

ALL CONSTRUCTION SITES WILL CONTINUE TO OPERATE THROUGHOUT THE CHRISTMAS AND NEW YEAR PERIOD.

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From: Tim Colless [mailto:[REDACTED]]
Sent: Friday, 22 December 2017 1:59 PM
To: 'Steven Bautovich' [REDACTED]
Cc: Mark Griffiths [REDACTED]
Subject: Bringelly Road Business Hub

Hi Steve,

I hope all is well on your end.

I have cc'd Mark Griffiths who is a representative of the developer committed to Bringelly Road Business Hub. Following the concept approval for the business hub, the developer will submit development applications for the individual buildings. I expect Mark will contact you to provide more information.

Have a good new year break.

Regards

Tim Colless | Project Manager
Parramatta Park & Western Sydney Parklands Trusts
Mob: [REDACTED]
A: Level 7, 10 Valentine Avenue, Parramatta, NSW 2150
M: PO Box 3064 Parramatta NSW 2124
W: www.parrapark.com.au | www.westernsydneyparklands.com.au
Facebook: [/parrapark](https://www.facebook.com/parrapark) | [/westernsydneypark](https://www.facebook.com/westernsydneypark)
Twitter: [@parrapark](https://twitter.com/parrapark) | [@westernsydypark](https://twitter.com/westernsydypark)

Steven Bautovich

From: Mark Griffiths [REDACTED]
Sent: Friday, 22 December 2017 2:59 PM
To: Steven Bautovich
Cc: Tim Colless; Paul Jewiss
Subject: RE: Bringelly Road Business Hub - RE: Nulon Motor Oils Facility – Bringelly Road Business Hub (SSD8900)

RE: Nulon Motor Oils Facility – Bringelly Road Business Hub (SSD8900)

Hi Steve,

Following on to Tim Colless' email of WSPT below. Further to the State Significant Development consent (SSD 6324) being issued for the Bringelly Road Business Hub comprising:

1. A concept proposal for a business park comprising large format retail premises, light industry, service station, takeaway food and drink premises and restaurant / café uses; and
2. Stage 1 subdivision into 8 lots and early works.

See the following webpage link below for the Development Consent.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6324

CIP/CH (Bringelly) Pty Ltd "Developer" have entered into to a Development Management Agreement (DMA) with Western Sydney Parkland Trust (WSPT) for the land known as the Bringelly Road Business Hub (BRBH).

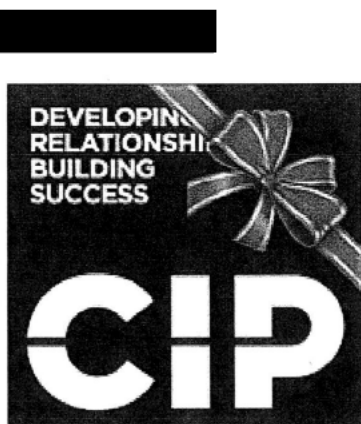
In accordance with State Significant Development consent (SSD 6324) the Developer has lodged a State Significant Development Application (SSD8900) with Department of Planning and Environment for the proposed Nulon Motor Oils facility to be located on Lot 8 at the Business Hub. See the following webpage link below for the Development Application.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8900

We would welcome your feedback on SSD8900 Development Application. If you have any questions or comments you're welcome to contact me on the undersigned.

Kind Regards,

Mark Griffiths
Development Manager



SYDNEY
MELBOURNE
BRISBANE
ADELAIDE
PERTH

WE WILL BE TAKING A BREAK BETWEEN THE 25TH OF DECEMBER 2017 TO THE 8TH OF JANUARY 2018.

To: Andrew Simpson [REDACTED]
Cc: 'Steven Bautovich' [REDACTED]
Subject: RE: Bringelly Road Business Hub

Hi Andrew,

I have just had a discussion with Steve Bautovich who is the contact for 12 Bringelly Road. Just before Christmas, Mark issued a link to the folder containing DA documents however I think it would be more helpful if you were able to provide links to documents which might be of particular interest to Steve (eg architectural, civil drawings and landscape plan).

A few things to address for Steve please:

- Where within the site the proposed Nulon facility sits.
- The interface treatment?
- Location and height of retaining walls and any treatments.
- The operation of Nulon – storage? Manufacturing? What sort of oils etc will be stored/produced on site?

Any questions, please let me know.

Regards

Tim Colless | Project Manager
Parramatta Park & Western Sydney Parklands Trusts
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From: Tim Colless
Sent: Friday, 22 December 2017 1:59 PM
To: 'Steven Bautovich' [REDACTED]
Cc: 'Mark Griffiths' [REDACTED]
Subject: Bringelly Road Business Hub

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Steven Bautovich

From: Andrew Simpson [REDACTED]
Sent: Friday, 9 February 2018 2:32 PM
To: Steven Bautovich
Cc: Tim Colless; Daniel Galea; Nick Nicolaou
Subject: RE: Bringelly Road Business Hub
Attachments: Nulon - Masterplan.pdf; Nulon - Site Plan.pdf; Nulon - Landscape Drawings.pdf; Nulon - Visual Impact Assessment.pdf; CO11994.01-DA51-C.PDF

Hi Steven,

The Nulon Facility is proposed on Lot 8 which is the most eastern lot within the Bringelly Business Hub. Please find attached estate masterplan showing the location of the facility and a site plan showing more details of the facility.

I have attached the landscape drawings and the Visual Impact Assessment Report provided in the DA application which includes artist impressions to give you a better understanding of the completed facility and the interface between sensitive receivers. The landscape design is in accordance with the concept approval and site design guidelines of State Significant Development approval, the proposed Nulon Development incorporates a 5m landscaped buffer to the eastern boundary.

