



PRELIMINARY
ENVIRONMENTAL
ASSESSMENT

Distribution & Storage Facility
(Data Centre)

Eastern Creek, Blacktown

August 2010



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Executive Summary

Hewlett Packard Australia Pty Ltd (HP) is proposing to construct and operate a distribution and storage facility (data centre) at Eastern Creek, Blacktown (Project). The Project will be located on a site at the corner of Roberts Road and Capicure Drive, Eastern Creek described as Lot 554 DP 1110447 (Site).

The Site forms part of the Eastern Creek Precinct Plan – Stage 3 prepared under *State Environmental Planning Policy No 59 – Central Western Sydney Economic and Employment Area* and is located within the local government area of Blacktown City Council.

HP is seeking project approval from the Minister for Planning (Minister) under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the Project.

The Project comprises the construction and use of a data centre building and associated infrastructure on the Site.

The data centre will provide an important Sydney based facility for the clients of Hewlett Packard.

This Preliminary Environmental Assessment (PEA) provides a project description, examines the existing environmental conditions of the Site and surrounds, statutory planning framework, and potential environmental impacts of the Project.

This PEA supports the project application to the Minister under Part 3A of the EP&A Act for project approval for the Project.

The PEA identifies the key environmental and planning issues which are proposed to be the subject of more detailed investigations in the Environmental Assessment (EA) for the Project.

The PEA has been prepared to assist the Director-General of the Department of Planning (DoP) to prepare environmental assessment requirements for the Project under section 75F of the EP&A Act.

1 Introduction

1.1 Purpose of this Assessment

The PEA has been prepared to support an application under Part 3A of the EP&A Act seeking project approval from the Minister for the Project.

The PEA identifies the key planning and environmental issues to assist the Director-General of the Department of Planning (DoP) to prepare environmental assessment requirements for the Project under section 75F of the EP&A Act.

This application is for a project plan approval for a data centre comprising of one single storey data centre building and associated infrastructure. The site layout and arrangement of infrastructure and services on the site will provide for a potential subsequent second stage involving a second data centre building (or similar development). This second data centre building however does not form part of this proposal.

1.2 Consultation

Initial discussions have been undertaken with the following authorities:

- NSW Department of Planning
- Blacktown City Council

During the preparation of the EA, more detailed consultation will occur with the relevant local, State or Commonwealth government agencies and service providers in relation to the Project.

Given the location of the Site within Eastern Creek it is anticipated that nearby communities will not be affected by the Project, however adjoining landowners will be consulted.

1.3 The Proponent

Hewlett Packard Australia Pty Ltd (HP) is the proponent of the Project. Hewlett Packard was founded in 1939 and serves more than one billion customers in more than 170 million countries on six continents. Hewlett Packard has approximately 304,000 employees worldwide. The Hewlett Packard 2010 Fortune 500 ranking is No 10.

