



CFC Group Large Format Retail Facility

*State Significant
Development Assessment
(SSD 9511)*



December 2018

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Cover photo

View of the proposed CFC Group Large Format Retail Facility, viewed from Bringelly Road (Environmental Impact Statement SSD 18_9511 prepared by Ethos Urban dated 24 September 2018)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	CIP Constructions (NSW) Pty Ltd
AS	Australian Standard
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Consent	Development Consent
Council	Liverpool City Council
DA	Development Application
Department	Department of Planning and Environment
Development	The development as described in the EIS and RtS for SSD 9511
EIS	Environmental Impact Statement titled 'Environmental Impact Statement SSD 18_9511' prepared by Ethos Urban dated 24 September 2018
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
Planning Secretary	Secretary of the Department of Planning and Environment
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Sensitive receiver	A location where people are likely to work or reside, this may include a dwelling, school, hospital, office or public recreational area
Site	Skyline Crescent, Horningsea Park (Lot 11 in DP 29104)
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development



Executive Summary

CIP Constructions (NSW) Pty Ltd (the Applicant) has lodged a Development Application (DA) and accompanying Environmental Impact Statement (EIS) seeking consent to construct and operate the CFC Group Large Format Retail Facility at Horningsea Park in the Liverpool local government area (LGA).

Background

The site forms part of an approved 21-hectare (ha) business park known as the Bringelly Road Business Hub (BRBH) located in the southern portion of the Western Sydney Parklands (WSP). The BRBH is located 36 kilometres (km) south-west of the Sydney city centre and 8 km south-west of the Liverpool town centre. The large format retail facility is proposed on Lot 6 in the eastern portion of the BRBH site and will be approximately 180 metres from the nearest sensitive receiver located at 12 Bringelly Road.

On 13 January 2016, the Acting Executive Director, Key Sites and Industry Assessments at the Department of Planning and Environment (the Department) approved the BRBH, a staged State significant DA (SSD 6324) comprising a concept and stage 1 development. The concept covered the establishment of the BRBH and allows for a range of uses on the site including large format retail and light industrial uses. Stage 1 approved site preparation works for the BRBH, including bulk earthworks and subdivision. The stage 1 bulk earthworks are yet to commence.

Project Description

The CFC Group is an Australian based company involved in equipment distribution, transport and logistics and specialised mining, utility and infrastructure services. The proposed facility will be used primarily for the display and sale of machinery and construction equipment, however will also have an associated warehouse and workshop components for the storage, assembly, repair and maintenance of inventory.

The proposed development has a capital investment value of \$11.8 million and will generate approximately 70 construction jobs and 80 operational jobs in the Liverpool LGA. The proposed development will allow for the development of the BRBH and is consistent with the key objectives of the Greater Sydney Region Plan and Western City District Plan which encourage planned and managed industrial development and the provision of jobs in Western Sydney.

The proposed development is subject to the Western Sydney Parklands Plan of Management 2020 which identifies that 2% of the WSP is to be developed for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The proposed development represents a portion of the 2% of the WSP identified strategically for business purposes.

The proposed development is classified as State significant development (SSD) as the original concept approval for the BRBH did not determine that future subsequent stages within the BRBH could be determined by the relevant Council under section 4.37 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Consequently, the Minister for Planning is the consent authority for the proposed development under section 4.5(a) of the EP&A Act.

Engagement

The Department exhibited the DA and EIS from Thursday 18 October 2018 until Thursday 15 November 2018. A total of seven submissions were received from public authorities and Council. No objections or public submissions were received.

Key concerns raised related to the potential social impacts of the development, traffic and bushfire management. As a direct response to concerns relating to the community consultation, the Department requested the Applicant address the matters raised in the submissions in a Response to Submissions (RtS) report.

The Applicant submitted a RtS report on 30 November 2018 to address and clarify matters raised in the submissions, including in relation to the potential social, air quality and noise impacts from the proposed development.

Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified that traffic and access are the key issues for assessment.

During the assessment process, representatives of the Department visited the site to provide an informed assessment of the development.

The Department's assessment concluded the generation of traffic travelling to and from the development is within the envelope of traffic levels modelled and established across the BRBH. As these overall traffic levels were used to design the road network its performance would not be adversely impacted by traffic generated by the development.

The Department is satisfied the potential impacts of the development can be managed and/or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including:

- implementation of management and mitigation measures identified in the EIS
- preparation of a Construction Traffic Management Plan and a Work Place Travel Plan
- the preparation and implementation of a Construction Environmental Management Plan
- the installation of appropriate landscaping.

Overall the Department's assessment has concluded the development would:

- provide a range of benefits for the region and the State as a whole, including a capital investment of approximately \$11.8 million in the Liverpool LGA
- provide for approximately 70 construction jobs and 80 new operational jobs
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Western City District Plan, which encourage planned industrial development and the provision of jobs in Western Sydney
- be consistent with the approved uses and design objectives for the BRBH
- not have a significant impact on the local or regional road network during construction or operation.

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.



Contents

Glossary	iii
Executive Summary	iv
1. Introduction	1
1.1 The Department's Assessment	1
1.2 Development Background	1
1.3 Site Description	1
1.4 Surrounding Land Uses	3
1.5 Other Development Approvals	3
1.6 Proposed State Significant Development (SSD 8900)	5
2. Project	6
2.1 Description of the Development	6
2.2 Physical Layout and Design	7
2.3 Uses and Activities	8
2.4 Logistics	9
2.5 Timing	9
2.6 Applicant's Need and Justification for the Development	9
3. Strategic Context	11
4. Statutory Context	13
4.1 State Significant Development	13
4.2 Permissibility and Consistency with SSD 6324	13
4.3 Consent Authority	13
4.4 Other Approvals	13
4.5 Mandatory Matters for Consideration	14
4.5.1 Environmental Planning Instruments	14
4.5.2 Objects of the EP&A Act	14
4.5.3 Western Sydney Parklands Act 2006 (WSP Act)	16
4.5.4 Ecologically Sustainable Development	16
4.5.5 Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)	16
5. Engagement	18
5.1 Consultation	18
5.2 Consultation by the Applicant	18

5.3	Department's Engagement.....	18
5.4	Summary of Submissions	18
5.5	Public Authorities	18
5.6	Response to Submissions	20
6.	Assessment.....	21
6.1	Traffic and Access.....	21
6.2	Other Issues	23
7.	Evaluation	30
8.	Recommendation	31
9.	Determination	32
	Appendices.....	33
	Appendix A – List of Documents.....	34
	Appendix B – Statutory Considerations	35
	Appendix C – Community Views for Draft Notice of Decision	41
	Appendix D - Recommended Instrument of Consent.....	42



1. Introduction

1.1 The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development application (SSD 9511) for the CFC Group Large Format Retail Facility. The proposed development (the development) involves the construction and operation of a large format retail facility primarily for the display and sale of construction machinery and equipment at Horningsea Park in the Liverpool Local Government Area (LGA).

The Department's assessment considers all documentation submitted by CIP Constructions (NSW) Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS) and a Response to Submissions (RtS) report, as well as submissions received from government agencies and Liverpool City Council. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the development has concluded the development is approvable, subject to conditions of consent.

1.2 Development Background

The Applicant is seeking development consent to construct and operate a large format retail facility comprising showrooms, an associated warehouse and distribution area, a workshop and ancillary offices, hardstand areas, service infrastructure, signage and landscaping. The proposed tenant, the CFC Group, is an Australian based company involved in equipment distribution, transport and logistics and specialised mining, utility and infrastructure services. The proposed facility will be used primarily for the display and sale of machinery and construction equipment offered by the CFC Group.

The site forms part of an approved business park known as the Bringelly Road Business Hub (BRBH) located in the southern portion of the Western Sydney Parklands (WSP). The BRBH was approved under SSD 6324 which permitted the subdivision and site preparation works (bulk earthworks) for a business park including large format retail, light industry and service centre uses. Bulk earthworks for the establishment of the BRBH are yet to commence.

The WSP is managed by the Western Sydney Parklands Trust (WSPT). The WSPT is a self-funded government authority, responsible for developing the WSP into a multi-use urban parkland for the region of Western Sydney to maintain and improve the broader WSP.

1.3 Site Description

The site is situated some 36 kilometres (km) west of the Sydney city centre, 8 km south-west of Liverpool town centre and near the intersection of the M5 and M7 motorways (see **Figure 1**). The site is located on the proposed Lot 6, in the eastern portion of the 21 ha BRBH site (see **Figure 2**) and is approximately 2.2 hectares (ha). Access is via Skyline Crescent to the south, which connects to Bringelly Road in Horningsea Park.

Currently, the site is an undeveloped 'greenfield' parcel, primarily containing grazing pasture land which has been mostly cleared of vegetation. The further clearing of 1.87 ha of nine small patches of Cumberland Plain Woodland

across the BRBH site including disturbed woodland, scattered paddock trees and native shrubs has been approved under the stage 1 works for the BRBH.

Once the cut to fill earthworks for the BRBH are completed, the site will drain towards an existing natural waterway to the north of the site at grades of 1% and 2%.



Figure 1 | Local Context Map



Figure 2 | Site and surrounding land uses

1.4 Surrounding Land Uses

The nearest sensitive receivers are two residential dwellings located approximately 120 metres (m) and 180 m to the east of the site at 12 Bringelly Road, Horningsea Park (see **Figure 2**). The Applicant has advised the closest of these dwellings is abandoned. The residential property at 12 Bringelly Road is privately owned however is located within the WSP. Detached residential dwellings are also located 280 m to the north and 280 m east of the site on the other side of Cowpasture Road. An acoustic wall separates the detached dwellings from Cowpasture Road and partially obscures views from these properties (see **Figure 3**).



Figure 3 | Location of acoustic wall along Cowpasture Road

A riparian corridor and Bedwell Park, a man-made wetland, is located directly to the north of the site. The wetland receives water flowing from surrounding land located to the north, west and south including from the site, nearby residential development, surrounding WSP land and Cowpasture Road. Until the commencement of the final ground lease, or the end of August 2022, the Applicant is responsible for the repair and maintenance of the riparian corridor and Bedwell Park wetlands. Following this, Bedwell Park will be managed and maintained by the WSPT.

Land directly to the west of the BRBH comprises agricultural and rural residential uses. This land is located in the WSP and identified in the POM as a future sport and active recreation hub and a tourism hub.

The road network surrounding the site includes:

- Bringelly Road to the south, a State Road and sub-arterial route which connects with Cowpasture Road and Camden Valley Way
- Cowpasture Road to the east, a State Road and arterial route which connects with Camden Valley Way and Bringelly Road
- Stuart Road to the north, a local access road
- Camden Valley Way to the south-east, a State Road and arterial route.

The site is approximately 2.5 km north of the South-West Rail Link and approximately 2.5 km to the east of Leppington Railway Station.

Bringelly Road (between Camden Valley Way and The Northern Road) is currently the subject of significant road upgrades, with progressive upgrade works scheduled for completion by NSW Roads and Maritime Services in 2036.

1.5 Other Development Approvals

On 13 January 2016, the Acting Executive Director, Key Sites and Industry Assessments approved the BRBH Staged Development Application (DA) (SSD 6324). The BRBH DA approved a concept and stage 1 DA for early works.

On 14 April 2016 the Acting Director, Modification Assessments approved a modification to the concept and stage 1 DA which amended the parking rate for large format retail uses on the site.

On 15 August 2018, the Acting Director, Industry Assessments approved a second modification application which updated the concept DA to add a new lot (previously Part Lot 8) and re-configured the approved subdivision layout of the site (Lots 4, 6 and 8) to meet the lot requirements of future tenants of the BRBH, including the CFC Group.

1.6 Proposed State Significant Development (SSD 8900)

On 17 January 2018, CIP Constructions (NSW) Pty Ltd (CIP) lodged a State significant development application (SSD 8900) seeking consent to construct and operate a light industrial facility to be operated by Nulon Products Australia Pty Ltd (Nulon Oils) on the adjoining lot to the east (Lot 8) in the BRBH. Nulon Oils proposed to use the premises for the delivery, storage, blending, bottling, packaging and distribution of automotive products, including lubricating engine oils and aerosols.

In November 2018, CIP advised the proposed occupant would no longer be Nulon Oils and is considering an alternative occupant and use. The Department is currently assessing an amendment to SSD 8900 for this alternate use.

2. Project

2.1 Description of the Development

This application seeks approval for the construction and operation of a large format retail showroom with associated warehouse and distribution, a workshop for maintenance and assembly and ancillary offices to be used by the CFC Group.

The proposed facility will be used primarily for the display and sale of machinery and construction equipment and will allow for the co-location of three of the CFC Group businesses called CEA, JCB and Redstar Equipment.

