

# Environmental Assessment

For  
**Reckitt Benckiser**

At  
**Westpark Industrial Estate**  
**Erskine Park Drive, Erskine Park**  
(Lot 1 in DP1128233)

Prepared by  
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June 2009

Revision: 0





## Statement of Validity

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Submission of Environmental Assessment prepared under Part 3A of the *Environment Planning and Assessment Act 1979*

Environmental Assessment prepared by:

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Name: Tim Bainbridge (for FDC Construction and Fitout)

Position: Planning and Development Manager

Qualifications: BPlan (UNSW)

Address: FDC Construction and Fitout Pty Ltd  
22 – 24 Junction Street,  
Forest Lodge, NSW 2037

In respect of: Reckitt Benckiser occupation of Warehouse A2 in ING  
Westpark Industrial Estate, Erskine Park

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Proponent Name: FDC Construction and Fitout Pty Ltd

Proponent Address: 22 – 24 Junction Street,  
Forest Lodge, NSW 2037

Proposed Development: Proposed occupation by Reckitt Benckiser of an  
existing warehouse (Warehouse A2) in the ING  
Westpark Industrial Estate at Erskine Park. The  
proposed use involves the storage of dangerous goods.

Land to be developed: Lot 1 in DP1128233  
1 – 107 Erskine Park Road, Erskine Park

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Declaration: I hereby certify that I have prepared the contents of this  
Environmental Assessment in accordance with the  
Director General's Requirements dated 12 May 2009  
and that to the best of my knowledge, the information  
provided is not false or misleading.

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Signature:

Tim Bainbridge

26 June 2009

## Executive Summary

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This Environmental Assessment has been prepared as part of a Major Project Application to the Department of Planning for the occupation of an existing building in Erskine Park by Reckitt Benckiser. FDC Construction and Fitout Pty Ltd (FDC) has been engaged by Reckitt Benckiser to obtain approval for the proposed occupation and necessary fitout works.

Reckitt Benckiser is one of the largest international manufacturers of branded products in household cleaning and health and personal care. This includes brands such as Nurofen, Mortein, Strepsils, and Dettol. A detailed description of Reckitt Benckiser is provided in Section 3 of this report.

Building A2 will be used for the receipt, storage and dispatch of products, typically including cosmetics, pharmaceutical and household goods. The storage of cosmetic, pharmaceutical and household goods will include Class 2.1 (aerosols), Class 2.1 subrisk 8, Class 3 and Class 4.1 materials. The proposed storage of these products will be in quantities exceeding that which constitutes the development as a Major Hazard Facility under the *Control of Major Hazard Facilities National Standard [NOHSC: 1014 (2002)]*. Therefore, Clause 10(3) of Schedule 1 in *State Environmental Planning Policy (Major Projects) 2005* is applicable. A detailed description of the proposal is provided in Section 3 of this report.

This Environmental Assessment has been prepared in accordance with the Director General's Requirements (DGR's) dated 12 May 2009 (refer to Appendix 1). It has also been prepared in consultation with Penrith City Council, the Department of Environment and Climate Change, Workcover NSW and the Department of Planning.

The proposal is consistent with the NSW State Plan and the Sydney Metropolitan Strategy by allowing an existing business to develop and expand (within NSW) and creating employment opportunities in the Western Sydney Employment Hub. The proposed development is also consistent with the legislative and policy framework for the local and regional area.

The proposed warehouse and distribution activities are consistent with the intended use of the Westpark Industrial Estate as originally approved by Penrith City Council. The proposed storage of dangerous goods can be accommodated without generating impacts above that considered appropriate by the relevant legislation. A Preliminary Hazard Analysis has been prepared to address these issues in detail (Appendix 3).

The potential environmental impacts have also been considered and addressed in this report illustrating that the proposed use is appropriate for this site and the local area. The proposed development should therefore be considered favourably by the Department of Planning and supported.

The following table lists the Director General's Requirements and a reference to the relevant section in this report.

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## Director General's Requirements

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### General Requirements

*The Environmental Assessment must include:*

- An executive summary;* Page 3
- A detailed description of the project including:* Section 2
  - *Need for the project;*
  - *Alternatives considered;*
  - *Likely staging of the project; and*
  - *Existing and approved operations /facilities, including a copy of any statutory approvals that apply to these operations and facilities;*
- A risk assessment of potential environmental impacts of the project, identifying the key issues for further assessment;* Section 6
- A detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment (see above), which includes:*
  - *A description of the existing environment, using sufficient baseline data;* Section 2.1
  - *An assessment of the potential impacts of all stages of the project, including any cumulative impacts, taking into consideration any relevant laws, policies or guidelines (see below);* Section 6
  - *A description of the measures that would be implemented to avoid and/or minimise the potential impacts of the project, including detailed contingency plans for managing any potentially significant risks to the environment;* Section 6 & Section 7
- A statement of commitments, outlining all the proposed environmental management and monitoring measures;* Section 7
- A conclusion justifying the project on economic, social and environmental grounds, taking into consideration whether the project is consistent with the objects of the Environmental Planning and Assessment Act 1979;* Section 8
- A signed statement from the author of the Environmental Assessment, certifying that the information contained within the document is neither false or misleading.* Page 2

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### Key Issues

- Hazards – including a Preliminary Hazard Analysis (PHA) of the project and the potential off-site risks; and* Appendix 3
- Water – including water supply, contaminated water disposal and any other requirements of the Penrith Development Control Plan 2006.* Section 6.6

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### References

- The Environmental Assessment should take into account relevant State government policies, guidelines and plans, as well as industry guidelines and relevant strategic plans. While not exhaustive, policies, guidelines and plans which may be relevant to the project are included in the attached lists.* Section 4
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<i>Consultation</i>	<i>During the preparation of the Environmental Assessment, you should consult with the relevant local, state or Commonwealth government authorities, service providers, community groups or affected landowners.</i>	<i>Section 5</i>
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*In particular, you must consult with Penrith City Council.*

*The consultation process and the issues raised must be described in the Environmental Assessment.*

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## 1.0 Introduction

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This Environmental Assessment has been prepared as part of a Major Project Application to the Department of Planning for the occupation of an existing building in Erskine Park by Reckitt Benckiser.

Reckitt Benckiser is one of the largest international manufactures of branded products in household cleaning and health and personal care. This includes brands such as Nurofen, Mortein, Strepsils, and Dettol. A detailed description of Reckitt Benckiser is provided in Section 3 of this report.

Reckitt Benckiser (Australia) Pty Limited operates a manufacturing and distribution facility on Wharf Road in West Ryde, NSW. This facility currently provides accommodation for 600 employees in roles such as manufacturing, warehousing and distribution, administration, marketing and sales. Reckitt Benckiser intends to relocate the storage of finished products from their West Ryde storage facilities to Warehouse A2, in the Westpark Industrial Estate at Erskine Park. Manufacturing activities will continue to take place at the West Ryde facility.

Building A2 will be used for the receipt, storage and dispatch of products, typically including cosmetics, pharmaceutical and household goods. The storage of cosmetic, pharmaceutical and household goods will include Class 2.1 (aerosols), Class 2.1 subrisk 8, Class 3 and Class 4.1 materials. The proposed storage of these products will be in quantities exceeding that which constitutes the development as a Major Hazard Facility under the *Control of Major Hazard Facilities National Standard [NOHSC: 1014 (2002)]*. Therefore, Clause 10(3) of Schedule 1 in *State Environmental Planning Policy (Major Projects) 2005* is applicable.

The Director General of the Department of Planning has determined that *Part 3A of the Environmental Planning and Assessment Act 1979* (the Act) applies to this project and has provided Director General's Requirements (DGR's) on 12 May 2009 (refer to Appendix 1). This Environmental Assessment has been prepared in accordance with these DGR's. A detailed description of the proposal is provided in Section 3 of this report.

FDC Construction and Fitout Pty Ltd (FDC) is acting on behalf of Reckitt Benckiser to seek approval for the occupation of Building A2. Building A2 was built on a speculative basis by ING Industrial Fund as part of the Westpark Industrial Estate. ING continues to own the Estate and has provided land owners consent to this application. The proposed occupation of Building A2 involves some minor fitout works in order to accommodate Reckitt Benckiser's proposed use. These works have now been completed on the basis of a development consent issued by Penrith City Council (DA09/0008) contained in Appendix 4. Reckitt Benckiser is currently using the facility to store non-dangerous goods which was also subject to the abovementioned development consent.

### 1.1 Project Team

In preparation of this submission, the following organisations and consultants have provided input or relevant technical documents;

- Reckitt Benckiser

- Nettleton Tribe Architects (Architecture);
- Buckton Lysenko Consulting Engineers (Hydraulic Engineer);
- Moore Consulting and Engineering (Risk Consultant);

## **1.2 Consultation**

In preparation of this application, Reckitt Benckiser, FDC Construction and Fitout and the abovementioned consultant team has consulted with a number of government authorities as follows:

- Department of Planning in relation to the applicability of Part 3A of the Act;
- Department of Planning (Major Hazard Unit) in relation to the application of SEPP 33 and other relevant hazard issues;
- NSW Fire Brigade in relation to fire protection of the facility;
- Workcover NSW in relation to workplace safety / Major Hazard Facility;
- Department of Environment and Climate Change (EPA licensing); and
- Penrith City Council in relation to the scope of the project and the relevant planning instruments, development control plans and guidelines.

The outcomes of this consultation has been summarised in Section 5 of this report.



## 2.0 The Site

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For the purposes of this Environmental Assessment, the site is defined as Building A2 within the Westpark Industrial Estate in Erskine Park. The following information provides a description of the Westpark Industrial Estate and then a detailed description of Building A2.

### 2.1 Westpark Industrial Estate

The Westpark Industrial Estate is located at 1 – 107 Erskine Park Road, Erskine Park and is legally described as Lot 1 in DP1128233. It is located within the Erskine Business Park, south of the St Clair residential area and north of Erskine Park Road. The site originally sat on the corner of Erskine Park Road and Mamre Road, but has since been subdivided into two lots to create a Biodiversity Corridor at the western end of the site. Figure 2.1 illustrates the location of the estate.

The site is zoned 4(e1) Employment Restricted by the *Penrith Local Environmental Plan (Erskine Park Employment Zone) 1994*. The estate is generally flat with an incline towards the east and north. The eastern portion of the site (Building C) is elevated above the level of Erskine Park Road. The estate does not contain any items of heritage significance. The estate is characterised by a large transmission line easement which runs along its northern boundary, providing a significant buffer from the St Clair residential area.

