

29 March 2018

Our Ref: Case 169864

Monica Cologna
Manager Strategy
Cumberland Council
submissions@cumberland.nsw.gov.au

Re: Planning Proposal - 300 Manchester Road, Auburn (PP-1/2018)

Dear Ms Cologna

Thank you for notifying Sydney Water of the planning proposal listed above. We have reviewed the application and provide the following information to assist in planning the servicing needs of the proposal, based on the information supplied.

Water and wastewater servicing

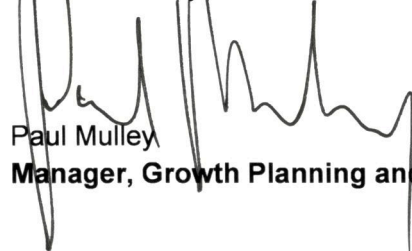
- Sydney Water has no objection to the Planning Proposal.
- Water and wastewater facilities are available within the area.
- Amplifications or extensions to these mains may be required depending on the size and scale of development.
- Detailed requirements will be provided once the development is referred to Sydney Water for a Section 73 Compliance Certificate.

Sydney Water E-Planning

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au.

If you require any further information, please contact Lulu Huang of Growth Planning and Development on 02 8849 4269 or email lulu.huang@sydneywater.com.au.

Yours sincerely



Paul Mulley
Manager, Growth Planning and Development

Memorandum

To Julian Narborough, Deputy Executive Director Future Direction, Growth and Performance, Customer Service

From Jim Tsirimiagos, Town Planning Manager
Telephone: (02) 8575 0780
Email: jim.tsirimiagos@transport.nsw.gov.au

Date 14 March 2018

Subject 300 Manchester Road, Auburn – Planning Proposal Response

ISSUE

Cumberland Council has advised of a Planning Proposal to rezone land at 300 Manchester Road, Auburn that directly adjoins the Sydney Trains Clyde Marshalling Yard site. The proposed rezoning will affect both RailCorp land and Sydney Trains operations.

BACKGROUND

The site that is the subject of the Planning Proposal is currently zoned Industrial and directly adjoins the Sydney Trains Clyde Marshalling Yard (architectural images of the site and the proposal are attached). The current owners of the site, Payce are seeking a rezoning of the site to enable their site to be developed for both residential and employment generating developments. Payce previously tried to have the site rezoned in 2016 for entirely residential purposes which was not supported by the transport cluster in its submission to the then Auburn Council (see attached).

The current proposal, whilst an improvement on the 2016 concept, still poses a number of land owner and operational issues for both RailCorp and Sydney Trains. The attached submission describes these in detail, but in summary are as follows:

- The rail yard operates 24hours 365 days of the year and incorporates a stabling yard and maintenance centre that generate significant noise while repairing, testing, cleaning and moving trains. This will substantially impact future residents of the Payce site.
- The planning proposal by Payce goes beyond the land in their ownership and any rights they have via the Manchester Rd Right-of-way.
- Payce has included a large portion of RailCorp land as part of their planning proposal and is offering Council, the community and future occupiers of the Payce land public benefits that Payce has no legal right to offer, such as:
 - The conversion of Manchester Rd from a private internal road to a public thoroughfare;
 - The removal of all trucks/heavy vehicles from Manchester Road (as claimed in their website);
 - The provision of access across Duck River via a bridge that can only be provided on RailCorp land;
 - Vehicular and pedestrian access to the development site outside of the right of way;

- Introduce public access into the RailCorp land to members of the public who have no association with any rail activity conducted on RailCorp land;
- The current noise wall along the boundary would only assist the lower level apartments.
- The proposal seeks to site the latest buildings closest to the Yard and the current noise wall along the boundary would only assist lower level apartments in terms of noise.
- There is the likelihood that rail operations within the Yard may be expended and having residential development in close proximity may introduce restrictions on what Sydney Trains can and cannot do.
- The planning proposal by Payce relies on the use/availability of RailCorp land to make their proposal more palatable and meet key planning objectives/requirements. Without the availability of RailCorp land for their purposes the planning proposal has a number of shortcomings/flaws that may not be able to be overcome.
- The Payce site for many years has acted as a buffer between the rail operations and the nearby existing residential areas. The proposal by Payce seeks to remove that buffer and introduce an incompatible use (being residential) directly abutting the rail site. This is not considered to be a sound planning principle.
- TfNSW will be submitting their own submission objecting to the planning proposal. The TfNSW submission will be supporting RailCorp/Sydney Trains position and also advising Council of concerns/issues affecting public transport servicing, traffic and road network impacts, freight and noise impacts.

Property has received detailed concerns/input from the Engineering and Maintenance, Outsourced Fleet Maintenance, Commercial Fleet & ESI, Commercial & Supply Chain, and Major Works sections within Sydney Trains. The attached submission to Council covers many of the issues/concerns raised by these groups.

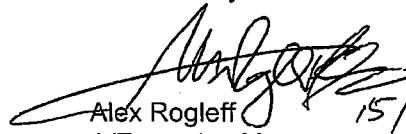
RECOMMENDATION

It is recommended that the attached letter be endorsed and forwarded to Cumberland Council.

Recommended by:

 Digitally signed by
Jim Tsirimiagos
Date: 2018.03.14
17:37:16 +11'00'
Jim Tsirimiagos
Town Planner Manager
Strategic Property Services

Endorsed by:


Alex Rogleff 15/3/18
A/Executive Manager
Strategic Property Services

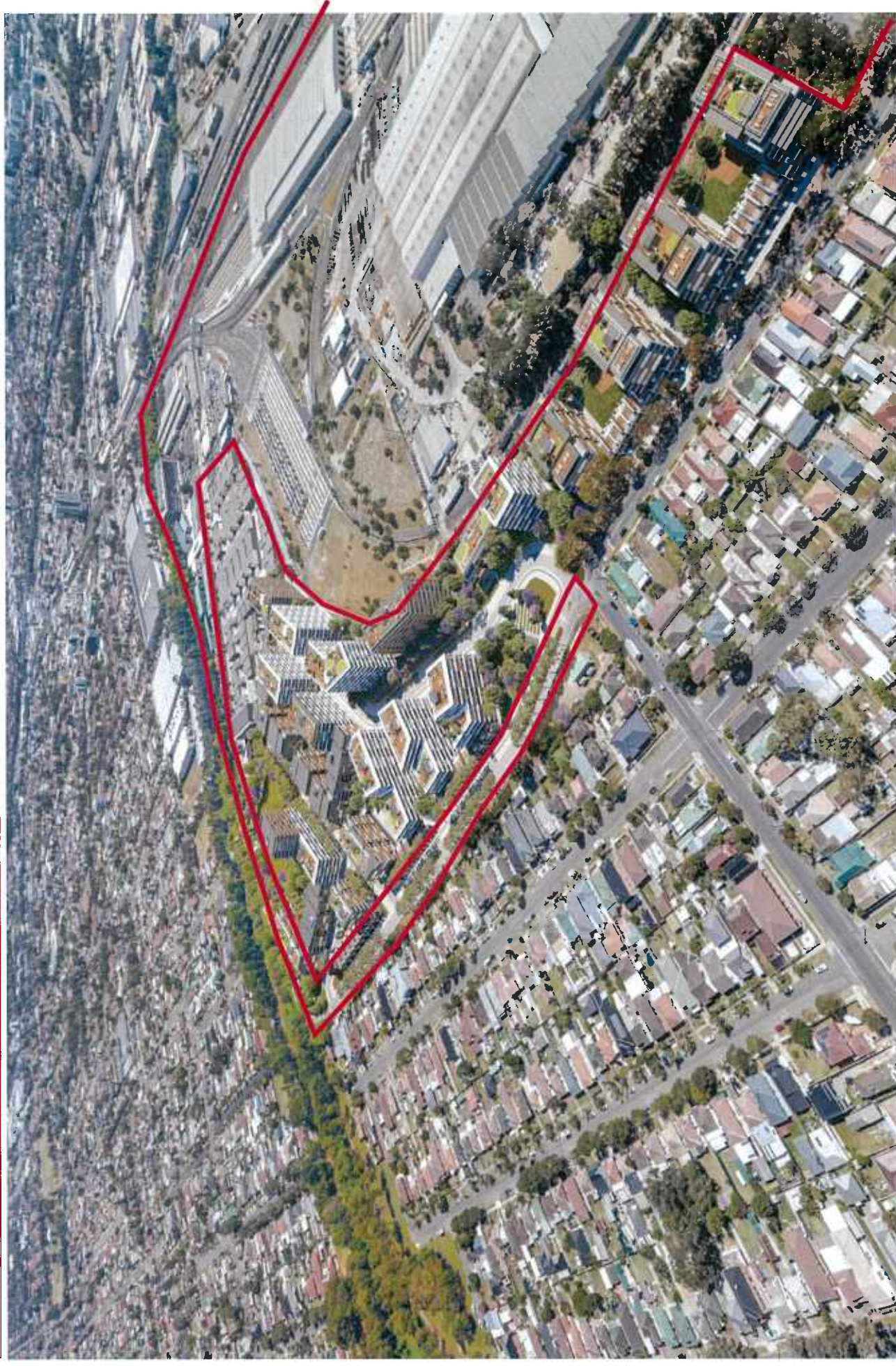
The RailCorp/Sydney Sydney Trains land affected is shown in blue outline.