The major components of the proposed development are summarised in **Table 1**, shown in **Figure 5** and **Figure 6**, and described in full in the EIS, held at **Appendix A**.

Table 1 | Main Development Components

Aspect	Description
Development Summary	<ul style="list-style-type: none"> The construction and operation of a large format retail facility comprising showrooms, an associated warehouse and distribution, a workshop and ancillary offices within the BRBH for the display and sale of machinery and construction equipment
Site development area, footprint and height	<ul style="list-style-type: none"> The site is approximately 2.2 ha in area Development footprint of around 6,515 m² Maximum height of 13.7 m
Earthworks, works and extension civil services	<ul style="list-style-type: none"> Minor earthworks, foundations, stormwater drainage, construction of hardstand and car parking
Construction	<ul style="list-style-type: none"> Site levelling and construction of the proposed building over a period of approximately 35 weeks
Key features of large format retail facility	<ul style="list-style-type: none"> Warehousing and material storage area (2,456 m²) Workshop area (1,844 m²) Showrooms (1,575 m²) Ancillary office (640 m²)
Traffic	<ul style="list-style-type: none"> Construction: up to 45 vehicle movements per day comprising 30 light vehicles and 15 heavy vehicles Operation: 160 vehicle movements per day comprising 130 light vehicles and 30 heavy vehicles
Stormwater drainage and	<ul style="list-style-type: none"> Construction of on-site drainage pipes, an underground detention tank and gross pollutant traps discharging to Bedwell Park for secondary stormwater treatment
Landscaping	<ul style="list-style-type: none"> Different vegetation heights and tree types at the street frontage and car parking area

		<ul style="list-style-type: none"> • A 1 m landscaped section along the street frontage with screen shrubs • Hedge planting (between 1-2 m high) along the western boundary
Signage		<ul style="list-style-type: none"> • Illuminated signage including business identification signage for the CFC Group and the three arms of the business, JCB, Redstar and CEA on the southern façade of the building, fronting Skyline Crescent
Hours of operation		<ul style="list-style-type: none"> • 24 hours, 7 days per week with peak operational hours are expected to be: <ul style="list-style-type: none"> ○ 7 am to 6 pm Monday to Friday ○ 6 am to 4 pm Saturday ○ 7 am to midday Sunday
Capital value	investment	<ul style="list-style-type: none"> • \$11.8 million
Employment		<ul style="list-style-type: none"> • 70 full-time equivalent construction jobs and 80 operational jobs

2.2 Physical Layout and Design

The physical layout and design of the development is shown in **Figure 5** and **Figure 6**. The proposed development presents as a consolidated warehouse with a central drive-through area for trucks and some light vehicles. The central drive-through area separates the warehouse and workshop components and allows for vehicle access to these areas. Car parking is primarily located along the Skyline Crescent frontage with some staff car parking proposed to the rear of the showrooms.

Three separate showroom spaces with glazing are located towards Skyline Crescent. These tenancies will each be occupied by JCB, CEA and Redstar businesses, which represent different, but associated branches of the CFC Group. The main site office is located on level 1, above the showrooms.

The rear of the site would be used as a storage yard for machinery and equipment.

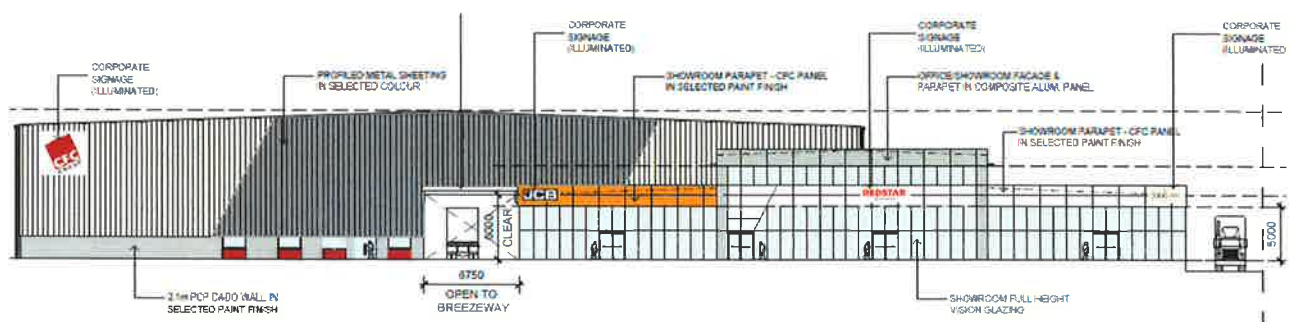


Figure 5 | Proposed Southern Elevation (view from Skyline Crescent)

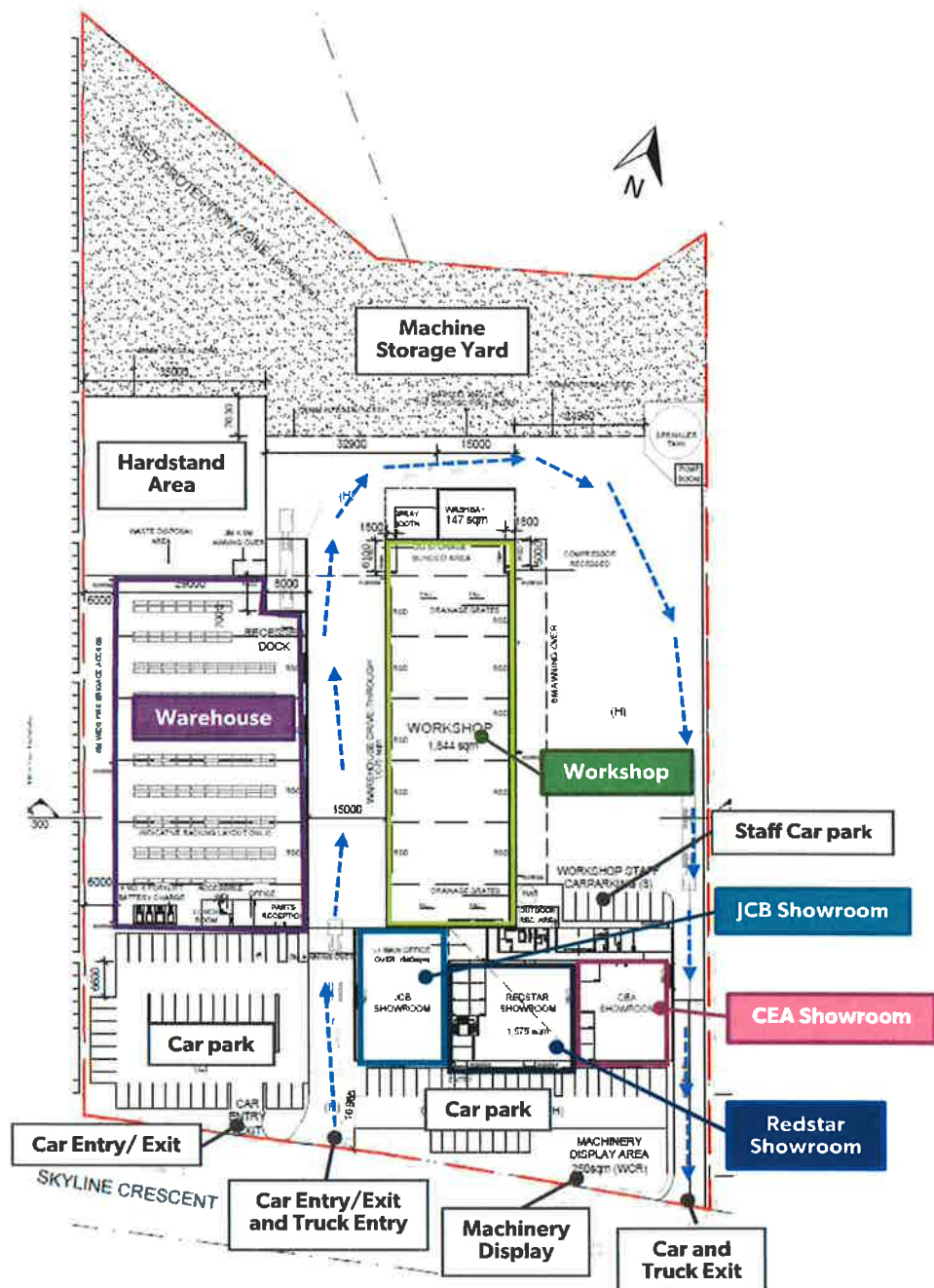


Figure 6 | Proposed Site Layout

2.3 Uses and Activities

The proposed development includes the following key uses:

- three separate showrooms for the display and sale of machinery and equipment offered by the CFC Group
- a maintenance workshop for the repair, maintenance and assembly of heavy duty fleet and equipment
- a warehouse and hardstand area for the storage and display of machinery and equipment
- ancillary spray booth and wash bay areas for the cleaning of machinery and equipment
- ancillary offices to support the administration of the NSW division of the CFC Group.

2.4 Logistics

Machinery and equipment would be delivered to the site in semi-trailer trucks, occasionally B-doubles and smaller courier vans via Skyline Crescent. Larger construction and industrial machinery and equipment (e.g. excavators and skid steers) would be delivered in parts in containers and assembled on site in the workshop area. The larger trucks would access the site via the heavy vehicle entry point, pass through the warehouse drive-through area and reverse into the recessed loading dock located on the northern façade of the warehouse. Each of the warehouse and workshop units include dedicated loading areas accessed via roller shutter doors. Assembled machinery and equipment would be stored in the warehouse area or transferred to the rear of the site, to the showrooms or the machinery display area.

The workshop area would also be used for the maintenance and servicing of machinery and equipment displayed and sold at the site.

Sold or repaired machinery and equipment would be loaded onto trucks in the loading dock and loading areas and delivered to the customer.

2.5 Timing

The BRBH is to be developed in stages. The Applicant advises the proposed development is likely to be the second stage after the development of Lot 8 located immediately to the east of the site (see **Figure 7**).



Figure 7 | Proposed Staging Plan

2.6 Applicant's Need and Justification for the Development

The CFC Group is seeking to expand its operations in NSW and has identified the site as a suitable location to consolidate several of its business units in the one location. The Applicant considers the location of the site to be suitable for the development particularly due to its proximity to key connector roads, including Bringelly Road, Cowpasture Road and Camden Valley Way and the M5 and M7 motorways.

The proposed large format retail facility is consistent with the approved land uses and intent for the BRBH (refer **Section 4.2**).

Additional benefits identified by the Applicant include:

- contributing private investment to create a sustainable funding base for the WSP
- a design that is sympathetic to the context of the site and is consistent with the Urban Design Guidelines of the approved BRBH concept DA
- providing employment opportunities in Western Sydney comprising 70 full time equivalent construction jobs and 80 operational jobs.



3. Strategic Context

Greater Sydney Region Plan, 2018

The vision of the 'Greater Sydney Region Plan 2018, A Metropolis of Three Cities' falls within the integrated planning framework for Sydney (see **Figure 8**) and seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. It brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

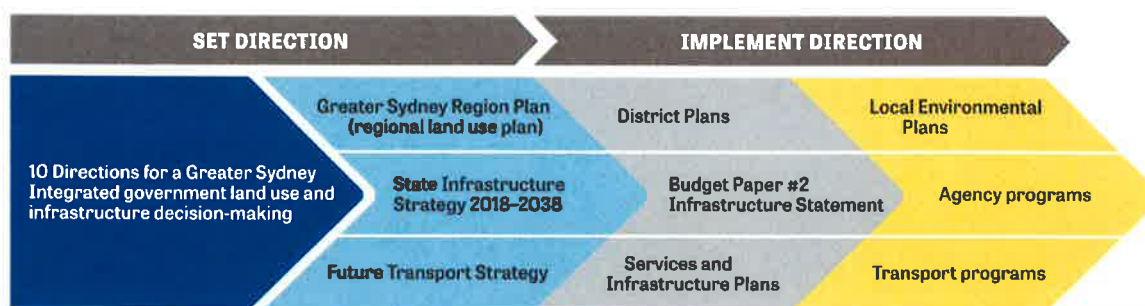


Figure 8 | Integrated Planning for Greater Sydney

Objective 23 outlines that industrial and urban services land is to be planned, retained and managed. Strategy 23.1 also recognises the need for certain office uses to be co-located with industrial and urban service uses to provide job opportunities closer to residents. By providing additional jobs closer to where people live and providing commercial and industrial uses in an approved business hub, the proposed development will support the objectives and strategies of the Greater Sydney Region Plan.

Western City District Plan, 2018

The Western City District Plan (WCDP) is a 20-year plan to manage growth in Western Sydney in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The proposed development would assist in meeting Action 52 of the WCDP as it would retain and manage industrial and urban services land services in an approved business hub in the Liverpool LGA. The Liverpool LGA is identified as a key area where industrial and urban service land is to be reviewed and managed (refer **Figure 9**).

