



Steelforce Warehouse Facility

*State Significant
Development Assessment
(SSD 8900)*



May 2019

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Cover photo

View of the proposed Steelforce Warehouse facility, viewed from Bringelly Road (Environmental Impact Statement SSDA 17_8900 Steelforce Warehouse prepared by Ethos Urban dated 5 November 2018)

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Glossary

Abbreviation	Definition
Applicant	CIP/CH (Bringelly) Pty Ltd
APZ	Asset Protection Zones
AHAA	Aboriginal and Historical Archaeological Assessment
AS	Australian Standard
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
BRBH	Bringelly Road Business Hub
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Consent	Development Consent
Council	Liverpool City Council
CTMP	Construction Traffic Management Plan
DA	Development Application
dBA	Decibels
Department	Department of Planning and Environment
Development	The development as described in the EIS and RtS for SSD 8900
DCP	Development Control Plan
DG	Dangerous goods
EIS	Environmental Impact Statement titled 'Environmental Impact Statement SSD 17_8900' prepared by Ethos Urban dated 5 November 2018
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
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
Ha	Hectares
IPC	Independent Planning Commission
ICNG	Interim Construction Noise Guideline
Km	Kilometer
LEP	Local Environmental Plan
LGA	Local Government Area

Minister	Minister for Planning
MNES	Matter of National Environmental Significance
M	Metres
NPfI	<i>Noise Policy for Industry 2017</i>
NIA	Noise Impact Assessment
OEH	Office of Environment and Heritage
Planning Secretary	Secretary of the Department of Planning and Environment
POM	<i>Western Sydney Parklands Plan of Management 2030</i>
PHA	Preliminary Hazard Analysis
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 (Lots 10 and 11 in DP 29104)
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TfNSW	Transport for NSW
WCDP	<i>Western City District Plan 2018</i>
WSPT	Western Sydney Parklands Trust
WSP	Western Sydney Parklands
WSP Act	<i>Western Sydney Parklands Act 2006</i>



Executive Summary

CIP/CH (Bringelly) Pty Ltd (the Applicant) has lodged a Development Application (DA) and accompanying Environmental Impact Statement (EIS) seeking consent to construct and operate the Steelforce warehouse facility (SSD 8900) 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 8 in the eastern portion of the BRBH site, where the nearest sensitive receivers are two residential dwellings located approximately 15 metres (m) and 60m to the east of the site at 12 Bringelly Road, Horningsea Park.

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, including building footprints, 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 have commenced on site.

Original Development Application SSD 8900

The DA originally sought consent to construct and operate the Nulon Oils light industrial facility for the blending and storage of automotive lubricating oils and storage of aerosols onsite.

The Department exhibited the DA and EIS for Nulon Oils from Thursday 1 February 2018 until Friday 2 March 2018. A total of 75 submissions were received from public authorities, Liverpool City Council (Council) and the general public. Of the 64 submission received from the general public, 62 objected to the development.

Key concerns raised related to the appropriateness of the development, potential hazards, amenity impacts, increase in traffic and lack of community consultation.

The Applicant submitted a Response to Submissions (RtS) report in June 2018 providing a response to the issues raised in the submissions relating to the proposed Nulon Oils development.

In December 2018, the Applicant advised Nulon Oils was no longer proposing to establish its light industrial facility at the site, remaining in its existing location at Moorebank, Liverpool, and submitted an amended DA for the Steelforce warehouse. The amended DA was provided to key agencies and Council to consider whether it adequately addressed the issues raised for the Nulon Oils application.

Amended Development Application

Under Clause 55 (1) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) an applicant, with the agreement of the consent authority, may amend a development application before the application is determined. In December 2018, the Applicant lodged an amended application in accordance with Clause 55 of the EP&A Regulation. The Department considered whether the changes proposed in the amended application would be generally consistent with the original application. Both the original application and the amended application sought approval for a warehouse and distribution facility, however, the amended DA

presents a development with lower impacts as the facility seeks to store and distribute steel products in lieu of the original proposal which sought to blend, store and distribute automotive lubricating oils. As such, the Department considered the application to be consistent with requirements of Clause 55 of the EP&A Regulation and recommend that the Independent Planning Commission (IPC), as the consent authority, accept the amended application. Therefore, this report assesses the amended DA, being the Steelforce Warehouse Facility.

The amended DA was provided to key agencies and Council to consider whether it adequately addressed the issues raised in the original submissions. The Department also provided the amended DA to members of the public who made submissions on the original application. Of the 64 public submissions, only two submitters noted outstanding concerns with the proposed Steelforce warehouse.

Steelforce is an Australian based company involved in the importation and distribution of steel products. The proposed facility will be used primarily for the delivery and storage of structural steel, cutting of steel products, dispatch and distribution of steel products and ancillary office administration. Unlike the Nulon Oils application which sought to produce and distribute automotive products including lubricating engine oils, engine coolant and aerosols.

The proposed development (the development) has a capital investment value of \$10.7 million and will generate approximately 70 construction jobs and 38 operational jobs in the Liverpool LGA. The development will allow for the development of the BRBH and is consistent with the key objectives of the *Greater Sydney Region Plan 2018* and *Western City District Plan 2018* which encourage planned and managed industrial development and the provision of jobs in Western Sydney.

The 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 original concept approval for the BRBH did not determine that future subsequent stages within the BRBH could be determined by the relevant consent authority under section 4.37 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), but rather all future DA's would be State Significant Development (SSD). As such the development is classified as SSD. Consequently, in accordance with Clause 8A of the SRD SEPP, section 4.5 of the EP&A Act and the Minister's delegation, the IPC is the consent authority for the SSD application as more than 25 public submissions, by the way of objection, were received for the application.

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.

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

The key issues for the development relate to noise and traffic. The Department's assessment concluded that the development would result in an exceedance in noise criteria, due to truck movements, by eight decibels (dBA) in the evening and two dBA during the night time at the adjoining residential property. The adjoining property comprises of two dwellings, of which one appears to be abandoned, as such the exceedance in noise criteria has the potential to impact one residential dwelling. To ensure the development can comply with the noise criteria, the Department has recommended conditions around the management of truck movements given it is this source of noise which results in potential exceedances. Conditions to manage this noise include heavy vehicles adhering to a Driver Code of Conduct when accessing the site, restricting vehicles to using only the western access between

10 pm and 7 am which is further away from the residential receiver and minimising the use of airbrakes. The implementation of these mitigation measures will ensure the development complies with the noise criteria.

As such, through the inclusion of specific conditions, and giving consideration to the changing context of the site's location within the approved BRBH, the development can mitigate the noise impacts and meet the noise requirements appropriately. Regarding the traffic generation for the development, the overall traffic generation would be less than originally assessed and approved for the BRBH, therefore, the development would have a minimal impact on the local road network performance.

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

- preparation and implementation of a Driver Code of Conduct
- implementation and maintenance of landscape buffer screening
- preparation and implementation of a Construction Traffic Management Plan.

The Department also considers the development to be acceptable and in the public interest as the development:

- would deliver 70 construction jobs and 38 operational jobs in Western Sydney
- would contribute \$10.7 million in private investment in the WSP
- would contribute funding for the ongoing management of the WSP
- is consistent with the objectives of the relevant strategic planning framework including the Greater Sydney Region Plan and the POM
- would provide a high quality development with a design outcome which is consistent with the BRBH approval
- would not result in any significant adverse environmental or amenity impacts.

The Department concludes the proposal is in the public interest and the application is approvable, subject to conditions.



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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 (SSD) (SSD 8900) for the Steelforce warehouse facility, which was submitted as an amended application in accordance with Clause 55 of the *Environmental Planning and Assessment Regulation 2000* (EPA&A Regulation). The proposed development (the development) involves the construction and operation of a warehouse primarily for the storage, dispatch and distribution of steel materials at Horningsea Park in the Liverpool Local Government Area (LGA).

The Department's assessment considers all documentation submitted by CIP/CH (Bringelly) 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, general public and Liverpool City Council (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 warehouse facility for the storage, dispatch and distribution of structural steel, cutting of steel beams and ancillary offices, hardstand areas, service infrastructure, signage and landscaping. The proposed tenant, Steelforce, is an Australian based company involved in the trading and distribution of structural steel beams, piping and tubing. The warehouse will allow for Steelforce to sell steel products directly to equipment manufacturers, resellers, fabricators, the construction industry (residential and non-residential) and rural industries. Steelforce primarily sources the steel products from its mill in China or from a variety of mills in South East Asia.

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) in Horningsea Park. The BRBH was approved under SSD 6324 which permitted the subdivision and site preparation works (bulk earthworks) for a business park, including for light industry, warehouse and distribution centre and service centre uses. Bulk earthworks for the establishment of the Bringelly Road Business Hub (BRBH) have commenced.

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.

Nulon Oils Proposal

The Applicant originally sought consent to construct and operate the Nulon Oils light industrial facility involving the blending and storage of automotive lubricating oils and storage of aerosols. The Department publicly exhibited the proposed Nulon Oils facility and invited members of the public, Council and public agencies to

comment on the development. During the exhibition period, the Department received 75 submissions comprising 62 objections from members of the public and an objection from Council. Many of the objections expressed concern in relation to the potential hazards and risk to safety and health associated with the blending and storage of oils on the site. However, in December 2018, the Applicant advised Nulon Oils was no longer proposing to establish its light industrial facility at the site and submitted an amended application for the Steelforce warehouse. The amended application was lodged in accordance with Clause 55 of the EP&A Regulation. This assessment report assesses the key issues associated with the Steelforce Warehouse facility.

1.3 Site Description

The 2.2 hectare (ha) site is currently an undeveloped 'greenfield' site which is located 36 kilometres (km) west of the Sydney city centre, 8 km south-west of the Liverpool town centre and in close proximity to the intersection of the M5 and M7 motorways (see **Figure 1**). The site is located on the eastern most lot of the BRBH known as Lot 8. Access to the site is via Skyline Crescent to the south, which connects to Bringelly Road in Horningsea Park.

The site has been primarily used for the purposes of grazing pasture land. The approved stage 1 works to establish the BRBH will result in the clearing of 1.87 ha of nine small patches of Cumberland Pain Woodland across the BRBH site, including disturbed woodland, scattered paddock trees and native shrubs.

The sites topography falls between 2% and 8% toward the north-eastern corner. One half of the site drains to the existing natural waterway in the north-east and the other half flows towards a minor catchment to the south-east near Bringelly Road.



Figure 1 | Site Layout

1.4 Surrounding Land Uses

The site is located in the most southern part of the WSP and is managed strategically by the Western Sydney Parklands Plan of Management 2030 (POM). The POM, adopted in December 2018, provides the strategic framework for the WSP (as discussed in further detail in **Section 3.3**).

The site is surrounded by a variety of existing land uses and riparian zones (refer **Figure 3**). These include:

- two rural residential properties to the east, of which one appears to be abandoned, further east are residential properties in the suburb of Horningsea Park
- Bringelly Road directly to the south, on the southern side of Bringelly Road are agricultural allotments and further to the south is the South-West Rail Link
- a riparian corridor and Bedwell Park, a man-made wetland built in 1997, is located directly to the north. 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
- BRBH is located to the west of the site, further west to the BRBH are 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 development is sited in an area surrounded by clusters of residential development where the nearest sensitive receivers are two residential dwellings located approximately 15m and 60m to the east of the site at 12 Bringelly Road, Horningsea Park. The Applicant has advised the closest of these dwellings has been abandoned, whereas the second of the dwellings is located within the WSP, however, is privately owned.

