



# **STATEMENT** **OF** **ENVIRONMENTAL EFFECTS**

**SUBJECT PREMISES:** Lot 1 DP 735733 (No. 2152)  
Castlereagh Road, Penrith

**PROPOSAL:** Removal of an existing  
waste storage tank and  
proposed construction of a  
new waste storage tank with  
associated tree removal.

**FOR:** "VIRBAC (Australia) Pty Ltd"

**PHONE:** Amit Patel  
New Projects Manager  
  
(02) 4725 4596

**COUNCIL:** Penrith City Council

**DATE:** 9 April 2015

## THE SITE:

The subject premises (Lot 1) is an existing production facility located at No. 2152 Castlereagh Road, Penrith. This building is currently being used as a "production facility" and is located on the western side of Castlereagh Road in an existing commercial industrial precinct.

Lot 1 DP735733 has an area of approximately 4.048 Hectares. The original building was constructed between 1960 and 1970. The Penrith operation was then purchased from Elli Lily in 1986, at a time when the Webster's bacterial operation had reached a stage in its growth that required significant upgrading of facilities to a standard of quality that allowed continued vaccine manufacture under changing government regulations. The existing building at that time was used for the manufacture of gelatine capsules for human pharmaceutical products.

A new detached building at the south western corner of the site was then completed during 1986-1987. Operations were officially opened in April 1987. At the time, the Penrith operation was the leading veterinary vaccine plant in the southern hemisphere. The feature of the plant was the fully separated and controlled air systems between containment and clean room operations. Other additions to the property have been completed in 1997, 1998-2000, 2000-2002, 2013 & 2015 to the west and south of the main building.

The Castlereagh Road precinct is an industrial area with varying land uses being present. These include such premises as car sales and repair facilities, hardware stores, warehouse and storage and the like.

An aerial view of the location of the development is provided below, while photographs of the site and premises are provided in Appendix A.



**Above** – Aerial view of the Virbac property and premises location.

## PROPOSED DEVELOPMENT:

The proposal seeks to remove the existing waste storage tank that is located on the northern end of the property (near boundary) and construct a new waste storage tank behind the existing industrial/commercial unit development (used by Australia Post). The proposed works also requires Council's approval as part of the DA for a tree to be removed. The objective is to satisfy the Environmental Protection Authority's letter which occurred as a result of their inspection dated 20 May 2014. This letter, in response to a complaint recommends that the storage tanks be upgraded and relocated away from the boundary as proposed.

A copy of the letter, is attached in the Appendix of this report.

The building works will not encroach beyond the existing development footprint. When viewed from a distance and from above the final completed works will be inconspicuous.

### **Building works:**

Appendix B provides for the proposed plans at the premises.

The building materials for the waste storage tanks will be constructed out of polyethylene (UV stabilized) upon a new concrete slab base. The existing fire safety measures in the building will not be impacted by this proposal. All structural elements (where applicable) will be designed by a registered structural engineer.

The tank will comprise of a two tank system to satisfy the bunding requirements of the EPA. Details of the tank system is in Appendix B.

This Statement of Environmental Effects will address the proposed development against the provisions of the *Environmental Planning and Assessment Act* (Section 79(c)).

## HEADS OF CONSIDERATION:

The following heads of consideration under section 79(c) of the *Environmental Planning and Assessment Act, 1979* apply:

### **a) "the provisions of any environmental planning instrument"**

Relevant EPI Use:	<i>Penrith Local Environmental Plan 2010</i> Demolition of existing waste storage tank, tree removal and proposed waste storage tank.
Zoning:	<i>Zone IN1 – General Industrial</i>

## **Zone Objectives:**

### **Zone IN1 General Industrial**

#### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To promote development that makes efficient use of industrial land.
- To permit facilities that service the daily recreation and convenience needs of persons working in industrial areas.

#### **2 Permitted without consent**

Nil.

#### **3 Permitted with consent**

Animal boarding or training establishments; Boat buildings and repair facilities; Car parks; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries; Landscaping material supplies; Light industries; Neighbourhood shops; Plant nurseries; Recreation areas; Roads; Rural industries; Self-storage units; Signage; Storage premise; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres.

#### **4 Prohibited**

Hazardous industries; Offensive industries; any other development not specified in item 2 or 3.

*Penrith LEP 2010* explains the objectives of the IN1 – General Industrial zone. These objectives and comments on how the development compares with these objectives are provided as follows:

- To provide a wide range of light industrial, warehouse and related land uses.

Comment: The proposed development is a use permitted with consent within the zone. The objective is therefore satisfied.

- To encourage employment opportunities.

Comment: The current use of the site is approved and supports the surrounding land uses and is an appropriate use of the site. Staff employment with the use of the site has already occurred. There is no increased employment opportunity as no additional staff will be required. The objective is therefore considered to be satisfied.

- To minimise any adverse effect of industry on other land uses.

Comment: The proposed development is designed to reduce the impact on surrounding land uses to the site. The proposed location for the new waste storage tanks is chosen as it will be further away from the neighbouring businesses. The objective is therefore considered to be satisfied.

- To support and protect industrial land for industrial uses.

Comment: The use of the site is a permitted use within the zone which will protect and support the surrounding industrial land uses. The objective is therefore considered to be satisfied.

- To promote development that makes efficient use of industrial land.

Comment: The existing use of the site meets is a valuable resource for associated industries and is an integral part of surrounding business which is economically beneficial to local businesses. The facility has provided continued business to the local area for some time. The objective is therefore considered to be satisfied.

- To permit facilities that service the daily recreation and convenience needs of persons working in industrial areas.

Comment: The use of the existing building provides facilities to meet the recreation and convenience needs to working in the industrial areas. The premises is very close to the existing facilities in the Penrith area being minutes to the CBD and other retail and office facilities.