The estate has been progressively developed over recent years with the entirety of Building A and C completed (with associated car parking and landscaping). Penrith City Council has issued development consent for the construction of Building B (fronting Erskine Park Road) however construction is yet to begin on this part of the estate and therefore remains vacant. The existing buildings are currently occupied by the following tenants:

#### Building C

Building C1	Capral
Building C2	SCA Hygiene
Building C3	Kagans Logistics

#### Building A

Building A1	Kagan Logistics
Building A2	The site (to be Reckitt Benckiser)
Building A3	vacant

The activities on site typically involve warehouse and distribution of a wide range of goods and materials. Penrith City Council has assessed and approved the overall estate and each tenant prior to the occupation of the facility.

The estate is accessed via an estate road which connects with Erskine Park Road. The estate road is fully constructed, including a new signalised intersection (and road widening) which was designed and constructed in consultation with Penrith City Council and the Roads and Traffic Authority (RTA).



**Figure 2.1: Site Location**



**Figure 2.2: Westpark Industrial Estate**

## 2.2 Building A2 (the site)

Building A in the ING Westpark Industrial Estate was completed in 2008. The building has been separated into three separate tenancies. Building (tenancy) A1 is currently occupied by Kagans Logistics, a third party logistics operator, while building A2 and A3 are currently vacant.

Building A2 includes a warehouse (10,769m<sup>2</sup>) and an office (428m<sup>2</sup>) with 47 car spaces. The building faces south with frontage to the Estate Road. All activities associated with each building are focused along the southern side of the building ensuring that potential noise impacts and other disruptions are screened from the nearby residential area of St Clair to the north (over 170 metres from the building).

The building is 12.2 metres high at the ridge and has a pre-cast concrete wall along the northern elevation. Building A2 is separated by pre-cast concrete (fire rated) tenancy dividing walls. The southern elevation of Building A2 is characterised by eight (8) loading docks, four (4) which are recessed and four (4) at grade. The existing office has been designed over two levels incorporating contemporary materials (pre-finished metal cladding and glazing) to enhance its appearance within the Estate.

Figure 2.2 illustrates the location and layout of Building A2 in the context of the Westpark Industrial Estate. An architectural Plan (Drawing 3527\_02) is included within Appendix 2 of this report. Figure 2.3 provides an indicative layout of Building A2 in regard to the proposed land use.

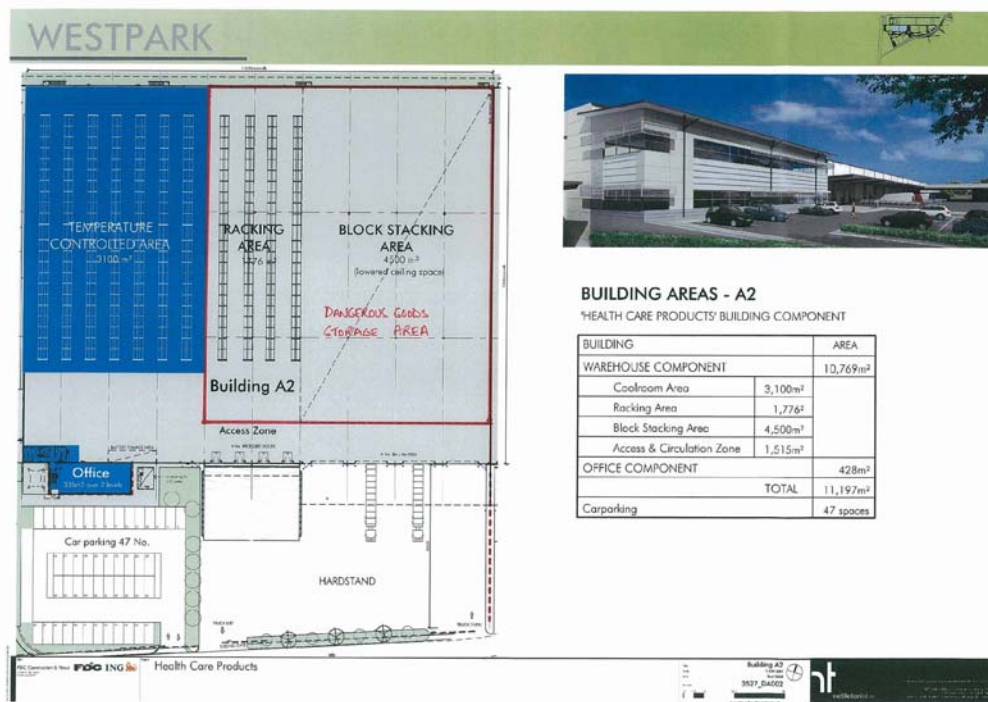


Figure 2.3: Building A2

## 3.0 The Proposal

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The following section provides a detailed description of the proposed development.

### 3.1 Reckitt Benckiser

Reckitt Benckiser (Australia) Pty Limited is a wholly owned subsidiary of the UK-based Reckitt Benckiser plc, a manufacturer and marketer of branded products in household cleaning and health and personal care. Globally, Reckitt Benckiser sells over 9 million products on a daily basis and has annual revenue of \$12 billion (AUD). The company operates in 60 countries but is represented in over 180 countries. Over 22,000 people are employed worldwide.

Reckitt Benckiser's product range includes, but is not limited to, the following brands:



Reckitt Benckiser (Australia) Pty Limited (Reckitt Benckiser) operates a manufacturing and distribution facility on Wharf Road in West Ryde, NSW. West Ryde is the manufacturing, distribution and head office location for the Australia and New Zealand region and employs approximately 600 people in varying functions including; Marketing, Sales, Trade Marketing, Human Resources, Finance, Information Systems, Regulatory Affairs, Research and Development, Supply including manufacturing and warehousing.

The existing manufacturing site produces approximately 50 percent of the products supplied to Australia and New Zealand, including liquid, powder and aerosol products. The remaining product range is sourced from alternative Australian manufactures and other Reckitt Benckiser International manufacturing centres for distribution throughout Australia and New Zealand.

Imported materials typically include packaging, raw materials, sub-assembly components and packaged finished goods. Imports arrive at Port Botany in Sydney and are delivered to the West Ryde facility by road.



Products are also sourced from a variety of different countries including China, Spain, France, UK, Hong-Kong, Italy, Korea, Mexico, Malaysia, Canada, Germany, New Zealand, Poland, Portugal, South Africa.

Port Botany is also utilised for exportation of goods to New Zealand, Pacific Islands and parts of Asia. Products are containerised and delivered to Port Botany by road transportation.

### **3.2 Project Background**

A logistics plan for Reckitt Benckiser has recently been developed to improve the distribution efficiency of locally manufactured and imported products throughout Australia and the surrounding region. The logistics plan has also been developed in response to new Major Hazard Facility legislation which affects the operation of the current storage facility in West Ryde.

‘Project Pantry’ (the change in warehousing sites) was created to develop the planning processes required to establish a warehousing facility outside the West Ryde site that will accommodate the receipt, storage, picking, and despatch of packaged goods including various classes of dangerous goods, and healthcare products.

Reckitt Benckiser has identified a number of operational constraints at the West Ryde facility which include the following:

- Exceeded warehouse storage capacity on the site;
- Unable to consolidate current third party logistics (3PL) managed healthcare storage onto the site at West Ryde;
- The site does not conform to Therapeutic Goods Administration (TGA) requirements for the storage and handling of goods for Store Below 25 Degrees Celsius;
- The site layout for warehousing is disparate resulting in under utilised and ill-configured material handling to suit the current needs of the business;
- Inadequate warehouse storage space is available to accommodate smooth material flows and improve safe working areas;
- The current security arrangements are adequate for the products stored at the site however, they are considered sub optimal for the ability to consolidate drugs of high illicit value onto the site;
- Improvements were identified for the storage and handling of mixed packaged dangerous goods;
- The global insurance provider to Reckitt Benckiser had made recommendations for improvements in the fire protection system;

There were a number of key considerations that were established to help find and select an appropriate site for the proposed activity. These considerations are listed below:

- Finalise and determine the requirements for storage;
- Identify location factors including key transport routes, key and emerging industrial areas, staff travel times etc;
- Develop brief for market consideration including proposed lease terms and flexibility, in line with Reckitt Benckiser corporate guidelines;
- Conduct an initial property search and market commentary;
- Review logistics, transport and material handling issues as they impact the potential property;
- Determine if an existing facility could meet requirements considering availability of suitable properties based on types of product stored and legislative requirements for storage; and
- Reckitt Benckiser constraints in areas such as distance from West Ryde, distance to customer distribution centres, availability of workforce, applicability of EBA, and product transfer cost implications; and
- Confirm global insurance providers fire protection requirements for warehouse properties;

An operational review was also conducted to more comprehensively understand the operational needs of the business within a new facility. The review included the following aspects:

- A review and assessment of product inflows, storage, and outflows;
- Consideration of internal layout including traffic flows and materials handling equipment such as racking and conveyor system (if required),
- Productivities as a base for establishing additional materials handling equipment such as forklifts;
- Inventory management system needs and associated resources such as phone and data lines to support operations;
- Office and communication needs and staff amenity needs;
- Security and segregation needs for healthcare products;
- Staffing numbers; and
- The level of management and operational overheads;

Areas assessed also considered the cost and impact of building modifications to accommodate healthcare products, vehicle access needs, and local area constraints on vehicles (e.g. noise & Local Government restrictions).

### 3.3 Site Selection

Over 20 sites were considered and assessed by Reckitt Benckiser project team. The preferred site, Building A2 in the Westpark Industrial Estate in Erskine Park, had the following characteristics which were considered desirable:

- The warehouse space is 10,769m<sup>2</sup> and meets the storage requirements for the business;
- Office space is built outside warehouse footprint;
- There are suitable sunken docks available for shipping container unloading and loading and suitable floor level docks available under awnings to permit all weather loading and unloading;
- The hard stand area of the site will accommodate up to 10 parked trailers;
- ING Real Estate and FDC Construction and Fitout have developed a number of dangerous goods storage and handling facilities on the site and have a clear understanding of the requirements with the relevant authorities in NSW (in particular the NSW Fire Brigade and Penrith City Council);
- Fire rating of tenancy walls separates the facilities on either side of the warehouse reducing the upfront costs associated with moving into a warehouse;
- The fire sprinkler system is ESFR (Early Suppression Fast Response). This complies with the requirements for insurance and can be upgraded for the storage of various classes of dangerous goods;
- The facility is bunded and has a system that can store 11,000,000 litres of runoff and fire water in the event of an emergency;
- The site is well separated from nearby residential areas; and
- The site is within 20 kilometres of the major retail customers' facilities at Huntingwood, Silverwater and Minchinbury with good access to the M4 and M7 Motorways.

