

Department of Planning and Environment  
Industry Assessments  
GPO Box 39  
Sydney NSW 2001

By email: [Ania.Dorocinska@planning.nsw.gov.au](mailto:Ania.Dorocinska@planning.nsw.gov.au)

Attention: Ania Dorocinska

**Re: EXHIBITION OF STATE SIGNIFICANT DEVELOPMENT APPLICATION SSD-8586218**

<b>PROPOSAL:</b>	<b>TEMPERATURE CONTROLLED WAREHOUSE FACILITY</b>
<b>ADDRESS:</b>	<b>LOT 4, BRINGELLY ROAD BUSINESS HUB, LEPPINGTON (LOT 11 DP 29104)</b>

Thank you for the opportunity to comment on the proposed State Significant Development for a Temperature Controlled Warehouse Facility at Lot 4, Bringelly Road Business Hub, Leppington.

Council has reviewed the documentation on the NSW Department of Planning, Industry and Environment's website with respect to this application and request that the following matters are considered in the assessment and determination of the SSD.

### **GENERAL MATTERS FOR CONSIDERATION**

1. Council has reviewed the submitted architectural plans and notes the following inconsistencies with the Urban Design Guidelines, prepared by JBA Urban Planning Consultants, dated June 2015:
  - i. Control 2 in Section 2.1 – At least one third of the required setback distance to Stuart Road is to be set aside for landscaping. The required setback distance to Stuart Road is 15m. One third of 15m is 5m. The applicant only provides 3m of landscaping along the Stuart Road frontage.
  - ii. Control 5 in Section 2.1 – A setback of 15m is required from the northern boundary of the site (where it adjoins the riparian corridor associated with Bedwell Park wetland area). The proposed development is setback less than 15m from the northern boundary of the site.
  - iii. Control 1 in Section 2.4 – Roof materials to be used shall not be reflective. It is noted that the applicant proposes solar panels on the roof of the warehouse. Council is generally satisfied the incorporation of such sustainability measures.

However, there is potential for visual impacts as a result of glare and light spill from solar panels. In this case, it is requested that the applicant undertake an assessment of the potential visual impacts of the solar panels. Any recommendations to mitigate potential impacts shall be incorporated.

It remains that the proposed development is required to comply with the controls of the Urban Design Guidelines.

2. Council commends the incorporation of landscaping at the site. Notwithstanding this, it is important to maximise the amount of landscaping to ensure an optimal sustainability outcome. Having regard to the submitted traffic report, it is noted that there are hardstand areas adjacent to the perimeter planting that do not appear to be required for vehicle maneuvering and/or parking. In this case, there appears to be scope for an increase in landscaped areas around the perimeter of the site.
3. Council has reviewed the submitted landscape plan prepared by Habit8. It is noted that this plan indicates planting on the site yet does not denote the plant species. Furthermore, it is noted that the plant schedule does not provide details of the height and the canopy spread of each plant species. The landscape plan should be amended to rectify these matters.

Notwithstanding this, having regard to the submitted visual assessment, it is noted that the trees used on the site, especially those in the car park area and along the Stuart Street frontage do not appear to provide large canopy cover. It is recommended that the applicant provide for species with a larger canopy to provide more shaded areas and adequate screening.

#### **FLOODING AND CATCHMENT CONSIDERATIONS**

4. It is considered that the submitted information is not adequate to undertake a proper assessment of the application. The following matters shall be submitted to the Department for further assessment of flooding and catchment considerations:
  - i. A Flood impact assessment demonstrating no adverse impact of flooding due to the proposed development to adjoining properties and roads for up to the 1% AEP storm event shall be carried out and provided to Department for assessment. The impact assessment shall consider the overland flow diverted from the western side of the proposed development and the water course at the northern side of the development site.
  - ii. Water quality treatment trains shall be incorporated in the stormwater management plan. Water quality treatment trains shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link.
  - iii. Stormwater generated within the development site shall attenuate through on-site detention system. The system shall provide adequate flow attenuation to ensure that the peak post-development discharges from the development site do not exceed peak pre-development discharges for the 20%, 5% and 1% AEP storm events.

- iv. Any excavation and filling shall have a batter of 1V:4H.

## **ENVIRONMENTAL HEALTH CONSIDERATION**

The following matters are to be addressed to ensure the proposed development complies with the requirements of relevant environmental planning instruments and policies.