The overall objectives of *Penrith LEP 2010*, while broad and relating to the whole of the City, are also considered to be satisfied.

#### **b) "the provisions of any draft environmental planning instruments"**

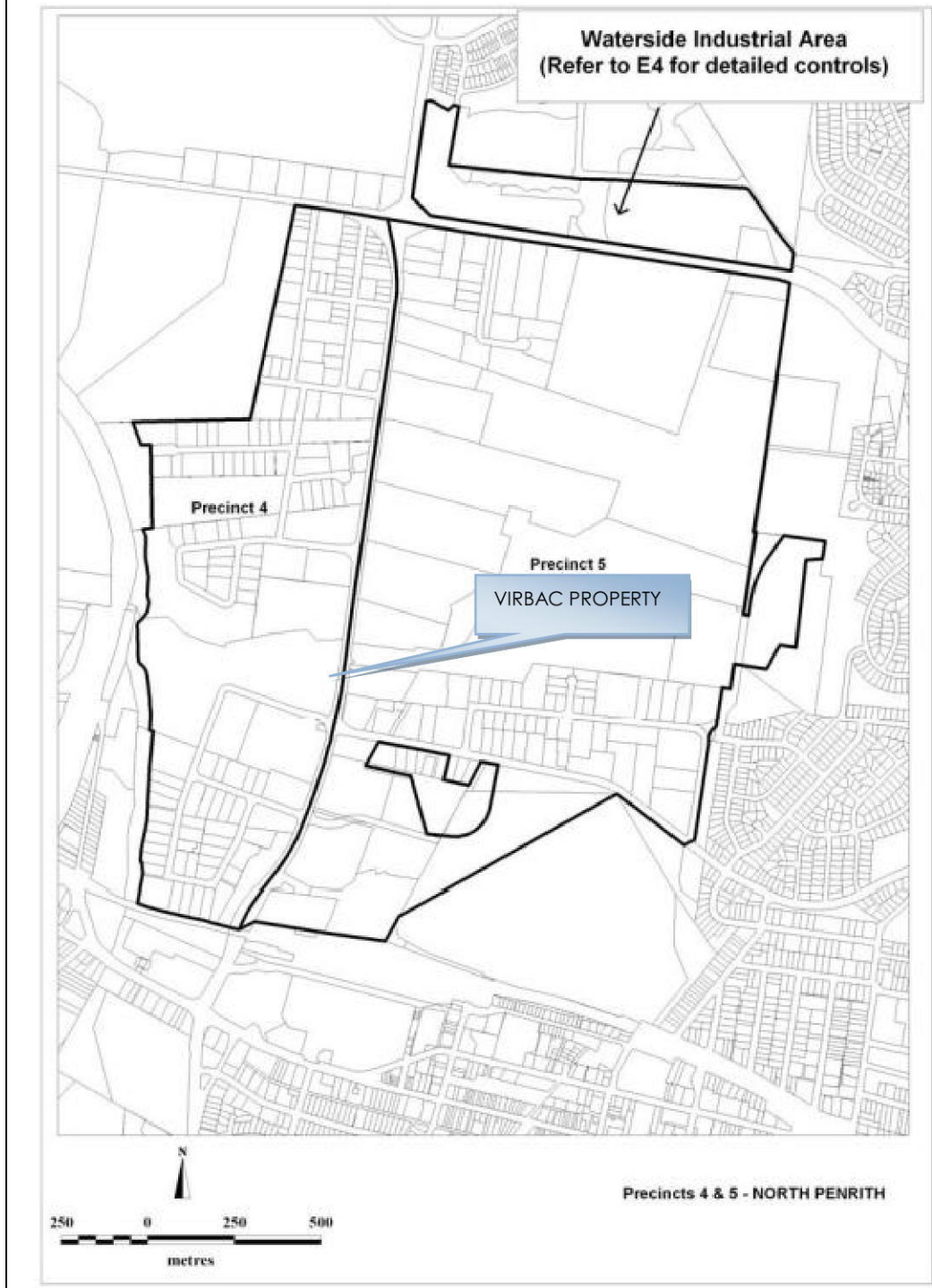
There are no relevant draft environmental planning instruments applying to the site.

#### **c) "any development control plan"**

##### **Penrith Development Control Plan 2010:**

The following provisions under *Penrith Development Control Plan 2010* apply to the proposed development proposal.

Figure D4.4: Precincts 4 and 5 – North Penrith



## **D4 - INDUSTRIAL DEVELOPMENT**

<b><u>DCP 2010 SECTION</u></b>	<b><u>OBJECTIVES &amp; PERFORMANCE REQUIREMENTS</u></b>	<b><u>COMMENTS</u></b>
<b>4.1 Key Precincts</b>	The site is within Precinct 4: North Penrith (west of Castlereagh Road) as identified in Figure D4.4.	Refer to Figure D4.4.
<b>4.2 Building Height</b>	a. For Precincts 4 & 8 (areas adjacent to the Nepean River), the development must not be visually obtrusive when viewed from the Nepean River and must not adversely affect the scenic quality of the river.	The provisions of this section of the DCP do not apply to the site as the proposed works are not visible from the Nepean River. Therefore, the proposed works will not affect the scenic quality of the river.
<b>4.3 Building Setbacks and Landscaping</b>	<p>1. Setbacks for industrial development are to be in accordance with the standards specified in Table D4.1:</p> <p><i>Lots fronting Castlereagh Road shall have a minimum building setback of 20m.</i></p> <p>These setbacks are to be landscaped, but may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area:</p> <p>i) Is within a setback which is at least 13m wide and set behind a landscaped area which is at least 4m wide;</p> <p>ii) promotes the function and operation of the development;</p> <p>iii) Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development; and</p> <p>iv) Does not detract from the streetscape values of the locality as illustrated in Figure D4.13</p>	<p>The location of the proposed works will not impact the existing setbacks as it will be located within the building envelop between the fire sprinkler pump house, hydrant stand and the in-transit storage shed.</p> <p>There is an existing exotic pine tree in the vicinity of proposed waste storage tank and shall be removed to prevent the reoccurrence of damage to the tank's roof and concrete slab base.</p> <p>The tree which is shown in the Appendix of this report is not suitably located on the boundary of the property and is in poor condition. The tree was not planted and is growing hard against the retaining wall on the boundary.</p> <p>A replacement tree can be planted in a suitable location can be provided if required.</p>