The Payce site currently acts as a buffer between the Clyde Yard and existing residential areas



The Payce proposal now introduces an incompatible use (residential) directly abutting the Clyde Yard.



The Payce site proposes to introduce residential development directly abutting the rail yard. This residential use is considered to be incompatible with the adjoining rail use and goes against sound planning principles. The site is better suited for employment uses.



The RailCorp/Sydney Trains site is shown in blue outline. Payce proposes to site the tallest buildings closest to the Yard. The current noise wall along the property boundary will not provide any noise attenuation to dwellings located above the height of the noise wall. It can also be seen that Payce proposes works and to introduce public access on land owned by RailCorp that Payce has no legal right to offer, including the provision of the bridge over Duck River. The only rights that Payce has is the right of way as shown in magenta outline.



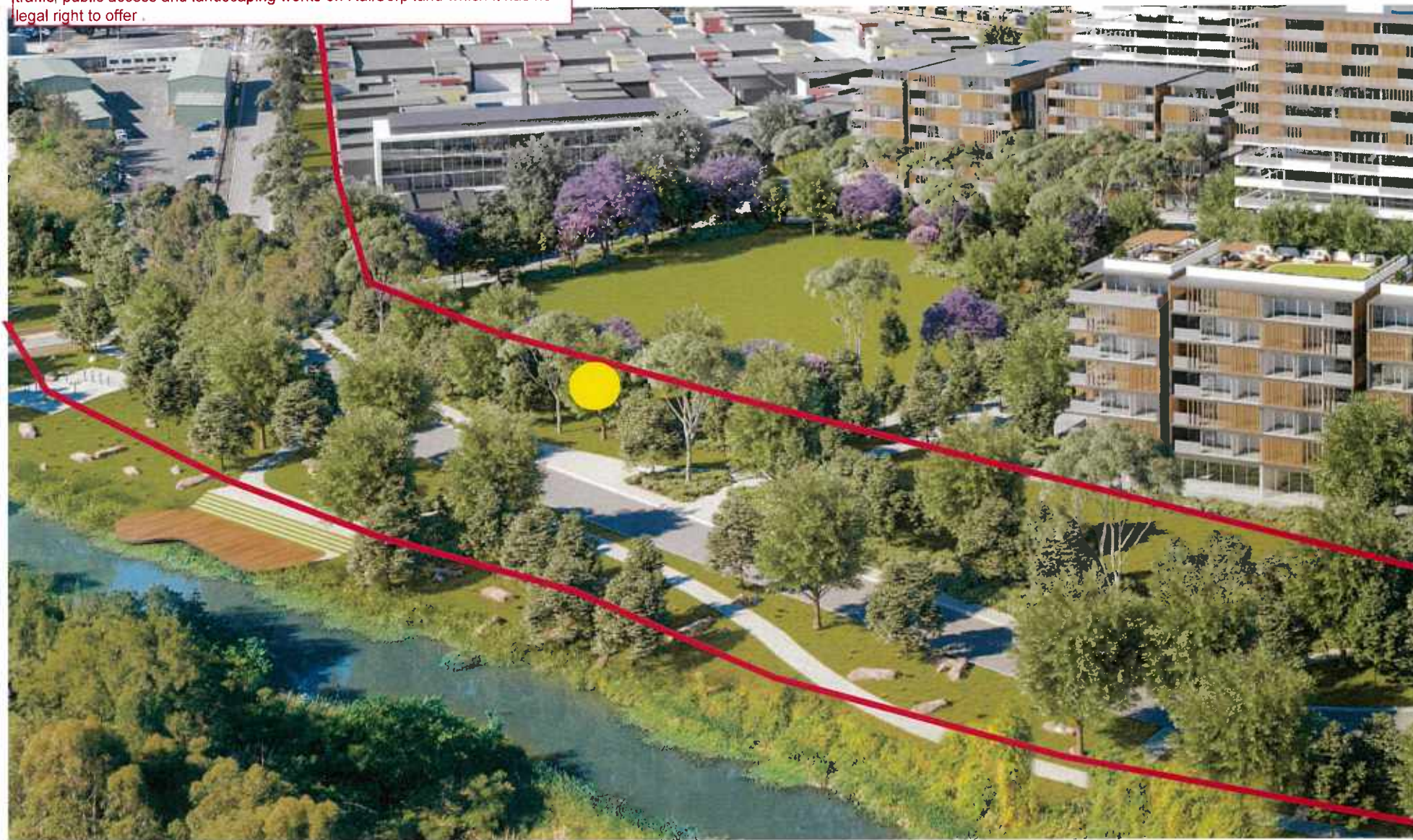
PTW

PA016056 - Manchester Road, Auburn Planning Proposal_Revision C

6 STOREYS 7 STOREYS 8 STOREYS 9 STOREYS 10 STOREYS 12 STOREYS
1 STOREYS 3 STOREYS 4 STOREYS 5 STOREYS

1 1250 2500 5000 10000 20000 30000 40000 50000 60000 70000 80000 90000 100000 110000 120000 130000 140000 150000 160000 170000 180000 190000 200000 210000 220000 230000 240000 250000 260000 270000 280000 290000 300000 310000 320000 330000 340000 350000 360000 370000 380000 390000 400000 410000 420000 430000 440000 450000 460000 470000 480000 490000 500000 510000 520000 530000 540000 550000 560000 570000 580000 590000 600000 610000 620000 630000 640000 650000 660000 670000 680000 690000 700000 710000 720000 730000 740000 750000 760000 770000 780000 790000 800000 810000 820000 830000 840000 850000 860000 870000 880000 890000 900000 910000 920000 930000 940000 950000 960000 970000 980000 990000 1000000

The area between the two red lines is RailCorp land that forms part of the private Manchester Rd. This private road only provides access to the Clyde Yard and to the Payce site via a right of way single point connection at the location shown with yellow circle. Payce proposes to introduce additional traffic, public access and landscaping works on RailCorp land which it has no legal right to offer.



Payce proposes to construct a bridge over Duck River that it cannot physically connect to their land given the presence of RailCorp land between the Payce site and the river. Payce has no legal rights to offer this bridge under their planning proposal





Office of
Environment
& Heritage

DOC18/53082
PP-1/2018

Acting General Manager
Cumberland Council
PO Box 42
MERRYLAND NSW 2160

Attention: Nyambura Mwaniki

Dear Mr McNulty

**Preliminary Exhibition of a Planning Proposal Request for 300 Manchester Road, Auburn
(Lots 11 and 12 DP1166540)**

Thank you for your letter of 24 January 2018, requesting comments from Office of Environment and Heritage (OEH) on the preliminary exhibition of a Planning Proposal for 300 Manchester Road, Auburn. OEH appreciates Council providing an extension to provide comments on this planning proposal.

OEH has reviewed the following documents:

- Planning Proposal Report – dated 18 December 2017
- Ecological Impact Assessment (EIA) – dated 24 November
- Landscape Concept Package – dated November 2017
- Heritage Impact Statement – November 2017
- Preliminary Site Servicing and Flood Management Advice – dated 27 October 2017
- Preliminary Flood Diagram

and provides the following recommendations and detailed comments in Attachment A.

Recommendations

OEH recommends:

- The EIA justifies why impacts from the proposed pedestrian path would not be significant, permanent or long term on the Grey-headed Flying-fox colony.
- Council prepares a Camp Management Plan for the site in accordance with OEH's Camp Management Policy.
- The width of the Duck River corridor is as wide as possible and rehabilitated with fully structured native vegetation from the relevant local native vegetation communities.
- The proponent provides details (including scaled plans) on the corridor width that is proposed to be protected and rehabilitated along the river.
- Areas of open space /active turf areas are located within the proposed development site rather than within the Duck River corridor.

