45-57 MOXON ROAD, PUNCHBOWL

Submissions Report

Prepared for
HALE CAPITAL
27 October 2023

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Jennifer Cooper
Associate Director	Holly Rhoades
Consultant	Harsha Yadav
Project Code	P0042549
Report Number	01

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.

urbis.com.au

CONTENTS

TABLES

EXECUTIVE SUMMARY

This Submissions Report has been prepared on behalf of Hale Capital Development Management Pty Ltd (**Hale Capital**) to address the matters raised by government agencies, local Council, the community and relevant stakeholder groups during public exhibition of the proposed development at 45-57 Moxon Road, Punchbowl.

The State Significant Development Application (**SSDA**) was lodged with the Department of Planning and Environment (**DPE**) in accordance with clause 12, Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021*.

DPE issued a letter to the Applicant on 13 September 2023 requesting a response to the issues raised during the public exhibition of the application. The following specific matters were identified by DPE in their Request for Additional Information:

- Traffic
- Flooding Risk
- Operational Noise
- Road Traffic Noise and Vibration
- Social Impact
- Ecological Sustainable Development.

This Submissions Report outlines the proposed refinements and clarifications and responds to all concerns raised within submissions.

Overview of Submissions

The SSDA was on public exhibition between 4 August and 31 August 2023. A total of 19 submissions were received from NSW government agencies, Council, local community group and individuals, including:

- Transport for NSW (**TfNSW**)
- DPE Water
- Department of Primary Industries (**DPI**) Fisheries
- Environment and Heritage Group (**EHG**)
- Environment Protection Planning (**EPA**)
- Fire & Rescue NSW (**FRNSW**)
- Sydney Water
- Water NSW
- NSW Ports
- Canterbury Leagues Club.

The key issues raised in the submissions can be broadly grouped into the following categories:

- The project
- Procedural matters
- Environmental and social impacts.

Based on the above categories, this Submissions Report provides a response to the key issues at **Section 4.**

Actions Taken Since Exhibition

Since the SSDA was publicly exhibited, the Applicant has undertaken further consultation with EHG and Canterbury Bankstown City Council (**CBC Council**). Further consultation is also being undertaken with the local community to discuss the issues raised within their submissions. Additional assessments have been prepared to respond to the issues raised within the submissions. These include:

- Biodiversity Development Assessment Report
- Transport Management & Accessibility Plan
- Noise and Vibration Impact Assessment
- Civil Engineering Report
- Social Impact Assessment.

Response to Submissions

The Applicant has amended the proposed design in response to the submissions and stakeholder consultation. The key changes are summarised as follows:

- Amendment to the truck exit to reflect the vehicular footway crossing (**VFC**) requirement, at the northeast site corner.
- Minor amendment to the carpark driveway splay and truck entrance splay.
- Amendment to site plan to reflect the 30m bus zone.
- Inclusion of 53 additional trees.
- Amendment to tree species to eucalyptus trees from the Castlereagh Ironbark Forest (**CIF**) plant community.
- Minor amendment to the office floor-to-floor height to accommodate service fittings and associated changes to the stairs to provide satisfactory vertical access.

The scale and nature of the proposed changes to the development as originally proposed does not warrant the preparation of an Amendment Report.

Updated Justification and Evaluation

The proposed development has been assessed in accordance with relevant planning instruments and policies. Mitigation measures are proposed to avoid unreasonable or adverse environmental effects arising from the proposal. Additionally, the proposed development satisfies the Secretary's Environmental Assessment Requirements (**SEARs**) issued for the project.

The key issues for all components of the project identified in the SEARs have been assessed in detail, with specialist reports underpinning the key findings and recommendations identified in the Assessment of Impacts in **Section 6**. It has been demonstrated that for each of the likely impacts identified in the assessment of the key issues, the impact will either be positive or can be appropriately mitigated.

The proposal represents a positive development outcome for the site and surrounding area for the following reasons:

- **The proposal is consistent with state and local strategic planning policies:**

  The proposal is consistent with the relevant goals and strategies contained in:

  – *Greater Sydney Region Plan: A Metropolis of Three Cities*
  – *Our Greater Sydney 2056: South District Plan*
  – *City of Canterbury Bankstown Local Strategic Planning Statement.*

- **The proposal satisfies the applicable local and State development controls:**

  The proposal is permissible with consent and meets the relevant statutory requirements of the relevant environmental planning instruments, including:

  – *State Environmental Planning Policy (Industry and Employment) 2021*

  – *State Environmental Planning Policy (Planning Systems) 2021*

  – *State Environmental Planning Policy (Resilience and Hazards) 2021*

  – *State Environmental Planning Policy (Transport and Infrastructure) 2021*

  – *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

  – *Canterbury-Bankstown Local Environmental Plan 2023* (**CLEP 2023**).

- **The design responds appropriately to the opportunities and constraints presented by the site:**

  – The design of the proposal responds to the site context whilst seeking to deliver an attractive, modern warehouse and distribution facility. The design has taken into consideration the site qualities as well as neighbouring land uses and built form.

  – The proposed built form reflects the industrial character of the precinct whilst being sympathetic to the adjacent Creek and residential area.

  – The built form, facade treatment and materiality enhance the quality of the site as well as the provision of increased landscaping and an improved streetscape.

  – The design includes vehicular access from Moxon Road with a one-way circular vehicular route through the site.

- **The proposal is highly suitable for the site:**

  – The warehouse and distribution centre use is permissible within the IN2 zone. It also satisfactorily responds to the zone objectives, providing for warehouse land uses, encouraging employment opportunities, and minimising potential adverse effects on other land uses.

  – The site is located within an existing industrial area and the character and scale of the development is compatible with the site context.

  – The site is well connected to key transport nodes, making it highly accessible to the freight network.

  – The proposal optimises the use of multiple outdated individual industrial buildings to consolidate into one modern development design to meet current and future tenant demand.

- **The proposal is in the public interest:**

  – The proposal is consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.

  – The proposal will stimulate local investment and contribute significant economic output and value add to the economy each year, delivering up to 854 jobs through the construction and operation phases.

  – Subject to implementation of the recommended mitigation measures, no adverse, social or economic impacts will result from the proposal in terms of traffic, noise and vibration, air quality and odour or views during construction and ongoing operation of the facility. Based on the assessment of noise, air quality and traffic, the proposal will not result in any adverse cumulative impacts.

  – The issues identified during the community and stakeholder engagement have been addressed through the assessment of the impacts of the modified project.

In view of the above, it is considered that this SSD Application has significant merit and should be approved subject to the implementation of the mitigation measures described in this report and supporting documents.

1. INTRODUCTION

This Submissions Report relates to the warehouse and distribution centre at 45-57 Moxon Road, Punchbowl (**the site**). On behalf of Hale Capital (**the Applicant**), this Submissions Report has been prepared to address the matters raised by public agencies, local Council, the community and other relevant stakeholders throughout the public exhibition period.

The State Significant Development Application (**SSDA**) was lodged with the Department of Planning and Environment (**DPE**) in June 2023 (SSD-55266460). The SSDA was placed on public exhibition for 28 days between 4 August and 31 August 2023.

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

1.1. EXHIBITED PROJECT

The proposal is for an innovative multi-level warehouse and distribution facility of a high-quality design that respects and contributes to the local context. The proposal will optimise the use of an existing industrial site within an established industrial precinct to deliver a variety of employment opportunities on site, whilst minimising any potential impacts on local amenity.

The SSDA seeks consent for:

- Demolition of all existing buildings and structures, construction, fit out and operation of a two-storey warehouse and distribution centre comprising 29,309m^2 GFA including:
  - 12 warehouse and distribution tenancies with a total 25,565m^2 GFA; and
  - 3,744m^2 GFA ancillary office space.
- Provision of 20 bicycle parking spaces, 20 motorcycle parking spaces and 178 car parking spaces at ground floor level.
- Approximately 3,450m^2 of soft landscaping at ground level.
- Replacement of the five existing vehicular access from Moxon Road with three new access driveways.
- Earthworks and upgrades to existing on-site infrastructure.
- Provision of internal vehicle access road and loading docks.
- Building identification signage.
- Hours of operation 7:00am to 10:00pm Monday to Saturday.

1.2. SUPPORTING DOCUMENTATION

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

Table 1 Supporting Documentation

Appendix	Report	Prepared By
Appendix A	Submissions Register	Urbis
Appendix B	Architectural Plans	SBA
Appendix C	Landscape Plans	Geoscapes
Appendix D	Biodiversity Development Assessment Report (**BDAR**)	Ecologique
Appendix E	Transport Management & Accessibility Plan (**TMAP**)	Ason
Appendix F	Noise and Vibration Impact Assessment (**NVIA**)	RWDI

Appendix	Report	Prepared By
Appendix G	Civil Engineering Report	Costin Roe
Appendix H	Social Impact Assessment	Hill PDA

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

The SSDA was publicly exhibited between 4 August and 31 August 2023. There were 10 submissions received from public agencies and the local Council, and eight submissions received from local community group and individuals.

All submissions were managed by DPE, which included registering and uploading the submissions onto the 'Major Projects website' (SSD-55266460).

Submissions from Council, Transport for NSW, DPE Water, DPI Fisheries FRNSW, Sydney Water, Water NSW and NSW Ports have provided comments on and been in support of the proposal. EHG has provided comments and EPA did not provide any comments on this proposal.

Seven individual submissions from residents and a submission from local community group have provided comments on the proposal. One of the seven public submissions has been registered as an objection to the proposal.

A breakdown of the submissions made by group and issues raised is provided in **Table 2**.

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	Physical layout and design	▪ Replace current footpath traversing the property's frontage.
Procedural matters	Level or quality of engagement	▪ Any relocation of existing services, such as power poles, must be in consultation with the appropriate government authority.
	Identification of relevant statutory requirements	▪ Assess proximity area for coastal wetlands and indirect impacts to Salt Pan Creek and the associated coastal wetland. ▪ Provide assessment of all relevant provisions specified in the *Canterbury-Bankstown Local Environmental Plan 2023*.
Economic, Environmental and Social Impacts	Landscaping and tree removal	▪ Provide species consistent with Plant Community Type (**PCT**) 3448 which is part of the Cooks River/Castlereagh Ironbark Forest. ▪ Tree replacement to be at a minimum 3:1 ratio. ▪ Clarify the existing landscape area compared to the proposed area. Increase total landscape area at the site.

Category of Issue		Summary of Matters Raised
		▪ Plant schedule to clarify whether the proposed plants are local native species. Use a mix of local native provenance plant species. ▪ Replacement of trees to be as per Council's minimum replacement ratio of 3:1. ▪ Demonstrate that adequate space will be provided for any tree planting for trees to grow to maturity. ▪ Retain native trees, particularly along the northern boundary of the site and along Moxon Road Street frontage.
	Biodiversity	▪ Demonstrate minimised impacts to vegetation and associated habitat onsite. ▪ Maintain riparian buffer zones of 50-100 m width adjacent to TYPE 1 marine vegetation and at least 50 m width adjacent to TYPE 2 marine vegetation. ▪ Provide a Rehabilitation Strategy to guide the rehabilitation of the riparian zone. Local native riparian vegetation species should be used across the riparian buffer zone to improve riparian habitat values. ▪ Land forming and development works should be staged to minimise erosion and sedimentation impacts during the land forming and development of the area presents as it presents significant risk to key fish habitat values. ▪ Provide updated BDAR with following information: - Identification of native vegetation threatened species and threatened species habitats off the site that may be impacted. - Details required under Biodiversity Assessment Method (**BAM**) 3.1.2 and 3.1.3. - Proximate, and relatively recent, records from the Salt Pan Creek corridor of threatened plant species *Acacia pubescens* (Vulnerable under *NSW Biodiversity Conservation Act 2016* (**BC Act**); Vulnerable under *Environment Protection Biodiversity Conservation Act 1999* (**EPBC Act**)) and Wilsonia backhousei (Vulnerable). - Location where inspections were (and were not) undertaken, the methods used, amount of survey effort and replication, timing and

Category of Issue		Summary of Matters Raised
		environmental conditions of these inspections are not detailed. - Adequate searches and surveys for evidence of presence/absence of microbats. ▪ Clarify if any of the vegetation on the site is remnant. ▪ Avoid clearing of existing native trees. ▪ Use of tree trunks and root balls to enhance habitat in suitable locations on the site including adjoining the Salt Pan Creek riparian corridor. ▪ Clarify if a 30-metre riparian buffer is applied to Salt Pan Creek. ▪ Provide details of vegetation management plan (**VMP**). ▪ Provide a scale map and cross sections. ▪ Lighting should be directed towards the development area rather than towards the adjacent riparian vegetation. ▪ Inconsistency between BDAR and landscape plan regarding alteration of existing hardstand surfaces to the western boundary adjoining Salt Pan Creek. ▪ Address whether the development should incorporate additional measures, such as on-site detention, to limit the volume of water entering the creek and improve water quality of any discharge to Salt Pan Creek, which contains sensitive vegetation and aquatic assets.
	Heritage	▪ Assess the heritage significance of the Canary Island Date Palms on site.
	Traffic	▪ Design of design of VFCs to be amended. ▪ Bus zone be revised to reflect its current 30-metre length. ▪ Prepare a Green Travel Plan (**GTP**) prior to the issue of the first Occupation Certificate. ▪ All vehicles larger than a Heavy Rigid Vehicle shall only enter and exit the subject site via Wiggs Road and intersection with Belmore Road.

Category of Issue		Summary of Matters Raised
		▪ Consider limiting the size of heavy vehicles travelling to and from the development using this signalised intersection. ▪ Provide details of the field measurement performed to inform SIDRA model validation. ▪ Provide further information on how the base models were calibrated and validated. ▪ Demonstrate how the road safety audit has been used to inform the development layout design and traffic management measures.
	Noise and Vibration	▪ Provide an updated noise assessment report that: - evaluates operational noise at the most-affected sensitive receiver location(s). - provides revised set of project noise trigger levels. - provides cumulative assessment of noise from the operation of the development. ▪ Justify why outdoor communal spaces fronting Moxon Road would be infrequently used by tenants and up to a maximum capacity of 16 people at any one time. ▪ Provide details of potential uses for the outdoor communal spaces and occupancy/utilisation rate per square metre for each activity type. ▪ Identify benchmark mechanical services equipment assumed in the operational noise source inventory. ▪ Provide assessment of operational noise from mechanical services and air conditioning for the ancillary office space. ▪ Provide details of management measures. ▪ Provide details of vibration measurement and prediction methods.
	Road Traffic Noise	▪ Provide details of traffic noise model input settings for each heavy vehicle road emission segment.
	Flooding	▪ Provide a comprehensive flood impact study to precisely determine flood planning levels.