An acoustic wall separates the detached dwellings from Cowpasture Road and partially obscures views from these properties (see **Figure**).

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.

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



Figure 2 | Location of acoustic wall along Cowpasture Road



Figure 3 | Subject site and surrounding sites

1.5 Other Development Approvals

BRBH Development Application (SSD 6324)

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. The BRBH DA can be summarised as follows:

Concept Proposal:

- establishment of the BRBH comprising of: 'large format retail', 'light industry', 'service station', 'takeaway food and drink premises', and 'restaurant and café' land uses
- design parameters, including building heights and setbacks
- conceptual road layout and site access arrangements
- conceptual landscape designs.

Stage 1 DA:

- subdivision of the lot into eight (8) lots serviced through an internal access road along the existing alignment of Bringelly Road, with the main access point via the realigned Bringelly Road
- the demolition of existing structures on site (four dwellings, associated shed and dam structures)
- bulk earthworks
- installation of site services and infrastructure
- site landscaping.

The BRBH approval was a deferred commencement consent, which required conditions relating to site contamination and remediation works to be fulfilled prior to the development consent becoming operational. To comply with these conditions, the Applicant submitted additional information, and on 12 May 2016, the

Department considered the consent to be operational. The master plan approved for the BRBH is shown in **Figure 4**, noting that the building footprints and envelopes indicated in this plan were not approved as part of SSD 6324.

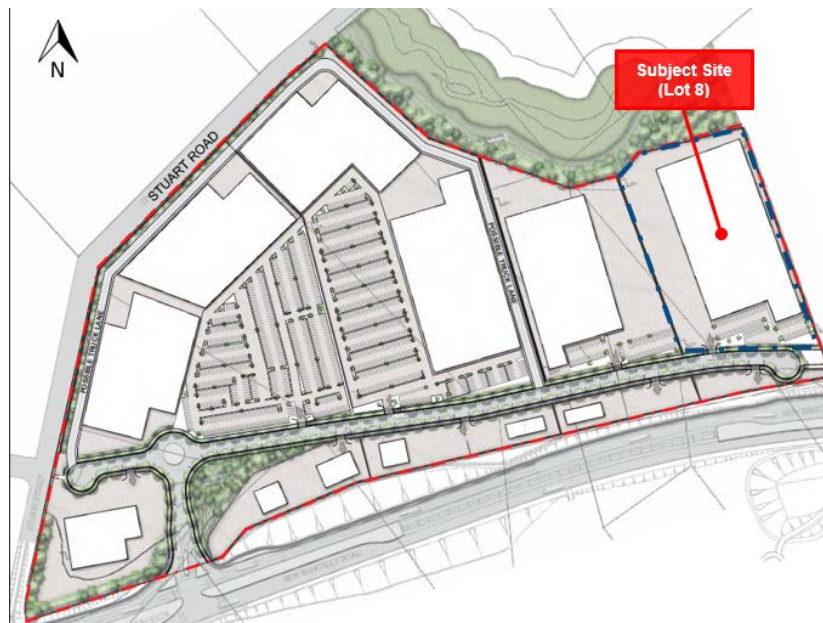


Figure 4 | Approved plan of BRBH

The development consent has been modified on three (3) occasions, as summarised in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Alteration in car parking requirements	Department	4.55(1A)	14 April 2016
MOD 2	Boundary realignment and introduction of one (1) allotment	Department	4.55(1A)	15 August 2018
MOD 3	Boundary realignment between lots 4, 6 and 8 (refer Figure 5)	Department	4.55(1A)	22 March 2019

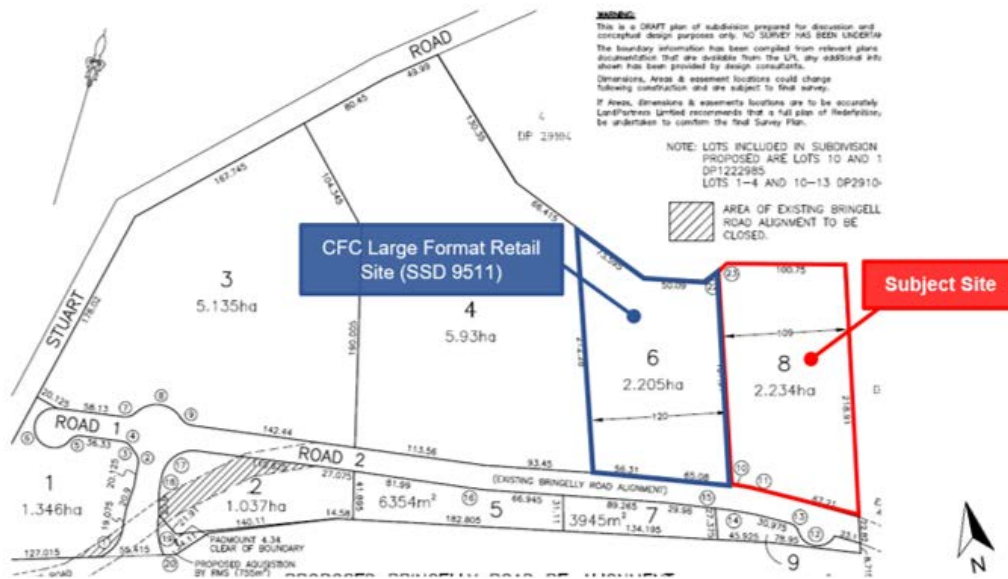


Figure 5 | Approved subdivision plan of BRBH (SSD 6324 MOD 3)

CFC Large Format Retail (SSD 9511)

On 21 December 2018, the Executive Director, Key Sites and Industry Assessments approved a SSD Application (SSD 9511) for a Large Format Retail facility for use by the CFC Group on proposed Lot 6, the site directly to the west of the development (refer **Figure 5**).



2. Project

2.1 Nulon Oils Proposal

The DA originally sought consent to construct and operate the Nulon Oils light industrial facility for the blending and storage of automotive lubricating oils and storage of aerosols onsite.

Following exhibition of the DA and EIS for Nulon Oils, significant concerns were raised by Council and the community relating to the appropriateness of the development, potential hazards, amenity impacts, increase in traffic and lack of community consultation.

The Applicant submitted a RtS to respond to the issues raised in submissions, however in December 2018, Nulon Oils made the decision to remain at its existing site and not proceed with the development at BRBH. As such, the Applicant made the decision to amend the application. An amended application was lodged in accordance with Clause 55 of the EP&A Regulation to facilitate a separate development for the Steelforce warehouse and distribution facility. The Department considered the application to be consistent with requirements of Clause 55 of the EP&A Regulation and recommends that the Independent Planning Commission (IPC), as the consent authority, accept the amended application.

Importantly, the proposed Steelforce warehouse addressed most concerns raised within the submissions relating to Nulon Oils. Comparatively, the Steelforce development presents a development with lower impacts in the following ways:

- the facility has changed from a warehouse with some light industrial activities, involving the blending, storage and distribution of automotive lubricating oils to a warehouse and distribution facility for the storage and distribution of steel
- the building footprint has reduced by 86 m²
- the building setbacks for the northern, eastern and western boundaries have increased
- the proposed provision of car parking has been reduced by 22 spaces.

2.2 Steelforce Proposal

The assessment undertaken herein is based on the amended application for Steelforce which seeks approval for the construction and operation of a warehouse to be operated by Steelforce for the purposes of the storage, dispatch and distribution of structural steel.

The major components of the development are summarised in **Table 2**, shown in **Figure 6 to 9**, and described in full in the EIS included in **Appendix A**.

Table 2 | Main Components of the Project

Aspect	Description
Development Summary	<ul style="list-style-type: none">• The construction and operation of a warehouse with associated light industrial uses and ancillary offices within the BRBH for the storage, dispatch and distribution of steel products
Site area	<ul style="list-style-type: none">• 2.2 ha

Earthworks, civil works and 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"> • Over 35 weeks
Key features	<ul style="list-style-type: none"> • Warehousing and material storage area (10,600m²) • Ancillary office (600m²) • Maximum height of 13.7 metres (m)
Traffic	<ul style="list-style-type: none"> • Construction: up to 170 vehicle movements (two-way) per day comprising 140 movements from light vehicles and 30 from heavy vehicles • Operation: 132 vehicle movements (two-way) per day comprising 76 movements from light vehicles and 56 from heavy vehicles
Landscaping	<ul style="list-style-type: none"> • Large trees and buffer screens along the frontage and eastern boundary • Grassed areas at the rear of the site
Hours of operation	<ul style="list-style-type: none"> • Warehouse: 24 hours a day, Monday to Friday and 6 am to 3 pm Saturday • Office: 8 am to 5:30 pm, Monday to Friday
Capital investment value	<ul style="list-style-type: none"> • \$10.7 million
Employment	<ul style="list-style-type: none"> • 70 full-time equivalent construction jobs and 38 operational jobs
Parking / maneuverability	<ul style="list-style-type: none"> • 36 car parking spaces, plus an additional 12 future spaces at the rear • Manoeuvrability for a 26m B Double truck, which includes ability to drive through the warehouse
Access	<ul style="list-style-type: none"> • Ingress point for trucks on the eastern boundary • Egress point for trucks on the western boundary • Combined ingress/egress for cars located toward the western boundary
Waste	<ul style="list-style-type: none"> • Located at the rear of the site
Stormwater	<ul style="list-style-type: none"> • Piped stormwater drainage (minor) system • Overland flow path and open channels (major) • Detention tank (north western corner) • Treatment train (Gross Pollutant Trap) as well as additional tertiary treatment trains within BRBH

2.3 Physical Layout and Process Description

The Steelforce development presents as a singular warehouse building, with two separate entrance/exit points for trucks operating in a forward direction and a separate entrance/exit for light vehicles. The physical layout and design of the development is shown in **Figures 6** to **Figure 9**.

During the daytime, the two separate ingress and egress points allow trucks to enter the site and drive along the eastern boundary to then enter the warehouse for ease of loading and unloading on site. However, at night, between the hours of 10 pm and 7 am, trucks would enter and exit the site only via the western entrance/exit.

A range of Heavy Rigid Vehicles, Semi-trailers, trucks with containers and occasionally B-Doubles would be used to deliver and dispatch the steel products. Delivery vehicles would access the site via the eastern and western combined ingress and egress driveways.

Delivery vehicles, including B-Double trucks, can enter the site, load or unload materials in the warehouse and drive through to exit the site from either the eastern or western driveways. The steel products would be primarily loaded and unloaded from within the warehouse by cranes.

Car parking for the development is located along the frontage of the site, with additional future parking proposed at the rear of the site.

Additionally, an ancillary office is proposed at the front of the site, split across a ground level and a mezzanine level.

