



Overview of Proposed Development

Chemical Storage Facility 23-107 Erskine Park Road, Erskine Park NSW 2759 (Lot 1 DP 1128233)



October 2011

Document Control Table

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1 Introduction

This document has been prepared by McKenzie Group Consulting Planning (NSW) on behalf of Prime Constructions and is submitted to the Department of Planning and Infrastructure (DoPI) in support of a formal request for Director-General's Requirements (DGRs).

The DGRs are requested in relation to a proposed Chemical Storage Facility to operate within Building B1 at 23-107 Erskine Park Road, Erskine Park, New South Wales (Lot 1 in DP 1128233) (**Figure 1**). The building has been approved by Penrith City Council and the storage facility will be its first use.

This application seeks approval for the use of approved Warehouse B1 at WestPark Industrial Estate for a chemical storage facility (warehouse and distribution centre) for household products.

Warehouse B1 will comprise 20,000 sqm warehouse storage and 650 sqm office. It will also include 18 loading docks.

It is proposed that the facility will be leased by DHL Supply Chain (Australia Pty Ltd). The operations will include storage and handling of potentially dangerous goods including aerosol cans, acidic solids, acidic liquids and alkali liquids. Other non-dangerous goods and materials will also be stored on the site including household cleaning agents, dishwashing detergent, laundry powder and disinfectants. Products will be packaged for retail sale.

The Department of Planning and Infrastructure has advised that the proposal is likely to trigger the requirement for State Significant Development (SSD).

The quantity of potentially dangerous goods also exceeds the threshold for 'potentially hazardous' outlined in State Environmental Planning Policy No.33. A Preliminary Hazard Analysis (PHA) has been undertaken and determines that the proposal will not result in any significant impact. As such, the development is not a hazardous or offensive industry and is permissible with consent.

This document provides a brief overview of the proposal, including the planning framework applying.

The proposal supports the continued development of the Erskine Park Employment Area, providing industry employment and contributing to the retention and growth of manufacturing, distribution and supply industry in Sydney. It is therefore requested that DoPI provide the requirements to be addressed in an Environmental Impact Statement for this proposal.

2 Site Details

Address	23-107 Erskine Park, Erskine Park, NSW (see Appendix 1 for Site Location)
Property Description	Lot 1 DP1128233
Local Government Area	Penrith
Zoning	Part IN1 – General Industrial, Part E2 Conservation under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (See Appendix 2 for current Section 149 Certificate)
Land area (approximate)	39 hectares
Development Location	Building B1 (See Appendix 3 for Indicative Site Masterplan)
Owner	Goodman Industrial Funds Management Limited



3 Site Description

The site is located at 23-107 Erskine Park, Erskine Park, NSW. The property is described as Lot 1 DP 1128233.

There are a number of warehouses on the site. This application applies to Warehouse B which is located in the southern portion of the site. Warehouse B contains two tenancies. The tenancy to which this application applies is referred to as 'Warehouse B1'.

Warehouse B1 is a metal building setback 10m from Erskine Park Road. The site is sloped to the west. The warehouse has an ridge RL of 51.425 with a lower ground RL of 34.125. Vehicular access to the site is from an internal road within the estate which connects to Erskine Park Road. Parking for the warehouse is located along the western boundary of the site (41 parking spaces).

Palisade fencing runs along the southern boundary of the site along Erskine Park Road.

Other warehouses on the subject site comprise a range of uses and also contain potentially dangerous goods.

4 Local Context

The site is located within the precinct known as 'WestPark Industrial Estate' or 'Erskine Business Park', situated on the corner of Mamre and Erskine Park Roads, Erskine Park (**Figure 1**).

The site spans approximately 600m along Mamre Road and 1,150m along Erskine Park Road. It has an area of 38.84 hectares.

The suburb of Erskine Park is located on the eastern fringe of the Penrith Local Government Area. The eastern boundary is Ropes Creek to the south where the southern boundary is located along the Sydney Water Supply Pipeline. The suburb's western border runs along Mamre Road and the Erskine Park Road till the M4 Motorway and up to Ropes Creek.

The housing boom of the 1990s has greatly changed this suburb. Its history has been largely rural with some extractive industries in recent years.

The Westpark Estate accommodates several existing large scale warehousing and distribution requirements for a diverse range of companies. A large portion of land toward the intersection of Mamre Road and Erskine Park Road is also set aside for ecological conservation purposes (and is subject to a Biodiversity Management Plan).

The north side of WestPark Industrial Estate is bounded by a transmission easement that runs along the boundary.

The location of the site is within close proximity to several major regional roads including the M4 and Westlink M7 Motorways providing a high level of connectivity to destinations across the Greater Sydney Region.

Land on the southern side of Erskine Park Road is occupied by existing industrial development while the area north of the site is predominantly residential in nature. The area west of Mamre Road exists as large lot residential development.





Figure 1. Aerial Photograph (Source: Google Maps, 2011)

5 Regional Context

Strategically located near the intersection of the M4 Western Motorway and Westlink M7 Motorway, the subject lands are located in Erskine Park. The lands enjoy excellent access to a full range of services, facilities and public transport.

Erskine Park is located approximately 42km west of Sydney Central Business District on the eastern fringe of the Local Government Area of Penrith. The area has undergone significant development since the 1990s and comprises a range of uses including industry, community and residential. Penrith forms part of the North West subregion which is a key employment driver for the Greater Western Sydney Region.

The State Government's North West Subregional Strategy indicates the north west subregion is the fastest growing subregion in NSW and will have the highest housing and job growth in the Sydney Region.

The region comprises established urban areas, greenfield sites for future growth, rural and resource land and important natural assets including the Blue Mountains, Sydney Olympic Park, Western Sydney Parklands.

Commercial and retail development in the region consists of Westfield Parramatta and Westfield Penrith. Major education facilities include University of Sydney (Cumberland Campus), University of Western Sydney and Western Sydney Institute of TAFE.

Erskine Park employment area spans 500 hectares and is a major employment hub for the Greater Western Sydney Region.

Under the Metro Strategy, the site is located in Erskine Business Park (EBP). Erskine Business Park is a significant employment centre providing employment for Penrith LGA and the north west subregion (**Figure 2**). Due to Penrith's strategic location in Sydney's North West growth centre, the demand for industrial space is projected to continue to grow in the subregion. With the redevelopment of many older industrial areas in the Sydney region the continued use of Erskine Park for industrial uses is required to adequately cater to the needs of the industry well into the future.



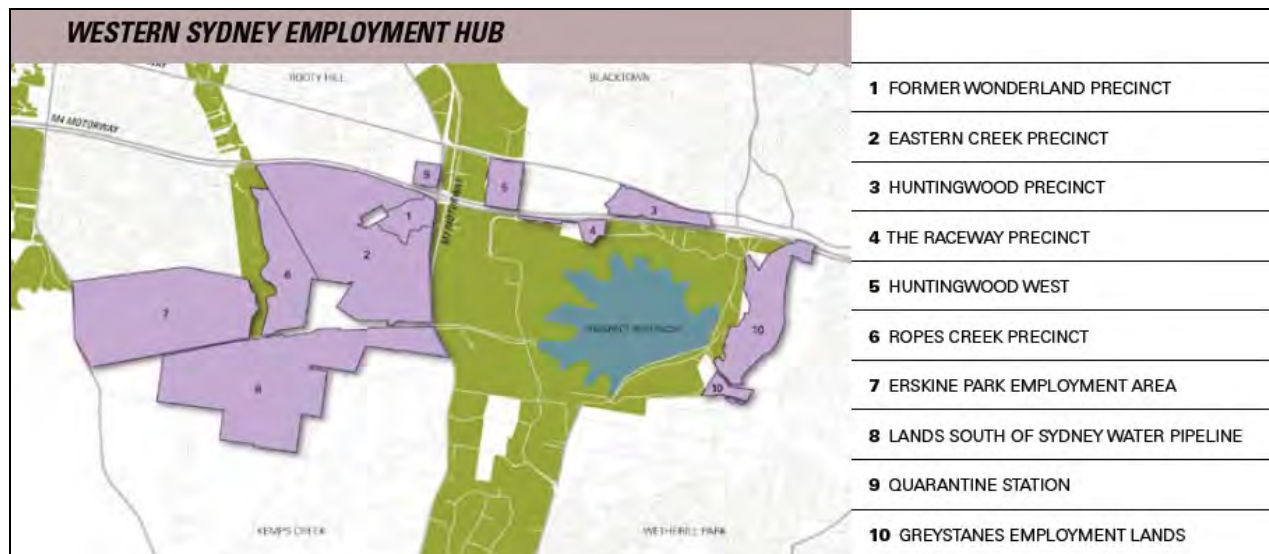


Figure 2. Western Sydney Employment Hub Map (Source: Metropolitan Plan for Sydney 2036)

6 Background to the Project

Development Approval Context

The subject building sits amid a number of industrial development also located on the subject site, these include:

Table 1. List of Other Uses on Subject Site

Warehouse	Use
Warehouse A1	Storage of paint and related products
Warehouse A2	Storage of household chemicals and cosmetics
Warehouse A3	Storage of digital equipment
Warehouse C1	Storage of aluminium products and systems
Warehouse C2	Storage of household hygiene products
Warehouse C3	Storage of paint and related products, food additives and assorted agricultural chemicals

Development Consent 08/0435 issued by Penrith Council on 14 July 2008 granted approval for the construction of Warehouse B at WestPark. Warehouse B is located in the southern part of the subject site and has frontage to Erskine Park Road. The building contains two tenancies known as B1 and B2.

A biodiversity area also forms part of the site.

The Masterplan prepared and commenced for the site (**Appendix 3**) identifies the location of site features and future development. The proposal relates to Building B1 of the adopted Masterplan.

7 Project Summary

The proposed development for DHL Supply Chain (Australia) Pty Ltd involves the use of an approved building, Warehouse B1, for a warehouse and distribution centre for household products including for the storage and handling of potentially dangerous goods comprising aerosols cans, acidic solids, acidic liquids and alkali liquids.