Category of Issue		Summary of Matters Raised
		▪ Use of best practice water sensitive urban design to manage stormwater is recommended. ▪ Maintain stormwater treatment measures used according to manufacturers and best practice maintenance requirements ensuring no downstream impacts to highly sensitive key fish habitat (**KFH**). ▪ EPA should be consulted if impact on water quality in Salt Pan Creek is not adequately mitigated. ▪ Updated flood assessment should be submitted. ▪ Update Flood Impact Study to provide: - details of the base and site-specific flood models. - a sensitivity analysis of potential increase in rainfall intensities due to climate change on flood behaviour. - consideration of any relevant provisions set out in the Flood Risk Management Manual. - feasibility study of the flood management measures identified in the City of Canterbury's Salt Pan Creek Floodplain Risk Management Study and Plan. ▪ Provide Details of any on-site stormwater detention systems
	Contamination	▪ Provide a Preliminary Long Term Management Plan Report.
	Geotechnical	▪ Should groundwater be intercepted during construction and on-going operation, a Water Access Licence (**WAL**) must be obtained, unless an exemption applies. ▪ Further impact assessment will be required if the take of groundwater is to be greater than 3ML/year. ▪ Ensures the planning and design of works within waterfront land demonstrate consistency with the Guidelines for Controlled Activities on Waterfront Land (DPE, 2022).
	Infrastructure	▪ Each of the existing large water services will be disconnected and replaced by a single connection.

Category of Issue		Summary of Matters Raised
		▪ Water Servicing Coordinator (**WSC**) has supplied hydraulic information. The existing drinking water mains in Moxon Road can provide the quoted flow rate. ▪ No objection to the existing DN225 wastewater assets within the site being disused, if the lots are being consolidated. Leaving a single connection point within the site. ▪ Existing DN225 has capacity to drain the predicted flows from the development.
	Fire safety	▪ Safe, efficient, and effective access is provided in accordance with FRNSW fire safety guideline. ▪ Develop an Emergency Response Plan (ERP in accordance with HIPAP No.1). ▪ Prepare an Emergency Services Information Package (**ESIP**) in accordance with FRNSW fire safety guideline. ▪ Additional smoke hazard management measures be considered in accordance with E2D21 of the 2022 BCA. ▪ Assess all category 2 fire safety provisions determined as non-compliant with the deemed to satisfy provisions of the BCA on a first principles basis. ▪ Consider location of Electric Vehicle (**EV**) charging stations given the behaviour of electric vehicle fires.
	Social impact	▪ Update social impact assessment consider the most up-to-date traffic and noise parameters rather than superseded versions. ▪ Clarify the following aspects of the social impact assessment: - why the predicted operational noise exceedances have been rated as medium likelihood of social impacts rather than high probability or almost certain. - why the social impact significance for acoustic amenity would reduce from ‘medium’ in the base case to ‘low’ in the mitigated scenario without any proposed mitigation response.

Category of Issue		Summary of Matters Raised
		- why the social impact significance for accessibility and road safety would reduce from ‘medium’ in the base case to ‘low’ in the mitigated scenario without any proposed mitigation response. - how two-way traffic movements will be maintained on Moxon Road at all times during construction.
	Ecological Sustainable Development	▪ Provide additional details around the electrification strategy, including future proofing for electric trucks and considerations necessary for battery storage, DC charging, space allocation and infrastructure upgrades.
Justification and evaluation of the project	Consistency of project with Government plans, policies and guidelines	NA – no comments in this regard.
Issues beyond the scope of the project or not relevant to the project	NA	NA – no comments in this regard.

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 public exhibition.

This section summarises the changes that have been made to the project since its public exhibition. It also outlines the additional assessment undertaken to respond to the concerns raised with the public agency, organisation and public submissions outlined in **Section 2**.

3.1. FURTHER ENGAGEMENT

Since the public exhibition of the SSDA between 4 August and 31 August 2023, the Applicant has undertaken further consultation with EHG and CBC Council. The Applicant is also undertaking further engagement with the local community as outlined below.

Table 3 Further Engagement Summary

Consultee	How this group was consulted	Issue	Feedback	Project response
Canterbury-Bankstown Council	Via email	Clarification regarding Moxon Road median island referenced in submission.	Location of Moxon Road median island confirmed regarding southern site access.	The updated TMAP has assessed access to the proposed development in relation to this median island and confirmed that there are no impacts.
EHG	Via email	A meeting was sought with EHG to enable further engagement and obtain clarification regarding the details required for the updated flood assessment. EHG declined to meet with the Applicant.	Email correspondence to advise flood studies to be used in flood modelling and requirements for updated flood modelling.	The Civil Engineering Report has been updated in accordance with EHG's feedback.

The Applicant is holding a community information session in November 2023 in response to issues raised in submissions regarding the potential flood impacts of the proposed development. At the information session, the Applicant will present the findings of the relevant flood studies undertaken for the proposal and provide an opportunity for the community to raise any concerns and discuss any technical flood impact questions with the project civil engineer.

3.2. REFINEMENTS TO THE PROJECT

The following table summarises the minor refinements and clarifications proposed since public exhibition and in response to submissions made, and as a result of further engagement undertaken.

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 and ground floor plan	▪ Amendment to the truck exit to reflect the VFC requirement, at the northeast corner. ▪ Minor amendment to the carpark driveway splay and truck entrance splay. ▪ Amendment to site plan to reflect the 30m bus zone to the east of the site on Moxon Road. ▪ Inclusion of 53 additional trees. ▪ Amendment to tree species to eucalyptus trees from the Castlereagh Ironbark Forest (**CIF**) plant community.
Office ground level – level 1 (including mezzanine)	▪ Minor amendment to the office building floor to floor height to enable service fittings for the office. Due to the change in the office floor level height, subsequently the stairs that accesses the office have been adjusted to match.
Elevations	▪ Minor amendment to the office building floor to floor height to enable service fittings for the office. Due to the change in the office floor level height, subsequently the stairs that accesses the office have been adjusted to match.

The total canopy cover is increased to 3,556m^2 (an increase of 231m^2). The proposed landscape area is 3,451m^2, being a slight increase from 3,450m^2 due to the truck exit VFC amendment.

Refer to the updated Architectural Plans (**Appendix B**) and Landscape Plans (**Appendix C**) for further details on the design refinements made since public exhibition.

3.3. ADDITIONAL IMPACT ASSESSMENT

Additional assessments have been prepared to respond to the issues raised within the submissions. These include:

- Biodiversity Development Assessment Report (**Appendix D**)
- Transport Management & Accessibility Plan (**Appendix E**)
- Noise and Vibration Impact Assessment (**Appendix F**)
- Civil Engineering Report (**Appendix G**)
- Social Impact Assessment (**Appendix H**).

The findings and recommendation of the additional assessments are discussed in detail within **Section 4** of this report.

4. RESPONSES TO SUBMISSIONS

This section provides a detailed summary of the Applicant's response to the issues raised in submissions. The response has been structured according to the categorisation of issues outlined in **Section 2**.

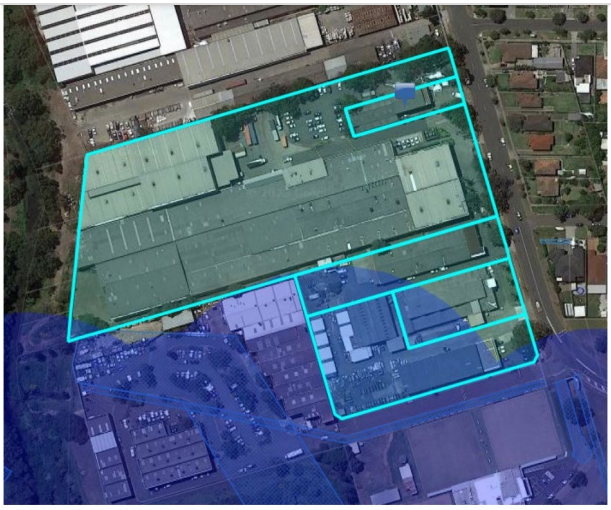
4.1. THE PROJECT

Table 5 Response to Submissions

Submission	Response
Physical layout and design	
Council suggests the current footpath traversing the property's frontage will require replacement. This will be the responsibility and cost of the applicant and must be designed in accordance with Council's Standard Drawings. Any redundant driveways along the site frontage must be removed. Kerb and gutter and nature strip turf must be reinstated in accordance with Council's Standard Drawings. This will be the responsibility and cost of the applicant.	Noted. Footpaths impacted by redundant crossings or proposed crossings due to proposed driveways will be replaced at the cost of the Applicant.

4.2. PROCEDURAL MATTERS

Submission	Response
Level or quality of engagement	
Council suggests that any relocation of existing services, such as power poles, must be undertaken by the applicant in consultation with the appropriate government authority.	Noted. To date, consultation has been undertaken by the Applicant with Ausgrid, Council and Sydney Water on the relocation of existing services, including the proposed relocation of the light pole.
Identification of relevant statutory requirements	
Council requests the EIS must state how the proposal has appropriately avoided and minimised impacts to vegetation and associated habitat onsite. The EIS should also assess the proximity area for coastal wetlands and assess indirect impacts to Salt Pan Creek and the associated coastal wetland (See Figure 1 Below).	The design of the proposal minimises impacts to vegetation and associated habitat onsite through coordination and review of the civil engineering design by the project arborist and ecological consultant. Due to the required flood planning level to meet Council and EHG requirements, the majority of existing vegetation and habitat onsite is not viable for retention. Potential options for the civil engineering design were reviewed by the project arborist and ecological consultant, with the proposed design selected on the basis that it maximises the retention of vegetation and habitat. Indirect impacts on water bodies, water quality and hydrological processes have been assessed under

Submission	Response
 *Figure 1: Aerial demonstrating the extent of the Coastal Area Affectation in relation to the subject site as identified under the State Environmental Planning Policy (Resilience and Hazards) 2021 (Source: Council's Mapping System)*	the BDAR. The stormwater management for the development has been designed in accordance with Council requirements while minimising impacts to vegetation and associated habitat. The hydrological assessment shows local post-development flows from the site will be consistent with pre-development flows and demonstrates that the site discharge will not adversely affect any land, drainage systems or watercourse as a result of the development. As such, the proposal will not have any indirect impact on Salt Pan Creek and associated coastal wetland. Further, the risk of impact on KFH and the biophysical, hydrological or ecological integrity of neighbouring habitats is assessed as being of low likelihood. Sections 5.1 and 6 of the updated BDAR provides potential impacts and mitigation measures on threatened species and habitats. The Civil Engineering Report includes water quality and quantity measures which will ensure that no adverse impacts result on receiving waterways as a result of the development. Refer Appendix C of the updated Civil Engineering Report which includes a Water Cycle Management Strategy and indicative maintenance schedule. The proposal does not impact the quantity and quality of surface and ground water flows. As such the proposal is consistent with clause 2.8 of the State Environmental Planning *Policy (Resilience and Hazards) 2021* (**SEPP Resilience and Hazards**). Ecologique proposes the following mitigation measures to minimise potential indirect impacts on biodiversity values: ▪ Pre-clearance and clearance management of vegetation; ▪ Pre-demolition clearance surveys will be undertaken of all buildings for microbat roosting habitat; ▪ Fauna rescue and relocation protocol; ▪ Euthanasia protocol; ▪ General biosecurity duty compliance; ▪ Unexpected finds protocol; and

Submission	Response
	▪ Monitoring and reporting strategies.
The DPE requires assessment of all relevant provisions specified in the *Canterbury-Bankstown Local Environmental Plan 2023*.	An assessment against the *Canterbury-Bankstown Local Environmental Plan 2023* is provided below: Zoning and Land Use The site is located within a IN2 Light Industrial zone. A 'warehouse or distribution centre' with ancillary offices is permitted with development consent in the IN2 zone. The proposal is entirely consistent with the zone objectives for the following reasons: ▪ It will support and protect industrial land and provide warehouse land uses. ▪ It will provide employment opportunities and floorspace which supports the surrounding and nearby centres. ▪ Consideration is given to the potential impacts of the future operations to other land uses, including the residential precinct, the riparian area, and private recreation facility adjacent to the site. ▪ The proposal maximises the potential of the industrial land by creating a two-storey warehouse and providing improved landscaping outcomes. ▪ The proposed development is of a high standard of urban design and has sought to minimise any potential impacts on local amenity. Clause 4.3 Height of Buildings NA - the site is not subject to a maximum building height control under the CLEP 2012. It is noted, however, that the proposal complies with CDCP 2012 building height plane as per clause E1.2.2(1). Clause 4.4 Floor Space Ratio The site is subject to a maximum FSR of 1:1. The proposal complies, with a maximum FSR of 0.85:1. Clause 5.10 Heritage Conservation The site does not contain any heritage items and is not within a heritage conservation area. No further

Submission	Response
	assessment of heritage impacts is required under the LEP. Clause 5.21 Flood Planning An assessment of flooding has been completed and is identified within the Civil Engineering Report. Council's flood assessment confirms the site is not affected by mainstream flooding in the local 1% AEP flood event. It is also not affected by flooding in the 1% AEP flood event associated with the Salt Pan Main Stream. Low levels of flooding occur on the majority of the site. There is flooding at depth located over the external portions of the site in the 1% AEP storm. The site is impacted by the 1% AEP Flood which, per Council's SSR, is RL3.30m AHD. The 1% AEP comparison modelling shows that there is no upstream change to flood levels or velocity for any of the flow paths which enter the site. In addition, it is noted that the building, with a proposed floor level of RL 4.00 metres, is below the PMF level relating to Salt Pan Creek and local overland flow path. Based on the assessment and management strategy proposed, the development meets current Council flood policy and shows acceptable impacts in relation to flooding and flood safety. Clause 6.1 Acid Sulfate Soils The Acid Sulfate Soil Management Plan prepared by JBS&G was submitted at the time of lodgement. The report identifies procedures to be implemented to manage the potential environmental risk associated with disturbance of these materials should they be encountered during construction works.

