

2 March 2015

Kate MacDonald
Team Leader Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2000

Attention: Kate Masters

Dear Ms MacDonald

Re: Exhibition of State Significant Development Application for Bringelly Road Business Hub, Leppington (SSD 6324)

I write in response to your letter received by Council on 16 January 2015 in relation to the exhibition of State Significant Development Application for Bringelly Road Business Hub, Leppington (SSD_13_6324).

Council recognises that the site is one of nine locations identified for proposed business hubs in the supplement to the *Western Sydney Parklands Plan of Management 2013*, and that these hubs are intended to "form an important foundation for securing the long term, sustainable revenue base that funds parklands infrastructure, maintenance and improvements." However, Council opposes the alienation of parts of the Western Sydney Parklands for non-recreational uses, and requests that its opposition to this proposed development be noted.

Council has considered the Environmental Impact Statement and supporting documentation lodged in support of the application and makes comments as follows in relation to the proposed development.

1. Economic Impacts

The Director General's Environmental Assessment Requirements (DGRs) at Point 3 require that the EIS must include the following:

Economic Impacts

Clarify the nature and intended future land uses. Assess the supply and demand for the future land uses facilitated by the proposal, and include a detailed justification in relation to the demand for the intended future land uses.

Assess and identify economic impacts of the proposal on existing and planned retail/commercial centres within the subject and adjoining LGAs and within the South West Growth Centre area (including Leppington Major Centre and Edmondson Park Town Centre). Address the cumulative impacts of 'out of centre' retailing commercial activities. Identify any required mitigation measures to deal with negative economic impacts.

The DGRs also required that applicant must consult with Liverpool City Council. Despite a number of requests that Council be issued copies of the economic impact assessment prior to lodgement so that Council could make comment prior to exhibition, the applicant failed to do so. Council has had no opportunity to comment on the Retail Demand and Economic Impact Assessment until this time.

The Retail Demand and Economic Impact Assessment (EIA) prepared by HillPDA on behalf of the applicant has provided evidence that there will be an increase in demand for retail across the South West region based on planned population growth. The EIA provides a table describing the predicted impact assessment on existing centres and 'Industrial and Bulky Goods Zones'. The impact assessment predicts point in time impacts ranging from less than 1% to 8.9% at the time the proposed development is planned to begin trading in 2018. Council accepts that these predicted impacts are unlikely to threaten the viability of these existing centres/bulky goods areas, and could be considered the normal results of competition.

However, the EIA does not model the impact of the proposed development on the planned centres of Edmondson Park and Leppington. Under the heading of 'Impacts on Proposed centres', Hill PDA notes that the centres:

will be traditional retail centres located in close proximity to the associated train stations with limited retail offering in LFR [Large Format Retail] categories. For this reason, the potential for competition between the BRBH site and the Leppington North major centre and Edmondson Park Town Centre is expected to be minor and BRBH [Bringelly Road Business Hub] is likely to be more complementary to these planned centres rather than competitive. (page 39)

While Council agrees that the planned Edmondson Park Town Centre is not zoned to develop a bulky goods component, this is not the case for the Leppington Major Centre. As Hill PDA acknowledges, "the masterplan for Leppington North provides for bulky goods on 25ha of land north of the major centre on the north side of Bringelly Road."

The Leppington North bulky goods site is an integral part of the Leppington Town Centre Masterplan, published in September 2012. While its development is considered part of Stage 2 of the Leppington Town Centre, and planned to develop after 2022, it is nevertheless an important component of the Leppington Town centre. It would be reasonable therefore to expect that the EIA would model the impacts of the proposed development on the planned Leppington centre.

Council raised its concerns regarding the impact of the proposed development on the planned Leppington North bulky goods site in its comments on the request for DGRs dated 13 January 2014, wherein Council stated:

The hub should not be generating commercial return for the WSP [Western Sydney Parklands] at the expense of well-researched and strategically located centres such as the Bringelly Road Bulky Goods Centre...This centre is located between one and two kilometres west of the proposed Hub along Bringelly Road.

In addition, Council is concerned by the statement contained within the EIA at page 43 where Hill PDA state, "However we do not expect LFR floorspace in Leppington North to be built until there is a sizeable local population in that immediate locality which realistically, is likely to be around 2026."