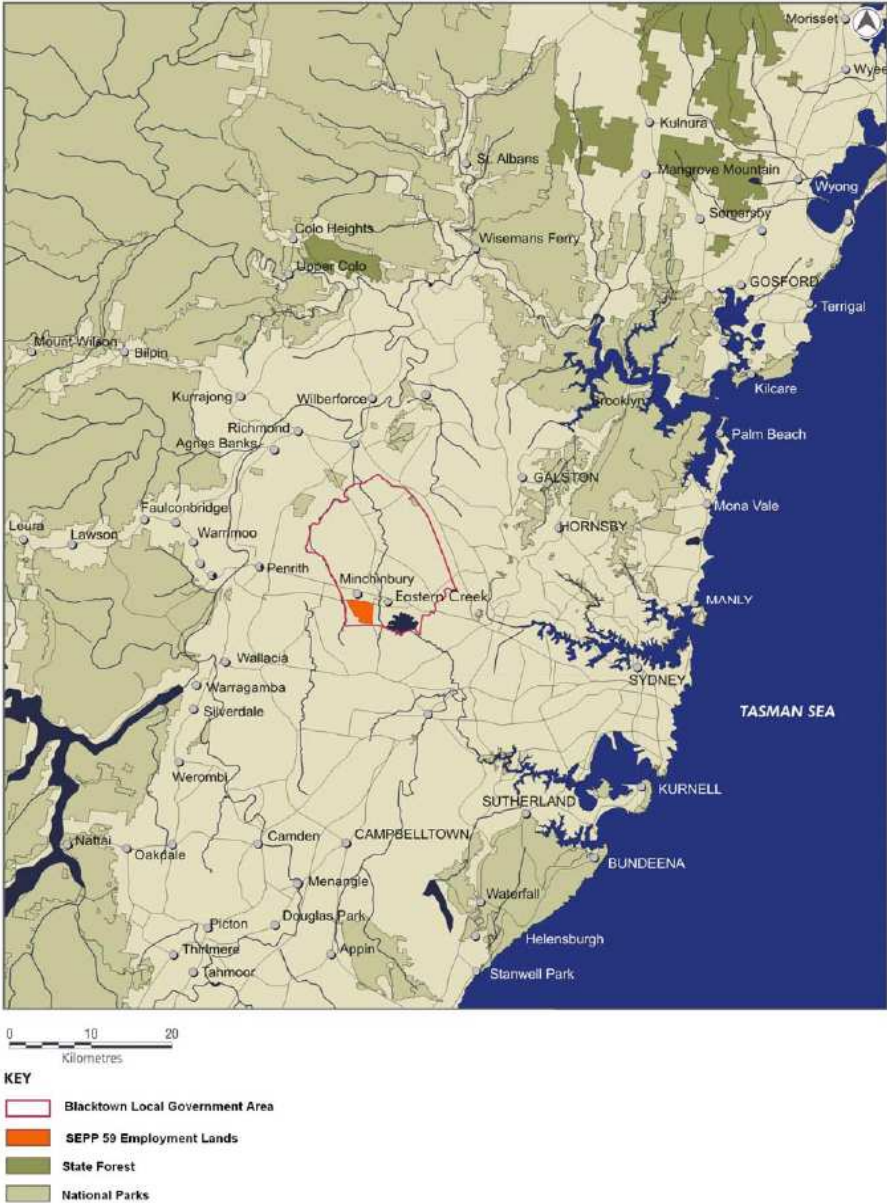
1.4 Site Description

The Site is located on the corner of Roberts Road and Capicure Drive, Eastern Creek and is described as Lot 554 DP 1110447. It has an approximate area of 13 hectares and is located within the Blacktown Local Government Area. The Site is close to the M7 to the east and the M4 to the north. Access to the Site from Old Wallgrove Road is via Capicure Drive. The Site is located approximately 7.8 km south west of the Blacktown CBD and 14.9 km east of the Penrith CBD. Refer to Figure 1.1.

The Site has previously been used for a shale quarry and has since been remediated. The proposed development will involve site works to ensure a proper building platform for the proposed data centre.

The site is currently vacant and largely cleared. To the immediate east of the Site is Reedy Creek. Adjacent to the north east of the Site is the Coles Distribution Centre. To the south is vacant land and a Sydney Water main. To the east of Reedy Creek is the approved Coca Cola facility. The aerial photograph at Appendix I identifies the site.

Figure 1.1: Regional Locality Map (Eastern Creek Area)



Source: Eastern Creek Precinct Plan

2 Project Plan Description

2.1 Key Elements

HP is seeking project approval to construct and operate a data centre on the Site.

This application is for a project plan approval for a data centre comprising of one single storey data centre building and associated infrastructure including mechanical / electrical cooling facilities, drive way access, hard standing manoeuvring areas, security fencing and landscaping. The proposed development will involve site works to ensure a proper building platform for the proposed data centre.

The layout and arrangement of infrastructure and services on the Site will allow for future development of the Site for the purposes of a second data centre building (or similar development). The second data centre building does not form part of the current project application for the Project.

Data Centre Building:

One single story, two (2) cell building, each cell of IT floor space will be 25,000 ft² (2322 m²) with dedicated infrastructure to support each as a stand-alone cell. Each cell will have independent mechanical and electrical systems in a Tier III N+1 Mechanical and 2N Electrical approach.

- Cell 1 will be completely outfitted for 100% load of 200 w/ft² (2153 w/m²).
- Cell 2 will be dark and available to be upgraded to the same specification as Cell 1 without disruption to the facility.
- Is planned as the upgrade to Cell 2 as described above.

Table 2.1: Major Components of the Project

Component	Description
Project Summary	Construction and operation of a data centre at Eastern Creek comprising of a data centre building with associated infrastructure
Data Storage Facility	See Data Centre Building description above.
Height	Single storey with roof top air handling facilities.
Supporting Infrastructure	To include; Constructed drive way ingress / egress Hard standing manoeuvring areas including car parking and servicing Security perimeter fencing Landscape screening
Employment	Peak construction workforce – 200 (estimate) Estimated operational workforce - 5
Capital Value	\$119 million AUS
Construction	Construction of the facility is expected to take approximately 12 months
Hours of Operation	Operations would take place 24 hours a day, 7 days a week

2.2 Building Location

The data centre will be located on the Site to meet all project and fire safety requirements while occupying the minimum amount of Site area.

Other factors in siting the building are:

- Locate the exterior utility yard along the eastern portion of the Site to facilitate the routing of the electrical service;
- Allow for the potential future expansion of the data centre and associated mechanical and electrical spaces;
- Provide sufficient room for fire department access to all points on the exterior of the building.
- To make allowance for a potential future second data centre building.

2.3 Vehicular Access

Access to the Site is available via one (1) existing sealed entrance along the northern boundary of the Site. The principal access point for the Site is to be the northerly sealed entrance, which is to be configured in accordance with HP Security requirements.

It will serve as the main access point for both car and truck traffic for employees, visitors, and deliveries.

The Site circulation design is based upon a full 18 wheel, semi-trailer delivery truck.

All vehicles will be required to stop at the security check point and rejected vehicles will be turned around using the turnaround area provided on the unsecured side of the entrance. All sides of the Site will have security barriers and monitoring 24 hours / 7 days / 365 days a year.

2.4 Access Control

The primary Site access control will occur at the security entrance to the Site. Upon clearance to the Site, no additional site access control is planned except through building perimeter security doors, and through 2 manual locking gates in a 16 ft high fenced perimeter around an exterior utility yard.

Service vehicles that need to access the utility yard, such as fuel trucks or maintenance employees, can be escorted through a locked gate by facilities staff or by use of a contractor access key.

2.5 Site Layout – Utility Yard Access

The utility yard will be protected by a 16 ft high masonry or chain link fence, which will enclose the exterior generators, utility transformers/switches, and load bank. Access to the utility yard will be by a padlocked rolling gate on the east and west side of the yard. A separate personnel gate with secured panic bar will be provided for exiting as required. On site staff will escort service vehicles into the utility yard.