4.3. ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

Submission	Response
Landscaping and Tree Removal	
Council suggests any landscape plan would need to include species consistent with Plant Community Type (**PCT**) 3448 which is part of the Cooks River/Castlereagh Ironbark Forest, particularly	The landscape design has been reviewed to maximise the number of trees and optimise the tree canopy, while recognising the flooding constraints and associated impacts of the

Submission	Response
along the western portion of the site. Trees required for removal to support the development would need to be replaced at a minimum 3:1 ratio in accordance with Council's Tree Management Manual.	suspended slab which is necessary to meet Council requirements. The updated Landscape Plans now propose a total of 229 trees, an increase of 53 trees compared to the original proposal and a tree planting ratio of 2.9:1 which represents only a very minor non-compliance with Council's Tree Management Manual. This is considered acceptable based on the site context and the environmental benefits of the proposal, including an increase in the total canopy cover to 3,556m^2 (an increase of 231m^2) and replanting with species from the Castlereagh Ironbark Forest plant community. Refer to Landscaping Plan drawing nos. SSD-02 and plant schedules on SSD-11.
EHG has requested clarification as to what the existing landscape area is compared to the proposed area. EHG recommends the SSD increases the total landscape area at the site rather than maintain or decrease the existing landscape area.	The existing and proposed landscape areas are as follows: ▪ Existing: ~2,825m^2 (<10% of the site). ▪ Proposed: 3,451m^2 (10% of the site area). In accordance with EHG's requirement, the proposal provides an increased landscaped area than that currently on site, and meets Council's 10% landscaping requirement. As such, the quantum of landscaping proposed is appropriate for the site.
EHG suggests that landscape plantings in the setback area along western (Salt Pan Creek) boundary should be ecologically compatible with vegetation established in the adjoining council reserve along the creekline and should be of local provenance. EHG notes that the EIS (Table 12) proposes that plantings are to be consistent with NSW plant community type (**PCT**) 3448, consistent with Cooks River/Castlereagh Ironbark Forest, as requested by Canterbury-Bankstown City Council. However, the proposed retention of Tree 80 (AIA; EIS section 6.1.5.2), an Acacia saligna, is not consistent with this and is not supported by EHG as this species is a non-NSW plant species and is an environmental weed in local native vegetation. The plant schedule in the Landscape Plan provides no indication as to whether the proposed plants are local native species.	The proposal includes ornamental plants in the front setback which are native and are visually appealing to create an attractive layered frontage towards Moxon Road. Exotic feature trees and shrubs are used to highlight the entrances of driveways and pathways into the site for wayfinding and are in such small numbers that they should not negatively impact on biodiversity. All planting to the southern boundary has been revised so that the species proposed are listed as being typically found in the Castlereagh Ironbark Forest (**CIF**) plant community. Tree 80 is retained as it is located outside the site boundary (as shown in the Arboricultural Impact Assessment), such that the removal of this tree is outside the project scope. Canopy trees along the site frontage to Moxon Road and the southern boundary have also been

Submission	Response
EHG notes the Plant Schedule in Appendix N includes exotic and non-local native species such as: ▪ Cercis canadensis which is a large deciduous shrub or small tree native to eastern North America ▪ Elaeocarpus eumundi (Quandong) is endemic to north-eastern Australia ▪ Westringia fruticosa 'Blue Gem' (Coastal Rosemary) is native to the coast of NSW. EHG recommends any site planting uses a mix of local native provenance plant species from the relevant native vegetation community (or communities) that once occurred at this location (rather than use non-local native or exotic species) to improve local biodiversity. The plant densities and the mix of tree, shrub and groundcover) should mimic the local native vegetation community that is being emulated and advice should be obtained from a qualified bush regenerator on this. The use of local genetic plant material has numerous environmental benefits. The propagation of plants from locally sourced seeds ensures genetic integrity.	amended to Eucalyptus trees from the CIF community. Approximately 50% of the total number of plants to be used on site are from the CIF plant community and 93% of all plant numbers proposed are native. The Landscape Plans have been updated to include more local native vegetation species along the western boundary which is compatible with the existing vegetation along the adjoining creek line. Refer Landscape Plan drawing no. SSD-11 which provides an updated plant schedule and identifies species that are native.
EHG is concerned that the proposal does not comply with Council's minimum replacement ratio of 3:1. EHG recommends 246 trees should be planted instead of 176 trees. The RtS should demonstrate that adequate space will be provided for any tree planting to allow the trees to grow to maturity without the need to lop and trim branches from the trees as they grow. Lopping trees removes the potential for tree hollows to form. EHG recommends any trees to be planted are advanced or established local native species where they are commercially available to increase urban tree canopy cover. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed. EHG recommends the non-commercially available species of trees are propagated as soon as possible to ensure they are	The updated proposal includes 229 new trees, an increase of 53 trees compared to the original proposal. The tree planting ratio is now 2.9:1 which represents only a very minor non-compliance with Council's Tree Management Manual and is considered acceptable based on the site constraints and positive environmental impacts. This includes an increase to the total canopy cover to 3,556m^2 (an increase of 231m^2) and provision of more native vegetation, including species from the Castlereagh Ironbark Forest plant community. Further, the proposal includes large canopy trees where possible to replace trees to be removed in accordance with Council's urban canopy cover objectives. The proposed trees are spaced according to their size to ensure sufficient space is considered for the mature growth of each tree. All tree planting occurs in natural earth and has sufficient room for root establishment.

Submission	Response
established and advanced in size to mitigate the heat island effect and improve local biodiversity.	All trees are specified to be a minimum size of 75L and at installation would be expected to be 1.8m - 2.5m in height as per National Building Specification (**Natspec**) specifying trees Australian Standard AS 2303. Refer to Landscape Plan drawing no. SSD-02 for updated tree planting numbers.
EHG recommends the following conditions of consent are included: ▪ Any planting/ landscaping, rehabilitation associated with the site will use a diversity of local provenance native trees, shrubs and groundcover species from the relevant native vegetation communities that once occurred on the site (rather than use non-local native species). ▪ Tree planting shall use advanced and established 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. ▪ Enough area/space is provided to allow the trees to grow to maturity. ▪ A Landscape Plan is to be prepared and implemented by an appropriately qualified bush regenerator and include details on: a. the native vegetation community (or communities) that once occurred on the site and the plan demonstrates that the proposed plant species are from the relevant vegetation community. Local provenance tree, shrub and groundcover species are to be used b. the type, species, size, quantity, and location of trees. c. the species, quantity and location of shrubs and groundcover plantings d. the area/space required to allow the planted trees to grow to maturity e. plant maintenance regime. The planted vegetation must be regularly maintained and watered for 12 months following planting.	It is anticipated that a Landscape Management Plan (**LMP**) will form part of the Minister's Conditions of Consent, which will detail the planting species and maintenance requirements for 12 months post installation. The Applicant is of the view that there is no need for a Landscape Plan to be prepared by a bush regenerator. Both the exhibited and resubmitted Landscape Plans contain sufficient detail for assessment of the development. Further, the quantum of locally indigenous planting has been increased. Implementation of a Landscape Plan in the urban context by a bush regenerator is not appropriate within the subject site, which is ordinarily undertaken by landscape contractors who have the necessary skills and experience to establish and maintain landscaping within a managed curtilage.

Submission	Response
Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species.	
Council requests that any proposal must make all reasonable efforts to retain native trees, particularly along the northern boundary of the allotment and along Moxon Road Street frontage.	The landscape design has been prepared in consultation with the project civil engineer and arborist. Through the project design process, all reasonable efforts to retain native trees have been made. Considering the site's existing flooding impacts and the priority to ensure the development will not cause adverse flood impact to the site and neighbouring properties, design solutions that enabled the retention of additional trees involved: ▪ Regrading/changing the levels along Moxon Road and the site boundary. ▪ Construction of retaining walls where permissible to avoid level changes within the tree protection zone (**TPZ**) and/or structural root zone (**SRZ**). ▪ Location of the flood conveyance where permissible to avoid level changes within the TPZ and/or SRZ. Given the levels required to achieve engineering standards, the location of the retaining walls in certain areas did not mitigate level changes entirely, which would be required to ensure tree viability, or did not reduce cut or fill activities to an acceptable level that would permit tree retention. In addition, the proposed flood conveyance is likely to further encroach into the TPZ of the trees not directly in the built environment footprint. The alterations to levels beyond the TPZ for this site are required to avoid flooding issues and also provide flood storage. As such, it is anticipated this site is subject to periodic inundation. In the event a subset of these trees could be retained, the overall effect on soil hydrology and therefore root access to soil moisture is likely to be affected, making their retention unviable. As such, all reasonable efforts to retain native trees have been made as part of the project design.

Submission	Response
Biodiversity	
DPI Fisheries recommends the proposed site interface with Salt Pan Creek includes a retaining wall to raise site levels, the width of the riparian buffer zone between the retaining wall and the top of bank of Salt Pan Creek is unclear. Riparian buffer zone widths should be maintained as outlined in DPI Fisheries P&Gs s.3.2.4.2. It is recommended to maintain riparian buffer zones of 50-100 m width adjacent to TYPE 1 marine vegetation and at least 50 m width adjacent to TYPE 2 marine vegetation.	The distance between the top of bank and the site's boundary is a minimum 24m and maximum 31m, as shown in BDAR Figure 4-1. An assessment of habitat type in accordance with DPI Fisheries P&Gs s.3.2.4.2 has been undertaken and concludes that Salt Pan Creek adjacent to the subject site is degraded TYPE 2 – Moderately sensitive key fish habitat; due to the presence of mangroves, predominantly on the opposite bank and downstream on both banks from the subject site (refer Figure 3-2 of the updated BDAR). With reference to BDAR Figure 4-1, DPI Fisheries P&Gs s.3.2.4.2 states that: *Where a buffer zone of at least 50m is physically unachievable due to land availability constraints, the available buffer width must be maximised to achieve protection of TYPE 2 marine vegetation (i.e. from edge effects, changes to water quality, flood protection and to allow for climate change adaptation). The buffer zone should not be used for other asset protection purposes (e.g. as a bushfire or mosquito buffer)*. As such, in accordance with P&Gs s.3.2.4.2, the proposal has maximised the available buffer width to protect any marine vegetation within the Creek. Marine vegetation is protected from edge effects through the 30m setback of development from the Creek, including revegetation of the western site boundary setback with planting species appropriate to the riparian corridor. The Civil Engineering Report provides details of protection measures to ensure that any marine vegetation is not harmfully impacted by changes to water quality, flood protection measures and allowance for climate change. The buffer zone is not proposed to be used for other asset protection purposes. Stormwater quantity and quality measure are specified in detail in the updated Civil Engineering Report incorporating Water Cycle Management. Refer to Sections 5.1 and 6 of the updated Civil Engineering Report. Measures will be implemented during construction to mitigate the impact of

Submission	Response
	pollutants entering the Salt Pan Creek during the construction phase. A neutral or Beneficial Effect (**NorBE**) assessment has been done to ensure or confirm what the pollutant loads being discharged by the completed site will be. The NorBE assessment demonstrates that pollutant loads are reduced compared to the current scenario. The total paved area in the post-development scenario is less than the pre-development scenario as shown on civil drawing no. SSDA42. Peak runoff from the site is reduced as noted on civil drawing no. SSDA42. Additionally, the total average runoff being discharged by the site, is reduced by rainwater tanks, which reduce non-potable reuse by 50% as noted in section 6.3 of the Civil Engineering Report. Additionally, the water will be slowed by virtue of the provision of the flood compensation storage. Therefore, the volume of water entering the creek is limited appropriately to mitigate any harmful impacts. Refer Section 6 of the updated Civil Engineering Report.
DPI Fisheries recommends a Rehabilitation Strategy should be developed to guide the rehabilitation of the riparian zone. Local native riparian vegetation species should be used across the riparian buffer zone to improve riparian habitat values.	The site is not located within the riparian zone and the rehabilitation of land outside the site boundaries is beyond the scope of this project. Planting within the western landscape setback includes local native vegetation species appropriate to the adjacent riparian corridor. The proposed landscaping provides improved habitat values to the industrial buildings and hardstand currently located along this boundary.
DPI Fisheries notes that erosion and sedimentation impacts during the land forming and development of the area presents a significant risk to key fish habitat values. DPI Fisheries recommends that these works are staged to minimise the area of exposed earth in forming these areas and that best practice erosion and sedimentation controls are implemented during each stage of the development of this site.	An Erosion and Sediment Control Plan (**ESCP**) is to be implemented throughout the construction period, as set out in the Civil Engineering Report. It is anticipated that the implementation of the Erosion and Sediment Control Plan will form a Condition of Consent. The ESCP will conform to best practice provided in the Landcom document Managing Urban Stormwater – Soils & Construction Volume 1 (‘Blue Book’) (Landcom, 2004).
EHG notes that the use of section D.2 of Appendix D of the Biodiversity Assessment Method 2020 (BAM) for streamlined assessment of planted native	Ecologique is of the view that the BDAR is not deficient with regards to the minimum BAM requirements. The streamlined assessment of