<u>DCP 2010 SECTION</u>	<u>OBJECTIVES &amp; PERFORMANCE REQUIREMENTS</u>	<u>COMMENTS</u>
<p><b>4.4 Building Design</b></p>	<p>a. Non-residential developments including mixed use developments, with a construction cost of \$1,000,000 or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating System (now part of the NABERS).</p> <p>b. Developments on land identified in Section 4.2 of this Chapter under 'Controls' shall be designed to:</p> <ul style="list-style-type: none"> <li>i) Present high standard of urban form incorporating innovative and attractive architectural design of all elevations and roof form; and</li> <li>ii) Appropriately reflect the important gateway entry roles of these precincts and the visually important access routes to the City.</li> </ul> <p>Prominent elevations, such as those with a frontage to the street or public reserves or those that are visible from public areas, must present a building form of significant architectural and design merit. The construction of large, blank wall surfaces is not permitted.</p> <p>Large Elevations should be articulated by structural variations and/or a blend of external finishes.</p> <p>f. Particular care should be taken in regard to:</p> <ul style="list-style-type: none"> <li>i) Designing roof elements; and</li> <li>ii) Locating plant and mechanical equipment including exhausts, so as screen them from a public place.</li> </ul>	<p>The proposed work are not valued at over \$1,000,000, therefore a Green Star Rating / Australian Building Greenhouse Rating is not required.</p> <p>The proposed works will not be visible from the street frontage or from a public reserve.</p>



<p><b>4.5 Storage of Materials and Chemicals</b></p>	<p>External storage areas must be located behind the building setback to minimise visual impact.</p> <p>Rainwater tanks are not to be visually intrusive from the main street frontage or other public areas.</p> <p>d. If the development involves the storage of chemicals on the site, a Chemical Use and Storage Report may be required. A Chemical Use and Storage Report will not be required when:</p> <ul style="list-style-type: none"> <li>i) The use of chemicals is for routine cleaning and the chemicals to be used are of household or hospital grade;</li> <li>ii) The total quantity of chemicals to be routinely used or stored on the site does not exceed 100 litres;</li> <li>iii) The chemicals to be used or stored are not of sufficient acidity, alkalinity or strength to cause significant harm on skin contact, or the environment if a spill were to occur; and</li> <li>iv) The application outlines the methods proposed to be used to minimise the potential for spills.</li> </ul>	<p>The new location for the proposed storage tanks is behind the building setback to minimize visual impact.</p> <p>The design is for a 30,000L tank to be located within an outer tank (46,400L). This design is to provide bunding to the inner storage tank.</p>
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<p><b>4.6 Accessing and Servicing the Site</b></p>	<p>a. New industrial developments with direct access onto Castlereagh Road will need to provide a deceleration lane in accordance with the Roads and Traffic Authority Guidelines.</p> <p>b. Development on newly created allotments that front Castlereagh Road shall ensure that:</p> <ul style="list-style-type: none"> <li>i) The allotment of land was created in accordance with a subdivision approved pursuant to this DCP; and</li> <li>ii) Access to the allotment is in accordance with the access arrangements approved with the subdivision.</li> </ul> <p>d. Industrial development shall, where appropriate, be designed to:</p> <ul style="list-style-type: none"> <li>i) Allow all vehicles to enter and leave the site in a forward direction;</li> <li>ii) Accommodate heavy vehicle parking and manoeuvring areas;</li> <li>iii) Avoid conflict with staff, customer and visitor vehicular and cycle movements; and</li> <li>iv) Ensure satisfactory and safe operation with the adjacent road system.</li> </ul>	<p>The development does not include the provision of new carparking or driveways. The existing car parking and driveways are to be retained.</p>
<p><b>4.7 Lighting</b></p>	<p>b. Lighting design should address the principles of the CPTED where there is significant pedestrian activity, late night work shifts or safety and security issues.</p> <p>c. Adequate lighting should be provided to meet security requirements without excessive energy consumption.</p> <p>h. All lighting shall comply with AS4282.</p>	<p>The development does not include the provision of new lighting. The existing lighting shall be retained.</p>

There are no other relevant provisions of *Penrith Development Control Plan 2010* that apply to the development proposal or site.

**d) “any planning agreement entered into”**

The development is not associated with any planning agreement or any draft planning agreement entered into under section 93F of the *Environmental Planning and Assessment Act, 1979*.

**e) “the regulations”**

The development is not subject to the Government's Coastal Policy. No masterplans are applicable for the development.

Demolition of part of the existing structure within the premises is the only matter prescribed by the Regulations. All demolition will (hardly any) occur in accordance with *AS2601-2001 – The demolition of structures*.

**f) “the likely impacts of that development”**

The development will have minimal impact on the environment, neighbourhood and locale. The likely impacts of the development are further expanded on the following pages.