- The proponent provides details as to whether any of the proposed works within the corridor could potentially result in the clearing of native vegetation.
- The planning proposal is in accordance with the *OEH principles for the use of Biodiversity Offsets in NSW*.
- The design of the new bridge maintains riparian connectivity along the river.
- Any new pathway is located on the outer edge of the Duck River corridor immediately adjacent to Manchester Road.
- The proponent provides details on why it is necessary to locate swales near the river and not outside the corridor.
- Clarification is required as to whether Council or the applicant will be responsible for maintaining the rehabilitated corridor in the long term.
- Future development of the Manchester Road site incorporates Green Roofs and Cool Roofs into the design of the buildings where possible.
- Further Aboriginal Cultural Heritage assessment is undertaken on the development site and along the adjoining section of the Duck River corridor where rehabilitation and various works are proposed by the proponent.
- An Emergency Response Plan (ERP) is prepared in consultation with the State Emergency Service to manage floods above the proposed flood planning level up to the PMF. The ERP should include an assessment of the flood evacuation needs to ensure safe evacuation is achievable.

Should you have any queries regarding this matter, please contact Janne Grose on t:8837 6017 or e: janne.grose@environment.nsw.gov.au

Yours sincerely

S. Harrison 07/03/18

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney
Regional Operations

Attachment A

**Preliminary Exhibition of a Planning Proposal Request for 300 Manchester Road, Auburn
(Lots 11 and 12 DP1166540)**

Reference is made to the Office of Environment and Heritage (OEH) previous submission (dated 1 December 2015) on a Planning Proposal for this site. OEH has reviewed the following documentation:

- Planning Proposal Report (PPR) – dated 18 December 2017
- Ecological Impact Assessment (EIA) – dated 24 November
- Landscape Concept Package (LCP) – dated November 2017
- Preliminary Site Servicing and Flood Management Advice – dated 27 October 2017
- Preliminary Flood Diagram

and provides the following comments.

Grey-headed Flying-fox

The Ecological Impact Assessment (EIA) states that the Duck River colony is transitory in nature and occupies the camp site infrequently and irregularly. As stated in previous correspondence (our letter dated 1/12/2015), OEH considers this wording in the EIA to be misleading, as the camp is usually occupied. The data that supports this is readily available on the Department of Environment and Energy's website at:

<http://www.environment.gov.au/webgis-framework/apps/ffc-wide/ffc-wide.jsf>.

Data on this website indicates that of the 20 surveys undertaken quarterly at this site since November 2012, the camp has been occupied 17 times (85%).

In previous correspondence, OEH commented that the impact of the bike track along the river on the flying-fox camp had not been addressed. The EIA has included a response to this issue in the Response Table (Table 4), but has not amended the EIA to address it. The response says the pedestrian path would not *significantly* or *permanently* affect the flying-fox colony in the *long-term* (OEH emphasis). This suggests that some level of impact is expected, therefore OEH considers some discussion in the main body of the report is warranted, and should include justification as to why it is considered the impacts would not be significant, permanent or long term.

In previous correspondence, OEH disagreed with the statement in the EIA that noise levels (from flying-foxes) are likely to be lowest at night. OEH notes that this comment has not been addressed, and the EIA has not been amended.

Green and Golden Bell Frog

The EIA states that surveys for the Green and Golden Bell Frog (GGBF) failed to detect the species, but on a precautionary basis, an assessment of significance for GGBF (Appendix B) has been undertaken. However, the assessment of significance has been undertaken on the basis that there are no GGBF present. It is not logical to undertake an assessment of significance on a species which is not present, as it won't be impacted. While OEH supports the undertaking of assessments of significance as a precaution, because surveys can have their limitations, such assessments must be undertaken on the basis that the species is present.

Recommendations of the Ecological Impact Assessment

OEH supports the recommendations in section 8 of the EIA report.

OEH notes that the recommendations include Council's requirement that a study is conducted in relation to the presence of the flying-fox camp. OEH recommends that instead of a study, Council prepare a Camp Management Plan for the site, in accordance with OEH's Camp Management Policy, which is available at the following link:

<http://www.environment.nsw.gov.au/threatenedspecies/flyingfoxcampopol.htm>

Duck River Corridor

The Duck River corridor (including the area opposite the Manchester Road site) is identified as having biodiversity value. The Planning Proposal report (PPR) indicates a guiding principle for the planning proposal is to regenerate the Duck River corridor upstream of the Grey-headed Flying-fox camp site (section 8.1, page 50). It is noted the vegetation management program is for about 1 kilometre along the Duck River corridor (Landscape Concept Package (LCP), section 1, page 2).

OEH supports the principle of regenerating the corridor but seeks clarification on the corridor width that is proposed to be protected and rehabilitated along this section of river. Based on SIX Maps the corridor appears to be approximately 25-50m wide. OEH recommends where space is currently available that the corridor is as wide as possible and rehabilitated with fully structured native vegetation from the relevant local native vegetation communities to enhance the habitat available for the Grey-headed Flying-Fox camp (though this should not include roosting habitat near residences) and to improve the corridor link along the river.

The Planning proposal as presented has the potential to impact the Duck River corridor and the habitat it provides by significantly increasing the number of people that will potentially use the corridor for recreational/open space purposes. The PPR indicates urban renewal of the Manchester Road site will include approximately 1800 new dwellings comprising a mix of apartment sizes and terrace housing (section 1, page 20). Increased numbers of people using the corridor is likely to place pressure on the corridor and has the potential to impact the Grey-headed Flying-fox colony, other native fauna that use the corridor and also impact existing and rehabilitated native vegetation.

OEH is concerned that the proponent proposes new open space parkland/open active turf areas and various works along the river corridor (refer to LCP) including:

- a new vehicle and pedestrian bridge crossing (section 3.1.3)
- a 3m wide shared footpath/cycleway (sections 3.1 and 3.1.3)
- water quality swales parallel to the riparian edge (sections 1 and 3.1.3)
- waterway access via a kayak launching jetty (sections 1 and 3.1.3)
- 'lookouts' near the water's edge (section 3.1)
- shelters (section 3.1.3)
- carparking (section 3.1.3)

Details are required as to whether any of the proposed works could potentially result in the clearing of native vegetation from along the corridor. The planning proposal should be in accordance with the *OEH principles for the use of Biodiversity Offsets in NSW*. In accordance with the first offset principle, impacts to native vegetation should be avoided first by using prevention and mitigation measures. If impacts are unavoidable, offsets then must be used to address any remaining impacts to native vegetation. Any vegetation to be removed should be offset in accordance with Offset Principle 6 (offsets should aim to result in a net improvement in biodiversity over time).

OEH recommends scaled plans are provided which overlay and clearly show the location of:

- Duck River
- the proposed corridor setback to be rehabilitated (measured from top of highest bank)
- remnant native vegetation along the river including River-flat eucalypt forest on coastal floodplains (RFEF) and Swamp Oak Floodplain Forest
- areas along the corridor which require rehabilitation and weed control
- any proposed works that encroach into the corridor
- the location of Manchester Road
- the site boundary.

New open space parkland

The LCP shows significant areas along the river corridor are proposed as 'Open Space Parkland/open active turf areas' (see Sections 3.1.1 and 3.1.3). The LCP states "*where there is no existing bushland or only tree weeds present, PAYCE will create a clear delineation between the Bushland Management Zones and introduce grassed open space parkland with indigenous shade*

trees" (see Sections 3.1 and 3.1.1 of LCP). OEH does not support the creation of open active turf areas within the Duck River corridor.

As noted above OEH recommends:

- the corridor is rehabilitated with fully structured native vegetation from the relevant local native vegetation community and
- areas of open space/active turf areas are located within the proposed development site rather than within the Duck River corridor.

New vehicle and pedestrian bridge crossing

OEH notes a new road bridge crossing of the Duck River is proposed at Seventh Street (page 16 of PPR and section 3.1.3, page 10 of LCP). The EIA notes where the proposed pedestrian and cycle path is to cross the river, the canopy of the riparian vegetation is dominated by Forest Red Gum trees (page 31). It indicates the impact of the crossing can be minimised by designing the footbridge to avoid the need to clear trees (section 9.1, page 35). As the bridge also includes a vehicle crossing, clarification is required as to whether there is an existing gap wide enough to construct the bridge and avoid the need to clear trees.

It is recommended:

- the new bridge is in accordance with the OEH principles for the use of Biodiversity Offsets in NSW
- the crossing location causes least impact/disturbance to existing native vegetation and to the river and
- the bridge design maintains riparian connectivity along the river and it incorporates provision for moisture penetration under the bridge to enable plant growth.