Submission	Response
vegetation on the subject site is considered appropriate. From the historical aerial photographs provided, it appears that most, if not all, previous native vegetation within the boundary of the lot was cleared by 1969. Plantings were established from the late 1960s (Moxon Road frontage) and late 1970s–early 1980s (northern boundary) and it is agreed that these are likely to have been planted for functional or aesthetic purposes, and are not likely to have been (i) for the purpose of replacing or regenerating a plant community type or a threatened plant species population or its habitat, for the purpose of environmental rehabilitation or restoration under an existing conservation obligation, or (ii) threatened species themselves or other native plant species likely to have been to provide threatened species habitat under one of the mechanisms described in D.1 Question 3. Chapters 4 and 5 of the BAM are not required to be applied in respect of direct impacts on native vegetation. However, indirect impacts on native vegetation plant communities and threatened species and their habitats off the subject site and prescribed impacts both on and off the subject site are still required to be assessed. Consequently, a necessary preliminary step is to identify native vegetation, threatened species and threatened species habitats off the site that may be impacted. This is deficient in the BDAR.	planted native vegetation guidelines require a survey effort summary and description of any habitat features from in the planted native vegetation only. In accordance with the planted native vegetation guidelines a summary of threatened species recorded from the locality and their likelihood to occur in the planted native vegetation has been provided in BDAR Table 4-2. A summary of the survey effort undertaken and description of any habitat features and any evidence of potential threatened species in the planted native vegetation is provided in Section 1.5.3 of the updated BDAR. The assessment of the riparian corridor was a streamlined assessment and does not require an off site impacts assessment. Site photographs are provided in Appendix A of the updated BDAR which shows the riparian corridor adjacent to the subject site and the extent of vegetation types.
EHG notes that identification of landscape features (BAM Chapter 3) is an initial method by which such biodiversity values may be identified. Site Maps and Location Maps in this BDAR are deficient in several respects required under BAM 3.1.2 and 3.1.3: ▪ Salt Pan Creek, referred to in Table 2-1 Landscape features, as a third order (Strahler) stream, should be labelled on the Location Map (Figure 2-1).	The BDAR has been updated to describe Salt Pan Creek as a third order Strahler stream (adjacent the subject site). Refer updated BDAR Table 2-1 and Figure 2-1.
▪ Riparian buffers that apply to mapped rivers and streams are missing (BAM 3.1.3.4). Third order streams require a 30 metres buffer to be applied to the actual stream, by the method described in BAM Appendix E. A 30-metre	As shown in BDAR Figure 4-1, the distance between the top of bank and the site's boundary is a minimum 24m and maximum 31m. As per the Guidelines for Controlled Activities (DPE, 2022), the purpose of the 30m riparian

Submission	Response
riparian buffer applied to Salt Pan Creek is likely to include part of the subject site (see BDAR Figure 1-2).	buffer is to ensure that no more than minimal harm will be done to waterfront land and preserve the integrity of riparian corridors. A minor portion of the site is located within the 30m buffer and within this portion of the site, landscaping is proposed. The landscaping proposed within the 30m buffer will revegetate the riparian corridor edge with habitat appropriate species. This part of the site is currently developed and so the proposed landscaping setback will enhance biodiversity values adjacent to the riparian corridor. The proposal ensures that unacceptable harm will not result to the waterfront land and preserves the integrity of riparian corridors through siting the proposed development outside of the 30m buffer. Land within the 30m buffer is proposed to be revegetated to enhance biodiversity values.
▪ Estuaries and wetlands are not mapped (BAM 3.1.3.4). The historical aerial photos and interpretations by the assessor that are documented in Table 3-2 of the BDAR outlines evidence that much of the subject site and environs was historically “an inundated estuarine wetland, i.e., saltmarsh vegetation with mangroves” along Salt Pan Creek. NSW Government mapping (https://datasets.seed.nsw.gov.au/dataset/estuaries-including-macrophyte-detail5ebff, published in 2008, revised 2010) shows that where Salt Pan Creek adjoins the subject site is within the tidal limits, and thus is estuarine. This project also maps extensive areas occurring immediately south of saltmarsh and mangroves vegetation and ecological communities, with some small patches as far north as the subject site. Most of these areas are also identified as wetlands (or wetlands proximity areas) under the Coastal Management Act, and consequently are also mapped as biodiversity values on the Biodiversity Values Map.	▪ BDAR Figure 2-1 has been updated to show both Coastal Proximity and Coastal Wetland mapping. The extent of Coastal wetland mapping coincides with the estuarine environment or wetland extent in the BDAR assessment area. ▪ BDAR Figure 2-2 has been updated to show relevant plant communities (including saltmarsh and mangroves), which coincides with the extent of the estuarine wetlands in the BDAR assessment area. Note: There is no saltmarsh or saltmarsh habitat within the riparian zone of the subject site (see BDAR photographic plates 19-26).
NSW State Vegetation Mapping does not appear to have been consulted in preparation of the BDAR. This mapping shows vegetation: ▪ From 100m downstream along Salt Pan Creek from the subject site occurs a complex of	The streamlined assessment for planted native vegetation has reduced requirements relative to landscape assessment (e.g., native vegetation cover in the landscape is not required, although was provided in the BDAR). Both State Vegetation Type Map (DPE 2022) mapping and SydneyMetroArea_v3_2016_E_4489

Submission	Response
estuarine native plant community types influenced by tidal waters, namely - PCT 4091 Grey Mangrove-River Mangrove Forest - PCT 4097 Samphire Saltmarsh – is a form of Coastal Saltmarsh threatened ecological community (**TEC**) under the BC Act (may also constitute a TEC under the EPBC Act, depending on patch size and/or condition) - PCT 3963 Estuarine Reedland – is a form of Swamp Oak Floodplain Forest TEC under the NSW BC Act (may also constitute a TEC under the Commonwealth EPBC Act, depending on patch size and/or condition) - PCT 4028 Estuarine Swamp Oak Twig-rush Forest – is a form of Swamp Oak Floodplain Forest TEC under the NSW BC Act (may also constitute a TEC under the Commonwealth EPBC Act, depending on patch size and/or condition). ▪ PCT 3262 Sydney Turpentine Ironbark Forest is also mapped in Whitmarsh Reserve. However, this is questionable as from the historical aerial photographs it appears mostly an estuarine topography and under the 2013 native vegetation mapping of the Sydney Metropolitan Area (OEH 2013) was typed as map unit S_FrW06: Estuarine Reedland (former PCT 1808, now PCT 3963). ▪ Vegetation immediately adjacent to the west of the subject site is shown as not native vegetation.	(OEH 2016) were reviewed and the earlier mapping by OEH (2016) was found to be more accurate. The extent of saltmarsh is understood by the BDAR author through project experience in this environment pre-dating the M5 Bridge Duplication (Sainty & Associates, 1995). Figure 2-2 of the BDAR has been updated to show relevant plant communities (including saltmarsh and mangroves) and shows both OEH (2016) and DPE (2022) mapping. Noting that mapping by OEH in 2013 is of the Cumberland Plain with Sydney Metropolitan mapping provided in 2016. New BDAR Figure 3-2 illustrates existing vegetation adjacent to the subject land and downstream noting that this mapping has amended the mapped extent of PCTs. There is not saltmarsh located within or adjacent to the subject site. It is confirmed that PCT 3262 Sydney Turpentine Ironbark Forest is absent, with terrestrial vegetation either planted native trees or PCT 4028.
EHG notes that proximate, and relatively recent, records from the Salt Pan Creek corridor of threatened plant species *Acacia pubescens* (Vulnerable under BC Act; Vulnerable under EPBC Act) and *Wilsonia backhousei* (Vulnerable) also have not been documented.	These species are not on or adjacent to the subject site, nor is there suitable habitat for either species within the subject site and the adjacent riparian land. All trees and large shrub species have been documented during an arboricultural assessment of the subject site. Ecologique, the author of the BDAR was involved in the management of *Wilsonia backhousei* for the M5 Bridge Duplication over Salt Pan Creek and co-authored the Saltmarsh Maintenance Plan for RTA

Submission	Response
	(Sainty & Associates, 1995) and the Management Plan for *Wilsonia backhousei* at Sydney Olympic Park (Sydney Olympic Park Authority & Sainty & Associates, 2004). The riparian zone between the subject site and the Creek does not provide suitable habitat for this species.
EHG notes that BAM 8.2 requires that all indirect impacts beyond the subject land are required to be considered, however potential impacts on the aforementioned entities have not been adequately assessed or addressed. Additionally, BAM 3.1.3.4 requires that the BDAR must consider all impacts of the proposal on "rivers, streams and estuaries … including riparian buffers … [and] wetlands … including riparian buffers". Highest risk of impacts on these values are likely to be during construction phase for site remediation and bulk earthworks (EIS 3.2.3.1). EHG notes that it is proposed not to alter the existing hardstand surfaces up to the western boundary that adjoins Salt Pan Creek "mitigating any risks associated with disturbing the existing slab and any buried services." However, this appears to be inconsistent with the Landscape Masterplan (EIS Fig. 13) which shows planting of trees and shrubs "in natural ground", suggesting that earthworks will be required, potentially disturbing existing underlying contaminated soils which could pollute the riparian and estuarine habitats. The Civil Engineering Report Incorporating Water Cycle Management Strategy (Appendix BB to the EIS) states (section 4) that all stormwater from the developed site (except for some rainwater that is to be collected for on-site reuse) will be discharged via existing drainage infrastructure to Salt Pan Creek, with the only water treatment being and end-of-line gross pollutant trap (for material only >5 mm). The justification for this is that it retains the status quo pertaining to the existing development. However, EHG queries the adequacy of these measures to protect water quality and riparian and aquatic biotic values. EHG recommends the RtS address whether the development should incorporate additional measures, such as on-site detention, to limit the volume of water entering the creek and improve	The majority of the site and site earthworks involve filling. Onsite detention is not proposed due to the flood prone nature of the land. Flood compensation storage is proposed in the areas beneath the suspended slab. Risks of impacts during the construction phase will be mitigated through implementation of an Erosion and Sediment Control Plan, which will be designed in accordance with the ('Blue Book') (Landcom, 2004). Stormwater quantity and quality measure have been designed in consultation with Council. These measures are specified in detail in the updated Civil Engineering Report incorporating Water Cycle Management. Refer to Sections 5.1 and 6 of the updated Civil Engineering Report. Measures will be implemented during construction to mitigate the impact of pollutants entering the Salt Pan Creek during the construction phase. A neutral or Beneficial Effect (**NorBE**) assessment has been done to ensure or confirm what the pollutant loads being discharged by the completed site will be. The NorBE assessment demonstrates that pollutant loads are reduced compared to the current scenario. The total paved area in the post-development scenario is less than the pre-development scenario as shown on civil drawing no. SSDA42. Peak runoff from the site is reduced as noted on civil drawing no. SSDA42. Additionally, the total average runoff being discharged by the site, is reduced by rainwater tanks, which reduce non-potable reuse by 50% as noted in section 6.3 of the Civil Engineering Report. Additionally, the water will be slowed by virtue of the provision of the flood compensation storage. Therefore, Costin Roe considers that the volume of water entering the

Submission	Response
water quality of any discharge to Salt Pan Creek, which contains sensitive vegetation and aquatic assets.	creek is limited appropriately. Refer Section 6 of the updated Civil Engineering Report. Planting along the western site boundary is proposed to be managed through the Construction Environmental Management Plan which will form part of the Conditions of Consent, and Remediation Action Plan as required, to ensure planting within the site does not disturb any underlying contaminated soils.
EHG notes there are recent and reliable records of several microbat species that are listed as threatened under the BC Act: in February 2021 records of *Falsistrellus tasmaniensis* (Eastern False Pipistrelle), *Scoteanax rueppellii* (Greater Broad-nosed Bat) and *Myotis macropus* (Southern Myotis) were made in Salt Pan Creek from immediately adjacent to the subject site; all of these species were also recorded from the upper reaches of Little Salt Pan Creek; *Myotis macropus* (Southern Myotis) and *Miniopterus orianae oceanensis* (Large Bent-winged Bat) were also recorded from ~400m south downstream. All these species, as well as other microbat species, may roost in human-made structures, as acknowledged in the BDAR Table 4-2. The development includes demolition of several large buildings, some of which have been in place for decades, which could afford roosting habitat for these species, the potential for which is acknowledged in the BDAR (section 4.1). The BDAR also states that some buildings were "inspected to assess … for wildlife (microbats in particular)", but that "not all buildings were able to be assessed." However, the location where such inspections were (and were not) undertaken, the methods used, amount of survey effort and replication, timing and environmental conditions of these inspections are not detailed, as required by the BAM. The BDAR should be revised and resubmitted with details of searches using appropriate methods. Areas and structures that are inaccessible to inspection should be described and identified on a plan. Furthermore, the BDAR proposes that further survey of all buildings for microbat roosting habitat be deferred until the pre-demolition stage. The	Since initial investigations were carried out, access to all buildings was made possible and a targeted survey for microbat roosting habitat was undertaken by three ecologists on 20 September 2023. Deryk Engyl, the lead ecologist has over 30 years' experience in fauna assessment throughout NSW, southern Queensland and northern Victoria and has extensive experience in Yangochiropteran (microbat) surveys. The result of this investigation is provided in BDAR Appendix B, including Deryk's CV. The findings of the investigations concluded that based on the observations made at the time of the inspection, it is not considered that any species of threatened cave-dependent microbat are currently, or have previously occupied, the buildings present on site.

Submission	Response
rationale for this not explained, and EHG does not support this and considers that adequate searches and surveys for evidence of presence/absence of microbats should be undertaken to inform impact mitigation measures (if needed). Searches for evidence of microbat roosts should be undertaken using appropriate methods, such as those described on page 9 of the "'Species credit' threatened bats and their habitats NSW survey guide for the Biodiversity Assessment Method (OEH 2018)". Searches must be undertaken by someone with appropriate experience, as described on page 5 of that guide. Attention should be given to inspecting cracks or seams in the roofs and a handheld bat detector of ultrasonic calls can assist in alerting the searcher to the presence of bats. If bats or signs of bats are observed, the bats may need to be captured to identify species and breeding status using traps, nets or other methods. The information provided should include photographs of any holes, cracks or crevices that were searched; any associated observations about bats and/or signs of bats; and any results from a bat call detector. Other survey methods that could inform use of the building by microbats include use ultrasonic acoustic detectors and thermal camera imaging, targeting potential entry/exit points to the building, for multiple nights (2-3 nights at a minimum). Such surveys should be undertaken at times of year most appropriate for detection, which may be different for each target species. The current cold winter nights are not appropriate conditions for such surveys, as microbats are unlikely to be foraging. For most microbats species warmer nights in spring and summer are most appropriate, whereas for the Large Bent-winged Bat in Sydney mid-autumn is best, especially on warmer nights, as numbers of this species build up from autumn through to winter.	
EHG notes the proposed development would remove 82 trees and retain 2 trees (Appendix K). The BDAR indicates all native vegetation within the subject land has been planted or in some cases may be self-sown offspring of planted specimens. It notes the planted local native tree specimens are located where the site was formerly an estuary and contained mangroves and saltmarsh vegetation	As shown in BDAR Table 3-2, it is confirmed that the vegetation on site is not remnant. Hollow bearing trees would not be permitted to form as dead or dying limbs would be routinely lopped/trimmed to remove potential hazards to humans and assets.