The Masterplan for Leppington Town Centre plans the development of the bulky goods zoned land at Leppington North from 2022, although the Masterplan acknowledges that this time frame may be accelerated. Hill PDA's analysis would indicate that the appropriately zoned land at Leppington North will not be developed until 2026. Hill PDA's EIA does not indicate any reason for this discrepancy with the Masterplan, and does not acknowledge that the development of 50,000sqm of LFR floorspace within

1.5km of the planned bulky goods site in Leppington North will have any impact on its development.

Council is concerned that the EIA prepared by Hill PDA is not sufficiently rigorous in its assessment of the potential impacts of the proposed development on the planned bulky goods site in Leppington North, particularly after 2020, and that the proposed development may delay the development of the planned bulky goods site, growth in demand for LFR notwithstanding.

Council recommends

- That the EIA be revised to model the impacts of the proposed development on the planned Leppington North bulky goods site (and the Leppington Town Centre as a whole) after 2020, and to assess those impacts on the development of the planned site.
- That the revised EIA be peer-reviewed to test its assumptions, particularly with regards to impacts on nearby centres.
- That the revised EIA and peer review be publicly exhibited prior to any final assessment of the proposal.

Council further notes the Land & Environment Court decision in Stadurn Pty Ltd v Blacktown City Council (2004) where the commissioner upheld that council's decision to refuse a bulky goods development in the vicinity of the planned Rouse Hill Town Centre in light of the impacts that development may have had in delaying the development of the planned centre. Council believes that the issues determined in this judgement bear a close resemblance to those raised by this proposal, and recommends that the judgement is referenced during assessment of the application.

2. Site Design Guidelines

As part of addressing the requirements of the DGRs, the applicant has submitted Site Design Guidelines for the Bringelly Business Hub as Appendix G to SSD_13_6324. Council is concerned that the proposed earthworks and construction of retaining walls fails to meet the urban design requirements laid out in the Guidelines, specifically as they relate to fences, as follows:

- *To provide an appropriate level of security for property owners and contribute to the amenity of the precinct;*
Without details on building materials or finish of the retaining walls, it is difficult to assess how the proposed retaining walls will contribute, or be of detriment to the amenity of the precinct. The height of the proposed retaining walls, being up to 5.4m at the boundary of the service road and Lots 4 & 6 (as shown on drawing DA4.01 revision 8), will significantly reduce opportunities for passive surveillance regardless of any boundary walls constructed.
- *To encourage pedestrian access from the street;*
It is observed that the proposed retaining walls surround most proposed lots, with the exception of 'lot access points', which are assumed to be vehicular access points. Given that these walls will surround each lot (including access between lots) the proposed retaining walls fail to encourage pedestrian access from the street, as movements are restricted to the vehicular access points. The sharp changes in levels between lots are also likely to discourage pedestrian movements between lots.
- *To ensure fencing and walls respond to the topography, streetscape and landscape;*
It is clear that the extent, including the height and number of retaining walls proposed, would indicate that the form of development proposed does not adequately respond to the topography or landscape of the site. Heights up to 5.4m are well above the human scale and are likely to visually dominate the site. It is clear from the controls that heights of up to 1.2m are desired; the proposed

retaining walls represent a significant modification of this control that has not been addressed in the EIS.

- *To enhance the visual outlook of adjoining rural residential properties.*
Without a schedule of finishes, details of building materials, combined with the number and height of retaining walls proposed, it is impossible to assess whether the proposal meets this objective. Retaining walls represent an urban design outcome similar to that of blank walls of commercial/retail premises or residential towers. Such blank walls are discouraged as they do not allow active engagement with the streetscape, are prone to vandalism, detract from visual amenity and do not meet the requirements of crime prevention through environmental design (CPTED) principles. The significant stepping of the land, in combination with the height and extent of retaining walls is likely to significantly reduce the visual outlook of adjoining residential properties.

It is recommended that the applicant be requested to redesign the site layout such that any proposed changes in levels more appropriately meet the Site Design Guidelines.

3. Traffic and Access

Council has reviewed the Assessment of Potential Access and Traffic and Transport Implications prepared by Transport and Traffic Planning Associates and submitted as Appendix K to SSD_13_6324 along with the development concept plans and the proposed RMS Bringelly Road upgrade plans. Should the concept plan be approved, Council recommends that the following traffic impacts are addressed, and recommended traffic related conditions are imposed, as follows:

Traffic generation potential

The traffic generation potential of the proposed development could be higher than the flows indicated in the submitted traffic report. Council recommends that the traffic flows and associated impacts be revised, taking into consideration the proposed uses of the three development components and future urban development in the South West Growth Centre, in accordance with the RMS Technical Direction TDT 2013/04a. This revision should be carried out to confirm the traffic impact on Bringelly Road and its associated intersection treatment to the development, Stuart Road, Cowpasture Road/Greenway Drive, and the required intersection treatment, prior construction constriction of the intersection treatment.

