ETHOS URBAN

SSDA 17_8900 - Response to Submissions

Bringelly Road Business Hub
Nulon Motor Oils Warehouse

Submitted to Department of Planning and Environment
On behalf of CIP/CH (Bringelly) Pty Ltd

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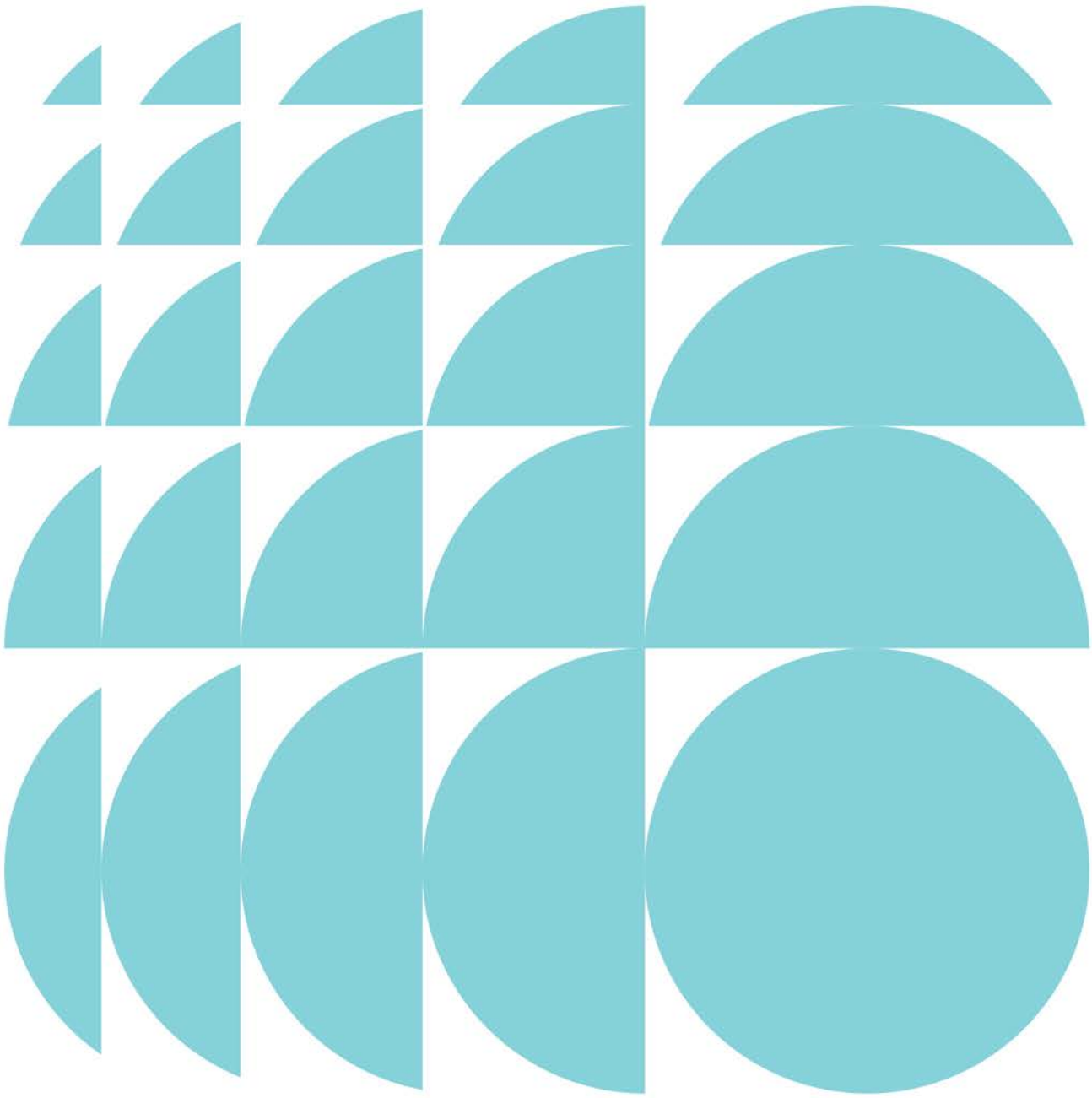

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1.0 Introduction

1.1 Purpose of this Report

This Response to Submissions (RTS) Report has been submitted on behalf of the proponent Commercial Industrial Property (CIP) and Charter Hall (CH), in relation to the proposed Nulon Motor Oils Warehouse SSDA 17_8900 within the Bringelly Road Business Hub.

The Environmental Impact Statement (EIS) was publicly exhibited in accordance with Section 4.39 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and clause 83 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) between the 1st February 2018 and 2nd March 2018.

In total, 12 agency submissions, and 65 public submissions (including 2 petitions) were received during the exhibition period, and 4 submissions were received after the exhibition period.

Pursuant to clause 85A of the EP&A Regulation, the Department of Planning and Environment (the Department) has requested additional information as well as a written response to the issues raised in the submissions.