Submission	Response
(Table 3.3). According to the AIA (Appendix K) "Small relict stands of ironbark *Eucalyptus paniculata*, turpentine *Syncarpia glomulifera*, and Sydney blue gum *E. saligna* forest and woodland are present.' (Page 14). While as noted above most, if not all, previous native vegetation within the boundary of the lot was cleared by 1969, because of this statement in the AIA the RtS needs to clarify if any of the vegetation on the site is remnant. While the EIS indicates significant additional tree planting is proposed to offset potential impacts, and the BDAR indicates hollow bearing trees are absent, the removal of existing trees and the benefits that they provide, will take decades for a juvenile tree to grow and replace. The removal of some of the 82 trees may also remove the potential supply of future hollows that would be expected to form in time. It is recommended the development first avoids the clearing the existing native trees to mitigate impacts on local biodiversity, the urban heat island effect and urban tree canopy cover.	The proposal minimises impacts to vegetation and associated habitat onsite through coordination and review of the civil engineering design by the project arborist and ecological consultant. Due to the required flood planning level to meet Council and EHG requirements, the majority of existing vegetation and habitat onsite is not viable for retention. Potential options for the civil engineering design were reviewed by the project arborist and ecological consultant, with the proposed design selected on the basis that it allows for the retention of as much vegetation and habitat onsite as is viably possible. The landscape design has been reviewed and the updated Landscape Plans now propose a total of 229 trees, which is an increase of 53 over the exhibited Landscape Plans. This also increases the total canopy cover to 3,556m^2 (an increase of 231m^2). The proposal includes large canopy trees where possible to replace existing trees which is in accordance with Council's urban canopy cover objectives.
EHG recommends native trees approved for removal by the development including tree trunks (greater than approximately 25-30cm in diameter and 2-3m in length) and root balls are used to enhance habitat in suitable locations on the site including adjoining the Salt Pan Creek riparian corridor. Please note the diameter of the log (greater than 25-30cm in diameter) is important because it impacts thermal qualities and longevity of the material.	The subject site does not contain any areas of bushland or areas of retained vegetation and the proposed landscaping areas are not large enough for large woody debris installation. The landscape design and planting schedules have maximised each available planting area and meet DCP controls. Additionally, the subject site is located in a flood zone, where root balls and the like may be hazard risks.
The BDAR indicates the subject land is bordered by Salt Pan Creek riparian corridor to the west and it is a 3rd order stream at this location. EHG notes the BDAR includes no photographs of the site boundary along the riparian corridor. As noted above, it would appear a 30-metre riparian buffer applied to Salt Pan Creek is likely to include part of the subject site (see BDAR Figure 1-2). The RtS should clarify this. Please note, the 30-metre-wide vegetated riparian zone should be measured from top of highest bank. Advice may need to be obtained from a suitably qualified geomorphologist	The updated BDAR now provides photo plates of the riparian corridor and Salt Pan Creek at this location (refer BDAR Appendix A). A 30m riparian corridor width does include part of the subject site, as shown in Figure 4-1 of the updated BDAR. The riparian corridor widths are based on physical measurements taken from the top of the back to the boundary wall, using a 50m tape measure and points measured using GPS.

Submission	Response
on the location of the top of highest bank at this location. The BDAR notes a vegetation management plan (**VMP**) will be prepared and implemented within the adjacent Salt Pan Creek riparian corridor as part of the development and that "this will substantially improve the condition of the corridor, which is highly degraded" (Table 5.1, BDAR). The RtS should provide details of the VMP, including a map of the area involved, what plant communities are proposed to be established in the corridor what the objectives are, the works proposed, how much effort and for how long the VMP applies. Table 8 in the EIS indicates a minimum setback of 12.2m and a maximum setback of 52.6 m is proposed as a setback to Salt Pan Creek (page 31). Section 3.2.2.2 of the EIS states "the perimeter of the site is buffered by landscaping towards the boundaries". This includes a 7.4 m landscape setback to Salt Pan Creek (page 31). A scaled figure needs to be provided which show the 30 m wide riparian corridor measured from the top of highest bank), the 7.4m landscape buffer, the 12.2-52.6m building setback to the creek. The RtS should provide a scale map and cross sections which clearly show / overlay: ▪ Salt Pan Creek ▪ the top of highest bank (from which the riparian corridor is measured) ▪ the riparian corridor width ▪ the proposed development footprint including the proposed retaining wall, carpark and buildings ▪ the proposed landscape areas on the western boundary of the site ▪ existing vegetation along the creek ▪ the preclearing Plant Community Types in this locality ▪ the site boundary.	BDAR Figure 4-2 shows the outline of the proposal's development footprint and proposed landscaped buffer zone as relevant to the riparian corridor adjacent to the subject site. As shown, the proposed development is located outside of the 30m riparian buffer. Only native planting within the landscape setback will occur between the 30m riparian buffer and site boundary. With regard to the VMP, the BDAR has been updated to clarify that a VMP is not proposed for land outside of the project area, rather, it is anticipated that a Landscape Management Plan for the site will form a Condition of Consent. The Landscape Management Plan for the site will include details of proposed planting and monitoring and maintenance meansures to manage revegetation and landscaping works. The site is not located within the riparian zone and the Applicant does not have ownership of the riparian zone such that implementing a VMP for the riparian corridor is outside the scope of this project. Proposed planting within the western landscape setback has been specified to include local native vegetation species appropriate to the adjacent riparian corridor. The proposed landscaping provides substantially improved habitat values to the industrial buildings and hardstand currently located along this boundary. BDAR Figures 4.1 and 4.2 have been updated to provide additional information in relation to the Creek and riparian corridor as requested.
Table 17 in the EIS notes the proposal will result in an increase in light levels above that which already exists, due to the built industrial footprint within the	A Light Spill Assessment has been undertaken and is provided at EIS Appendix FF. The updated BDAR includes an assessment of the light spill

Submission	Response
southern site portion but indicates the retained native vegetation does not provide habitat of importance to any nocturnal fauna and the consequence of increased light impacts is considered a low. It is unclear if light spill from the site has the potential to impact the riparian corridor along Salt Pan Creek and the habitat it provides. The RtS should address this and if required provide a Light Spill Assessment. Any lighting should be directed towards the development area rather than towards the adjacent riparian vegetation. EHG recommends an environmental management measure is included to this effect.	assessment with regards to potential impacts on the riparian corridor. The BDAR finds that the consequence of increased light impacts is considered low risk on the basis of the lighting design and light spill assessment, with the retained native vegetation unlikely to provide habitat of importance to any nocturnal fauna. The proposed lighting design includes: ▪ Adherence to Dark Sky best practice to minimise lighting pollution; ▪ AS 4828-2019 Control of the Obtrusive Effects of Outdoor Lighting; ▪ Adaptive controls to manage the lighting systems brightness to reduce the need to have the system on all night when areas are not in operation; and ▪ Reduction of blue, violet and ultra-violet wavelengths which are known to be sensitive to wildlife.
Heritage	
Council notes from previous assessments that many of the trees onsite are Canary Island Date Palms. The Canterbury Bankstown Australian White Ibis Management Plan (2018) states that 207 Canary Island date palms (*Phoenix canariensis*) are located on the road reserves throughout the City. Of these, 207 palms, 191 are listed as heritage items under the Canterbury Bankstown Local Environmental Plan 2023 and have Conservation Management Strategies in place to promote longevity and conservation. No survey has been undertaken on the number of Canary Island Date Palms located on private property. The palms are thought to have been planted as part of memorial plantings during the early twentieth century through to the interwar period. As such, the heritage significance of the Canary Island Date Palms on site must be assessed by Council's Heritage officer/advisor.	The Arboricultural Impact Assessment prepared by Canopy Consulting identifies 11 trees (Trees 1, 4, 5, 6, 8, 18, 19, 20, 21, 22 and 68) as *Phoenix canariensis* (Canary Island Palm) located along Moxon Road. Council's Australian White Ibis Management Plan identifies the location of the heritage listed Canary Island Palm trees along Broadway and Hillcrest Avenue. The Canary Island Palm trees along Moxon Road are not recognised as having heritage value. Additionally, as per Canopy Consulting's review, it is anticipated Trees 4-6 were planted in 1972. As such, the trees do not have heritage status as plantings during the early twentieth century through to the interwar period.
Traffic	
Council required the design of Vehicular Footway Crossings (VFCs) to be adjustment to align with	The VFCs have been updated to align with Council's VFC policy. Refer to Appendix C of the

Submission	Response
Council's VFC policy and the stipulations detailed in standard drawing S-004.	updated Transport Management & Accessibility Plan.
Council requires the Council bus zone delineated in the proposed scheme to be revised to accurately reflect its current 30-metre length.	The site plan has been updated to reflect the 30m bus zone adjacent to the site on Moxon Road. Refer updated TMAP drawing no. DA100.
Council requires modification to the scheme's configuration in relation to the Median Island along Moxon Road as described below in Attachment A.	The swept path analysis has been updated and confirms that the median island along Moxon Road will not be impacted by the proposed development and does not need modification (refer to Appendix C of the updated TMAP). The development will not result in encroachment into the on-street parking spaces.
TfNSW recommends the proponent shall prepare a Green Travel Plan (**GTP**) in consultation with Council, prior to the issue of the first Occupation Certificate.	Noted. A preliminary Green Travel Plan has been provided as part of the TMAP and it is expected that the requirement of a detailed GTP will be a Condition of Consent.
TfNSW recommends all vehicles larger than a Heavy Rigid Vehicle (i.e., longer than 12.5 metres in length) shall only enter and exit the subject site via Wiggs Road (approved B-double route) and intersection with Belmore Road. This requirement is to be incorporated into the Operational Traffic Management Plan for the service/hardstand area. DPE notes the swept path assessment has identified geometric constraints for 20m articulated and 12.5m rigid vehicles at the Moxon Road and Canterbury Road intersection. To address this issue, consideration could be given to potentially limiting the size of heavy vehicles travelling to and from the development using this signalised intersection.	A 24-hour / 7 days traffic survey was commenced on 9 October 2023 for the existing Moxon Road and Canterbury Road intersection. The survey results outline that currently there are Articulated Vehicle and other larger trucks (class 6-9) utilising the intersection. The survey results suggest that there is average 350 vehicles larger than or equal to 12.5m and 67 vehicles larger than or equal to 19m utilising the intersection on a daily basis (weekdays) (see survey photographs below). The existing survey confirms that the intersection can accommodate Articulated Vehicles and as such, a request banning certain truck sizes for utilisation this signal would not be necessary. It also suggests that the swept path analysis is deemed to be more conservative than real life exercise, and in this instance, it is concluded that the proposed additional truck movements would not create any material impact. As such, heavy vehicle access to the site via the Moxon Road and Canterbury Road intersection is considered acceptable with regard to environmental impacts.

Submission	Response
	East Approach - Turning Left  **West Approach – Turning Right**  **South Approach – Turning Left** 
DPE notes that queueing along Moxon Road is a public concern identified in the stakeholder engagement report submitted as part of the EIS. The queue distance quoted in the stakeholder engagement report far exceeds the 95th percentile back of queue distance of no more than 123m predicted by the validated model. It is unclear how many observations were made during peak periods for the purpose of deriving a validation benchmark 95th percentile back of queue distance along the northbound approach of Moxon Road. Please provide details of the field measurement performed to inform SIDRA model validation.	Queue observations were made by Ason Group staff during the site inspection. Staff were on site for approximately two hours across each peak. Staff were assessing the Moxon Road/ Canterbury Road intersection for approximately 15-20 cycles across each two hour period. During this time, observed queueing was slightly shorter than what was reported by the SIDRA models (90-110m). Ason Group appreciates that congestion can vary significantly from day to day, and seasonally throughout the year. Some areas may also display a high level of variability in observed congestion across a single peak hour.