Council considers that the traffic generation from the proposed development could not be served with one access point without causing traffic delays affecting network operations. It is suggested that the applicant be required to investigate alternative direct access points.

Proposed Access Arrangement

The submitted traffic report indicates that a signalised intersection with Bringelly Road which includes a single right turn from Bringelly Road into the proposed development is proposed. The Traffic report assessment indicates that this intersection will have a Level-of-Service (LoS) 'F' even with the low traffic generation estimated in the report. The LoS will improve to 'C' with dual right turn lanes, three egress lanes and the left slip lane. The LoS will decrease with any increase in the traffic generation from the proposed development and additional traffic from future developments along Stuart Road.

As a minimum, it is requested that the applicant liaise with the RMS to provide a dual right turning lane from Bringelly road, three egress lanes and a single left-slip lane from the development. The intersection layout should be confirmed upon receipt of the revised traffic generation and impact assessment.

The cost of construction of the required intersection should be negotiated between the RMS and the developer at no cost to Council and should be constructed prior to the issue of an occupation certificate for the proposed development.

Use of the Stuart Road

It is noted that the submitted development layout does not propose a vehicular access to/from Stuart Road. Such access will reduce the impact on Bringelly Road. However Council would object to its use by heavy vehicles.

Should Stuart Road be used for access to the site, it should be signposted as having a 3T load limit and the section of road fronting the development site should be reconstructed to permit safe pedestrian and bicycle access, and kerb and guttering on both sides of the road to Council's satisfaction.

Green Travel Plan

It is recommended that the applicant be required to submit a Green Travel Plan to Council to encourage the use of the public transport, prior to the issuing of an occupation certificate for the site. The Green Travel Plan should be prepared to Council's satisfaction.

Traffic Related Conditions

It is recommended that traffic flow and associated impacts be revised taking into consideration the proposed uses of the three development components and future urban development in the South West Growth Centre, as noted above.

In addition it is recommended that the following conditions be imposed on any consent issued for the proposal, to be completed prior to the issuing of an occupation certificate:

- i. The proposed traffic signals at the Bringelly Road intersection should have dual westbound right turn lane accessing the proposed development.
- ii. A traffic management device (roundabout) is to be constructed at the intersection of Stuart Road and the access from this development. This will provide a second in/out access from the proposed development.
- iii. 'No Parking' restrictions are to be implemented along the proposed internal access road (existing Bringelly Road alignment).
- iv. The proposed truck lane should serve the building F and G also and should be used for heavy vehicle movements only. All parking needs should be met through the proposed car parking areas only.
- v. Car parking spaces should be provided in accordance with the requirements of Liverpool Development Control Plan 2008.
- vi. There should be approx. 3m buffer with deep rooted trees between Stuart Road and the proposed truck lane to reduce noise pollution which may affect future residential dwellings in Stuart Road.
- vii. The developer is to reconstruct the section of Stuart Road fronting the development along with appropriate pedestrian/bicycle facilities and kerbs and gutters to Council's satisfaction.
- viii. Road construction and car parking areas should be designed in accordance with Austroads, Australian Standards, RMS guidelines and Council specifications.
- ix. The internal roads including the existing Bringelly Road are to be maintained to Council's satisfaction.
- x. The applicant investigates other alternative access points and implements them in consultation with the RMS and Council.

4. Environmental Health Impacts

Council's Community Standards department has reviewed the the documentation submitted by the applicant pursuant to SSD_13_6324 and makes the following comments and recommendations:

Preliminary Site Assessment

The Phase 1 Environmental Site Assessment Report (Ref: GEOTLCOV25068AA-AF) prepared by Coffey Environments Australia Pty Ltd comprised a review of the site's history, EPA records; registered groundwater bore review and site inspection. The site was previously utilised for agricultural purposes. There are currently no notices issued for the property (s. 58 CLM Act 1997) or contamination reports (s. 60 CLM Act 1997).

Potential areas of environmental concern included pest and weed control, uncontrolled fill, dumped waste materials, hazardous building materials and chemical storage. Organochlorine pesticides, organophosphate pesticides, heavy metals, total petroleum hydrocarbons, polycyclic aromatic hydrocarbons, asbestos, BTEX and polychlorinated biphenyls were potential contaminants of concern. The property has a low to moderate likelihood of soil and groundwater contamination. This prediction was supported by a preliminary groundwater assessment which revealed that contaminant levels were generally below the Limit of Reporting (LOR) and relevant groundwater investigation levels.