An analysis of the submissions has identified the following key issues with the proposal that are addressed in this RTS Report:

- Land Use;
- Community Engagement;
- Process and Operations;
- Hazards and Risks;
- Air Quality;
- Noise;
- Traffic;
- Biodiversity;
- Landscaping;
- Visual Impact;
- Bushfire;
- Civil Engineering; and
- Staging Plan

CIP, Charter Hall and its specialist consultant team have reviewed and considered the Department's comments, the agency and Council's submissions, and the public submissions. This RTS Report has been prepared to respond to the issues raised by the Department and the in submissions. Each of the submissions received has been collated, analysed and addressed, and this package provides a consolidated response to the public submissions and the Department's requests for information.

This RTS Report should be read in conjunction with the EIS prepared by Ethos Urban dated December 2017 and additional documentation appended to the report.

1.2 Background and Context

The site forms part of the Western Sydney Parklands and is owned by the Western Sydney Parkland Trust (the Trust) who have entered into a development management agreement with CIP/CH to develop the land.

The Western Sydney Parklands are identified as a State Significant Site in Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*. *State Environmental Planning Policy (Western Sydney*

Parklands) 2009 (WSP SEPP) sets out what development is permissible within the Western Sydney Parklands and the matters for consideration for development located within the Parklands.

Development consent SSD 6324 was granted by a delegate of the NSW Minister for Planning on 13 January 2016 for the Bringelly Road Business Hub Staged Development Application. The Bringelly Road Business Hub site is situated in the southern section of the Western Sydney Parklands, to the north of New Bringelly Road, within the Liverpool Local Government Area.

SSD 6324 approved a concept proposal for the Bringelly Road Business Hub comprising 'large format retail premises', 'light industry', 'service station', 'take away food and drink premises', and 'restaurant or café' as well as a development concept setting out land uses; site layout; building envelopes; design parameters; and landscaping. Light industrial uses are permissible with development consent on the site under the provisions of the applicable WSP SEPP.

The Nulon Oils Facility is proposed on proposed Lot 8 within the Bringelly Road Business Hub and is for a light industrial land use in accordance with the development concept approved under SSD 6324. As set out in the EIS, the proposed Nulon Oils Facility development is consistent with the concept development consent (SSD 6324) in relation to maximum building height, land uses, gross floor area, building envelopes, parking and loading arrangements.

The proposed Nulon Oils Facility constitutes State Significant Development (SSD) and the Minister for Planning (or delegate) is the consent authority.

1.3 Amendments to the Proposed Development

Based on the assessment undertaken as part of this RTS and the exhibited EIS and the accompanying technical reports, there are limited environmental impacts beyond those originally assessed and determined to be acceptable in the EIS. There have only been minimal modifications to the proposal, including: minor extension of the awning on the western elevation of the building; proposal of two 15,000L blending tanks in the blending area; and removal of the red panelling on the eastern elevation of the building as requested by the Department. No further amendments to the proposal have been made.

1.4 Structure of this Report

The RTS includes the following sections:

- Section 1 Introduction: Introduces the proposal, the site context, the statutory approval process and the structure of the RTS.
- Section 2 Further Consultation: Provides a description of the additional consultation which has been undertaken as part of the preparation of the RTS Report.
- Section 3 Summary of Submissions and Responses: Provides an analysis of the submissions received during the exhibition of the EIS and identifies key issues raised.
- Section 4 Amendments to the Proposal: Provides a description of the amendment to the proposed exhibits.
- Section 5 Revised Mitigation Measures: Provides a list of revised recommendations and mitigation measures based on the technical studies undertaken.
- Section 6 Conclusion.

2.0 Community Engagement

2.1 Consultation for SSD 6324

Consultation was previously undertaken during the preparation, public exhibition and assessment of the Concept Approval (SSD 6324) in September 2014. No public submissions were received during the exhibition of SSD 6324.

2.2 Consultation for Nulon EIS

The project team corresponded with the relevant authorities prior to the submission of the EIS, including:

- Western Sydney Parklands Trust
- Liverpool City Council;
- Roads and Maritime Services;
- Transport for New South Wales;
- Office of Environment and Heritage;
- Environment Protection Authority;
- Sydney Water;
- Water NSW; and
- Rural Fire Service;

A pre-lodgement meeting was held between CIP/CH and the Department of Planning & Environment on 7 November 2017, and Liverpool Council provided written requirements for the EIS. Given that the proposed Nulon Motor Oils Australia (Nulon) Facility development was consistent with the conceptual development approved under SSD 6324 no community consultation was undertaken as part of the preparation of the EIS.

2.3 Consultation for RTS Report

A large number of public submissions have noted that insufficient consultation with potentially affected stakeholders had been undertaken prior to the lodgement of the application, and the Department has requested that detailed and genuine consultation with affected landowners and community groups be undertaken.

Straight Talk was engaged to implement a strategy to inform local residents, landowners, businesses and key agencies about the proposal. This has not only ensured that the community have a clearer understanding of the proposal but has also provided an important mechanism to gather feedback. As part of this strategy, further community consultation has been undertaken, as follows:

- Two drop-in sessions, one on Saturday 14 April 2018 and the other on Sunday 15 April 2018 were held.
- Advertisements placed in the Liverpool Leader and Champion newspapers during the weeks commencing the 2 April and 9 April 2018.
- Letterbox drop to approximately 10,000 homes within the vicinity of the proposal.
- Advice of the sessions posted to the Facebook group.