Submission	Response
	Further sensitivity/ assessment can be undertaken if any traffic data can be made available, which contradicts the reported site observations.
DPE is of the view that limited information has been provided on how the base models were calibrated and validated. For example, it is unclear how the models have simulated the effects of turn blocking and queue spillback. It is requested that additional information regarding calibration and validation be provided to ensure transparency in the development of the SIDRA models. This information should be prepared in accordance with the Transport for NSW Traffic Modelling Guidelines and include an investigation into potential heavy vehicle parameter adjustments identified in Austroads' report on Improving the Reliability of Heavy Vehicle Parameters to Support More Accurate Traffic Modelling in Australia and New Zealand.	Models have been coded as a SIDRA Network. Queueing/ blockage effects are calculated within the software package, and the resulting capacity reduction is applied. Blockage effects of intersections outside the network are not captured but were not required to model congestion within the network. As for the heavy vehicle parameters, Ason Group carried out a sensitivity analysis, to address this concern: Tube data was assessed to deduce the split between different heavy vehicle types. These splits were used to weight the values in the Austroads recommended parameter for an 'average' heavy vehicle, for both the AM and PM peaks. All scenarios were rerun. The existing base case scenarios showed similar queueing to that previously reported, indicating that these more conservative heavy vehicle assumptions have not significantly impacted model validation. Future year model findings are also in line with those previously reported, in terms of quantifying the impacts of the proposed development. Canterbury Road/ Moxon Road and Canterbury Rd/ M5 eastbound intersections operate at a LoS F under the new assumptions in the 2034 Future Base Case and Project Case Scenario (previously LoS E for both intersections). As with previous reporting, this is driven primarily by background growth and is not caused by the proposed development.
DPE notes that the road safety audit has identified a range of issues associated with the inbound driveway to warehouse and car parking areas, which stems from having 90-degree parking spaces at a short distance into the driveway and from its position being close to a bus stop and the sight-limited horizontal curve from Moxon Road to Wiggs Road. Please demonstrate how the road safety audit has been used to inform the development layout design and traffic management measures. Additionally, the Submissions Report must address how the quadrupling in daily traffic generation and more than ten-fold increase in peak hour traffic	The Road Safety Audit has been reviewed with regard to layout, design and traffic management measures (refer to Appendix I of the updated TMAP). Regarding the 90-degree parking spaces within the inbound driveway, these spaces would be allocated to staff only to reduce turnover and to assist with minimising the chance of vehicle conflicts. It is expected vehicles will be turning into the site with a slow speed and on-site speed limits will also facilitate reduction of speed. Additionally, it is expected that a detailed signage and line

Submission	Response
generation would affect road safety risk compared to the current site operation.	marking plan would be prepared to accompany an Operational Traffic Management Plan (**OTMP**). The OTMP would also detail any traffic management devices required (e.g. speed humps, wheel stops, warning devices etc). It is anticipated that the OTMP will be required as a Condition of Consent. It is recommended advisory speed signage (i.e. 45 km/h around bend) on Wiggs Road be installed to ensure sufficient minimum gap sight distance for right turning vehicles entering the site due to the sight-limited horizontal curve from Moxon to Wiggs Road. The Applicant confirms engagement with Council will be undertaken on this matter. Finally, the SIDRA modelling for the future 2034 project case demonstrates that the site's inbound access driveway is expected to perform at LoS A during the AM and PM peak hour with a Degree of Saturation (**DoS**) of 0.25 and 0.29 respectively. As such, this suggests that the proposed inbound driveway is forecast to perform well, and therefore, would unlikely impact bus traffic from the nearby bus stop from excessive queuing. As outlined in Section 4.5 of the updated TMAP, the review of the crash statistics finds that there is no pattern or recurrence of a particular type of crash within the vicinity of the site, nor are there any crashes relating to the access crossovers for the existing site. The crashes are considered typical high-speed urban environments and considering the low frequency of crashes in the immediate vicinity of the site. The available crash data does not indicate that there is an existing road safety issue in the area. Road safety relates to road geometry and surrounding conditions, and increase in traffic volumes would not have material impact on road safety if there were not an existing road safety issue.
Noise and Vibration	
DPE has requested an updated noise assessment report that evaluates operational noise at the most-affected sensitive receiver location(s) is required. Noise contours in Appendix B of the RWDI noise report indicates residential properties farther setback from Moxon Road with quieter ambient environment would be subjected to similar predicted operational noise levels compared to the nearest residential properties fronting Moxon Road. As	As part of the updated NVIA, additional noise monitoring has been conducted at the boundary of 6 and 8 Craig Street. At this location, contribution of traffic noise from Moxon Road (when active) and traffic noise from the M5 is approximately equal. The background noise of residences between Moxon Road and 6 Craig Street is considered to be controlled by noise from Moxon Road during peak

Submission	Response
such, the nearest sensitive receiver locations explicitly considered in the noise assessment may not be representative of those that are most affected by noise from the proposed multi-level warehouse (see Section 2.6 of the NPfI for guidance).	traffic periods. The receivers beyond this point are assumed not to be predominantly affected by traffic on Moxon Road. As the worst-case noise emissions from the site will also occur during peak traffic periods, the relative contribution of noise from the site as compared to noise from traffic on Moxon Road remains proportional as the setback distance from Moxon Road increases.
DPE request a revised set of project noise trigger levels is required. Measured traffic noise levels that underpinned the derivation of high traffic amenity noise levels need to be adjusted, or additional noise monitoring undertaken, as traffic noise experienced near Moxon Road is not relevant at the potentially most-affected residential assessment locations.	Although the amenity criteria will reduce with distance from Moxon Road, and at some point change from a high traffic amenity criteria to a typical amenity criteria, the relative margin of compliance with the criteria is not expected to change. As such, the project noise trigger levels are considered acceptable.
A cumulative assessment of noise from the operation of the development is required. The Department notes that operational noise associated with the level 1 outdoor communal amenity space for tenants has been assessed separately from noise associated with warehousing operation.	The Noise and Vibration Impact Assessment has been updated to include cumulative assessment of the outdoor communal amenity space with warehouse operations at Section 5.4.3 of the report. The combined noise levels of industrial and typical vocal sources have been presented. It is not anticipated that the maximum number of staff will use the outdoor amenity spaces at the same time as traffic peak hour due to office staff coming to and leaving work at these times. However, in the case that this does occur, an increase of less than 1 dB is predicted to the levels at four residential receivers (R2-R3, R7-R8) and Moxon Sports Club located to the south of the site (receiver A1). Patron noise from use of the outdoor amenity space is not a significant contributor to the predicted noise levels, compared to the vehicle/industrial noise sources. As such, no additional mitigation measures are required for cumulative impact, other than those previously proposed under the NVIA for industrial sources.
Justification around why the outdoor communal spaces fronting Moxon Road would be infrequently used by tenants and up to a maximum capacity of 16 people at any one time, as assumed in the RWDI noise report. The additional information must include details of potential uses for the outdoor communal spaces and occupancy/utilisation rate per square metre for each activity type.	The NVIA has been updated based on the design occupancy rates for the office tenancies, with the maximum capacity of the outdoor communal spaces fronting Moxon Road is anticipated to be no greater than 32. The following assumptions regarding usage of the terrace have been made: ▪ Tenants using the terrace for breaks during the work day speak with a normal voice effort, with

Submission	Response
	up to 8 people anticipated to be speaking simultaneously. To ensure a reasonable worst case scenario has been assessed, the NVIA has been updated to also include a scenario for the use of the outdoor amenity space by 16 people, with 50% of people speaking with a raised voice effort. The NVIA finds that daytime exceedances of the noise criteria continue to be controlled by vehicle sources, producing noise levels less than the existing level of traffic noise from Moxon Road. As such, no mitigation measures to vehicular sources were deemed feasible or reasonable.
Benchmark mechanical services equipment (including but not limited to brand, type and capacity) assumed in the operational noise source inventory need to be identified to support the assumed worst case assessment scenario.	The updated NVIA confirms a maximum sound power level of 79 dBA has been assumed for outdoor condensers. At this stage, plant equipment has not been specified for the proposed development. Any mechanical services equipment specified for the construction of the development will be in accordance with the required 79 dBA sound power level.
Assessment of operational noise from mechanical services and air conditioning for the ancillary office space.	The updated NVIA includes noise from mechanical sources including outdoor condenser unit for each office space as part of the operational assessment. Refer Section 5.2 of the updated NVIA.
Details of management measures and automation required to ensure the operation of the development will be completely silent between 10pm and 7am.	An Operational Environmental Management Plan will be developed including any management requirements necessary to enforce non-operation hours between 10pm and 7am. The warehouse gates will be closed at 10pm and reopened at 7am, and the hours of operations will be clear to the tenants. It is anticipated that the requirement for an Operational Environmental Management Plan (**OEMP**) will be a Condition of Consent. Refer Section 5.2 of the updated NVIA.
Details of traffic noise model input settings for each heavy vehicle road emission segment, including the number of vehicles, entrance and exit speeds, traffic-control device type (e.g. stop sign, traffic signals, etc) and throttle correction.	The following addition assumptions are added in Section 7.2 of the updated NVIA: ▪ Separate sources for entering, exiting, and through traffic; ▪ Throttle correction applied to all site vehicles exiting from the northern driveway; and

Submission	Response
	▪ Speed of 45 km/h in all segments, given the proximity to the speed bumps and corner of Moxon/Wiggs Road. The traffic noise model was calibrated against the traffic noise levels logged at receptor U1 (across Moxon Road) to within 1dB.
Details of vibration measurement and prediction methods (see Section 4 of Assessing Vibration: A Technical Guideline). The additional information also needs to specify the types of trucks considered and whether the assessment included potential vibration impact contribution from site-related heavy vehicles moving along Moxon Road.	No predictions are required as measurements were conducted at a setback distance equivalent to the distance from the site boundary to nearest residential receiver. Measurements included semi-trailers and heavy rigids typical of heavy vehicle types expected on site. Measurements were scaled based on truck quantities provided in the traffic report in accordance with Section B.3 of BS 6472:1992. Refer Section 6 of updated NVIA.
Flooding	
Council has requested a comprehensive flood impact study produced by a suitably qualified consultant must be provided to precisely determine flood planning levels. Please refer to Table 1 for more information.	The flood impact study submitted at the time of lodgement has been updated to include a broader range of flooding events, prepared in accordance with the NSW Floodplain Development Manual/Flood Risk Management Manual. The updated flood impact study has been prepared in accordance with City of Canterbury's Salt Pan Creek Floodplain Risk Management Study and Plan's Flood Maps. Costin Roe has conducted a detailed TuFLOW flood modelling suite for a broader range of flooding events as requested (20%, 5%, 1%, 0.5%, 0.2% AEP & PMF), with the 0.5% and 0.2% AEP events assessing Climate Change Sensitivity. The Civil Engineering Report has been updated in accordance with the DPE Flood Risk Management Manual (2023). It is noted that the 1% and PMF Flood maps prepared as part of the Civil Engineering Report submitted at the time of lodgement were prepared in accordance with this Manual. A feasibility study of the flood management measures identified in the City of Canterbury's Salt Pan Creek Floodplain Risk Management Study and Plan (Figure 7) have been conducted. The

Submission	Response
	submitted proposal considers the proposed flood management measures adequate. Refer to Section 7 and Appendix G1 and G2 of the updated Civil Engineering Report.
Council advised that the following comments as made on 12th of April 2023 have not been addressed on the updated plans: The proposed finished floor levels indicate RL 4.00(+/-500mm). Council requires for the flood planning levels to be more precise and to be confirmed by final flood impact study. The subject flood planning levels shall then be implemented across the proposal based on recommendations of flood study. Council notes that the final flood impact study as provided by Costin Roe Consulting has not confirmed the flood planning levels. The updated architectural plans are still showing the same RL 4.00 (+/-500mm) ranging from RL 3.50 – RL 4.50 which is not supported by Council (refer to extract below) due to being lower than Council's minimum required Flood Planning Level – RL 3.80. The applicant shall nominate a precise RL across all warehouses, which meets flood planning level requirement and matches nominated RL as proposed on Civil engineering plans (See extract below) to ascertain the extent of bulk earthwork being required on site.	The finished floor level range will vary from RL3.8 (being the minimum Flood Planning Level) to RL4.5. Final levels would still be subject to +0.5m/-0.2m variance to allow for variations in allowances for geotechnical conditions, final building layout and allowable building height, and drainage conditions. A note is included in the civil engineering drawings which states: "A floor level range of RL3.8 to RL4.5 is considered necessary for future detail design considerations including bulk earthworks, drainage conditions final building layouts and other factors". Refer to Section 3.2 of the updated Civil Engineering Report.
DPI Fisheries notes the proposed site is upstream of highly sensitive KFH including coastal wetlands and coastal saltmarsh. It is important that the proposed development will not impact the biophysical, hydrological or ecological integrity of the adjacent habitats. DPI Fisheries strongly encourages the use of best practice water sensitive urban design to manage stormwater. Stormwater treatment measures used are to be maintained according to manufacturers and best practice maintenance requirements over time to ensure there are no downstream impacts to highly sensitive KFH.	The risk of impact on KFH and the biophysical, hydrological, or ecological integrity of neighbouring habitats is assessed as being of low likelihood. Sections 5.1 and 6 of the updated BDAR provides potential impacts and mitigation measures on threatened species and habitats. Stormwater management measures and water quality treatment is addressed in the updated Civil Engineering Report including Water Cycle Management Strategy, which provides an indicative maintenance schedule. Refer Appendix C of the updated Civil Engineering Report. Proposed stormwater treatment will be maintained according to manufacturers and best practice maintenance requirements over time to ensure

Submission	Response
	there are no downstream impacts to highly sensitive KFH. A Neutral or Beneficial Effect assessment was conducted to ensure that the post-development pollutant loads were less than the pre-development pollutant loads for protection of biodiversity mapped areas. The NorBE assessment confirms that post-development pollutant loads will be less than pre-development. Refer Section 6 of the updated Civil Engineering Report.
DPE Fisheries notes that the EIS identifies contamination, acid sulfate soil, and salinity risks at the proposed site. If not adequately mitigated the potential to impact water quality in Salt Pan Creek exists. NSW Environment Protection Authority (EPA) is the regulatory authority for water quality. If they have not been consulted already, it is recommended that advice on the EIS is sought from the NSW EPA.	NSW EPA has been consulted and has no comment on this proposal. No further consultation with NSW EPA is required.
EHG notes the area of the development site is 3.45ha. The site is located between Wiggs Road Channel and Salt Pan Creek, which is flood prone. The site becomes overland flow paths and flood ways during frequent events (such as 20% AEP Event). The floodwater overflows from Wiggs Road Channel and propagates through the site towards Salt Pan Creek. The SEARs require the review of existing flood studies to identify flood risks in the development site, undertake flood impact assessment both within the site and its adjoining areas because of development, and develop solutions and options for the management of flood risks. The modelling works undertaken by the former Canterbury Council indicate that the site is acting as a floodwater flow corridor from Wiggs Road Chanel to Salt Pan Creek under the modelled events. The floodwater depth for an 20% AEP Event in the site would be in the order of 0.5m to 1m. The depth would become 1m to 1.5m during an 1% AEP Event while it would be higher than 2m during the PMF Event. The site is in98 the lower reaches of Salt Pan Creek and the flooding conditions under the post-development scenario are expected to be	The Civil Engineering Report has been updated to include additional flood modelling for the 20%, 5%, 1%, 0.5%, 0.2% AEP and PMF flood events. Pre-development flood modelling and post development scenario testing has been based on information obtained from Canterbury Bankstown City Council Stormwater System Report WP-SIA-1682/2020, Salt Pan Creek Flood Study (2011) and the Salt Pan Creek Floodplain Risk Management Study (2015). Results and figures have been provided for the full range of storm events including flood levels & depths, flood velocity and flood hazard. An assessment of floodplain management considerations has been provided including Flood Hazard, Flood Planning Level and Emergency Repose Planning. Furthermore, flood level hydrographs along Moxon Road for the full range of storm events have been included in the updated Civil Engineering Report as requested. Refer to Section 7 and Appendix G1 and G2 of the updated Civil Engineering Report.