Other materials to be stored and handled on site include household cleaning agents, dishwasher detergent, laundry powder and disinfectants.



No manufacturing of products is proposed. As noted in the Preliminary Hazard Analysis, activities to be undertaken include the receipt, storage and dispatch of products, more specifically the activities include:

- Unloading and loading of finished goods via trucks and shipping containers;
- Management of inventory in a racked and stacked environment;
- Order fulfilment including picking and packing of finished orders to customers;
- Loading of transport vehicles;
- Management of product returns;
- Inspection of goods for QA purposes; and
- Product embellishment.

Warehouse B1 will comprise 20,000 sqm of warehouse storage and 650 sqm of office space. The office is located on the ground floor at the south-western end of the building. The office will contain meeting rooms, offices and amenities.

The proposed hours of operation for the facility are 6am to 10pm, based on a two-shift rotation with shifts starting at 6am and 2pm (may change depending on season). Estimated staff numbers include 30 staff for the day shift, 20 for the evening shift and 10 office staff during normal business hours.

Vehicle movements for deliveries involve semi trailers and B-doubles are outlined below:

Incoming deliveries

Container deliveries will be via "drop trailers" and/or driver-operated trailers or side loaders. Most deliveries are turned around and dispatched within 1 hour of receipt at the site. Empty containers are normally removed from site during nominated working hours.

Trucks will deliver incoming goods typically from 6:00am till 10:00pm. Containers will be unloaded by both hand and forklift unloading. The site is expected to receive up to 20 container loads on a daily basis, most of which are unloaded immediately. The unloading is undertaken via the recessed loading docks.

Outgoing deliveries

Typically, semi-trailers and B-doubles will be used for the transportation of products to product retailers. Vehicles will be loaded between 6:00am and 4:00pm with an expectation that up to 40 vehicles will travel to and from the site on a daily basis.

Three distinct storage areas are proposed within the facility:

1. Aerosols Storage
2. General Storage Area (acidic)
3. General Storage Area (alkali)

The chemicals are for the purpose of household cleaning and pest control. A summary of storage quantities for these potentially dangerous goods are illustrated in the table below.

Table 3. Storage Quantities

Dangerous Goods Class	Group Description	Quantity
2.1	Aerosols	1,700,000kg
8	Acidic Solids	101,100kg
8	Acidic Liquids	44,700kg
8	Alkali Liquids	989,700kg

It is intended that the facility operate within the following parameters:



1) Storage of aerosol to be undertaken in accordance with Factory Mutual (FM) Global data sheet 7-31 and include:

- i. Caging;
- ii. Bunding; and
- iii. Storage as described by FM 7-31.

2) Fire separation from Warehouse B2;

3) Storage of the Acid Solids and liquids in a separate bunded area to the Alkali liquids; and

4) Spill and contaminated fire water containment.

The draft layout of the facility is provided as **Appendix 4**. The design is not final at this stage and may be subject to change.

8 Justification

The future tenant has a need to provide facilities for the safe and efficient storage of household goods that contain materials which can be potentially hazardous under certain circumstances. The goods will be stored until ready for shipment to retail outlets for sale.

The intention of the proposal is to provide a facility that meets the requirements of the future tenant within a location that:

- Allows for the activities as a permissible use,
- Has appropriate access,
- Is compatible with surrounding development and local context,
- Will result in minimal impact on the environment, and
- Will allow for the implementation of suitable mitigation measures where required.

The site is considered to meet the objectives of the project as it allows for the storage of the intended materials on a site that has been previously approved (and continues to be used) for the storage of hazardous materials.

The options considered, and subsequently dismissed, in arriving to the current proposal included:

1. *'Do Nothing' Scenario*

This option was dismissed as the need to have a facility to store the potentially hazardous materials would remain.

If the proposal was not to go ahead, the location of Building B1 would continue to be developed for other industrial purposes. Additionally, the site would continue to accommodate uses that store and handle hazardous materials.

2. *Development on an Alternative Site*

Consideration to alternative sites were made, however these were dismissed as the subject site resulted in the most beneficial outcomes for the proposal as it:

- Located the use within a site already accommodating similar uses (including hazardous storage);
- The site has been identified in State Environmental Planning Policy (Western Sydney Employment Lands) 2009 for the intended use;
- The site has appropriate proximity from sensitive land activities including residential development;
- The site has all essential infrastructure required to service the development;
- An approval has already been granted for the based building which is of a size and design suitable for the intended purpose;
- All potential environmental impacts of the proposal can be suitably mitigated within the site;
- The proximity to the regional road network provides increased economic benefits;



- The proposal will not affect any area of heritage or archaeological significance;
- The proposal can be developed with appropriate visual amenity given its industrial context.

The proposal is considered to be justified in the context of environmental, social and economic terms and is compatible with the locality in which it is proposed.

9 Consultation

Liaison was undertaken over the phone with Andrew Hartcher and Felicity Greenway of the Department of Planning and Infrastructure (DoPI) prior to the application for the Director-Generals Requirements for State Significant Development. This was when the proposal was identified as being Designated Development under the *Environmental Planning and Assessment Regulation 2000*.

Further liaison with DoPI is to be held on Thursday 6th of October 2011 where the proposal will be discussed in more detail in a formal meeting with the project team and DoPI. It is anticipated that the application will be converted at this meeting to a State Significant Development as previously discussed in with DoPI.

Consultation will also be undertaken with Penrith City Council, and other stakeholders as required, once the nature of the consultation requirements are provided by DoPI in response to the submitted application.

10 Capital Investment Value

While costs have not yet been finalised, the estimated capital investment of this project is \$600,000.00. The costs will be finalised once the final design is prepared.

11 Planning Framework

11.1 State Planning Context

11.1.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the overarching governing document for all development in NSW. The proposed use of the approved industrial building as a chemical storage facility (warehouse and distribution centre) for household products.

The EPA&A Act defines 'Designated Development' under Section 77A as:

"development that is declared to be designated development by an environmental planning instrument or the regulations."

Prior to the introduction of *State Environmental Planning Policy (State and Regional Development) 2011* the proposal was considered 'designated development' pursuant to the *Environmental Planning and Assessment Regulation 2000*. The proposal is now considered State Significant Development (SSD) and will follow the new process established for this category of development.



11.1.2 Environmental Planning and Assessment Regulation 2000

Section 4(1) of the Environmental Planning and Assessment Regulation 2000 (the Regulations) states that development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act.

The following development is listed in Schedule 3 of the Regulations:

Chemical storage facilities

- (a) that store or package chemical substances in containers, bulk storage facilities, stockpiles or dumps with a total storage capacity in excess of:*
 - (i) 20 tonnes of pressurised gas, or*
 - (ii) 200 tonnes of liquefied gases, or*
 - (iii) 2,000 tonnes of any chemical substances, or*
- (b) that are located:*
 - (i) within 40 metres of a natural waterbody or wetland, or*
 - (ii) in an area of high watertable or highly permeable soil, or*
 - (iii) in a drinking water catchment, or*
 - (iv) on a floodplain.*

The proposed storage of aerosol cans, acidic solids, acidic liquids and alkali liquids exceeds the above thresholds, therefore the proposed development would have been 'designated development' if not for the introduction of *State Environmental Planning Policy (State and Regional Development) 2011* (see below).

5.1.1 State Environmental Planning Policies

State Environmental Planning Policy (State and Regional Development) 2011

Proposals involving activities that are listed in Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional Development SEPP) are identified as being State Significant Development (SSD) under the new framework introduced in October 2011.

Part 10 of Schedule includes:

10 Chemical, manufacturing and related industries

- (1) Development that has a capital investment value of more than \$30 million for the purpose of the manufacture or reprocessing of the following (not including labelling or packaging):*
 - (a) soap, detergent or cleaning agents,*
 - (b) paints, ink, dyes, adhesives, solvents,*
 - (c) pesticides or inorganic fertiliser,*
 - (d) pharmaceuticals or veterinary products,*
 - (e) ammunition or explosives,*
 - (f) oils, fuels, gas, petrochemicals or precursors,*
 - (g) polymers, plastics, rubber or tyres,*
 - (h) batteries or carbon black.*
- (2) Development with a capital investment value of more than \$30 million for any of the following purposes:*
 - (a) liquid fuel depots,*
 - (b) gas storage facilities,*
 - (c) chemical storage facilities.*
- (3) Development for the purpose of the manufacture, storage or use of dangerous goods in such quantities that constitute the development as a major hazard facility within the meaning of Chapter 6B of the Occupational Health and Safety Regulation 2001.*



The Department of Planning and Infrastructure (DoPI) have advised that the proposed development is likely to trigger Subclause (3) given the quantity of materials to be stored within the proposed warehouse. As such, the proposal is to be classified as SSD and will need to follow the new procedures established for this category of development, including the need to lodge an application form seeking the Director-Generals Requirements for the preparation of an Environmental Impact Statement (EIS).

State Environmental Planning Policy (Western Sydney Employment Area) 2009

State Environmental Planning Policy (Western Sydney Employment Area) 2009 (Employment Area SEPP) applies to the site. The SEPP was gazetted 21 August 2009. The plan aims to protect and enhance the Western Sydney Employment Area.

The zoning plan provided under the Employment Area SEPP (**Figure 3**) zones almost all of the land as IN1 General Industrial, with only a small portion of the land as E2 Environmental Conservation.

The objectives of the IN1 General Industrial zone are:

- *To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.*
- *To encourage employment opportunities along motorway corridors, including the M7 and M4.*
- *To minimise any adverse effect of industry on other land uses.*
- *To facilitate road network links to the M7 and M4 Motorways.*
- *To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.*
- *To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.*

'Warehouses or Distribution Centres' are permissible with development consent within the IN1 zone. For the purposes of the SEPP, Warehouses or Distribution Centres are defined as:

"a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made".

A draft Preliminary Hazard Analysis (PHA) has been prepared in accordance with SEPP 33, confirming the proposed development does not trigger the definition of 'hazardous' or 'offensive' and is therefore permissible development. Additionally, the PHA concludes that the proposed use of Warehouse B1 for warehouse and distribution can be undertaken without significant impact upon the implementation of the recommendations of the PHA.