Nulon presented the proposal to Liverpool City Council (meeting of Wednesday 28 February 2018), and has extended the offer to all stakeholders to inspect the existing Moorebank facility to enable them to better understand the nature of the proposed development. On 24 April 2018 the Department and two representatives of Liverpool Council attended the Nulon facility at Moorebank and undertook a detailed tour of the premises and activities.

A Consultation Outcomes Report has been prepared by Straight Talk and is included at **Appendix C**. No additional issues were identified during the additional consultation activities. All the issues raised during additional consultation activities had already been identified in submissions and are addressed as part of this RTS Report.

3.0 Issues Summary and Proponent's Response

In total, 12 agency submissions, and 68 public submissions were received regarding the proposed development SSDA_17_8900. Specifically, this encompassed:

- Sixty-nine (69) submissions from the public (including 2 petitions and 4 submissions received after exhibition period); and
- twelve (12) submissions from public authorities, including:
  - Department of Planning and Environment;
  - Liverpool City Council (the Council);
  - Fire and Rescue NSW;
  - Rural Fire Service NSW;
  - Transport for NSW;
  - Office of Environment and Heritage NSW;
  - Water NSW;
  - Sydney Water;
  - NSW Environmental Protection Authority (EPA);
  - Roads and Maritime Services.

A number of these submissions confirmed that the relevant agencies or authority had no further comment on the application, or simply provided guidance on recommended conditions. These included the submissions from RMS, Heritage Council NSW, Sydney Water, Water NSW and Camden Council.

A detailed summary of each submission, and responses to all the issues raised in each submission are provided in **Appendix A** for Government agencies and Council, and **Appendix B** for public submissions.

Except for the 'Land use and permissibility' issue, which was predominantly raised by Liverpool Council and in public submissions, the issues summarised below specifically respond to the additional information requested by the Department. The additional information provided in response to the Department's issues below has also been prepared to ensure that the key issues raised in other submissions have also been addressed.

3.1 Land Use and Permissibility

Liverpool City Council and several public submissions raised questions regarding whether the proposed Nulon Motor Oils Facility meets the definition of a 'light industrial' use. A detailed response to this matter is provided below. (It is highlighted that the proponent has sought legal advice (included at **Appendix S**) which confirms the assessment provided below.)

The characterisation of the proposed Nulon Oils Facility as a 'light industry' is important to ensure the development is consistent with the approved conceptual development consent SSD 6324. The term 'light industry' is not defined within the WSP SEPP, but is defined by the *Standard Instrument – Principal Local Environmental Plan*, as follows:

> *"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."***

The proposed Nulon facility is considered to comply with the definition of a light industry for the following reasons:

- The facility will store, blend, package (i.e. process) and distribute non-flammable motor oils for sale in auto retail shops.
- There is no manufacturing of motor oils proposed on site.
- There are no chemical reactions associated with the processes undertaken on site.

- A Dangerous Goods Assessment has been prepared for the facility. The assessment determined that the nature of the goods to be stored and transported does not meet the definition of a 'potentially hazardous' industry. Therefore, *State Environmental Planning Policy 33 – Hazardous and Offensive Development* which applies to high risk industrial operations is not applicable to the facility. This has been acknowledged by the Department of Planning and Environment.
- Notwithstanding this however, an additional Preliminary Hazard Analysis (PHA) has been prepared (included at **Appendix D**) to provide clarity on potential hazards and related mitigation measures. This assessment has identified possible incident scenarios and evaluated these based on the likelihood of occurrence, including assessment of proposed mitigation measures. The analysis concluded:
  - the facility would operate well below the acceptable risk criteria at the site boundary;
  - that no incidents would result in elevated radiant heat contours extending over the site boundary;
  - that there is zero potential for incident propagation to occur; and
  - there are currently no cumulative effects within the precinct.
- The operations will occur within the warehouse. The associated noise will be contained and will be below levels that would disturb nearby houses. This is further confirmed within the updated Noise Impact Assessment (**Appendix E**) prepared by SLR.
- Any smells, fumes and vapours associated with the operations are to be contained within the warehouse and will not impact on the air quality of neighbourhoods in the surrounding area. This is further confirmed within the Air Quality Assessment (**Appendix F**) prepared by SLR. It is further highlighted that oils are always proposed to be stored in sealed tanks that will filter air pollutants and odours prior to release. There will be no fugitive emissions as oils will never be handled exposed drums or containers.
- Wastewater and waste products will be managed in accordance with the relevant standards to prevent any off-site contamination. The waste water is stored within an Intermediate Bulk Container (IBC) on site until collected by a waste contractor. This is further confirmed within the Waste Classification Report (**Appendix G**) prepared by Nulon.
- There will be no smoke, flames, steam, soot, ash, dust, grit or otherwise generated by the ongoing operations of the facility.

In conclusion, as outlined above the proposed development meets the definition of 'light industry' and, is permissible with consent on the land under the applicable environmental planning instruments and is generally consistent with the Concept Approval for the site. The following sections of the RTS report provide additional details of the process and operations, which further substantiates the proposed development as a 'light industry'.

3.2 Process and Operations

3.2.1 Assessment of Alternatives

The Department has requested further assessment of the option of developing an alternative site, and the key reasons the subject site was identified as suitable for the facility.