2.6 Parking

Parking is provided in accordance with the requirements of Blacktown City Council and HP Security Standards. All parking areas will be paved. Accessible parking will be provided near the primary building entrance for handicapped and security personnel.

3 Key Issues for Consideration in EA

The key environmental issues for consideration in the EA for the Project are discussed in the sections below.

3.1 Urban Design and Visual Amenity

The EA will outline the rationale behind the design of the building and associated infrastructure.

The EA will analyse the proposed built form and outline how the proposed building envelope is consistent with the future desired character of the Eastern Creek employment precinct. The EA will provide an urban design / visual impact assessment which will:

- Describe the scale, height, layout and massing of the proposed building envelope;
- Assess the potential visual impacts including landscaping, design, set-backs, signage and lighting;
- Demonstrate how the proposal is consistent with the Eastern Creek Precinct Plan and relevant State Environmental Planning Policy;
- Outline the ability of the proposed building envelope to provide a leading edge green design.

3.2 Planning Agreement / Contributions Plan

It is understood that the Minister has entered into a Planning Agreement with Macquarie Goodman Management Pty Ltd, Macquarie Goodman Vineyard Pty Ltd and Austral Brick Company Pty Ltd in relation to the Site. Further, that the Planning Agreement makes provision for the matters that would be the subject of a contributions plan for the Eastern Creek Stage 3 Area.

The EA will provide a detailed assessment of the application of the Planning Agreement and Council's draft 'Section 94 Contributions Plan No. 18: Eastern Creek Stage 3' to the Project.']

3.3 Traffic & Access

Most traffic generated by the Project will be construction traffic. Accordingly, the application will be accompanied by a traffic impact assessment. Specifically the overview will look at:

- Temporary onsite parking requirements for construction workers;
- Site access;
- Impact of generated traffic upon the surrounding local and arterial road network and intersections during construction;

Traffic impacts associated with the operation of the data centre is considered to be minimal.

3.4 Noise Impact

The Site is located within an existing industrial area. The EA will consider noise issues in relation to the construction and operation phase of the Project. Potential impacts that may need to be managed relate to the staging of construction.

Sources of noise emissions from the Project include the cooling/air-conditioning plant, however operational noise is not expected to be a significant issue.

3.5 Greenhouse Gas and Energy Efficiency

The EA will include an evaluation of the energy use on site, and demonstrate what measures may need be implemented.

3.6 Hazards and Risks

The EA will include an assessment of any potential hazards that may impact on the Project including;

Flooding

Reedy Creek runs in a south west – north east direction near the eastern boundary of the Site.

Contamination

It is understood that the Site was previously used for the purposes of a shale quarry. There are no known sources of contamination.

Other Hazards and Risks

The Project is not expected to involve any other significant hazards and risks (such as bushfires, storage of dangerous goods).

3.7 Biodiversity

A Section 149 Planning Certificate has been obtained from Blacktown City Council. The Planning Certificate confirms that the land does not include or comprise a critical habitat (refer to [Appendix II](#)).

AECOM environmental consultants have been commissioned to undertake a flora and fauna survey of the Site. This is currently being completed. The primary aim of this assessment is to identify any ecological constraints and options for the Project. The results of this assessment will be documented in the EA.

Any impacts on biodiversity values are expected to be negligible, considering the prior use of the Site as a shale quarry, the substantially modified nature of the Site and previous approvals for the use of the Site for industrial purposes as part of the approved subdivision of which it forms part.

3.8 Geology

A preliminary geology assessment indicates no major or hydrological constraints to development of the Site. A detailed geotechnical assessment will be undertaken as part of the EA.

3.9 Heritage

The Planning Certificate confirms that the land does not include any item of environmental heritage as listed under the Blacktown Local Environmental Plan (refer to [Appendix II](#)). Given the former use of the Site impacts on heritage are considered to be negligible.

A heritage assessment will be documented in the EA.

3.10 Air Quality

The Project is not expected to generate significant air emissions. Measures to mitigate any identified significant adverse air emissions will be identified in the EA.

Dust emissions during construction are to be managed by the adoption of standard best practice dust management measures.

3.11 Soils and Water

Sediment and Erosion

An Erosion and Sediment Control Plan will be prepared for the Project in accordance with Australian Standards. Measures may include:

- Dust control measures to control air quality;
- Silt fence installation along the portions of the Site that are lower in elevation;
- Utilization of a temporary sediment basin to detain sediment;
- Inlet sediment traps on all proposed inlet structures along the parking lot;
- Temporary and permanent vegetative stabilization along all disturbed pervious areas;
- Storm outlet protection at all storm drain outlet points to dissipate energy from runoff flows.

The Site was previously cleared and is covered with an engineered base material. The Site is essentially flat @ 0.90% – 1.1% in grade sloping south easterly towards the existing storm sewer catch basins.

Drainage Conveyance

Developed site runoff from building roofs, access drives, parking lots, and other site improvements will be collected and conveyed through surface flow and piped conveyance systems to the existing storm water system. Runoff will drain away from the building at one to two percent into inlet structures located within the paved area around the building. Off-site drainage that may impact the site will be conveyed as bypass around the site.

Detention & Water Quality

There is a storm water management plan for the Site as it exists. It is anticipated that no modifications to the plan upon design of the data centre building site will be required.