### 3.4 Development Details

Reckitt Benckiser proposes to occupy Building A2 within the Westpark Industrial Estate. The existing building consists of the following components:

Warehouse -	10,769m <sup>2</sup> GLA
Office (2 levels) -	428m <sup>2</sup> GLA
At grade docks -	4 loading docks
Recessed docks-	4 loading docks
Car parking -	47 car spaces

The warehouse will be a modern, clean environment for the receipt, storage and dispatch of product. Specific services to be conducted on the site include:

- Unloading and receipt of finished goods via trucks and shipping containers;
- Management of inventory in a racked and block 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;
- Product Embellishment (e.g. stickering, custom packs assembly, etc);
- Rework / reconditioning for damages that occur through the supply chain;
- No manufacturing will occur at this facility;
- There is no decanting, filling or mixing of products to be undertaken at the warehouse.

### **3.4.1 Product Storage**

The ranges of goods proposed to be stored within the facility include household cleaning items and healthcare items. The healthcare items (which include Schedule 2 & 3 products) shall require a licence to supply by wholesale poisons and/or restricted substances for therapeutics from the Department of Health and the TGA. Representative products are; Nurofen Tablets, Clearasil lotions, Strepsils lozenges and Lemsip sachets.

The storage of dangerous goods will include Class 2.1 (aerosols), Class 2.2, Class 3 and Class 4.1 materials. Other materials, including refrigerated goods (stored at or below 25 Deg C) will be stored within the warehouse. Representative Class 2.1 products are; Airwick Air Fresheners Aerosols, Mortein Ultra Low Allergenic Fly and Insect Killer and Mortein Fast Knockdown Fly and Insect Killer. Representative products for Class 3 products are; Brasso and Dettol Hand Sanitiser. A representative product for Class 4.1 is Clearasil Ultra Deep Pore Face Wipes.

The Dangerous Goods being stored on the site come from a range of locations including: West Ryde, NSW; Melbourne; UK; USA; China; Indonesia; and Portugal. The current mixed packaged dangerous goods proposed for this site are currently being stored at the West Ryde site. The manufacturing of the aerosols and some of the Class 3 goods will remain at the West Ryde site.

As indicated previously, Reckitt Benckiser also imports packaging materials, raw materials and sub assembly parts which shall continue to be stored at the West Ryde site. There is no intention for these goods to be stored at Erskine Park.

The proposed storage of Dangerous Goods is described within the Preliminary Hazard Analysis attached within Appendix 3. This report provides a detailed assessment of proposed storage activities in the context of the relevant legislative requirements.



### 3.4.2 Incoming Goods

Incoming goods will be delivered via several different methods of transport as described below. These vehicle movements were assessed and approved by Penrith City Council as part of DA09/0008.

Shipping container deliveries will be via “drop trailers” and/or driver manned trailers or side loaders. Typical deliveries are turned around and dispatched within 1 hour of receipt at the site. Deliveries of the shipping containers to the site are proposed 24 hours per day, with the bulk of the deliveries expected between 3am and 5pm. Pickups of the empty shipping containers shall be between the same hours. Shipping containers will involve a combination of unloading processes which include hand unloading of products or forklift unloading of the product.

Deliveries from the West Ryde manufacturing site shall be via trucks. It is expected the bulk of the deliveries will occur between 5am and 7pm. The deliveries will include a range of products including both dangerous goods and ambient packaged product.

The expected frequency of deliveries for incoming goods:

- Containers            5 -10 per day
- Trucks                5 -10 per day

Product returns from customers (including incorrect deliveries, damages etc) shall be directed to the West Ryde site to undergo a quality inspection program and make an assessment to ensure the stock is suitable for storage in the warehouse (and eventual resale). Some health care product (non- dangerous goods) will be returned directly to Erskine Park for inspection. It is anticipated that any damaged goods shall be re-conditioned within the Reckitt Benckiser manufacturing facilities at West Ryde prior to storage at Erskine Park.

### 3.4.3 Outgoing Goods

The outbound vehicle movements described below were also assessed and approved by Penrith City Council as part of DA09/0008.

Outgoing deliveries will typically include semi trailers, however B-doubles will be used for deliveries to large customers such as Woolworths and Coles storage facilities. The approved transport companies will require access to the hard stand area on a 24 hour basis to collect drop trailers. The anticipated frequency of this work would be 1-2 times per day. It is expected that the loading process from the warehouse onto semi-trailers or B-doubles shall occur between 5am and 10pm.

It is expected that there will be some export containers loaded at the facility for transport by sea freight to overseas destinations (typically New Zealand and the Pacific Islands).

The expected frequency of deliveries for outgoing goods would include:

- Semi-trailers and B-doubles    15 – 25 per day (less than full trucks are expected)
- Export Containers                5 – 10 per week

#### **3.4.4 Hours of Operation and Staff**

The facility shall operate 24 hours per day, 7 days per week. It is anticipated that the site will operate on a 3 shift basis, with each shift operating for 8 hours. There shall be a range of shift commencing times, typically the shifts shall commence at approximately 5am, 1pm and 9 pm.

The facility will employ up to 25 staff within the warehouse. Approximately 10 of these staff will be based fulltime in the office during standard business hours.

#### **3.4.5 Equipment Used on Site**

Material handling equipment includes electric battery operated forklifts and ride on movers. The facility will include pallet stretch wrap machines which are standard for most warehousing activities of this nature. Waste storage bins will include a number of 1.5m<sup>3</sup> and one 160 litre bin within the warehouse. These will be collected by an appropriate waste contractor.

#### **3.4.6 Waste**

The waste generated on the site will include; general industrial waste (including glass, paper, liquids), packing materials in the containers (including foam and cardboard), stretch wrap of the pallets (including sticky tape and plastic) and general waste from the site (including glass, paper & food waste). As the site is non-manufacturing, typically the bulk of the waste will be generated from re-palletising and wrapping of the pallets.

Goods shall be disposed of in accordance to the specific Product Safety Data Sheets available and are typically disposed at an approved waste disposal facility. Any spills shall be contained and disposed of in accordance with the Product safety data sheets and current legislation. No on-site waste treatment facilities will be used. Storage bins shall be provided for waste storage (1.5m<sup>3</sup> bins) and recycling (160L bins).

#### **3.4.7 Security**

The warehouse will be fully electronically alarmed with 24/7 monitoring by an external connection to a third party security monitoring firm (Armaguard). There shall be closed circuit television installed at the warehouse and access to the warehouse areas will be restricted at all times. The building management system and fire protection systems shall be integrated into the security monitoring to control lights, alarms and alerts. There shall be regular security patrols on site in addition to the remote monitoring.

### **3.5 Fitout and Building Modification Works**

The proposed non dangerous goods land use and fitout works were approved by Penrith City Council as part of DA09/0008. This approval related to the following works:

### **3.5.1 Temperature Control Area**

As indicated on the attached architectural plans (Drawing No. 3270\_114), a small forklift battery charging area was required adjacent to the office (within the warehouse). This area will be line marked for easy recognition by staff.

The proposed temperature control area has been constructed internally and is fully insulated with cool room panels. The area will be used to store (non-dangerous goods) health care products that must be kept at a particular temperature such as Nurofen Tablets, Clearasil lotions, Strepsils lozenges and Lemsip sachets. This structure is not be visible outside of the building and will therefore have minimal impact on the local environment. A small enclosure for plant equipment has also been constructed for refrigeration equipment adjacent to the area along the northern elevation (at ground level). This will result in minimal visual or noise impacts given the size and location of the proposed refrigeration equipment in the context of residential properties to the north.

### **3.5.2 Storage Racking**

As indicated on Drawing No. 3270\_114, Reckitt Benckiser required the installation of product racking within the warehouse. This racking has been designed in accordance with the relevant Building Code of Australia (BCA) requirements with regard to location and height and is standard for most warehouse and distribution tenants. Racking will not be visible from outside the proposed building and will therefore not result in any significant visual impacts on or surrounding the site. The proposed buildings were designed with the intent of accommodating warehousing tenants and the proposed racking will help facilitate this activity.

### **3.5.3 Lowered Ceiling**

A lowered ceiling has been installed over the proposed block stacking area as part of the requirements for storing dangerous goods.

### **3.5.4 Fire Rated Wall Extension**

Although Building A2 was constructed with appropriate fire rating between tenancies, the nature of the proposed use required the extension of the western tenancy wall outside of the building footprint by 5 metres. This occurred on the southern elevation to ensure that there is an appropriate level of fire separation between tenancy A2 and A3.

## 4.0 Planning Framework

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The following section provides a summary of the relevant policy and legislation pertaining to the site and proposed development.

### 4.1 NSW State Plan

The NSW State Plan was developed by the NSW State Government to set directions for NSW. It establishes key visions and sets goals across a broad range of issues relevant to the state.

Chapter 5 is most relevant to the proposal as it provides objectives for achieving growth and prosperity across NSW. Priority Area 1 relates to increased business investment which is to be achieved by cutting red tape and maintaining and investing in infrastructure. The plan makes a commitment that 'being open for investment' requires supporting large and small businesses. It also describes the importance of the private sector's role in maintaining and creating highly productive jobs to underpin the State's ability to realise higher standards of living for all people.

Reckitt Benckiser (Australia) Pty Limited is a large company providing employment for approximately 600 people within the Sydney Metropolitan Area. The proposed occupation of Building A2 represents an important move by the company to enhance the compliance and efficiency of current operations within NSW. The proposed development will contribute to the ongoing growth of the company and will strengthen their ability to maintain and create jobs within the Sydney Metropolitan Region. The State Plan provides the policy context for the State Government to support and assist a company such as Reckitt Benckiser.

### 4.2 Sydney Metropolitan Strategy

The Sydney Metropolitan Strategy was developed in 2005 by the Department of Planning to establish a vision for Sydney over the next 25 years. The Strategy provides a framework for growth and development throughout the region on the basis of key areas such as employment and economy, housing, transport, environment etc.

The Strategy identifies the Western Sydney Employment Hub as an important location for employment generation and economic development. The strategic location of the Western Sydney Employment Hub, close to the intersection of the M7 and M4 Motorway, provides excellent access for the transportation of goods to and from major ports, other states and to customers. The location also provides employment opportunities within close proximity to the large workforce living in Western Sydney.

Building A2 was selected by Reckitt Benckiser for its proximity to major transportation corridors. This will allow the transportation of goods to and from the site from the existing manufacturing facility in West Ryde and from Port Botany. It also provides good access to major customers such as Woolworths and Coles. The proposed warehouse and distribution activity is consistent with the objectives of the Strategy by providing employment and economic development opportunities within the region. The proposed use is consistent with current zoning and with proposed future land use zones (proposed amendments to State Environmental Planning Policy 59).

State Environmental Planning Policy 59 (Western Sydney Employment Hub) provides the statutory framework for development in this area. This policy is described in more detail below.

