



PW: IMS 3295254
Contact: Peter Wood
Phone: (02) 4732 7577

17 January 2012

Mr Andrew Hartcher
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Andrew Hartcher

Dear Andrew,

**Proposed Chemical Storage Distribution Facility: State Significant Development Application
No: 4953**

Thankyou for your referral of this application and the opportunity to comment on the Environmental Impact Statement (EIS).

I refer to Council's previous correspondence on the Draft Director-General's Requirements Preliminary, in which a number of matters were raised, in particular the consideration of potential noise and air pollution in relation to the proposed use.

It is noted however, that the EIS has only partly responded to these concerns (p52) and it is emphasised that reliance on a previous development consent (DA11/0302) to address these concerns is not satisfactory.

Council officers have reviewed the EIS and identified relevant assessment issues, which are summarised in the attached table. Council also trusts that the Department will duly consider the following matters in its assessment:

- Penrith DCP 2006 Part 6.10 Erskine Business Park;
- Potential impacts from Noise, Air and other Pollution;
- Vehicular access; and
- BCA requirements in particular, Access and Fire Safety.

It is strongly recommended that the issues identified be addressed prior to approval. Thank you for providing Council with the opportunity to comment on this development proposal.

Should you have any queries regarding this matter, please contact me on (02) 4732 7577 during normal business hours.

Yours faithfully

Peter Wood
Development Assessment Co-ordinator

Issue	Details	Response/Suggestion
General	Information submitted with the EIS and POEO licensing requirements.	It is not clear when the applicant would be deferring to the original consent as approved by Council for the building on the site (DA11/0302), and what would be regulated through the Approval issued by the NSW Department of Planning and Infrastructure. The Introduction of the document states that the proposal is seeking "approval for the use ... as a warehouse and distribution centre". In turn, the use would include <u>all</u> activities on the site. However, in some instances the EIS does not provide all of the relevant information within the document, instead stating that it was assessed as a part of the application assessed by Council. For example, the discussion pertaining to noise does not contain any detail, only identifying the noise generating activities. The EIS document should include all information pertaining to the development, as this consent would in essence replace the previous consent for the use of the facility. In addition, some of the 'Recommended Director General Requirements' provided by the NSW Office of Environment and Heritage have not been met, such as providing an Air Quality Impact Assessment, addressing the points regarding greenhouse gases, and the detail relating to noise impacts. As noted in the document, the development will require a POEO licence. In turn, the environmental impacts of the proposal would be rigorously assessed by the NSW Office of Environment and Heritage (OEH) prior to the issue of this licence. However, OEH may require further amendments to be made to the construction or operation aspects of the development, other than those already proposed. It is important that this aspect is considered before the Department determine the application, and that Council is advised of any changes made to the development.
Noise	24 hour operation	Any machinery or activity considered to produce noise emissions from the premises shall be adequately sound-proofed so that noise emissions are in accordance with the provisions of the Protection of the Environment Operations Act, 1997. All development shall comply with the requirements of relevant Australian Standards and State Government policies and guidelines relating to Noise. Council receives many complaints from nearby residents regarding the noise produced by the industrial buildings within the Erskine Park Industrial Estate, particularly relating to noise from reversing beepers and forklift movements. As the development has not yet commenced operating, it is difficult to determine what noise impacts the

		development may have on surrounding residents. As this is an application for a new use, an Acoustic Report is to be provided.
Vehicular Access	Access and Vehicular movements throughout the site.	It is unclear whether the proposed vehicular movements are compliant with the existing building layout. Compliance with the Australian Standard 2890 is to be demonstrated by way of a Traffic Report prepared by a suitably qualified consultant to ensure that the site is suitable for the proposed delivery vehicles.
Pollution	Air and other pollutants	The emission of air impurities is to be controlled and limited to the standards allowed by the Protection of the Environment Operations Act, 1979, to the satisfaction of Council and the Environmental Protection Authority at all times. Although the documentation refers to the installation of a sprinkler system to assist in managing incidents, it is not clear whether there are any additional ventilation requirements to assist in managing any odours generated by a spill. Additionally any potential impacts from the result of chemical spills or clean up operations are to address the adjoining biodiversity corridor.
Building Code of Australia	The Building Code of Australia is applicable to the development	Compliance with the Building Code of Australia, particularly the following standards: ▪ Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". ▪ an essential fire safety measure is applicable and an annual fire safety statement for the building is required to be provided to Penrith City Council. Due to the size and scope of the proposed development, it is likely that the alternative solution to enable compliance with the performance requirements of the BCA