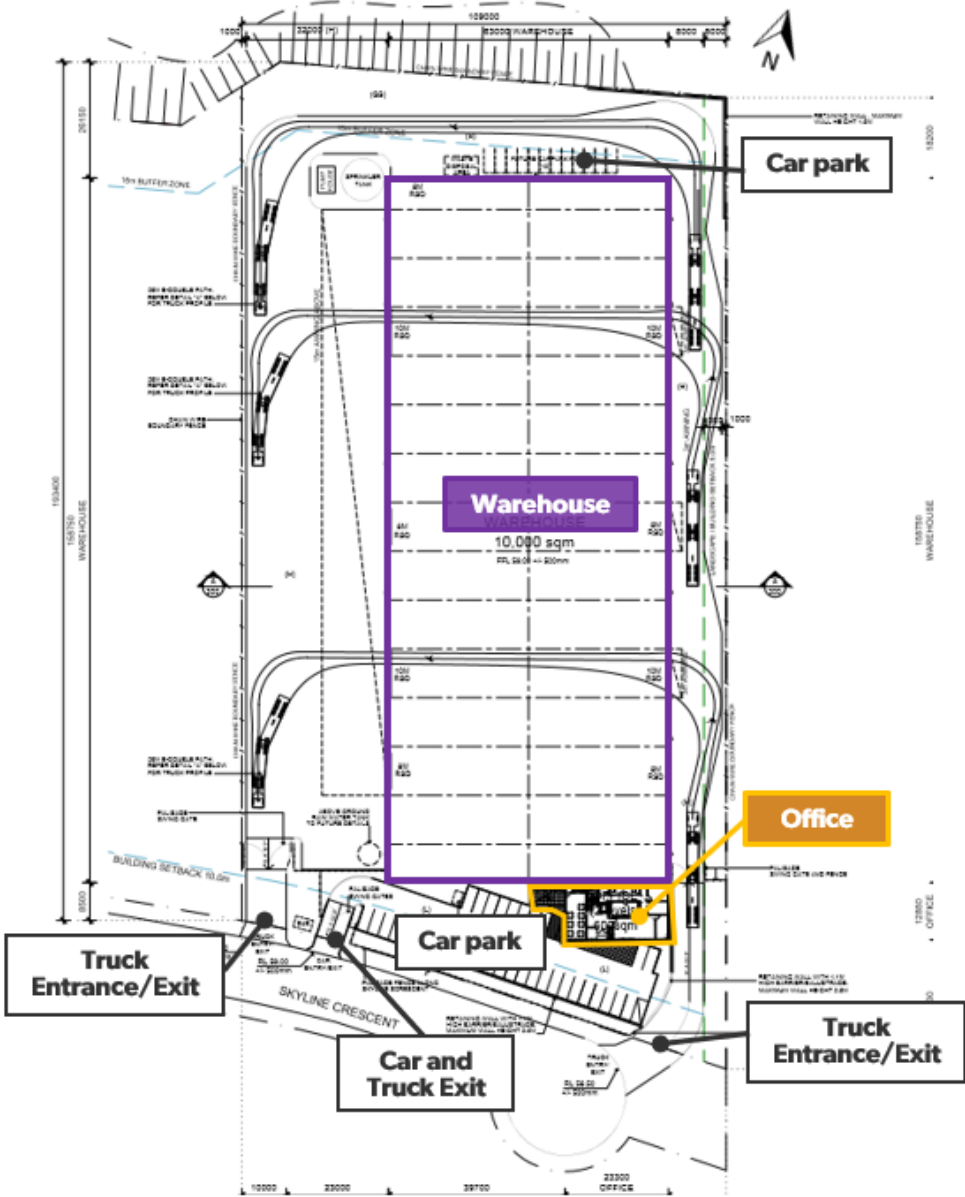


Figure 6 | Site Plan

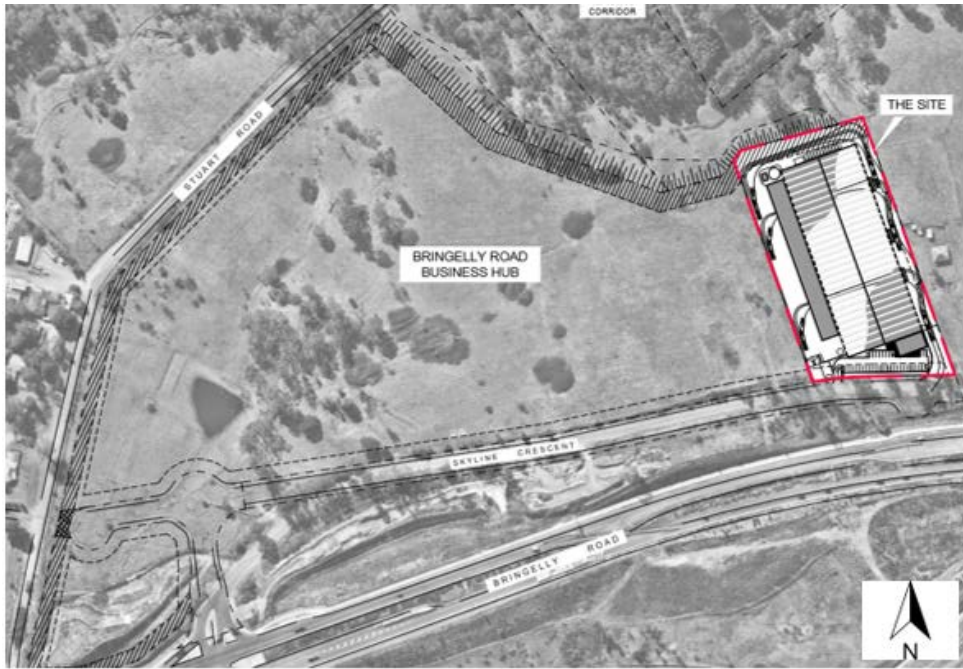


Figure 7 | Site Plan

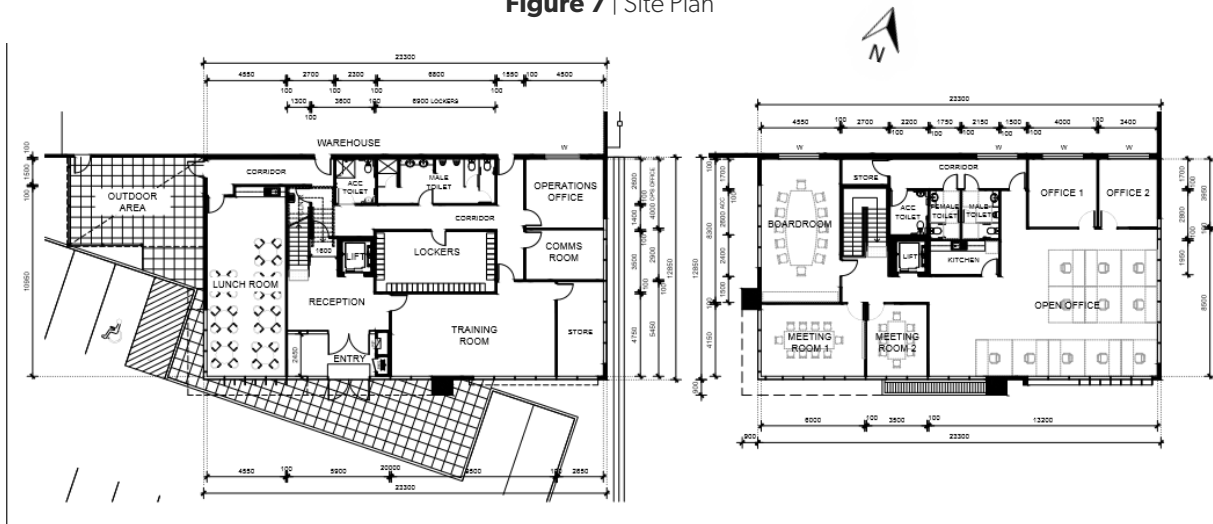


Figure 8 | Ground Floor and First Floor Plan



Figure 9 | Elevations

2.4 Uses and Activities

The operation proposed on site consists of the importation and distribution of steel products, including the following:

- the delivery and storage of structural steel
- the cutting of steel products
- dispatch and distribution of steel products (refer **Figure 10**)
- ancillary office administration.



Figure 10 | Indicative photo of proposed loading/unloading operations



Figure 11 | Indicative photo of proposed operations

2.5 Applicant's Need and Justification for the Development

The Applicant has justified the need for the development by highlighting the need for Steelforce to source a suitably located site which supports its distribution and storage needs. The Applicant indicates that the location of the development is essential to improving the operational efficiencies of the transport and logistics and profile of the business as it is in close proximity to the regional road network and offers good visibility from Bringelly Road. The Applicant considers the proposed business use is consistent with the approved land uses and intent for the BRBH (refer to **Section 4.2**).

Additional benefits identified by the Applicant include:

- generating additional employment opportunities in Western Sydney, comprising of 70 full time construction jobs and 38 operational jobs
- contributing private investment to create a sustainable funding base for the WSP.

Therefore, the Applicant has identified that the development would improve the operational and efficiency of the business, contribute to jobs growth in Western Sydney and private investment in the WSP.



3. Strategic Context

3.1 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 12**) and seeks to meet the needs of a growing and changing population by transforming Greater Sydney into 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.

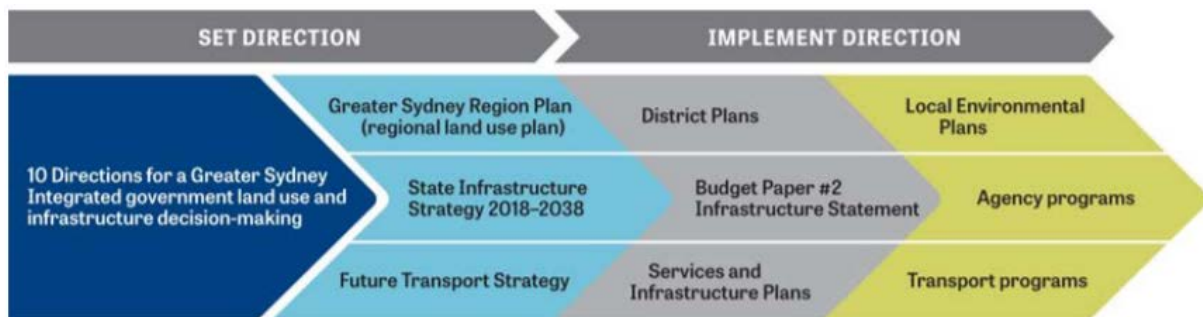


Figure 12 | Integrated State Planning for Greater Sydney

The development aligns with the objectives and strategies of the Greater Sydney Regional Plan in particular, Objective 23, which requires that industrial and urban services land is planned, retained and managed. Objective 23 identifies that land uses should reflect the needs of their local context and support an integrated economy. In addition, Strategy 23.1 identifies the need to create job opportunities in areas that can co-locate office uses with industrial and urban service uses. The use is proposed in an approved business hub and would provide additional jobs closer to where people live. For these reasons, the development reflects the intent of the Greater Sydney Regional Plan.

3.2 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 established by the Greater Sydney Region Plan. It is a guide for implementing the Greater Sydney Region Plan at a district level.

The development is aligned with Planning Priority W10 of the WCDP as it would plan and manage industrial and urban services land in an approved business hub in the Liverpool LGA. The development would also meet Action 52, as the development would be located in an area where industrial and urban service land can be reviewed and managed.

3.3 Western Sydney Parklands Plan of Management 2030

The WSP is a major social and recreational facility in Western Sydney and is strategically managed by the POM. The POM identifies that 2% of the WSP is to be developed for long term leases for business purposes to generate revenue to support operations in the WSP, including maintenance and development of new and existing facilities. The proposal represents a portion of the 2% of the WSP identified strategically under the POM for business purposes.

Pursuant to the POM, the site is located within an area identified as Precinct 16 (see **Figure 13**), which borders with Carnes Hill and Horningsea Park residential areas. The POM identifies two business hub sites within Precinct 16 as areas to support business functions, generate local employment and contribute to the development of the economy in Western Sydney.