Nulon have outgrown their current facility in Moorebank, with majority of their staff currently living in surrounding areas within the Liverpool LGA. As such, Nulon is seeking to relocate to a new facility that allows for future expansion, while remaining in the locality, ensuring easy access for its staff members. Nulon has established a timeframe for this expansion and required timeframe for the new facility to be operational. Therefore, the intention is to expand and relocate the Moorebank facility to the proposed location in order to maintain its current workforce and take advantage of the Bringelly Road opportunity.

The site was identified as the most suitable location for the proposed new facility, particularly due to its access to key connector roads being, Bringelly Road, Cowpasture Road and Camden Valley Way.

Alternative site options that meet these criteria are limited by what is currently available on the market. It is not feasible for Nulon to relinquish this current opportunity as they need to plan the design and construction of the new facility years in advance.

3.2.2 Employee Numbers

The Department have requested clarify the proposed number of employees (full time equivalent, FTE) to be employed at the proposed facility.

Nulon's existing facility in Moorebank employs 65 FTE staff members. Nulon initially proposes 70 FTE employees within the proposed new facility, with room to expand the business up to 100 FTE employees.

3.2.3 Hours of Operation

The proposed staff and hours of operation and the expected hours of staff shifts has been further clarified with the Addendum letter to the Traffic Impact Assessment included at **Appendix I**. Generally, production and warehouse staff attend shifts between 6am to 3:30pm. Admin/office staff attend shifts between 7:30am to 6pm.

The actual hours of operation for the blending processes will be 6:00 am to 2:00 pm, between Monday and Friday. In addition, some overtime hours may be required based on market and operational demand. Based on this, the application is seeking approval for processing hours between 6:00 am to 10:00 pm, between Monday and Saturday. However, for the purposes of worst case scenario assessment of air quality impacts, the operational hours for the processing have been assumed to be 24 hours a day, 7 days a week (refer to **Appendix F**).

3.2.4 Production Capacity

The Department has requested further detail of the maximum annual throughput proposed for the facility. Currently 8 million litres is the annual throughput of the existing Moorebank facility. The possible future throughput for the proposed facility could be up to 12 million litres per annum.

The Department has also requested further identification of the end use of each material to be stored on site. The finished products (blended, packaged and stored on site) include cleaners, oils and lubricants to be sold to the public through the automotive industry retail market.

3.2.5 Incident Response Procedures

The PHA provided at **Appendix D** identifies that the site has been designed to contain spills from operations within individual bunded areas or in tertiary containment within the site boundaries via the stormwater system. Therefore, in the event of an incident, spills will be contained and prevented from entering the public water course. As such, an offsite incident is unlikely to occur. However, the PHA specifies that spill kits should be located around operational areas to ensure a quick clean up response can be undertaken to contain a spill. Nulon will provide spill kits in accordance with the PHA recommendation. In addition to the use of spill kits to manage an on-site incident, the facility will be designed and operated to prevent and contain incidents to prevent off-site impacts, including:

- Dangerous goods containers will be stored on a pallet bund and will be located within a suitably bunded area.
- A storm water isolation point will be incorporated into the design. The penstock shall automatically isolate the storm water system upon detection of a fire (smoke or sprinkler activation) to prevent potentially contaminated liquids from entering the water course.
- The site shall be designed to contain any spills or contaminated water from a fire incident within the boundaries of the site.

An updated Environmental Management Plan has been prepared by CIP and is included at **Appendix L**.

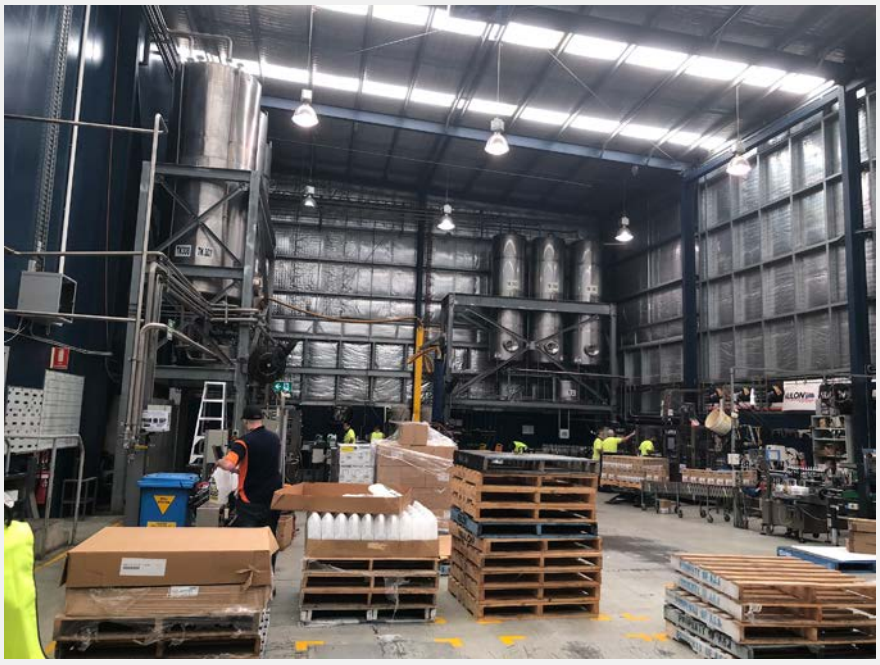
3.2.6 Process

As requested by Liverpool City Council, a flowchart and corresponding information has been prepared by Nulon to further demonstrate the relationship between the process units, specifically, the capacities of tanks and the relationships with blenders, heaters, atmospheric discharge points, valves, isolation valves, shut off valves, vents, drains, relief or safety valves (included at **Appendix H**).