Marginal exceedances for heavy metals, cadmium and copper were considered representative of natural background levels. 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, it is recommended that additional investigations 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.

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land stipulates that a Consent Authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. In these circumstances, it would be appropriate for NSW Department of Planning & Environment to request a more detailed site investigation prior to granting consent for the proposed development.

Noise and Vibration Impacts

The Construction Noise and Vibration Management Plan (Project No. 20140989.1, Doc Ref: 20140989.1/0812A/R3/BW) prepared by Acoustic Logic Consultancy Pty Ltd dated 8 December 2014 includes an assessment of noise and vibration impacts associated

with the development. The acoustic assessment predicts noise emissions from the proposed construction activities and recommends noise mitigation measures.

Noise and vibration impacts were to be assessed in accordance with relevant policies and guidelines, NSW Industrial Noise Policy and Interim Construction Noise Guideline. The NSW Industrial Noise Policy does not apply to noise from construction activities. Therefore, criteria from the Interim Construction Noise Guideline and AS 2436-1981 were utilised.

Attended and unattended noise measurements were collected to determine the background noise level. Bureau of Meteorology records indicate that weather conditions were satisfactory during the monitoring period. Background noise levels were determined as 44dB(A) at Location 1 (Stuart Road East), 42dB(A) at Location 2 (Stuart Road West), 56dB(A) at Location 3 Cowpasture Road and 38dB(A) at the attended noise monitoring location.

Excavation and construction activities are likely to exceed project specific noise levels (RBL + 10dB) at residential premises to the northeast, east and west of the proposed development. As a result, it is recommended that the proponent be required to apply all feasible and reasonable work practices to reduce noise such that it meets the noise affected level. Noise mitigation measures include: acoustic screening; monitoring of plant and equipment; regular maintenance and appropriate equipment locations. Ongoing monitoring will be conducted during the construction phase. Where monitoring indicates non-compliance, additional noise controls are to be implemented.

Recommendations

Based on the submitted information, Council recommends that the following matters are considered when determining the development application:

- i. The Phase 1 Environmental Site Assessment Report (Ref: GEOTLCOV25068AA-AF) prepared by Coffey Environments Australia Pty Ltd on 15 September 2014 concluded that additional investigations were required to determine the suitability of the land for future development. Clause 7 of the State Environmental Planning Policy No. 55- Remediation of Land states that a Consent Authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The Consent Authority may require the applicant to carry out and provide a report on a detailed investigation if it considers that the findings of the preliminary investigation warrant such an investigation.

Given the conclusion of the preliminary site investigation, it is requested that NSW Department of Planning & Environment requires a detailed site investigation to be prepared for the properties prior to granting consent for the proposed development. The Stage 2 – Detailed Site Investigation shall be prepared for Lots 1-5 and 10-13 DP 29104, Lot 8 DP 1156767, Lots 5 and 21-22 DP 19406, Lots 1-2 DP 876864, Bringelly Road Reserve, Leppington NSW by a suitably qualified and experienced Contaminated Land Consultant.

The Detailed Site Investigation shall be prepared in accordance with guidelines made or approved by the NSW EPA under the Contaminated Land Management Act 1997 and all recommendations contained within the Phase 1 Environmental Site Assessment Report (Ref: GEOTLCOV25068AA-AF) prepared by Coffey

Environments Australia Pty Ltd dated 15 September 2014 . The report shall detail the type, extent and level of contamination at the subject property and consider the potential effects of any contaminants on public health, the environment and building structures and shall meet the sampling density outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (1995);

