

2 March 2018

The Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Your reference: SSD 8900

West Hoxton NSW 2171

Attention: Chloe Dunlop

Dear Ms Dunlop,

**STATE SIGNIFICANT DEVELOPMENT APPLICATION – NULON MOTOR OILS FACILITY
(SSD 17_8900)
BRINGELLY ROAD BUSINESS HUB, LEPPINGTON (PART OF LOT 10 DP 29104)**

We write in reference to the abovementioned State Significant Development Application lodged with the Department of Planning and Environment seeking approval to use part of the Bringelly Road Business Hub (Lot 10 DP 29104) for Nulon Motor oils facility.

We accept that the Bringelly Road Business Hub is one of the nine locations within the Western Sydney Parklands that has been approved as business hubs as listed in the Western Sydney Parklands Plan of Management 2013, and that these business hubs' aim is to 'form an important base for securing the long term, sustainable revenue base that funds parklands infrastructure, maintenance and improvements.

The Bringelly Road Business Hub was approved by the Minister for Planning and Environment on 13 January 2016 for the following development:

Bringelly Road Business Hub Staged Development Application, comprising:

- *A concept proposal for a business park comprising 'large format retail premises', 'light industry', 'service station', 'take away food and drink premises', and 'restaurant or café' and a development structure including:*
 - *land uses;*
 - *site layout;*
 - *building envelopes;*
 - *design parameters; and*
 - *landscaping.*
- *Stage 1 subdivision and early works including:*
 - *demolition of existing structures;*
 - *subdivision to create eight developable allotments;*
 - *bulk and detailed earthworks;*
 - *construction of an access road;*
 - *stormwater management;*
 - *civil engineering works; and*
 - *estate landscaping.*

We note that the subject SSD application has been submitted as:

A proposed light industrial warehouse facility with ancillary office space, accommodating approximately 10,696sqm; and approximately 70 car parking spaces. The proposed operations include the preparation of motor oil products for future retail sale off-site, the operations include:

- *Bulk fluid delivery and storage;*
- *Blending;*
- *Bottling and packaging;*
- *Storage;*
- *Dispatch and distribution; and*
- *Ancillary office administration.*

We have reviewed the Environmental Impact Statement and the documentation submitted with the application and wish to strongly express our objections to the proposed development.

We have significant concerns with potential adverse environmental impacts of the proposed development and contend that the proposed development is an inappropriate form of heavy industrial activity that is not capable of co-existence in harmony with the site's neighbouring properties or its development context.

The site is surrounded by sensitive land uses including the well-established residential suburbs of Horningsea Park and West Hoxton. Within these suburbs, there are 4 schools and a number of childcare centres.

In addition, the site is adjoined by an Environment Conservation Area to the immediate north of the site and less than 1.2 kilometres to the west of the site is a State and Local listed heritage item – Sydney Water Upper Canal drinking water.

Furthermore, we contend that the proposed heavy industry involving the preparation, blending, bottling and packaging of motor oil products is contrary to the approved *concept proposal for a business park comprising 'large format retail premises', 'light industry', 'service station', 'take away food and drink premises', and 'restaurant or café'*. The proposed development is inconsistent with any of the identified land uses that formed part of the Concept Approval for the Bringelly Road Business Hub.

Our objections to the proposal are as follows:

Inconsistent with the Approved Concept Approval

1. The proposed development is inconsistent with the approved Concept Approval for the Bringelly Road Business Hub. The proposed development has been submitted as a *'light industrial warehouse facility ... The proposed operations include the preparation of motor oil products for future retail sale off-site, the operations include: Bulk fluid delivery and storage; Blending; Bottling and packaging; Storage; Dispatch and distribution;'*

It is contended that the proposed development has been inappropriately characterised as a 'light industrial warehouse facility'. Rather, and on the basis that the activities proposed involving *the preparation of motor oils products, bulk fluid delivery and storage, blending, bottling and packing and dispatch and distribution* should be properly characterised as heavy industry.

Heavy industry is not included in the list of land uses that formed part of the approval for the Bringelly Road Business Hub. Therefore, the proposal is inconsistent with the terms of the Concept Approval for the Bringelly Road Business Hub, which only has approval for *a business park comprising 'large format retail premises', 'light industry', 'service station', 'take away food and drink premises', and 'restaurant or café'*.

Under the Standard Instrument, Light Industry and heavy industry are defined as follows:

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industry means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

Having regard to the nature of the activities that will occur from the premises, we questioned that the proposal would constitute light industry. The industrial activities associated with the Nulon Motor Oils facility is more appropriately aligned with heavy industry and is considered to be an inappropriate land use for the site. Thus, should not be allowed to be located in close proximity to residents.

Characterisation of the Proposal

2. It is contended that the proposed heavy industrial activity is out of character with the low density residential areas of Horningsea Park and West Hoxton. Such an intense heavy industry should not be permitted to be established within part of the Western Sydney Parklands that is adjacent to residential properties. The Western Sydney Parklands is not an industrial area. The proposal will significantly alter the character of the area. The proposed heavy industrial activities should be set in an established general industrial away from residents and sensitive land uses such as an Environment Conservation Area to the immediate north of the site and the Sydney Water Upper Canal drinking water, as well as schools and childcare centres.