Foundation Drainage

A perimeter PVC underdrain system may be implemented along the edge of the proposed building to capture roof drainage and connect directly into the proposed onsite stormwater system. Although it is anticipated that a 1-2% surface grade outside of the building, capturing this runoff in lieu of sheet flowing away will help prevent any possible drainage / ponding issues immediately outside of the proposed building.

3.12 Services and Utilities

The EA will outline what services (electricity, sewer, water, gas and telecommunications) currently exist on the Site and how these will need to be upgraded (where required). Further discussions will also be held with utility providers regarding existing and future infrastructure to be provided on the Site.

The following utilities will be designed as requirements for the proposed data centre building:

Water

Domestic water and fire services will be provided in accordance with local council and fire safety requirements in order to meet the anticipated site demand. It is anticipated a 200mm fire protection water line will be provided to the site with fire hydrants located 91 metres on-centre. The 200mm main will tap off of the existing water main located in the street. Substantial off-site water system improvements are not anticipated at this time and it is assumed that the water system adjacent to the site will have adequate flow and pressure to serve the project. Domestic and fire line service connections are proposed to enter into the Riser room of the building.

The fire flow tests have yet to be conducted to confirm these assumptions. The proponent will comply with any additional fire water storage requirements.

Sewer

Preliminary findings indicate the sewer system adjacent to the site will have adequate capacity to serve the site.

Storm Drainage

A storm drainage system will be designed according to Australian Standards.

Electricity

The facility will be a continuously operating data centre (24 hours/7days per week. Complete shutdown of any individual electrical equipment item will be possible without impact to the critical load.

The current preferred option for the supply of electricity is via the external reticulated network managed by Integral Energy. Preliminary discussions have been held with Integral Energy. A standby power system will consist of medium voltage generators with 48 hrs to 72hrs of run back up.

Telecommunications

Discussions are underway with telecommunication providers concerning access to the site.

3.13 Construction Management

The construction staging of the Project will ensure that the proposed works have a minimal impact on the operation of surrounding businesses.

A construction management plan (and as relevant supplemented by Statement of Commitments) will be submitted with the application which will deal with the following issues:

- Construction staging;
- Noise;
- Erosion and sediment control;
- Construction traffic management.

3.14 Economic Development

An economic assessment will be submitted with the application which will outline the economic benefits of the Project and total number of new jobs (during construction and operation) which are expected to be generated by the Project.

4 Planning Framework and Context

The following section provides an overview of key environmental legislation, statutory and strategic plans and policies relevant to the Project.

4.1 NSW Legislation

4.1.1 Environmental Planning and Assessment Act 1979

The EP&A Act provides the framework for the assessment and approval of development proposals in New South Wales. Part 3A of the EP&A Act relates to the assessment of major development proposals and other projects which, in the Minister's opinion, are of State or regional planning significance.

Section 75B of the EP&A Act provides that the Minister may declare development to be a Part 3A project by way of a State environmental planning policy.

As stated below, HP has sought a declaration from the Minister under clause 6 of *State Environmental Planning Policy (Major Development) 2005* (SEPP Major Development) that the Project is development of a kind described in Schedule 1 to SEPP Major Development, being development for the purposes of a storage or distribution centre with a capital investment value of more than \$30 million.

If the Project is declared to be a project to which Part 3A applies then the Minister will be the approval authority for the Project.

4.2 Environmental Planning Instruments

4.2.1 State Environmental Planning Policy (Major Development) 2005

SEPP Major Development identifies specific sites and classes of development that are subject to Part 3A of the EP&A Act.

Clause 6 of SEPP Major Development provides that development that, in the opinion of the Minister, is development of a kind that is described in Schedule 1 is declared to be a project to which Part 3A of the EP&A Act applies.

Clause 12 of Schedule 1 to SEPP Major Development identifies the following class of development to be a Part 3A Project:

'Development for the purposes of container storage facilities, or storage and distribution centres with a capital investment value of more than \$30 million.'

The Project will involve development for the purpose of a storage and distribution centre (data centre) and has an estimated capital investment value of more than \$30 million.