### 4.3 State and Regional Environmental Plans

The following state and regional environmental plans are relevant to the proposal:

- State Environmental Planning Policy (Major Projects) 2005;
- State Environmental Planning Policy 33 (Hazardous and Offensive Development);
- State Environmental Planning Policy No. 59 (Western Sydney Employment Hub)

#### 4.3.1 State Environmental Planning Policy (Major Projects) 2005

*State Environmental Planning Policy (Major Projects) 2005* provides state wide provisions for identifying important projects and critical infrastructure which require assessment and approval by the Minister for Planning subject to the provisions of Part 3A of the *Environmental Planning and Assessment Act 1979*.

Development listed in Schedule 1 of the Major Project SEPP, is typically considered to be development to which Part 3A applies. Clause 10 in Schedule 1 refers to 'Chemical, manufacturing and related industries'. In particular, Clause 10(3) describes that,

*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 under the Control of Major Hazard Facilities National Standard [NOHSC: 1014 (2002)]*

The proposed facility will store dangerous goods in quantities that constitute the development as a Major Hazard Facility as outlined within Section 3.2 of the Preliminary Hazard Analysis (PHA).

On this basis, a letter was sent to the Department of Planning on 25 March 2009, requesting that an opinion be formed as to whether the project could be defined as a major project under Part 3A of the Act. The Director General of the Department of Planning has determined that the proposal is a kind that is described in Schedule 1 of the SEPP (refer to Appendix 1).

#### 4.3.2 State Environmental Planning Policy 33 (Hazardous and Offensive Development)

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) provides definitions and assessment criteria for hazardous and offensive development throughout NSW. Potentially hazardous and offensive development is defined below:

**Potentially Hazardous** industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on

*the existing or likely future development on other land, would pose a significant risk in relation to the locality:*

- (a) to human health, life or property, or*
- (b) to the biophysical environment,*

*and includes a hazardous industry and a hazardous storage establishment.*

**Potentially Offensive** industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

The quantities of dangerous goods stored at the warehouse exceed the threshold limits established for SEPP 33 which require the preparation of a Preliminary Hazard Analysis. A Draft Preliminary Hazard Analysis (PHA) has been prepared by Moore Consulting and Engineering and is attached for review. A summary of the PHA findings is provided below:

*The methodology used for this PHA established that the risks associated with the proposed development were low. The determining features of the low risk levels observed were:*

*The proposed activities for the receipt storage and distribution of ethanol were examined against the risk criteria in DOP Risk Criteria from Land Use Safety Planning – HIPAP No.4. It was found that the development did not exceed any established criteria for individual, societal or bio-physical risk or increase the level of risk associated with the existing facilities.*

*The risks associated with the proposed activities, being low, would not significantly contribute to the risks associated with the existing activities. This does not imply that there are no risks to surrounding land uses from the existing activities, but that the contribution to risks from the proposed activities does not increase the risks significantly above those risks for existing activities.*

*There are two (2) existing facilities, located on the industrial estate that store dangerous goods that could contribute the risks associated with the surrounding land use. These facilities are:*

- Warehouse A1 and
- Warehouse C3/C4.

*These warehouses were examined in conjunction with Warehouse A2 to establish if the cumulative risk on the surround land uses. The cumulative effects of the three (3) warehouses were examined against the risk criteria in DOP Risk Criteria from Land Use Safety Planning – HIPAP No.4. It was found that the development did not exceed any established criteria for individual, societal or bio-physical risk.*

#### **4.3.3 State Environmental Planning Policy No. 59 (Western Sydney Employment Hub)**

*State Environmental Planning Policy No. 59 (Western Sydney Employment Hub)* (SEPP 59) provides a co-ordinated framework of statutory guidelines for development within an area defined as the Western Sydney Employment Hub. The Western Sydney Employment Hub currently includes significant areas surrounding the Prospect Reservoir (including Eastern Creek) and incorporates the Local Government Areas of Holroyd, Fairfield and Blacktown. The key objectives of the policy include:

- rezones certain land for development;
- facilitates a co-ordinated planning and development effort across the region (and across Council boundaries)
- drives economic development and employment generation by facilitating appropriate industrial development within a strategically important location in the context of the Sydney Metropolitan Area;

SEPP 59 has recently been reviewed and will likely incorporate the Erskine Employment Area in the near future. This is an important progression in the context of the Sydney Metropolitan Plan given that the Erskine Park Employment Area forms a significant and logical part of the overall Western Sydney Employment Hub. This is particularly relevant on the basis of plans to extend Lenore Drive through Eastern Creek to provide direct access to the M7 Motorway.

The revised SEPP 59, once gazetted, will rezone the site from its current 4(e1) Employment Restricted Zone to a standardised industrial zone. This will have little effect in regard to the proposed development. The proposed development is however consistent with the objectives of SEPP 59 as it results in economic development and creates employment opportunities within the region.

#### **4.4 Penrith Local Environmental Plan 1994 (Erskine Park Employment Area)**

The Penrith *Local Environmental Plan 1994 (Erskine Park Employment Area)* provides the statutory planning framework for the Erskine Park Employment Area. The site is zoned 4(e1)(Employment Restricted Zone).

The proposed development involves warehousing and distribution activities involving dangerous goods. 'Offensive or hazardous storage establishments' are prohibited within the 4(e1)(Employment Restricted Zone) as in most industrial areas throughout NSW. However, the provisions of SEPP 33 override the LEP by providing a clear and consistent definition for hazardous or offensive facilities, whereby such activities are considered permissible if they are undertaken in accordance with relevant legislation.

The objectives of the 4(e1)(Employment Restricted Zone) include:



**Table 4.1: 4(e1)(Employment Restricted Zone)**

<b>Zone Objectives</b>	<b>Response</b>
<i>(a) to prohibit certain development which is likely to have an adverse environmental effect on the amenity of adjoining localities; and</i>	The proposed development is unlikely to result in any significant impacts for the local area. Although 24 hour operation is proposed, possible noise impacts have a low likelihood given the location and positioning of the existing building which will help to maintain a reasonable level of amenity for adjoining residential areas. Warehousing and distribution activities typically result in less environmental impacts when compared to other forms of industrial activities.
<i>(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</i>	The proposed land use is considered appropriate for this locality when compared to other industrial activities. It results in minimal noise and air quality impacts as described in Section 5 of this report. The PHA considers the likely implications of a hazardous storage facility and concludes that the proposed facility will present minimal risks to the surrounding environment.
<i>(c) to permit retail activities which are:</i>  <i>(i) compatible with the concept of the employment area; and</i>  <i>(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</i>	No retail activities are proposed as part of this land use or building.
<i>(d) to permit office development of a type which:</i>  <i>(i) would not be readily located in a traditional business zone; and</i>  <i>(ii) would be unlikely to prejudice the viability of existing business centres; and</i>	The proposed office area is ancillary to the proposed warehouse and distribution land use. The office would not normally be located separately from the main use and would not prejudice the viability of any existing business centres.
<i>(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</i>	The proposed development involves an industrial activity.



<b>Zone Objectives</b>	<b>Response</b>
<i>the needs of the workforce of the Area and the adjoining residential and rural communities; and</i>	
<i>(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</i>	No direct access to either Erskine Park Road or Mamre Road is available from the site.
<i>(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.</i>	The proposed development does not front Erskine Park Road or Mamre Road.

Table 4.2 identifies and responds to specific clauses within the LEP that relate to the proposed development.

**Table 4.2: LEP Compliance Table**

<b>Clause</b>	<b>Response</b>	<b>Compliance</b>
<b>Clause 10:</b> <i>Environmental Considerations</i>	The proposed development will take place on a site that is appropriately zoned for industrial development. Other industrial development has been and continues to be constructed as part of the broader development of the Erskine Park Employment Area. Building A2 was designed and constructed to minimise potential environmental impacts. These measures are described in Section 5.	✓
<b>Clause 11:</b> <i>Efficiency Considerations</i>	Building A2 has been designed in accordance with the requirements of Part J of the Building Code of Australia (BCA).	✓
<b>Clause 13:</b> <i>Staging Plan for Provision of Services</i>	Services are provided to the site.	✓
<b>Clause 14:</b> <i>Provision of Services</i>	Services are provided to the site.	✓
<b>Clause 15:</b> <i>Drainage</i>	Drainage has been designed and constructed in accordance with	✓

Clause	Response	Compliance
	relevant Penrith City Council engineering standards.	
<b>Clause 16:</b> <i>Advertising</i>	The proposal does not involve any signage.	✓
<b>Clause 17:</b> <i>Tree Preservation</i>	No trees will be removed as part of this application.	✓
<b>Clause 18:</b> <i>Flood Liable Land</i>	The subject site is not flood liable land.	✓
<b>Clause 20:</b> <i>Retailing in Employment Zones</i>	The proposed development comprises a warehouse and distribution facility. Direct retailing activities do not form part of the planned use for this site.	✓
<b>Clause 21:</b> <i>Office Premises in Zone No.4(e)</i>	The proposed development incorporates an existing ancillary office for the administrative activities as part of the proposed use.	✓
<b>Clause 24:</b> <i>Transmission Easement</i>	The proposal does not include any development on the transmission easement.	✓
<b>Clause 28:</b> <i>Development along Particular Roads</i>	No direct vehicular access is proposed to Erskine Park Road. The proposed development will be accessed from the Estate Road.	✓

## 4.5 Penrith Development Control Plan 2006 (Section 6.14 Erskine Park Employment Area)

The Erskine Park Employment Area Development Control Plan (DCP) provides the design requirements for development in the Erskine Park Employment Area. The following section assesses the proposed development against the relevant principles of the DCP.

The majority of planning controls contained within the DCP relate to new development. Given that the proposed activity will take place within an existing building, these planning controls are not relevant. However, Section 6 relates to Environmental Quality and is applicable to the proposed development.

#### **4.5.1 Noise Pollution (Section 6.1)**

The proposed land use will generate some noise impacts associated with traffic movements to and from the loading bays along the southern elevation of the existing building. These noise impacts are typical of any warehouse and distribution activity and were considered by Penrith City Council during the assessment of the original Development Application for the building.

As described in Section 3.4, 24 hour 7 day per week operation is proposed. Deliveries of the shipping containers to the site are proposed on a 24 hour per day basis, with the bulk of the deliveries expected anywhere between 3am and 5pm. Deliveries from the West Ryde manufacturing site shall be via trucks and are expected between 5am and 7pm. It is expected that the loading process for outbound journeys (from the warehouse onto semi-trailers or B-doubles) shall occur between 5am and 10pm. Although approval is sought for 24 hour operation, it remains likely that the bulk of activities will occur during daylight hours.

