

4 November 2015



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Secretary General
NSW Department of Planning & Environment
23-33 Bridge Street
Sydney NSW 2000

Submission to Draft Planning Proposal - Lot A Burley Road Horsley Park Interface Area

Dear Sir,

This submission is made on behalf of Goodman Property Services (Aust) Pty Ltd, in relation to the draft Planning Proposal for Lot A Burley Road Horsley Park Interface Area. Specifically, the proposal seeks to amend *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (the WSEA SEPP) to remove the subject land from the WSEA SEPP and rezone it to the primary production small lot (RU4) zone under *Penrith Local Environmental Plan 2010* (PLEP 2010).

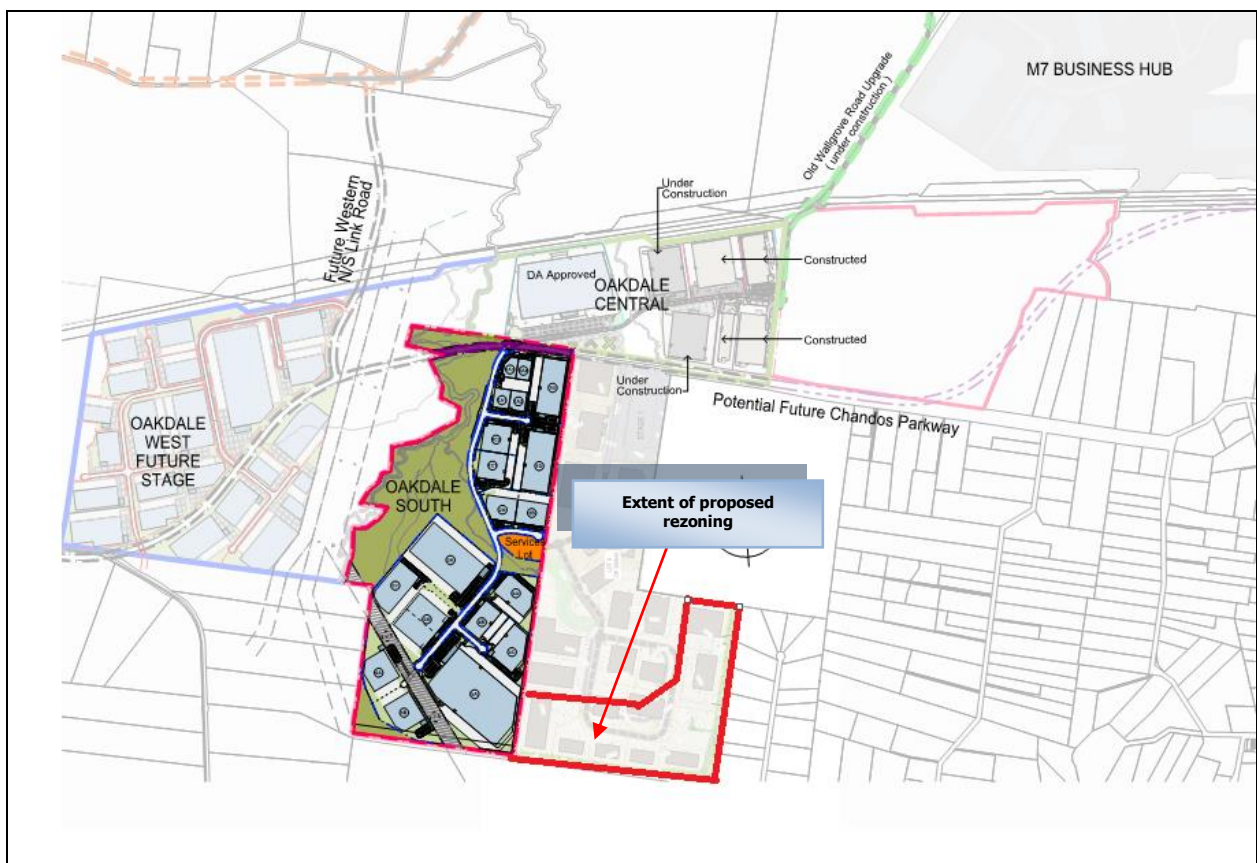


Figure 1: Extent of Proposed Rezoning and Surrounding Sites

The subject site is located within the Penrith Local Government Area and forms part of **Precinct 8** of the WSEA SEPP.

Goodman are a significant land holder in the precinct, with Oakdale Central containing warehouse and distribution facilities that are currently operational while Oakdale West and South currently undergoing detailed planning for future industrial development.

This submission is supported by the following expert report:

- **Appendix 1** – Noise Impact assessment, dated 8 September 2015, and Noise Impact Review prepared by SLR Consulting dated 2 November 2015

The points of contention in relation to the Planning Proposal are outlined below. It is considered that any proposal submitted should adequately address these matters.

Inconsistencies with Strategic Intentions of the Land

The subject site is zoned IN1 General Industrial and is located within the Western Sydney Employment Area, which is underlain by an extensive and orderly planning process.