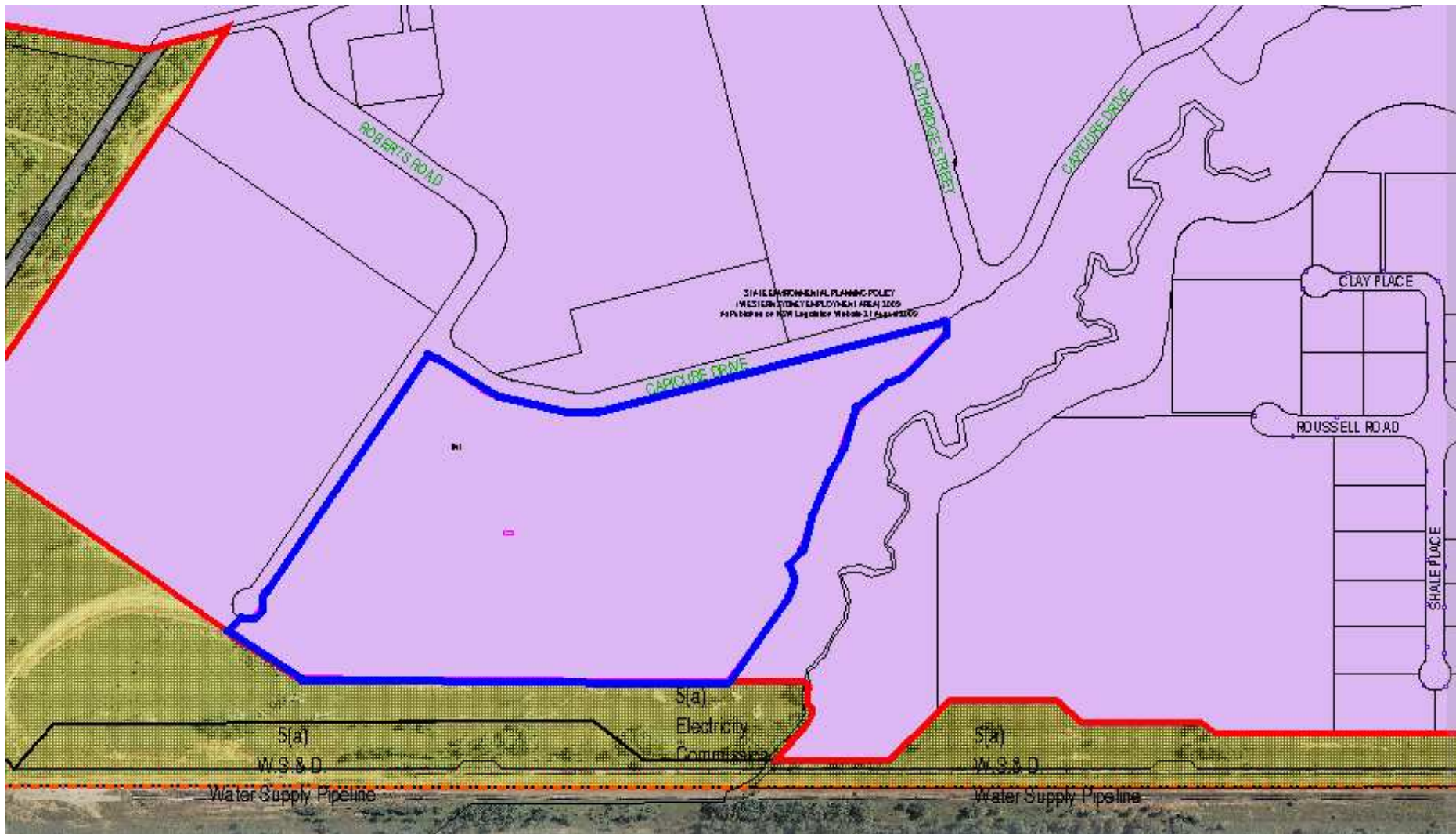
Accordingly, HP has sought a declaration from the Minister under clause 6 of SEPP Major Development that the Project is development of a kind described in Schedule 1 to SEPP Major Development.

4.2.2 State Environmental Planning Policy (Western Sydney Employment Area)

State Environmental Planning Policy (Western Sydney Employment Area) 2009 (SEPP WSEA) aims to promote economic development and the creation of employment in the Western Sydney Employment Area. The SEPP was gazetted on 21 August 2009 and replaced SEPP 59 other than for land zoned residential and open space.

The Site is zoned IN1 General Industrial under SEPP WSEA. Development for the purposes of a warehouse or distribution centres is permissible with consent in the IN1 under SEPP WSEA. The effect of this is that the Project is permissible with consent under SEPP WSEA. See also Figure 4.1.

Figure 4.1: Zoning Map Extract – SEPP (WSEA) 2009



The SEPP contains objectives and development standards for sites located within the Western Sydney Employment Area. An assessment against these provisions will be undertaken in the Environmental Assessment.

4.2.3 Eastern Creek Precinct Plan – Stage 3

The Eastern Creek Precinct Plan – Stage 3 applies to the Site and is an “existing precinct plan” for the purposes of clause 19(3) of SEPP WSEA.

Accordingly, a development control plan is not required to be prepared under SEPP WSEA for the Project. The consent authority is required, however, to consider the Eastern Creek Precinct Plan – Stage 3 in its determination of the Project.

A detailed assessment of the Projects compliance with the Eastern Creek Precinct Plan – Stage 3 will be undertaken in the Environmental Assessment.

4.3 Commonwealth Legislation

4.3.1 Environmental Protection and Biodiversity Conservation Act 1999

Commonwealth legislation of relevance is the *Environmental Protection and Biodiversity Act 1999* (EPBC Act). Under the EPBC Act, approval is required from the Commonwealth Minister for the Environmental Heritage and the Arts for any action likely to have a significant impact on a matter of national environmental significance. Matters of national environmental significance include:

- World Heritage properties;
- National Heritage places;
- Wetlands of international importance;
- Listed threatened species and ecological communities;
- Migratory species protected under international agreements.

Based on preliminary investigations, the Project is unlikely to impact on threatened species and ecological communities. Other matters of national environmental significance or commonwealth land are unlikely to be impacted. However should the Federal Minister for the Environment determine that an approval is required under the EPBC Act, the proposed action is deemed to be a ‘controlled action’ and will require assessment and separate approval under the EPBC Act.