The key mitigation measures which address the potential for noise impacts involve the design and location of Building A2. It was designed to ensure that all noise generated by tenants would be limited to the southern elevation so that the building provides its own noise buffer to residential properties to the north. The distance between the building and the rear boundary of residential properties (to the north) also serves to minimise the potential for noise impacts. The proposed level of noise generation is not unlike surrounding land uses on the Westpark Industrial Estate or within the Erskine Business Park.

#### **4.5.2 Waste Management (Section 6.2)**

The waste generated on the site will include; general industrial waste (including glass, paper, liquids), packing materials in the containers (including foam and cardboard), stretch wrap of the pallets (including sticky tape and plastic) and general waste from the site (including glass, paper & food waste). As the site is non-manufacturing, typically the bulk of the waste shall be generated from re-palletising and wrapping of the pallets.

Goods shall be disposed of in accordance to the specific Product Safety Data Sheets available and are typically disposed of at an approved waste disposal facility. Any spills shall be contained and disposed of in accordance with the Product safety data sheets and current legislation. No on-site waste treatment facilities will be used. Storage bins shall be provided for waste storage (1.5m<sup>3</sup> bins) and recycling (160L bins).

#### **4.5.3 Soil Erosion and Sediment Control (Section 6.3)**

The proposed development will have little impact in regard to soil erosion and sediment control because the site is already developed. No earthworks are proposed as part of this proposal.

#### **4.5.4 Air Pollution (Section 6.4)**

The proposed development will generate very few air quality emissions as a result of the proposed warehouse and distribution activity. Air quality impacts will largely be generated by heavy vehicles travelling to and from the site. This is typical of any activity of a similar nature.

#### **4.5.5 Storage, Transportation and /or Processing of Chemical Substances (Section 6.5)**

The DCP requires the submission of detailed information outlining a proposed activity involving the storage and transportation of chemical substances. This Environmental Assessment and the more comprehensive Environmental Assessment will provide an adequate level of information to address this Section of the DCP. An assessment will be undertaken to examine the products and quantities stored on site, and the method and route of transportation.

#### **4.5.6 Stormwater Pollution Control (Section 6.6)**

The existing stormwater system on site was designed by Buckton Lysenko Consulting Engineers. This system incorporates significant storage capacity of stormwater runoff which will provide an appropriate level of risk management and with regard to the proposed storage of dangerous goods. The relationship between the proposed activity and the stormwater system is described within the Preliminary Hazard Analysis. The existing system was one of the key reasons for Reckitt Benckiser in selecting this site as the preferred location.

#### **4.5.7 Trading / Operating Hours of Premises (Section 6.9)**

The DCP indicates that hours of operation for premises involved in any type of employment generating activity shall be dealt with on a merits basis. In undertaking a merits based assessment, the consent authority is to have regard for the potential impacts on amenity for adjoining residential areas.

Twenty four (24) hour / 7 day operation is proposed which is consistent with other approved land uses on site. This is considered appropriate given the nature of the site, the location of existing buildings and the distance between the site and the nearest residential properties.

## 5.0 Consultation

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In preparation of this application, Reckitt Benckiser, FDC Construction and Fitout and the consultant team has consulted with a number of government authorities as follows:

- Department of Planning in relation to the applicability of Part 3A of the Act;
- NSW Fire Brigade in relation to fire protection of the facility;
- Workcover NSW in relation to workplace safety / Major Hazard Facility;
- Department of Environment and Climate Change (EPA licensing); and
- Penrith City Council in relation to the scope of the project and the relevant planning instruments, development control plans and guidelines.

### Department of Planning

The project team met with the Department of Planning on 18 March 2009 to discuss the project. This meeting was held with Ann-Maree Carruthers and Nigel Parsons. Staff members from the Major Hazard Team were also in attendance. It was advised that the project would require assessment under Part 3A of the *Environmental Planning and Assessment Act 1979*. The process for assessment was discussed but was subject to written confirmation from the Department (which was received 16<sup>th</sup> April 2009). Document requirements for a Preliminary Environmental Assessment were also discussed at this meeting.

Requirements for the Preliminary Hazard Analysis (PHA) were also discussed with department staff and the project team. Previous discussions had occurred on this basis and a draft had been prepared for discussion at this meeting. Minor additional comments have also been provided by the Department following a review of the Draft PHA which was submitted as part of the Preliminary Environmental Assessment. The necessary amendments have been made and a final Preliminary Hazard Analysis is submitted with this Environmental Assessment.

### NSW Fire Brigade

The project team also met with the NSW Fire Brigade (NSWFB) to provide an informal overview of the project. The purpose of this meeting was to describe Reckitt Benckiser's proposed activity and to confirm the process involved in obtaining Fire Brigade approval.

Reckitt Benckiser and FDC understand the process to involve the following steps:

1. FDC will submit a Fire Engineering Brief (FEB) outlining the engineered solutions proposed to deal with the Building Code of Australia (BCA) deemed to satisfy non-conformances associated with a large isolated building;
2. The FEB will then be reviewed and discussed at a meeting with the NSWFB. The NSWFB will provide comment on the FEB. These comments will be taken into account when advancing the FEB into the Fire Engineering Report (FER);

3. Co-ordination between the Fire Engineering Report and the Fire Safety Study is then required to ensure that the Fire Engineering solution accommodates all of the specific hazards associated with the dangerous goods being stored within the warehouse. This often requires a detailed analysis of the products being stored and their characteristics to understand the possible implications during a fire event;
4. FDC and Reckitt Benckiser will then formally submit the Fire Engineering Report and Fire Safety Study for the NSWFB assessment;
5. NSWFB review, approval and recommendations for the building will then be issued;

This process is already well underway following the initial discussions with NSWFB staff.

### **Workcover NSW**

Reckitt Benckiser is statutorily required to notify Workcover NSW of any proposal to operate a Major Hazard Facility and for any dangerous goods storage within a premises. Dialogue already exists with Workcover in regard to the current manufacturing and storage facility in West Ryde.

Reckitt Benckiser has submitted correspondence to Workcover NSW (including the relevant completed forms) notifying that the proposed storage facility in Erskine Park will potentially be a Major Hazard Facility. A copy of the final Preliminary Hazard Analysis was also included with this information. A letter has been received on 15<sup>th</sup> May 2009 confirming that the information package was received by Workcover NSW and that an assessment will be undertaken over the coming weeks.

Reckitt Benckiser understands that the information submitted will satisfactorily meet the needs of Workcover. However, additional information will be provided as required. Workcover NSW's assessment will occur separate to that of the Department's under the *Environmental Planning and Assessment Act 1979*.

### **Department of Environment and Climate Change**

On the basis of Reckitt Benckiser's current operation in West Ryde, an existing dialogue takes place with the Department of Environment and Climate Change regarding operations and licensing. The proposed facility has been discussed with Stuart Clarke of the Department with relevant information submitted for consideration.

DECC has confirmed that, on the basis of the proposed type and quantity of dangerous goods storage, a licence may be required. Reckitt Benckiser will lodge the appropriate documentation with DECC to initiate this process to ensure that there are no delays in progressing the current Part 3A Application.

### **Penrith City Council**

The project team met with Steven Chong and Mark Bakker of Penrith City Council on 24<sup>th</sup> November 2009 to discuss the proposed activity. The project was described in detail to Council including the need for dangerous goods storage, non dangerous goods storage and proposed fitout activities.

Due to the urgency of storing non-dangerous goods at the facility, a Development Application was discussed as being the most effective way forward to deal non-dangerous goods storage and the proposed fitout works. The proposal to store Dangerous Goods would remain separate and be dealt with later following further consultation with the Department of Planning.

The type and nature of dangerous goods were described to Council at this meeting. Minimal concerns were raised in regard to the storage of these goods. A commitment was made that a Preliminary Hazard Analysis (PHA) would be prepared and lodged to describe the details of Dangerous Goods storage on site. Council discussed the building's proximity to the biodiversity corridor in regard to being Integrated Development, however it was confirmed that the building was well in excess of 40 metres from the Biodiversity Corridor.

Subsequent to this meeting, a Development Application was prepared and lodged to Council outlining the proposed activity (excluding the storage of dangerous goods) in January 2009. This development application outlined all information in regard to traffic generation, staff numbers, non-dangerous goods, fitout related activities and all other potential environmental impacts resulting from the proposed activity. The proposed fitout works were described as being related to the storage of dangerous goods, however the actual activity (of storing dangerous goods) was to be subject to a separate application. This Development Application was approved by Council on the 16<sup>th</sup> February 2009 (and further modified, by Section 96 Application, to include full height tenancy wall extension during April 2009). This consent is attached in Appendix 4 for the Departments information only.

## 6.0 Environmental Risk Analysis

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The following section provides an environmental risk analysis to identify and consider potential environmental impacts that may result from the proposed land use. As this application relates to the occupancy of an existing building, there is an expectation that fewer environmental issues will require analysis (compared to a proposal for a new building).

### 6.1 Flora and Fauna

The proposed land use will take place within an existing building. No clearing is proposed as part of this application. It is unlikely that any flora and fauna impacts will be generated by the proposed occupation by Reckitt Benckiser. The existing Biodiversity Corridor to the west of Building A will not be affected or compromised by the proposed occupation.

It is therefore not necessary to undertake any further investigation into this matter.

### 6.2 Hazards

A Preliminary Hazard Analysis has been prepared by Moore Consulting and Engineering and is attached in Appendix 3. This report provides a comprehensive analysis of the proposed storage of dangerous goods on site. The report was prepared on the basis of the following methodology:

1. *Identifying the potential hazards by evaluating the chemicals and processes undertaken within the warehouse. Identifying each of the hazards and potential sources of loss that are associated with their storage;*
2. *Undertaking a qualitative risk assessment of the identified potential hazards, with the implementation of controls associated with the hazard;*
3. *Evaluation of potential hazards to identify major hazards that require further quantification;*
4. *Estimation of the consequences of major hazardous events were determined quantitatively;*
5. *Evaluation of the effects of these consequences to determine if their effects would pose an off-site risk;*
6. *Estimation of the frequency of a hazardous incident occurring; and*
7. *Evaluation of the risks for the major hazardous incidents against the guidelines in the DOP Risk Criteria from Land Use Safety Planning – HIPAP No.4.*

The report provides the following conclusion from the assessment of the proposed land use:

*The methodology used for this PHA established that the risks associated with the proposed development were low. The determining features of the low risk levels observed were:*



*The proposed activities for the receipt storage and distribution of ethanol were examined against the risk criteria in DOP Risk Criteria from Land Use Safety Planning – HIPAP No.4. It was found that the development did not exceed any established criteria for individual, societal or bio-physical risk or increase the level of risk associated with the existing facilities*

*The risks associated with the proposed activities, being low, would not significantly contribute to the risks associated with the existing activities. This does not imply that there are no risks to surrounding land uses from the existing activities, but that the contribution to risks from the proposed activities does not increase the risks significantly above those risks for existing activities.*

*There are two (2) existing facilities, located on the industrial estate that store dangerous goods that could contribute the risks associated with the surrounding land use. These facilities are:*

- Warehouse A1 and
- Warehouse C3/C4.