The Department considers the development would provide a warehouse use which is consistent with the intent of the POM for the precinct. The proposed use would generate local employment and support the business hub functions of the BRBH. The development would contribute to the ongoing viability of the WSPT and the WSP.

The Department considers the development is consistent with the POM.

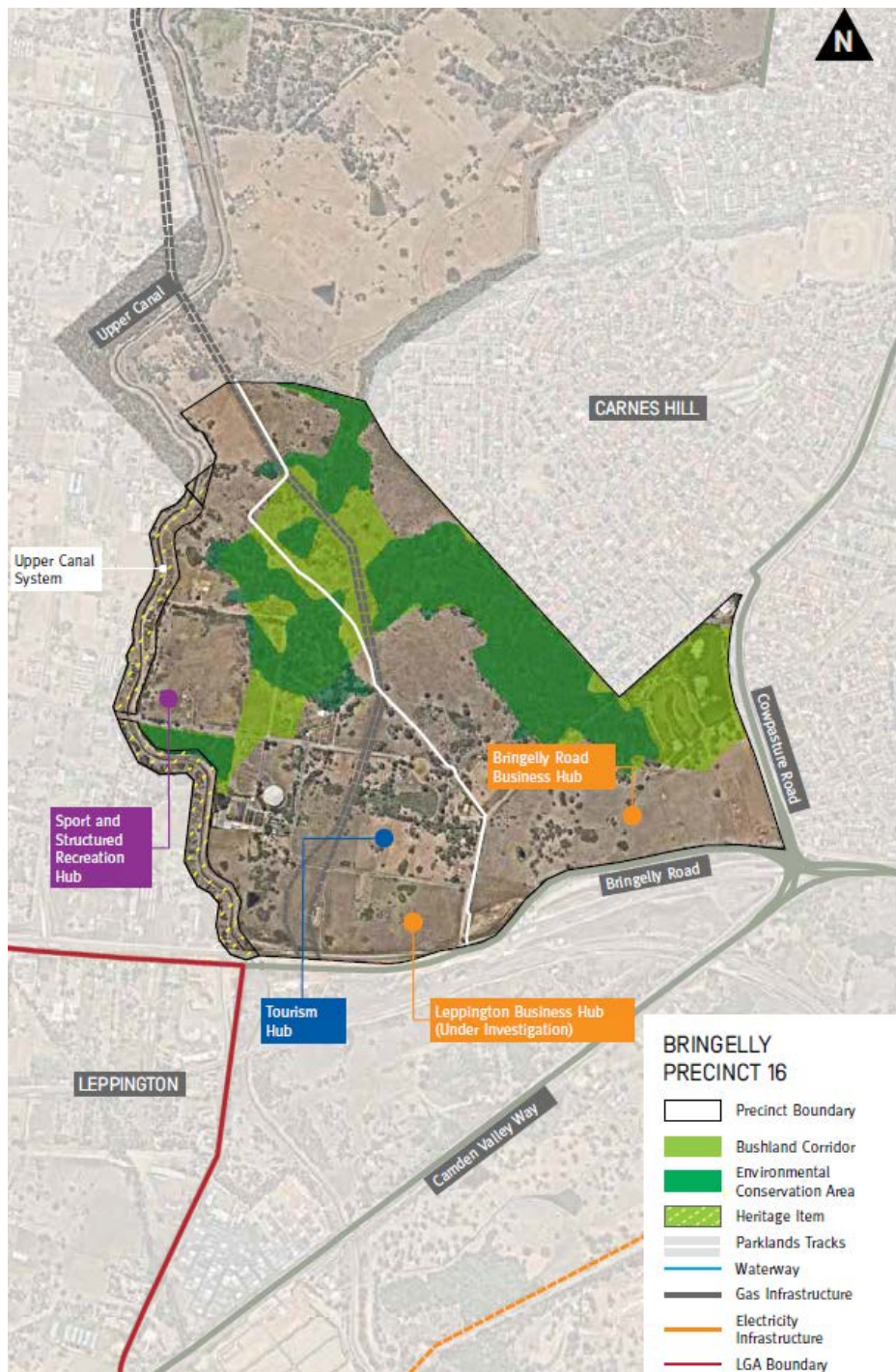


Figure 13 | Precinct 16 map



4. Statutory Context

4.1 State Significant Development

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

4.2 Permissibility and Consistency with SSD 6324

The subject site is located within the WSP. Following the commencement of the *State Environmental Planning Policy (Western Sydney Parklands) 2009* (WSP SEPP), all land previously zoned within the WSP became unzoned. Under Clause 11(2) of the WSP SEPP, development for warehouse and distribution and ancillary office uses are permissible with consent.

In accordance with section 4.24 of the EP&A Act, the determination of any DA in respect to a site that is subject to a concept development cannot be inconsistent with the original consent. The concept development approval for the BRBH permitted a number of land uses on the site, including for large format retail, light industrial and warehouse and distribution uses. The warehouse is consistent with the EIS and the concept development approval for the BRBH. In addition, the development is reflective of the intended 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

In accordance with Clause 8A of the SRD SEPP, section 4.5 of the EP&A Act and the Minister's delegation, the Independent Planning Commission (IPC) is the consent authority for the SSD application, as:

- there are more than 25 public submissions by the way of objection in accordance with the EP&A Act

The Department has therefore referred the application to the IPC for determination.

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.

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 Considerations 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 **Section 5** and **Appendix C**. In summary, the Department is satisfied the development is consistent with the requirements of section 4.15 of the EP&A Act.

4.6 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 environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the 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 C**. The Department is satisfied the development generally complies with the relevant provisions of these EPIs.

4.7 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the DA and any accompanying information of an SSD application are required to be made publicly exhibited for at least 28 days. The original Nulon Oils application was placed on public exhibition from Thursday 1 February 2018 until Friday 2 March 2018. Details of the exhibition process and notifications are provided in **Section 5.1**.

4.8 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. These objects are detailed in section 5 of the EP&A Act. The objects of relevance to the merit assessment of this application include:

- 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,*
- to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- to promote the orderly and economic use and development of land,*
- to promote the delivery and maintenance of affordable housing,*
- to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- to promote good design and amenity of the built environment,*
- to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- to provide increased opportunity for community participation in environmental planning and assessment.*

The Department has fully considered the relevant objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 3**).

Table 3 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
<p>1.3 (a)</p> <p>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,</p>	<p>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 38 operational jobs in the area.</p>
<p>1.3 (b)</p> <p>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<p>The proposal includes measures to deliver ESD, including by providing landscaping and a stormwater management system, an additional 38 operational jobs and implementing measures to minimise traffic impacts, including through the preparation and implementation of a Workplace Travel Plan. The proposal would also minimise the development’s demand for non-potable water on the site by up to 80% through the collection and re-use of rainwater for internal and external uses, for example irrigation of landscaping.</p>
<p>1.3 (c)</p> <p>to promote the orderly and economic use and development of land,</p>	<p>The development promotes the orderly and economic development of land approved for warehouse and light industrial uses in the WSP and is predicted to generate up to 70 construction jobs and 38 operational jobs. The development will also provide private investment in the WSP which will contribute to establishing a sustainable funding base for the WSP.</p>
<p>1.3 (e)</p> <p>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p>	<p>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.</p>

<p>1.3 (f)</p> <p>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p>	<p>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 development is consistent with the development consent for the BRBH and will not impact on Aboriginal or European heritage significance.</p>
<p>1.3 (g)</p> <p>to promote good design and amenity of the built environment,</p>	<p>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.</p>
<p>1.3 (h)</p> <p>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</p>	<p>The Department has considered the 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).</p>
<p>1.3 (i)</p> <p>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</p>	<p>The Department publicly exhibited the development as outlined in, Section 5.1 which included consultation with Council and other public authorities and consideration of their responses.</p>
<p>1.3 (j)</p> <p>to provide increased opportunity for community participation in environmental planning and assessment.</p>	<p>The Department publicly exhibited the application as outlined in Section 5.1, 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. The Department also held a community meeting following the public exhibition of the Nulon Oils application and provided a further opportunity for previous submitters to further comment on the amended application.</p>

4.8.1 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 WSPT 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 a warehouse to be consistent with the requirements of the WSP Act and the functions of the WSPT.

4.9 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. 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, beyond that which was assessed under the BRBH approval. The clearing of the site has been approved under the BRBH approval. The Department is also satisfied the 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.

4.10 Environment 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

The Applicant originally sought consent to construct and operate the Nulon Oils light industrial facility. The Department publicly exhibited the proposed Nulon Oils facility and invited members of the public, Council and public agencies to comment on the development. In December 2018, the Applicant advised Nulon Oils was no longer proceeding and submitted an amended application for the Steelforce warehouse. Nonetheless, the consultation undertaken for both the Nulon Oils facility and Steelforce warehouse are summarised below.

5.1 Consultation

Prior to the lodgement of the original EIS for the Nulon Oils facility, the Applicant undertook some consultation with local and State authorities as well as the community and affected landowners. The Department consulted with these stakeholders during the exhibition of the EIS and throughout the assessment of the original application.

Upon receipt of the amended EIS for the Steelforce warehouse, the Department consulted further with local and State Authorities as well as previous submitters.

These consultation activities are described in detail in the following sections.

5.1.1 Initial Consultation by the Applicant

During the preparation of the original Nulon Oils EIS, the Applicant's consultation with relevant stakeholders included written correspondence, in the form of an email and letter, to the landowners of two nearby residential properties and email correspondence to the NSW Environment Protection Authority (EPA), WSPT, NSW Roads and Maritime Services (RMS) and Council.

At the Department's request, the Applicant undertook additional consultation following the exhibition of the application, as described in **Section 5.1.3**.

5.1.2 Consultation by the Department (on Nulon Oils)

After accepting the DA and EIS for the Nulon Oils light industrial application, the Department:

- made it publicly available from **Thursday 1 February 2018** until **Friday 2 March 2018**:
 - on the Department's website
 - at the Department's Information Centre (320 Pitt Street, Sydney)
 - at Liverpool City Council (Administration Building and Customer Service Centre, 33 Moore Street, Liverpool)
- notified landowners in the vicinity of the site about the exhibition period by letter
- notified and invited comment from relevant State government authorities and Council by letter
- advertised the exhibition in the Liverpool City Champion and the Liverpool Leader.

The Department received 75 submissions on the proposed Nulon Oils development during the exhibition period, including 11 from public authorities and 64 from the general public. Of the 64 public submissions, 62 objected to the development.

On 3 April 2018, following the exhibition period, the Department met with several concerned residents to discuss the proposal and their concerns.

5.1.3 Additional Consultation by the Applicant

Given the level of interest and concern in the community regarding the original proposal for the Nulon Oils light industrial facility, the Department met with the Applicant and directed that additional community consultation be undertaken. In response, the Applicant engaged a community engagement consultant and undertook additional consultation including hosting two, three-hour drop-in sessions at local facilities.

5.2 Submissions for Nulon Oils

A summary of the issues raised in submissions relating to the Nulon Oils light industrial facility is provided in **Section 5.2.2**, with a copy of each submission included in **Appendix A**.

5.2.1 Public Authorities

The Department received 11 submissions from public authorities during the exhibition period for the Nulon Oils EIS and submissions from Council, EPA, Office of Environment and Heritage (OEH), Sydney Water and RMS after the exhibition period had ended. The submissions received, and the issues raised are discussed further below:

Camden Council had no comment on the development.