Submission	Response
similar along with high hazards. The changes of site arrangements and building footprints under the post-development scenario would likely to have minimal (and /or nil) impacts on flooding characteristics. The submitted report on flood impact assessment appears to be inadequate. The report does not have the required information as per the SEARs. The flood maps are difficult to follow as legends are not clear. The report indicates that a site-specific model has been developed for the assessment of flooding conditions using a flood model developed by Council in 1991. This appears to be a very old model, when 2D modelling works were in the early stage and possibly not available. The former Canterbury Council completed the Salt Pan Creek Flood Study in 2011 under the Floodplain Management Program.	
EHG considers that the submitted flood report is not adequate to review the flooding conditions and provide comments. The flood assessment should be resubmitted by including the following details: ▪ base model for the development of site-specific model The site is located in the Salt Pan Catchment, which is part of the former Canterbury LGA. Council undertook the studies for the assessment of mainstream and overland flooding conditions – see Salt Pan Creek Mainstream Flood Study (September 2011) and Salt Pan Creek Overland Flow Study (August 2016). The submitted report (Appendix BB - Civil Engineering Report) does not have any references to these studies, which include a comprehensive assessment of mainstream and overland flooding characteristics for the modelled area including the development site of the planning proposal. The outputs from these adopted flood studies should be used for the assessment of baseline (and /or existing) flooding characteristics of the development site. This is a requirement of the SEARs (i.e., flood risk – issues and assessment requirements) –	The adopted flood models were used as the base for the assessment of flooding under existing conditions. In the updated Civil Engineering Report, the flood impact study's base has been prepared in accordance with the City of Canterbury's Salt Pan Creek Floodplain Risk Management Study and Plan's Flood Maps. As part of the updated Civil Engineering Report, the analysis conducted during the flooding and overflow study was undertaken in accordance with the Salt Pan Creek Flood Study (September 2011) and the Salt Pan Creek Floodplain Risk Management Study (May 2015). Refer to Section 7 and Appendix G1 and G2 of the updated Civil Engineering Report.

Submission	Response
see IS SEARs - Warehouses and Distribution Centres. The submitted report references the Salt Pan Creek Flood Study (June 1991). Section 12.1 of the report outlines the inflows to the development site, which were used for setting up a local model. The report does not mention that the sources of these inflows. There may be deviation in flooding characteristics estimated from the local model when comparing with the adopted models for mainstream and overland flood studies. The adopted flood models should be used as a base for the assessment of flooding characteristics under existing conditions and the post-development scenario, which have not been undertaken in the study.	
▪ parameters and assumptions of base model and site-specific model The modelling works should be aligned with the adopted flood study models by Council (see above).	The updated Civil Engineering Report aligns with the adopted flood study models by Council. Pre-development flood modelling and post development scenario testing has been based on information obtained from Canterbury Bankstown City Council Stormwater System Report WP-SIA-1682/2020, Salt Pan Creek Flood Study (2011) and the Salt Pan Creek Floodplain Risk Management Study (2015). Refer to Section 7 and Appendix G1 and G2 of the updated Civil Engineering Report.
▪ flooding characteristics under existing conditions for the full range of design events The adopted flood models (see above) by Council should be used as a base model. The development site of the planning proposal should be superimposed on the base model for the assessment of flooding conditions and risks. The submitted report does not provide any linkage between the adopted models by Council and the modelling works of this planning proposal.	The updated Civil Engineering Report aligns with the adopted flood study models by Council. Refer to Section 7 and Appendix G1 and G2 of the updated Civil Engineering Report. The updated Civil Engineering Report includes a detailed TuFLOW flood modelling suite for a broader range of flooding events as requested (20%, 5%, 1%, 0.5%, 0.2% AEP & PMF), with the 0.5% and 0.2% AEP events assessing Climate Change Sensitivity.
▪ flooding characteristics under the future scenario for the full range of design events ▪ level hydrographs at Moxon Road (in front of the site) for the full range of design events	The updated Civil Engineering Report includes a detailed TuFLOW flood modelling suite for a broader range of flooding events as requested (20%, 5%, 1%, 0.5%, 0.2% AEP & PMF). Flood level hydrographs along Moxon Road for the full range of storm events have been included in the updated Civil Engineering Report as requested.

Submission	Response
▪ flooding characteristics under the future condition under the potential climate change scenarios This is a practical approach as indicated by the Understanding and Managing Flood Risk Guideline Section 2.6.2.	The updated Civil Engineering Report includes a detailed TuFLOW flood modelling suite for a broader range of flooding events as requested (20%, 5%, 1%, 0.5%, 0.2% AEP & PMF), with the 0.5% and 0.2% AEP events assessing Climate Change Sensitivity with reference to the Understanding and Managing Flood Risk Guideline.
▪ flood emergency response plan under the post-development scenario during major and extreme events ▪ flood damage assessment under the post-development scenario as per the Flood Risk Management Manual (2023).	An assessment of floodplain management considerations has been provided including Flood Hazard, Flood Planning Level and Emergency Repose Planning. The updated Civil Engineering Report assesses the post-development scenario in accordance with the Flood Risk Management Manual (2023).
DPE notes that the neighbouring community, Canterbury-Bankstown Council and the Environment and Heritage Group have raised concerns regarding the quality and accuracy of the flood impact study. Accordingly, a comprehensive flood impact study prepared in accordance with the NSW Floodplain Development Manual must be provided in the Submissions Report. The flood impact study must include (as a minimum):	The updated Civil Engineering Report has been updated to include a broader range of flooding events, in accordance with the NSW Floodplain Development Manual/Flood Risk Management Manual.
a. details of the base and site-specific flood models	In the updated Civil Engineering Report, for the additional 20% and 5% storm events, the impact study's base has been prepared in accordance with the City of Canterbury's Salt Pan Creek Floodplain Risk Management Study and Plan's Flood Maps. Further details are provided at Section 7 and Appendix G1 and G2 of the updated Civil Engineering Report.
b. a sensitivity analysis of potential increase in rainfall intensities due to climate change on flood behaviour (on-site and off-site) and adequacy of proposed mitigation measures	The updated Civil Engineering Report includes a detailed TuFLOW flood modelling suite for a broader range of flooding events as requested (20%, 5%, 1%, 0.5%, 0.2% AEP & PMF), with the 0.5% and 0.2% AEP events assessing Climate Change Sensitivity. Mitigation measures have been reviewed as part of the updated Civil Engineering Report.
c. consideration of any relevant provisions set out in the Flood Risk Management Manual	The Civil Engineering Report has been updated in accordance with the DPE Flood Risk Management Manual (2023). It is noted that the 1% and PMF Flood maps prepared as part of the Civil Engineering Report submitted at the time of

Submission	Response
	lodgement were prepared in accordance with this Manual.
d. feasibility study of the flood management measures identified in the City of Canterbury's Salt Pan Creek Floodplain Risk Management Study and Plan.	A feasibility study of the flood management measures identified in the City of Canterbury's Salt Pan Creek Floodplain Risk Management Study and Plan has been undertaken as part of the updated Civil Engineering Report. The current proposal proposes the following flood management measures: ▪ a dedicated flood conveyance path designed to receive and convey the 1% AEP flood event into the offset flood storage areas provided below the suspended development above; ▪ the existing levee wall on the property will be retained.
DPE has requested details of any on-site stormwater detention systems, noting that Section 4.5.5 of the Civil Engineering Report indicate the overland flow paths will convey stormwater from the site to detention systems prior to discharge.	Section 4.5.5 of the Civil Engineering Report has been updated to be in line with Section 5 of the report, concluding that no on-site stormwater detention is required to mitigate impact associated with water quantity during the operational phase of the proposal. Flood compensation storage is proposed in the areas beneath the suspended slab. No on-site stormwater detention systems to be detailed.
A summary of the public submission objections relating to flood impacts is provided below: ▪ Flooding impact caused by the proposed development on surrounding developments including 59 Moxon Road and 61 Moxon Road. ▪ Concerns regarding the drainage of stormwater in the new development as the area is prone to flooding. There is a danger of flood risk for property at 59 Moxon Road if the drainage completed in the new development is not completed appropriately. ▪ There is a history minor flooding caused by insufficient drainage from local canals going to salt pan creek. The proposed development will be raising the ground level at their site, this will create a greater volume of water flowing through 59 Moxon Rd with a disastrous result. This will affect our properties value ,make them uninsurable & unable to be used as a reliable site to conduct a business. Serious	The southern portion of the site and the intersection of Moxon and Wiggs Road has been identified as a floodway with high hydraulic hazard within the Salt Pan Creek Floodplain Risk Management Study and Plan (2015). This indicates the area is subject to frequent and extensive flooding under the current site conditions. Whilst the proposed building floor level is to increase from the existing building floor level, flood conveyance zones are proposed at existing ground level to convey flood waters from upstream and through the proposed development before discharging into Salt Pan Creek. The proposed flood conveyance is provided to avoid impacts to the current flood levels and depths through the development, Moxon Road and all surrounding properties to the development. Reference should be made to civil drawing no.CO13291.01-SSDA40 Revision E which demonstrates the flood conveyance zones through the proposed development. Flood modelling and assessment has been undertaken to

Submission	Response
consideration should be taken to have a plan to overcome this issue and eliminate negative outcomes if this development is going to be approved.	determine the impact to flood waters by the proposed development and confirm there will be no increase in flood levels for the 1 in 100 year ARI flood event. An assessment of flooding conditions has been undertaken and confirms no negative impact to surrounding properties will result from the proposed development. Drainage for the proposed development has been completed in accordance with AS3500- 2018 and consists of a minor drainage system (in-ground pipe network) to cater for a 1 in 20 year ARI storm event, and a major drainage system (overland flow paths) to cater for a 1 in 100 year ARI storm event. This type of drainage system is typical for an industrial development and is in accordance with Council's DCP. Note, the proposed drainage system is for the development and is limited to within the property boundaries. There is no proposal for changes or upgrades to public drainage infrastructure within Moxon Road or any other public spaces, except to connect the proposed discharge pipe to the existing drainage system.
Contamination	
Council has request a Preliminary Long Term Management Plan Report to be prepared in accordance with: a. NSW Contaminated Land Planning Guidelines; b. Relevant EPA endorsed guidelines; and c. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013). The Long-Term Management Plan must be prepared, reviewed and approved by a suitably qualified environmental consultant.	A Preliminary Long Term Environmental Management Plan prepared by JBS&G was provided at the time of lodgement. Please refer to Appendix V of the EIS.
Geotechnical	
DPE Water suggests should groundwater be intercepted during construction and on-going operation, a Water Access Licence (**WAL**) under the Water Management Act 2000 must be obtained, unless an exemption applies.	Noted. If groundwater is more than 3ML per year, the project will obtain a WAL as required by DPE Water. It is currently anticipated not to exceed the 3ML/year quantity.

Submission	Response
Explanation Quantification of groundwater inflows has not been provided but is noted to be minimal. If the take is less than 3ML of water per year for any aquifer interference activities listed in Clause 7 of Schedule 4 of the Water Management (General) Regulation 2018 the exemption from obtaining a WAL may apply. DPE Water notes that there are requirements for an exemption, such as: 1. the water is not taken for consumption or supply; 2. the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and 3. the records are kept for 5 years. Further information on these requirements and other information on exemptions can be found on: https://water.dpie.nsw.gov.au/licensing-and-trade/licensing/groundwater-wal-exemptions. Please note that an exemption application form and a specific FAQ on 'WAL exemptions – 3ML or less of groundwater' is provided at this website as well as a form to report and record water take under an exemption.	
DPE Water recommends if the take of groundwater is to be greater than 3ML/year, further impact assessment will be required. As such, the applicant should consider the Guidelines for Groundwater Documentation for SSD/SSI Projects (2022) and the Minimum requirements for building site groundwater investigations and reporting (2022) to ensure the documentation required is fit for purpose. Explanation DPE Water notes that some localised areas in the cut outside of the warehouse pads might intercept with groundwater. The proponent considered the impact on groundwater profile (e.g. drawdown and seepage) to be minimal and stated that no groundwater seepage modelling is required.	The groundwater is not anticipated to be more then 3ML/year.