### **5. Appropriate Regulatory Authority**

Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997* declares premises-based activities regulated by the NSW Environment Protection Authority (EPA). The Application must be reviewed with consideration for Schedule 1 of the *POEO Act 1997* to determine if the proposal is a scheduled activity and requires an Environment Protection License (EPL) from the NSW EPA (Integrated Development).

In these circumstances, approval must be obtained from the NSW EPA before consent can be granted. The consent authority must refer the development application to the relevant public authority and incorporate the public authority's general terms of approval.

### **6. Site Regulation**

The Environmental Health Section wishes to highlight the following key points regarding the proposed development:

- The Department will have primary responsibility for assessing compliance with conditions of consent in relation to environmental emissions (i.e. noise, air, water, land) during the construction and operational phases of the project;
- Clear guidance is required outlining the Appropriate Regulatory Authorities for scheduled and non-scheduled activities at the site. Additionally, the Environmental Health Section would like to be advised of any other assistance offered by the State in the regulation of the facility under the *Protection of the Environment Operations Act 1997*; and
- The Environmental Health Section wishes to reiterate the importance of implementing comprehensive compliance monitoring initiatives that incorporate both qualitative and quantitative measures. It is strongly believed that data collected using quantitative methods for the duration of construction and operational phases of the project would assist in determining compliance with the approval and encourage environmental best practice.

### **7. State Environmental Planning Policy No. 55- Remediation of Land**

In accordance with Clause 7 of *State Environmental Planning Policy No. 55- Remediation of Land*, the Consent Authority is required to consider contamination and the need for remediation when determining a Development Application. It is

the responsibility of the Consent Authority to consider the requirements of Clause 7 of *SEPP No. 55- Remediation of Land* prior to granting consent to any development on the land. In particular, the Department must consider whether the Applicant has provided sufficient information to address the aforementioned requirements.

## **8. Acoustic Assessment**

Exceedances of the assessment criteria were predicted by SLR Consulting Australia Pty Ltd during the construction and operational phases of the proposed development. The Department shall consider the potential acoustic impacts identified by the consultant and ensure that appropriate mitigation measures are incorporated into the design, construction and operation of the proposed development. It is requested that the Department also ensures that appropriate conditions of consent are imposed by any future approval regulating the emission of offensive noise from the premises.

In addition to the recommendations made by SLR Consulting Australia Pty Ltd, significant advancements have been made to audible reversing alarms. As a result, there is a range of alternatives to the traditional reversing signals capable of providing a safe system of work, whilst also reducing noise impacts. Apart from broadband alarms, these include variable-level audible alarms, focused tonal alarms, non-audible warning systems, proximity alarms, spotters or observers and exclusion alarms. To ensure compliance with work, health and safety requirements, further advice should be sought from SafeWork NSW.

## **9. Noise Management Plan**

SLR Consulting Australia Pty Ltd recommended that operational procedures should aim to minimise noise emissions from trucks and the site as far as practicable. The Department shall require the preparation of a Noise Management Plan and complaints' handling procedure prepared under the supervision of a suitably qualified acoustic consultant.

The Noise Management Plan must identify and implement strategies to minimise noise from the proposed development and incorporate: approaches for promoting noise awareness by staff and drivers; training procedures; a complaint lodgement procedure to ensure that members of the public and local residents are able to report noise issues; an ongoing review process and a plan for responding to noise complaints. The Noise Management Plan shall clearly specify the responsibilities of site personnel in managing noise and include a detailed list of steps taken to manage potential noise impacts. The Noise Management Plan and complaints handling procedure shall be submitted to the consent authority for review.

In accordance with Council's requirements, it is strongly recommended that the Department requires the Noise Management Plan to be prepared or reviewed and certified by a suitably qualified acoustic consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. The report's cover or title page must confirm the consultant's membership with the Australian Acoustical Society or

employment by an Association of Australasian Acoustical Consultants (AAAC) member firm.

#### **10. Construction Phase Soil and Water Management Plan**

A soil and water management plan shall be prepared for the construction phase of the proposal.