*These warehouses were examined in conjunction with Warehouse A2 to establish if the cumulative risk on the surround land uses. The cumulative effects of the three (3) warehouses were examined against the risk criteria in DOP Risk Criteria from Land Use Safety Planning – HIPAP No.4. It was found that the development did not exceed any established criteria for individual, societal or bio-physical risk.*

The following recommendations were made in regard to the proposed occupation by Reckitt Benckiser:

- *Development of a site evacuation plan suitable for multiple warehouses storing dangerous goods on the Westpark Industrial Estate; and*
- *The Level One and Level Two aerosol are stored closest to the flammable liquids providing greater distances of separation in the event of a fire event.*

This report was submitted in draft with the Preliminary Environmental Assessment and has been considered by the Department of Planning's Major Hazard Unit. The report has now been finalised and is submitted as part of this Environmental Assessment as required by the Director General.

### **6.3 Traffic, Access and Parking**

The proposed land use will generate car and heavy vehicle movements to and from the site on a 24 hour basis, although such traffic will be within the RTA's guidelines for traffic generation. The proposed traffic implications were assessed as part of the original Development Application (DA07/0879.01) for the construction of Building A in the Westpark Industrial Estate. This assessment was undertaken on the basis of calculating generic warehousing and distribution land uses, utilising the standard RTA traffic generating development guidelines. These were, and continue to represent conservative calculations which exceed that of typical warehouse activity, which is reflected in the example of Reckitt Benckiser's proposed activity.

The traffic information provided to Penrith City Council, and approved as part of the non-dangerous goods and fitout Development Application (DA09/0008) is reproduced below (also in Section 3.4):

#### *Incoming Goods*

*Container deliveries to site will be via “drop trailers” and/or driver manned trailers or side loaders. Most deliveries are turned around and dispatched within 1 hour of receipt at the site. Typically, deliveries occur 24 hours per day, with the bulk of the deliveries expected between 3am and 5pm. Empty containers are normally removed from site during the same hours*

*Trucks delivering incoming goods from manufacturing sites will drop goods between 5am and 7pm. Containers will be unloaded by both hand and forklift unloading*

*The site is expected to receive approximately 5 – 10 container loads on a daily basis, most of which are unloaded immediately and taken from site. This is undertaken via the recessed loading docks. A further 5 – 10 trucks will arrive on site on a daily basis to unload products directly from manufacturing sites.*

#### *Outgoing Deliveries*

*Typically semi trailers and B-doubles will be used for the transportation of products to product retailers. Vehicles will be loaded between 5am and 10pm with an expectation that up to 25 vehicles will travel to and from the site on a daily basis. There will also be some export containers loaded at the facility for transportation overseas. It is anticipated that between 5 -10 containers will be loaded for export each week.*

Staff vehicle movements will also occur on a shift basis. Shifts will typically start at 5am, 1pm and 9pm but this may vary depending on seasonal requirements. The facility will employ up to 25 staff within the warehouse. Approximately 10 staff will be based fulltime in the office during standard business hours.

Forty seven (47) car spaces are provided as part of the A2 facility. Adequate parking is provided on the basis of the RTA's requirements and that of the proposed tenant.

It is considered that the existing access and provision of parking is suitable in the context of the proposed occupant. The proposed site and Estate Road was designed to accommodate semi-trailer and B-Double access and was assessed by Penrith City Council as part of previous Development Applications. It is therefore not considered necessary to undertake further analysis of these aspects as part of the Environmental Assessment report.

A Transport Study and Route Selection Report will be prepared on the basis that this proposal involves the transportation of dangerous goods. This report will be prepared by a specialised consultant in accordance with the 'Guidelines for Land Use and Environmental Planning Hazardous Materials – Road transport considerations, Final Draft, Department of Urban Affairs and Planning, 1995'. The main transport routes will relate to the movement of goods from Port Botany and from the existing manufacturing facility in West Ryde. An assessment will also be undertaken to examine the likely destinations of outbound trips to Reckitt Benckiser's clients. The requirement for this report has been included in the Draft Statement of Commitments in Section 7.

## **6.4 Heritage and Aboriginal Archaeology**

The proposed land use will take place within an existing building. No earthworks or land clearing is proposed as part of this proposal. The site does not contain any

items of Aboriginal or European heritage significance. It is therefore not considered necessary to undertake further analysis of this issue.

## **6.5 Water Supply**

The Westpark Industrial Estate is serviced by Sydney Water with the provision of water and sewer. These connections were made at the time of construction and will remain unchanged by this land use proposal.

As the proposed land use involves storage of dangerous goods only, water usage will be limited to existing amenities within the building.

## **6.6 Stormwater Drainage and Flooding**

The proposed land use will take place within an existing building which is connected to an existing stormwater system. The site is not flood affected. These aspects were assessed by Penrith City Council as part of the Development Applications relating to the buildings on site.

The existing stormwater system on the Westpark Industrial Estate acts as an onsite containment pond for contaminated fire fighting water which may include the water used by the Automatic Sprinkler System, Fire Hose Reels and Fire Hydrants in the event of a fire.

There is an initial containment of fire fighting water within the building of approximately 200,000L created by internal bunds. This will contain any spills and the first half hour of fire fighting water within the building. Once the capacity of the internal bunds has been reached, the water overflows into the stormwater system which carries the water to the onsite containment ponds, located north of the building within the transmission line easements.

The onsite containment ponds have a total capacity of 11 million litres for the onsite containment of contaminated fire fighting water. In the event of a fire, the outlet valve of the containment pond is closed by an electronic actuator, activated by the fire alarm signal given when the automatic fire services are engaged.

Following any event where the containment ponds are filled with contaminated water, the water present in the pond will need to be pumped out and disposed/treated by an EPA approved contractor, with any of the local contamination to the basin to be treated and or removed and replaced.

## **6.7 Noise**

The proposed land use will generate some noise impacts associated with traffic movements to and from the loading bays along the southern elevation of the existing building. These noise impacts are typical of any warehouse and distribution activity and were considered by Penrith City Council during the assessment of the original Development Application for the building and the Reckitt Benckiser Development Application (DA09/0008 - non-dangerous goods and fitout).

As described in Section 3.4, 24 hour 7 day per week operation is proposed. Although approval is sought for 24 hour operation, it remains likely that the bulk of activity will occur during day time hours.

The key mitigation measures which address the potential for noise impacts involve the design and location of Building A2. Building A and C on the Westpark site were designed to ensure that all noise generated by tenants would be limited to the southern elevation so that the buildings provide their own noise buffer to residential properties to the north. The distance between the building and the rear boundary of residential properties (to the north) also serves to minimise the potential for noise impacts.

The proposed level of noise generation is not unlike surrounding land uses on the Westpark Industrial Estate or within the Erskine Business Park which have and continue to be approved by Penrith City Council.

No further assessment is considered necessary as part of this application given that Reckitt Benckiser's activity, excluding dangerous goods, has already been approved by Penrith City Council as part of DA09/0008. This application relates only to the storage of dangerous goods within the warehouse.

## **6.8 Visual Impact**

The proposed land use will take place within an existing building which was approved by Penrith City Council. A minor change to the external facade involving an extension of the western tenancy wall (for fire separation purposes) was approved by Penrith City Council. No further changes are proposed to the external facade of the building as part of this proposal.

No signage is proposed as part of this application. It is therefore not considered necessary to undertake further analysis of this issue.

## **6.9 Air Quality and Odour**

The proposed development will generate very few air quality or odour emissions as a result of the proposed warehouse and distribution activity. Air quality impacts will be generated by heavy vehicles travelling to and from the site. This is typical of any activity of a similar nature and formed part of Penrith City Council's original assessment. The proposed storage of dangerous goods will not affect the air quality of the surrounding environment as all goods will be pre-packaged off site. Minimal odours will be emitted from the facility. It is therefore not considered necessary to undertake any further analysis of this issue.

## **6.10 Utilities**

Building A2 is serviced by all required utilise and infrastructure to operate the proposed facility. This includes, water, sewer, power and communications infrastructure which are standard requirements for most industrial sites within the Sydney Metropolitan Area. It is therefore not considered necessary to undertake further analysis of this issue as part of this Environmental Assessment report.

## **6.11 Energy Efficiency**

The following section provides information in regard to Ecologically Sustainable Design (ESD) features of Building A2.

A list of ESD features included in the proposed development has been outlined below to give the Department a better understanding of the energy efficiency benefits associated with the proposed activity.

*Part J of the BCA –*

Building A, as part of the Westpark Industrial Estate was designed and constructed in accordance with Part J of the Building Code of Australia (BCA).

*Stormwater Reuse –*

The existing stormwater infrastructure within the Westpark Industrial Estate is detained within the stormwater basins and reused for the purposes of irrigation.

*Lighting and Power Usage –*

T5 Light fittings (low energy) have been installed throughout the office area of Building A2. Lighting is linked through the Building Management System (BMS) to ensure that lighting is only used when rooms are occupied or when lighting is not required due to the amount of natural light available to internal areas.

Clear light roof sheeting was installed on the warehouse roof. However, as a result of the lowered ceiling, the effectiveness of this roofing has been lost over part of the warehouse. Natural lighting will however still be used within the racked area of the warehouse. Artificial lighting within the warehouse will also be linked to the BMS system to ensure that lighting is utilised as efficiently as possible.

*Air Conditioning and Ventilation Systems –*

A VRF mechanical system (air conditioning) was installed and services the Building A2 office. The VRF system comprising fan coil units serves each room connected to central heat recovery air-cooled condensing units. Each space is controlled by a separate unit to provide maximum flexibility and ensure that units are only operating when rooms are in use. This system will also be managed through the BMS system.

## 7.0 Draft Statement of Commitments

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Reckitt Benckiser will undertake the proposed occupation of Building A2 in accordance with the following commitments.

The terms and abbreviations used throughout the Draft Statement of Commitments are defined below:

Approval	The Minister's approval to the project (Project Application No.09_0084)
BCA	Building Code of Australia
Council	Penrith City Council
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of the Department (or delegate)
EA	Environmental Assessment:
EP&A Act	Environmental Planning & Assessment Act 1979
Minister	Minister for Planning
OC	Occupation Certificate
PCA	Principal Certifying Authority

### **Administrative Commitments**

#### ***Commitment to Minimise Harm to the Environment***

1. Reckitt Benckiser will implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the project.

#### ***Occupation Certificate***

2. Reckitt Benckiser will obtain an Occupation Certificate prior to the occupation of the facility for the purposes of storing dangerous goods.

