

Department of Planning and Environment  
Industry Assessments  
GPO Box 39  
**Sydney NSW 2001**

By email: [Ania.Dorocinska@planning.nsw.gov.au](mailto:Ania.Dorocinska@planning.nsw.gov.au)

Attention: Ania Dorocinska

**Re: SSD-8586218**

**Request for Council's comments on Secretary's Environmental Assessment Requirements (SEARs).  
Development of Lot 4 of Bringelly Business Hub for the purposes of light Industry**

Dear Sir/Madam,

Thank you for the opportunity to comment on the proposed State Significant Development for the Development of Lot 4 of Bringelly Business Hub for the purposes of light Industry (SSD-8586218).

Council has reviewed the documentation on the NSW Department of Planning, Industry and Environment's website with respect to this application and request that the following matters, in addition to those identified by the applicant in its letter requesting for SEARs, be taken into consideration in the preparation of the required Environmental Impact Statement.

## **GENERAL MATTERS FOR CONSIDERATION**

### **1. Site Design Guidelines**

It is acknowledged that the Concept Plan SSD 6324 contains conditions outlining the matters to be addressed as part of the future development applications within the Business Hub. Condition B1 requires that the site layout and architectural design of future development within BRBH shall have regard to, and be consistent with, the Updated Site Design Guidelines, prepared by JBA Urban Planning Consultants, dated June 2015. Council requires that the development complies with the objectives and controls of BRBH Design Guidelines.

## 2. Ecologically Sustainable Development

Given the nature and scale of the proposed warehouse, Council recommends the use of solar panels and rainwater tanks. This should help to offset energy consumption of the development and ensure that sustainable practices are embedded within the built form for years to come. Council would also recommend that trees planted in parking areas, and other landscaped elements, are passively irrigated by utilising water run-off from hard-stand areas, thereby reducing stormwater discharge, run-off pollutants/nutrients and promoting flora survival.

## 3. Urban Heat Island

The Liverpool LGA experiences elevated urban heat island stress due to its specific climate, urban landscape, geographic location, and climatic factors. Council is concerned with ensuring the negative health impacts of urban heat are minimised. Council recommends that this issue be further considered with the submitted application.

In this case, a large proportion of the site is comprised of the warehouse, loading/unloading and open car park. In order to minimise the amount of urban heat caused by the level of hard surface, Council suggests that consideration be given to the provision of additional large canopy trees at the site.

Providing broad tree canopy cover over paved hard-stand areas such as customer car parking as well as around the perimeter of the site is particularly pertinent to address both urban heat and to minimise visual impact. Some other suggested mitigation strategies include the employment of lighter coloured permeable paving and the use of lighter coloured roofing.

## 4. Visual Impact Assessment

Condition B6 requires a detailed VIA that includes photomontages. The applicant states that computer generated images will be submitted with the application.

- It is Council's desire to have a detailed visual assessment that includes a comprehensive set of photomontages, identifies impacts, and outlines mitigation measures.
- The VIA should also reference the Design Guidelines with respect to the location of building elements, hardstand areas, and landscaped areas so as to minimise visual intrusiveness of the development in the broader landscaped setting.

- The VIA should also identify all signage (including, but not limited to building identification signage) so as to ensure that customers can identify the building in reasonably close proximity, but to ensure that signage is discreet and not visually intrusive, especially from a distance.

## 5. Safety Management Study

The development should be forwarded to Jemena to determine whether a Safety Management Study is required, as it is Council's understanding that the development lies within the buffer zone of the Central Trunk (Wilton to Horsley Park) high pressure natural gas pipeline.

## **ENVIRONMENTAL MATTERS**

The following matters are to be addressed to ensure the stability of site and ensure it complies with the requirements of relevant environmental planning instruments and policies, including.

## 6. Hours of Operation

The hours of operation for the proposed facility must be confirmed.