See **Appendix 5** for Executive Summary of draft Preliminary Hazard Analysis.



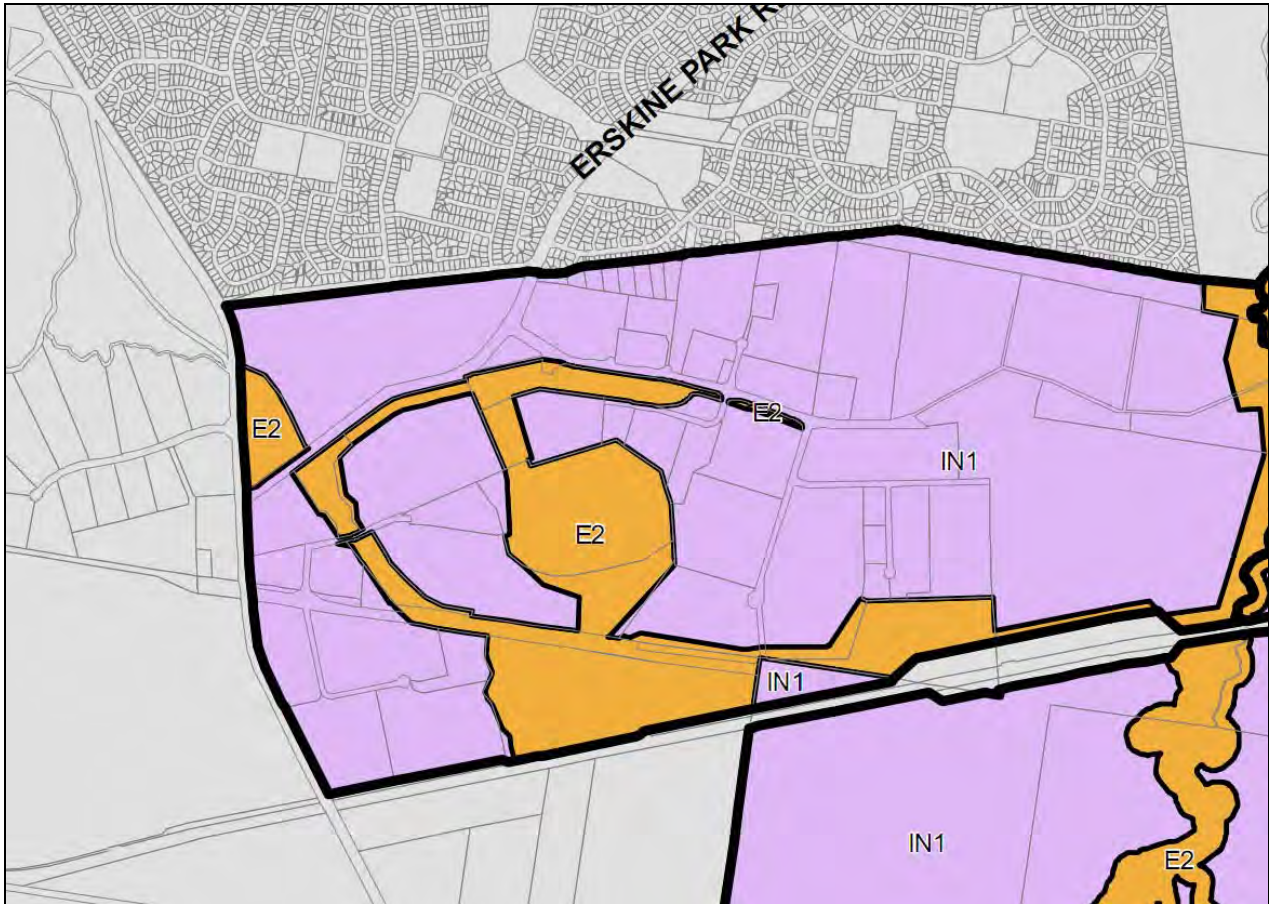


Figure 3 – SEPP (Western Sydney Employment Lands) 2009 (Source: Department of Planning, 2009)

12 Conclusions and Recommendations

The approved Warehouse B1 presents an opportunity for the use of the building as a chemical storage facility including household products on a site where similar activities are already occurring.

The subject site is appropriately zoned to permit the proposed use.

The site is located close to major roads making it a convenient location with good accessibility to and within the region.

It is recommended that the Department issue Director-General's Requirements for the preparation of an Environmental Impact Statement for the proposal as State Significant Development.



Appendix 1 – Site Location





507 DP1094504

Appendix 2 – Section 149 Certificate





Civic Centre
601 High Street, Penrith

PO Box 60 Penrith NSW 2751
DX 8017 Penrith
Email: pencit@penrithcity.nsw.gov.au

Telephone: 02 4732 7777
Facsimile: 02 4732 7958

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Property No: 784167
Your Reference: NM-Erskine Park Fax Urgent
Contact No: 0488 298 618

Issue Date: 11/08/2011
Certificate No: 11/03457
Receipt Date: 11/08/2011
Receipt No: 2406712

Issued to: McKenzie Group Consulting
Level 6/189 Kent Street
SYDNEY NSW 2000

PRECINCT 996

DESCRIPTION OF LAND

County: CUMBERLAND

Parish: MELVILLE

Location: 23-107 Erskine Park Road ERSKINE PARK NSW 2759

Land Description: Lot 1 DP 1128233

- PART 1 PRESCRIBED MATTERS -

In accordance with the provisions of Section 149(2) of the Act the following information is furnished in respect of the abovementioned land:

1 NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPs

1(1) The name of each environmental planning instrument that applies to the carrying out of development on the land:

Penrith Local Environmental Plan 1994 (Erskine Park Employment Area), gazetted 25 November 1994, as amended; and Interim Development Order No.93 - Penrith, gazetted 8 August 1980, as amended by Penrith Local Environmental Plan No.250, gazetted 26 February 1999, apply to the land.

Penrith Local Environmental Plan No. 255 -- Exempt and Complying Development, gazetted 24 March 2000, as amended, (also) applies to land within the City of Penrith. (Note: This plan does not apply to the land to which Sydney Regional Environmental Plan No.30 -- St Marys applies, except as provided by clause 43 of SREP No. 30 -- St Marys.)

Penrith Local Environmental Plan No. 258 -- Consent for Dwelling Houses and Other Development, gazetted 29 June 2001, (also) applies to all land within the City of Penrith.



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Environmental Planning and Assessment Act, 1979

Sydney Regional Environmental Plan No.9 - Extractive Industry (No.2), gazetted 15 September 1995, as amended, applies to the local government area of Penrith.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997), gazetted 7 November 1997, as amended, applies to the local government area of Penrith (except land to which Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme applies).

The names of each State environmental planning policy applying to the land are:

State Environmental Planning Policy No.1 - Development Standards.

State Environmental Planning Policy No.4 - Development Without Consent and Miscellaneous Exempt and Complying Development. (Note: This policy may not apply to land reserved for certain public purposes. See clause 4 of the policy).

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

State Environmental Planning Policy No.19 - Bushland in Urban Areas. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974 and the Forestry Act 1916).

State Environmental Planning Policy No.21 - Caravan Parks.

State Environmental Planning Policy No.22 - Shops and Commercial Premises.

State Environmental Planning Policy No.30 - Intensive Agriculture.

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

(Note: This policy does not apply to land identified as coastal protection, environmental protection, escarpment, floodway, natural hazard, non-urban, rural, rural residential, water catchment or wetland.)

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

State Environmental Planning Policy No.50 - Canal Estate Development. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 1998 (Lakes Environs) and Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme apply.)

State Environmental Planning Policy No.55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No.64 - Advertising and Signage.

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Note: This policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only as detailed in clause 4 of the policy.)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy (Major Development) 2005.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

State Environmental Planning Policy (Temporary Structures) 2007.

State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (Western Sydney Employment Area) 2009 applies to the land. Under the terms of this Policy the land is partly zoned Zone IN1 General Industrial.



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PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Zone IN1 General Industrial

1 Objectives of zone

- To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.
- To encourage employment opportunities along motorway corridors, including the M7 and M4.
- To minimise any adverse effect of industry on other land uses.
- To facilitate road network links to the M7 and M4 Motorways.
- To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.
- To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.

2 Permitted without consent

Nil.

3 Permitted with consent

Depots; Food and drink premises; Freight transport facilities; Industrial retail outlets; Industries (other than offensive or hazardous industries); Neighbourhood shops; Roads; Service stations; Transport depots; Truck depots; Warehouse or distribution centres.

4 Prohibited

Any development not specified in item 2 or 3.

Note 1: Under the terms of Clause 12 of State Environmental Planning Policy (Western Sydney Employment Area) 2009 development may be carried out on unzoned land only with consent.

Note 2: Land to which State Environmental Planning Policy (Western Sydney Employment Area) 2009 applies may be subdivided but only with consent. Consent is not required for subdivision detailed in Clause 14(2) of this Policy.

Note 3: Under the terms of Clause 15 of State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite any other provision of this Policy, a person may, with consent, carry out development for the purposes of a child care centre on land to which this Policy applies.



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PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

1(2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act:

(Information is provided in this section only if a proposed environmental planning instrument that is or has been the subject of community consultation or on public exhibition under the Act will apply to the carrying out of development on the land.)

1(3) The name of each development control plan that applies to the carrying out of development on the land:

Penrith Development Control Plan 2010 applies to all land subject to Penrith Local Environmental Plan 2010. Penrith Development Control Plan 2006 applies to all land not subject to Penrith Local Environmental Plan 2010.

2 ZONING AND LAND USE UNDER RELEVANT LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

2(a)-(d) the identity of the zone; the purposes that may be carried out without development consent; the purposes that may not be carried out except with development consent; and the purposes that are prohibited within the zone. If these sections apply to the land details are shown below and/or in annexures.