Council objected to the proposal on the basis it is inconsistent with the definition for light industry. Council's submission noted the lack of community consultation undertaken by the Applicant during the preparation of the EIS and suggested the Department facilitate further consultation with the community. Other issues raised by Council include the Applicant's hazard assessment, bushfire risk, noise, air quality, traffic and the potential social impacts from the development.

Transport for NSW (TfNSW) requested the Applicant provide bicycle parking on the site and, before starting operations, prepare and submit a Workplace Travel Plan to reduce staff reliance on private vehicles.

Sydney Water advised of the requirements for connections to water and wastewater and that building plans need to be approved by Sydney Water prior to construction to protect existing infrastructure.

Water NSW had no requirements or comments on the development.

NSW Rural Fire Service (RFS) requested a bushfire risk assessment for the development which incorporates radiant heat modelling.

Fire and Rescue NSW (FRNSW) requested the following:

- a Fire Safety Study (FSS) for the storage of combustible liquids providing a further assessment of the development against the relevant codes and standards
- a Preliminary Hazard Analysis (PHA) for the purpose of informing the FSS
- an assessment of the relevant fire safety regulations under the National Construction Code
- the capacity of the firewater storage on site.

NSW Heritage Council noted the EIS did not identify any heritage items or conservation areas and, on this basis, did not require a further heritage assessment.

EPA requested the following:

- details of the proposed annual production capacity of the development
- further information on the proposed processes such as the relationship between process units and the location of the storage of dangerous goods and mitigation measures to manage unexpected environmental impacts

- a further assessment of potential air quality impacts including odour emissions
- a revised Environment Management Plan which addresses relevant NSW legislation
- details of the generation and management of waste
- further details of proposed containment systems for spills or firewater.

OEH requested the Applicant address the requirements of the *Biodiversity Conservation Act 2016* (BC Act) as required by the SEARs and apply for a Biodiversity Development Assessment Report (BDAR) waiver under Section 7.9(2) of the BC Act.

RMS requested swept path diagrams of the longest vehicle manoeuvring through the site and a Construction Traffic Management Plan (CTMP) and recommended conditions of consent primarily relating to site access.

5.2.2 General Public Submissions on Nulon Oils

The Department received 64 submissions from the general public including 62 objections and two comments on the proposed Nulon Oils light industrial facility. The 62 objections included two signed petitions comprising 426 signatures and another with over 1,000 signatures.

As can be seen from **Figure 14**, the majority of submissions from the general public were received from residents in the immediate vicinity of the site (within 2 km of the site) in the residential areas of Horningsea Park and West Hoxton. The majority of the signatories in the petition were from the nearby suburbs of Edmondson Park and West Hoxton.

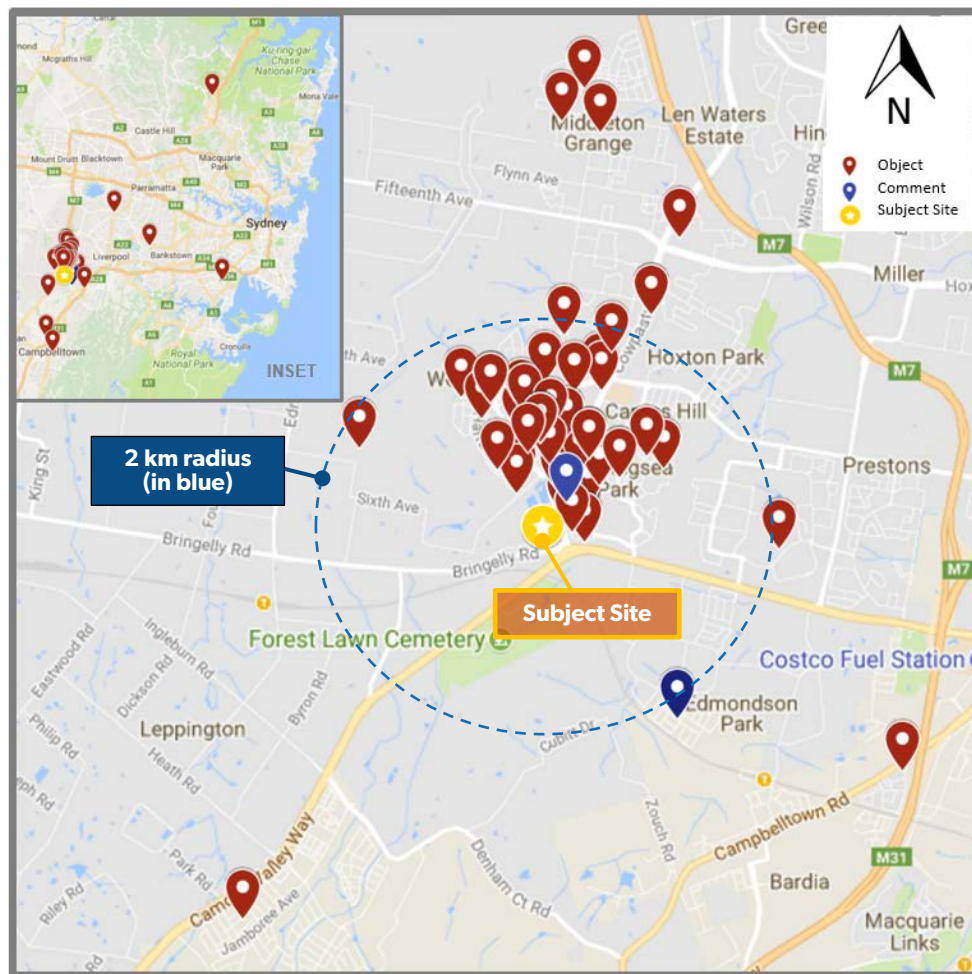


Figure 14 | Indicative representation of the location of submissions for the proposed Nulon Oils facility

Key issues raised in the public submissions related to the suitability of the site, hazards and risk to safety, the risk to health and amenity of nearby residents, risks of accidents and spills and air quality impacts. Other issues raised related to traffic impacts, community consultation, the permissibility of the development and bushfire risk. The key issues raised as a proportion of all submissions is provided within **Figure 15**.

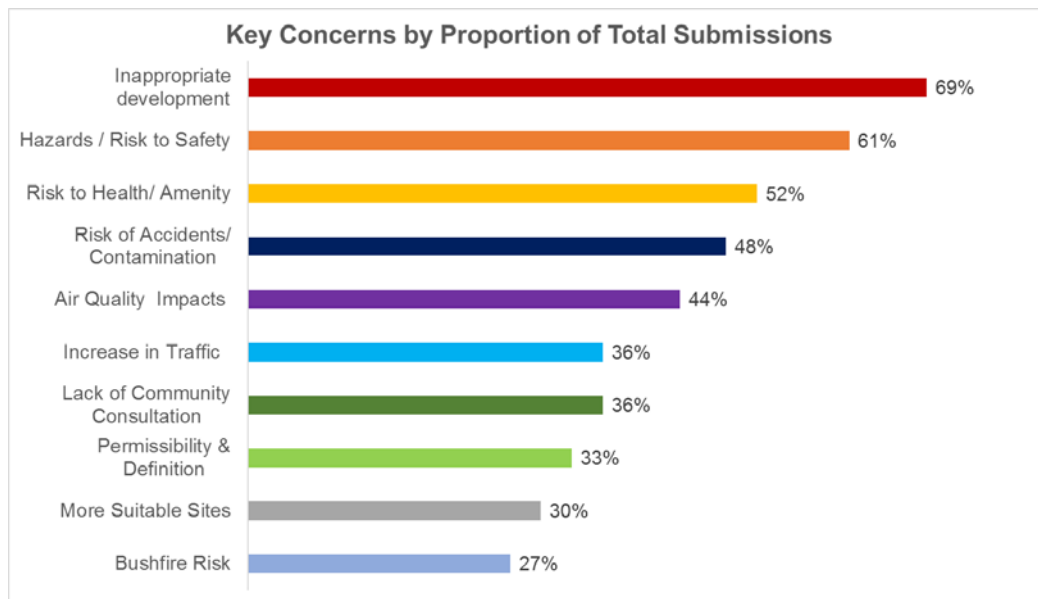


Figure 15 | Key issues identified in objecting submissions for the proposed Nulon Oils facility

5.3 Response to Submissions

In June 2018, the Applicant provided a RTS on the issues raised in the submissions from the exhibition of the proposed Nulon Oils development and the additional community consultation. The RTS was made publicly available on the Department’s website and was provided to key public authorities to consider whether it adequately addressed the issues raised.

5.4 Amended Application - Steelforce

In December 2018, the Applicant advised Nulon Oils was no longer proposing to establish its light industrial facility at the site and submitted an amended DA for the Steelforce warehouse. The Applicant requested the DA be amended in accordance with Clause 55 of the EP&A Regulation. The amended DA comprises the construction and operation of a warehouse for the storage, cutting and distribution of structural steel, as described in detail in **Section 2**. The amendments include:

- a 96 m² reduction in the total GFA proposed, from 10,696 m² to 10,600 m²
- an increase in the northern, eastern and western boundary setbacks by 3.2 m, 2 m and 16.3 m respectively
- a reduction in the provision of car parking by 22 spaces.

The amended DA was provided to key agencies and Council to consider whether it adequately addressed the issues raised for the Nulon Oils application. The Department also provided the amended DA to members of the public who made submissions on the Nulon Oils application. A summary of the agency responses is provided below:

- **Council** – does not object to the amended DA, however provided recommendations for waste, traffic and engineering conditions, expressed concern in relation to the potential noise impacts from deliveries at night and the airbrakes of trucks. Council considers the amended DA to be generally consistent with the definition

of light industry and raised no further concerns in relation to the potential hazards, bushfire or air quality impacts.

- **OEH** – issued a BDAR waiver for the amended DA.
- **RFS** – does not object to the amended DA, however provided recommendations for bushfire conditions to ensure the proposal achieves the required setbacks for the Asset Protection Zones (APZs) and compliance with the Planning for Bush Fire Protection 2006.
- **FRNSW** – does not have any comments as the amended DA is not deemed hazardous or offensive under SEPP 33 screening assessment.

Two members of the public expressed concern in relation to the amended DA. The concerns raised by the members of the public included the following:

- community consultation
- consistency with the BRBH Concept approval
- proposed hours of operation
- potential noise impacts
- potential traffic impacts.

The Department has considered the issues raised in submissions, the RTS and the supplementary concerns raised in response to the amended DA, in its assessment of the development.

5.5 The Department’s consideration of the issues raised in submissions

The key issues raised during exhibition of the original application have been largely addressed through the amended DA. The Steelforce Warehouse Facility presents a development with lower impacts given it seeks to store and distribute steel products in lieu of the original proposal which sought to blend, store and distribute automotive lubricating oils.

The Department’s consideration of issues raised by the community during the Nulon Oils exhibition is discussed in **Appendix C**.

The concerns raised by members of the public in response to the amended DA, and how the Department has considered each issue, is summarised in **Table 4**.

Table 4 | Department’s response to issues raised by members of the public on the amended DA

Issue raised	Consideration
<p>Community Consultation</p> <ul style="list-style-type: none"> • the community consultation by the Applicant on the amended application was inadequate • the Department only notified previous submitters 	<ul style="list-style-type: none"> • A member of the public expressed concern that the Applicant did not consult with the community on the amended DA and that only previous submitters were notified of the amended DA. • The Department determined the environmental impacts of the amended development have been reduced. On this basis, re-exhibition of the amended application is not required under Schedule 1 of the EP&A Act. • Notwithstanding, the Department invited previous submitters for the Nulon Oils EIS to comment on the amended DA for the Steelforce warehouse between 15 January 2019 and 15 February 2019. • The Department has recommended as a condition that the Applicant consult with the community, including nearby sensitive receivers, regularly throughout the development.

