

14th August 2009

Christine Chapman
Major Development Assessment
Department of Planning
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Dear Christine,

Reckitt Benckiser; Exhibition of Environmental Assessment – Response to Submissions

Penrith City Council and the Department of Environment and Climate Change (DECC) have each made submissions in regard to the proposal by Reckitt Benckiser to store Dangerous Goods in Building A2 on the Westpark Industrial Estate in Erskine Park. Neither submission raises objection to the Project Application subject to appropriate operational conditions being enforced on any approval issued by the Department of Planning. FDC Construction and Fitout Pty Ltd (FDC), on behalf of Reckitt Benckiser, provide the following response in regard to the issues raised by Council and the DECC.

Penrith City Council

Points one, two and three provide information pertaining to the proposal and existing surrounding development. These points are noted and require no further comment.

Point 4 notes that '*offensive or hazardous industries*' and '*offensive or hazardous storage establishments*' are prohibited in the 4(e1) *Employment Restricted zone*. A Preliminary Hazard Analysis was prepared in accordance with SEPP33 and concluded 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 proposed activity was considered to be consistent with the nominated objectives of the 4(e1) zone as described in Section 4.4 of the Environmental Assessment.

Point 5 relates to the proposed activity in relation to Clause 10 and 19 of the *Penrith Local Environmental Plan (Erskine Park Employment Area)*. The proposed development is considered consistent with these clauses. This was addressed in Section 4.4 of the Environmental Assessment.

Point 6 refers to the assessment of the proposed development against the relevant sections of The *Penrith Development Control Plan 2006*. Council makes reference to four conditions which should be imposed on any approval for the proposed activity. These conditions and FDC's response is provided below:

- *Noise Management Plan. Council is in receipt of a number ongoing concerns in respect to noise generation originating from Erskine Business Park. Having regard to the close vicinity of the subject site to the existing residential development to the north, consideration of the cumulative impact of noise generation should be made and imposition of conditions be made;*

Penrith Council approved DA09/0008 relating to the occupation of Warehouse A2 on 16 February 2009. This Development Application related to all aspects of Reckitt Benckiser's proposed activity (including hours of operation, traffic movements etc...) excluding the storage of Dangerous Goods. Council approved 24 hour, 7 day a week operation as part of this consent with no requirement for a Noise Management Plan. The proposed activity has now been occurring for approximately 2 months with no specific noise complaints being raised by Council.

The potential for noise impacts was addressed in Section 6.7 of the Environmental Assessment. The proposed activity is consistent with the objectives of the 4(e1) zone and will not generate significant noise impacts. It seems unreasonable to enforce a requirement for a Noise Management Plan to specifically address the storage of Dangerous Goods within the A2 Building.

- *Preparation of an Operational Management Plan which would outline procedures / protocols to deal with a range of situations relating to any spills etc, incident reports for ongoing improvement of procedures / protocol and frequent hazard audits;*

The abovementioned concerns raised by Council can be addressed by way of inclusion of the standard Department of Planning conditions as outlined in the Draft Statement of Commitments (Section 7) of the Environmental Assessment (Page 39 and 40). These commitments are repeated below for reference:

Pre-Occupation Certificate

1. 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

2. 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

3. 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 of 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.

▪ *Measures to control odour emanation from the subject site; and*

The proposed activity is not expected to result in any odour emissions. This can largely be attributed to the fact that all goods are packaged off site. It would be unlikely that the proposed activity will result in any odours that would impact surrounding residential development.

▪ *Transportation for the transport of dangerous goods to and from the site as well as procedures for security and prompt removal in the event that loading of goods be left unattended in loading docks awaiting for dispatch or storage.*

As described previously issues associated with transportation will be dealt with as part of the abovementioned management plans. Although it is unclear exactly what Council is seeking with this condition, the Department (and Council) can be assured that Reckitt Benckiser will enforce the strictest of security arrangements to avoid unauthorised site access. A security fence and necessary security infrastructure (as outlined in Section 3.4.7 of the Environmental Assessment) is available on site to ensure the security of goods. A condition is not considered necessary to enforce such a fundamental objective of any successful business.

Department of Environment and Climate Change

Department of Environment and Climate Change (DECC) has provided a submission to the Department on the proposal. DECC have no objection to the proposed activity provided that the following issues are addressed by Reckitt Benckiser. The issue and a response is provided below.

- *The outlet valves serving the onsite containment ponds are able to be operated both electronically and manually in case of power failure;*

The outlet valve has been designed to be operated both manually and electronically. This is in operation and has been tested on a number of occasions.

- *Level indicators are placed in the containment ponds to indicate the level of storage available;*

Two level indicators will be provided in the basin to ensure that the level of storage is clearly visible.

- *Procedures are put in place to ensure that the containment ponds are emptied within 24 hours of a storm event;*

This issue was discussed with Rod Fox of DECC on 13 August 2009. Rod was advised that the on-site detention basin holds up to 11,000,000 litres of stormwater following a major flood event. It would be impossible to empty this amount of water in a period of 24 hours without compromising the intent of the detention basin. It should also be noted that such a flood event is extremely rare meaning that in more common flood events, the basin will have sufficient capacity to deal with any serious emergencies resulting from the proposed dangerous goods storage. DECC confirmed that it would be more appropriate for the requirement to read, 'Procedures are put in place to ensure that the containment ponds provide sufficient capacity for spills within 24 hours of a storm event'.

- *Spill containment devices are installed in the loading dock area to contain spillages;*

Appropriate devices will be provided by Reckitt Benckiser.

- *Spill kits are provided around the external trafficable areas of the premises;*

Such devices will be provided by Reckitt Benckiser in the appropriate areas.

- *A noise assessment is undertaken in accordance with the NSW Industrial Noise Policy within six months of the premises becoming fully operational. The noise assessment must also outline any measures that need to be taken to reduce excessive noise and must be forwarded to DECCW for comment.*

Reckitt Benckiser will undertake a noise assessment in accordance with DECC's requirements.

The remaining conditions outlined in Attachment A and B relate to the Environment Protection License necessary for Reckitt Benckiser to operate the proposed dangerous goods facility in accordance with the *Protection of Environment Operations Act 1997*. An application for this license has been submitted to DECC and is under assessment.

We ask the Department to accept this letter as our response to submissions received during the exhibition period. We therefore anticipate that the Department's assessment period will begin on receipt of this letter.

Should you have any queries or require any further detail, please do not hesitate to contact the undersigned on (02) 8117 5104.

Yours sincerely

FDC Construction & Fitout Pty Ltd

A handwritten signature in black ink, appearing to read 'Tim Bainbridge'.

Tim Bainbridge *BPlan*

Planning and Development Manager