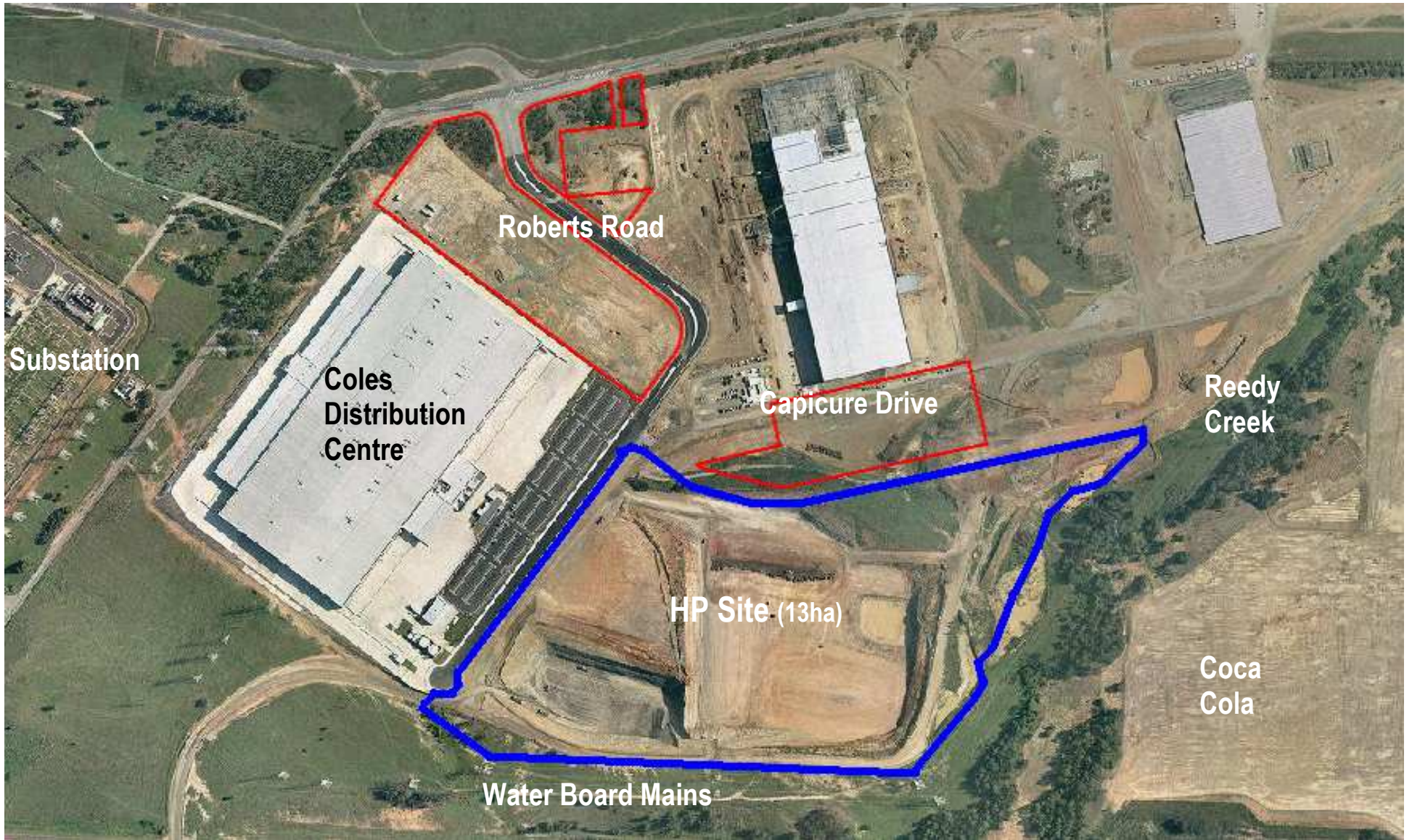
5 Proposed Scope of Environmental Assessment

Section 3 of this PEA identifies the key planning and environmental issues for the Project to be addressed in more detail in the EA. It is proposed that the EA only assess the following key issues, to the extent required given the scope of the Project elements being proposed. All other issues will be managed through the development of detailed design and through the application of industry standard and best practice mitigation and management approaches.

As such the key issues to be addressed in the EA for the Project are as follows:

- Urban design and visual amenity
- Traffic and access
- Noise
- Greenhouse gas and energy efficiency
- Hazards and risks
- Biodiversity
- Geology
- Heritage
- Air quality
- Soil and water quality
- Services and utilities
- Waste generation and management
- Economic impact

Appendix I – Aerial



Roberts Road

Substation

Coles
Distribution
Centre

Capicure Drive

Reedy
Creek

HP Site (13ha)

Coca
Cola

Water Board Mains

Appendix II – Planning Certificate

Certificate No.: 10-4573
Date: 5 AUG 2010
Page: 1 of 9
Enquiries: Ms Lucie
Applicants Ref.: JAMES MCBR
IDE

Applicant CB RICHARD ELLIS

Property LOT 554 DP 1110447
OLD WALLGROVE ROAD,

Suburb EASTERN CREEK Parish of Melville

NOTE: The land the subject of this Certificate is known to be located in the suburb of Eastern Creek. For all correspondence and property transactions this suburb name is to be used.

PART A
PRESCRIBED INFORMATION PROVIDED PURSUANT TO
SECTION 149(2) OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979 (EP&A Act 1979)

NOTE: The following information is provided pursuant to Section 149(2) of the EP&A Act 1979, as prescribed by Schedule 4 of the *Environmental Planning and Assessment Regulation 2000*, and is applicable as of the date of this certificate.

1. NAMES OF RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

1.1 Environmental Planning Instruments

As at the date of this certificate the abovementioned land is not affected by Blacktown Local Environmental Plan 1988.

1.2 Development Control Plans

As at the date of this certificate the abovementioned land is not affected by Blacktown Development Control Plan 2006.