- The Department is satisfied the community consultation on the amended DA is adequate.

Conditions include the requirement that the Applicant consult with the community regularly throughout the development.

<p>Consistency with the BRBH Concept approval</p> <ul style="list-style-type: none"> • concern that the proposed development is not consistent with the approved concept for the BRBH 	<ul style="list-style-type: none"> • Concerns were raised by a submitter that the amended development is not consistent with the approved concept and site plan for the BRBH. • The EIS provided an assessment of the proposal against the Design Guidelines approved for the BRBH. • The Department has closely considered the consistency of the proposed development with the concept approval (refer Section 4.2) and is satisfied the proposed layout and design of the development is in accordance with the approved concept plan for the BRBH.
<p>Potential noise impacts</p> <ul style="list-style-type: none"> • concern that the proposed 24 hour, 7 days per week nature of the operation would impact on the amenity of nearby residential properties due to increased noise • concern that increases in traffic would increase noise impacts on residents 	<ul style="list-style-type: none"> • Submitters raised concerns relating to the proposed hours of operation and the impact on the amenity of nearby residents from increased noise. • The proposed hours of operation of the development would be 24 hours, Monday to Friday and, generally, 6 am to 3 pm on Saturdays. • The Applicant’s assessment of the potential acoustic impacts concluded that, with the implementation of a Driver Code of Conduct and, allowing for up to two night-time deliveries only from the western side of the site, the proposed operations would comply with noise criteria at all nearby receivers, at all times. • The Department is satisfied that the proposed hours of operation would not have an unreasonable impact to the amenity of nearby residents with the implementation of conditions restricting the number and location of night time deliveries and requiring that the Applicant implement a Driver Code of Conduct.
<p>Potential traffic impacts</p> <ul style="list-style-type: none"> • concern that the predicted increase in traffic from the proposed development would create traffic delays 	<ul style="list-style-type: none"> • Submitters expressed concern that the predicted increase in traffic from the development would result in further delays on surrounding roads. • The traffic report found the predicted traffic generated by the development will be less than that approved under SSD 6324. • The Department has undertaken a detailed assessment of the potential traffic impacts and parking and concluded that operational traffic would not result in any additional adverse impacts beyond that approved by the BRBH for SSD 6324. • The Department’s assessment has concluded that, subject to the implementation of recommended conditions, the traffic impacts are acceptable. • The recommended conditions require the Applicant to implement a Work Place Travel Plan and a Construction Traffic Management Plan to reduce the potential impacts from construction and operational traffic.



6. Assessment

The Department has considered the amended EIS, the issues raised in the submissions and other comments provided by members of the public and supplementary information in its assessment of the development. The Department considers the key assessment issues for the Steelforce facility are noise and traffic.

The key issues raised during exhibition of the Nulon Oils facility have been largely addressed through the amended DA. Several other issues relevant to the amended DA were considered to be minor and are addressed in **Table 6** under **Section 6.3**.

6.1 Noise

The development has the potential to cause noise impacts to surrounding residential properties during both the construction and operation. The nearest residential receivers are located at 12 Bringelly Road, and areas of residential developments along Cowpasture Road to the east and Stuart Road to the north of the site (as shown on **Figure 3**).

Construction

Construction noise impacts may arise at the nearest residential properties, being 12 Bringelly Road, during the predicted nine-month construction period. The Noise Impact Assessment (NIA) submitted with the EIS includes a qualitative assessment of construction noise primarily from construction equipment such as earthmoving machinery, concreting equipment and piling plant. The NIA recommended several mitigation measures to minimise construction noise impacts to the adjoining residence including, where possible, using less noise-intensive construction equipment and establishing loading areas as far as practicable from sensitive receivers.

While the Department acknowledges there may be some construction noise impacts on the nearest sensitive receiver, the Department is satisfied construction noise would be controlled through the adoption of the Applicant's mitigation measures and would be short term and temporary in nature. Conditions are recommended to ensure the development is constructed to achieve the noise management levels in the latest version of the Interim Construction Noise Guideline (ICNG). Construction works would be restricted to standard day-time working hours and would not occur on Sundays or public holidays. The Department considers the construction noise impacts can be managed to an acceptable level through adherence to the ICNG.

Operation

Warehouse operations, including deliveries, the cutting of steel and loading and unloading of trucks may contribute to potential noise impacts on nearby residents. The proposed hours of operation of the development would be 24 hours, Monday to Friday and 6 am to 3 pm on Saturdays, with the use not proposed to operate on Sundays.

The NIA provides a quantitative assessment of operational noise impacts, in accordance with the NSW Noise Policy for Industry 2017 (NPII). The NIA noted that existing background noise levels in the area are generally dominated by road traffic noise from Cowpasture Road.

The NIA considered a potential worst-case 15-minute scenario for internal warehouse activities, that is a truck being loaded or unloaded simultaneously while steel is also being cut. In the RTS, the Applicant considered the worst-case 15-minute scenario for external activities as being up to two semi-trailer trucks during the day time and evening period and up to two semi-trailer trucks at night being on site at the same time.

Based on this worst-case scenario, the Applicant concludes that the operational noise levels for the development would meet the relevant noise criteria, with the exception of noise being generated by the airbrakes of trucks of an evening and night time, which would create sleep disturbance to 12 Bringelly Road, and minor sleep disturbances to properties to the north along Stuart Road.

The NIA found the noise generated from truck airbrakes used on site would result in a three decibel (dBA) exceedance in the night time sleep disturbance criteria of 52 dBA. 12 Bringelly Road, which comprises of two residential dwellings, was found to be the most impacted property, however, the Applicant has advised that one of the dwellings has been abandoned and therefore is not considered a noise sensitive receiver for the purposes of this application.

Noise levels at 12 Bringelly Road would exceed the project trigger levels which are, 43 dBA during the evening (6 pm to 10 pm) and 40 dBA at night time (10 pm to 7 am). The predicted exceedance for both periods is 8 dBA and 2 dBA, being 51 dBA for the evening and 42 dBA for night time. These exceedances are a result of proposed truck movements and the use of airbrakes during the evening and night time. Notwithstanding, the Applicant has advised deliveries would generally only occur during daytime hours with up to two semi-trailer deliveries at night.

As the night time noise criteria would be exceeded due to noise from truck deliveries, Council recommended a condition requiring all night time deliveries be prohibited. Council also recommended the Applicant provide noise mitigation measures to address the predicted impacts from the use of airbrakes on the site. This approach is consistent with the concept approval, as it required any future development to ensure appropriate acoustic amenity can be achieved at surrounding receivers.

In response to Council's concerns, the Applicant proposed to restrict night time deliveries to entering and exiting the site via the western access only which is furthest away from the residential receivers, thereby increasing the distance between delivery trucks and 12 Bringelly Road. The Applicant also offered to minimise noise from airbrakes on the site by ensuring that, at night, airbrakes were released only on Skyline Crescent. The Applicant provided revised modelling to demonstrate that, with these measures in place, the development would comply with night time project trigger levels at 12 Bringelly Road and sleep disturbance criteria at the residential receivers to the north.

Council raised no further concerns.

Public submissions raised noise as an issue for both the originally proposed Nulon Oils facility and the amended DA for the Steelforce facility. The Department considers that the proposed operations and noise generated complies with the relevant noise criteria and is consistent with the intent of the planning strategies and the development consent for the BRBH. The Department does not consider it reasonable or necessary to restrict night time deliveries to the site, as recommended by Council. The Applicant's revised modelling indicates the predicted noise levels from the development can comply with the relevant night time noise criteria at all receivers, by ensuring night time deliveries use the western access and by prohibiting the use of airbrakes on site. To ensure these mitigation measures are implemented, the Department has recommended conditions requiring that the Applicant prepare and implement a Driver Code of Conduct. The Driver Code of Conduct would ensure drivers are trained in reducing noise, including from airbrakes and are aware that night time deliveries occur only from the western access.

The Department considers the predicted noise impacts of the development are minimal and acceptable in the context of the site and that, with the implementation of the recommended conditions, noise would be suitably mitigated to maintain the amenity of the neighbourhood.

Road Traffic Noise

The NIA also considered the increase in noise levels from road traffic generated by the development. The assessment concluded that potential noise impacts from additional heavy and light vehicles would be negligible as noise would be masked by the existing high volumes of traffic on surrounding roads, including Bringelly Road. The Department considers that the implementation of the Driver Code of Conduct would ensure drivers are trained in reducing noise from vehicles to minimise impacts on nearby residences.

Conclusion

The Department's assessment concludes that given the nature of the development within an approved business hub and in an area which experiences high volumes of traffic the predicted noise impacts would not interfere with the amenity of the local area. Furthermore, the implementation of conditions requiring adherence to the ICNG and a Driver Code of Conduct will ensure appropriate noise mitigation measures are in place for the facility.

6.2 Traffic

The construction and operation of the warehouse would generate additional traffic movements, which has the potential to impact on the safety and operational performance of the surrounding road network. Access to the site will be via Bringelly Road and Skyline Crescent, with separate accesses for light and heavy vehicles. The amended EIS for Steelforce includes a Traffic and Parking Impact Assessment (Traffic Report), which assessed the development's potential traffic, access and parking impacts. The Traffic Report was prepared with reference to the *RMS Guide for Traffic Generating Developments 2000*.

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 Traffic Report. No concerns were raised by Council or RMS in relation to the proposed site access arrangements. The proposed 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

As noted in the Traffic Report, the approved traffic assessment for the BRBH predicted the operational performance of the nearby key intersections of Bringelly Road/Skyline Crescent and Bringelly Road/Cowpasture Road. The original assessment, prepared for the Nulon Oils facility 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 expected to be completed by RMS by May 2019. 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 original BRBH predicted the operational performance of these key intersections would be as shown in **Table 5**. 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 5 | 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 Applicant advised the proposed hours of operation would be as follows:

- warehouse-based staff: 24 hours per day, Monday to Friday over three shifts and between 6 am and 3 pm on Saturdays
- office staff: between 8 am and 5:30 pm Monday to Friday.

The Traffic Report assumes that 10 staff will be office-based and 28 staff would be based in the warehouse.

The peak traffic generation of the development would be 16 vehicle movements per hour in the AM (7 am to 8 am) and 14 vehicle movements in the PM (5 pm to 6 pm) during road network peak periods. This is significantly less than the traffic generation predicted for Lot 8 in the traffic impact assessment for the BRBH, which assessed the impacts of up to 65 and 128 vehicle movements in the AM and PM peak road network periods respectively. The Traffic Report 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. 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 much 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 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 Traffic Report. 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 10 % of the traffic previously predicted for the site as part of the BRBH, 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.

Conclusion

The Department’s assessment concludes that the proposed traffic generation is lower than the predicted generation for the BRBH and the facility provides safe access and manoeuvrability on site. Furthermore, the implementation of conditions requiring a construction traffic management plan and work place travel plan will ensure appropriate measures are introduced to manage and minimise traffic generation associated with the facility.

6.3 Other Issues

The Department’s assessment of other issues is provided in **Table 6**.