Under the terms of Penrith Local Environmental Plan 1994 (Erskine Park Employment Area) the land is partly zoned as Zone No. 4(e1) (Employment - Restricted); and under the terms of Interim Development Order No.93 - Penrith the land is partly zoned Rural 1(a1).

Zone No. 4(e1) (Employment - Restricted)

1. Objectives of zone

The objectives of this zone are:

- (a) to prohibit certain development which is likely to have an adverse environmental effect on the amenity of adjoining localities; and
- (b) to promote development which does not have an adverse environmental effect on the adjoining residential and rural communities arising from air, noise or other pollution, and
- (c) to permit retail activities which are:
 - (i) compatible with the concept of the employment area; and
 - (ii) unlikely to prejudice the viability of existing business centres, or are primarily intended to service persons working in the Erskine Park Employment Area; and
- (d) to permit office development of a type which:
 - (i) would not be readily located in a traditional business zone; and



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PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

- (ii) would be unlikely to prejudice the viability of existing business centres; and
- (e) to permit development for the purposes of recreation facilities, child care centres and community facilities in association with, or independent of, other permitted development to serve the needs of the workforce of the Area and the adjoining residential and rural communities; and
- (f) to prohibit development of land for any purpose if, as a result of carrying out the development, there will be direct vehicular access between that land and either Erskine Park Road or Mamre Road; and
- (g) to promote development of land with frontage to Mamre Road and Erskine Park Road if the buildings or works resulting from the carrying out of the development will, by their architectural and landscape design, enhance the rural scenic character of those roads and their roles as gateways to the City of Penrith.

2. Without development consent

Nil.

3. Only with development consent

Any land use other than those included in Item 4.

4. Prohibited

Amusement parks; boarding houses; camp or caravan sites; dwellings (other than those used in conjunction with other land uses that are not prohibited in this zone and situated on the land on which such other uses are conducted); general stores; generating works; industries listed in Schedule 2; junk yards; materials recycling yards; motor showrooms; offensive or hazardous industries; offensive or hazardous storage establishments; shops (other than those primarily intended to service persons working in the Erskine Park Employment Area or shops trading principally in bulky goods or motor vehicle parts and accessories); vehicle body repair workshops; waste disposal.

Schedule 2 - Prohibited Industries

abattoirs;
chemical factories or works;
crushing, grinding or milling works;
extractive industries;
gasholders;
liquid, chemical, oil or petroleum waste works;
liquid fuel depots;
metallurgical works in which more than 100 tonnes per annum of ferrous or non-ferrous metals or their ores are processed;
mines;
oil refineries;
paper or pulp works;
petroleum product storage and processing works;



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pre-mix bitumen works;
rubber or plastic works;
sawmills;
scrap recovery or drum reconditioning works.

Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development

In addition to any controls detailed above Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development sets out further circumstances where development consent will be required for particular development. A copy of this LEP is attached.

2(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed:

(Information is provided in this section only if any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.)

For land zoned Rural 1(a1) under Interim Development Order No.93 - Penrith provisions fixing the minimum area upon which a dwelling-house may be erected at 40 hectares apply to the land. Council may also consent to the erection of a dwelling-house on an allotment zoned Rural 1(a1) under Interim Development Order No.93 - Penrith that was in existence as a separate allotment, lot or portion of land as at 8 August, 1980.

Note: There are also certain performance requirements with regard to land dimensions affecting the construction of a dwelling-house on the land. In this regard Council has not considered the physical configuration or suitability of this particular land for the erection of a dwelling-house.

2(f) whether the land includes or comprises critical habitat:

(Information is provided in this section only if the land includes or comprises critical habitat.)

2(g) whether the land is in a conservation area (however described):

(Information is provided in this section only if the land is in a conservation area (however described).)

2(h) whether an item of environmental heritage (however described) is situated on the land:

(Information is provided in this section only if an item of environmental heritage (however described) is situated on the land.)



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2A ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

(Information is provided in this section only if the land is within any zone under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.)

3 COMPLYING DEVELOPMENT

GENERAL HOUSING CODE

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

RURAL HOUSING CODE

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

HOUSING ALTERATIONS CODE

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

GENERAL DEVELOPMENT CODE

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

GENERAL COMMERCIAL AND INDUSTRIAL CODE

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

SUBDIVISIONS CODE

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

DEMOLITION CODE

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

(NOTE: Council has relied on Department of Planning Circulars and Fact Sheets in the preparation of this information. Applicants should seek their own legal advice in relation to this matter with particular reference to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.)



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4 COASTAL PROTECTION

The land is not affected by the operation of sections 38 or 39 of the Coastal Protection Act 1979, to the extent that council has been so notified by the Department of Public Works.

5 MINE SUBSIDENCE

The land is not 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

The land is not affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993, or
- (b) an environmental planning instrument, or
- (c) a resolution of council.

7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

(a) Councils Policies

The land is not affected by a policy adopted by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

(b) Other Public Authority Policies

The Bush Fire Co-ordinating Committee has adopted a Bush Fire Risk Management Plan that covers the local government area of Penrith City Council, and includes public, private and Commonwealth lands.

The land is not affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

(1) Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) (if such uses are permissible on the land) is subject to flood related development controls.



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(2) Development on the land or part of the land for industrial or commercial purposes (if such uses are permissible on the land) is subject to flood related development controls.

Development on the land or part of the land for purposes other than industrial or commercial, or for purposes other than those referred to in (1) above, will be considered on a merits based approach and flood related development controls may apply.

Note: The land is subject to Penrith Development Control Plan 2010 Section C3.5 Flood Liable Lands and/or Penrith Development Control Plan 2006 Section 2.10 Flood Liable Land. On application and payment of the prescribed fee Council may be able to provide in writing a range of advice in regard to the extent of flooding affecting the property.

8 LAND RESERVED FOR ACQUISITION

No environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

9 CONTRIBUTIONS PLANS

The Library Facilities (Amendment No.1) in the City of Penrith Development Contributions Plan applies to the land.

The Cultural Facilities Development Contributions Plan applies to the land.

The Erskine Business Park - Development Contributions Plan 2008 applies to the land.

9A BIODIVERSITY CERTIFIED LAND

(Information is provided in this section only if the land is biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*).)

10 BIOBANKING AGREEMENTS

(Information is provided in this section only if Council has been notified by the Director-General of the Department of Environment, Climate Change and Water that the land is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates.)

11 BUSH FIRE PRONE LAND

Some of the land is identified as bush fire prone land according to Council records. Guidance as to restrictions that may be placed on the land as a result of the land being bush fire prone can be obtained by contacting Council. Such advice would be subject to further requirements of the NSW Rural Fire Services.



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12 PROPERTY VEGETATION PLANS

(Information is provided in this section only if Council has been notified that the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies.)

13 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

(Information is provided in this section only if Council has been notified that an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.)

14 DIRECTIONS UNDER PART 3A

(Information is provided in this section only if there is a direction by the Minister in force under section 75P(2)(c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.)

15 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (seniors housing), of which the council is aware, issued under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 18(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.)

16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

(Information is provided in this section only if there is a valid site compatibility certificate (infrastructure), of which council is aware, in respect of proposed development on the land.)

17 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 have been imposed as a condition of consent to a development application in respect of the land.)



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NOTE: The following matters are prescribed by section 59(2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate

- (a) (Information is provided in this section only if, as at the date of this certificate, the land (or part of the land) is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.)
- (b) (Information is provided in this section only if, as at the date of this certificate, the land is subject to a management order within the meaning of the Contaminated Land Management Act 1997.)
- (c) (Information is provided in this section only if, as at the date of this certificate, the land is the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.)
- (d) (Information is provided in this section only if, at the date of this certificate, the land subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.)
- (e) (Information is provided in this section only if the land is the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997 – a copy of which has been provided to Council.)

Note: Section 149(5) information for this property may contain additional information regarding contamination issues.

Note: The Environmental Planning and Assessment Amendment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Regulation 2000.

Information is provided only to the extent that Council has been notified by relevant government departments.

149(5) Certificate

**This Certificate is directed to the following
relevant matters affecting the land**

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.



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Note:

- From 1 July 2008 Council's 149(5) information does not include development consent or easement information. Details of development consents may be obtained by making enquiries with Council's Development Services Department pursuant to section 12 of the Local Government Act 1993 or (for development applications lodged after January 2007) by viewing the Online Services area at www.penrithcity.nsw.gov.au. Details of any easements may be obtained from a Title Search at Land and Property Information New South Wales.
- This certificate does not contain information relating to Complying Development Certificates.
- This certificate may not provide full details of development rights over the land.

* When considering any development application Council must have regard to the Threatened Species Conservation Act 1995. Please note that this legislation may have application to any land throughout the city. Interested persons should make their own enquiries in regard to the impact that this legislation could have on this land.

* The land is affected by a Tree Preservation Order.

* Penrith Development Control Plan 2006 Section 6.10 Erskine Business Park should be consulted to determine building setback requirements for the subject land.

* This property is subject to restriction(s) as to user. See current or previous Section 88B Instrument(s) for details.

* This land is affected by a covenant.

**Alan Stoneham,
General Manager.**

Per

Penrith Local Environmental Plan No 258 – Consent for Dwelling Houses and Other Development

1 Name of plan

This plan is *Penrith Local Environmental Plan No 258 – Consent for Dwelling Houses and Other Development*.

2 Aims of plan

This plan aims to:

- (a) require development consent for dwelling houses on residentially zoned land within the City of Penrith, and
- (b) require development consent for dwelling houses on land within the Non-urban zone under the *Penrith Planning Scheme Ordinance* and on land within the Special Business zone under *Penrith Local Environmental Plan 1997 (Penrith City Centre)*, and
- (c) require development consent for dwelling houses attached to and used in conjunction with shops on land within the Neighbourhood Business zone under the *Penrith Planning Scheme Ordinance*, and
- (d) require development consent for the following:
 - (i) the erection of a building or structure ordinarily associated with a dwelling house,
 - (ii) a change of building use,

Note. At the commencement of this plan, a **change of building use** meant a change of use of a building from a use that the *Building Code of Australia* recognises as appropriate to one class of building to a use that the *Building Code of Australia* recognises as appropriate to a different class of building.