#### ***Terms of Approval***

3. Reckitt Benckiser will carry out the project generally in accordance with the:
  - a) EA;
  - b) Drawings (Drawing 3270\_014-B dated June 2008 and Drawing 3298\_001-P1 dated 06.07.07);
  - c) Statement of commitments; and
  - d) Conditions of the approval.
4. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
5. Reckitt Benckiser will comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
  - a) Any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
  - b) The implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence submitted by the Proponent.

### ***Operation of Plant and Equipment***

6. Reckitt Benckiser shall ensure that all plant and equipment used on site is maintained and operated in proper and efficient manner, and in accordance with relevant Australian Standards

## **Specific Environmental Conditions**

### ***Noise***

#### ***Operational Hours***

7. Reckitt Benckiser will comply with the operational hours as approved in Penrith Council's development consent (DA09/0008) and as outlined below in Table 7.2.

*Table 7.2: Operational Hours for the project*

<b>Activity</b>	<b>Day</b>	<b>Time</b>
Operation	All days	Any time

### ***Hazard and Risk***

#### ***Pre-Occupation Certificate***

8. Prior to the occupation of the facility (associated with storage of dangerous goods), Reckitt Benckiser will prepare the studies set out under section (a) and (b) below. All studies shall be kept on site and presented to the Director-General on request.
  - a) A Fire Safety Study – This study shall address the relevant aspects of the Department of Planning's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines' and the New South Wales Governments 'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems' and
  - b) A Final Hazard Analysis (FHA) shall be prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 6 'Guidelines for Hazard Analysis'.

#### ***Pre-commissioning***

9. Prior to the commencement of commissioning of the project, Reckitt Benckiser will develop and implement the plans and systems set out under subsections (a) to (c) below.
  - a) Transport of Hazardous Materials  
Arrangements covering the transport of hazardous materials including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the proposed development. The routes will be selected in accordance with the Department of Planning's draft 'Route Selection' guidelines. Suitable routes identified in the study will be used except where departures are necessary for local deliveries or emergencies.



b) Emergency Plan

A comprehensive Emergency Plan and detailed emergency procedures will be prepared for the proposed land use. This plan will include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan shall be in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1, 'Industry Emergency Planning Guidelines'.

c) Safety Management System

A document setting out a comprehensive Safety Management System, covering all onsite operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records will be kept onsite and will be available for inspection by the Council upon request. The Safety Management System will be developed in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.

*Ongoing*

10. The following actions will be undertaken by Reckitt Benckiser on an ongoing basis as part of the proposed development as outlined in subsections (a) and (b) below.

a) Incident Report

Within 24 hours of any incident or potential incident with actual or potential significant offsite impacts on people of the biophysical environment, a report will be supplied to the Department of Planning outlining the basic facts. A further detailed report will be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. That report will be submitted to the Department of Planning no later than 14 days after the incident or potential incident.

b) Hazard Audit

Twelve months after the commencement of operations of the proposed development or within such further period as the Department may agree, Reckitt Benckiser will carry out a comprehensive Hazard Audit of the proposed development and within one month of the audit submit a report to the Department.

The audit will be carried out at Reckitt Benckiser's expense by a duly qualified independent person or team approved by the Department prior to commencement of the audit. Further audits will be carried out every three years or as determined by the Department and a report of each audit will, within one month of the audit, be submitted to the Department. Hazard Audits will be carried out in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'.

The audit will include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit.

The audit report will be accompanied by a program for the implementation of all recommendations made in the audit report. If Reckitt Benckiser intends to defer the implementation of a recommendation, justification will be included.



### ***Waste Management***

11. Reckitt Benckiser will ensure that all waste generated on site during operation is classified in accordance with the DECC's Waste Classification Guidelines: Part 1 Classifying Waste and disposed of to a facility that may lawfully accept the waste.

## 8.0 Project Justification and Conclusion

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### 8.1 Project Justification

Reckitt Benckiser has recently developed a logistics plan to improve the distribution efficiency of locally manufactured and imported products throughout Australia and the surrounding region. The logistics plan was developed in response to new Major Hazard Facility legislation which affects the operation of the current storage facility in West Ryde. The company therefore embarked on a process to identify an alternative warehousing facility outside the West Ryde site to accommodate the receipt, storage, picking, and despatch of packaged goods including various classes of dangerous goods, and healthcare products.

Building A2 in the Westpark Industrial Estate in Erskine Park, had the following characteristics which were considered desirable:

- The warehouse space is 10,769m<sup>2</sup> and meets the storage requirements for the business;
- Office space is built outside warehouse footprint and meets the administrative requirements for the business;
- There are suitable sunken docks available for shipping container unloading and loading and suitable floor level docks available under awnings to permit all weather loading and unloading;
- The hard stand area of the site will accommodate up to 10 parked trailers;
- ING Real Estate and FDC Construction and Fitout have developed a number of dangerous goods storage and handling facilities on the site and have a clear understanding of the requirements with the relevant authorities within NSW (in particular the NSW Fire Brigade and Penrith City Council);
- Fire rating of tenancy walls separates the facilities on either side of the warehouse reducing the upfront costs associated with moving into a warehouse;
- The fire sprinkler system is ESFR (Early Suppression Fast Response). This complies with the requirements for insurance and can be upgraded for the storage of various classes of dangerous goods;
- The facility is bunded and has a system which can store 11,000,000 litres of runoff and fire water in the event of an emergency;
- The site is well separated from nearby residential areas; and
- The site is within 20 kilometres of the major retail customers' facilities at Huntingwood, Silverwater and Minchinbury with good access to the M4 and M7 Motorways.

The proposed occupation of Building A2 as part of the Westpark Industrial Estate, involving the storage of dangerous goods is necessary to improve the operational

efficiencies of an existing, and well established business within NSW. The project is justified on the basis of the following points:

- The proposed development will contribute to the ongoing growth of the company and will strengthen their ability to maintain and create jobs within the Sydney Metropolitan Region and for NSW;
- The proposed activity is considered permissible in the context of State Environmental Planning Policy 33 – Hazardous and Offensive Development;
- Building A2 in the Westpark Industrial Estate is a suitable site for Reckitt Benckiser's requirements and in the context of the relevant statutory requirements and Australian Standards;
- The proposed development will not result in any significant environmental impacts for the local or regional environment; and
- The proposed development will contribute to the ongoing success of the Erskine Business Park by providing additional employment opportunities and significant economic benefits for the area;

## **8.2 Conclusion**

The proposed occupation of Building A2 by Reckitt Benckiser represents an important move by the company to enhance the compliance and efficiency of current operations within NSW. The proposal to relocate product storage functions from an existing facility within West Ryde to a contemporary warehouse facility in Erskine Park is sound. The proposal is consistent with the NSW State Plan and the Sydney Metropolitan Strategy by allowing an existing business to develop and expand (within NSW) in a strategically important location (Western Sydney Employment Hub), specifically designated to attract economic development and employment opportunities.

The proposed warehouse and distribution activities are consistent with the intended use of the Westpark Industrial Estate as originally approved by Penrith City Council. The proposed storage of dangerous goods can be accommodated without generating impacts above that considered appropriate by the relevant legislation. A Preliminary Hazard Analysis has been prepared to address these issues in detail (Appendix 3).

The potential environmental impacts have been considered and addressed in this report illustrating that the proposed use is appropriate for this site and the local area.

FDC trusts that the information provided within this Environmental Assessment provides the Department with sufficient information upon which to base an assessment of the relevant issues.

The proposed development should therefore be considered favourably by the Department of Planning and supported.



## Appendix 1 – Director General's Requirements

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NSW GOVERNMENT  
**Department of Planning**

Major Development Assessment  
Manufacturing and Rural Industries  
Contact: Kerry Hamann  
Phone: (02) 9228 6415  
Fax: (02) 9228 6466  
Email: [kerry.hamann@planning.nsw.gov.au](mailto:kerry.hamann@planning.nsw.gov.au)

Our Ref: S09/00338

Mr Tim Bainbridge  
Planning Manager  
FDC Construction and Fitout Pty Ltd  
22-24 Junction Street  
FOREST LODGE NSW 2037

Dear Mr Bainbridge,

**Reckitt Benckiser Warehouse Project (09\_0084)**  
**Director General's Requirements**

The Department has received your application for the Reckitt Benckiser Warehouse Project.

I have attached a copy of the Director-General's requirements for the project. These requirements are based on the information you have provided to date. Please note that the Director-General may alter these requirements at any time.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit your Environmental Assessment for the project. This will enable the Department to determine the:

- applicable fee (see Division 1A, Part 15 of the Environmental Planning and Assessment Regulation 2000); and
- number of copies (hard-copy or CD-ROM) of the Environmental Assessment that will be required for exhibition purposes.

The Department is required to make all the relevant information associated with the project publicly available on its website. Consequently, I would appreciate it if you would ensure that all the documents you subsequently submit to the Department are in a suitable format for the web, and arrange for an electronic version of the Environmental Assessment to be hosted on a suitable website during the exhibition period.

If you have any enquiries about these requirements, please contact Kerry Hamann on 9228 6415 or [kerry.hamann@planning.nsw.gov.au](mailto:kerry.hamann@planning.nsw.gov.au).