Table 6 | Assessment of other issues

Consideration	Recommended Conditions
Construction Traffic	
<ul style="list-style-type: none"> The 35-week construction of the proposed development would increase traffic in the locality, which has the potential to impact on the safety and efficiency of the road network. The Traffic Report has estimated that, during construction, there would be a maximum of 70 workers on site at any given time, however this would vary significantly depending on the construction stage. The Applicant has advised the expected construction traffic during this period would generally 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. RMS and Council raised no objection however recommended conditions including that the Applicant prepare and submit a final CTMP to manage construction traffic. The Department has recommended the implementation a CTMP to ensure the proposed development provides adequate vehicle access. The Department’s assessment has concluded that, subject to the implementation of the recommended conditions, the proposed access and parking arrangements are sufficient and the traffic impacts acceptable. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare and submit a final Construction Traffic Management Plan
Water Management	
<ul style="list-style-type: none"> The development will alter natural drainage lines by establishing buildings and impervious hardstand area and therefore may increase stormwater flows. Increased runoff has the potential to impact on upstream and downstream catchments both in quantity and quality of flows, if not controlled by a stormwater management system (SMS). A Civil Engineering Report (the engineering report) was provided with the amended DA, prepared in accordance with DCP 2008. Consistent with the BRBH estate management strategy approved under SSD 6324, the quantity of stormwater from the site will be managed via an in-ground detention tank which will discharge to Bedwell Park. An existing flow path will convey stormwater from the discharge point to the wetland. The engineering report concludes the proposed 480 m³ detention tank would attenuate stormwater flow from the site to pre-development levels and accommodate a 1 in 100-year average recurrence interval (ARI) storm event. Flooding risks of the BRBH were assessed under SSD 6324 and the approved site levels achieve flood immunity from a 1 in 100-year ARI event. The engineering report identifies that stormwater 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 DCP 2008. Council suggested conditions requiring the Applicant design the stormwater pre-treatment system to meet the pollutant retention criteria outlined in DCP 2008 and the EPA recommended a condition requiring the submission and implementation of an erosion and sediment control plan prior to works commencing. The Department supports the EPA’s and Council’s recommendations and is satisfied the site’s proposed SMS has sufficient safeguards to protect the Bedwell Park Wetland. The Department’s assessment concludes the stormwater drainage has been designed in accordance with the requirements of Council and is adequate for the management and treatment of stormwater flows from the site. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> install and maintain suitable erosion and sediment control measures on-site prepare a final stormwater management plan which demonstrates that stormwater quality will be managed in accordance with Council’s pollutant retention criteria.
Bushfire Risk	
<ul style="list-style-type: none"> As the proposed development involves the storage of combustible liquids and DGs on bush fire prone land, the development has the potential to increase bush fire risks. The amended DA included a Bushfire Protection Assessment which concluded the development complies with the acceptable solutions of ‘Planning for Bush Fire Protection 2006’. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> manage, in perpetuity, the Asset Protection Zones design and construct the development in

Consideration	Recommended Conditions
<ul style="list-style-type: none"> RFS recommended conditions to ensure compliance with Australian Standards and 'Planning for Bush Fire Protection 2006' and the management of the Asset Protection Zones (APZs) outlined in the Applicant's Bushfire Protection Assessment. The Department's assessment adopted the design and construction requirements proposed by the Applicant to ensure compliance with the relevant Australian Standards and 'Planning for Bush Fire Protection 2006' to manage bush fire risks. The Department has included conditions to ensure compliance with the requirements are met by the development. 	<p>accordance with 'Planning for Bush Fire Protection 2006'.</p>
Parking	
<ul style="list-style-type: none"> Parking rates for warehouse uses in the BRBH were approved under SSD 6324. 48 parking spaces are proposed on-site, as required under SSD 6324. TfNSW recommended as a condition that the Applicant install 10 bicycle parking spaces on-site. The Department is satisfied the provision of parking is consistent with the parking requirements established under SSD 6324 and, with the implementation of TfNSW conditions, will provide sufficient parking for staff and visitors. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> provide sufficient parking facilities on-site provide bicycle parking spaces in accordance with the rates in the Cycling Aspects of Austroads Guides (2017).
Biodiversity	
<ul style="list-style-type: none"> The consent for SSD 6324 approved the clearing of vegetation across the BRBH including 1.096 ha of Grey Box – Forest Ref Gum woodland, subject to the purchase and retirement of biodiversity offsets. At the request of OEH, the Applicant submitted an assessment of the potential impact from the development on biodiversity values. OEH determined the proposed development is not likely to have any significant impact on biodiversity values and that there was no need for the SSD application to include a BDAR. Council's submission did not raise biodiversity impacts as a concern. The Department agrees with OEH's conclusions and is satisfied the proposed Steelforce warehouse would not have any additional impacts on biodiversity which have not been assessed and approved under the consent for SSD 6324. 	<p>No conditions relating to biodiversity are required.</p>
Heritage	
<p><u>Aboriginal and Historical Archaeology</u></p> <ul style="list-style-type: none"> The potential impact of development on the site to Aboriginal and archaeology was assessed under the consent for the BRBH (SSD 6324). Under SSD 6324 the Department concluded that, due to heavy disturbance of the site and the lack of evidence uncovered, there was nil to low potential for cultural deposits to exist across the BRBH. <p><u>European Heritage</u></p> <ul style="list-style-type: none"> The potential impact of development on the site to Aboriginal and archaeology was assessed under the consent for the BRBH (SSD 6324). Under the conditions of SSD 6324 the Applicant was required to submit, for the Department's approval, an update to the Aboriginal and Historical Archaeological Assessment (AHAA) to assess the impact of the BRBH on the heritage significance of Bringelly Road. The Applicant submitted an addendum to the 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. The Department's assessment concludes that the potential impacts of the development on the Aboriginal, historical archaeology and European heritage was assessed and deemed acceptable under SSD 6324 and no further assessment is required. 	<p>No conditions relating to heritage are required.</p>
Waste Management	

Consideration	Recommended Conditions
<ul style="list-style-type: none"> The Applicant provided a Waste Disposal Procedure which indicated the waste types and quantities likely to be produced during the operation of the facility and whether wastes would be reused, recycled or disposed of. Council provided recommendations for the design of a waste storage area. General solid waste of both a recyclable and non-recyclable nature will be accumulated in industrial bins in the building. All waste will be disposed offsite by authorised agents to licensed waste disposal facilities. 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. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> identify, classify and manage wastes in accordance with the EPA's Waste Classification Guidelines.
<h3>Contamination and Remediation</h3>	
<ul style="list-style-type: none"> Bulk earthworks and remediation of potential sources of contaminants on the BRBH site was required as part of the consent for SSD 6324. 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 considers the site has been made suitable to accommodate the proposed light industrial use. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> ensure only excavated natural material or virgin excavated natural material is brought to the site.
<h3>Development Contributions</h3>	
<ul style="list-style-type: none"> Lot 8 of the BRBH is located in the WSP and is not subject to development contributions. 	<p>No conditions relating to development contributions are required.</p>



7. Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects listed under section 1.3 of the EP&A Act and the principles of ESD. The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development and the submissions received from Government agencies, Council and the public.

The Department considers the amended Steelforce application results in a development outcome which has significantly reduced environmental impacts compared to those predicted from the original Nulon Oils light industrial development. For example, a key concern raised by submitters for the original Nulon Oils development related to the potential hazards and amenity impacts associated with the blending and storage of oils. Due to the nature of the amended Steelforce application which is for a warehouse, as opposed to a light industrial use, this is no longer a key issue.

The key issues for the Steelforce development relate to noise and traffic. The Department's assessment found that the assessment resulted in an exceedance in the night time and sleep disturbance noise criteria at the adjoining residential property due to truck movements. However, conditions have been recommended to ensure heavy vehicles adhere to a Driver Code of Conduct when accessing the site, restricting vehicles to using only the western access between 10 pm and 7 am and minimising the use of airbrakes. The implementation of these mitigation measures will ensure the development will comply with the noise criteria. As such, through the inclusion of specific conditions, and considering the changing context of the site's location within the approved BRBH, the development can mitigate the noise impacts and meet the noise requirements appropriately. Regarding the traffic generation for the development, the overall traffic generation would be less than originally assessed and approved for the BRBH, therefore, the development would have a minimal impact on the local road network performance.

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

- preparation and implementation of a Driver Code of Conduct
- implementation and maintenance of landscape buffer screening
- preparation and implementation of a Construction Traffic Management Plan.

The Department also considers the development to be acceptable and in the public interest as the development:

- would deliver 70 construction jobs and 38 operational jobs in Western Sydney
- would contribute \$10.7 million in private investment in the WSP
- would contribute funding for the ongoing management of the WSP
- is consistent with the objectives of the relevant strategic planning framework including the Greater Sydney Region Plan and the POM
- would provide a high quality development with a design outcome which is consistent with the BRBH approval
- would not result in any significant adverse environmental or amenity impacts.

The Department concludes the proposal is in the public interest and the application is approvable, subject to conditions. This report is hereby presented to the IPC for determination



8. Recommendation

Following on from its assessment of the development, the Department recommends acceptance of the amended application and considers the development is approvable, subject to any conditions of consent. This assessment report is hereby presented to the Independent Planning Commission for determination.

Prepared by:
Chloe Dunlop
Industry Assessments

Recommended by:


Chris Ritchie 21/5/19.
Director
Industry Assessments

Recommended by:


Anthea Sargeant 28/5/19
Executive Director
Key Sites & Industry Assessments



Appendices

Appendix A – List of Documents

Appendix B – Statutory Considerations

Appendix C – Key Issues – Council and Community Views

Appendix D – Recommended Conditions of Consent

Appendix A List of Documents

The Department has relied upon the following key documents during its assessment of the SSD application:

Environmental Impact Statement

- Environmental Impact Assessment and attachments, prepared by Ethos Urban Pty Ltd dated 5 November 2018 (see: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8900)

Submissions

- (see: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8900)

Further Response to Submissions

- Response to Submissions, prepared by ESR/CIP dated 12 February 2019
(see: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8900)

Statutory Documents

- Relevant environmental planning instruments, policies and guidelines (described in **Appendix B**)
- Relevant requirements of the EP&A Act.

Appendix B Statutory Considerations

i. Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the matters contained in **Table 7**. In summary, the Department is satisfied the proposed development is consistent with the requirements of section 4.15 of the EP&A Act.

Table 7 | Matters for consideration under section 4.15

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 Planning 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> <p>that apply to the land to which the development application relates,</p>	<ul style="list-style-type: none">• A detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under the EP&A Act) that apply to the proposed development is provided below.• The Applicant has not entered into any planning agreement under section 7.4 of the EP&A Act.• The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the EP&A Regulation, the findings of which are contained within this report.
<p>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,</p>	<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.
<p>c) the suitability of the site for the development,</p>	<ul style="list-style-type: none">• The proposed development involves the construction and operation of a warehouse with associated light industry and ancillary office in the approved BRBH. The proposed development is permissible with development consent.
<p>d) any submissions made in accordance with this Act or the regulations,</p>	<ul style="list-style-type: none">• All matters raised in submissions have been summarised in Section 5.2 and Section 5.4 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.**

- The development would generate up to 70 jobs during construction and 38 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.

ii. 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.

8.1.1

iii. Compliance with Controls

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

The relevant sections of the SRD SEPP are addressed in **Table 8**.

Table 8 | SRD SEPP compliance table

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

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 9** below.