<b>CONTEXT &amp; SETTING</b>	<p>The proposed development will:</p> <ul style="list-style-type: none"><li>• Have no impact on the scenic qualities and features of the landscape.</li><li>• Be in accordance with the character and amenity of the locality and streetscape.</li><li>• Be consistent with existing development in the locale and on the site in terms of bulk, scale, character and design.</li><li>• Be in accordance with the permissible land-use applying to the site.</li></ul> <p>The potential impacts on adjacent properties are also considered to be minimal.</p> <p>Overall, the impact on the context and setting of the locale is therefore considered to be satisfactory.</p>
<b>ACCESS, TRANSPORT &amp; TRAFFIC</b>	<p>All access provisions to the development will not change. The existing access driveway from Castlereagh Road is considered satisfactory for the development and will not be changed or affected due to the proposed development.</p> <p>There is currently no conflict with the local road network due to the existing development, and this will not change with the new use of the premises.</p> <p>As already discussed within this statement, adequate parking provisions are available on the site and apply to the development. The new premises will not change or alter the existing parking configuration on the site.</p> <p>No additional construction or other requirements are therefore needed for the site.</p>
<b>PUBLIC DOMAIN</b>	<p>The development will in no manner impact on the public domain.</p>
<b>UTILITIES</b>	<p>The development will impose no significant demand on water, telephone, sewer and electricity utilities. These services are also existing and available to the site.</p>

<b>HERITAGE</b>	No heritage provisions or considerations are applicable to the site.
<b>OTHER LAND RESOURCES</b>	<p>The premises will be integral and compatible with the current use of the site and neighbouring premises. The impact of the development in terms of other land resources is therefore considered minimal.</p> <p>The development will not impact on the value of the land in terms of agricultural potential or other land resources (which is considered to be minimal).</p>
<b>WATER</b>	The development will have no significant impact on water resources or water conservation.
<b>SOILS</b>	The development will have no impact on soils.
<b>AIR &amp; MICROCLIMATE</b>	The development will have no impact on air and microclimate.
<b>FLORA &amp; FAUNA</b>	<p>The proposed tree removal will not have a significant impact on flora and fauna of the site as it is located to the northern elevation at the rear of the site.</p> <p>The tree which is proposed to be removed is an exotic pine tree of little environmental benefit.</p> <p>A more appropriate replacement tree can be provided if required.</p>
<b>ENERGY</b>	The development will have no significant impact on energy.
<b>NOISE/VIBRATION</b>	The development will have no significant impact from noise or vibration. The development will also not cause any significant noise or vibration.
<b>TECHNOLOGICAL HAZARDS</b>	No known technological hazards pose a risk for the development.
<b>SOCIAL IMPACT</b>	The development will have no significant social impact other than a positive social impact by providing for a much needed facility. The social impact overall is therefore considered to be a positive one.
<b>WASTE</b>	<p>The development site has already provision for the disposal of waste that will be generated by the development (commercial bin collection) Waste generation by the development is, however, expected to be minimal. There will be no major waste generation from the operation of the activity in comparison to other surrounding business (such as retail premises or fast food premises which have high waste generation rates).</p> <p>For waste that is generated by the use and operation of the premises, adequate controls will be applied. Features to be incorporated in the development will include recycling of any cardboards, paper products and drink containers.</p> <p>Waste and recycling storage areas are provided in accordance with Penrith City Council requirements.</p> <p>A waste control container to be provided on site during demolition works and will be removed upon completion of demolition works.</p> <p>All demolition waste, operational waste generation and disposal will occur in accordance with the Waste Management Plan prepared for the development (see separate plan).</p>

<p><b>SAFETY, SECURITY AND CRIME PREVENTION</b></p>	<p>Safety, security and crime prevention is an important aspect of the development that has been addressed by the applicant. The applicant understands that without satisfactory safety and security being offered to patrons, the successful operation of the facility would not work.</p> <p>In addition to existing security fencing provided to the building, certain security and safety works are required for the premises. These will include the following:</p> <ul style="list-style-type: none"> <li>• An upgrade of internal lighting (where needed).</li> <li>• An integration of internal and external lighting with security systems</li> <li>• The installation of associated sensor lighting at the entrance to the premises.</li> </ul> <p>Satisfactory safety, security and crime prevention measures are therefore to be employed for the premises.</p>
<p><b>ECONOMIC IMPACT</b></p>	<p>The proposed development will have a positive economic impact on the locale and its community through employment generation and economic activity of premises that are currently vacant.</p> <p>The proposed development will benefit surrounding land uses through increased patronage to the area. Adjoining property values will not be affected by the development.</p>
<p><b>SITE DESIGN AND INTERNAL DESIGN</b></p>	<p>The site design and internal design is considered to be satisfactory and in accordance with the provisions of the relevant DCP.</p> <p>The development proposes no change to site external design, other than the installation of signage. The internal design of the premises, although being altered with the intended demolition works, is considered to be satisfactory.</p>
<p><b>CONSTRUCTION</b></p>	<p>The proposed use requires only removal of the existing storage tank and installation of the new storage tanks to occur.</p> <p>A <u>construction certificate</u> approval is therefore required.</p>
<p><b>NATURAL HAZARDS</b></p>	<p>The development site has no known natural hazard risks and is not identified as being bushfire prone land or flood liable land.</p>
<p><b>CUMULATIVE IMPACTS</b></p>	<p>There are no significant or potential cumulative impacts that will occur as a result of the development.</p> <p>The minimal cumulative impacts of the development are therefore considered to be acceptable for the site and area.</p>

**g) “the suitability of the site for the development”**

<p><b>DOES THE PROPOSAL FIT THE LOCALITY</b></p>	<p>The proposal is considered to fit the locality well and neighbouring land uses.</p> <p>The development is in accordance with all the planning provisions applying to the site and will therefore be incorporated well into the locale.</p>
<p><b>ARE SITE ATTRIBUTES CONDUCTIVE TO DEVELOPMENT</b></p>	<p>The site attributes are considered to be conducive to development.</p> <p>There are no risks or factors associated with the site that will significantly affect the development.</p>

## **h) “the public interest”**

The development will have minimal impact on public infrastructure as a whole and on the surrounding neighbourhood.