Incompatible Land Use

3. Any land uses for the site should be limited to business and retail type activities that are more compatible with the surrounding areas.

Impact on Local Roads

4. Access to the site is limited to Bringelly Road, Camden Valley Way and Cowpasture Road. Given that the proposed Nulon Motor Oils Facility will be distributing large quantity of flammable motor oils to the Sydney Region through the local road network, concerns are raised that should there be any accidents involving Nulon's delivery trucks, it would endanger the lives of local residents.
5. Concerns are raised that that the proposal may activate Stuart Rd as an alternative means of access to the site and therefore, likely to increase heavy vehicles carrying flammable motor oils movements through residential streets of Greenway Drive and Stuart Road.

Poor Site Plan/Analysis

6. The site plan submitted with the application is considered to be poor, lacking basic details and provides no context of surrounding residential properties. It shows the proposal as an island, but the site is adjoined by established residential properties to the east on the opposite side of Cowpasture Road and residential properties to the north. In fact, there is a residential dwelling located to the immediate east of the site on the corner of Cowpasture Road and Bringelly Road. It is highly inappropriate and irresponsible for a State Significant Development industrial development involving the preparation and manufacturing of highly flammable motor oils to have little regard to sensitive land uses surrounding the site.

It is noted that the site is located roughly 200 metres from the residents of Horningsea Park and within 450 metres of the residents of West Hoxton. Within West Hoxton, along Stuart Road is an existing child care centre. It is further noted that the site is situated less than 1.2 kilometres to the east of the Upper Canal Sydney Water drinking water catchment. The Upper Canal is an open canal supplying precious drinking water to the residents of Western Sydney.

Bushfire Prone Land

7. The site is identified as a Bushfire Prone Land. However, the application is not accompanied by any comprehensive bushfire risk assessment report, other than reliant on the original subdivision report prepared by Eco Logical Australia Pty Ltd 'Bushfire Protection Assessment: Bringelly Road Business Hub' (dated 18 November 2014). This is considered to be highly unacceptable. We are concerned for the safety of surrounding residents due to the large quantities of flammable motor oils to be prepared, blended, packaged and stored on site and the likelihood of the flammable oils to start or become a hazard if the site comes under fire bush attack.

Based on the quantity of flammable oils to be stored on site, the proposed development is identified under Section 3.1 of Planning for Bush Fire Protection 2006 as being a development that "should not be permitted on bush fire grounds". Section 3.1 of Planning for Bush Fire Protection 2006 acknowledges the incompatibility of such land use within a bushfire prone land.

It is noted that the NSW Rural Fire Services has raised significant fire safety concerns that the subject site is not suitable for the proposed development pursuant to Section 3.1 of Planning for Bush Fire Protection 2006.

Heritage Item

8. The proposed development is located less than 1.2km from a State and Local heritage listed item: Sydney Water Upper Canal drinking water, which is identified as Bulk Water Supply Infrastructure. Notwithstanding this, insufficient analysis has been carried out in respect to the potential impact of the proposed upon this State significant heritage item supplying drinking water for Western Sydney residents should the premises caught fire or there is any spillages.

Environment Conservation Area

9. The site is situated immediately to the south of an Environment Conservation Area as identified in the Environment Conservation Area Map of the Liverpool Local Environmental Plan 2008. The potential adverse of the proposed heavy industry upon this sensitive land is not addressed within the Environmental Impact Statement. Concerns are raised that the proposed development is likely to adversely affect the flora and fauna species within the environment conservation area.

Western Sydney Parklands SEPP

10. The site is located within the Western Sydney Parklands, which is regulated by State Environmental Planning Policy (Western Sydney Parklands) 2009. The proposed development fails to provide a proper assessment of the proposal against WSP SEPP including Clause 12 - matters to be considered by the consent authority – generally, which relevantly reads as follows:

Clause 12 Matters to be considered by the consent authority – generally

- b) impact on drinking water catchment and associated infrastructure.*
- d) impact on environment conservation area and natural environment including endangered ecological communities.*
- j) impact on surrounding residential amenity*
- m) heritage item*

Owner's Consent

11. It is noted that the Western Sydney Park Trust has not granted its owner's consent to the applicant to lodge the application. Accordingly, the application is an invalid application and thus, cannot be approved.

Conclusion

Having regard to the above, it is contended that the proposed development is an inappropriate land industrial land use for the Bringelly Road Business Hub that is likely to have an adverse environmental impact upon the locality and residents. Insufficient spatial separation exists between the proposed development and sensitive land uses including residents, environment conservation area and State listed heritage item (Sydney Water Upper Canal drinking water).

The proposed development is incorrectly characterised as light industry and should be properly characterised as heavy industry, which is inconsistent with the approved Concept Approval for the site which does not include heavy industry.

In addition, the preparation, blending, bottling and packaging of motor oils and the quantity of the flammable motor oils to be housed within a bushfire prone land, for which the site is

located, is highly inappropriate and places significant fire risk to surrounding residents and the environment.

Accordingly, it is recommended that the Department of Planning and Environment write to the applicant asking them to withdraw the application or alternatively the application should be refused.

Yours Faithfully,