- (iii) demolition of a building or structure,
- (iv) carrying out structural alterations to a building, internal alterations to a building, or external building work in association with business premises, a bed and breakfast establishment, office premises, commercial premises or take away food shops,
- (v) the subdivision of land,

to the extent to which such development does not already require development consent because of another environmental planning instrument in order to be carried out.

3 Land to which plan applies

This plan applies to all land within the City of Penrith.

4 Relationship to other environmental planning instruments

- (1) In the event of an inconsistency between this plan and any other local environmental planning instrument or deemed environmental planning instrument, this plan shall prevail to the extent of the inconsistency, subject to section 36 (4) of the Act.
- (2) This plan amends:
 - (a) *Penrith Planning Scheme Ordinance* in the manner set out in Schedule 1,
 - (b) *Penrith Local Environmental Plan 1997 (Penrith City Centre)* in the manner set out in Schedule 2, and
 - (c) *Penrith Local Environmental Plan 1998 (Urban Land)* in the manner set out in Schedule 3.
- (3) This plan does not affect the application of:
 - (a) *State Environmental Planning Policy No 3 – Castlereagh Liquid Waste Disposal Depot*,
 - (b) *State Environmental Planning Policy No 27 – Prison Sites*,
 - (c) *Sydney Regional Environmental Plan No 9 – Extractive Industry*,

- (d) *Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme,*
 - (e) *Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2-1997),*
 - (f) *Sydney Regional Environmental Plan No 30 – St Marys, or*
 - (g) *Penrith Local Environmental Plan No 255 – Exempt and Complying Development,*
- to land to which this plan applies.

5 Definitions

- (1) In this plan:

a building or structure ordinarily associated with a dwelling house means a garage, carport, pergola, swimming pool, and the like, and includes alterations and additions to an existing dwelling house.

change of building use has the same meaning as in the Act.

Note. At the commencement of this plan, a *change of building use* meant a change of use of a building from a use that the *Building Code of Australia* recognises as appropriate to one class of building to a use that the *Building Code of Australia* recognises as appropriate to a different class of building.

dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

dwelling house means a dwelling which is the only dwelling erected on an allotment of land.

subdivision of land has the same meaning as in the Act.

the Act means the *Environmental Planning and Assessment Act 1979*.

- (2) The list of contents and notes in this plan are not part of this plan.

6 Dwelling houses require development consent

- (1) The erection of a dwelling house must not be carried out without development consent.
- (2) This clause applies to residentially zoned land within the City of Penrith.
- (3) This clause applies if the development:
- (a) does not require development consent because of another environmental planning instrument, and
 - (b) is not prohibited by another environmental planning instrument.

7. Miscellaneous development that requires development consent

- (1) The following development must not be carried out without development consent:
- (a) erection of a building or structure ordinarily associated with a dwelling house, or
 - (b) development that results in a change of building use, or
 - (c) demolition of a building or structure, or
 - (d) structural, internal or external building work in association with business premises, a bed and breakfast establishment, office premises, commercial premises or take away food shops.
- (2) This clause applies if the development:
- (a) does not require development consent because of another environmental planning instrument, and
 - (b) is not prohibited by another environmental planning instrument, and
 - (c) is not identified in *Penrith Local Environmental Plan No 255 – Exempt and Complying Development* as exempt development, and
 - (d) does not involve Crown building work as defined in section 116G of the Act.

8 Subdivisions require development consent

- (1) A subdivision of land must not be carried out without development consent.
- (2) This clause applies if the subdivision of land:
 - (a) does not require development consent because of another environmental planning instrument, and
 - (b) is not prohibited by another environmental planning instrument, and
 - (c) is not identified in *Penrith Local Environmental Plan No 255 – Exempt and Complying Development* as exempt development, and
 - (d) does not involve Crown building work as defined in section 116G of the Act.

Schedule 1 Amendment of Penrith Planning Scheme Ordinance

(Clause 4 (2) (a))

- [1] **Clause 4 Interpretation**
Omit the definition of *Country dwelling*.
- [2] **Clause 26 Erection or use of buildings or works**
Omit “country dwellings;” from Column III for Zone No 1 of the Table to the clause.
- [3] **Clause 26, Table**
Omit “dwelling-houses other than country dwellings and rural dwellings;” from Column V for Zone No. 1.
- [4] **Clause 26, Table**
Omit “Dwelling-houses other than semi-detached and terrace buildings.” from Column III for Zone No 2(a).
- [5] **Clause 26, Table**
Omit “Residential buildings.” from Column III for Zone No 2 (b).
- [6] **Clause 26, Table**
Omit “Dwelling-houses other than semi-detached or terrace buildings.” from Column III for Zone No 2 (c).
- [7] **Clause 26, Table**
Omit “;dwelling-houses attached to and used in conjunction with shops” from Column III for Zone No 3 (c).
- [8] **Clause 26, Table**
Omit “Purposes” from Column IV for Zone No 3(c).

Insert instead “Buildings or other structures ordinarily associated with dwelling houses; changes of building use (as defined in the *Environmental Planning and Assessment Act 1979*); dwelling-houses attached to and used in conjunction with shops; demolition of buildings or other structures; land uses and premises”.
- [9] **Clause 26, Table**
Insert “; structural or internal alterations to, or external building work in association with, commercial premises or refreshment rooms” after “roads” in Column IV for Zone No 3(c).
- [10] **Clause 38 Development in residential zones**
Omit the clause.
- [11] **Clause 46 Variation of area required for country dwelling**
Omit the clause.

Schedule 2 Amendment of Penrith Local Environmental Plan 1997 (Penrith City Centre)

(Clause 4 (2) (b))

[1] Clause 9 Zone objectives and development control table

Omit from item (b) (i) **Without development consent** for Zone No 2 (f) in the Development Control Table:

- dwelling-houses

[2] Clause 9, table

Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zone No 2 (f):

- buildings or other structures ordinarily associated with dwelling-houses
- demolition of buildings or other structures
- dwelling-houses

[3] Clause 20 Development of land within Zone No 3 (a)

Insert "where the new use does not involve structural or internal alterations or external buildings works" after the words "or take away food shops".

Schedule 3 Amendment of Penrith Local Environmental Plan 1998 (Urban Land)

(Clause 4 (2) (c))

[1] Clause 9 Zone objectives and development control table

Omit wherever occurring from item (b) (i) **Without development consent** for Zones Nos 2 (a1), 2 (a), 2 (b), 2 (c), 2 (d) and 2 (e) in the Development Control Table:

- dwelling houses

[2] Clause 9, table

Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zones Nos 2 (a1), 2 (a), 2 (b), 2 (c), 2 (d) and 2 (e):

- buildings or other structures ordinarily associated with dwelling houses
- changes of building use (as defined in the Act)
- demolition of buildings or other structures
- dwelling houses
- internal structural work in bed and breakfast establishments

[3] Clause 9, table

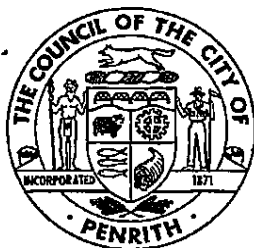
Insert in alphabetical order in item b (ii) **Only with development consent** for Zones Nos 2 (r) and 2 (r1);

- buildings or other structures ordinarily associated with dwelling houses
- changes of building use (as defined in the Act)
- demolition of buildings or other structures
- structural or internal alterations to bed and breakfast establishments

[4] Clause 9, table

Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zone No 3 (f):

- changes of building use (as defined in the Act)
- demolition of buildings or other structures
- external building work associated with an existing land use carried out with consent
- structural or internal alterations to a building or other structure erected with consent or building approval



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ANNEXURE TO CERTIFICATE UNDER SECTION 149 Environmental Planning and Assessment Act, 1979

The Environmental Planning Instrument/s nominated in this certificate may affect the purposes for which development may or may not be carried out on the land. This/These instrument/s may contain development standards which may affect the carrying out of development on the land. The instrument/s is/are available for inspection at Council's Enquiry Counter during office hours.

BELOW IS AN EXTRACT OF THE INSTRUMENT

INTERIM DEVELOPMENT ORDER No. 93

TABLE

Column I	Column II	Column III
Zone and colour or indication on I.D.C. Map	Purposes for which interim development may be carried out without the consent of the council	Purposes for which interim development may be carried out only with the consent of the council
1. RURAL: (a1) Rural "A1". Light brown	Agriculture (other than pig keeping or poultry farming establishments); forestry.	Advertising structures; amusement parks; animal boarding, breeding and training establishments; car repair stations; caravan parks; cemeteries; clubs; development referred to in Schedule 3; drive-in theatres; dwelling-houses; educational establishments; extractive industries; home industries; home occupations; institutions; offensive or hazardous industries; open space; places of assembly; places of public worship; pig keeping establishments; plant nurseries; poultry farming establishments; recreation establishments; research establishments; roads; rural industries; stables; stock and saleyards; utility installations; veterinary establishments; waste disposal.
(a2) Rural "A2". Light brown with dark red edging and lettered 1 (a2).	Agriculture (other than pig keeping or poultry farming establishments).	Advertising structures; dwelling-houses; educational establishments; extractive industries; home occupations; open space; roads; sand and gravel processing; utility installations.
(d) Rural "D". (Future Urban). Light brown with dark red edging and lettered 1 (d).		Agriculture (other than pig keeping or poultry farming establishments); advertising structures; dwelling-houses; educational establishments; home occupations; open space; roads; utility installations.
5. SPECIAL USES: (a) Special Uses "A". Yellow with scarlet lettering.		Development for the particular purpose indicated by scarlet lettering on the I.D.C. Map and any purpose ordinarily incidental or subsidiary thereto; drainage; open space; roads; utility installations (other than gas holders or generating works).
(b) Special Uses "B". (Roads). Grey.		Any purpose authorized by Part IX of the Act; drainage; roads; utility installations.
6. OPEN SPACE: (a) Existing Recreation. Dark green and lettered 6 (a).	Children's playgrounds; drill grounds; gardens; parks; public baths; public reserves, sports grounds; uses or buildings associated with those purposes which are under the care, control and management of the council.	Drainage; parking incidental to recreation; roads, sportsgrounds; utility installations (other than gas holders or generating works).
(b) Private Recreation. Dark green with yellow edging.		Agriculture; any development ordinarily incidental to sports clubs, golf courses or recreation areas; drainage; golf courses; recreation areas; roads; sports clubs; utility installations (other than gas holders or generating works).
7. RURAL ENVIRONMENT PROTECTION: (d) Rural Environment Protection "D". (Scenic).		Agriculture (other than pig keeping or poultry farming establishments); advertising structures; dwelling-houses; home occupations; open space; recreation establishments; roads; utility installations (other than gas holders or generating works).