The Department has considered the strategic context of the site and is satisfied the proposed development is consistent with the intent of relevant strategic planning documents.

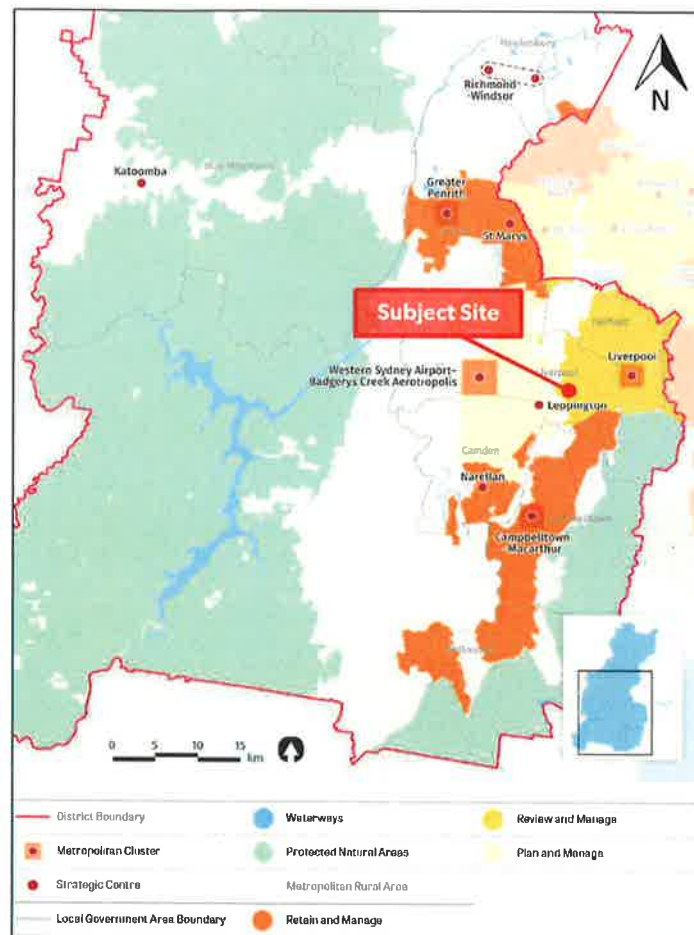


Figure 9 | Approach for the management of industrial and service land under the Western City District Plan

Western Sydney Parklands Plan of Management 2020

The 'Western Sydney Parklands Plan of Management 2020' (POM), adopted on 25 January 2011, and the 'Parklands Plan of Management 2020 Supplement' (POM Supplement), adopted on 2 March 2014, provide the strategic management framework for the WSP.

The POM and the POM Supplement identify that 2% of the WSP is to be developed for long term leases for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The proposal represents a portion of the 2% of the WSP identified strategically under the POM for business purposes.

Under the POM Supplement, the site is located within the BRBH (Precinct 16), an area which is bordered by the Carnes Hill and Horningsea Park residential areas. The POM Supplement recognises that, due to its relatively flat topography, large lot sizes, visual exposure and connectivity with the regional road network, the precinct is a suitable location for large format retail, warehouse and storage and distribution uses.

The Department considers the proposed development would provide a large format facility which is consistent with the uses identified in the POM Supplement for the precinct, job opportunities close to residential areas and would enable a source of funding that would contribute to the ongoing viability of the WSPT and WSP, a major social and recreational facility in Western Sydney.



4. Statutory Context

4.1 State Significant Development

The proposed development is classified as State significant development (SSD) as the original concept approval for the BRBH did not determine that future subsequent stages within the BRBH could be determined by the relevant Council under section 4.37 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

4.2 Permissibility and Consistency with SSD 6324

The site is located in the WSP. After the commencement of State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP), all previously zoned lands within the WSP became unzoned. Under Clause 11(2) of the WSP SEPP, development for large format retail, associated light industrial, warehouse and distribution and ancillary office uses are permissible with consent.

Under section 4.24 of the EP&A Act, the determination of any DA in respect of a site that is subject to a concept DA 'cannot be inconsistent' with the original consent. The concept development for BRBH permitted a range of uses on the site including large format retail, light industrial and warehouse and distribution uses. The Department considers the primary use of the proposed development is as a large format retail facility for the display and sale of machinery in showrooms, with associated light industrial and warehousing and workshop activities from the storage and repair of machinery and equipment on site. The proposed uses are consistent with the EIS and Response to Submissions for the BRBH and the approved uses for the BRBH. The proposal is also consistent with the indicative built form approved for the BRBH, as detailed in **Section 6**.

On this basis, the Minister for Planning or a delegate may determine the carrying out of the development.

4.3 Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 11 October 2017, the Minister delegated the functions to determine SSD applications to the Executive Director, Key Sites and Industry Assessments where:

- the relevant Council has not made an objection
- there are less than 25 public submissions in the nature of an objection
- a political disclosure statement has not been made.

4.4 Other Approvals

Under section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

In its submission, the EPA advised that the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act). Therefore, an Environment Protection Licence (EPL) is not required.

The Department has considered the advice of the relevant public authorities responsible for integrated and other approvals in its assessment of the project and included suitable conditions in the recommended conditions of consent.

4.5 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Appendix B**. In summary, the Department is satisfied the development is consistent with the requirements of Section 4.15 of the EP&A Act.

4.5.1 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any EPI and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposed development.

The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Liverpool Local Environmental Plan 2008.

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Liverpool Development Control Plan 2008 (DCP 2008) in its assessment of the development in **Section 6** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix B**. The Department is satisfied the proposed development complies with the relevant provisions of these EPIs.

4.5.2 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. The Department has fully considered the objects detailed in Section 1.3 of the EP&A Act, including the encouragement of ecologically sustainable development (ESD), in its assessment of the application (see **Table 2**).

Table 2 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
1.3 (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development would contribute revenue towards the ongoing management of the WSP for the social and economic welfare of the WSP, the Liverpool LGA and the State. The development would also promote social and economic welfare in the community by generating 70 construction jobs and 80 operational jobs in the area.

1.3 (b)

to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

The proposal includes measures to deliver ecologically sustainable development, including by providing landscaping and a stormwater management system, an additional 80 operational jobs and implementing measures to minimise traffic impacts, including through the preparation and implementation of a Workplace Travel Plan.

1.3 (c)

to promote the orderly and economic use and development of land,

The development promotes the orderly and economic development of land approved for large format retail uses and light industrial uses in the WSP and is predicted to generate up to 70 construction jobs and 80 operational jobs. The proposed development will also provide private investment in the WSP which will contribute to establishing a sustainable funding base for the WSP.

1.3 (e)

to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

The clearing of 25 trees on the site was approved for the BRBH. The development consent for BRBH also required that the clearing of Cumberland Plain Woodland (an endangered ecological community) across the BRBH be offset by the purchase and retiring of 35 ecosystem credits in accordance with the NSW Biodiversity Offsets Policy. The Applicant intends on purchasing and retiring the required ecosystem credits this year.

1.3 (f)

to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

The site is not a heritage item or located in a conservation area. The Department's assessment of the BRBH concluded that the development of the BRBH is unlikely to have an impact on any items of heritage significance. As required by the conditions of the BRBH development consent, an updated Aboriginal Heritage Assessment Report and a Heritage Interpretation Plan has been submitted and approved. The built form of the proposed development is consistent with the development consent for the BRBH and will not impact on Aboriginal or European heritage significance.

1.3 (g)

to promote good design and amenity of the built environment,

The proposed bulk and scale of the development is consistent with the approved built form in the development consent for the BRBH. The Department considers the visual impacts of the development to be acceptable given the site's location in the BRBH.

1.3 (h)

to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The Department has considered the proposed development and has recommended a number of conditions of consent to ensure that construction and maintenance is undertaken in accordance with applicable legislation, guidelines, policies and procedures (refer to **Appendix B**).

1.3 (i)

to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

The Department publicly exhibited the proposed development as outlined in **Section 5.3**, which included consultation with Council and other public authorities and consideration of their responses.

1.3 (j)

to provide increased opportunity for community participation in environmental planning and assessment.

The Department publicly exhibited the application as outlined in **Section 5.3**, which included notifying adjoining landowners, placing a notice in the press and displaying the application on the Department's website, at the Department's Sydney office and Council's office.

4.5.3 Western Sydney Parklands Act 2006 (WSP Act)

The WSP Act establishes the WSPT, defines the boundaries of the WSP and guides its management. Section 12 of the WSP Act identifies that the principal function of the Trust is to develop the WSP into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the WSP on an on-going basis.

Section 12 of the WSP Act further identifies specific functions including the provision or facilitation of commercial, industrial, retail and transport activities and facilities, with the object of supporting the viability of the management of the WSP.

The Department considers the development of the site for large format retail, associated warehousing and light industrial purposes in an approved business park is consistent with the requirements of the WSP Act and the functions of the WSPT.

4.5.4 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1997*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in **Section 6** of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities and their habitats. The clearing of the site has been approved under the BRBH approval. The Department is also satisfied the proposed development and mitigation measures will suitably manage bushfire risks and potential impacts on receiving environments from, noise, dust and stormwater runoff. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

4.5.5 Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled

action'. The EIS was accompanied by a request for a Biodiversity Development Assessment Report (BDAR) waiver which concluded the proposed works are not likely to have a significant impact on biodiversity values and is therefore not a 'controlled action'. As such, the Applicant determined that a referral to the Commonwealth Government was not required.

5. Engagement

5.1 Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State authorities as well as the community and affected landowner. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

5.2 Consultation by the Applicant

During the preparation of the EIS, the Applicant undertook a range of consultation activities. The EIS described the consultation with local and State authorities and some affected landowners, including:

- meet with Liverpool City Council officers
- local newspaper advertisements
- a project website inviting feedback
- a 1800 hotline and monitored email address
- newsletter distribution to approximately 1,900 homes and businesses
- email correspondence to the public agencies including EPA, NSW Roads and Maritime Services and the NSW Rural Fire Service.

5.3 Department's Engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 18 October 2018 until 15 November 2018 (29 days). The application was exhibited at the Department, on its website, at NSW Service Centres and at Liverpool City Council's office.

The Department placed a public exhibition notice in the Liverpool Champion and Liverpool Leader on 17 October 2018 and notified adjoining landholders, previous submitters for the proposed adjoining Nulon Oils development (SSD 8900) and relevant State and local government authorities in writing. Department representatives visited the site on 24 October 2018 to provide an informed assessment of the development. The Department has considered the comments raised in the public authority submissions during the assessment of the application (**Section 6**) and by way of recommended conditions in the instrument of consent at **Appendix D**.

5.4 Summary of Submissions

The Department received a total of seven submissions from public authorities, including Liverpool City Council. No objections or public submissions were received.

A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix A**.

5.5 Public Authorities

Liverpool City Council (Council) does not object to the proposal and recommended:

- community engagement is continued throughout the project

- air quality is monitored during the construction and operation of the project
- noise attenuation measures are included in the design of the development
- outdoor signage and lighting is provided as per the approved Site Design Guidelines approved for the BRBH
- routine environmental audits are undertaken by the operator
- a Social Impact Assessment is prepared
- the Department ensures the Bringelly Road/Skyline Crescent intersection has sufficient capacity to accommodate traffic generated by the proposed development.

Office of Environment and Heritage (OEH) does not object to the proposal and:

- indicated support for the proposed use of local native species and recommended conditions to ensure landscaping includes a diversity of native plant species from the relevant local native vegetation community
- requested clarification as to whether the existing dams on the site is to be dewatered/removed by earthworks approved for the BRBH
- or if the dewatering/removal of the dam formed part of this application
- considered the proposed onsite stormwater detention basin to be suitable and flooding impacts to be marginal and insignificant.

OEH also approved the Applicant's BDAR waiver request.

NSW Rural Fire Service (NSW RFS) does not object to the proposal and recommends conditions including that asset protection zones are managed around the proposed works, the design and construction, vehicle access and the provision of water, electricity and gas complies with 'Planning for Bush Fire Protection 2006' and the preparation of a Bushfire Emergency Management and Evacuation Plan.

NSW Roads and Maritime Services (RMS) does not object to the proposal and advised that:

- any buildings must be erected clear of old Bringelly Road corridor which is subject to a proposed road widening
- a Construction Traffic Management Plan should be forwarded to RMS for its approval prior to the commencement of construction.

Environment Protection Authority (EPA) does not object to the proposal and advised the proposed development would not require an EPL. Therefore, the EPA has no comments.

WaterNSW does not object to the proposal and advised that, as the proposed development is not located near any WaterNSW land or infrastructure, it has no comments.