Footpath/cycleway

OEH is concerned by the level of disturbance that the proposed pathways will cause to the Duck River corridor. The example shown in Section 5 of the LCP of the 'before' and 'after' Duck River park montage which shows numerous pathways through the corridor is not supported.

Cross Section A-A in the LCP shows the pedestrian path is located in proximity to trees utilised by the Grey-headed Flying-fox colony (page 9). Details are required on the minimum setback distance of the proposed pathway to the roost trees. As noted above OEH considers justification is required that the impacts caused by the proposed pedestrian pathway would not be significant, permanent or long term to the Grey-headed Flying-fox colony.

Any pathway should be located on the outer edge of the corridor immediately adjacent to Manchester Road.

Water quality swales

The LCP shows swales are proposed to be located parallel to the riparian edge (see Section 2 – water treatment, page 4). Some of the swales appear to be located in close proximity to the river and within the inner riparian zone (see Sections 3.1.2 and 3.1.3). It is unclear why the swales are proposed to be located near the river and not outside the corridor to treat the water before it enters the corridor. Details are required on this.

If the swales are located where proposed, future maintenance requirements of the swales has the potential to disturb the rehabilitated corridor. Details are required on who will be responsible for maintaining the swales and how often they are proposed to be maintained.

Kayak launching jetty and lookouts near the water's edge

Details are required on the total area and length of the kayak launching jetty and whether it will require clearing of any native vegetation.

Cross Section CC in Section 3.1.2 of the LCP shows a kayak launching and lookout platform constructed out over the river. Clarification is required as to whether all the 'lookouts' will consist of constructed platforms over the river, details are required on:

- the design of the proposed lookouts
- the location of, and number of proposed 'lookouts'
- the total area of the lookout footprint
- whether the lookouts will require clearing of any native vegetation.

Carpark

The figure in Section 3.1.3 shows a carpark is proposed along part of the outer edge of the corridor. OEH requests details are provided on the number of carpark spaces proposed, the total area of the carpark, and the distance the car park is proposed to be setback from the river.

Maintenance of Duck River Corridor

OEH notes restoration efforts for the upper Duck River riparian corridor have commenced and are to be coordinated under an overarching vegetation management action program prepared by Auburn and Parramatta Councils (EIA, Section 7.2, page 31). The LCP notes follow up weed control will be undertaken during the recovery phase (section 3.1, page 7). It is unclear if the applicant proposes to undertake this work or Council.

Details are required as to whether Council or the applicant will be responsible for maintaining this section of the rehabilitated corridor in the long term. Details are required on the maintenance program and the funding to undertake this.

Central Park and Streetscape

The LCP indicates riverside plant species are proposed to dominate the Central Park on the Manchester Road development site and streetscape fronting the river (section 3). OEH supports the use of local native species that are endemic to the river corridor in the park and along the streetscape.

Future Mixed Use and residential development

OEH recommends future development of the Manchester Road site incorporates Green Roofs and Cool Roofs into the design of the buildings where possible and the landscape Concept Package for the development addresses this. The numerous benefits of Green Roofs and Cool Roofs are outlined in the OEH (2015) Urban Green Cover in NSW Technical Guidelines which can be found at the following link:

<http://climatechange.environment.nsw.gov.au//Adapting-to-climate-change/Green-Cover>

In addition to regulating the temperature of roofs and building interiors, reducing the energy needed for cooling and the impact of the UHI effect, the provision of Intensive Green roofs would provide additional recreational areas at the site and thereby assist to reduce the use of, and potential impacts on the Duck River corridor.

Floodplain risk management

The Duck River Flood Study (WMA, 2012) shows that the site is not affected by the 1% AEP flood, however it is impacted by larger flood events and the site would be completely inundated in the Probable Maximum Flood (PMF). OEH notes that Northrop's report (October 2017) acknowledges the need to comply with former Auburn Council Development Control Plan 2010 in regard to the implementation of flood evacuation measures for the site. Accordingly, it is prudent to prepare an Emergency Response Plan (ERP) in consultation with the State Emergency Service (SES) to manage floods above the proposed flood planning level up to the PMF. The ERP should include an assessment of the flood evacuation needs to ensure safe evacuation is achievable.

Aboriginal Cultural Heritage

The PPR notes the site does not contain any known items of Aboriginal significance (page 77). The Heritage Impact Statement indicates that Lot 12 on the site was the subject of an Aboriginal Due Diligence and European Cultural Heritage Assessment. It notes 'no Aboriginal cultural heritage material was identified in Area A.

Please note, OEH does not review Due Diligence reports. Due diligence is a legal defence against harm under the *National Parks and Wildlife Act 1974* and is not a substitute for undertaking an

Aboriginal cultural heritage assessment. OEH does not consider that a due diligence report is adequate to assess the impacts of the development on the Aboriginal archaeological and cultural heritage values of the subject land.

As the site is located in close proximity to the Duck River, OEH recommends that an Aboriginal cultural heritage assessment is undertaken on the site and also along the adjoining section of the river corridor where rehabilitation and various works are proposed by the proponent.

(END OF SUBMISSION)



NSW Police Force
www.police.nsw.gov.au

8 March 2018

Attention: Shoilee Iqbal

Dear Shoilee

RE: Proposal – Planning Proposal request for 300 Manchester Road Auburn.

I refer to the above proposal and would like to make comment and recommendations.

CRIME PREVENTION STRATEGIES

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

The NSW Police *Safer by Design* evaluation process is based upon Australia and New Zealand Risk Management Standard ANZS4360:1999. It is a transparent and contextually flexible process that identifies and quantifies crime hazards and location risk. Evaluation measures include crime likelihood (statistical probability), consequence (crime outcome), distributions of reported crime, socio-economic conditions (relative disadvantage), situational hazards and crime opportunity.

The said proposal was assessed using both CPTED and Safety by Design, based on the attached map with your letter.

SITE SPECIFIC ISSUES

The evaluation identified objectives, design features and social conditions that are likely to impact crime opportunity at the development site. They include:

1. Business Identification

FLEMINGTON LOCAL AREA COMMAND
Auburn Police Station

Corner of Queen and Susan Streets Auburn NSW 244

Telephone 02 9646 8699 Facsimile 02 9646 8622 TTY 9211 3776 (Hearing/Speech impaired)

To assist emergency services to locate the business, it is requested for the street number to be clearly displayed at the front of the premises.

2. Lighting

The objective of security lighting is to deny criminals the advantage of being able to operate unobserved. However, if the area does not have any guardians to overlook and view the area, then lighting will only help a criminal see what they are doing, not deter them. Higher lighting levels may be required for vulnerable areas. Adequate, uniform lighting should cover the entire property. Therefore it is imperative to ensure that light levels are appropriate for the users, activities and tasks of an area.

Natural lighting is also a positive visual affect for persons walking the street. Darken streets increase the risk of crime and people's perception of a safe environment. The street lighting should meet the Australian standard.

3. Closed Circuit Television (CCTV)

CCTV can enhance the physical security of the location and assist in the identification of people involved in anti-social or criminal behaviour. It acts as a deterrent and improve surveillance. Cameras should be installed in and around all premises, especially at entry/exit points to maximise surveillance opportunities.

- Digital and monitored technology should be used to record images from the cameras
- Installed surveillance equipment should be maintained in working order and regularly maintained and tested.

4. Signage

Warning signs should be strategically posted around the perimeter of the property, particularly near entry points to warn intruders of security measures

Example: Warning: these premises are under constant surveillance

Warning: don't leave valuables inside your vehicle

Directional signage should also be posted at decision making points (e.g. entry/egress points) to provide guidance to patrons whilst driving their vehicles. Knowing how and where to enter, exit and find assistance within a car park can impact perceptions of safety, victim vulnerability and crime opportunity.

5. Design Features

The design features will ensure no natural ladders occur whereby an offender could climb the building to gain entry through a balcony.

6. Fire and Safety Measures

Provide adequate fire safety measures to prevent the start and spread of fire, and to ensure and promote the safety of occupants. All Australian standards in fire safety must be adhered to in any development proposal. These standards include fire escapes, evacuation procedures, evacuation assembly point etc. A copy of these Operating Orders must be provided to the nearest police station with contact person details.

Fire is a real concern in any high rise development. There have been recent examples of fires in high rise complexes. Illegally partitioning units is a real issue

and can facilitate an uncontrollable fire from which occupants may not be able to exit the building safely.

7. Overcrowding and Illegal Renovations

Police are concerned that overcrowding and illegal renovations could also occur in the stated proposal. Council should ensure that all compliance issues are monitored and built to development consent.

8. Traffic Concerns

A full traffic report should be obtained by Auburn Council and Flemington Police. This should include the number of accidents and incidents logged within the development site.