#### **11. Construction Environmental Management Plan**

A Construction Environmental Management Plan shall be prepared by a suitably qualified environmental consultant for the proposal. Suitable management and control measures must be included within the Plan to ensure that there are no adverse impacts on the environment during construction. The CEMP must address all environmental aspects of the development's construction phases, and include, where relevant, but not be limited to, the following:

1. Asbestos Management Plan;
2. Project Contact Information;
3. Site Security Details;
4. Timing and Sequencing Information;
5. Site Soil and Water Management Plan;
6. Noise and Vibration Control Plan;
7. Dust Control Plan;
8. Health and Safety Plan;
9. Waste Management Plan;
10. Incident Management Contingency; and
11. Unexpected Finds Protocol.

#### **12. Site Plans**

Detailed site plans for the proposed facility shall be submitted with the Application and include:

- Environmental safeguards such as trafficable bunds installed at the entry and exits of chemical and waste storage areas to prevent contamination of the surrounding environment;
- A sealed forecourt area to prevent dust emissions and tracking of sediment and other material from the site;
- An enclosed building for the complete storage of goods and waste;
- The roof covering all storage areas, garbage bin bays and chemical storage areas shall contain an overhang of at least 10° to prevent rainwater intrusion. Uncontaminated rainwater shall be directed from the canopy and other roofed areas into stormwater drains;
- The location of spill kits, stormwater pits and stormwater drainage infrastructure. A detailed drainage diagram shall be submitted with the Application to clearly identify the proposed location of surface drains, sewerage and stormwater infrastructure; and

- Manufacturer's specifications and the location of any pre-treatment devices to be installed at the subject premises.

All containment measures including trafficable bunds shall be designed, installed and constructed in a manner which: permits the safe passage of personnel and vehicles, maintains effective containment capacity and minimises intrusive/offensive noise impacts arising from vehicle operation.

### **13. Waste Management**

Garbage/waste storage areas shall be clearly identified on the site plans and be located within the proposed building. The designated garbage/waste storage areas shall comply with the following requirements:

- i. The rooms shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;
- ii. Provided with a hose cock for hosing the garbage bin bay and a sewered drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
- iii. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and
- iv. The room must include a tight-fitting, self-closing door and mechanical ventilation.

### **14. Regulated Systems**

The installation, operation and maintenance of cooling water systems and warm water systems are regulated under the *Public Health Act 2010*. The Applicant must confirm whether regulated systems such as warm water and/or cooling water systems will be installed at the premises in accordance with the *Public Health Act 2010*, *Public Health Regulation 2012* and AS 3666.

### **15. Sewage Management**

It is unclear whether a sewer rising main would be required for the proposal. Section 68 of the *Local Government Act 1993* indicates that approval is required to install, construct or alter a waste treatment device and operate a system of sewage management at the premises.

"Operate a system of sewage management" means hold or process, or re-use or discharge, sewage or by-products of sewage (whether or not the sewage is generated on the premises on which the system of sewage management is operated). Therefore, separate approval may be required under Section 68 of the *Local Government Act 1993* if the proposal includes infrastructure to hold or process, or re-use or discharge, sewage or by-products of sewage. In these circumstances, the Applicant is required to demonstrate that the system's design

and capacity are adequate for its intended purpose taking into consideration maximum load requirements, unforeseen incidents and shutdown contingencies.

**Note** - To improve environmental health outcomes and efficiency during the development assessment process, Council requires development applications to be supported by technical reports prepared by suitably qualified and industry certified environmental consultants. It is recommended that the Department adopts a similar approach in the assessment of the Application. Further information is available on Council's website at <https://www.liverpool.nsw.gov.au/development/development-and-building>.

## **BUILDING CONSIDERATION**

The following matters are to be addressed so as to ensure that the proposed is aligned with the provisions of the BCA and Australian Standards.

### **16. Building Code of Australia**

- The proposed development shall comply with the relevant provisions of the BCA.

### **17. Disabled Access**

- Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

## **DEVELOPMENT ENGINEERING CONSIDERATION**

**18.** Appendix A provides conditions of consent relating to development engineering to be imposed on any consent granted for the proposed development.

## **TRAFFIC PLANNING CONSIDERATION**

**19.** The proposed development shall comply with the following requirements:

- i. The applicant is to submit to Council's Traffic and Transport Section for endorsement a final construction traffic management plan report containing details of the proposed construction traffic management measures to minimise the impact on the local road prior to the issue of Construction Certificate.
- ii. Ensure the provision of car parking, loading facilities and access arrangements are in accordance with Council's DCP and Australian Standards, prior to the issue of Occupation Certificate. The applicant is to ensure that the facilities to be provided can accommodate the biggest vehicle expected on the site.