Yours sincerely

12.5.09

Chris Wilson  
**Executive Director**  
**Major Project Assessment**  
As delegate for the Director-General

# Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application Number	MP 09_0084
Project	Use of an approved warehouse to store dangerous goods
Location	1-107 Erskine Park Road, Erskine Park.
Proponent	FDC Construction and Fitout Pty Ltd
Date of Issue	May 2009
General Requirements	<p>The Environmental Assessment must include:</p> <ul style="list-style-type: none"> <li>• an executive summary;</li> <li>• a detailed description of the project, including the: <ul style="list-style-type: none"> <li>– need for the project;</li> <li>– alternatives considered;</li> <li>– likely staging of the project; and</li> <li>– existing and approved operations/facilities, including a copy of any statutory approvals that apply to these operations and facilities;</li> </ul> </li> <li>• a risk assessment of the potential environmental impacts of the project, identifying the key issues for further assessment;</li> <li>• a detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment (see above), which includes: <ul style="list-style-type: none"> <li>– a description of the existing environment, using sufficient baseline data;</li> <li>– an assessment of the potential impacts of all stages of the project, including any cumulative impacts, taking into consideration any relevant laws, policies or guidelines (see below);</li> <li>– a description of the measures that would be implemented to avoid and/or minimise the potential impacts of the project, including detailed contingency plans for managing any potentially significant risks to the environment;</li> </ul> </li> <li>• a statement of commitments, outlining all the proposed environmental management and monitoring measures;</li> <li>• a conclusion justifying the project on economic, social and environmental grounds, taking into consideration whether the project is consistent with the objects of the <i>Environmental Planning &amp; Assessment Act 1979</i>;</li> <li>• a signed statement from the author of the Environmental Assessment, certifying that the information contained within the document is neither false nor misleading.</li> </ul>
Key Issues	<ul style="list-style-type: none"> <li>• <b>Hazards</b> - including a Preliminary Hazard Analysis (PHA) of the project and the potential off-site risks; and</li> <li>• <b>Water</b> – including water supply, contaminated water disposal and any other requirements of the <i>Penrith Development Control Plan 2006</i>.</li> </ul>
References	The Environmental Assessment should take into account relevant State government policies, guidelines and plans, as well as industry guidelines and relevant strategic plans. While not exhaustive, policies, guidelines and plans which may be relevant to the project are included in the attached lists.
Consultation	<p>During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth government authorities, service providers, community groups or affected landowners.</p> <p>In particular, you must consult with Penrith City Council.</p>

	The consultation process and the issues raised must be described in the Environmental Assessment.
<b>Deemed refusal period</b>	60 days



## Guidelines, Policies and Plans

Aspect	Policy /Methodology
Hazards and Risk	AS/NZS 4360:2004 Risk Management
	HB 203:2006 Environmental Risk Management – Principals and Process
	State Environmental Planning Policy No 33– Hazardous and Offensive Development (SEPP 33)
	Planning Advisory Paper No. 6 – Guidelines for Hazardous Analysis (DUAP)
	Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning (DUAP)
Soil and Waters	Managing Urban Stormwater: Council Handbook. Draft (EPA)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control. Draft (EPA)

## Appendix 2 – Reduced Architectural Plan

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site area (transmission easement) (conservation area)	38.84 Ha (14.16 Ha) (5.90 Ha)
developable area	17.07 Ha
proposed for whole of the site	1.0.265
proposed for developable area	1.0.62
total landscape area	22.76 Ha

## BUILDING AREAS

	a	b	c	total
building				
warehouse	34,762	29,787	379,900	102,449
office	1,000	1,500	1,280	3,780
code	-	-	180	180
Total	35,762	31,287	393,600	106,409

building	a	b	c	total
Hardstand	8825	8189	11475	28489

CARS/PACS		a	b	c	total
building	0				
worshouse 1 per 100 Mass Excludes from DC7	347	298	379		
office 1 per 40 Mass Excludes from DC7	25	38	32		
cdle 10 spaces + 1 space/2000 Excludes from DC7	-	-	20		
Total Required Excludes from DC7	372	336	431	1139	

building	a	b	c	total
workstore (grn. building)	116	100	126	
office per 400 sq. ft. of floor grn. building	4	38	32	
cdfe 1000 sq. ft. 1000 sq. ft. of floor space total floor space (exclusive of D2)	-	-	20	
Total Required (grn. building)	120	138	178	436
Total Provided	221	218	224	663





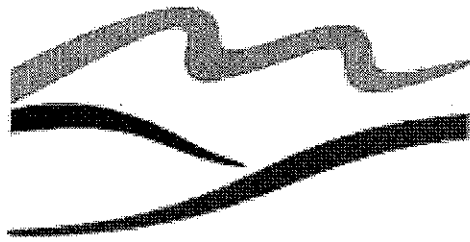


## Appendix 3 – Preliminary Hazard Analysis

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## **Appendix 4 – Development Consent (DA09/0008)**

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# PENRITH CITY COUNCIL

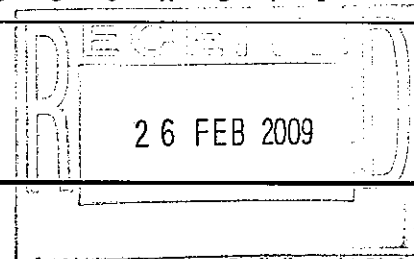
*Serving Our Community*

## DETERMINATION OF DEVELOPMENT APPLICATION

P E N R I T H C I T Y C O U N C I L

### DESCRIPTION OF DEVELOPMENT

DA No.	DA09/0008
Description of development	Fitout and Occupation of a Warehouse Building (A2) for the purposes of storage and distribution
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none"><li>▪ Class 5 – Office</li><li>▪ Class 7b – Warehouse</li></ul>



### DETAILS OF THE APPLICANT

Name & Address	FDC Construction And Fitout Pty Ltd PO Box 425 CAMPERDOWN NSW 1450
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### NOTES

1. Your attention is drawn to the attached conditions of consent attachment 1.
2. You should also check if this type of development requires a construction certificate in addition to this development consent.
3. It is recommended that you read the Advisory Note enclosed with this consent.



## **DETAILS OF THE LAND TO BE DEVELOPED**

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Legal Description: Lot 1 DP 1128233  
Property Address: 23-107 Erskine Park Road ERSKINE PARK NSW 2759

## **DECISION OF CONSENT AUTHORITY**

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In accordance with Section 81(1)(a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions implementation in attachment 1.

Date from which consent operates 16 February 2009  
Date the consent expires 16 February 2011  
Date of Decision 16 February 2009

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

## **REVIEW OF DETERMINATION & RIGHTS OF APPEAL**

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1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 12 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development, or State Significant development.

2. The applicant can appeal against this decision in the Land and Environment Court within 12 months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

3. Right of Appeal if the application was for Designated Development  
If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's decision to the Land and Environment Court within 28 days after the date of this Notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against Council's decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

## REASONS

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The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

## POINT OF CONTACT


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If you have any questions regarding this consent you should contact:

Assessing officer	Steven Chong
Contact telephone number	(02) 4732 8078

## SIGNATURE

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Name	Steven Chong
	Senior Environmental Planner
Signature	
	For the Development Services Manager

# ATTACHMENT 1: CONDITIONS OF CONSENT

## GENERAL

- 1 The development must be implemented substantially in accordance with the Building A2 plan numbered 3527\_DA002, drawn by Nettleton Tribe and dated September 2008, and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
- 2 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 3 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 4 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.
- 5 No retail sale of goods shall be conducted from the subject premises.
- 6 All materials and goods associated with the use shall be contained within the building at all times.
- 7 Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).
- 8 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

## ENVIRONMENTAL MATTERS

- 9 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 10 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

## BCA ISSUES

- 11 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". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.
- 12 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
  - (a) deal with each essential fire safety measure in the building premises, and
  - (b) be given:
    - within 12 months after the last such statement was given, or
    - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
  - prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.
- 13 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
    - (a) complying with the deemed to satisfy provisions, or
    - (b) formulating an alternative solution which:
      - complies with the performance requirements, or
      - is shown to be at least equivalent to the deemed to satisfy provision, or
    - (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/statement for the building.

## CONSTRUCTION

- 14 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and

- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed **when the Occupation Certificate has been issued for the development.**

15 **Prior to the commencement of construction works:**

- (a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
  - a standard flushing toilet connected to a public sewer, or
  - if that is not practicable, an accredited sewage management facility approved by the council, or
  - alternatively, any other sewage management facility approved by council.
- (b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - must preserve and protect the building from damage, and
  - if necessary, must underpin and support the building in an approved manner, and
  - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).
- (d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:
  - if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
  - the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and any such hoarding, fence or awning is to be removed when the work has been completed.

16 Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval **prior to the issue of a Construction Certificate.**

17 Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other

equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

## LANDSCAPING

- 18 Existing landscaping is to be retained and maintained at all times.

## CERTIFICATION

- 19 **Prior to the commencement of any earthworks, construction or demolition works on site,** the proponent is to:
- a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
  - b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

### Information to accompany the Notice of Commencement

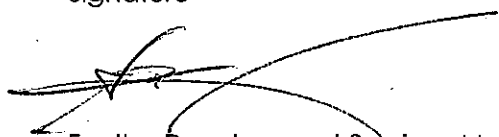
Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

- 20 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation of the tenancy and commencement of the approved use.** The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

**Before the Occupation Certificate can be issued for the development,** [Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

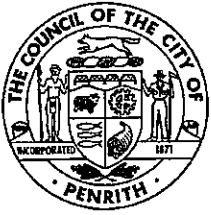
Steven Chong

Signature

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

For the Development Services Manager





## **ADVISORY NOTES for COMMERCIAL/ INDUSTRIAL DEVELOPMENT**

These advisory notes have been developed for your information and should be read in conjunction with Council's Notice of Determination issued for your development.

You will need to obtain a Construction Certificate before you can commence any construction works on the site. You can apply to Penrith Council or an appropriately accredited certifier for the Certificate. The application should include detailed plans, specifications and other documentation that may have been specified in the consent Notice.

If Penrith Council is the Principal Certifying Authority for the development, an inspection regime should be obtained from Council relating to your development to ensure that inspections are undertaken for the relevant stage of construction.

Any inspection request to Penrith Council should be made at least 24 hours (by phone) or by 4.00pm on the weekday before the inspection is required. The approved fee must be paid for the inspection. Council does not accept facsimile requests for inspections.

Major Utilities "Dial Before You Dig Service". Damage to underground cables, pipework and other utility services are a serious problem. Damage to major underground utilities can be avoided by calling the "Dial Before You Dig Service" on 1100 and following simple guidelines provided by the operators on this telephone number. Individuals and companies who do not follow these simple procedures may be found to be financially liable for damage cause to major utilities. Consideration should also be made for other non-member utility providers who do not participate in the "Dial Before You Dig Service".

As part of all construction works, you need to liaise with appropriate authorities and utility providers, which include (but not limited to) Integral Energy or other energy suppliers/ providers, Sydney Water (particularly for the disposal of trade waste), a Telecommunications provider, Australia Post, WorkCover Authority, other relevant State and Federal Government departments.

A Fire Safety Certificate will need to be issued for the building/use before you can request the Principal Certifying Authority to issue you with an Occupation Certificate. The Occupation Certificate needs to be issued before you can occupy the new building (work), or use the building or part of the building (the subject of the consent). Failure to obtain the Occupation Certificate is an offence and is subject to a penalty under the Environmental Planning and Assessment Act 1979.

**The following matters should also be considered, where appropriate-**

For development including an on-site detention system (OSD), you are advised that the OSD levels are critical and should be carefully checked prior to and during construction of the system to ensure they are built in accordance with the approved plans and that the system will have the required volume of storage.

For development involving a food shop, Penrith Council's Public Health Unit should be contacted to arrange a final inspection of the food shop prior to commencement of operation of the business. The final inspection is to assess compliance with the Australian Institute of Environmental Health's "National Code for the Construction and Fitout of Food Premises" 1993, the Food Act 1989 and accompanying Regulation.

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