Another issue is parking in this local area. Auburn LGA is already very busy and has limited parking this would furthermore increase traffic and create more accidents and incidents. The increase traffic flow would also slow Police times to critical incidents within the area with increase traffic flow.

9. Other Issues

- Concerns include alarm systems that don't work properly, inadequate fire doors, missing smoke detectors and painted over sprinkler heads which compromised their operation.
- The Owners Corporation has a duty under the *Strata Schemes Management Act, 1996* to act to prevent breaches of the development control laws where it is aware of such breaches. Over tenancing is illegal, as well owners would bear the substantial costs of the over use of the building's facilities.
- Other illegal activities abound with shared cheap accommodation especially in the inner city buildings. Criminal activity that flourishes in these circumstances include prostitution, whereby large numbers of young women (and, I suspect, young men) are overcrowded into units by their overlord's/landlords accommodation provided.
- Drug trafficking is also rife within the buildings. Access cards are disrupting these activities and are upsetting the criminals running the operations, as such we recommend such a system be put in place in this development.
- Vandalism is common in some high rise buildings. People who are not owners or stable tenants appear not to care about the facilities and property of the building. Large amounts of levies are expended repairing damage to the building. Facilities such as water, electricity, swimming pools, elevators, etc. are stolen or damaged by these people. It is costing legitimate owners.
- The dishonest over-tenancing (and otherwise) owners are making substantial amounts of money at the cost of the honest owners and tenants.
- Safety is reduced when the number of strangers is restricted entering the building. Access cards are one way of reducing unauthorised entry.

I would like to thank you for allowing Flemington Police the opportunity to be able to work together in creating a safer community for all. I will look forward to hearing the result of the proposal.



**Senior Constable James Dickson
Crime Prevention Officer
Flemington Local Area Command**

Disclaimer

The NSW Police Service (NSWPS) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation, any person who does so acknowledges that:

- It is not possible to make areas evaluated by the NSWPS absolutely safe for the community or their property
- Recommendations are based upon information provided to, and observations made by the NSWPS at the time the evaluation was made
- The evaluation is a confidential document and is for use by the council or organisation referred to on page one
- The contents of this evaluation are not to be copied or circulated otherwise than for the purposes of the council or organisation referred to on page one.

The NSW Police Service hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations

The Acting General Manager
Cumberland Council
PO Box 42
MERRYLANDS NSW 2160

**Preliminary Exhibition of a Planning Proposal, 300 Manchester Road, Auburn
(Lots 11 & 12 DP 1166540) PP-1/2018**

Thank you for the opportunity to provide comment in relation to the subject planning proposal. This response reviews the proposal and provides planning advice primarily concerning the proposed dwelling yield and impact on the local public schools within the vicinity of the development. For reasons set out below, School Infrastructure NSW (SINSW) does not support the planning proposal in its current form.

The development proposes an additional 1800 dwellings within an area currently zoned for industrial purpose. The planning report indicates that these dwellings will be a mix of units, plus some townhouses. SGS Economics and Planning Social Impact Assessment estimate that of these dwellings there will be an additional 720 primary school aged children, with 470 of these attending government public schools and that these students can be accommodated within the existing public school assets.

The SGS report indicates that informal conversations with the schools advise that they have capacity within the current assets to accommodate students at all schools. However, this does not accord with our assessment of existing school capacity for the number of students proposed within the report. The Auburn and Granville areas are experiencing high levels of enrolment across assets. The schools nominated within the report as having capacity to absorb the growth from the development all currently exceed their permanent teaching spaces and have demountable teaching spaces located on their sites. An increase of 470 additional students would place significant pressure on teaching spaces within these schools. High schools in the area are also under similar pressures.

The report does indicate that discussions that the developer may wish to enter discussions regarding the provision of a new school as part of the development. We request that the developer consult with SINSW in this regard prior to public exhibition of the planning proposal so that options to address the demand for additional school facilities arising for the proposal can be considered.

Yours sincerely



Lesley Moodie

Director Schools Planning

26 February 2018

24 February 2018



Cumberland Council
16 Memorial Avenue,
Merrylands NSW 2160

Jemena Limited
ABN 95 052 167 405

Attention: Nyambura Mwanki

Reference PP-1/2018

Re: Planning proposal for 300 Manchester Road, Auburn.

Level 9-15
99 Walker St
North Sydney NSW 2060
PO Box 1220
North Sydney NSW 2060
T +61 2 9867 7000
F +61 2 9867 7010
www.jemena.com.au

I refer to Jemena letter dated 24th January 2018, regarding the proposed planning proposal at the above location.

Jemena Asset Management Pty Ltd on behalf of Jemena Gas Networks (NSW) Ltd (collectively Jemena) has pre-existing gas main located in the road reserve of Manchester and Chisholm Roads. The gas mains are outside but adjoining the highlighted area (contained in council correspondence 24.01.18) that is subject to the planning proposal request. If the boundary changes we reserve the right to make further comment and ask to be included in any review and approval given by council as part of any development application or planning proposal.

It is a criminal offence to interfere with Jemena's gas works under s 66 of the Gas Supply Act NSW (1996). If a party does so, then penalties and compensation remedies apply.

If you have any queries, or require any additional information, please do not hesitate to contact me.

Yours faithfully,
Jemena Asset Management Pty Ltd

A handwritten signature in black ink, appearing to read "Luke Duncan", with a long horizontal flourish extending to the right.

Luke Duncan
Property Coordinator
Jemena

Shoilee Iqbal

From:
Sent: Friday, 16 March 2018 7:02 PM
To: Nyambura Mwaniki; Shoilee Iqbal
Cc: Ozinga, Mark; NICHOLSON Rachel A; Tsirimiagos, Jim
Subject: RE: Comments re. Planning Proposal Request at 300 Manchester Road, Auburn (Lots 11 and 12 DP 1166540)

Hi Nyambura

Thanks for time earlier to discuss the above. Please accept this email as interim advice on some aspects of the subject planning proposal. Sydney Trains has some significant issues associated with the current proposal and the proposed use of RailCorp land. It is noted that Sydney Trains (on behalf of RailCorp) has made a separate submission in the capacity of the affected land owner.

TfNSW, together with RMS, have reviewed the documents associated with the subject proposal and noted its feasibility is largely dependent on the land owned by RailCorp. As informed by Sydney Trains, the land ownership issue with the subject proposal has not been resolved by the proponent. On this note, Transport is of the view that the current form of the traffic report would not suffice to support the subject proposal notably the recommended traffic option requires the use of RailCorp land.

The proponent is meeting with Sydney Trains and TfNSW to discuss the aforesaid land issue matter next week. We will keep you informed of these discussions.

At this stage, TfNSW (in consultation with RMS and Sydney Trains) provides the following high level comments in regards to the traffic and acoustic reports submitted along with the subject proposal.

Public Transport Servicing

- ☐ It is essential to demonstrate how the subject proposal could satisfy the objectives of the S.117 Direction 3.4 (Integrating Land Use and Transport Policy package).
- ☐ Though the exhibited reports state that the subject site is within walking distance of Auburn and Clyde Stations, most of the site is outside a reasonable walking distance of 800m to a rail station.
- ☐ The proposed shuttle service for the first five years to connect the residents to Auburn Town Centre is considered only a temporary measure and is unlikely to achieve significant public transport outcomes for long term mode shift of private vehicle trips to public and active transport.
- ☐ It is necessary for a permanent solution to demonstrate a feasible initiative to reduce car dependent trips.
- ☐ In the first instance, any public transport servicing proposal should be based and assessed on the likelihood that the proposed bridge over Duck River cannot be provided. If land use issues with Sydney Trains can be resolved, then this matter can be reviewed.

Traffic and Road Networks Impacts

- ☐ The proposed traffic scheme and recommended option for road network improvements rely on works within RailCorp owned land (including the private portion of Manchester Road) and inclusions of a bridge over Duck River.
- ☐ Any traffic and road network impacts should be based and assessed on the likelihood that the proposed bridge over Duck River cannot be provided. Again, this can be reviewed if the RailCorp land ownership issue can be resolved.

Noise Impact

- ☐ It is noted some deficiencies in the acoustic assessment:
 - Amend the acoustic assessment to take into account the likely direct line of sight between the proposed residences and the adjacent rail lines and rail yards.

- Conduct appropriate noise monitoring at the site to properly account for the level of rail noise. This monitoring should occur over a period of at least one week and include both night time and day time operations.
- The noise monitors must be clear of shielding, including the existing noise barriers, for residences with a line of sight to the rail corridor.
- . It is requested to consider amending the proposed land layout to locate uses which are not sensitive to noise (e.g. retail, commercial) closest to rail operations and maximise the offset distance between dwellings and nearby rail/industrial operations.