Setbacks

9. A building shall not be erected on any land having a frontage to a designated road if the distance between that building and the nearest alignment of that road is less than 30 metres.

10. (1) This clause applies to land –

- (a) which is within 300 metres of the road alignment of a designated road, or
- (b) which has direct vehicular access to a designated road.

(2) Land to which this clause applies shall not be developed for the purposes of amusement parks, caravan parks, clubs, drive-in theatres, educational establishments, places of public worship, plant nurseries, places of assembly or recreation establishments.

Land in Zone No. 7 (d) – special controls

8. (1) This clause applies to all land within Zone No. 7 (d).

(2) No building shall be erected on land within 100 metres of the banks of the Hawkesbury – Nepean River without the concurrence of the Commission.

(3) A building shall not be erected on land to which this clause applies the height of which (measured at any point of the building) exceeds 8 metres.

(4) Subject to subclause (5) the external surfaces of any building shall be constructed of prescribed materials.

(5) The council may permit –

- (a) an external surface of any existing building or work the surfaces of which are not composed of prescribed materials; or
- (b) no more than 10 per centum of the external surface of any building, to be constructed of materials other than prescribed materials.

(6) The council may require as a condition of any consent granted under this clause –

- (a) the retention of any or all existing trees, shrubs, and vegetation on the site; and
- (b) the planting of additional trees and shrubs to screen the development from view from any public place.

Schedule 3

Any development carried out by or on behalf of –

The Department of Agriculture (New South Wales).
 The Department of Education (New South Wales).
 The Department of Main Roads (New South Wales).
 The Department of Mines (New South Wales).
 The Department of Public Works (New South Wales).
 The Department of Technical and Further Education (New South Wales).
 The Department of Youth and Community Services (New South Wales).
 The Department of Motor Transport (New South Wales).
 The Police Department (New South Wales).
 The Department of Tourism (New South Wales).
 The Public Transport Commission of New South Wales.
 The Electricity Authority of New South Wales.
 The Electricity Commission of New South Wales.
 The Forestry Commission of New South Wales.
 The Health Commission of New South Wales.

The Metropolitan Waste Disposal Authority (New South Wales).
 The National Parks and Wildlife Service (New South Wales).
 The Metropolitan Water Sewerage and Drainage Board (New South Wales).
 The Sport and Recreation Service (New South Wales).
 The Water Resources Commission (New South Wales).
 The Soil Conservation Service (New South Wales).
 The Prospect County Council.
 The Department of Transport (Commonwealth).
 The Department of Administrative Services (Commonwealth).
 The Australian Postal Commission (Commonwealth).
 The Australian Telecommunications Commission (Commonwealth).
 The Australian Gas Light Company.

Penrith Local Environmental Plan No. 250

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the Environmental Planning and Assessment Act 1979. (P98/00064/S69)

CRAIG KNOWLES MP

Minister for Urban Affairs and Planning.

Sydney, 22 February 1999.

1. Citation

This plan may be cited as *Penrith Local Environmental Plan No. 250*.

2. Aims, objectives etc

This plan aims to allow for attached dual occupancy on land within Zone No. 1(a1), Zone No. 1(a2) and Zone No. 1(d) under Interim Development Order No. 93 – Penrith.

3. Land to which plan applies

This plan applies to land affected by Interim Development Order No. 93 – Penrith.

4. Amendment of other environmental planning instruments

This plan amends Interim Development Order No. 93 - Penrith in the manner set out in Schedule 1.

Schedule 1 Amendment of Interim Development Order No. 93 – Penrith

[Clause 4]

[1] Clause 2 Definitions

After the definition of “designated road” in clause 2(1), insert:

“dual occupancy” means two attached dwellings on a single allotment of land;

[2] Clause 6A Dual occupancy

After clause 6, insert:

Dual occupancy

6A. The council may grant consent to an application to erect a dual occupancy on an allotment of land within Zone No. 1(a1), 1(a2) or 1(d) only if:

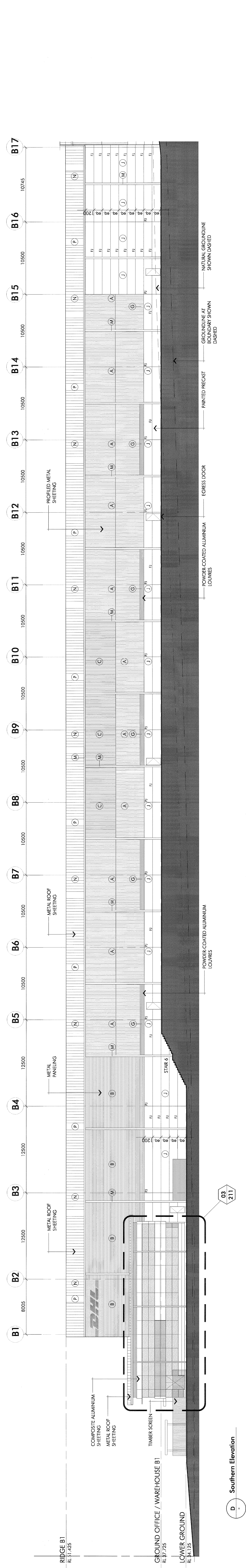
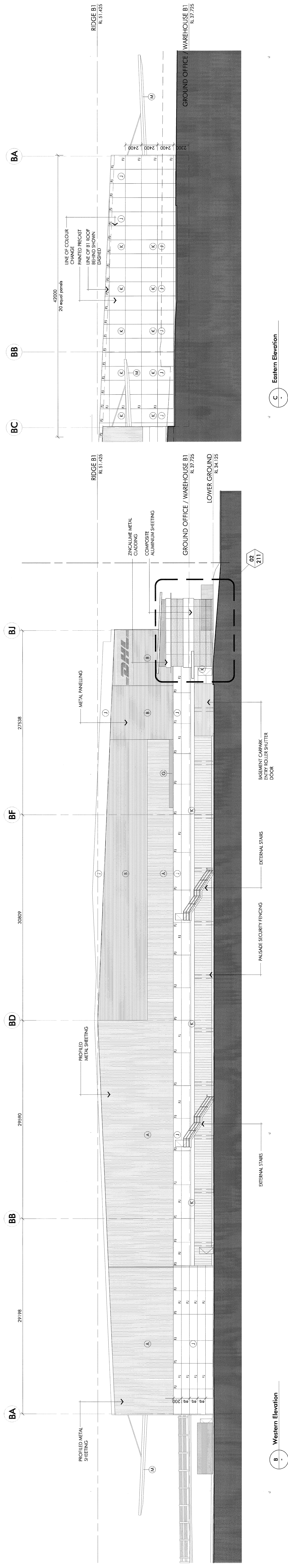
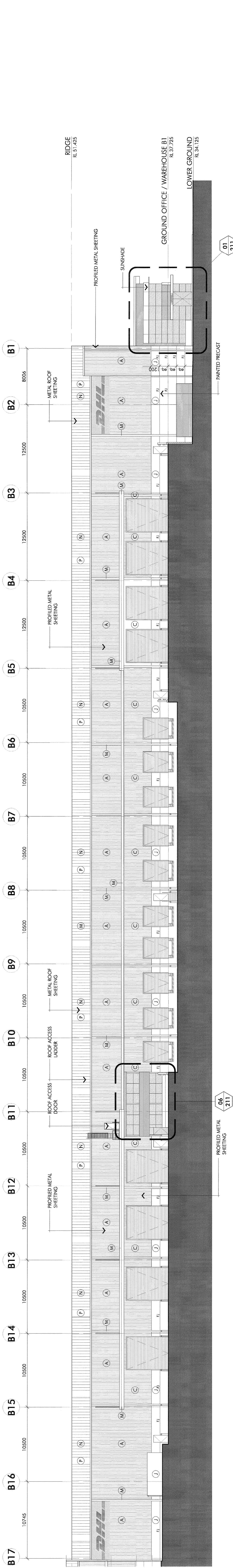
- (a) development for the purpose of a dwelling-house may be carried out on that allotment in accordance with clause 6; and
- (b) no more than two dwellings will be on that allotment as a result of the development being carried out.