The proposal varies widely from the intended development scenarios envisaged for the site for employment generating purposes, and should be considered in light of the Objects of the *Environmental Planning and Assessment Act 1979*, which are as follows:

(a) *to encourage:*

- *the proper management, development and conservation of natural and artificial*
- *resources, including agricultural land, natural areas, forests, minerals, water*
- *cities, towns and villages for the purpose of promoting the social and economic*
- *welfare of the community and a better environment,*
- *the promotion and co-ordination of the orderly and economic use and*
- *development of land,*
- *the protection, provision and co-ordination of communication and utility*
- *services,*
- *the provision of land for public purposes,*
- *the provision and co-ordination of community services and facilities, and*
- *the protection of the environment, including the protection and conservation of*
- *native animals and plants, including threatened species, populations and*
- *ecological communities, and their habitats, and*
- *ecologically sustainable development, and*
- *the provision and maintenance of affordable housing, and*

(b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

(c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.'*

The proposal fails the overall test imposed by the objects of the Act in respect of the following:

- It could establish a precedent for loss of employment generating lands on other undeveloped areas in the Western Sydney Employment Area, without considering all relevant impacts.
- It would disregard the employment generating nature of the surrounding lands.
- It would provide for development that could impact on the operational capacity of the surrounding employment lands, in particular the Oakdale South precinct.

A Plan for Growing Sydney

A Plan for Growing Sydney identifies that the Western Sydney Employment Area is a key hub for warehousing and logistics which will provide continued support for these industries and will be the single

largest employment space in the metropolitan area. In 2013, the WSEA SEPP draft Structure Plan was amended to include a total of 10,000 hectares of land for employment generating purposes to accommodate future employment growth. Overall, the Western Sydney Employment Area will tie in with the planned infrastructure projects for the region, such as Badgery's Creek Airport which confirms the suitability of the precinct for the intended purpose.

Based on the projected growth of the Western Sydney Employment Area, the proposal is inconsistent with the strategic objectives set out in the plan as there will be a net loss of land zoned primarily for employment generating purposes. In addition, the ability to develop the land surrounding the site as envisaged by the plan could be jeopardised by the proposed rezoning, unless sufficient attenuation measures to accommodate the relatively sensitive RU4 uses are implemented as part of the proposal to avoid potential restrictions on the footprint and operational capacity of future employment generating development.

State Environmental Planning Policy (Western Sydney Employment Area) 2009

Under the provisions of SEPP WSEA, the land adjoining is zoned IN1 General Industrial which provides the following objectives:

- *To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.*
- *To encourage employment opportunities along motorway corridors, including the M7 and M4.*
- *To minimise any adverse effect of industry on other land uses.*
- *To facilitate road network links to the M7 and M4 Motorways.*
- *To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.*
- *To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.*

It is considered that the Planning Proposal to rezone the land to primary production small lot (RU4) zone under *PLEP 2010* will restrict future development for employment generating purposes as it will impose rigorous attenuation measures in respect of noise, thus undermining the development potential of the land. Any rezoning should impose a substantial buffer between Oakdale South Estate and the proposed RU4 zoned land. This buffer should consider the worst case scenario in respect of noise generation from surrounding employment lands, particularly given that the hours of operation will be on a 24 hour, 7 day basis, that involve heavy vehicle movements in and around the planned future built form.

To burden the development of these employment lands in the future with onerous attenuation measures is unreasonable, incompatible with the operational intent of the zone and could result in significant additional development costs or operation restrictions. As the land adjoining forms part of a precinct that is critical to the provision of industry and employment for the metropolitan area, it should not be prejudiced by a sectionalised interest. It must also be noted that 24/7 operations and the ability to operate without issues arising from conflicting land uses is a key consideration of business choosing to relocate or expand in this area.

Noise Impact Assessment

Review of *10196-R Horsley Park Employment Precinct Revision – Noise Assessment including CSR Site and Oakdale South Site (10196-R)*, dated 2 March 2015, prepared by Wilkinson Murray has been carried out by SLR Consulting.

The review conducted finds that that two areas in the west of the proposed RU4 rezoning area lie within the 37 dBA LAeq(15minute) noise contour. These areas are approximately 165m by 100m and 35m by 35m in size. Based on the findings of the review, it is considered that these areas (at a minimum) should be set aside as a buffer zone as part of the proposal, where residential uses would not be suitable (refer **Figure 2** below).