Many thanks,

Billy Yung
Senior Transport Planner
Freight, Strategy & Planning
Transport for NSW

u



**Transport
for NSW**

Use public transport... plan your trip at transportnsw.info
Get on board with Opal at opal.com.au

SENSITIVE: NSW GOVERNMENT

DOC18/57809-20:PW

Acting General Manager
Cumberland Council
PO Box 42
MERRYLANDS NSW 2160

Dear Sir/Madam

Preliminary Exhibition - Planning Proposal
300 Manchester Road, Auburn (Lots 11 and 12 DP 1166540)

I am writing to provide comment on the above planning proposal (PP-1/2018) and associated studies received by the Environment Protection Authority (EPA) on 31 January 2018.

The planning proposal states that it is seeking to amend the Auburn Local Environmental Plan 2010 by rezoning the southern part of the site from IN1 General Industrial to a mix of business, residential (approximately 1800 new dwellings) and recreation zones. It is also seeking to retain the IN1 General Industrial zone on the northern part of the site and allowing additional permitted uses including office premises, car park, health services facility, respite day care and centre-based child care facilities.

The site forms part of the Clyburn Industrial Precinct. Currently, a range of commercial and industrial land uses occupy this land and provide a buffer to existing residential housing to the south and east of the industrial precinct in relation to the operation of the Clyde Marshalling Yard. It also helps to provide separation from other industrial activities in the precinct such as the Veolia Clyde Waste Transfer Terminal operated by Veolia Environmental Services. Both these activities operate 24 hours seven days a week and are important infrastructure for Greater Sydney.

On the basis of a review of the submitted information, the EPA has identified several key issues that require further clarification and resolution as part of the assessment and determination of this rezoning proposal. They relate to the adequacy of the information submitted to assess impacts and mitigate the effects of these impacts. These key issues are detailed in **Attachment A** and include the following:

1. Ensuring key objectives, strategies and actions in the Greater Sydney Commissions' (GSC) *Draft Greater Sydney Regional Plan* and *Draft Central City District Plan* (District Plan) are satisfied
2. The operation of activities including the Clyde Marshalling Yard and Veolia Clyde Waste Transfer Terminal, being important infrastructure for Greater Sydney and the risk of land use conflict due to potential noise and odour impacts if residential rezoning proceeds
3. Water Quality
4. Contaminated Land Management
5. Waste Management
6. General Matters.

Until these matters are fully understood and addressed the EPA advises that it is not in a position at the present time to support the rezoning proposal.

The EPA is continuing to review the information provided and intends to provide further comments regarding air quality in a separate letter as soon as possible.

The EPA may have further comments upon receipt and review of any additional information provided in relation to the above planning proposal.

The EPA is available to meet at a mutually convenient time to discuss any of the attached comments if required. Should you require any further information, please contact Mr Paul Wearne on (02) 4224 4100.

Yours sincerely



GREG NEWMAN 26.2.18
Acting Manager Regional Operations Illawarra
Environment Protection Authority

Contact officer: PAUL WEARNE
(02) 4224 4100

Attachment A

ATTACHMENT

The Draft Greater Draft Greater Sydney Regional Plan and Draft Central District Plan

Both the Greater Sydney Commission (GSC) *Draft Greater Sydney Regional Plan* (Regional Plan) and *Draft Central City District Plan* (District Plan) recognises the importance of protecting industrial land to help deliver future growth in Greater Sydney. For example, the Regional Plan highlights the scarcity of serviced industrial land and states that at this time, only two to three years of serviced industrial land supply is left across Greater Sydney.

The supporting information states that the proposal is consistent with the Regional Plan and District Plan, however, it appears there has been no assessment of the proposal against several key objectives, strategies and actions detailed in these Plans. For example, the Clyde Marshalling Yard is identified as an important freight hub for Greater Sydney in the Regional Plan. It also provides important infrastructure for Greater Sydney as it provides a centralised area for train handling, shunting, stabling, maintenance and support activities to help support the Sydney train and freight network. It is also currently separated from surrounding residential land uses by industrial land that provides a buffer to these sensitive land uses that helps minimise noise and air quality impacts.

The supporting information also recognises the strategic importance of the Marshalling Yard in stabling and associated development to cater for the expected increases in train services in Sydney's inner-west and south-west.

The EPA understands that a range of activities are undertaken across the site. These include but not necessarily limited to heavy program maintenance such as Bogie/wheelset changeouts, full train lift capability, paint booth, large (quantity) wheel set store and offices. It also includes Sydney Trains new Major Works Central Hub facility and the Central Warehouse and Heavy Plant yard. All these activities operate 24 hours a day and seven days a week. While some of these activities are office based the range of activities being undertaken across the site are such that this area will generate a range of noise impacts.

Objective 16 in this Regional Plan states that "*Freight and logistics network is competitive and efficient*" and is supported by action 16.2 which recommends:

"Optimise the efficiency and effectiveness of the freight handling and logistics network by:

- *protecting current and future freight corridors*
- *balancing the need to minimise negative impacts of freight movements on urban amenity with the need to support efficient freight movements and deliveries*
- *identifying and protecting key freight routes; and*
- *limiting incompatible uses in areas expected to have intense freight activity."*

Information should be documented on how the above action has been satisfied.

The site forms part of the Clyburn Industrial Precinct which includes a range of industrial activities such as the Veolia Clyde Waste Transfer Terminal (VCWTT), operated by Veolia Environmental Services. This activity currently transfers 500,000 tonnes per annum of putrescible waste for processing and disposal at the Woodlawn Facility. The EPA understands the facility has applied to increase this to 600,000 tonnes per annum.

The changing land use profile in the Sydney basin, in which residential development encroaches upon suitable waste facility sites, has seen community opposition to the development of new putrescible waste facilities increase.

The increase in residential development in the Sydney basin has also coincided with a rise in the level of odour complaints regarding existing putrescible waste facilities. A high volume of odour complaints can place pressure for putrescible waste facilities to be closed-down.

Two of three Sydney Basin putrescible waste landfills (Eastern Creek and Belrose) have closed in the last two years, leaving Lucas Heights as the last putrescible landfill. One of three putrescible waste composting facility (Spring Farm) also closed recently. In this regard the VCWTT provides an important component of Sydney's putrescible waste disposal infrastructure and this should be protected from any potential land use conflicts.

Objective 23 in the Regional Plan states that *"Industrial and urban services land is planned, protected and managed"*. This is supported by Strategy 23.1 which recommends that *"Industrial land in the three cities is to be managed in line with the principles set out in this draft Greater Sydney Region Plan"*. While the District Plan provides further understanding and direction for the management of the Districts industrial land. This recognises the GSC prioritising a strategic review of the Central City District's industrial land to tailor future management of these precincts.

However, the District Plan also states, *"that in the meantime, given that housing supply needs can be met in areas zoned for residential development, the role of industrial and urban services land in providing future capacity for jobs should not be compromised"*. The District Plan is also supported by the following key action (53):

"Manage the interfaces of industrial areas, trade gateways and intermodal facilities by land use activities by:

- *providing buffer areas to nearby activities, such as residential uses, that are sensitive to emissions from 24-hour freight functions*
- *protecting industrial lands for intermodal and logistics uses from the encroachment of commercial, residential and other non-compatible uses which would adversely affect industry viability to facilitate ongoing operation and long-term growth*
- *identifying and preserving land for future intermodal and rail infrastructure*
- *accommodating advanced manufacturing where appropriate by zoning that reflects emerging development models"*.

Information should be documented on how the planning proposal satisfies the objectives, strategies and actions in the Regional Plan and District Plan.

Land Use Conflict

The EPA has been highlighting the problem of land use conflict and need for approaches for its management to best respond to these proposals and proposals involving the encroachment of sensitive land uses on industrial land with the GSC. In particular, the EPA worked with the GSC in the development of the map *Protecting key Employment and Urban Service Lands in Greater Sydney* which identifies key Employment and Urban Service Lands that present high or moderate potential land use conflicts in Greater Sydney. This map is included in the *Greater Sydney Sustainability Profile* and recognises this land as being *"high potential for land use conflict"*. The map also highlights that careful planning is required where land use conflict is or could be an issue.

There has been a history of community complaints in relation to noise from rail operations from residents who live within the vicinity of the rail line and odour from the VCWTT.