The development will also not significantly affect any neighbouring properties in terms of privacy, overshadowing, amenity, economic loss or any other impacts. The public interest is therefore considered to be satisfactory.

The development will actually be beneficial to the public interest.

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## **CONCLUSION:**

As shown in this statement of the environmental effects, the removal of the existing storage tank and proposed replacement storage tanks in the new location are considered to be a satisfactory proposal.

The statement of environmental effects has addressed all of the planning controls applying to the site and has found the proposal to be compliant with these controls.

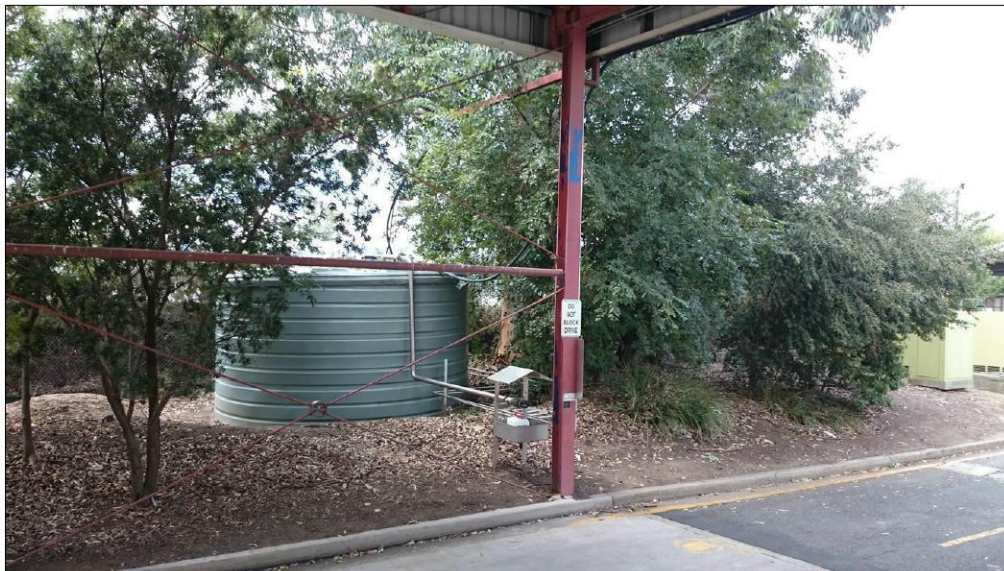
Based on the overall positive merits of the proposal and compliance with the development controls applying to the site, it is expected that approval for the works will be granted.

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## Appendix A – Photographs



a) Virbac- View of front of property from Castlereagh Road, Penrith



b) Existing tank proposed to be removed.



c) Existing tank proposed to be removed.



d) Existing tank proposed to be removed.





e) Damaged roof of existing tank proposed to be removed.



f) Proposed location for the new storage tanks.



g) Proposed location for the new storage tanks.



h) Proposed location for the new storage tanks.