## 7. Appropriate Regulatory Authority

Schedule 1 of the Protection of the Environment Operations (POEO) Act 1997 declares premises-based activities regulated by the NSW Environment Protection Authority (EPA). The Application must be reviewed with consideration for Schedule 1 of the POEO Act 1997 to determine if the proposal is a scheduled activity and requires an Environment Protection Licence from the NSW EPA (Integrated Development).

In these circumstances, approval must be obtained from the NSW EPA before consent can be granted. The consent authority must refer the development application to the relevant public authority and incorporate the public authority's general terms of approval.

## 8. State Environmental Planning Policy 55 – Remediation of Land

In accordance with Clause 7(1) of State Environmental Planning Policy (SEPP) No. 55- Remediation of Land, the consent authority is required to consider contamination and the need for remediation when determining an Application. If the land requires remediation, it must be satisfied that the land will be remediated before the land is used for that purpose. Furthermore, Clause 7(2) of SEPP 55- Remediation of Land requires the consent authority to consider a report specifying the findings of a preliminary investigation of

land if the proposed development involves a change of use on any land specified in subclause 4.

The Environmental Health Section previously provided comments in relation to SSD6324 for the proposed Bringelly Road Business Hub. The project included the subdivision of the site into eight lots and was supported by a Phase 1 Environmental Site Assessment Report (Ref: GEOTLCOV25068AA-AF) prepared by Coffey Environments Australia Pty Ltd dated 15th September 2014.

Coffey Environments Australia Pty Ltd concluded that a more detailed investigation was required to determine the suitability of the land for future development. In accordance with their recommendations, additional investigations were to comprise:

- Confirmatory sampling and analysis of surface soils for pesticide and herbicides;
- Characterisation of fill materials (if any);
- Removal of debris and waste along the south western boundary and from within the site, following characterisation of these materials;
- Characterisation of surface soils for potential weathered hazardous building materials;
- Inspection of workshop or chemical storage areas;
- A formal hazardous materials survey; and
- Decommissioning of the septic tank on Lot 1 in the south western part of the site (90 Bringelly Road) and disposal of gas bottles within the existing Lot 10 in the eastern part of the site.

Given these findings, the Environmental Health Section recommended for the Department to request a more detailed site investigation prior to granting consent for the proposed development. However, the requirement for a detailed site investigation was imposed as a deferred commencement condition in the Development Consent (SSD 6324) approved by the Minister for Planning and Environment dated 13th January 2016.

Within the Statement of Environmental Effects (17650) dated 22nd December 2017 for 2015/0745, Ethos Urban Pty Ltd suggested that the Department confirmed via letter (dated 12 May 2016) that the deferred commencement conditions were satisfied. A copy of this letter was not included in the Statement of Environmental Effects and was therefore unavailable for review at the time of assessment by the Environmental Health Section. However, the Department's Assessment Report for SSD 6324, MOD 2 dated 15th August 2018 confirmed that a Phase 2 Environmental Site Assessment was later submitted by the Applicant which confirmed that the site did not require remediation. Therefore, it is believed

that the Department determined that the land was suitable in its current condition for the proposed land use without the need for remediation.

## 9. State Environmental Planning Policy (Infrastructure) 2007

When considering the nature of the proposed development, it is believed that further consideration of Clauses 87 and 102 of State Environmental Planning Policy (Infrastructure) 2007 is not required. However, the proposed facility may be a traffic generating development as outlined in Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. Therefore, further consideration of potential acoustic impacts associated with the proposed development is warranted.

## 10. Acoustic Assessment

The proposed development may be a source of offensive noise and potentially impact upon human health and amenity. An acoustic report shall be prepared by a suitably qualified acoustic consultant and include a quantitative assessment of all noise and vibration generating sources during site preparation, construction and operation in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017) and Department of Environment and Conservation's 'Assessing Vibration: A Technical Guideline dated February 2006. The cumulative effect of noise must be considered when assessing the impact upon receivers.