In addition, we have described specific aspects of the proposed facility, with accompanying photos of the relevant components of the existing Moorebank facility to better explain the process within **Table 1.**

Table 1 Description of proposed facility components

Process Component	Photo of the component (from Moorebank)
The tanker unloading dock. The oil tankers unload directly into properly connected and controlled pipework, with appropriate locking and sealing mechanisms. The oil is never exposed outside of the tanker or handled in an open container. The pipes connect directly to the storage tanks. The dock is bunded to prevent any spillage from leaving the building or entering the stormwater system.	
Storage tanks The tanks store the oils in bulk prior to blending. Each storage tank is connected via properly connected and controlled pipework, with appropriate locking and sealing mechanisms and individual pumps. Electronic valves are used to accurately control oil flows for blending.	

Process Component	Photo of the component (from Moorebank)
Blending tanks The oil is delivered to the blending tanks from the bulk storage tanks via properly connected and controlled pipework. The oil is never exposed outside of the tanks or handled in an open container. Each blending tank contains an internal heating element and stirring mechanism. As a result of the 2015 incident (which was due to operator error), Nulon has fitted electronic automation of the blending tanks and electronic alarm systems if a tank is left on longer than intended, with automatic shutdown if the internal oil temperature exceeds the specified threshold. The 2015 incident therefore could not occur again. Also note the hook shaped vent tube at the top of each blending tank. At the proposed new facility these vents would be directed to the carbon filtration unit prior to discharge.	
Packaging Blended oils are packaged into retail containers and sealed for storage and distribution.	

Process Component	Photo of the component (from Moorebank)
Storage Oil products packaged for retail are stored in pallets within the warehouse prior to dispatch to automotive retailers such as Auto One and Super Cheap Auto. These products are found in retail outlets and people's garages all around Australia. The oils stored at the site are classified as 'combustible', but they are not 'flammable' or 'explosive'. Combustible liquids are difficult to ignite as they require either sustained heating or a high-energy ignition source. All oils are stored in accordance with all relevant Australian Standards including AS/NZS 3833 and AS 1940.	
Aerosol Storage A small proportion of the total storage space will be used to store aerosols. These are classified as 'flammable gases' and are stored separately from the 'combustible' oils in a meshed cage with automatic fire protection system and in-rack sprinklers that will douse a fire and prevent it spreading to the rest of the facility. Aerosols will be stored in accordance with all relevant Australian Standards including Australian Standard AS/NZS 60079.14:2009.	

3.3 Plans and Drawings

The Department has requested a Site Analysis Plan which indicates the nearest sensitive receivers and clearly describe the proximity of the proposed development to sensitive receivers, as well as a site layout diagram showing the location of all hazardous chemicals to be stored and all significant plant on-site, including equipment relevant to blending processes and storage tanks. These have been provided with the amended Architectural Drawings included at **Appendix J.**

As requested by the Department, a copy of the response from Jemena has been included within **Appendix K**, which confirms that high pressure gas pipelines remain compliant with the relevant Australian Standards throughout the life of the development.

3.4 Hazards and Risks

Fire and Rescue NSW and the Department have requested the PHA be prepared for the site, to address the concerns of the public. While the Department has acknowledged that the facility is not considered to be 'potentially hazardous' development under *State Environmental Planning Policy No 33-Hazardous and Offensive Development,* it agreed with Fire and Rescue NSW and requested that a PHA be prepared.

Accordingly, a PHA has been prepared by RiskEng, in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 'Hazard Analysis' and Multi-level Risk Assessment* guidelines (refer to **Appendix D**). The PHA also assesses the results using the criteria in *Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Planning*).

One of the key concerns raised within the public submissions relate to the potential hazards and risks to neighbouring residents, particularly in the event of an incident. The PHA report addresses the concerns raised relating to the potential for hazardous impacts and incidents, as questioned within government and public submissions, and during community engagement activities.

The PHA identifies potential hazards that may be present at the site because of operations or storage of materials and determines specific scenarios that may result in an incident with a potential for offsite impacts. Relevant scenarios were carried forward for consequence analysis, involving a detailed assessment to determine if an offsite impact would occur in the event of that scenario. The consequence analysis showed that two of the scenarios (partial escalation and full warehouse fire) would impact over the site boundary, and these incidents were carried forward for frequency analysis and risk assessment.

The frequency analysis and risk assessment showed the cumulative fatality risk of these incidents would be 2.04 chances per million per year (pmpy) at the site boundary, with lesser risk at further distances from the boundary. HIPAP No. 4 (Ref.) publishes acceptable risk criteria at the site boundary of 50 pmpy (for industrial sites).

A review of the surrounding area indicates a residence is present 15 m from the site boundary. A review of the incidents that may impact the residence indicates a full warehouse fire and the associated smoke emission may impact the residence. These incidents have a combined frequency of 0.025 pmpy. The permissible fatality risk at a residential area is 1 pmpy; hence, the risk of a fatality at the site boundary as a result of the facility operations would be within the acceptable risk criteria.

The cumulative risk from the development is also well below the acceptable risk criteria for active open areas, which his specified in HIPAP No. 4 as 10 pmpy.