Appendix 3 – Indicative Site Masterplan



Appendix 4 – Indicative Warehouse Design






Task	Description	Days	Start	Finish	Predecessors	ES	EF	LS	LF
P1	Full-time work	1.0/1.1							
A	CONSTRUCTION	10.0/1.1							
B	PRECAST WALL DETAILING, CHAIRS, REINFORCING	20.0/1.1							
C	PRECAST WALL DETAILING, CHAIRS, REINFORCING	20.0/1.1							
D	PAINTING FOR CONSTRUCTION	10.0/1.1							

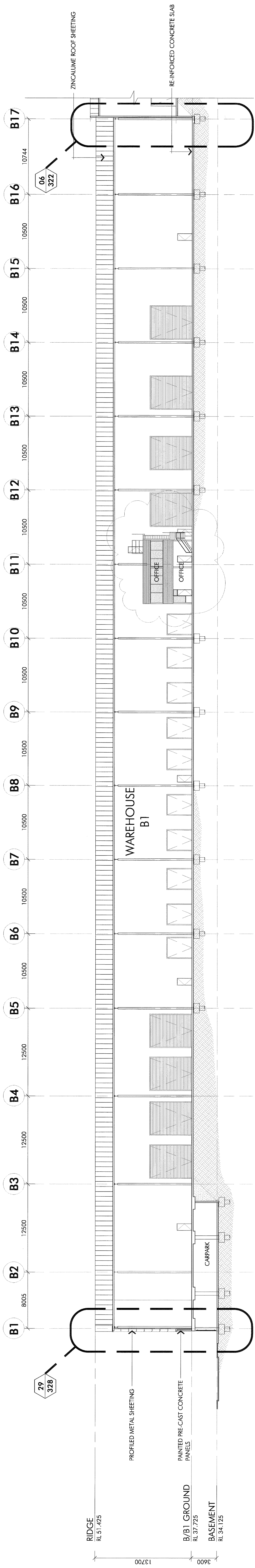
LEGEND							
(A)	PROFILED METAL SHEETING - COLORBOND® WOODLAND GREY	(E)	WALL CLADDING - ALUMINUM GREY METALLIC	(J)	PAINTED PRECAST BLOCKWORK - DULUX SMOKE VEIL	(N)	ROOF SHEETING - COLORBOND® CITH
(B)	METAL PANELING - COLORBOND® WOODLAND GREY	(F)	WALL CLADDING - ALUMINIZED SILVER METALLIC	(K)	PAINTED PRECAST BLOCKWORK - DULUX SMOKE VEIL	(O)	PROFIED CLARITE ROOF SHEETING
(C)	PROFILED METAL SHEETING - COLORBOND® WOODLAND GREY	(G)	POWERCOATED ALUMINUM LOOKING - SPACE GREY	(L)	VISION PANELS - 1521 ON CLEAR GLASS	(P)	FLASHINGS, GUTTERS & DOWNPIPS - COLORBOND® CITH
(D)	PROFIED METAL SHEETING - COLORBOND® CITH	(H)	WALL CLADDING - WINDSCREEN & SUNSCREENS	(M)	WINDSCREEN & SUNSCREENS - DULUX MONUMENT	(R)	COLORBOND® SPANDREL PANELS

LEGEND	Fire hose and equipment 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 60
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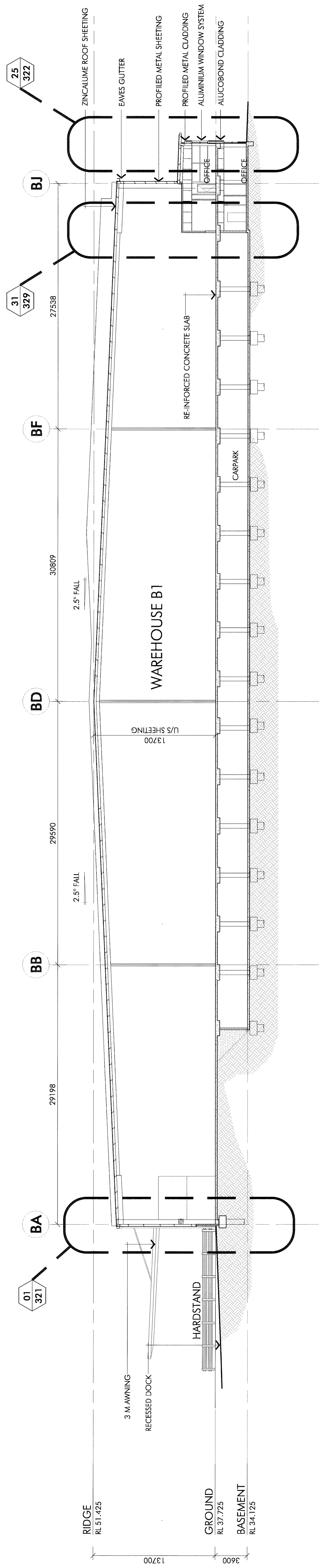
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Hedrick		
SPARKS & PARTNERS		
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Gul		
COSTIN ROE		
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Reynold		
TITAN ELECTRICAL SERVICES		
Tel: (02) 9605 5596	Fax: (02) 9605 5093	

Building Contractor	<p>Designer & Constructor by</p> <h1>PRIME</h1> <p>CONSTRUCTIONS</p> <p>2044 Pacific Highway Lane One #100 2044 Perth WA 6150 Phone 1 800 7723</p>	Fax: (02) 9437 0890
Mechanical	<p>DSK CONSULTING</p> <p>Tel: (02) 9436 3500</p>	Fax: (02) 9299 6605
Fire/Firearm	<p>RAW FIRE</p> <p>Tel: (02) 9299 6605</p>	Fax: (02) 9299 6615

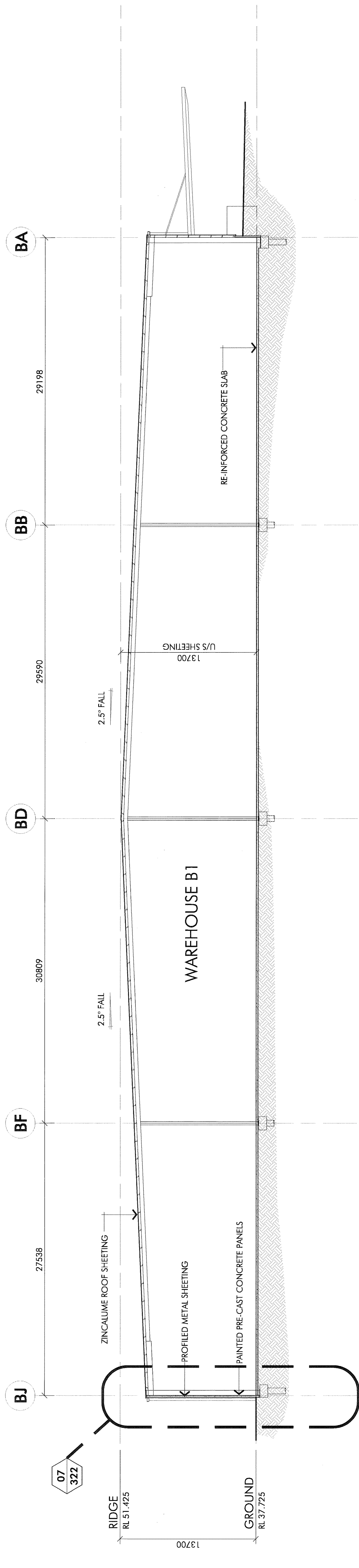
 <p>Level 10 601 Cornsack Street Sydney NSW 2000 Tel: (02) 9230 7400</p>	<p>Elevations Building B1</p>	<p>IG</p>	<p>1-200-0x0</p>	<p>D</p>
<p>Westpac No 474-535, Murrumbidgee Lec 334, DP555986, lot 7 DP29869</p>	<p>WESTPAC INDUSTRIAL ESTATE</p>	<p>IG</p>	<p>3298 201</p>	<p></p>



1
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Section 01
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Section 02
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3
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Section 03
1:250

Item	Description	Unit	Quantity	Rate	Amount
1	FOURTH CUM. INCREASE	12.50%			
2	FIFTH CUM. INCREASE	12.50%			
3	SIXTH CUM. INCREASE	12.50%			
4	SEVENTH CUM. INCREASE	12.50%			
5	EIGHTH CUM. INCREASE	12.50%			
6	NINTH CUM. INCREASE	12.50%			
7	TENTH CUM. INCREASE	12.50%			
8	ELEVENTH CUM. INCREASE	12.50%			
9	TWELFTH CUM. INCREASE	12.50%			
10	THIRTEENTH CUM. INCREASE	12.50%			
11	FOURTEENTH CUM. INCREASE	12.50%			
12	FIFTEENTH CUM. INCREASE	12.50%			
13	SIXTEENTH CUM. INCREASE	12.50%			
14	SEVENTEENTH CUM. INCREASE	12.50%			
15	EIGHTEENTH CUM. INCREASE	12.50%			
16	NINETEENTH CUM. INCREASE	12.50%			
17	TWENTIETH CUM. INCREASE	12.50%			
18	21ST CUM. INCREASE	12.50%			
19	22ND CUM. INCREASE	12.50%			
20	23RD CUM. INCREASE	12.50%			
21	24TH CUM. INCREASE	12.50%			
22	25TH CUM. INCREASE	12.50%			
23	26TH CUM. INCREASE	12.50%			
24	27TH CUM. INCREASE	12.50%			
25	28TH CUM. INCREASE	12.50%			
26	29TH CUM. INCREASE	12.50%			
27	30TH CUM. INCREASE	12.50%			
28	31ST CUM. INCREASE	12.50%			
29	32ND CUM. INCREASE	12.50%			
30	33RD CUM. INCREASE	12.50%			
31	34TH CUM. INCREASE	12.50%			
32	35TH CUM. INCREASE	12.50%			
33	36TH CUM. INCREASE	12.50%			
34	37TH CUM. INCREASE	12.50%			
35	38TH CUM. INCREASE	12.50%			
36	39TH CUM. INCREASE	12.50%			
37	40TH CUM. INCREASE	12.50%			
38	41ST CUM. INCREASE	12.50%			
39	42ND CUM. INCREASE	12.50%			
40	43RD CUM. INCREASE	12.50%			
41	44TH CUM. INCREASE	12.50%			
42	45TH CUM. INCREASE	12.50%			
43	46TH CUM. INCREASE	12.50%			
44	47TH CUM. INCREASE	12.50%			
45	48TH CUM. INCREASE	12.50%			
46	49TH CUM. INCREASE	12.50%			
47	50TH CUM. INCREASE	12.50%			
48	51ST CUM. INCREASE	12.50%			
49	52ND CUM. INCREASE	12.50%			
50	53RD CUM. INCREASE	12.50%			
51	54TH CUM. INCREASE	12.50%			
52	55TH CUM. INCREASE	12.50%			
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57	60TH CUM. INCREASE	12.50%			
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63	66TH CUM. INCREASE	12.50%			
64	67TH CUM. INCREASE	12.50%			
65	68TH CUM. INCREASE	12.50%			
66	69TH CUM. INCREASE	12.50%			
67	70TH CUM. INCREASE	12.50%			
68	71ST CUM. INCREASE	12.50%			
69	72ND CUM. INCREASE	12.50%			
70	73RD CUM. INCREASE	12.50%			
71	74TH CUM. INCREASE	12.50%			
72	75TH CUM. INCREASE	12.50%			
73	76TH CUM. INCREASE	12.50%			
74	77TH CUM. IN	12.50%			