Transport for NSW (TfNSW) does not object to the proposal and recommended the quantity of bicycle parking is clarified on the plans and provided in accordance with the 'Cycling Aspects of Austroads Guides' (2017) and that the Applicant prepare a Workplace Travel Plan prior to the issue of an occupation certificate.

Sydney Water did not provide a submission.

Western Sydney Parklands Trust (WSPT) did not provide a submission.

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

5.6 Response to Submissions

On 30 November 2018, the Applicant provided a RtS on the issues raised during the exhibition of the development (see **Appendix A**). The RtS clarified and provided further information in relation to public engagement and social impacts, air quality control measures, noise, signage and lighting and environmental auditing in response to Council's submission.

The RtS was made publicly available on the Department's website and was provided to Council to consider whether it adequately addressed the issues raised. Council raised no further concerns.



6. Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are traffic and access as discussed in the following section of this report.

A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Table 4** under **Section 6.2**.

6.1 Traffic and Access

The construction and operation of the site by the CFC Group will generate additional traffic movements which has the potential to impact on the safety and operational performance of the surrounding road network.

The EIS included a Traffic and Parking Impact Assessment (TPIA) which assessed the development's potential traffic, access and parking impacts with reference to the RMS Guide for Traffic Generating Development 2000 and relevant Australian Standards.

Access

Access to all lots in the BRBH, including the subject site, is obtained via the intersection of Bringelly Road and Skyline Crescent, which is currently being upgraded by RMS. Three access driveways to the site are proposed along the Skyline Crescent frontage (as shown in **Figure 6**). The Applicant provided a swept path analysis for the largest heavy vehicle accessing the site (a 25 m B-double) in the TPIA. No concerns were raised by Council or RMS in relation to the proposed site access arrangements. The proposed site access arrangements would be consistent with those described in the Site Design Guidelines approved for the BRBH and are considered acceptable by the Department.

Operational Traffic

The TPIA noted the approved traffic assessment for the BRBH predicted the operational performance of the nearby key intersections (marked with yellow stars in **Figure 2**) of Bringelly Road/Skyline Crescent and Bringelly Road/Cowpasture Road. The original assessment of the future performance of these intersections assumed an 80% 'take up' of development on the BRBH by 2026 and a full occupancy of the BRBH by 2031, increased traffic demands, and upgrade works to Bringelly Road. The upgrade works to Bringelly Road, which allow four lanes and a right turn lane and traffic signals at the intersection with Skyline Crescent, are now scheduled for completion by RMS in December 2018. The 2031 modelling is also based on the projected completion of a further upgrade to allow six lanes along Bringelly Road.

The approved traffic assessment for the BRBH predicted the operational performance of these key intersections would be as shown in **Table 3**. Generally, both intersections would operate at a good level of service (LOS) (A or B) except in the PM weekday and midday weekend peak periods when the intersection performance would have a satisfactory LOS (C) or at near capacity (D).

Table 3 | Predicted operational performance of nearby key intersections

Intersection	Year	AM weekday peak (LOS)	PM weekday peak (LOS)	Midday weekend peak (LOS)
Bringelly Road/Skyline Crescent	2026	A	B	D
	2031	A	B	D
Bringelly Road/Cowpasture Road	2026	B	B	B
	2031	B	C	C

The TPIA noted the proposed site operations would be 24 hours, 7 days per week, however staff would generally work the following hours:

- warehouse and workshop-based staff: between 7 am and 5 pm Monday to Friday and occasionally between 6 am and 4 pm on Saturdays and Sundays
- office and showroom staff: flexible start and finish times between 8 am and 9am and 4:30 pm and 6 pm Monday to Friday.

Based on these staff hours and, allowing for machinery and equipment deliveries and customer vehicle movements, the peak traffic generation of the development would be 48 vehicle movements per hour in the AM (7 am to 8 am) and 60 vehicle movements in the PM (4:30 pm to 5:30 pm) during road network peak periods. This is less than the traffic generation predicted for Lot 6 in the traffic impact assessment for the BRBH, which assessed the impacts of up to 59 and 116 vehicle movements in the AM and PM peak road network periods respectively. The TPIA concluded that, as the proposed facility would generate less traffic than that predicted for the BRBH, the development would not present any unsatisfactory outcomes for the surrounding road system.

RMS raised no concern in relation to operational traffic generation from the proposed development, while Council requested the capacity of the intersection access road (Skyline Crescent) with Bringelly Road be appropriately considered by the Department. RMS is currently upgrading the Skyline Crescent/ Bringelly Road intersection to accommodate traffic from the development of the BRBH. These intersection works would be completed prior to the operation of the development. The Department is satisfied that, as the predicted traffic generation from the site would be less than that approved for the BRBH, the proposal would not have an adverse impact on the safety or operational performance of this intersection.

TfNSW recommended that the Applicant prepare and submit a Work Place Travel Plan which outlines measures to reduce reliance on private vehicles. The Department has included this as a recommended condition.

The Department has carefully assessed the TPIA. On the basis the predicted traffic generation would be less than that approved for the BRBH and, for the PM peak period, would be around half (52%) of the traffic previously predicted for the site, the Department agrees with the Applicant's conclusion that traffic impacts will be acceptable. No further upgrades to the surrounding road network, particularly the Skyline Crescent/ Bringelly Road intersection would be necessary as result of the proposed development.

Construction Traffic

The TPIA has estimated that, during the predicted 35-week construction of the proposed development, there would be a maximum of 70 workers on site at any given time. The Applicant has advised the expected traffic activity during this period would be less than when the proposed development is completed and operational. A draft Construction Traffic Management Plan (CTMP) was submitted with the EIS which outlined measures to minimise construction traffic impacts.

Council recommended the proposal comply with the submitted draft CTMP and RMS recommended, as a condition, that the Applicant prepare and submit a final CTMP which is reviewed by RMS prior to commencing construction. The Department has recommended conditions requiring that the Applicant prepare and submit a final CTMP which provides details of the measures that would be implemented to ensure road safety and network efficiency during construction.

Parking

Parking rates for large format retail, light industrial, warehousing and office uses have been approved for the BRBH. Around 88 parking spaces are proposed on-site, which is 13 car spaces more than the 75 spaces required by the parking rates established by the BRBH approval. The Department has recommended standard conditions requiring that sufficient parking is provided on site and designed in accordance with the relevant Australian Standards. As suggested by TfNSW, the Department has recommended a condition requiring that the Applicant install bicycle parking spaces on-site in accordance with the rates provided in Austroad's Cycling Aspects of Austroads Guides (2017).

The Department is satisfied the provision of parking is consistent with the parking requirements established for the BRBH and, with the implementation of the recommended TfNSW conditions, will provide sufficient parking for staff and visitors.

The Department's assessment concludes that, subject to the implementation of the recommended conditions, the proposed access and parking arrangements are sufficient, and the traffic impacts acceptable.

6.2 Other Issues

The Department's consideration of other issues is provided at **Table 4**.

Table 4 | Assessment of other issues raised

Consideration	Recommended Conditions
Stormwater Management	
<ul style="list-style-type: none"> The development would alter the natural drainage lines by establishing buildings and impervious hardstand area which may impact on the quantity and quality of flows and surrounding catchments, if not controlled by a stormwater management system (SMS). A Civil Engineering Report (the engineering report) was provided with the EIS, prepared in accordance with DCP 2008 and best practice stormwater management practices. Flooding risks were assessed under the BRBH approval and site levels achieve flood immunity from a 1 in 100-year average recurrence interval (ARI) event. Consistent with the approved BRBH estate management strategy, the quantity of stormwater from the site will be managed via an in-ground detention tank (480 m³) along the northern boundary of the site which will discharge to the Bedwell Park wetland. An existing flow path will convey stormwater from the discharge point to the wetland. Water quality will be managed by a treatment train approach with primary treatment via gross pollutant traps on-site and tertiary treatment off-site via the Bedwell Park wetland to achieve the requirements for pollutant load reductions in section 6.4 of Council's DCP 2008. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> install and maintain suitable erosion and sediment control measures on-site prepare and implement a final stormwater management plan which demonstrates that stormwater quality will be managed in accordance with Council's pollutant retention criteria.

- Council raised no concerns in relation to stormwater.
- The Department is satisfied the site's proposed SMS has sufficient safeguards to protect the Bedwell Park wetland.
- The Department's assessment concludes the proposed SMS has been designed in accordance with the requirements of Council's DCP 2008 and is adequate for the management and treatment of stormwater flows from the site.

Noise

- The development would generate noise from 24-hour operations with the primary noise sources including heavy vehicle movements to, from and within the site, the use of external mechanical plant and forklifts and staff vehicle trips which may impact on the adjoining residential property located at 12 Bringelly Road and residential properties to the east and north of the site.
- Warehouse and workshop operations including packing and unpacking and grinding and welding of metal may also generate noise, however these would be undertaken inside the buildings and would therefore contribute less to off-site noise levels.
- The EIS included a Noise Impact Assessment (NIA) which assessed the potential construction and operational noise impacts in accordance with the NSW Noise Policy for Industry 2017 (NPII).
- The NIA concluded that construction noise may be apparent at the nearest residence at 12 Bringelly Road and recommended several mitigation measures to minimise construction noise impacts to the adjoining residence during the predicted 35-week construction period including, where possible, using less noise-intensive construction equipment.
- The Department considers construction noise impacts would be temporary and can be managed to an acceptable level by ensuring the Applicant adheres to the noise management levels in the Interim Construction Noise Guideline (ICNG) and prepares and implements a Construction Noise Management Plan (CNMP). Conditions are recommended to ensure this occurs.
- The NIA has assumed the worst-case scenario for traffic movements would consist of:
 - up to 1 B-Double truck, 20 light vehicles, and 2 courier van movements in a 15-minute period during the daytime and an additional 10 light vehicle movements in the evening and night-time respectively
 - one semi-trailer using the loading dock in a 15-minute period during the daytime, no deliveries in the evening or night-time
 - 24-hour workshop activities, except for grinding or gouging works which will occur in the mornings between 6 am to 7 am.
- Applying this scenario, the predicted noise levels are below project trigger levels at all receivers at all times. At the nearest sensitive receiver (12 Bringelly Road), cumulative noise levels are predicted to be 7 dBA below the project trigger levels during the day-time and night-time periods and 10 dBA below the project trigger level for the evening period.
- The NIA existing background noise levels in the surrounding area is typically controlled by road traffic noise. Therefore, the NIA concluded road traffic generated by the proposal in the context of the site would be negligible.
- Council requested that the Department review the NIA and ensure attenuation measures, including in relation to mechanical plant are included into the design of the development.
- As the proposal would be a 24-hour, 7 days per week operation (as approved for the BRBH) the Department agrees with Council that the building and including the proposed workshop area, should be

Require the Applicant to:

- adhere to the noise management levels in the Interim Construction Noise Guideline (ICNG)
- prepare and implement a Construction Noise Management Plan
- install suitable insulation.

appropriately insulated. The Department has recommended this as a condition.

- The area is expected to undergo significant change with the development of the BRBH. As such, isolated residences such as the residence at 12 Bringelly Road need to be considered in light of this and the potential future development of land at 12 Bringelly Road, which is unzoned land within the WSP. In this respect, the Department considers any temporary construction noise apparent at 12 Bringelly Road is acceptable with the implementation of the recommended conditions.
- The Department expects noise from both site operations and road traffic generated by the proposal will be masked by other noise in the future.
- The Department's assessment concludes that, with the implementation of conditions requiring the implementation of a CNMP, adherence to the ICNG and appropriate insulation of the development, the predicted noise impacts would not interfere with the amenity of the neighbourhood.

Bushfire Risk

- The proposed development is located on bush fire prone land and has the potential to increase bush fire risks.
- The EIS included a Bushfire Protection Assessment which concluded the development complies with the acceptable solutions of 'Planning for Bush Fire Protection 2006'.
- RFS recommended conditions to ensure compliance with Australian Standards and 'Planning for Bush Fire Protection 2006', the management of the Asset Protection Zones (APZs) outlined in the Applicant's Bushfire Protection Assessment and recommended that the Applicant prepare a Bush Fire Emergency Management and Evacuation Plan.
- The Applicant's Bushfire Protection Assessment was consistent with the recommendations of the Bushfire Protection Assessment previously prepared to assess bushfire risks for the BRBH.
- The Department's assessment concludes that, with the implementation of these recommended conditions, the proposed development can comply with relevant Australian Standards and 'Planning for Bush Fire Protection 2006' to manage bush fire risks.

Require the Applicant to:

- manage, in perpetuity, the Asset Protection Zones
- design and construct the development in accordance with 'Planning for Bush Fire Protection 2006'
- prepare a Bush Fire Emergency Management and Evacuation Plan.