Based on the PHA analysis conducted, RiskEng conclude that the facility would operate well below the acceptable risk criteria at the site boundary, that no incidents would result in elevated radiant heat contours extending over the site boundary; that there is zero potential for incident propagation to occur, and there are currently no cumulative effects within the precinct. The PHA additionally demonstrates compliance of the site with the relevant codes, standards and regulations.

3.5 Air Quality

3.5.1 Issues Raised in Submissions

Numerous submissions from the community raised potential air quality impacts as a concern. A detailed response to these submissions have been provided within **Appendix B**, and a detailed response to the submission from the NSW Environment Protection Authority (EPA) is provided within **Appendix A** and within the updated Air Quality Impact Assessment prepared by SLR included at **Appendix F**.

SLR performed air quality monitoring at the existing Nulon facility to obtain data on the anticipated emissions from the proposed operations at the proposed development site. They then modelled the proposed development using the monitored air emission data. With specific reference to the EPA's issues, the Air Quality Impact Assessment:

- Concluded that odour emissions are well below the 2.0 Odour Unit impact assessment criteria established for urban areas under the EPA's Odour Framework.
- Concluded that the modelling results for odour concentrations are well below the respective NSW EPA ambient air quality criterion at all sensitive receptor locations.
- Concluded that no significant path for potential Hydrochloric acid (HCl) emissions to air, and that there would therefore be no potential for off-site impacts from HCl vapours.
- Identified that potential air pollutants being Volatile Organic Compounds (VOCs); hydrogen chloride (HCl); glycols; and odour and concluded concentrations of inorganic acids and glycols were recorded to be below the detection limit for all locations. Similarly, and as expected, VOCs were only detected in the sample collected from within the final product area due to the very low volatility of the liquids being stored and handled on site.
- Demonstrates that the facility will comply with the relevant impact assessment criteria as well as the specific emission limits set out in the Protection of the Environment Operations (Clean Air) Regulation 2010.

SLR conclude that the potential for any air impacts due to the proposed operations at the Site are negligible. Notwithstanding, Nulon proposes to install an activated carbon filter as part of their ongoing environmental responsibility policy. Therefore it is additionally noted that assuming 95% control efficiency for the carbon filter, the site boundary concentrations will be only 5% of the impacts predicted within the assessment.

3.5.2 Ventilation

The Department has requested further details of how the facility will be ventilated. Further assessment of the proposed ventilation has been provided within the updated Air Quality Impact Assessment. A combination of dispersion and adsorption will be employed within the proposed facility to mitigate the air quality impacts from the proposed development. As the facility complies with the EPA's ambient air quality criteria, no emission control is necessary for the development. However it is proposed that the air vents from all the tanks (bulk storage, blending and holding) will be connected and piped to a central exhaust system, filtered and then discharged via a single stack, significantly cleaning the air. The organic contaminants are physically adsorbed into the activated carbon, with the cleaned air then released into the atmosphere. The frequency of replacement of the activated carbon beds will depend on the loading of the system (a function of the hours of operation, air flowrate and concentration of organics within the inlet air stream) as well as the size/design of the system installed and would be determined as part of the detailed design stage.

The Department noted the NSW Land and Environment case Environment Protection Authority v Nulon Products Australia Pty Ltd [2015] NSWLEC 153 relating to the existing Nulon facility located at 17 Yulong Close, Moorebank. As such, the Department has requested detailed description of the mitigation measures which will be implemented at this site to avoid a similar incident at the proposed facility and the potential release of vapours and gases.

It is highlighted that the 2015 incident occurred because of operator error, leading to a heating element being left on within a blending tank without the stirring mechanism in operation overnight. Without the stirring mechanism the oil immediately adjacent the heating element heated up to an elevated temperature that resulted in a significant amount of odour being released from the vent pipes and into the warehouse building. The vented odour discharged from the building as a fugitive emission resulting in off-site odour impacts.

Nulon has already implemented measures to prevent such an incident occurring again. Specifically:

- The blending tanks are electronically automated;
- Electronic alarm systems will operate if a tank is left on longer than intended;
- Automatic shutdown will occur if the temperature within the tank exceeds the pre-set threshold; and
- The electronically operated blending process prevents the heating elements working without the stirring mechanism operating.

These technological measures will be installed at the proposed facility.

In addition to these measures, a carbon filtration ventilator will be connected to all blending tanks. This will ensure that any odorous emissions from the blending tanks will be appropriately filtered prior to release into the atmosphere.

As the oils are never exposed or handled in an open container, fugitive emissions are minimal, and the air quality within the warehouse is not affected by emissions or odours. It is therefore not necessary to filter the air within the ambient space of the warehouse prior to its release to the atmosphere, and no restrictions on the release of this air is proposed.

3.6 Noise

The Department noted that the Noise Impact Assessment prepared by Acoustic Logic, identifies one residential dwelling on the site located at 12 Bringelly Road, Horningsea Park. However, as identified in the air quality impact assessment, the updated Noise Impact Assessment prepared by SLR (**Appendix E**) additionally clarifies there are two dwellings and sensitive receptors on this property located approximately 15 m and 60 m from the site boundary. However, it is noted that the nearest sensitive receiver located at approximately 15m distance is in an abandoned condition and not considered noise sensitive at present. Nonetheless, this has receiver has been identified within the worst-case scenario and included within the assessment.