Only use these tags: `div`, `div`

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Hydraulics		
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Cut		
COSTIN ROE		
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TITAN ELECTRICAL SERVICES		
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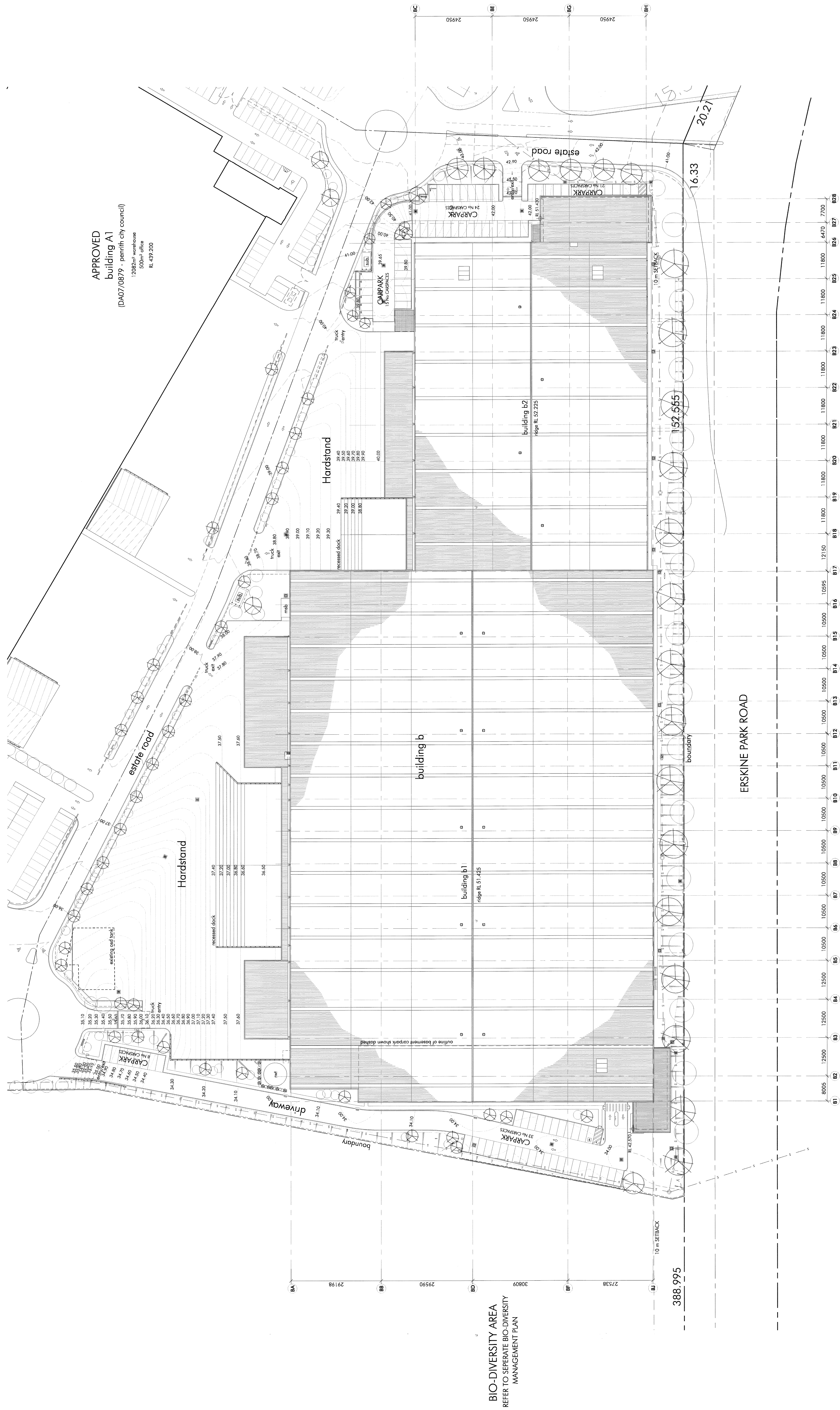
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INDUSTRIAL ESTATE

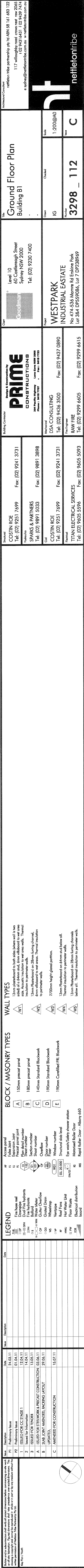
No 474-536 Murre Rd Enniskerry Park
Lot 384 DP559086, Lot 7 DP238969

Title	Sections Building B1		Date
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BIO-DIVERSITY AREA
REFER TO SEPERATE BIO-DIVERSITY
MANAGEMENT PLAN

PRIME CONSTRUCTIONS
PTY LTD
15 JUL 2011



**Appendix 5 – Draft Preliminary Hazard Analysis
Executive Summary**





Warehouse B1

Preliminary Hazard Analysis

WestPark Industrial Estate,

23-107 Erskine Park Road, Erskine Park, 2759, NSW.



Prepared by:	John Marks
Requested by:	Daniel Swinnerton
Document No:	11031-400
Revision No:	04
Date:	19 September 2011

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Executive Summary

The proposed development is for the construction of a warehouse (Warehouse B1) to be located at WestPark Industrial Estate (WestPark). WestPark is located at 23-107 Erskine Park Road, Erskine Park, 2759, New South Wales, Australia. WestPark is located on Lot 1 DP 1128233 within the suburb of Erskine Park and the local government area of Penrith. Warehouse B1 will be operated as a warehouse and distribution centre for household products.

Warehouse B1 will have 20,000 square metres of warehouse storage area. There will also be an office area of 650 square metres for Warehouse B1. The Warehouse will have 18 loading docks.

Warehouse B1 will be leased and operated by DHL Supply Chain (Australia) Pty Ltd (DHL), ACN 071 798 617. The operations will include the storage and handling of dangerous goods. The dangerous goods that are to be stored at Warehouse B1 include aerosols cans (Class 2.1 Dangerous Good), acidic solids (Class 8 Dangerous Good), acidic liquids (Class 8 Dangerous Good), and alkali liquids (Class 8 Dangerous Good). The warehouse will store other materials in Warehouse B1, including:

- Household cleaning agents;
- Dishwashing detergent;
- Laundry powder;
- Disinfectants;
- Pharmaceutical Products; and
- Consumer Health and Personal Care Products

These products will be in package sizes suitable for retail sale and in retail package sizes.

Findings and Recommendations

This section contains a summation of the findings and recommendations for Warehouse B1.

Findings

The quantity of dangerous goods to be stored at Warehouse B1 was found to exceed the screening threshold for “potentially hazardous” as described in the NSW State Environmental Planning Policy No.33 (SEPP 33). Where this threshold is exceeded, SEPP 33 requires that a Preliminary Hazard Analysis (PHA) be undertaken. This study undertakes that PHA for Warehouse B1 for storage and handling of dangerous goods.

The PHA was undertaken in accordance with Hazardous Industry Planning Advisory Paper (HIPAP) No.6. The hazards associated with the proposed development were identified. A qualitative risk assessment was undertaken and hazards found have a “low risk” were deemed to not require further development of the consequence or frequency of the hazard, given the implementation of the nominated controls. Hazards that were found to be “medium” or “high” risks were examined in more detail for both consequence and frequency to quantify the risk.

It was found that the aerosols (UN 1950) storage is predominantly for household products used for cleaning and pest control. The aerosols do not significantly increase the individual risks given the chemicals are suitable for retail sales and in low concentrations. The aerosol were examined as being potentially unreacted within a smoke plume and potentially causing serious injury or being potentially injurious to sensitive receptors. The frequency of aerosols within a smoke plume were below the criteria established in HIPAP No.4. The location of Warehouse B1 at the southern boundary of WestPark means that there is no increase in the frequency events causing serious injury or being potentially injurious to sensitive receptors in residential areas to the north of WestPark site.

The Class 8 material will be stored to meet the intentions and requirements of AS 3780, “The storage and handling of corrosive substances”. The Class 8 material is unlikely to cause significant off-site effects for individuals or significant effect surrounding biophysical environment.

The risk to the biophysical environment from spills and potentially contaminated fire-fighting water was found to be very low for events associated with Warehouse B1.

The WestPark site has other warehouses that contain dangerous goods of notable quantities. These warehouses are Warehouse A1, Warehouse A2, and Warehouse C3/C4. The hazards associated with Warehouse B1 do not increase the risks associated with WestPark to levels above the risk criteria described in HIPAP No.4. It was found that the frequency of potentially causing serious injury or being potentially injurious to sensitive receptors was below the criteria established in the HIPAP No.4 for the storage of dangerous goods for all the warehouses within WestPark. It was also found that the risk of propagation between warehouses at WestPark was very low.

The development of Warehouse B1 is below the risk criteria described in HIPAP No.4 and would not pose a significant risk in the locality.

Recommendations

The recommendations for Warehouse B1 are used to control the risks associated with the storage of dangerous goods that could be potentially hazardous. This includes:

- 1) Storage of aerosols to be undertaken in accordance with Factory Mutual (FM) Global data sheet 7-31 and include:
 - i. Caging;
 - ii. Bunding; and
 - iii. Storage as described by FM Global Data Sheet 7-31.
- 2) Fire separation from Warehouse B2;
- 3) Storage of the Acid solids and liquids in a separate bunded area to the Alkali liquids; and
- 4) Spill and contaminated firewater containment as described in the body of this report.