The management of land use conflict requires early engagement with developers, land owners, operators, Councils and State Government Agencies (including Department of Planning and Environment and EPA) to understand and manage any potential risks and then documentation of a process mitigating those risks. Approaches such as co-design or co-creation acknowledge the value of local inputs and participatory processes, and is recognised in the: *NSW Government's draft Architecture and Urban Design Policy, Better Placed* (October 2016).

The use of approaches such as *"reverse sensitivity analysis"* should be considered when planning the area to address land use conflict; such an approach is used successfully in the New Zealand planning system to help inform the planning of areas as they transform. Further information on this approach can be obtained at: http://www.tba.co.nz/kete/PDF_files/ITP406_reverse_sensitivity_analysis.pdf.

With a proposal that involves placing sensitive land uses including residential, child day care centres and health facilities adjacent and within the industrial precinct, and importance of the existing activities in the precinct being important infrastructure for Greater Sydney, Council needs to be confident that such a change in land use does not result in land use conflict. The potential to address noise and odour issues retrospectively following development can be challenging and expensive and can lead to community complaint.

Noise

A review of the Noise Impact Assessment (NIA) and has identified a range of issues in relation to the adequacy of the assessment. These include:

- The assessment should include a review of all potential noise sources. This should include but not necessarily be limited to activities being undertaken at the Clyde Marshalling Yard but also in the vicinity of the of the proposal such as the Sydney Speedway.
- Table 2 of the NIA provides a summary of the measured noise levels for day and night periods over a 2-week period. This includes the highest $L_{1(15\text{-minute})}$ during the night to determine sleep disturbance. The highest reported level is 59 dB(A) L_1 at location 1 and location 2. But this does not match the noise logging data in Appendix 1 of the NIA where several exceedances of $L_{1(15\text{-minute})}$ 59 dB occur during the night.
- Justification on the acceptability of a maximum of one awakening per night, which states that on average, a sleeper will have one awakening during the night as result of some disturbance other than external noise.
- The unattended noise monitoring (see Figure 2) in the NIA does not adequately consider potential impacts on Lot 11 from the rail marshalling yards to the east of this site. Noise impacts could be greater and the recommended mitigation measures may not be adequate.
- There is no discussion nor assessment of any proposed growth/increased intensity to the current use of the rail yard. This should also include any documented discussion with the rail yard operators to fully understand future operations at the Rail Yards.
- Although the site is urban (with industrial interface) there is no consideration of external noise amenity.
- There has been no assessment of the proposed additional sensitive uses of health service facility, respite day care and centre-based childcare facilities being proposed in the retained existing IN1 General Industrial zoning.

To mitigate noise impacts the NIA recommends, measures such as minimum glazing specifications to ensure appropriate internal noise amenity in bedrooms and living rooms. The EPA considers that managing noise-based land-use conflict goes beyond minimum glazing requirements to ensure adequate internal amenity. Appropriate land use planning should ensure land use conflict is avoided. The planning proposal should document a proposal that provides strategies that provide:

1. Spatial separation of incompatible land use. Appropriate siting of noise sensitive land-use by seeking opportunities to maximise distances from noise making activities and/or introducing barriers, for example, non-sensitive buildings.
2. Minimise noise emissions at source. Ensuring sources such as building through best practice selection, design, siting, construction and operation as appropriate.
3. Reduce noise impacts at receivers through best practice design, siting and construction. Although this will need to include consideration of architectural treatment such as acoustic glazing, it should also ensure that noise sensitive uses are orientated away from noise-sources. In addition, measures such as mechanical ventilation are detailed and assessed if glazing options are proposed as windows may not be able to be opened.

Because of the potential for land-use conflict, noise is likely to affect future residents if noise management strategies are not put in place. These matters should be resolved as part of the rezoning proposal and not left to post approval processes.

Water Quality

The planning proposal provides limited information on any potential impacts to water quality nor supporting management measures other than some discussion on Water Sensitive Urban Design. The site adjoins Duck Creek which flows into the Parramatta River.

A Water Quality Impact Assessment should be sought from the proponent documenting how the District Plan, Planning Priority C13 Protecting and improving the health and enjoyment of the District's waterways will be achieved. In particular how the proposal will contribute to the 'Our Living River' initiative for the Parramatta River. It should include:

- An assessment of any potential impacts of the proposal on hydrology and hydrogeology with a particular focus on water quality and the community's agreed environmental values and human uses for the Parramatta River (NSW Water Quality Objectives).
- A concept Stormwater Management Plan outlining the general stormwater management measures for the proposal, including the use of sustainability measures such as Water Sensitive Urban Design.
- Opportunities for the use of integrated water cycle management practices and principles to optimise sustainable water supply, wastewater and stormwater management across the precinct.

The Office of Environment and Heritage and the EPA have developed a '*Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-Use Planning Decisions*' to assist decisions that maintain, improve or restore water quality in the strategic planning process to help meet the NSW Water Quality and River Flow Objectives. The framework can be used to:

- ensure the community's environmental values and uses for our waterways are integrated into strategic land-use planning decisions
- identify relevant objectives for the waterway that support the community's environmental values and uses, and can be used to set benchmarks for design and best practice
- identify areas in the catchment where management responses cost-effectively reduce the impacts of land-use activities on our waterways
- support management of land-use developments to achieve reasonable environmental performance levels that are sustainable, practical, and socially and economically viable.

Information should be provided on whether the existing sewage reticulation system can cater for any new additional load. Information should also be provided on whether any additional load will impact the systems environmental performance especially in relation to sewage overflows from any existing sewage pumping stations and discharges from any associated Sewage Treatment Plant. The EPA's policy is that for new systems there should be no pollution of waters as a result of overflows during dry weather and that overflows during wet weather should be minimised. Sewage overflows have been identified as one of the major contributors to diffuse source water pollution in urban environments.

Water management techniques are reliant on effective and ongoing maintenance and monitoring. The assessment should document any financial arrangements for their long-term management such as Section 94 contributions or a Special Infrastructure Contribution, etc. This will ensure that any integrated system will have an effective funded governance structure in place to ensure these measures are maintained in perpetuity and will continue to meet the expected environmental performance outcomes into the future.

Contaminated Land

The Preliminary Site Investigation (PSI) reported that extremely heterogeneous historical fill has been placed at Lot 11 in the past with inherent variability in the concentrations of heavy metals, Total Recoverable Hydrocarbons (TRH) and Polycyclic Aromatic Hydrocarbons (PAH). Asbestos has also been found to be present in surface soils. However, it appears the investigation was limited to only a desktop study and review of previous reports. No soil samples were collected during the PSI. In this regard potential risk to human health and the environment has not been adequately assessed for the proposed change to a more sensitive land use.

The PSI mentioned presence of elevated heavy metal concentrations and that assessment of these concentrations and neighbouring groundwater characteristics indicate these concentrations are likely to be associated with background levels and do not warrant further assessment. The EPA disagrees with this statement that background levels of heavy metals do not warrant further assessment. The proposed change from industrial to (a more sensitive) residential land use warrants the effects of the high heavy metal concentrations to be fully investigated and understood to assess risks to human health and environment.

The PSI concludes that in its current condition, the site can be made suitable for the future intended land use, consistent with the criteria outlined in the NEPM (NEPC, 2013) for Residential B land use criteria, following the implementation of a Remediation Action Plan (RAP) and appropriate Validation. A previous RAP for the site was recommended (prepared by E3 in 2012) reviewed by DLA (2015). However, this RAP was for commercial/industrial use. A revised contemporary RAP for residential land use should be sought from the proponent.

The EPA notes that the land use suitability review was prepared by a consultant and not by an EPA accredited Site Auditor. As documented on the EPA website, accredited Site Auditors are able to provide increased certainty to planning authorities about the nature and extent of contamination and the suitability of a site for a specified use. With the proposed site having a history of industrial use and contamination Council may wish to consider appointing an accredited site auditor to assist Council in its assessment of the proposal.