Biodiversity and Environmental Reporting

- The BRBH approved the clearing of vegetation, including 1.096 ha of Grey Box – Forest Red Gum grassy woodland, subject to the purchase and retirement of biodiversity offsets.
- Any application for SSD is to be accompanied by a biodiversity development assessment report (BDAR) unless the Department and the OEH determine that the proposed development is not likely to have a significant impact on biodiversity values under the requirements of the *Biodiversity Conservation Act 2016*.
- The EIS included a request for a waiver for a BDAR and an associated assessment of the potential impact from the development on biodiversity values.
- OEH supported the BDAR waiver request, raised no biodiversity concerns and recommended dewatering of the existing dam on the site is supervised by an ecologist.
- The Department agrees with OEH that the proposed development is unlikely to impact biodiversity values. However, the dewatering and removal of the dam was approved under the BRBH stage 1 works.
- Council recommended the operator routinely undertake independent Environmental Audits to ensure the facility operates in accordance with the Applicant's Environment Management Plan (EMP).

No conditions relating to biodiversity are required, however the Department has recommended standard conditions requiring the Applicant prepare and submit a Compliance Monitoring and Reporting Program and an Independent Audit Program.

- The Department has waived the requirement for a BDAR and recommends standard conditions requiring the Applicant to prepare and submit a Compliance Monitoring and Reporting Program and an Independent Audit Program. These conditions will require that the Applicant reports on the implementation of environmental management controls.
- The Department's assessment concludes that, with the implementation of the recommended conditions, the proposed large format retail facility will not have any additional impacts on biodiversity which have not been assessed and form part of the BRBH approval.

Social Impact and Community Engagement

- Council requested the Applicant provide a Social Impact Assessment (SIA) for the development due to the size of the proposed development and number of jobs it will generate.
- The Applicant's RtS advised a SIA was not deemed necessary as the proposal is in the approved BRBH and, given the proposal will generate an additional 70 construction jobs and 80 operational jobs, any resulting social impacts of the proposal will be minimal.
- As recognised by Council and discussed in **Section 5.1**, the Applicant consulted with the community prior to lodging the EIS. Council also recommended the Applicant continue to engage with the community throughout the project.
- The Applicant has committed to engaging with the community in its management and mitigation measures. The Department has included these mitigation measures in the recommended conditions.
- The Department does not consider the size or scale of the proposed development warrants the preparation of a SIA, noting that no submissions from members of the public were received.
- The Department's assessment concludes the social impacts of the development were considered and deemed acceptable during the assessment of the BRBH and, as the proposed design and uses are consistent with the concept approval, no further SIA is necessary.

Require that the Applicant implement the management and mitigation measures described in the EIS.

Heritage

- The potential impact of development on the site to Aboriginal and archaeology was assessed under the consent for the BRBH.
- The Heritage Division is satisfied the conditions of the BRBH approval would minimise any potential impacts on historical archaeology and raised no further concerns.
- Due to the heavy disturbance of the site and the lack of evidence, the Department's assessment of the BRBH concluded there was nil to low potential for cultural deposits to exist across the BRBH.
- The site is not a heritage item or located in a conservation area, however it is located approximately 40 m north of Bringelly Road, an item of local heritage significance which is currently being upgraded.
- As required under the BRBH approval, the Applicant submitted an addendum to the Aboriginal and Historical Archaeological Assessment (AHAA) to the satisfaction of the Department confirming impacts to Bringelly Road would not be likely to be significant given the low archaeological potential and low significance of the item.
- Notwithstanding, in the unlikely event of unexpected finds during earthworks, the Department has recommended conditions requiring the Applicant to develop and implement appropriate procedures to manage unexpected finds of archaeological and/or Aboriginal heritage significance.
- The Department's assessment concludes the potential impacts of the development on the Aboriginal, historical archaeology and European

Require the Applicant to develop and implement appropriate procedures to manage unexpected finds of archaeological and/or Aboriginal heritage significance.

heritage was assessed and deemed acceptable for the BRBH and no further assessment is required.

Visual Impact and Building Design

- The proposed development of the site has the potential to have a visual impact as it would change the existing rural landscape to a large format retail development.
- The EIS includes an assessment against the site design guidelines established for the BRBH and demonstrates the proposed bulk and scale of the development is consistent with these design guidelines.
- The EIS also includes a Visual Impact Analysis which assesses the potential visual impact on nearby sensitive receivers, including the nearest sensitive receivers located 120 m and 180 m to the east of the site (at 12 Bringelly Road).
- The Visual Impact Analysis identifies a portion of the eastern elevation would be visible from 12 Bringelly Road and residential properties to the east, however most of the development would be screened once the adjoining Lot 8 has been developed (refer **Figure 2**).
- The proposed signage would not be visible from any sensitive receivers and is in accordance with the approved Site Design Guidelines for the BRBH, as requested by Council.
- No submissions raised concerns about visual impacts.
- In accordance with the Landscape Masterplan for the BRBH site, the proposed development would comprise shrubs along the southern and western perimeters of the site and entry feature trees at the site entrance.
- The Department has recommended conditions to control lighting and to require that the Applicant prepares and implements a Landscape Management Plan to minimise any visual impacts.
- As requested by OEH, the Department has recommended conditions to ensure a diversity of native species from the local native vegetation community is included in the site landscaping.
- OEH's recommendations relating to street tree planting are not applicable to this proposal as street planting formed part of the BRBH approval.
- The Department's assessment concludes the proposed development is consistent with the built form approved for the BRBH and, subject to the implementation of the recommended conditions, will have minimal visual impacts on nearby residential properties.

Require the Applicant to:

- control light emissions
- prepare and implement a Landscape Management Plan
- ensure a diversity of native species from the local native vegetation community is included in the site landscaping.

Hazards and Risk

- The proposed development will involve the storage of some dangerous goods (DGs) associated with the workshop and servicing of machinery and equipment on the site. The materials to be stored on site include oils, greases and aerosols.
- The EIS included a Dangerous Goods Assessment which compared the quantities of DGs against the threshold quantities listed in SEPP 33.
- As the maximum quantity of all DGs stored on or to be transported to/from the site are below the screening threshold quantities under SEPP 33, the development is not 'potentially hazardous'. Hence, no further hazard analysis was required.
- The Department has recommended conditions requiring that the quantities of DGs stored on the site are below SEPP 33 thresholds at all times and the Applicant store DGs in accordance with Australian Standards and the NSW EPA's 'Storing and Handling of Liquids: Environmental Protection – Participants Manual'.

Require the Applicant to:

- ensure the quantities of DGs stored and handled at the site are below the threshold quantities listed in Hazardous and Offensive Development Application Guide – Applying SEPP 33 at all times
- store DGs in accordance with the relevant Australian Standards and the NSW EPA's 'Storing and Handling of Liquids: Environmental

- The Applicant consulted with Jemena on the potential impacts of the development on any nearby high-pressure gas pipelines and submitted plans accepted by Jemena with the EIS. The Department is satisfied the Applicant has sufficiently consulted with Jemena and has suitably addressed pipeline safety requirements.
- The Department's assessment concludes the implementation of the recommended conditions would ensure that the final design and operation of the facility includes adequate safeguards to address the risks associated with the storage of DGs on the site.

Protection – Participants Manual'.

Contamination and Remediation

- Bulk earthworks and remediation of potential sources of contaminants on the BRBH site was required as part of the BRBH approval. The development proposes minor site earthworks to create a level building pad.
- The Department has recommended a standard condition to ensure any fill brought to the site is uncontaminated and comprises only excavated natural material or virgin excavated natural material.
- The Department's assessment concludes the site has been made suitable to accommodate the proposed large format retail facility.

Require the Applicant to:

- ensure only excavated natural material or virgin excavated natural material is brought to the site.

Waste Management

- The Applicant provided estimates of the types and quantities of waste likely to be produced during the operation of the facility and whether waste would be reused, recycled or disposed of.
- The Applicant has estimated the facility will primarily generate steel and wood waste which will be recycled off-site.
- General solid waste of a non-recyclable nature will be accumulated in industrial bins to the rear of the building, while putrescible liquid wastes (such as motor oils and greases) will be stored in two external bunded areas, adjacent to the workshop area.
- All waste will be disposed offsite by authorised agents to licensed waste disposal facilities.
- Council raised no concerns in relation to waste management.
- The Department has included conditions requiring that the Applicant classify and dispose of wastes generated in accordance with the latest version of the NSW EPA's Waste Classification Guidelines 2014.
- The Department's assessment concludes the proposed storage and management of waste is adequate, with the implementation of the recommended waste management conditions.

Require the Applicant to:

- secure and maintain waste in the waste designation area on site
- ensure waste collection occurs between 7 am to 10 pm Monday to Friday
- classify and dispose of generated waste in accordance with the latest version of the NSW EPA's Waste Classification Guidelines 2014.

Development Contributions

- Lot 6 of the BRBH is in the WSP and is not subject to development contributions.

No conditions relating to development contributions are required.

Air Quality

- The EIS included an Air Quality Management Plan (AQMP) estimating the potential dust and particulate emissions from construction and operation.
- The air quality impacts from construction activities such as earthworks and vehicle movements would primarily be associated with fugitive dust and volatile organic compounds (VOC) emissions from on-site vehicle movements.

Require the Applicant to:

- implement all reasonable and feasible measures to minimise dust emissions during demolition, earthworks and construction in a Construction

- The AQMP concluded that dust emissions during construction activities would be of a medium magnitude due to proximity of the nearest sensitive receiver (120 m to the east) and recommended mitigation measures are included in a Construction Environmental Management Plan (CEMP).
- A qualitative risk-based assessment of the potential operational air quality impacts was provided in the AQMP.
- The AQMP concluded that:
 - the magnitude of dust emissions from the crushed rock road base in the machinery storage area (refer **Figure 6**) would be slight if the compaction of the material is maintained
 - the amount of VOC emissions would be negligible and minor compared to existing pollutant levels from traffic on Cowpasture Road.
- The Department has recommended conditions to ensure the Applicant's management and mitigation measures are implemented which require the maintenance of crushed rock surfaces.
- Council recommended that the findings of the AQMP and EMP and best practice measures, including in relation to monitoring be adopted for the construction and operational stages of the development.
- The Department's assessment concludes the development is unlikely to generate significant dust or particulate emissions and the implementation of the Applicant's management and mitigation measures is required to effectively manage dust during construction and operation. These recommendations are incorporated as conditions.

Environmental Management Plan (CEMP)

- install and operate equipment in line with best practice
- ensure the development is undertaken in accordance with the Applicant's management and mitigation measures
- ensure the development does not cause the emission of any offensive odour.

7. Evaluation

The Department has assessed the DA, EIS, submissions and RtS provided by the Applicant, relevant government agencies, service providers and Council. The Department has also considered the objectives and relevant considerations under section 4.15 of the EP&A Act.

The development would allow for the development of the BRBH, an approved business and light industrial hub in the WSP which represents a portion of the 2% of the WSP identified strategically under the POM and the POM Supplement for business purposes. The development would provide a large format facility consistent with the uses identified in the POM Supplement and approved for the BRBH, job opportunities close to residential areas and would enable a source of funding that would contribute to the ongoing viability of the WSPT and WSP, a major social and recreational facility in Western Sydney. The development would also support the productivity, growth and employment objectives of the Greater Sydney Region Plan and the Western City District Plan through job creation and capital investment in Western Sydney.

The key issues for the development relate to traffic and access. The Department's assessment concluded the generation of traffic travelling to and from the development is within the envelope of traffic levels modelled and established across the BRBH. As these overall traffic levels were used to design the road network its performance would not be adversely impacted by traffic generated by the development.

The Department considers the potential impacts of the development can be managed and/or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including:

- implementation of management and mitigation measures identified in the EIS
- preparation of a Construction Traffic Management Plan and a Work Place Travel Plan
- the preparation and implementation of a Construction Environmental Management Plan
- the installation of appropriate landscaping.

Overall the Department's assessment has concluded the development would:

- provide a range of benefits for the region and the State as a whole, including a capital investment of approximately \$11.8 million in the Liverpool LGA
- provide for approximately 70 construction jobs and 80 new operational jobs
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Western City District Plan, which encourage planned industrial development and the provision of jobs in Western Sydney
- be consistent with the approved uses and design objectives for the BRBH
- not have a significant impact on the local or regional road network during construction or operation.

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.



8. Recommendation

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of SSD 9511, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix D**).

Prepared by:

Chloe Dunlop
Senior Planning Officer
Key Sites and Industry Assessments

Recommended by:

 18/12/18

Kane Winwood

Team Leader

Key Sites and Industry Assessments

Recommended by:

 18/12/18.