The updated Noise Impact Assessment (**Appendix E**) has been prepared in accordance with the NSW Noise Policy for Industry 2017 and provides an assessment of the worst case cumulative noise impacts to surrounding sensitive receptors from the proposed development. The assessment is based on predicted noise levels for the worst-case noise receiver in each noise-generating scenario assessed individually for each activity, and combined for the worst case accumulative noise scenario.

The Noise Impact Assessment concludes that compliance with the NSW Noise Policy for Industry 2017 is predicted for daytime noise. Minor exceedances have been identified for night-time noise, limited to the nearest sensitive receiver, however are considered acceptable due to the infrequency of night deliveries.

3.7 Traffic

The Department has requested detailed explanation of how it was determined that the traffic generation outcome for the proposed development will be far less than that addressed in the approved SSD assessment. The explanation is to include detail of how traffic generation for the proposed facility had been estimated. It is noted that the traffic assessment for the proposed facility has been prepared based on the actual traffic generation at Nulon's existing facility at Moorebank.

An addendum letter to the Traffic Impact Assessment has been prepared by Transport and Traffic Planning Associates and is included at **Appendix I**. Proposed swept analysis for the proposed truck routes for the operation of the development are also included within this Assessment.

To clarify, the peak access movements will occur between 7.30 – 8.30am and 4.30 – 5.30pm

An addendum letter to the Traffic Impact Assessment (**Appendix I**) further explains and clarifies that:

- the traffic generation assessment undertaken in the Traffic Report is accurate;
- the traffic generated by Nulon will be significantly less than that which was anticipated for the SSD approval;
- the Nulon facility would only generate relatively minor truck movements; and

- trucks will be readily able to gain access to/from and through the facility.

3.8 Social Impact

Liverpool City Council have requested a comprehensive Social Impact Assessment for the proposed development. This has been prepared by Elton Consulting and is included at **Appendix M**. The report identifies potential social impacts of the proposed development and provides assessments including the cumulative impacts.

It is noted that majority of the impacts relate to the prevalence of stress and anxiety caused by a person's anticipation and/or perception of adverse effects on their health and safety, as a direct result of the proposed Nulon facility. As demonstrated within this RTS, further clarity has been provided to confirm the majority of these perceived impacts are unwarranted.

Elton Consulting recommend mitigation measures to address the perceived impacts and the concerns of the community during construction and operation of the facility. These recommendations include:

- Maintaining an open dialogue with the community;
- Regular safety monitoring and audits that the reports on key environmental impacts such as noise, odour and emissions be made available to the community online;
- Physical structure and landscaping sympathetic to the surrounding parkland; and
- Developing a robust Good Neighbour Policy to bridge the current gap with the community.

3.9 Landscaping and Biodiversity

The Department has requested that the proponent provide justification for choice of species and demonstrate how the proposed landscaping is generally in accordance with species approved under SSD 6324. In addition, the Department has requested further details of the number of trees to be removed and the number of trees to be planted on the site.

Amended Landscape Plans have been prepared by Habitat 8 (included at **Appendix N**), to ensure all proposed species are in accordance with the Concept Approval of SSD 6324. 25 trees to be cleared as part of existing approval and 41 trees are to be planted as part of the proposed development.

A Biodiversity Assessment Report Waiver (BDAR) letter prepared by Ecological (included at **Appendix O**), further confirms the proposed development of Lot 8 for the Nulon facility falls within the Concept Approval development land footprint and does not propose any additional impacts to vegetation other than that already approved under Development Consent (SSD 6324). The letter also outlines the process currently being undertaken to offset the loss of any native vegetation on site.

3.10 Visual Impact

The Department has requested the proponent remove the use of red panelling on the eastern elevation of the building and replace the red panelling with a neutral colour to minimise visual impact to residential properties to the east. This panelling has been amended, as illustrated within the amended plans included at **Appendix J**.

3.11 Bushfire Protection Assessment

As requested by Rural Fire Service NSW, Ecological have prepared a Bushfire Protection Assessment (included at **Appendix P**). The assessment has been prepared in accordance with 'Planning for Bush Fire Protection 2006'. The proposed development complies with the acceptable solutions within 'Planning for Bush Fire Protection 2006' and can achieve the maximum threshold of <10 kW/m2 radiant heat exposure. Refer to **Appendix A** for further details regarding questions raised by Rural Fire Service NSW.

3.12 Civil Engineering Report

An updated Civil Engineering Report has been prepared by Costin Roe and is included at **Appendix Q**. Additional information has been provided, particularly in relation to firewater containment capacities within the proposed facility.

3.13 Staging

The Department has requested an updated staging plan which identifies subsequent staging of the construction of the Bringelly Road Business Hub. This has been prepared by CIP and is included at **Appendix R**.

4.0 Proposed Amendment to Exhibited Application

The section outlines the proposed amendments to the development application that have been made in response to issues raised in submissions.

It is noted that issues raised by government agencies and the public submissions largely related to clarifications of the nature of hazards and risks, and did not refer to specific design elements, except for the minor amendment discussed below.

The Department has requested the proponent remove the use of red panelling on the eastern elevation of the building and replace it with a neutral colour to minimise visual impact to residential properties to the east. The panelling has been amended, as illustrated within the amended plans included at **Appendix J**.

