design certificate will be provided during the detail design stage of the project.</p> <ul style="list-style-type: none"> ▪ This is noted and addressed above.
Water Sensitive Urban Design (WSUD)	
<p>Council is of the design and layout of the system remain unsatisfied, and the filtration system does not appear to function as intended and the pollutants are likely to be escaped with overflow from filtration chamber thus undermining the objectives.</p> <p>In this regard, it is recommended that the information must be provided prior to determining the application and must not be deferred to construction certificate as the necessary remedial amendments are likely to affect other provisions.</p> <p><i>Council provided the following supplementary comments on letter dated 31 January 2023</i></p> <p>The comments are based on the additional information provided (Appendices).</p> <ul style="list-style-type: none"> ▪ The design, layout arrangement is not satisfactory. ▪ The filtration system does not appear to function as intended and the pollutants are likely to be escaped with overflow from filtration chamber thus undermining the objectives. 	<ul style="list-style-type: none"> ▪ This comment is discussed in the response above.
Contamination	
<p>Council notes that with regards to the Hazardous Materials Survey Report a memorandum has been provided detailing that all identified Hazardous Materials, including asbestos identified will be removed in accordance with relevant WHS regulations and guidelines by appropriately licensed contractors and clearance reports will be provided by a competent person.</p> <p>All other recommendations and mitigation measures within reports relating to contamination, waste management, sediment and erosion control and air quality should be implemented and adhered to for the entirety of the site works to ensure risks and impacts are minimised and controlled.</p>	<ul style="list-style-type: none"> ▪ Noted.
Waste storage and collection	

Submission	Response
<p>Council notes as per the Waste Management Plan prepared by JBS&G Australia Pty Ltd dated 8 November 2022 (ref. 6218/143900, rev. 4), each tenant of the new warehouse is required to engage their own private waste collection contractor to service their warehouse on-site. It is recommended this Waste Management Plan Based to form part of the approved document for any development approval to ensure all waste collection will be undertaken within the property boundary.</p>	<ul style="list-style-type: none"> ▪ It is confirmed that DPE may implement recommendations of the Waste Management Plan.

4.4. SOCIAL IMPACTS

Submission	Response
<p>Crime risk</p>	
<p>Given the application seeks the approval to operate 24/7 within close proximity to the residential area, Council recommends the proposal be referred to the NSW Police for comment.</p>	<ul style="list-style-type: none"> ▪ The site is within an established industrial precinct and is permitted with development consent. It is not considered appropriate or necessary to require a referral to NSW Police for comment.

5. CONCLUSION

The response provided in Table 5 and the accompanying documents address the matters raised by the public agencies. We trust that the information provided in this supplementary response addresses the additional comments provided by TfNSW, EHG, Sydney Water, Council and DPE and allows the planning assessment to proceed.

6. DISCLAIMER

This report is dated 8 March 2023 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Hale Property Services Pty Ltd (**Instructing Party**) for the purpose of Submission Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

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