Chris Ritchie

Director

Key Sites and Industry Assessments



9. Determination

The recommendation is **adopted** by:

Sargeant
Anthea Sargeant 21/12/18

Executive Director, Key Sites and Industry Assessments
as delegate of the Minister of Planning



Appendices

Appendix A – List of Documents

The Department has considered the following documents:

- Environmental Impact Statement
(see: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9511)
- Submissions
(see: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9511)
- Applicant's Response to Submissions
(see: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9511)
- relevant environmental planning instruments, policies and guidelines (described in **Appendix B**)
- relevant requirements of the EP&A Act.

Appendix B – Statutory Considerations

Consideration under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a DA. The Department's consideration of these matters is set out in **Table 5**. In summary, the Department is satisfied the proposed development is consistent with the requirements of section 4.15 of the EP&A Act.

Table 5 | Consideration under Section 4.15 of EP&A Act

Matter	Consideration
<p>a) the provisions of:</p> <p>(i) any environmental planning instrument, and</p> <p>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p> <p>(iii) any development control plan, and</p> <p>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</p> <p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph).</p>	<ul style="list-style-type: none"> Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided below. The Applicant has not entered into any planning agreement under section 7.4. The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	<ul style="list-style-type: none"> The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	<ul style="list-style-type: none"> The development is a large format retail facility with an associated warehouse and service workshop located in the approved BRBH, within the WSP. The proposed development is permissible with development consent.

Matter	Consideration
d) any submissions made in accordance with this Act or the regulations,	<ul style="list-style-type: none"> All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the proposed development in Section 6 of this report.
e) the public interest	<ul style="list-style-type: none"> The development would generate up to 70 jobs during construction and 80 jobs during operation. The development is a considerable capital investment in the Liverpool LGA that would contribute to the provision of local jobs. The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project. These EPIs have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Liverpool Local Environmental Plan 2008.

Compliance with Controls

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

Table 6 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD under the EP&A Act.

12 Concept development applications

If:

- (a) development is specified in Schedule 1 or 2 to the Policy by reference to a minimum capital investment value, other minimum size or other aspect of the development, and
- (b) development the subject of a concept development application under Part 4 of the Act is development so specified, any part of the development that is the subject of a separate development application is development specified in the relevant Schedule (whether or not that part of the development exceeds the minimum value or size, or other aspect specified in the Schedule for such development).

The proposed development is part of approval for the BRBH but is not a development specified in Schedule 1.

Notwithstanding, the proposal is SSD under the EP&A Act (as described in **Section 4.1**).

State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)

Compliance with the WSP SEPP, the principal planning instrument applying to the site with the relevant provisions of the WSP SEPP is provided in **Table 7** below.

Table 7 | Compliance with the WSP SEPP

Matter	Comment
The aims of this Policy	The proposal is consistent with the aims of the WSP SEPP as it will provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP, which will facilitate the public use and enjoyment of WSP in the long term.
The impact on drinking water catchments and associated infrastructure	The Department consulted with WaterNSW and Sydney Water on the potential impact from the development on any nearby drinking water catchments. WaterNSW advised that the proposed development is not located near any WaterNSW land or infrastructure and Sydney Water did not provide a submission. The Department is satisfied the proposal will not impact on any drinking water catchments with the implementation of the recommended conditions.
The impact on utility services and easements	The proposed development does not encroach into any easements or utility services. Subject to the implementation of the recommended conditions, the proposal will not impact on utility services and easements.
The impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities	The site does not comprise any identified environmental conservation areas. The proposal was accompanied by a BDAR waiver request and the Department conducted an assessment of ecological issues in Table 4 . On the basis of the assessment, the Department is satisfied that the development is not likely to impact any threatened species, populations or ecological communities, or their habitats.
The impact on the continuity of the Western Parklands as a	As identified above, the Department assessed ecological issues in Table 4 . The Department is satisfied that, with the implementation of the

corridor linking core habitat such as the endangered Cumberland Plain Woodland

recommended conditions, the development will not impact on the continuity of the WSP as a corridor linking core habitat.

The impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use

The proposed development will not impact on the north-south circulation and access network of the WSP and will not impact on access to any recreational use areas of the WSP.

The impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of Western Sydney

The development will be visible from Skyline Crescent, Bringelly Road, Cowpasture Road, Camden Valley Way and from within the WSP. To reduce potential impacts, the proposal includes landscaped setbacks along the road frontage. The Department is satisfied the layout and landscaping of the proposal (assessed in **Section 6.2** of this report) is consistent with the design outcomes approved for the BRBH, and will not result in any significant impact on the physical and visual continuity of the WSP.

The impact on public access to the Western Parklands

The location of the development will not hinder public access to the WSP.

Consistency with any plan of management or precinct plan for the WSP

The POM and POM Supplement identify that 2 % of the WSP is to be developed for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The proposal represents a portion of the 2 % of the WSP which is to be developed for business purposes and therefore consistent with the POM and POM Supplement. A detailed assessment the POM and POM Supplement is held at **Section 3** of this report.

The impact on surrounding residential amenity

The nearest residential properties are identified in **Figure 2**, and an assessment of potential noise impacts is provided in **Section 6.2** of this report. The proposal is not expected to result in any significant adverse impacts on the surrounding residential amenity. However, to protect and minimise amenity impacts, the Department has included a number of conditions regarding noise management.

The impact on significant views

The Department has considered the potential visual impacts of the development in **Table 4** and is satisfied the development will not significantly impact on any significant views.

The effect on drainage patterns, ground water, flood patterns and wetland viability

The Department has assessed flooding and stormwater management issues associated with the proposal in **Section 6.2** of this report and has included several stormwater conditions. The Department is satisfied that the proposal will not significantly impact on the viability of the Bedwell Park Wetland with the implementation of the stormwater conditions.

The impact on heritage items	A full assessment of the heritage impacts associated with the proposal is provided in Section 6.2 of this report.
The impact on traffic and parking	A full assessment of the traffic issues associated with the proposal is provided in Section 6.1 of this report. The proposed provision of parking is consistent with the parking provisions established for the BRBH.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

RMS's comments are detailed in **Section 5.5** of the report.

The Department has consulted and considered the comments from relevant public authorities (refer to **Section 6** of the report) and has included suitable conditions in the recommended conditions of consent (see **Appendix D**).

State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)

SEPP 19 generally aims to protect and preserve bushland in certain urban areas, including in the Sutherland LGA due to its value to the community as part of natural heritage, its aesthetic value and its value as recreational, educational and scientific resource.

Under SEPP 19, a person must not disturb bushland zoned land or land adjoining land zoned for public open space purposes without consent. The site is unzoned under Clause 9 of the WSP SEPP. Further, clearing of the remnant bushland on the site was assessed and approved for the BRBH. No further assessment under SEPP 19 is considered necessary for the proposed development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/or adverse impact on off-site receptors.

The Applicant seeks approval for the establishment of a large format retail facility. The EIS did not identify any potentially hazardous or potentially offensive development under Clause 3 of SEPP 33.

Therefore, SEPP 33 does not apply to the proposed development and the Department has not recommended any hazard related conditions, other than standard requirements to ensure the Applicant complies with all relevant requirements in relation to the storage of chemicals, fuels or oils used on site (see **Appendix D**).

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. Contamination was a key consideration in the Department's assessment of the BRBH application given the site had historically been used for agricultural purposes where potential sources of contamination may have included pesticides and unknown fill material. Stage 1 of the BRBH development consent comprises site preparation works including bulk earthworks. The Applicant's contamination assessment for the BRBH site

concluded that the likelihood of encountering potential contaminants during these bulk earthworks is low to moderate and, if present, would likely be near surface soils.

On this basis, the Department considered potential contaminants of concern would likely be removed during early works and disposed of at a registered waste facility. However, the Department further required as conditions of the development consent that a detailed Phase 2 site environmental investigation be undertaken to ensure the site could be made suitable for the uses approved for the BRBH. A Phase 2 Environmental Site Assessment was submitted which was approved by the Department, confirming the site was suitable for the approved industrial/commercial uses and is able to meet the requirements of SEPP 55.

State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish.

SEPP 64 does not apply to development within the Western Parklands in accordance with Clause 6(1) of the WSP SEPP. However, as there are no applicable signage design controls under the WSP SEPP for the proposed development, the EIS included an assessment of the four (4) proposed business identification signs against the criteria in Schedule 1 of SEPP 64.

The Department is satisfied the proposed signage would not detract from the surrounding locality and would allow for the clear identification of the CFC Group business. The Department's recommended conditions of consent include requirements for signage. The Department is satisfied that the proposed signage will be consistent with the aims and objectives of SEPP 64.

Liverpool Local Environmental Plan 2008 (LLEP)

The LLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Liverpool LGA. The LLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The development is located on unzoned land. Under Clause 6(1) of the WSP SEPP the LLEP does not apply to development in the Western Sydney Parklands.

Notwithstanding, the Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the LLEP and those matters raised by Council in its assessment of the development (see **Section 6** of this report).

Liverpool Development Control Plan 2008 (DCP 2008)

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP.

Notwithstanding, given the WSP SEPP does not provide any specific controls applicable to the development, the Department considers that, in this instance, DCP 2008 provides some relevant controls regarding stormwater quality.

The Department has considered all relevant provisions of DCP 2008 and those matters raised by Council in its assessment of the development (see **Section 6** of this report) and recommended conditions to ensure the Applicant meets the water pollution retention criteria specified in DCP 2008.

Appendix C – Community Views for Draft Notice of Decision

The Department exhibited the Environmental Impact Statement for the development from 18 October 2018 until 15 November 2018 (29 days) and received comments from Liverpool City Council, Environment Protection Authority, Office of Environment and Heritage, Transport for NSW, NSW Rural Fire Service and WaterNSW. No other submissions were received.

The issues raised by the public authorities and service providers are addressed in detail in the Department's Assessment Report.

There were no community views that needed to be taken into consideration in making this decision. No issues were raised by the community and no public submissions were received during the exhibition period.

Appendix D - Recommended Instrument of Consent

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

21 December

2018

File: DOC18/870156

SCHEDULE 1

Application Number:	SSD 9511
Applicant:	CIP Constructions (NSW) Pty Ltd
Consent Authority:	Minister for Planning
Site:	Skyline Crescent, Horingsea Park Proposed Lot 6 of the Bringelly Road Business Hub (Lot 11 in DP 29104)
Development:	Construction and operation of a large format retail facility for the display and sale of machinery and equipment for use by the CFC Group, including: <ul style="list-style-type: none">• earthworks, infrastructure services, landscaping and car parking• showrooms• associated warehouse and distribution• a workshop for repairs, maintenance and assembly• ancillary offices.

TABLE OF CONTENTS

DEFINITIONS	III
PART A ADMINISTRATIVE CONDITIONS.....	5
Obligation to Minimise Harm to the Environment	5
Terms of Consent.....	5
Limits of Consent.....	5
Notification of Commencement	5
Evidence of Consultation.....	5
Staging, Combining and Updating Strategies, Plans or Programs	5
Protection of Public Infrastructure	6
Structural Adequacy	6
Compliance	6
Operation of Plant and Equipment	6
External Walls and Cladding	6
Utilities and Services	6
Works as Executed Plans.....	7
Applicability of Guidelines.....	7
PART B SPECIFIC ENVIRONMENTAL CONDITIONS	8
Traffic and Access	8
Soils, Water Quality and Hydrology	9
Fire Protection and Management	9
Air Quality.....	10
Noise	10
Hazards and Risk	11
Waste Management	11
Visual Amenity.....	12
Aboriginal Heritage.....	12
Historic Heritage.....	12
PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	13
Environmental Management.....	13
Construction Environmental Management Plan	13
Revision of Strategies, Plans and Programs	13
Reporting and Auditing	14
Access to Information	14
APPENDIX 1 DEVELOPMENT LAYOUT PLANS.....	16
APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES.....	21
APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS.....	23

DEFINITIONS

Applicant	CIP Constructions (NSW) Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A certifier is a council or the holder of a certificate of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Liverpool City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of a large format retail facility, warehouse and distribution, associated workshop and ancillary office, as modified by the conditions of this consent
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled 'Environmental Impact Statement SSD18_9511', prepared by Ethos Urban Pty Ltd dated 24 September 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Fibre ready facility	As defined in Section 372W of the <i>Telecommunications Act 1997</i>
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act

	Is harm that:
Material harm	<ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The operation of a large format retail facility, warehouse and distribution, associated workshop and ancillary office upon completion of construction.
PCA	Principal Certifying Authority in accordance with the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant's response to submissions report titled 'Response to Council Submission – SSD 9511', prepared by Ethos Urban Pty Ltd dated 30 November 2018 submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
RMS	NSW Roads and Maritime Services
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Appendix 1.
TfNSW	Transport for New South Wales
Upgrading	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS and Response to Submissions;
 - (d) in accordance with the Development Layout in Appendix 1; and
 - (e) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Lapsing

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.