There are no retaining walls required along the eastern boundary, as we are incorporating landscaping within a batter zone allowing integration into the existing levels. I have attached the civil drawing showing the proposed levels. We would also like to discuss an option to incorporate a retaining wall which we can provide you further details in person.

The facility is only for storage and distribution, products which will be stored include aerosol cans, and other combustible liquids however, this has been assessed and the appropriate building solutions have been incorporated to ensure the facility is constructed to Australian Standards. A Dangerous Goods Report was also completed as part of the DA application to assess the products stored within the facility and concluded the facility is not classified as potentially hazardous.

We would like the opportunity to meet with you on site and go through the drawings and the proposed development. Please let me know when you are available to meet.

Kind Regards,

Andrew Simpson
Development Manager



[REDACTED]
CIPROPERTY.COM.AU

From: Tim Colless [mailto:[REDACTED]]
Sent: Thursday, 8 February 2018 9:37 AM

Steven Bautovich

From: Steven Bautovich
Sent: Wednesday, 21 February 2018 8:20 AM
To: Tim Colless
Attachments: Ann Stanley speech.pdf

Hi Tim,

The proposal to build the Nulon Oil facility @ Bringelly Rd has upset me greatly.

I was never against the business park and what was proposed at the time, but this application has no place within the confines of the Parklands. Not wishing it in any bodies backyard, but this type of industry is more suited out near the new proposed airport away from residential development.

I asked one question around the use of the facility and the developers answer contradicted the plans provided. How do you think that makes me feel?

The facility is only for storage and distribution, products which will be stored include aerosol cans, and other combustible liquids however, this has been assessed and the appropriate building solutions have been incorporated to ensure the facility is constructed to Australian Standards. A Dangerous Goods Report was also completed as part of the DA application to assess the products stored within the facility and concluded the facility is not classified as potentially hazardous.

At no point was there any consultation between the developer and myself around what was being planned. The first notice I received was the email Christmas Eve (2ish in the afternoon), and how ironic the timing has proven to be.

Through all our meetings I have assessed you as a fair person. I understand some of these decision are post your involvement, and out of your control, but to me it was the original development application from your area that has now placed me in this position.

The thing that really stands out, is if CIC get the tick of approval for this facility, you can only dread to imagine what they have in the works for the remainder of the park.

This type of industry has no place in close proximity to residential development.

My strong objection to the proposal will be lodged.

Steve

Land and Environment Court
New South Wales

Case Name: Environment Protection Authority v Nulon Products Australia Pty Ltd

Medium Neutral Citation: [2015] NSWLEC 153

Hearing Date(s): 27 August 2015

Date of Orders: 28 September 2015

Decision Date: 28 September 2015

Jurisdiction: Class 5

Before: Moore AJ

Decision: See orders at [215]

Catchwords: ENVIRONMENTAL OFFENCE – air pollution – discharge of odour – prosecution of company for failure to comply with condition of environment protection licence – sentence – objective circumstances – failure by employee to conduct end of shift check that heating of lubricant oil product had been turned off – emission of odour – actual environmental harm widespread but low level and transient – offence of medium objective seriousness – subjective circumstances – preventative measures adopted for the future – co-operation with the prosecutor – contrition and remorse – no prior offences – payment in lieu of a fine to the Environmental Trust established under the Environmental Trust Act 1998 of \$120,000 for general environmental purposes

Legislation Cited: Crimes (Sentencing Procedure) Act 1999 ss 3A, 21A, 22, 23
Criminal Procedure Act 1986 ss 215(1)(a), 257B,
Environmental Trust Act 1998
Protection of the Environment Operations Act 1997 ss 45(d), 64, 120(1) 124, 129, 241, 243, 244(3), 250(1)(e)
Work Health and Safety Regulation 2011

are in appropriate terms and the orders made below embody the requirement for giving effect to these.

ORDERS

215 It follows that, as a consequence of all the foregoing, the orders of the Court are that:

- (1) The Defendant is convicted of the offence as charged;
- (2) Pursuant to s 250(1)(e) of the *Protection of the Environment Operations Act 1997*, the Defendant is to pay the amount of \$120,000 to the Environmental Trust established under the *Environmental Trust Act 1998* for general environmental purposes;
- (3) Pursuant to s 250(1)(b) of the *Protection of the Environment Operations Act 1997*, the Defendant is to take specified action to provide a written apology in the terms set out at Annexure A to those persons employed by Sphere Healthcare, as referred to in Exhibit A Tab F affected by the incident;
- (4) Pursuant to s 257B of the *Criminal Procedure Act 1986*, the Defendant is to pay the Prosecutor's legal costs of \$64,530;
- (5) Pursuant to s 248(1) of the *Protection of the Environment Operations Act 1997*, the Defendant is to pay the Environment Protection Authority's investigation costs of \$674.82; and
- (6) Pursuant to s 250(1)(a) of the *Protection of the Environment Operations Act 1997*, the Defendant will:
 - (a) Within 28 days of the date of this order, at its expense, cause a notice in the form of Annexure B at a minimum size of 10 cm x 18 cm to be placed in:
 - (i) The Liverpool Leader;
 - (ii) The Sydney Morning Herald; and
 - (iii) PACE Process Control & Engineering.
 - (b) Within 35 days of the date of this order, provide to the Prosecutor a complete copy of the page of the publications in which the notice appears.

ANNEXURES

ANNEXURE A

Dear [INSERT]

On [INSERT DATE] Nulon Products Australia Pty Limited was convicted in the Land and Environment Court under Section 64 of the *Protection of the Environment Operations Act 1997* for breaching a condition of its Environment