Table 9 | 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 assessed the ecological issues in Table 6 . The Department is satisfied 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 corridor linking core habitat such	As identified above, the Department assessed ecological issues in Table 6 . The Department is satisfied that the development will not impact on the continuity of the WSP as a corridor linking core habitat.

as the endangered Cumberland Plain Woodland

<p>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</p>	<p>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.</p>
<p>The impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of Western Sydney</p>	<p>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 and eastern boundary. The Department is satisfied the layout and landscaping of the proposal 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.</p>
<p>The impact on public access to the Western Parklands</p>	<p>The location of the development will not hinder public access to the WSP.</p>
<p>Consistency with any plan of management or precinct plan for the WSP</p>	<p>The POM 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 proposal represents a portion of the 2 % of the WSP which is to be developed for business purposes and is consistent with the POM. A detailed assessment of the POM is provided in Section 3.3 of this report.</p>
<p>The impact on surrounding residential amenity</p>	<p>The nearest residential properties are identified in Figure , and an assessment of potential noise impacts is provided in Section 6 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.</p>
<p>The impact on significant views</p>	<p>The Department has considered the potential visual impacts of the development in Table 6 and is satisfied the development will not significantly impact on any significant views.</p>
<p>The effect on drainage patterns, ground water, flood patterns and wetland viability</p>	<p>The Department has assessed flooding and stormwater management issues associated with the proposal in Section 6.3 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.</p>
<p>The impact on heritage items</p>	<p>An assessment of the heritage impacts associated with the proposal is provided in Section 6.3 of this report.</p>

The impact on traffic and parking	An assessment of the traffic issues associated with the proposal is provided in Section 6 of this report. The proposed provision of parking is consistent with the parking provisions established for the BRBH.
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iv. Consideration of Environmental Planning Instruments

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.

The Department has consulted and considered the comments from relevant public authorities (refer to **Section 5.2** 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 Liverpool 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 warehouse with an associated light industrial use. The Applicant 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 submission stated that assessment of contamination was addressed as part of the original Concept Plan approval.

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 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 two (2) 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 Steelforce 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 Key Issues – Council and Community Views

The Department publicly exhibited the EIS for the Nulon Oils light industrial facility from **Thursday 1 February 2018** until **Friday 2 March 2018**. The Department received 75 submissions on the proposed Nulon Oils development during the exhibition period, including 11 from public authorities, including Council and 64 from the general public. Of the 64 public submissions, 62 objected to the development.

The issues raised by the public submissions and Council and how each issue has been addressed is summarised in **Table 10**.

Table 10 | Department’s response to issues raised in submissions from the public from the public exhibition period

Issue raised	Consideration
<p>Site suitability and definition</p> <ul style="list-style-type: none"> the light industrial development was not a suitable use in this location and did not meet the light industry definition 	<ul style="list-style-type: none"> A number of submissions expressed concern the Nulon Oils light industrial development was not a suitable use in this location and did not meet the light industry definition. In December 2018, the Applicant advised Nulon Oils was no longer proposing to establish its light industrial facility at the site and submitted an amended DA for the Steelforce warehouse. Under the amended DA, the Applicant seeks to construct and operate a warehouse and distribution facility to be primarily used for the storage, cutting and distribution of structural steel. The suitability of the proposed Steelforce development on the site was considered by the Department as part of its assessment (Section 6). The Department is satisfied the proposed development is correctly characterised as a warehouse and distribution centre with associated light industry and is a suitable use for the site, with the implementation of the recommended conditions.
<p>Hazards and Risk</p> <ul style="list-style-type: none"> concerns relate to public safety risks from fire and explosion and the storage and handling of dangerous goods and combustible liquids 	<ul style="list-style-type: none"> Concerns were raised regarding the public safety risks associated with fire and explosion and the storage and handling of dangerous goods (DGs) proposed as part of the Nulon Oils light industrial facility. The Applicant submitted an amended DA for the Steelforce warehouse, which results in a significant reduction in the quantities of DGs to be stored on the site. The amended DA includes a screening assessment which identifies that the DGs stored on site would not exceed the threshold quantities of SEPP 33, meaning the proposed development is not classified as a ‘potentially hazardous facility’. The Department’s assessment of hazards and risk is outlined in Section 6. The Department is satisfied the Applicant has sufficiently considered the potential risks associated with the storage and handling of DGs and determined risks are within the acceptable criteria. <p>Conditions include:</p> <ul style="list-style-type: none"> The Applicant must ensure that the quantities of DGs stored on site remain below the screening threshold quantities listed in the SEPP 33 guideline. The Applicant must store and handle all chemicals, fuels and oils in accordance with relevant Australian Standards and the EPA’s Storing and Handling of Liquids: Environmental Protection – Participants Handbook.
<p>Bushfire Risk</p>	<ul style="list-style-type: none"> As the proposed Nulon Oils development involved the storage of combustible liquids and DGs, a number of submitters were concerned the development would increase bush fire risks.

- concerns that the proposed development would increase the risks of bushfire in the area
- The Applicant submitted an amended DA for the Steelforce warehouse, which results in a reduction in the quantities of DGs to be stored on the site.
- The Applicant has undertaken a Bushfire Protection Assessment and has committed to maintaining separation distances between bushfire prone vegetation on the northern boundary and the development, meeting relevant Australian Standards and 'Planning for Bush Fire Protection 2006'.
- The Department has incorporated the recommendations of the Rural Fire Service and recommended conditions, including maintaining the separation distances from bushfire prone vegetation.
- The Department is satisfied the adoption of the recommendations of the Bushfire Protection Assessment will ensure the development fulfils the conditions and construction requirements to negate the risks from bushfire.

Conditions include:

- The Applicant must ensure the development complies with relevant Australian Standards and 'Planning for Bush Fire Protection 2006'.
- The Applicant must maintain the Asset Protection Zones (APZs) outlined in the Applicant's Bushfire Protection Assessment.

Air Quality Impacts

- concerns the proposed Nulon Oils development would result in adverse air quality impacts, including odour impacts
- Concerns were raised that the proposed Nulon Oils development would result in potential air quality impacts, including odour impacts.
- The Applicant submitted an amended DA for the Steelforce warehouse, with an amended Air Quality Impact Assessment, which concluded the potential air quality impacts would be low.
- The Department's detailed assessment found the development would meet all relevant air criteria with the implementation of the recommended air quality conditions.
- The Department is satisfied that, with the implementation of the recommended conditions, the proposed development will not result in reduced air quality or odour impacts on the neighbourhood.

Conditions include:

- The Applicant must take all reasonable steps to minimise dust generated during all works.
- The Applicant must ensure the development does not cause or permit the emission of any offensive odour.

Traffic Impacts and Parking

- concern that the proposed development would increase traffic in the area
- concern that there is insufficient parking proposed for the development
- A number of submissions expressed concern in relation to the impacts from additional traffic generated by the proposed Nulon Oils development and the adequacy of parking for the site.
- The Applicant submitted an amended DA for the Steelforce warehouse, with an amended Assessment of Traffic and Parking Implications report (traffic report).
- The traffic report found traffic generation will be less than that approved under SSD 6324.
- The Department has undertaken a detailed assessment of the potential traffic impacts and parking at **Section 6** and concluded the predicted operational traffic will not result in any additional adverse impacts beyond that approved by the BRBH for SSD 6324.

- The Department’s assessment has concluded that, subject to the implementation of recommended conditions, the proposed parking arrangements are sufficient and the traffic impacts are acceptable.

Conditions include:

- The Applicant must prepare and submit a Work Place Travel Plan, provide sufficient parking, including for bicycles and implement a Construction Traffic Management Plan.

Noise Impacts

- concern that the proposed construction and operation would result in noise impacts, including from increased traffic

- Some submitters expressed concern that the proposed development would result in amenity impacts from increased noise.
- To minimise noise impacts, the Applicant has committed to ensuring deliveries only from the western entrance at night to comply with noise criteria.
- The concerns were considered in the Department’s assessment in **Section 6**.
- The Department’s assessment concluded that noise impacts could be suitably managed through the recommended conditions.

Conditions include:

- Restricting the construction hours, the requirement that the development is constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline and ensuring night time deliveries utilise the western entrance/exit only.

Lack of Community Consultation

- concern community consultation was inadequate prior to the lodgement of the Nulon Oils EIS

- A number of submitters expressed concern regarding the adequacy of the consultation undertaken by the Applicant.
- The Department has described the community consultation process in detail in **Section 5**.
- The Department considers sufficient community consultation has been undertaken.

Water Treatment and Flooding

- concern that the development would result in flooding impacts
- concern that the development would contaminate the nearby Bedwell Park Wetland

- A number of submissions raised concern in relation to flooding and potential contamination of stormwater, including from stormwater flowing into the Bedwell Park Wetland.
- In relation to flood evacuation, it is noted the site is not flood prone.
- However, as assessed and approved under SSD 6324, should flooding of the BRBH occur, the evacuation route will be to Bringelly Road via Skyline Crescent.
- The potential impacts to stormwater quantity and quality and flooding have been assessed in detail in **Section 6.3**.
- The Department’s assessment concludes the implementation of the recommended conditions will ensure there are sufficient safeguards to protect the Bedwell Park Wetland and surrounds from stormwater runoff.

Conditions include:

- The requirement that the Applicant design, install and operate a stormwater management system for the development and install and maintain erosion and sediment control measures on-site.

Economic Impacts

- concern that the Nulon Oils development would

- Some submitters expressed concern in relation to the potential impact of the proposed Nulon Oils development on house prices in the area.
- Potential impact on house prices is not a relevant planning consideration.

<p>adversely impact house prices in the area</p>	<ul style="list-style-type: none"> • However, the amended DA for the Steelforce warehouse would generate 38 operational jobs in the Liverpool LGA. As such, the Department considers the proposal would contribute positively to the Western Sydney economy and to the ongoing preservation of the Western Sydney Parklands.
<p>Threat to WSP including flora and fauna</p> <ul style="list-style-type: none"> • concern that the development would threaten the flora and fauna in the WSP 	<ul style="list-style-type: none"> • The potential impact of the development on biodiversity, including flora and fauna is described in Section 6.3. • The consent for SSD 6324 approved the clearing of vegetation across the BRBH, subject to the purchase and retirement of biodiversity offsets. • The Department’s assessment concluded the proposed development would not have any adverse impacts on flora and fauna.
<p>Visual Impacts</p> <ul style="list-style-type: none"> • concern that the proposed development would have unacceptable visual impacts for nearby residential properties 	<ul style="list-style-type: none"> • The Department has considered the potential visual impacts of the proposed development on nearby residential properties in Section 6.3. • The Department notes the proposed bulk and design of the development is consistent with the Concept Proposal approved under SSD 6324. • Visually, the proposed 13.7 m high building will not be imposing and, with screening from landscaping on the eastern boundary will have minimal impact on the appearance of the neighbourhood. <p>Conditions include:</p> <ul style="list-style-type: none"> • The requirement that the Applicant implement a Landscape Management Plan and provide site landscaping, including along the eastern boundary of the site.
<p>Heritage Impacts</p> <ul style="list-style-type: none"> • concern that the proposed development would result in impacts to the heritage including cultural heritage of the area 	<ul style="list-style-type: none"> • The Department’s assessment has addressed concerns related to the potential heritage impacts of the proposed development in Section 6.3. • The Department is satisfied the potential impacts on the Aboriginal, historical archaeology and European heritage was assessed and deemed acceptable under SSD 6324 and no further assessment is required.

Appendix D Recommended Conditions of Consent

The recommended conditions of consent for SSD 8900 can be found on the Department's website at:
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8900