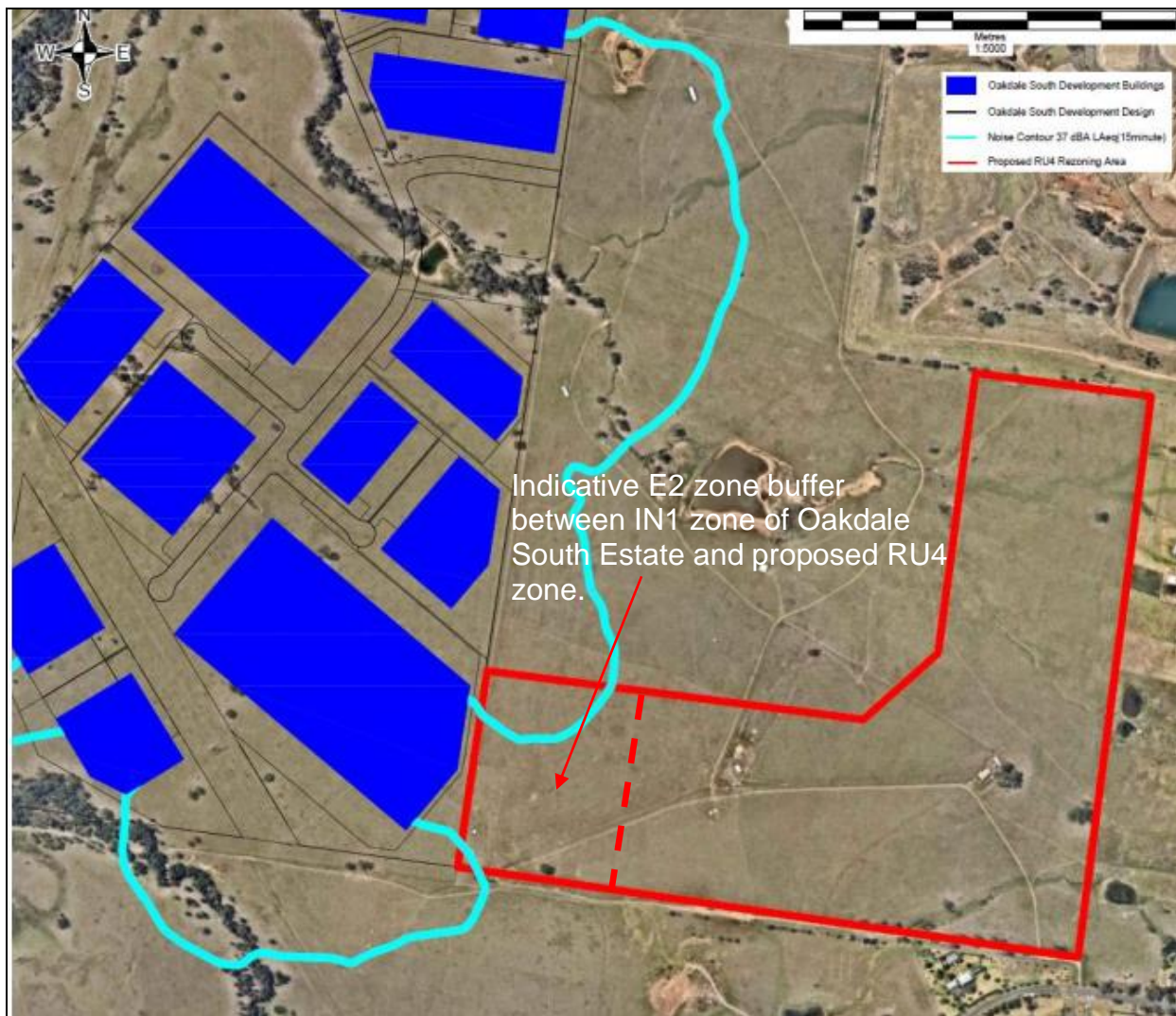


Figure 1: Recommended Buffer Zone (shown in light blue)

Suitable offsets may be achieved through zoning the buffers E2 Environmental Conservation to prevent any development outright and not burden the surrounding employment lands (refer to Figure 1 for potential E2 zone buffer). It is requested that the Department consider this as part of any rezoning for the site to accommodate residential development.

In addition to the above, it is noted that the building footprint shown in the Noise Assessment prepared by Wilkinson Murray has assumed that the buildings within the Oakdale South Precinct will provide a buffer. We confirm that the proposed building layout for Oakdale South Estate is unlikely to reflect that shown in Wilkinson Murray's report and incompatible with the building footprints included in the Oakdale South SSD (SSD-15-6917). We note that due to the particular requirements of occupants, the final configuration of buildings is subject to potential change and therefore the noise assessment should be subject to more rigorous noise modeling based on a variety of scenarios so as to not limit flexibility to respond to market demands.

Conclusion

Based on the matters discussed above and expert evidence provided in the supplementary report, it is recommended that the Planning Proposal not proceed in its current form. Given the zoning of the land and surrounds, it is clearly evident that imposed sufficient buffer zone to the adjacent industrial uses be included as part of this Planning Proposal. It is considered prudent for the Department to request the matters identified in this submission be addressed so that a decision can be made in the public interest, whilst not impeding the development of surrounding employment lands.

Should require further information, please contact the undersigned.

Yours faithfully,



Andrew Cowan
Senior Associate
Willowtree Planning Pty Ltd
ACN 146 035 707

Enclosed:

- **Appendix 1** – Noise Impact assessment, dated 8 September 2015, and Noise Impact Review prepared by SLR Consulting dated 2 November 2015