Submission	Response
DPE Water notes that the proponent has not presented clear information as to why the impacts on groundwater profile (drawdown and seepage) were considered minimal, and that groundwater impacts were assessed at a high level and from a geotechnical point of view and that a ground water expert was not engaged to assess these risks.	
DPE Water recommends that the proponent ensure the planning and design of works within waterfront land demonstrates consistency with the Guidelines for Controlled Activities on Waterfront Land (DPE, 2022). Explanation It is noted that the existing Council drainage network will be used for stormwater discharge into Salt Pan Creek but there will be the construction of an overland flow path directing water from the hardstand and carparking areas to Salt Plan Creek. This overland flow path should address the relevant guidelines to minimise impacts such as scour.	The Civil Engineering Report provides for a dedicated flood conveyance path with offset flood storage areas below the suspended development above. Stormwater does not discharge directly into Salt Pan Creek but will be contained within the site boundaries until the flood levels recede. The levee wall will be maintained as an additional flood management measure and will prevent direct discharge of overland flow from the site into Salt Pan Creek, minimising the risk of erosion of Salt Pan Creek. Only minor construction work in waterfront land is proposed as shown on civil drawing no. SSDA40, being the site connection to the existing drainage pipeline.
Infrastructure	
Sydney Water provides following comments: ▪ Each of the existing large water services will be disconnected and replaced by a single connection. ▪ The WSC has supplied hydraulic information. The existing drinking water mains in Moxon Road can provide the quoted flow rate. ▪ There would be no objection to the existing DN225 wastewater assets within the site being disused, if the lots are being consolidated. Leaving a single connection point within the site. ▪ The existing DN225 has capacity to drain the predicted flows from the development.	An Anticipated Notice of Requirement has been received from Sydney Water for the project and this will be managed with the water servicing coordinator (**WSC**).
Fire Safety	
FRNSW has provided the following recommendations: ▪ That safe, efficient, and effective access is provided in accordance with FRNSW fire safety	A Fire Safety Statement has been prepared by the project fire safety engineer including reviewing and assessing this issue. The fire safety requirements have been incorporated into the proposed

Submission	Response
guideline - Access for fire brigade vehicles and firefighters.	architectural design. Further review will be undertaken during the Fire Engineering Brief Questionnaire (**FEBQ**) in consultation with FRNSW.
▪ That an Emergency Response Plan (ERP) is developed for the site in accordance with HIPAP No.1.	Noted. The Applicant is willing to accept this as a Condition of Consent.
▪ That an Emergency Services Information Package (ESIP) be prepared in accordance with FRNSW fire safety guideline – Emergency services information package and tactical fire plans.	Noted. The Applicant is willing to accept this a Condition of Consent.
▪ That additional smoke hazard management measures be considered in accordance with E2D21 of the 2022 BCA due to the special characteristics and function of the building.	Further review will be undertaken during the FEBQ in consultation with FRNSW.
▪ That all category 2 fire safety provisions determined as non-compliant with the deemed to satisfy provisions of the BCA are assessed on a first principles basis.	Further review will be undertaken during the FEBQ in consultation with FRNSW.
▪ That consideration be given to the location of Electric Vehicle (EV) charging stations given the behaviour of electric vehicle fires.	Further review will be undertaken during the FEBQ in consultation with FRNSW.
Social Impact	
Council recommends the social impact assessment must be updated to consider the most up-to-date traffic and noise parameters rather than superseded versions.	The updated Social Impact Assessment (**SIA**) incorporates the findings/recommendations from the revised TMAP and NVIA, including updates to Sections 5.4, 5.6 and 5.10.
Council requests the following clarifications regarding the social impact assessment: ▪ why the predicted operational noise exceedances have been rated as medium likelihood of social impacts rather than high probability or almost certain	As set out in the NVIA, noise emissions are predicted to meet the noise criteria at the nearest receivers during the evening. Minor operational noise exceedances are predicted to occur at some receivers during the daytime peak period, however, the noise environment at these receivers is controlled by existing road traffic noise. The character of noise emissions from the development will be indistinguishable from traffic sources on public roads and the increase in total noise level at receivers is expected to be approximately 1 dB in the worst case. Therefore, the minor noise exceedances from the development will be indistinguishable to noise from the vehicles on public roads, and will result in a negligible increase

Submission	Response
	to noise levels at the most affected receivers. As such, there will be no practical noise impacts at these receivers as a result of the proposed development. Therefore, it was not considered highly likely that the exceedances would be experienced as an impact.
▪ why the social impact significance for acoustic amenity would reduce from 'medium' in the base case to 'low' in the mitigated scenario without any proposed mitigation response	Mitigation measures included training to avoid noise impacts, community consultation and respond to complaints. Acoustic modelling by RWDI has indicated that operational noise is expected to be indistinguishable from existing traffic noise. NVIA findings suggest that the location, siting, and layout of the proposed development would lead to negligible noise impacts from vehicle movements.
▪ why the social impact significance for accessibility and road safety would reduce from 'medium' in the base case to 'low' in the mitigated scenario without any proposed mitigation response (note that the proposed development would consolidate inbound heavy vehicle access at a single driveway near the sight-limited horizontal curve from Moxon Road to Wiggs Road)	The TMAP indicates that the proposed development would not significantly increase traffic congestion in the area during the operational phase. Further, the amount of daily vehicle movements during the construction phase would be less than the existing number of daily vehicle movements at the site.
▪ how two-way traffic movements will be maintained on Moxon Road at all times during construction.	This is information drawn from the preliminary Construction Traffic Management Plan (**CTMP**), section 9 of the TMAP. We note CTMP will be provided as part of the Conditions of Consent to address this matter in detail prior to commencement of construction.
Ecological Sustainable Development	
Council requires additional details around the electrification strategy, including future proofing for electric trucks and considerations necessary for battery storage, DC charging, space allocation and infrastructure upgrades.	Provision for electric vehicle charging has been included within the design of the development. The provision for electric vehicle charging is identified within the ESD Report (EIS Appendix H).

5. UPDATED PROJECT JUSTIFICATION

This section provides an updated justification and evaluation of the project as a whole. In responding to the submissions received, no additional mitigations measures are proposed beyond those submitted with the original SSDA. Given the additional assessments undertaken in response to the issues raised in submissions have not materially altered the impacts of the development, we reiterate the justification for the project as previously outlined in the EIS.

The proposed development has been assessed with regard to the matters for consideration under section 4.15 of the EP&A Act and the SEARs issued by DPE. We conclude that the proposed development can be supported for the following reasons.

5.1. PROJECT DESIGN

The site location and design of the proposal has been carefully considered to ensure any potential impacts of the development are minimised, particularly having regard to the industrial-residential interface.

The proposal seeks to meet the objectives of the project through enabling industrial uses and employment opportunities to be delivered on site. The proposal seeks to deliver an innovative and modern employment-generating development on an existing, outdated industrial site. The proposal creates a total of 29,309m^2 GFA, critical employment facilities and floorspace within an existing industrial area which would attract modern tenants and greater job opportunities. The proposal seeks to make efficient use of the site by consolidating multiple lots to deliver employment opportunities in both the short and long-term.

The layout and design of the proposal has been developed to maximise benefits on the public domain and provide enhancements to the streetscape and local context. The proposal incorporates a modern, attractive façade design with carefully considered articulation to provide a positive relationship to surrounding land uses. The proposed development incorporates an increased setback to Moxon Road and the Salt Pan Creek riparian corridor. A greater setback is provided on the Moxon Road frontage, which includes a 10 metre landscape buffer. This is to enhance the planting and landscape outcomes of the site, whilst also improving visual amenity with the residential area across the road. The proposal includes extensive uplift in relation to landscaping and planting including native species.

The façade is of a high quality design with the aim to act as a soft transition between the streetscape and warehouse buildings. Offices are provided along the east and west facades to provide visual interest and engage with surrounding context. The offices have been intentionally located to face the neighbouring residential area and the Salt Pan Creek corridor to achieve a positive connection and welcoming aesthetic. This orientation means the warehouses and associated activities are contained to the central core of the facility, being screened from the residential area and Salt Pan Creek.

5.2. STRATEGIC CONTEXT

The proposal is consistent with State and local strategic planning policies. The site is highly suitable for the proposed development being an existing industrial site within a long-standing industrial area. The proposal will deliver additional industrial floorspace in an industrial employment zone to meet growth and demand.

The generation of additional employment for the Southern City Region will also contribute to the 30-minute city vision set in the Region Plan. The proposal will provide a range of employment opportunities of benefit to the local community and broader Sydney region.

5.3. STATUTORY CONTEXT

The relevant State and local environmental planning instruments are assessed in Appendix C to the EIS. The assessment concludes that the proposal complies with the relevant provisions within the relevant instruments as summarised below:

- The proposed development has been assessed and designed in respect to the relevant objects of the EP&A Act as defined in Section 1.3 the Act.
- This EIS has been prepared in accordance with the SEARs as required by Schedule 2 of the EP&A Regulations.
- Consideration is given to the relevant matters for consideration as required under the *Biodiversity Conservation Act* and the SSD is supported by a BDAR.

- This SSDA pathway has been undertaken in accordance with the Planning Systems SEPP as the proposed development is classified as SSD.
- Concurrence from TfNSW will be required as per the Transport and Infrastructure SEPP for 'traffic generating development'.
- The proposal complies with all relevant provisions under the CBLEP 2023. The proposed development is consistent with the objectives of the IN2 zone.
- The proposed development has been assessed in accordance with the Resilience and Hazards SEPP and the development complies with the relevant clauses.
- The proposal generally accords with the relevant provisions of the CBDCP 2023.

5.4. COMMUNITY VIEWS

As set out in **Sections 3** and **4**, feedback received during the public exhibition has informed the design refinements made to the proposal. Consultation feedback received during the assessment of the application will continue to be considered.

5.5. LIKELY IMPACTS OF THE PROPOSAL

The proposed development has been assessed considering the potential environmental, economic and social impacts as outlined below:

- **Natural Environment**: the proposal addresses the principles of ecologically sustainable development in accordance with the requirements at Clause 194 of the Regulations and as outlined below:
  - Precautionary principle: the precautionary principle relates to uncertainty around potential environmental impacts and where a threat of serious or irreversible environmental damage exists, lack of scientific certainty should not be a reason for preventing measures to prevent environmental degradation. The proposal will not have any unacceptable environmental impact on Salt Pan Creek, the riparian corridor or identified coastal management area. The proposal will not impact any Critically Endangered Ecological Community and the development will not result in any threat of serious environmental damage or degradation.
  - Intergenerational equity: the needs of future generations are considered in decision making and that environmental values are maintained or improved for the benefit of future generations. The development represents sustainable development by making best use of the existing site, proposing considered improvements and uplift to existing environmental values through landscape design and water quality and quantity management.
  - Conservation of biological diversity and ecological integrity: The project seeks to improve and enhance the existing vegetation on site and the interface with Salt Pan Creek to the western site boundary. This is through increased tree planting onsite to achieve greater tree canopy, landscaped setbacks and planting integrated into building facades. The proposal will not have any unacceptable impacts on the conservation of biological diversity and ecological integrity.
  - Improved valuation, pricing and incentive mechanisms: this requires the holistic consideration of environmental resources that may be affected as a result of the development including air, water and the biological realm. It places a high importance on the economic cost to environmental impacts and places a value on waste generation and environmental degradation. The development will not have any unacceptable environmental impacts in relation to air quality, ecology, water quality or waste management. The effects of the development will be acceptable and managed accordingly by the proposed mitigation measures as required.

    Overall, the proposal will not have any unacceptable impacts on the natural environment. The ESD report (Appendix H of the EIS) identifies a number of different sustainability initiatives including energy savings, energy efficiency, rainwater capture and reuse, improved thermal performance of the building fabric, and reduction in greenhouse gas emissions. It demonstrates the proposed development will meet best practice ESD outcomes, in which these initiatives will serve to provide occupants with lower running costs, as well as benefits to the surrounding environment with an ecologically and economically sustainable development.

- **Built Environment**: the proposal has been assessed in relation to the following key built environment impacts:
  - Visual Impacts: As set out in the EIS and the VIA, the proposed development is expected to generally create minor to moderate visual impacts including for people who experience direct views of the development from the residential dwellings on Moxon Road and Moxon Sports Club. Visual impacts will be significantly mitigated through the high-quality building design, as well as the proposed landscaping and extensive tree planting in the site setbacks.
  - Traffic Impacts: As set out in the EIS, **Section 4** and the TMAP, the local road network will continue to perform at an acceptable level of service as a result of the proposed development and the proposal is not expected to result in any adverse impacts on the surrounding road network during operation.
  - Trees and Landscaping: As set out in the EIS, **Section 4**, the AIA and Landscape Plans, the proposal includes significant landscaped setbacks which is an improvement to the existing quality of the site. The proposed planting offsets exceeds the number of trees to be removed to achieve improved canopy cover targets. The proposal provides a significant landscaping uplift to the site, including native species, particularly in relationship to the public domain.
  - Air Quality: As set out in the EIS and the AQIA, the operation of the proposal would result in the achievement of all air quality criteria. Accounting for the background air quality conditions, and adopting worst-case assumptions in relation to truck idling, the proposal will not have any unacceptable air quality impacts associated with the construction and operation of the proposed development.
  - Noise and Vibration: As set out in the EIS, **Section 4** and the NVIA, exceedances are expected at the residential receivers opposite the entry and exit driveways, and to Moxon Sports Club during the operational phase at daytime peak period. These exceedances are controlled by vehicle sources. However, as the existing traffic noise levels already exceed NSW Road Noise Policy Guidelines the changes to traffic noise as a result of traffic generated by the development are expected to be ≤1 dB, and no perceptible change to existing traffic noise impacts are anticipated, resulting in compliance with the Road Noise Policy. The construction phase is measured to have exceedances at all nonindustrial receivers during all stages of construction works. All reasonable and feasible construction noise mitigation measures should be implemented to avoid unreasonable or unacceptable impacts during this temporary period.
- **Social**: The proposal will have positive social impacts by enabling employment generating uses to be delivered on site in the short-term, providing local employment opportunities both in the construction and operational phases. It will provide up to 585 jobs per year when operational and 269 jobs during construction.
- **Economic**: The proposal will have positive economic impacts through enabling the delivery of operational industrial uses on site which will result in investment and economic benefit for Punchbowl as well as the wider region.

The potential impacts can be mitigated, minimised or managed through the measures discussed in detail in the EIS and as summarised in **Appendix D** of the EIS.

5.6. SUITABILITY OF THE SITE

The site is considered highly suitable for the proposed development for the following reasons:

- The warehouse and distribution centre use is permissible within the IN2 zone and in accordance with the zone objectives including to provide a wide range of warehouse land uses; to encourage employment opportunities; and to minimise any adverse effect of industry on other land uses.
- The project is consistent with the relevant State and local strategic and statutory policies.
- The site is located within an existing industrial area and the character and scale of the development is in keeping with the site's context, without having any unacceptable impacts on residential amenity.
- The site is highly accessible to both the transport and regional freight network and makes use of a brownfield site to deliver sustainable development.

5.7. PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- The proposal is consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result from the proposal.
- The proposal will provide up to 854 jobs during the construction and operation stages. It will stimulate local investment and deliver significant economic output and value add to the economy.
- The issues identified during the stakeholder engagement have been addressed through the development of the design of the proposal and the assessment of the impacts.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

6. DISCLAIMER

This report is dated 27 October 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 Capital **(Instructing Party)** for the purpose of Response to Submissions 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.

APPENDIX A SUBMISSIONS REGISTER

APPENDIX B ARCHITECTURAL PLANS

APPENDIX C LANDSCAPE PLANS

APPENDIX D BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT

APPENDIX E TRAFFIC MANAGEMENT & ACCESSIBILITY PLAN

APPENDIX F NOISE AND VIBRATION IMPACT ASSESSMENT

APPENDIX G CIVIL ENGINEERING REPORT

APPENDIX H SOCIAL IMPACT ASSESSMENT

URBIS