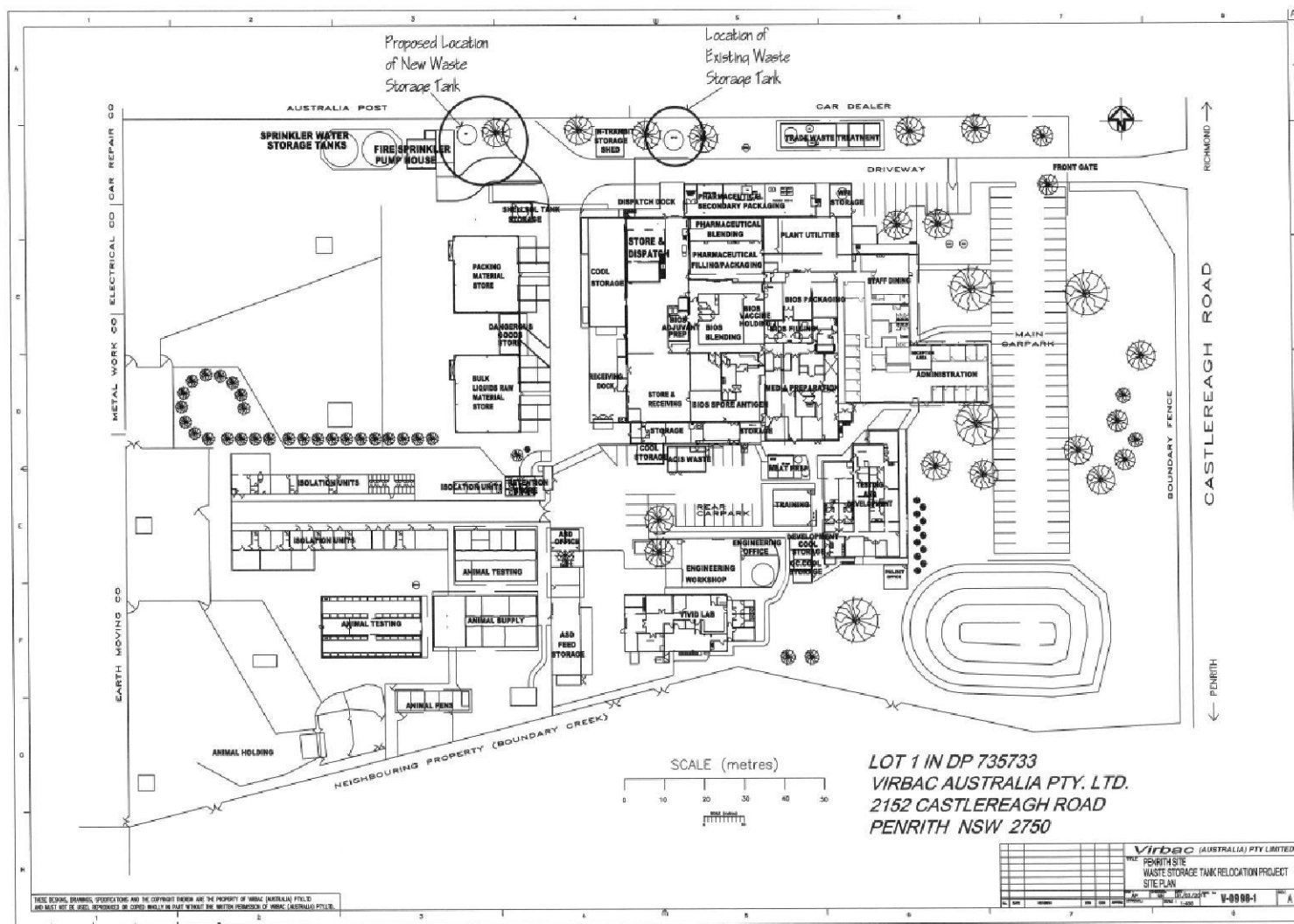
i) Tree proposed for removal



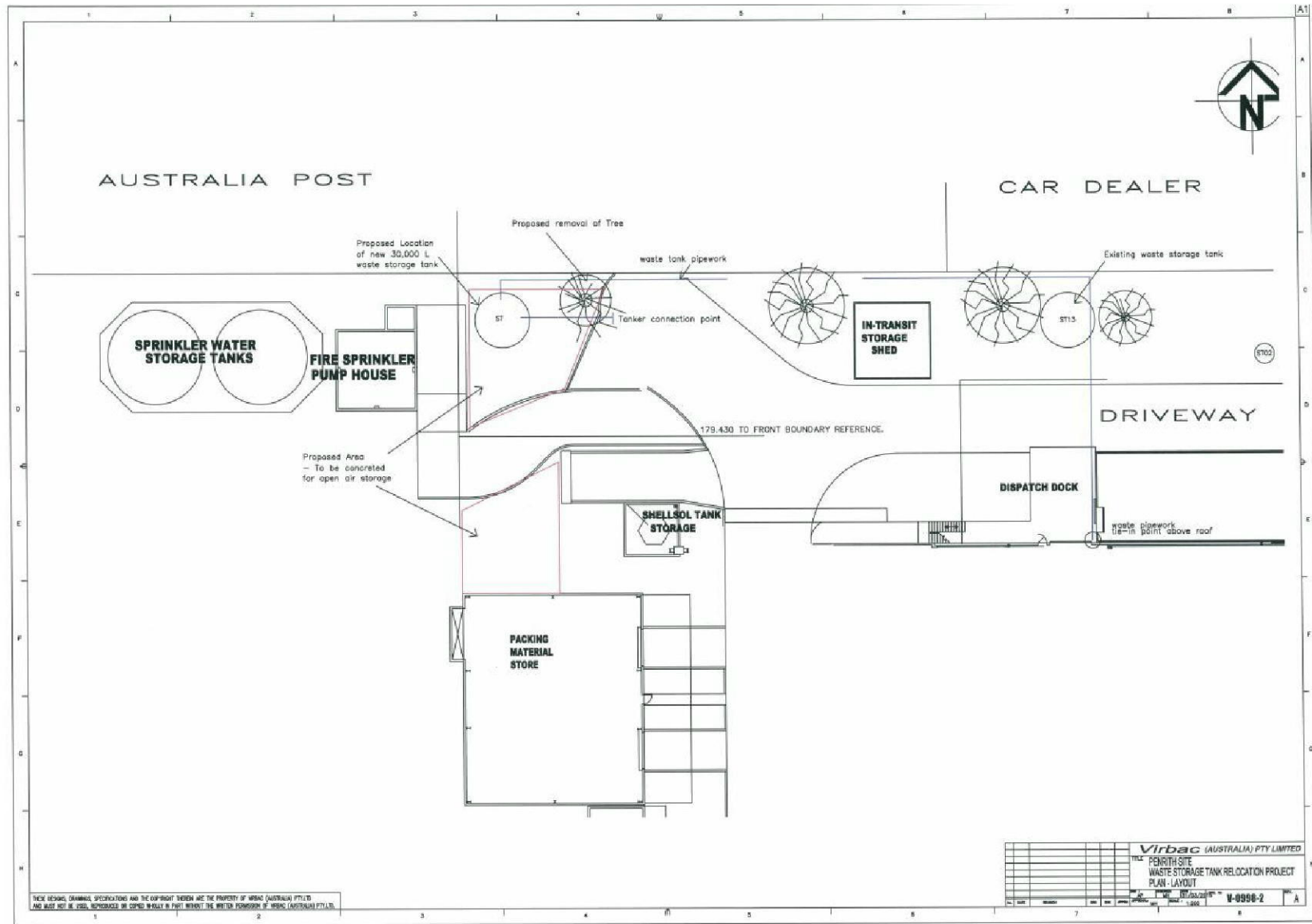
j) Tree proposed for removal

# Appendix B – Existing & Proposed Floor Plans