Where necessary, the report shall also assess potential road traffic noise impacts in accordance with the 'NSW Road Noise Policy' prepared by the Department of Environment, Climate Change and Water NSW (DECCW NSW) dated March 2011. The project noise trigger levels for the proposed development shall be selected according to the most stringent intrusive or amenity criteria. If required, recommendations and noise control measures shall be specified to achieve compliance with the assessment criteria. The assessment shall be representative of all noise generating activities on-site including but not limited to mechanical plant, deliveries and motor vehicle movements.

When assessing noise levels at commercial or industrial premises, the noise level shall be determined at the most affected point on or within the property boundary. Alternatively, when gauging noise levels at residences, the noise level shall be assessed at the most affected point on or within the residential property boundary. Where necessary, sound levels shall be adjusted in accordance with NSW Environment Protection Authority's guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

Detailed specifications of any equipment, machinery or public address system are required to determine noise impacts associated with the proposed development's operation. Construction noise shall also be assessed in accordance with the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW dated July 2009.

In accordance with Council's requirements, it is strongly recommended that the Department requires acoustic reports to be prepared or reviewed and certified by a suitably qualified acoustic consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. The report's cover or title page must confirm the consultant's membership with the Australian Acoustical Society or employment by an Association of Australasian Acoustical Consultants (AAAC) member firm.

## 11. Noise Management Plan

The SEARs shall require the preparation of a Noise Management Plan and complaints' handling procedure prepared under the supervision of a suitably qualified acoustic consultant. The Noise Management Plan and complaints' handling procedure shall be submitted to the consent authority for review. It is recommended that this documentation is prepared under the supervision of a suitably qualified acoustic consultant who meets the abovementioned criteria.

## 12. SEPP 33 – Hazardous and Offensive Development

It is unclear whether fuel or other flammable and combustible liquids may be stored and handled on-site. To address the requirements of State Environmental Planning Policy No. 33- Hazardous and Offensive Development, the Applicant may be required to prepare a preliminary screening procedure and/or Preliminary Hazard Analysis for the proposal.

## 13. Chemical Inventory

A chemical inventory checklist may need to be completed and submitted to the consent authority for review.

## 14. Underground Petroleum Storage Systems (UPSS)

On 1st September 2019, the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 was implemented to minimise risk to human health and the environment by

requiring best practice design, installation, maintenance, and monitoring of Underground Petroleum Storage Systems (UPSS) in New South Wales.

A significant change resulting from the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 included the transfer of regulatory responsibility for the majority of UPSS in NSW to Local Government. It is requested that the Applicant confirms whether the proposed facility will contain UPSS requiring regulation under the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.

## 15. Chemical Storage

Detailed plans of the forecourt and chemical storage areas shall identify bunding, spill kit locations and drainage infrastructure. All work and storage areas where spillage may occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is greater. The canopy covering the chemical storage areas shall have an overhang by 10° to prevent rainwater intrusion.

The Applicant may also be required to comply with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019, Protection of the Environment Operations (Clean Air) Regulation 2010 and industry best practice and standards including but not limited to Australian Standard AS 4897–2008: Design, installation and operation of underground petroleum storage systems (AS 2008a) and The Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations published by the NSW EPA dated March 2017.

Plans may also be required to demonstrate compliance with Australian Standard (AS) 1940–2017: The storage and handling of flammable and combustible liquids; AS/NZS 3833:2007 The storage and handling of mixed classes of dangerous goods, in packages and intermediate bulk containers; and if applicable, Australian Standard (AS) 1692-2006 Steel tanks for flammable and combustible liquids.

## 16. Construction Phase Soil and Water Management Plan

A soil and water management plan shall be prepared for the construction phase of the proposal.

## 17. Construction Environmental Management Plan

A Construction Environmental Management Plan shall be prepared by a suitably qualified environmental consultant for the proposal. Suitable management and control measures must be included within the Plan to ensure that there are no adverse impacts on the environment during construction. The CEMP must address all environmental aspects of the development's construction phases, and include, where relevant, but not be limited to, the following:

1. Asbestos Management Plan;
2. Project Contact Information;
3. Site Security Details;
4. Timing and Sequencing Information;
5. Site Soil and Water Management Plan;
6. Noise and Vibration Control Plan;
7. Dust Control Plan;
8. Health and Safety Plan;
9. Waste Management Plan;
10. Incident Management Contingency; and
11. Unexpected Finds Protocol.