1.3 Relevant State Environmental Planning Policies (SEPPs), including draft policies, or Regional Environmental Plans deemed to be SEPPs

Council Chambers • 62 Flushcombe Road • Blacktown NSW 2148

Telephone: (02) 9839 6000 • Facsimile: (02) 9831 1961 • DX 8117 Blacktown

<http://www.blacktown.nsw.gov.au> • email: council@blacktown.nsw.gov.au

All correspondence to: The General Manager • PO Box 63 • Blacktown NSW 2148

State Environmental Planning Policy No. 1 - Development Standards

The policy requires that variations to development standards must meet the objectives of local plans and controls. It makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Complying Development

This policy permits minor development and activities on land without a development application or through alternative assessment. This policy should be read in conjunction with Councils controls for Exempt and Complying Development.

State Environmental Planning Policy No. 6 - Number of Storeys in a Building

This Policy sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

This policy protects and preserves bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. The policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Land)

This Policy states the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The Policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. Councils will continue to be responsible for the majority of rezonings. The Policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment. Where a site is rezoned by an REP, the Minister will be the consent authority.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

This policy provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The Policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment, and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The Policy does not change the role of Councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy No. 55 - Remediation of Land

This policy provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

State Environmental Planning Policy No. 64 - Advertising and Signage

This policy aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors.

State Environmental Planning Policy - Affordable Rental Housing 2009

This policy establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

State Environmental Planning Policy - Exempt and Complying Development Codes

This policy streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy - Major Development 2005

The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning & Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional development to be determined by JRPPs. Note: This SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.

State Environmental Planning Policy - Western Sydney Employment Area 2009

This State Environmental Planning Policy promotes economic development and the creation of employment in the Western Sydney Employment Area by providing for development, including major warehousing, distribution, freight transport, industrial, high technology and research facilities. The policy provides for coordinated planning, development and rezoning of land for employment or environmental conservation purposes.

State Environmental Planning Policy - Infrastructure 2007

This policy provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

State Environmental Planning Policy - Mining, Petroleum Production and Extractive Industries 2007

This policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The policy establishes appropriate planning controls to encourage ecologically sustainable development.

State Environmental Planning Policy - Temporary Structures and Places of Public Entertainment 2007

This policy provides for the erection of temporary structures and the use of places of public entertainment, while protecting public safety and local amenity. The SEPP supports the transfer of the regulation of places of public entertainment and temporary structures (such as tents, marquees and booths) from the Local Government Act 1993 to the Environmental Planning and Assessment Act 1979.

Sydney Regional Environmental Plan No. 9 - Extractive Industry Sydney Region

This plan aims to protect the viability of extractive resources in the Sydney Metropolitan Area by ensuring consideration is given to the impact of encroaching development.

2. ZONING AND LAND USE UNDER RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

- (a) The abovementioned land is subject to the provisions of State Environmental Planning Policy (Western Sydney Employment Area) 2009 and is zoned:

IN1 - GENERAL INDUSTRIAL

- (b) The land does not include or comprise a critical habitat. Critical habitat refers to habitat that is critical to the survival of endangered species, populations or ecological communities. Areas of critical habitat are declared under Part 3 of the Threatened Species Conservation Act 1995 and Part 7A of the Fisheries Management Act 1994.
- (c) The land is not within a conservation area.
- (d) This land does not contain an item of environmental heritage under the protection of Blacktown Local Environmental Plan 1988.

3. COMPLYING DEVELOPMENT

Complying development under the *General Housing Code* may be carried out on the land.

Complying development under the *Housing Internal Alterations Code* may be carried out on the land.

Complying development under the *General Commercial and Industrial Code* may be carried out on the land.

Disclaimer: This information only addresses matters raised in Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure that you comply with the general requirements of the State Environmental Planning Policy (Exempt and Complying Codes) 2008. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of State Environmental Planning Policy (Exempt and Complying Codes) 2008 is invalid.

4. COASTAL PROTECTION

The land is not affected by the operation of Sections 38 or 39 of the *Coastal Protection Act, 1979*.

5. MINE SUBSIDENCE

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the *Mine Subsidence Compensation Act, 1961*.

6. ROAD WIDENING AND ROAD REALIGNMENT

Blacktown Local Environmental Plan 1988 and Blacktown Development Control Plan 2006 nominate preferred road patterns throughout the City.

The land is not affected by road widening/road realignment under Division 2 of Part 3 of the Roads Act 1993 and/or Blacktown Local Environmental Plan 1988.

7. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

Council has not adopted any policies to restrict the development of the land by reason of the likelihood of landslip, bushfire, tidal inundation, subsidence or the occurrence of acid sulphate soils. Although the Council has not adopted a specific policy to restrict development on bush fire prone land, it is bound by statewide bush fire legislation that may restrict development. In this regard, refer to point 11 below.

Council has adopted a policy on contaminated land which may restrict the development of this land. The land contamination policy applies when zoning or land use changes are proposed on land which has previously been used for certain purposes or has the potential to be affected by such purposes undertaken on nearby lands. Council's records may not be sufficient to determine all previous uses on the land, or determine activities that may have taken place on this land. Consideration of Council's policy and the application of provisions under the relevant State legislation and guidelines is necessary.

7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

There are currently no mainstream or backwater flood-related development controls adopted by Council that apply to the land subject to this Certificate.