TfNSW has requested the located of the proposed bicycle parking be indicated on plans. This has been included within the amended plans included at **Appendix J**.

5.0 Revised Mitigation Measures

The collective measures required to mitigate the impacts associated with the proposed works are detailed in **Table 2**. These measures have been derived from the previous EIS assessment and the additional assessment undertaken as part of the RTS process.

Table 2 Proposed Mitigation Measures

Mitigation Measures
Traffic and Parking • A Green Travel Plan incorporating a Transport Access Guide will be prepared and submitted as part of the Construction Certificate documentation.
Hazard and Risk • The design includes fire walls to ensure adequate separation of storage locations as required by AS 1940-2017. • Individual IBCs (containing Class 6.1 or 8 DGs) shall be stored on a pallet bund. • The IBC (containing Class 6.1 or 8 DGs) shall be located within a bunded area complying with the standard applicable to the class of material being stored. • Spill kits shall be located around operational areas to ensure a quick clean up response can be undertaken to contain a spill. • A storm water isolation point (i.e. penstock isolation valve) shall be incorporated into the design. The penstock shall automatically isolate the storm water system upon detection of a fire (smoke or sprinkler activation) to prevent potentially contaminated liquids from entering the water course. • The site shall be designed to contain any spills or contaminated water from a fire incident within the boundaries of the site. • The warehouse and/or site boundaries shall be capable of containing 612m^3 which may be contained within the warehouse footprint, site stormwater pipework and any recessed docks or other containment areas that may be present as part of the site design. • The civil engineers designing the site containment shall demonstrate the design can contain at least 612m^3. • Any gas services are to be installed and maintained in accordance with Australian Standard AS/NZS 1596 *The storage and handling of LP Gas* (SA 2014). Metal piping is to be used. • All fixed gas cylinders are to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion. Connections to an from gas cylinders are metal. • Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not used.
Waste Management • Proposed water harvesting methods be employed to address water management, as recommended within Civil Report accompanying this application.
Noise Impact • Vehicle engines should be switched off during loading and unloading within the dock. • Construction works should be undertaken in accordance with the acoustic control measures outlined within the SLR Report accompanying the application.
Bushfire • Implementation of APZ.
Construction and Environmental Management • A detailed Environmental Management Plan has been submitted with EIS under Appendix S and all applicable sub-documents will be developed for Construction Certificate and implemented for all construction works. Activities include: – Conduct vibration and noise measurements/monitoring at potentially worst affected receivers during periods when the impact from construction is greatest, when activities may have the potential to impact surrounding receivers. – A reporting system be implemented with information including: – A register of complaints received/communication with the local community – Where noise/vibration complaints require noise/vibration monitoring, results from monitoring. – Any noise exceedances occurring including, the actions taken and results of follow up monitoring. – A report detailing complaints received and actions taken shall be presented. – All monitoring and reporting shall be conducted in conjunction with the conditions of consent.

Mitigation Measures

- The person(s) responsible for complaint handling and contact details for receiving of complaints shall be established on Site prior to construction works commencing, with contact details displayed at the Site for the public.
- If a noise complaint is received the complaint should be recorded on a Noise Complaint Form.
- Communication with the adjoining properties and neighbouring workers shall be undertaken on an on-going basis, in advance of activities that may be considered as potentially affecting amenity

Air Quality

- Standard construction dust mitigation methods be implemented where practical to avoid dust generation.
- The air vents from all the tanks (bulk storage, blending and holding) will be connected and piped to a central exhaust system for discharge to atmosphere via a single stack.
- The air extracted from the tanks will be passed through the activated carbon bed, before being discharged to the atmosphere along with air extracted from the building.

Operational Management

- A detailed Operational Management Plan, Pollutant Incident Response Management Plan, Emergency Procedure and all applicable sub-documents will be developed for Occupation Certificate and adhered to by Nulon.

Social Impacts

- Maintaining an open dialogue with the community;
- Regular safety monitoring and audits that the reports on key environmental impacts such as noise, odour and emissions be made available to the community online;
- Physical structure and landscaping is sympathetic to the surrounding parkland; and
- Developing a robust Good Neighbour Policy to bridge the current relationship gap with the community.

6.0 Conclusion

This additional information has been provided in relation to SSDA_17_8900 being the proposed Nulon Motor Oils facility at Bringelly Road Business Hub. In total, 12 agency submissions, and 69 public submissions (including 2 petitions and 4 submissions received after exhibition period) were received regarding the proposed development SSDA_17_8900. Specifically, this encompassed:

- Department of Planning and Environment;
- Liverpool City Council (the Council);
- Fire and Rescue NSW;
- Rural Fire Service NSW;
- Transport for NSW;
- Office of Environment and Heritage NSW;
- Water NSW;
- Sydney Water;
- NSW Environmental Protection Authority (EPA);
- Roads and Maritime Services.

CIP/Charter Hall has considered and responded to the issues raised in submissions by the public, agencies, the Council and the Department and undertaken a number of new and revised consultant's report to accompany the development application.

This RTS Report has further clarified that the proposed development is consistent with the Concept Approval SSD 6324 for the Site, and appropriate mitigation measures will ensure the proposal will not adversely impact the environment or local stakeholders.