Based on the EPA's review of the PSI, the EPA recommends:

- a) The processes outlined in *State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* be satisfied in order to assess the suitability of the land and any remediation required in relation to the proposed use.
- b) Additional information should be sought that addresses the above concerns.
- c) That a detailed (Phase 2) site assessment needs to be undertaken and a revised RAP developed for the site to inform the rezoning proposal. This assessment should not be left to a post approval process.
- d) Preparation of a detailed unexpected finds protocol. The detailed protocol should be followed during the actual implementation of the project.
- e) An Asbestos Management Plan should be prepared for the site, since there is potential that asbestos could be encountered at the site. This program should be prepared by a qualified hygienist or other suitably qualified professional. It should include details on the location and frequency of monitoring to be undertaken, trigger levels and trigger level actions and notification protocols.
- f) Due to proposed change from industrial to residential land use, consideration should be given to the use of a site auditor accredited under the CLM Act to confirm suitability of the land use. The site auditor should also be engaged to review the adequacy of the investigations, unexpected finds protocol, or any remedial works or management plan required.
- g) The proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under Section 6(2) of CLM Act.
- h) The EPA should be notified under Section 60 of the CLM Act for any contamination identified which meets the triggers in the *EPA Guidelines for the Duty to Report Contamination*.
- i) The investigation and any remediation and validation work should be carried out in accordance with the guidelines made or approved by EPA under Section 105 of the Contaminated Land Management (CLM) Act 1997. The following guidance should be considered:
 - Technical Note: Investigation of Service Station Sites, 2014
<http://www.epa.nsw.gov.au/publications/contaminatedland/140315servstatsites>
 - NSW EPA Sampling Design Guidelines
www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf
 - Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017
<https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition>

- Guidelines for Consultants Reporting on Contaminated Sites, 2011
www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
 - The National Environment Protection (assessment of contamination) Measures 2013 as amended.
- j) EPA recommends use of “*certified consultants*”. Please note that the EPA’s Contaminated Land Consultant Certification Policy:
(<http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en>) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Hence, the EPA requires all reports submitted to the EPA to comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a certified consultant.

Waste Management

There appears to be limited discussion on the management of waste in the supporting information. The Sustainability Assessment does mention concepts such as waste separation and compaction systems, however there is no further discussion on such approaches including information on how such systems could be developed for the entire site. The planning proposal does provide an opportunity to explore for a precinct-scale solution for integrating waste and recycling collections across the entire site. The proposal should document a waste management solution to help deliver key sustainability actions in the Regional and District Plan.

To address the above issues a waste management plan should be developed by a suitably qualified waste specialist that can be used to inform the rezoning proposal. This should include information on the management of waste for the entire site including both construction and operation. There is a range of available waste information on the EPA web site such as the *Better Practice Guide for Waste Management in Multi-Unit Dwellings (DECC 2008)* (MUD Guideline) that can help inform the development of a plan. In particular the MUD guideline (which is currently under review) provides waste management strategies for multi-unit residential developments. This guide can be accessed at: <http://www.epa.nsw.gov.au/warr/BetterPracticeMUD.htm>.

The Western Sydney Regional Organisation of Councils has also recently published a range of fact sheets to help inform waste management solutions for new development. These should also be consulted when developing the above plan. These can be obtained at the following web site:
<https://www.wsroc.com.au/media-a-resources/reports>

General

While the EPA is still reviewing the supporting odour assessment, the EPA has provided some initial comments for Council’s consideration. The EPA will provide detailed comments upon its completion of its review.

- The Odour Assessment (2.2 Meteorology) asserts light winds from the north will be experienced “*on relatively few occasions*”. The EPA notes that still to light winds are likely to drift along the low lying Duck Creek, which may increase the flow of air from the Veolia premises to the proposed location. Further, the community can become sensitive to waste odours experienced “*on relatively few occasions*” to the point where each instance causes significant distress.
- The proposed high density residential development may exacerbate the risk of sensitised response. Further, although the level of floors is unclear, the dwellings will be elevated which may increase the likelihood of experiencing odours from the industrial area.
- Pacific Environmental correctly note that the Veolia Banksmeadow and Clyde facilities have comparable odour controls. EPA is currently investigating 28 odour complaints reported by Veolia between 2/07/2016 to 1/07/2017 for its Banksmeadow facility.
- Pacific Environmental note a low volume of odour complaints regarding the Clyde facility. The current land use for the proposal provides a low risk of odour complaints. It may be that odour emissions impacting that area currently go unreported due to that land use.

Our Ref: C18/132

Your Ref: PP-1/2018

13 March 2018

Acting General Manger
Cumberland Council
(Attn: Nyambura Mwaniki)
PO Box 42
MERRYLANDS NSW 2160

Emailed to: council@cumberland.nsw.gov.au

Dear Sir/Madam,

Re: Preliminary exhibition of a planning proposal request for 300 Manchester Road, Auburn

DPI Fisheries, a division of NSW Department of Primary Industries, wishes to provide the following comment on the planning proposal stated above.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. The Duck River is important key fish habitat within Sydney. The protection of key fish habitat is reflected in the aquatic habitat protection (and enhancement) measures under Part 7 of the *Fisheries Management Act*, the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)* and cl.21 of the *Sydney Regional Environmental Plan (Sydney Harbour) 2005*.

It is noted that the planning proposal involves proposed changes to zoning, building heights and lot sizes at 300 Manchester Road, Auburn. DPI Fisheries has no objections to these proposed planning changes. However, as the information supporting this application includes plans for potential works within the Duck River and its riparian zone adjoining this site, DPI Fisheries provides the following comment on such riparian concerns.

Riparian Buffer Zones

Riparian buffer zones form an important ecological complement to any key fish habitat area. Adjacent to major urban waterways, such as the Duck River, DPI Fisheries recommends a riparian buffer zone width of 40m from the top of the river bank. As no cross sectional buffer zone widths have been provided with the information supporting this planning proposal, it is not known whether this 40m buffer zone requirement will be met across this precinct.

Regarding proposed works within the riparian zone, DPI Fisheries recommends that:

- Any pathways in the riparian zone be situated above and set back from the top of the river bank where possible. Pathways on riverbanks can present issues with bank stability over time, resulting in the call for hard engineered bank stabilisation methods.
- The area of native riparian vegetation along the river be increased from that proposed where possible. Current weedy zones should not be used as a justification for covering the sensitive riparian buffer zone with grass. Active grassed zones should be situated away from riverbank and riparian buffer areas.
- Native riparian plantings on the river bank itself should be proposed along the width of the site to improve natural bank stability.

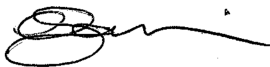
- The proposed drainage swales be relocated outside of the riparian buffer zone. That way the swales can be easily maintained, treat the water prior to entering the riparian zone and should not be impacted by flood related and debris issues over time.

Water Quality Improvements

DPI Fisheries sees this project as an opportunity to improve water quality through the use of effective stormwater quality improvement devices in the development of this precinct. This will assist in improving the quality of key fish habitat in the river.

If Council or the Joint Regional Planning Panel requires any further information, please contact me on 4222 8342.

Yours sincerely,



Carla Ganassin

Fisheries Manager, Aquatic Ecosystems

From: Sarah Cameron ·
Sent: Thursday, 22 March 2018 3:32 PM
To: Submissions
Subject: PP-1/2018 - Preliminary Exhibition of a Planning Proposal Request for 300 Manchester Road, Auburn (Lots 11 & 12 DP 1166540)

Dear Ms Cologna

I refer to your letter of 24 January 2018 regarding the Preliminary Exhibition of a Planning Proposal Request for 300 Manchester Road, Auburn (Lots 11 & 12 DP 1166540). I apologise the delay in replying.

I understand that Cumberland Council is undertaking preliminary exhibition of the Planning Proposal Request prior to consideration by the Cumberland Independent Hearing and Assessment Panel, and prior to Gateway Determination from the Department of Planning and Environment.

You are advised that the Heritage Division will defer making comment until such time as the Planning Proposal is referred as a condition of the Gateway Determination.

Thank you for your referral. Should have any questions, please contact Sarah Cameron, Senior Heritage Programs Officer, at the address below.

Sarah Cameron

Senior Heritage Programs Officer (Thurs-Fri)
Statewide programs
Heritage Division
Office of Environment & Heritage

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

Click [here](#) to report this email as spam.

From: Christopher Wright
Sent: Friday, 9 March 2018 11:25 AM
To: Shoilee Iqbal
Subject: FW: comments for the Planning Proposal Request for 300 Manchester Road, Auburn

Hi Shoilee

Thank you for the opportunity for the Department of Industry – Lands & Water to provide comments on the Planning Proposal for 300 Manchester Road, Auburn.

As discussed yesterday please find the departments comments as follows:

- ☐ The department supports all of the OEH recommendations as outlined in their letter to Council dated 7 March 2018
- ☐ Any works on Crown land/waterway would require Licencing under the *Crown Lands Act 1989*
- ☐ Recommend that a 'buyer beware' convent is developed to acknowledge that the Grey-headed Flying-fox colony is in the vicinity to proposed residential development as a proactive approach to negate future conflict and complaints about odour, noise etc.

Regards,

Chris Wright | A/Group Leader, Property Management
Department of Industry – Lands & Water
10 Valentine Ave, Parramatta | PO Box 2185| Dangar NSW 2309