8. LAND RESERVED FOR ACQUISITION

Clauses 17, 17A and 18 of Blacktown Local Environmental Plan 1988 provide for the acquisition of certain land zoned 5(a), 5(b), 5(c), 6(a) or 6(c) by a public authority.

9. CONTRIBUTIONS PLANS

Council currently levies contributions under Section 94 of the EP&A Act 1979 for facilities and services. The further development of the subject land may incur such contribution.

10. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

Item 10 to Schedule 4 of the Environmental Planning and Assessment Regulation 2000 has been repealed by the Contaminated Land Management Amendment Act 2008

11. BUSH FIRE PRONE LAND

The *Rural Fires and Environmental Assessment Legislation Amendment Act 2002*, which came into force on 1 August 2002, introduced development provisions for bush fire prone land as shown on a Bush Fire Prone Land Map. "Bush fire prone land" is land that has been designated by the Commissioner of the NSW Rural Fire Service as being bush fire prone due to characteristics of vegetation and topography. The land the subject of this certificate has been identified on Council's Bush Fire Prone Land Map as being:

clear of any bush fire prone land

On land that is bush fire prone, certain development may require further consideration under Section 79BA or Section 91 of the EP&A Act 1979 and under Section 100B of the *Rural Fires Act 1997*.

12. PROPERTY VEGETATION PLANS

Land to which this Certificate applies is not subject to a Property Vegetation Plan under the provisions of the *Native Vegetation Act 2003*.

13. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

Land to which this Certificate applies is not the subject of an order made under the *Trees (Disputes Between Neighbours) Act 2006*.

14. DIRECTIONS UNDER PART 3A

Land to which this Certificate applies is not subject to the above.

15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING

Land to which this Certificate applies is not subject to the above.

16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

Land to which this Certificate applies is not subject to the above.

17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

Land to which this Certificate applies is not subject to the above.

18. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997 AND CONTAMINATED LAND MANAGEMENT AMENDMENT ACT 2008

- (a) The land to which this certificate relates has not been declared to be significantly contaminated land at the date when the certificate was issued.
- (b) The land to which the certificate relates is not subject to a management order at the date when the certificate was issued.
- (c) The land to which this certificate relates is not the subject of an approved voluntary management proposal at the date when the certificate was issued.
- (d) The land to which this certificate relates is not subject to an ongoing maintenance order as at the date when the certificate was issued.
- (e) The land to which this certificate relates is not the subject of a site audit statement provided to the Council.

19. NATION BUILDING AND JOBS PLAN (STATE INFRASTRUCTURE DELIVERY) ACT 2009

Land to which this Certificate applies is not subject to the above.

PART B
ADDITIONAL INFORMATION PROVIDED PURSUANT TO
SECTION 149(5) OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979 (EP&A Act 1979)

NOTE: When information pursuant to section 149(5) is requested the Council is under no obligation to furnish any of the information supplied herein pursuant to that section. Council draws your attention to section 149(6) which states that a Council shall not incur any liability in respect of any advice provided in good faith pursuant to sub-section (5). The absence of any reference to any matter affecting the land shall not imply that the land is not affected by any matter not referred to in this Certificate.

This advice is provided in accordance with Section 149(5) and 149(6) of the EP&A Act 1979:

The land is affected by a tree preservation control under Blacktown Local Environmental Plan 1988. A person shall not ringbark, cut down, lop, top, remove, injure or wilfully destroy any tree, or cause any tree to be ringbarked, cut down, topped, lopped, injured or wilfully destroyed, except with the consent of the Council.

The provisions of any covenant, agreement or instrument applying to this land purporting to restrict or prohibit certain development may be inconsistent with the provisions of a Regional Environmental Plan, State Environmental Planning Policy or Blacktown Local Environmental Plan 1988, in which case the provisions of any such covenant, agreement or instrument may be overridden.

This land may contain an Aboriginal archaeological site under the protection of the National Parks and Wildlife Service Act, 1974. Before any development can proceed in an area known to contain Aboriginal archaeological sites, a consent to destroy must be obtained from the Director of the National Parks and Wildlife Service.

The *Threatened Species Conservation Act 1995* provides for the conservation of threatened species, populations and ecological communities of animals and plants. The *Threatened Species Conservation Act* amended the *Environmental Planning and Assessment Act 1979* to require, amongst other things, that:-

- (a) a critical habitat (as defined in the *Threatened Species Conservation Act 1995*) be identified in environmental planning instruments;
- (b) consent authorities and determining authorities must, when considering proposed development or an activity, assess whether it is likely to significantly affect threatened species, populations and ecological communities, or their habitats, and, if a significant effect is likely, to require the preparation of a species impact statement in accordance with the requirements of the *Threatened Species Conservation Act 1995*;
- (c) consent authorities and determining authorities must, when considering proposed development or an activity, have regard to the relevant recovery plans and threat abatement plans; and
- (d) a regime for concurrence and consultation between consent authorities and determining authorities and the Minister administering the *Threatened Species Conservation Act 1995* or the Director-General of the National Parks and Wildlife be instructed to aid the assessment process under the *Environmental Planning & Assessment Act 1979*.

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides protection for items of national significance. The Act requires a separate Commonwealth approval to be obtained where an action is likely to have significant impacts on items of national environmental significance. Items of national environmental significance include, amongst other things, nationally threatened animal and plant species and ecological communities. The Commonwealth Department of the Environment and Water Resources should be contacted for further advice.

General Manager

Per: 

End of Certificate