- ii. Where the Stage 2-Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced Contaminated Land Consultant in accordance with guidelines made or approved by the NSW EPA under the Contaminated Land Management Act 1997. In these circumstances, the Remedial Action Plan shall be referred to the Consent Authority and Liverpool City Council for review.
- iii. The Construction Noise and Vibration Management Plan (Project No. 20140989.1, Doc Ref: 20140989.1/0812A/R3/BW) prepared by Acoustic Logic Consultancy Pty Ltd dated 8 December 2014 revealed that construction noise levels were likely to exceed project criteria (RBL + 10dB) at residential premises to the northeast, east and west of the proposed development. Noise mitigation measures and management procedures including ongoing noise monitoring were proposed to minimise and assess acoustic impacts during construction. Opportunities for noise minimisation should also be considered for the proposed realignment of Bringelly Road in accordance with the NSW Road Noise Policy.
- iv. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8.00am to 1.00pm on Saturday. No work is permitted on Sundays or Public Holidays;
- v. Demolition of the existing building(s) shall be carried out in accordance with the requirements of AS 2601 – 2001 and the following:
 - a. The property being secured to prevent unauthorised entry.
 - b. Asbestos sheeting shall only be removed by licensed operators in accordance with the requirements of the WorkCover Authority. Proper procedure shall be employed in the handling and removal of asbestos to minimise the risk to personnel and the escape of particles to the atmosphere.
 - c. All other materials and debris is to be removed from the site and disposed of to approved outlets in accordance with the approved Waste Management Plan.
 - d. WorkCover NSW shall be notified five (5) days before licensed asbestos removal work is commenced at the subject premises.
 - e. Following removal of any asbestos-containing material(s), a clearance certificate shall be prepared by a licensed asbestos assessor or competent person in accordance with the Work Health and Safety Regulation 2011. The Clearance Certificate shall be submitted to the Consent Authority confirming that the asbestos removal area does not pose a risk to health and safety.
 - f. Should you require information in relation to the safe disposal of asbestos waste, please contact the NSW Environment Protection Authority (EPA) and WorkCover NSW.

- vi. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the Protection of the Environment Operations (POEO) Act 1997 and NSW Environment Protection Authority (EPA) Waste Classification Guidelines. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act 1997 provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the NSW EPA.
- vii. A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record shall be made available to the Consent Authority and Liverpool City Council's Officers, upon request.
- viii. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
 - (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
- ix. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
- x. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation. The documented erosion and sediment control plan shall be available on-site for inspection by the Consent Authority, Liverpool City Council and all contractors undertaking works on the site.
- xi. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- xii. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.
- xiii. Construction works including the washing of tools, form-work, concrete trucks and the like shall not be performed in any location which may lead to the discharge of materials into Council's stormwater drainage system.

- xiv. The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.
- xv. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
- xvi. Any fill imported to the site shall be validated in accordance with the NSW EPA's Contaminated Sites Sampling Design Guidelines 1995. A copy of the validation report shall be submitted to the Consent Authority within seven (7) days of the fill material being moved to or from the subject site.
- xvii. Chain of Custody documentation shall be kept for the transport of the validated fill material from the source site to the subject premises. A record of 'Chain of Custody shall be submitted to the Consent Authority within seven (7) days of the fill material being moved to or from the subject site.
- xviii. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to the Consent Authority immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.
- xix. All activities and operations shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.
- xx. The development shall be designed, constructed, operated and maintained in a manner that minimizes dust emissions from the site.
- xxi. All practicable measures shall be taken to ensure that all vehicles entering or leaving the site and carrying a load that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles must be covered or enclosed in a manner that prevents emissions from the vehicle at all times.
- xxii. Noise generated by the development shall not exceed the assessment criteria defined within The Construction Noise and Vibration Management Plan (Project No. 20140989.1, Doc Ref: 20140989.1/0812A/R3/BW) prepared by Acoustic Logic Consultancy Pty Ltd dated 8 December 2014 and Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009;
- xxiii. A noise monitoring program shall be carried out for the duration of construction works by a suitably qualified and experienced acoustic consultant in accordance with the Construction Noise and Vibration Management Plan (Project No. 20140989.1, Doc Ref: 20140989.1/0812A/R3/BW) prepared by Acoustic Logic Consultancy Pty Ltd dated 8 December 2014.

The results of any monitoring must be recorded and maintained in a legible form and made available to the Consent Authority and Liverpool City Council. Within three months of the commencement of construction activities, an acoustic report shall be prepared and submitted to the Consent Authority and Liverpool City Council for review. The report shall include but not be limited to the following information:

- a) Noise measurements taken at the nearest noise sensitive locations as indicated in the Construction Noise and Vibration Management Plan (Project No. 20140989.1, Doc Ref: 20140989.1/0812A/R3/BW) prepared by Acoustic Logic Consultancy Pty Ltd dated 8 December 2014;
- b) Verification that noise levels at the nearest potentially affected receivers comply with all relevant assessment criteria detailed in the abovementioned report;
- c) All complaints received from local residents in relation to the development;
- d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria; and

Following written approval from the Consent Authority, any recommendations provided under point d) above shall be implemented fully.