NOTIFICATION OF COMMENCEMENT

- A6. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:
- (a) construction;
 - (b) operation; and
 - (c) cessation of operations.
- A7. If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

EVIDENCE OF CONSULTATION

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A9. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or

program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);

- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A10. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A11. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

A12. Before the commencement of construction, the Applicant must:

- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
- (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
- (c) submit a copy of the dilapidation report to the Planning Secretary and Council.

A13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

STRUCTURAL ADEQUACY

A14. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.
- Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.

COMPLIANCE

A15. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

OPERATION OF PLANT AND EQUIPMENT

A16. All plant and equipment used on site, or to monitor the performance of the development, must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

EXTERNAL WALLS AND CLADDING

A17. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

A18. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

A19. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

UTILITIES AND SERVICES

A20. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

- A21. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.
- A22. Before the issue of a Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
 - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- A23. The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

WORKS AS EXECUTED PLANS

- A24. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the PCA.

APPLICABILITY OF GUIDELINES

- A25. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A26. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

- AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B1. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with RMS;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Roadworks and Access

- B3. Prior to the commencement of operation, the Certifying Authority must ensure the vehicle crossings connecting to Skyline Crescent and any other works in a public road are carried out in accordance with Council's specifications and any approval obtained under section 138 of the *Roads Act 1993*.
- B4. The Applicant must ensure any new buildings, structures, or improvements integral to the use of the site are erected clear of the land reserved for road widening under the RMS Road Widening Order for DP 225208 under Section 25 of the *Roads Act 1993*, published in Folio 2660 of the Government Gazette 105, dated 20 August 1965.

Parking

- B5. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operating Conditions

- B6. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
 - (c) the development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on site before being required to stop;
 - (f) all loading and unloading of materials is carried out on-site;
 - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and

- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Work Place Travel Plan

- B7. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Work Place Travel Plan to the satisfaction of the Planning Secretary. The Work Place Travel Plan must:
 - (a) be prepared in consultation with TfNSW;
 - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
 - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- B8. The Applicant must not commence operation until the Work Place Travel Plan is approved by the Planning Secretary.
- B9. The Applicant must implement the most recent version of the Work Place Travel Plan approved by the Planning Secretary for the duration of the development.

Bicycle Parking

- B10. Bicycle parking spaces are to be provided in accordance with the rates provided in the Cycling Aspects of Austroads Guides (2017) and designed in accordance with the latest version of AS 2890.3: 2015 *Bicycle parking facilities* (Standards Australia, 2015).

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B11. The Applicant must:
 - (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Department upon request.

Erosion and Sediment Control

- B12. Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

Discharge Limits

- B13. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System

- B14. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:
 - (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards;
 - (d) ensure that water discharged from the site comply with Council's water quality standards prior to being discharged downstream into Bedwell Park Wetland;
 - (e) provide water quality treatment works designed using MUSIC modelling software and verify the performance of the water quality treatment works using Council's MUSIC-link; and
 - (f) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.
- B15. The Stormwater Management System must be installed before the issue of any Occupation Certificate and must be maintained by the Applicant for the duration of the development. All stormwater works within public road reserves must be constructed before dedication to Council.

FIRE PROTECTION AND MANAGEMENT

Asset Protection Zones

- B16. At the commencement of construction, and in perpetuity, the Applicant must manage the property as an Inner Protection Area as outlined in Section 4.1.3 and Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Services' publication 'Standards for asset protection zones'.

Design and Construction

- B17. The Applicant must ensure the building and building elements in the development comply with the 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate or the specified bushfire attack levels (BAL) under Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. The Applicant must also ensure:
- (a) internal access roads comply with section 4.2.7 of Planning for Bushfire Protection 2006; and
 - (b) the provision of water, electricity and gas complies with section 4.1.3 of Planning for Bushfire Protection 2006.

Bush Fire Emergency Management

- B18. Prior to the commencement of operation, the Applicant must prepare a Bush Fire Emergency Management and Evacuation Plan which is consistent with NSW Rural Fire Services' publication Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.

AIR QUALITY

Dust Minimisation

- B19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B20. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

- B21. The Applicant must install and operate equipment in line with best practice.

Odour Management

- B22. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

NOISE

Hours of Work

- B23. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

Table 1 Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Sunday	24 hours

- B24. Works outside of the hours identified in condition B23 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

- B25. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 2.

Construction Noise Management Plan

- B26. The Applicant must prepare a Construction Noise Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) be approved by the Planning Secretary prior to the commencement of construction of each stage of the development;
 - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
 - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (e) include strategies that have been developed with the community for managing high noise generating works; and
 - (f) describe the community consultation undertaken to develop the strategies in condition B26(e).
 - (g) include a complaints management system that would be implemented for the duration of the development.
- B27. The Applicant must:
- (a) not commence construction of any relevant stage until the Construction Noise Management Plan required by condition B26 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Noise Management Plan approved by the Planning Secretary for the duration of construction.
- B28. The Applicant must ensure the proposed development, including the workshop area incorporates appropriate insulation to minimise noise impacts.

HAZARDS AND RISK

- B29. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's *'Storing and Handling of Liquids: Environmental Protection – Participants Manual'* if the chemicals are liquids.
- B30. In the event of an inconsistency between the requirements B29(a) and B29(b), the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

- B31. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

WASTE MANAGEMENT

Pests, Vermin and Noxious Weed Management

- B32. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and
 - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the *Noxious Weed Act 1993*.

Waste Storage and Processing

- B33. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

Statutory Requirements

- B34. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B35. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.

- B36. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B37. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.
- B38. The collection of waste generated during operation of the development must be undertaken between 7am to 10pm Monday to Friday.

VISUAL AMENITY

Landscaping

- B39. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site. The plan must:
- (a) detail the species to be planted on-site;
 - (b) include landscape buffer planting within Bedwell Park riparian corridor comprising a mixture of native ground covers, grasses, shrubs and mature trees that would complement the existing vegetation in the riparian corridor;
 - (c) include a diversity of native trees, shrubs and groundcover species from the local native vegetation community;
 - (d) describe the monitoring and maintenance measures to manage revegetation and landscaping works;
 - (e) detail how the landscaping on-site will comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006; and
 - (f) be consistent with the Applicant's Management and Mitigation Measures at Appendix 2.
- B40. The Applicant must:
- (a) not commence operation until the Landscape Management Plan is prepared.
 - (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
 - (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B39 for the life of the development.

Lighting

- B41. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage and Fencing

- B42. All signage and fencing must be erected in accordance with the development plans included in the EIS.

Note: *This condition does not apply to temporary construction and safety related signage and fencing.*

ABORIGINAL HERITAGE

Unexpected Finds Protocol

- B43. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - (c) the OEH must be contacted immediately.
- B44. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

HISTORIC HERITAGE

Unexpected Finds Protocol

- B45. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated, recorded and, if necessary, excavated by a suitably qualified and experienced expert and in accordance with the requirements of the OEH NSW Heritage Division.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (c) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (f) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (g) a protocol for periodic review of the plan.

Note: the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B1);
 - (b) Erosion and Sediment Control Plan;
 - (c) Air quality mitigation measures (see Condition B20);
 - (d) Construction Noise Management Plan (see Condition B26); and
 - (e) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C5. Within three months of:
- (a) the submission of a Compliance Report under condition C12;
 - (b) the submission of an incident report under condition C7;
 - (c) the submission of an Independent Audit under condition C15;
 - (d) the approval of any modification of the conditions of this consent; or
 - (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review, the strategies, plans and programs required under this consent must be reviewed.
- C6. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the

satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

REPORTING AND AUDITING

Incident Notification, Reporting and Response

- C7. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

- C8. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.
- C9. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C10. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- C11. No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.
- C12. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- C13. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Independent Audit

- C14. No later than 4 weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
- C15. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department under condition C14 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C16. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C15 of this consent;
 - (b) submit the response to the Department; and
 - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

Monitoring and Environmental Audits

- C17. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

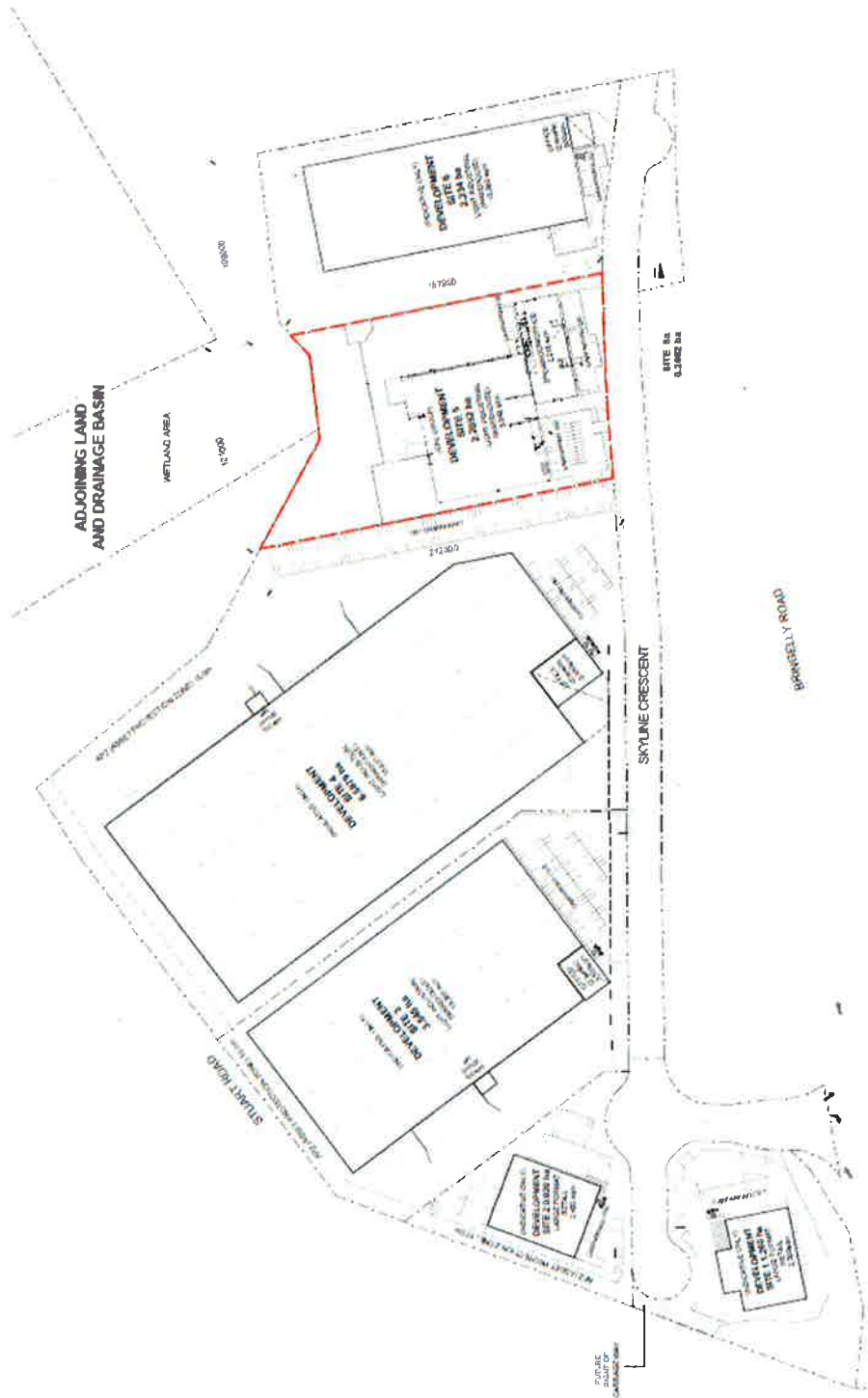
Note: *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

ACCESS TO INFORMATION

- C18. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) the Compliance Report of the development;
 - (x) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xi) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS



REVISIONS	
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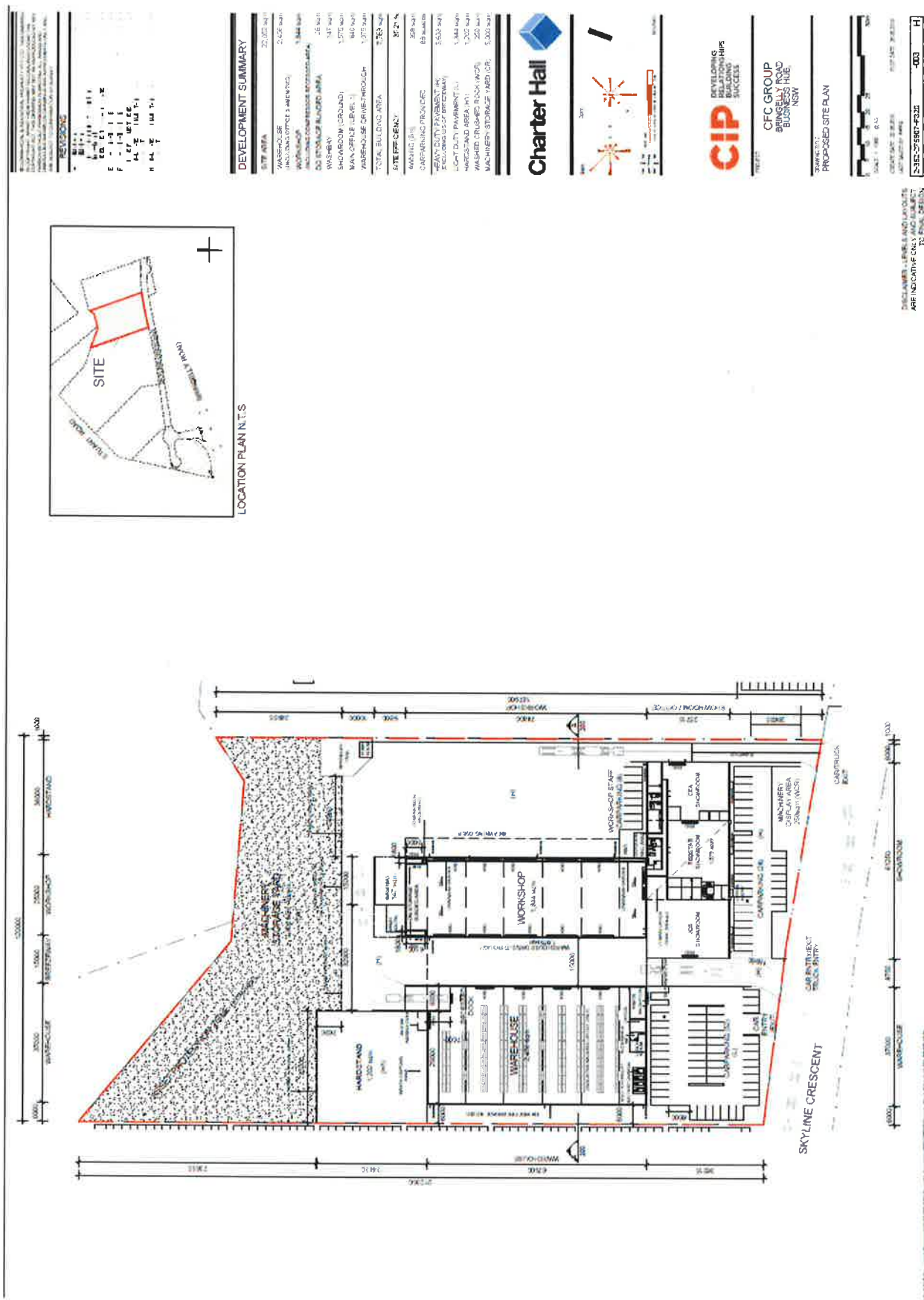


Figure 2: Site Plan



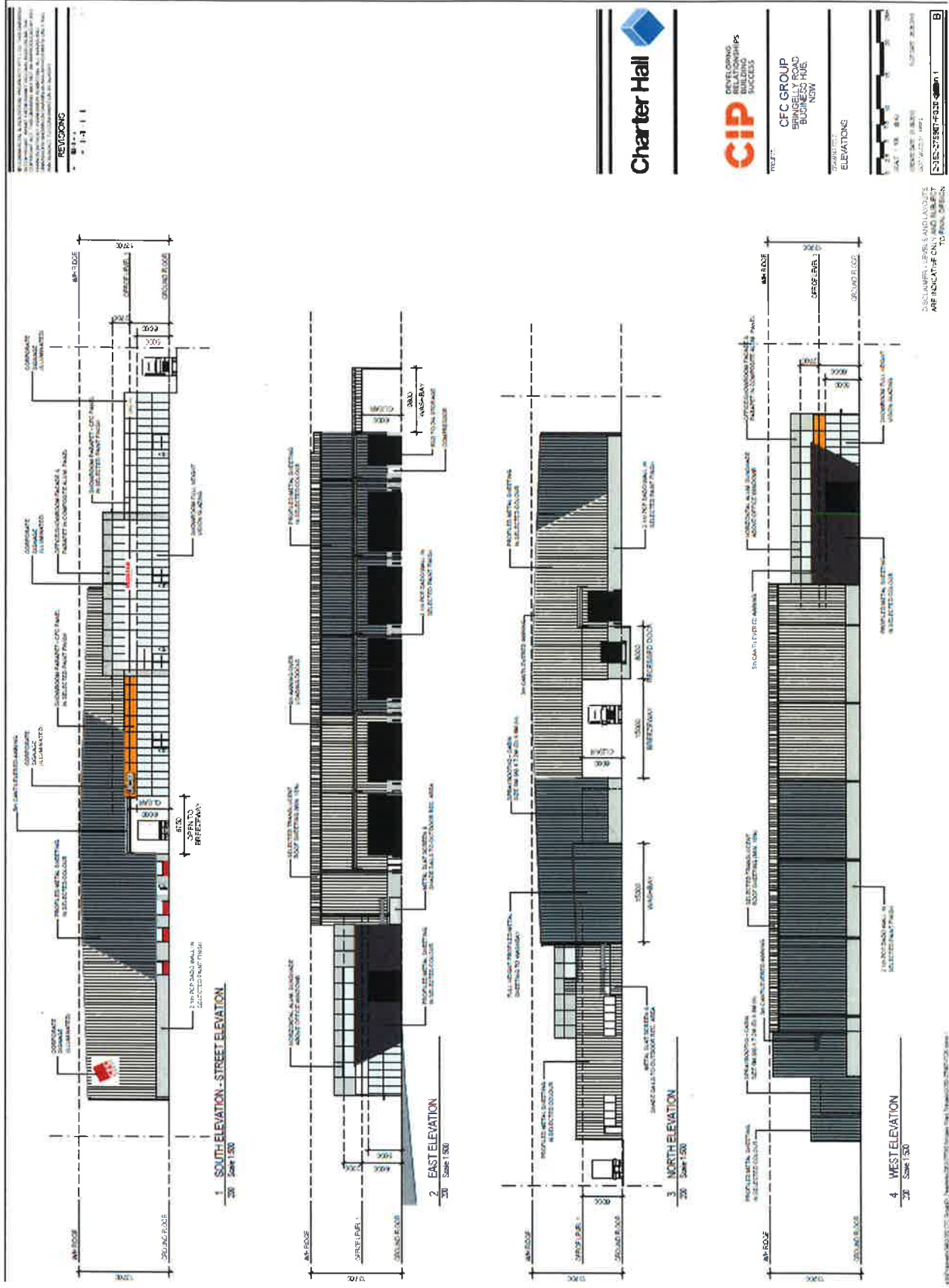
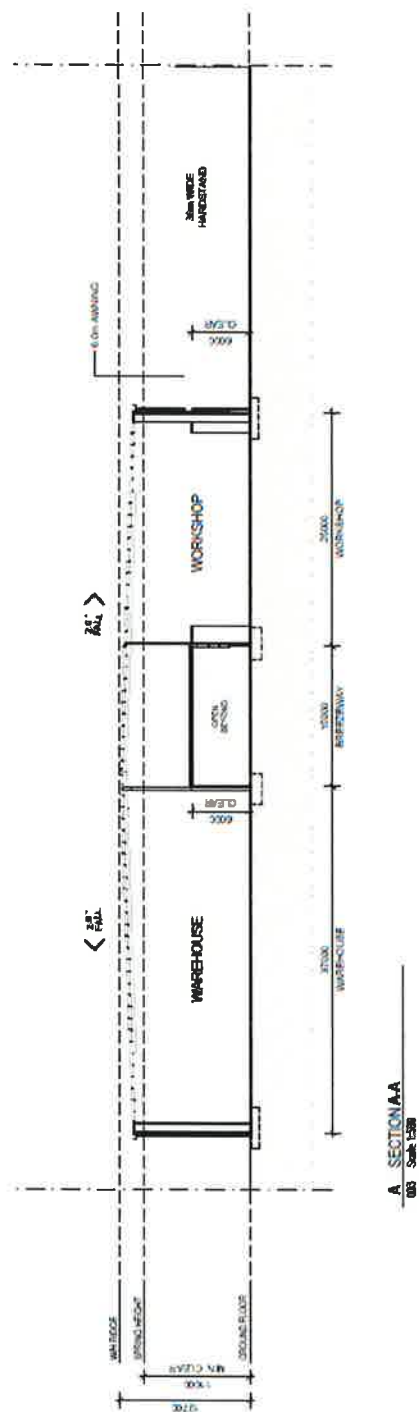


Figure 4: Elevations



DISCLAIMER - LEVELS AND LAYOUTS
ARE INDICATIVE ONLY AND SUBJECT
TO FINAL DESIGN

WOMEN'S ACTION

STUDY DESIGN

5

100

1.5 AND 1.500

DISCLAIMER - LEVEL
AGE INVENTIVE TIME

Figure 5: Sections

APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Mitigation Measures

Construction Impacts

- Construction is to take place in accordance with the Action Plans identified at Appendix P – Environmental Management Plan.

Acoustic Impact

- During construction, the project should make use of site inductions and work team briefings to create awareness of nearby sensitive receivers and the importance of minimising noise emissions.
- Any spoil is to be placed and not dropped into awaiting trucks.
- Load points are to be established as far as practicable from sensitive receivers.
- The development is to make use of less noise-intrusive equipment, where feasible and reasonable.

Bushfire Risk

- Implementation of the APZ.

Crime Prevention Through Environmental Design

- Ensure opportunities for natural and incidental surveillance are maintained through effective lighting, access control and environmental maintenance.
- Ensure that all proposed landscaping does not create concealment opportunities and restrict sightlines within the site and to the principle site entrance. As such planting within the proposed development should be maintained as follows:
 - For shrubs and groundcover – not exceed a height of 1m above ground level at maturity
 - For trees – the underside of canopy should exceed 2m from ground level at maturity
 - Planting that has a mature height of between 1m and 2m should ideally be avoided or contained to areas not requiring clear sightlines or natural surveillance.
- Ensure clear sight lines from the showrooms and offices.
- Consult a qualified lighting engineer to ensure the correct lighting is provided to meet (and ideally exceed) minimum Australian and New Zealand Lighting Standards within and around the development to improve surveillance and minimise opportunities for vandalism.
- All lighting detail should be in accordance with the Australian Standards and relevant Council policy.
- Implement a lighting strategy that includes motion sensor lighting located in strategic places throughout the development.
- Consult a security consultant with a Class 2A licence under the *Security Industry Act 1997* to provide specific advice on placement, installation, monitoring and maintenance of a CCTV network.
- Provide the proposed secure fencing around the perimeter of the site to clearly delineate the site's boundaries.
- Ensure a prompt response is incorporated within environmental maintenance procedures, particularly in respect to dumping, graffiti and vandalism.
- The environmental maintenance procedures of the CFC facility are to be reviewed regularly to ensure ongoing effectiveness.
- Use high quality materials for construction to lessen the likelihood of damage and help to reduce maintenance costs.
- Control or restrict the use of the site outside of business hours through appropriate management and consider a formal security presence in those times if necessary. In this regard, management procedures / plans are recommended to be prepared and implemented.
- The CFC facility is recommended to be secured after hours.
- Provide the proposed perimeter fencing and vehicular access points be clear and able to be secured.
- Provide restricted access keys or the like to the secure gates / doors at the entrance / exit points of the development to prevent unauthorised entry outside of business hours.
- Any proposed fire exits are for emergency use only and doors should be alarmed to alert security. These exits should be brightly lit and free of obstructions to ensure good sightlines to these doors.
- Maintain the current design definition as demonstrated in the proposed development. Ensure clarity of ownership and management are clearly understood by users of the development

Air Quality

- During Construction: A detailed review of the mitigation measures at Section 6.2.4 of the Air Quality Report is to be performed as part of the development of the Construction Environmental Management Plan, and then the most appropriate measures adopted.
- During Operation: Regular surface maintenance by ensuring material compaction is maintained to form the bound material matrix.

Traffic and Parking

- Provision to a Green Travel Plan incorporating a Transport Access Guide to be submitted as part of the Construction Certificate documentation.

Water Management

- Proposed water harvesting methods be employed to address water management, as recommended within the Civil Report submitted at **Appendix R**.

Waste

- A Waste Management Plan is to be prepared and submitted prior to the issue of a Construction Certificate.

Social Impact

- Ongoing engagement measures be adhered to consistent with Section 4 of the Engagement Report submitted at **Appendix E**.
-

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C7 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.