- iii. Implement an Operational Traffic Management Plan (OTMP) to assist in managing safety and efficiency of the loading activities, prior to the issue of Occupation Certificate.

**CONCLUDING REMARKS**

Overall, Council supports the proposed warehouse as it is generally consistent with the vision for a business hub along Bringelly Road. However, it is requested that the advice provided above be taken into consideration in the assessment of the proposed development.

If you have any questions please contact Boris Santana, Principal Planner on 8711 7683.

Yours sincerely,

A handwritten signature in black ink, appearing to read "G. Nehme", enclosed within a hand-drawn oval shape.

**George Nehme  
Coordinator  
Development Assessment**



**Attachment A – DEVELOPMENT ENGINEERING CONDITIONS**

**General**

1. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.

**Prior to the Issue of a Construction Certificate**

2. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:
  - Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
  - Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
  - Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council’s specifications.

Note:

- (a) Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.
3. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

4. Prior to the issue of a Construction Certificate for building works the Certifying Authority shall ensure that engineering plans are consistent with the following concept plans:

<b>Company</b>	<b>Job No./Drawing No.</b>	<b>Title</b>	<b>Revision /Issue</b>	<b>Date</b>
Costin Roe Consulting	C011994.10-DA-10	Drawing List & General Notes	C	14.08.20
Costin Roe Consulting	C011994.10-DA-20	Erosion and Sediment Control Plan	C	14.08.20

Costin Roe Consulting	C011994.10-DA-25	Erosion and Sediment Control Details	C	14.08.20
Costin Roe Consulting	C011994.10-DA-30	Bulk Earthworks Plan	B	14.08.20
Costin Roe Consulting	C011994.10-DA-35	Bulk Earthworks Sections – Sheet 1	B	14.08.20
Costin Roe Consulting	C011994.10-DA-36	Bulk Earthworks Sections – Sheet 2	B	14.08.20
Costin Roe Consulting	C011994.10-DA-41	Stormwater Drainage Plan – Sheet 1	C	14.08.20
Costin Roe Consulting	C011994.10-DA-42	Stormwater Drainage Plan – Sheet 2	C	14.08.20
Costin Roe Consulting	C011994.10-DA-45	Stormwater Drainage Details – Sheet 1	B	14.08.20
Costin Roe Consulting	C011994.10-DA-46	Stormwater Drainage Details – Sheet 2	B	14.08.20
Costin Roe Consulting	C011994.10-DA-51	Finished Levels Plan – Sheet 1	C	14.08.20
Costin Roe Consulting	C011994.10-DA-52	Finished Levels Plan – Sheet 2	C	14.08.20
Costin Roe Consulting	C011994.10-DA-55	Typical Sections	B	14.08.20

5. All civil works shall be designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The civil works may include but are not limited to the following:

- Public and private roads
- Stormwater drainage including water quantity and quality treatment measures
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flow paths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

6. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided

on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

7. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.
8. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development on the internal access road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend for the entire length of the access road to Bringelly Road either side of the development.

#### **Prior to the Commencement of Works**

9. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

#### **Requirements during Construction**

10. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
11. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

#### **Prior to the Issue of an Occupation Certificate**

12. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

13. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

14. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

15. Prior to the issue of an Occupation Certificate signage which is clearly visible from the public road shall be placed within the development site.

The signage shall indicate that the heavy vehicular (truck) access is to be used for ingress purposes only and appropriately signposted "Entry Only". The heavy vehicular (truck) access is to be used for egress purposes only and appropriately signposted "No Entry".

Other light vehicular access shall also be appropriately signposted to ensure no conflicts with the heavy vehicular access.

16. Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within the internal access road to Bringelly Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

17. Prior to the issue of an Occupation Certificate signage which is clearly visible from the public road shall be placed within the development site.

The signage shall indicate a delineation between the two separate access driveways for the light vehicular access and a separate signage for heavy vehicular access.

18. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

**Advisory Conditions**

19. Before any excavation work starts, contractors and others should phone “Dial Before You Dig” service to access plans/information for underground pipes and cables. [www.1100.com.au](http://www.1100.com.au).
20. The Liverpool City Council Local Government Area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity Reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent enquiries as to the appropriate protection against the current and future potential effect of salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and ground water salinity.
21. The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
22. Care shall be taken by the applicant and the applicant’s agents to prevent any damage to adjoining properties. The applicant or applicant’s agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.