- xxiv. The applicant shall undertake all reasonable and feasible measures to ensure compliance with the noise assessment criteria. In the event that the noise monitoring program indicates non-conformity, the Applicant must investigate and propose mitigation and management measures to achieve compliance with the noise limits. The acoustic assessment must be undertaken in accordance with all relevant policies and procedures.
- xxv. Prior to the commencement of Construction, the Applicant must ensure that the following is available for the life of the Development:
 - (a) a postal address to which written complaints may be sent;
 - (b) an e-mail address to which electronic complaints may be transmitted; and
 - (c) a telephone contact line to enable complaints associated with the Development to be registered by the community.
- xxvi. The Applicant must keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
 - (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or e-mail);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - (f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
 - (g) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection on request of the Consent Authority and Liverpool City Council.

5. Flora and Fauna

Council's Sustainable Environment department has reviewed the documentation submitted by the applicant pursuant to SSD_13_6324 and makes the following comments and recommendations:

- It appears that the water bodies within Bedwell Park are proposed to form a component of the stormwater treatment system for the proposed development. However, this portion of land appears to be beyond the area encompassed by the Flora and Fauna Assessment as submitted by the applicant. It is recommended that the Flora and Fauna Assessment is revised to consider this associated impact.
- It is recommended that the Cumberland Plain Recovery Plan is considered as part of the assessment of the proposal.
- Council assumes that the NSW Office of Water has been consulted with regard to riparian issues, and recommends that any conditions of consent recommended by the Office of Water should be imposed.

6. European and Aboriginal Heritage

Council's Heritage Officer has reviewed the documentation submitted by the applicant pursuant to SSD_13_6324 and makes the following comments and recommendations:

Aboriginal Cultural Heritage

The subject site has value to the local Aboriginal communities and is likely to have been visited by Aboriginal people and therefore may contain relics which demonstrate their use of the land.

The Aboriginal and Historical Archaeological Assessment report submitted with the application was prepared without adequate visibility of the ground due to heavy grass cover, and the report states, "This largely explains why no Aboriginal archaeological sites or objects have been located on the site to date". The report states that test excavation of selected landforms is required in order to determine whether or not Aboriginal archaeology occurs on the site.

The report recommends that:

- A copy of the Aboriginal and Historical Archaeological Assessment report should be forwarded to the NSW Office of Environment and Heritage
- An application should be made for an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the National Parks and Wildlife Act 1974 to manage the potential Aboriginal archaeological resources at the Bringelly Road Business Hub.
- The AHIP should be supported by a Research and Excavation Methodology following Aboriginal consultation.

Council supports these recommendations and makes the following additional recommendations:

- A copy of the Aboriginal and Historical Archaeological Assessment report should be lodged in Liverpool City Council's Local Studies Library.
- The results of any future archaeological research should be provided (for information purposes) to Liverpool City Council's Heritage Officers.

European Cultural Heritage

The Aboriginal and Historical Archaeological Assessment report states that any pre-1930 archaeological remains are likely to be of low significance as the historical uses of the land is consistent with contemporary farm holdings in the local district. On available evidence it appears that the remains of previous structures on the land do not have significant research potential. The report states that further research is unlikely to "result in only relatively few knowledge gaps being addressed which cannot be explored by further historical research". Council supports this conclusion.

The subject site is within the vicinity of three heritage items listed in Liverpool Local Environmental Plan 2008:

- Item 15 Sydney Water Supply Upper Canal
- Item 40 Brown Memorial and Water Trough
- Item 41 Dwelling and rural lot at No. 1720 Camden Valley Way

The subject site is also within the vicinity of heritage Item 14, Carnes Hill Vegetation Group, listed in the Schedule 1 of State Environmental Planning Policy (Western Sydney Parklands) 2009. The subject site incorporates heritage item No. 17, Bringelly Road Cultural Landscape, listed in Part 7 Appendix 8 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

The applicant has not addressed the potential impact on heritage items in the vicinity of the proposed development. It is recommended that the Aboriginal and Historical Archaeological Assessment report be revised to address any potential impacts on heritage items in the vicinity as described above.

7. Conclusion

Thank you for your consideration of these issues and recommendations. Council would be pleased to discuss these matters further if required.

Should you require any further information on this matter, please do not hesitate to contact Graham Matthews, Strategic Planner, on 9821 9156.

Yours sincerely

A handwritten signature in black ink, reading "Jan McCreddie". The signature is written in a cursive, flowing style.

Jan McCreddie
A/Manager Strategic Planning