## 18. Site Plans

Detailed site plans for the proposed facility shall be submitted with the Application and include:

- Environmental safeguards such as trafficable bunds installed at the entry and exits of chemical and waste storage areas to prevent contamination of the surrounding environment;
- A sealed forecourt area to prevent dust emissions and tracking of sediment and other material from the site;
- An enclosed building for the complete storage of chemicals and waste;
- The roof covering all storage areas, garbage bin bays and chemical storage areas shall contain an overhang of at least 10° to prevent rainwater intrusion. Uncontaminated rainwater shall be directed from the canopy and other roofed areas into stormwater drains;
- The location of spill kits, stormwater pits and stormwater drainage infrastructure. A detailed drainage diagram shall be submitted with the



- Application to clearly identify the proposed location of surface drains, sewerage and stormwater infrastructure; and
- Manufacturer's specifications and the location of any pre-treatment devices to be installed at the subject premises.

All containment measures including trafficable bunds shall be designed, installed and constructed in a manner which: permits the safe passage of personnel and vehicles, maintains effective containment capacity and minimises intrusive/offensive noise impacts arising from vehicle operation.

## 19. Waste Management

The Application shall specify how refuse and waste will be managed during site preparation, construction and operation. Suitable waste storage facilities are to be provided as part of the proposal. The garbage/waste storage areas shall be clearly identified on the site plans and be located within the proposed building. The designated garbage/waste storage areas shall comply with the following requirements:

- The rooms shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls covered to the floor;
- Provided with a hose cock for hosing the garbage bin bay and a sewered drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
- The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and
- The room must include a tight-fitting, self-closing door and mechanical ventilation.

## 20. Regulated Systems

The installation, operation and maintenance of cooling water systems and warm water systems are regulated under the Public Health Act 2010. The Applicant must confirm whether regulated systems such as warm water and/or cooling water systems will be installed at the premises in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS 3666.

## 21. Sewage Management

It is unclear whether a sewer rising main would be required for the proposal. Section 68 of the Local Government Act 1993 indicates that approval is required to install, construct or alter a waste treatment device and operate a system of sewage management at the premises.

"Operate a system of sewage management" means hold or process, or re-use or discharge, sewage or by-products of sewage (whether or not the sewage is generated on the premises on which the system of sewage management is operated). Therefore, separate approval may be required under Section 68 of the Local Government Act 1993 if the proposal includes infrastructure to hold or process, or re-use or discharge, sewage or by-products of sewage. In these circumstances, the Applicant is required to demonstrate that the system's design and capacity are adequate for its intended purpose taking into consideration maximum load requirements, unforeseen incidents and shutdown contingencies.

## 22. Technical Reports

To improve environmental health outcomes and efficiency during the development assessment process, Council requires development applications to be supported by technical reports prepared by suitably qualified and industry certified environmental consultants. Further information is available on Council's website at <https://www.liverpool.nsw.gov.au/development/development-and-building>. It is recommended that the Department adopts a similar approach in the assessment of the Application. Also, it is considered pertinent that technical reports consider the cumulative impacts associated with multiple land uses operating at the Bringelly Road Business Hub.

## **SOCIAL MATTERS FOR CONSIDERATION**

23. Liverpool City Council has adopted a Social Impact Policy which aims to "identify and manage the positive and negative consequences of proposed developments to optimise social outcomes and community wellbeing".

Considering the size of the proposed development, including the workforce utilised during the construction stage and the nature of products the applicant intends to produce and store at the site, a Comprehensive Social Impact Assessment should be prepared and reviewed by both Council and the Department.

If you have any questions please contact Boris Santana, Principal Planner on 8711 7683.

Yours sincerely,



**George Nehme**  
**Coordinator**  
**Development Assessment**