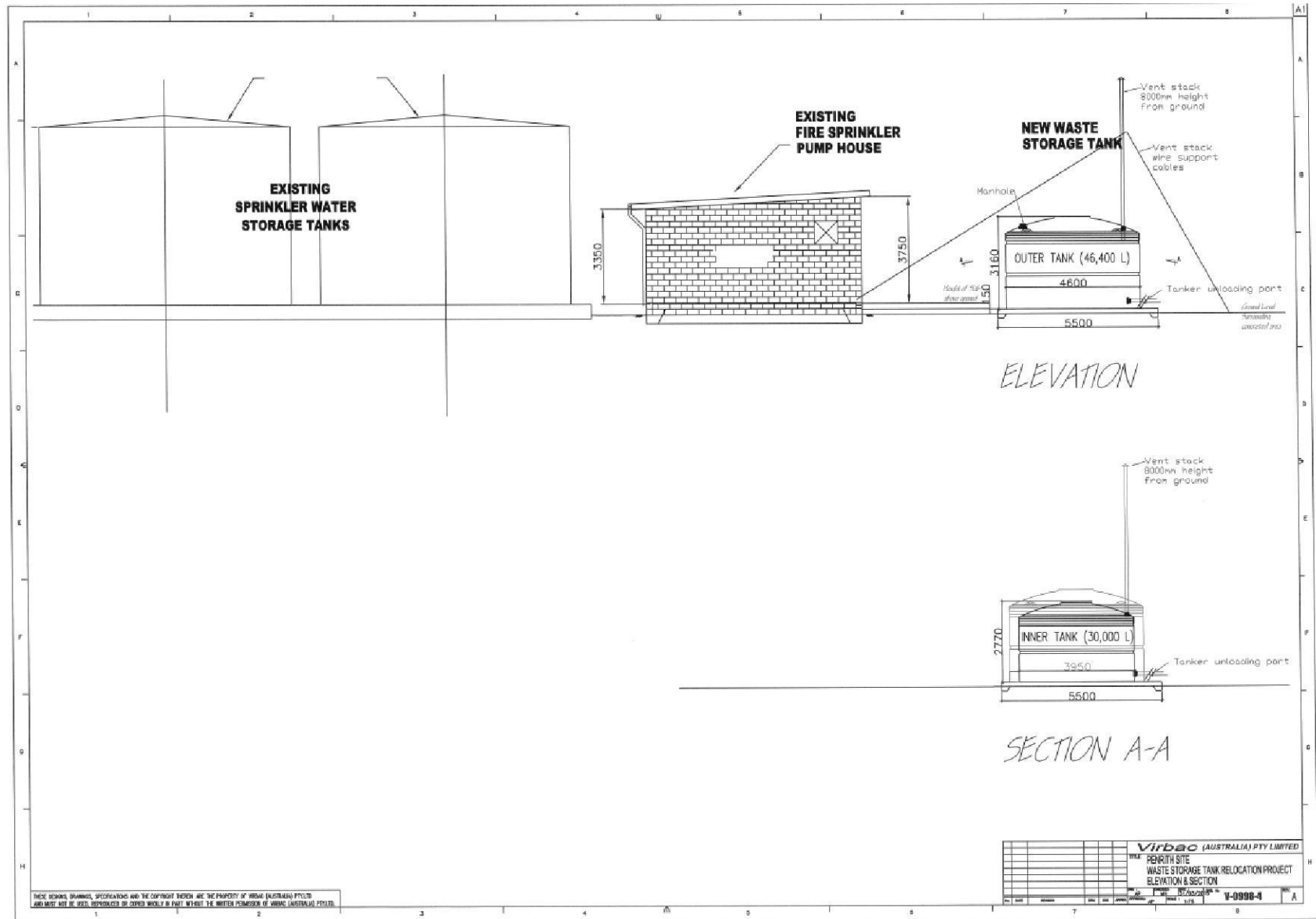
## a) Site Plan



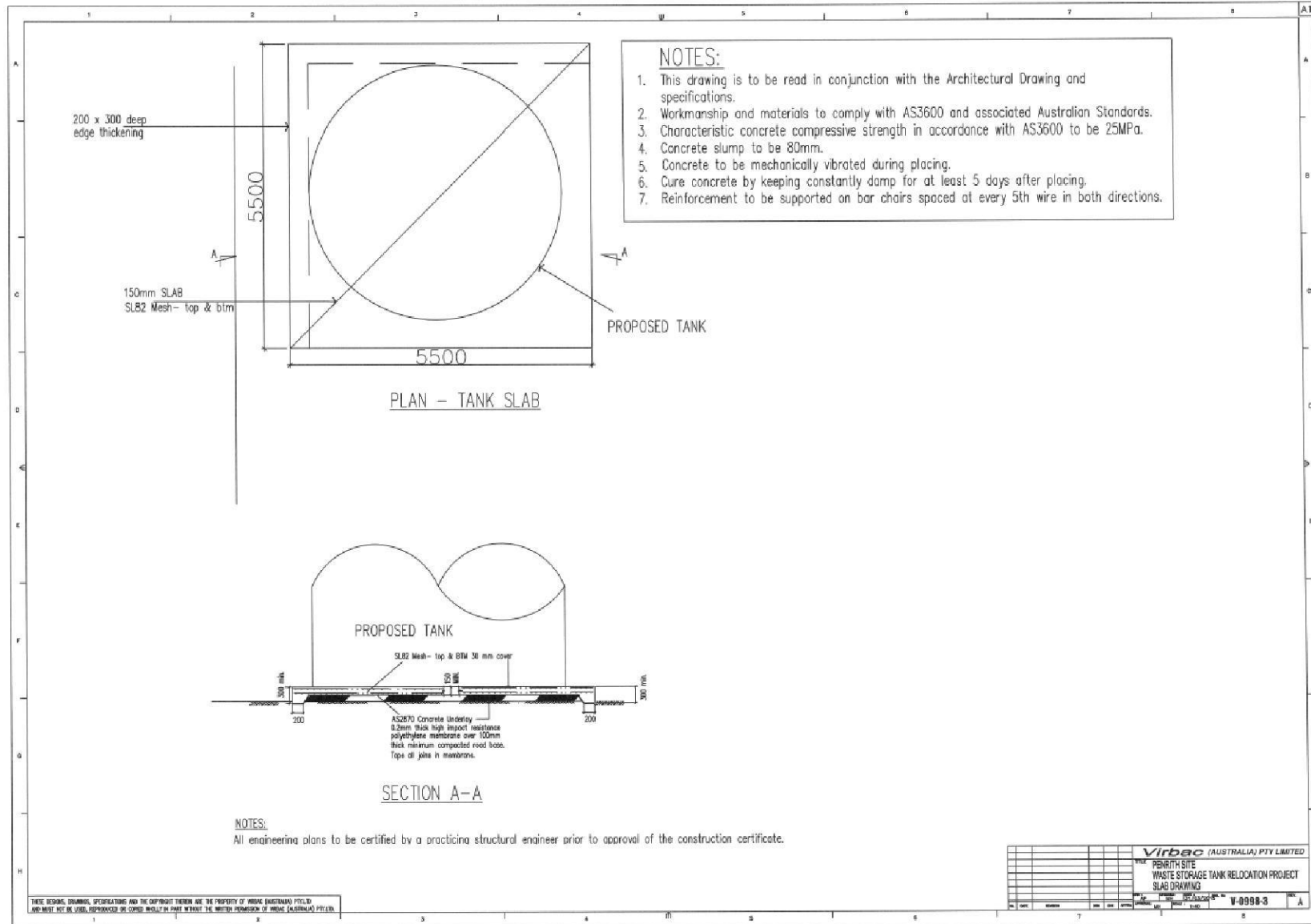
b) Close-up Site Plan



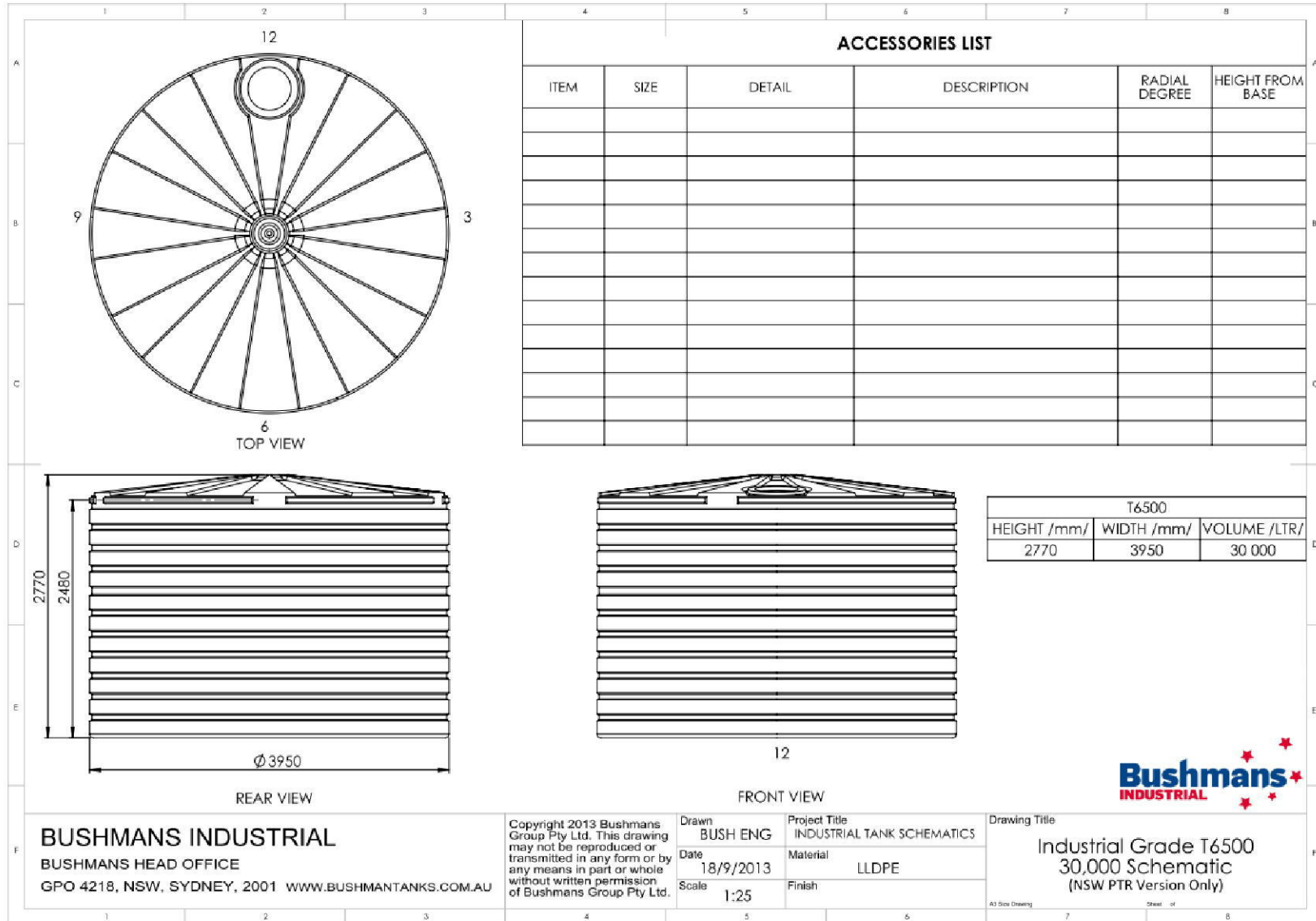
c) Elevations



d) Elevations



e) Internal storage tank details



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Drawn	BUSH ENG	Project Title	INDUSTRIAL TANK SCHEMATICS
Date	18/9/2013	Material	LLDPE
Scale	1:25	Finish	

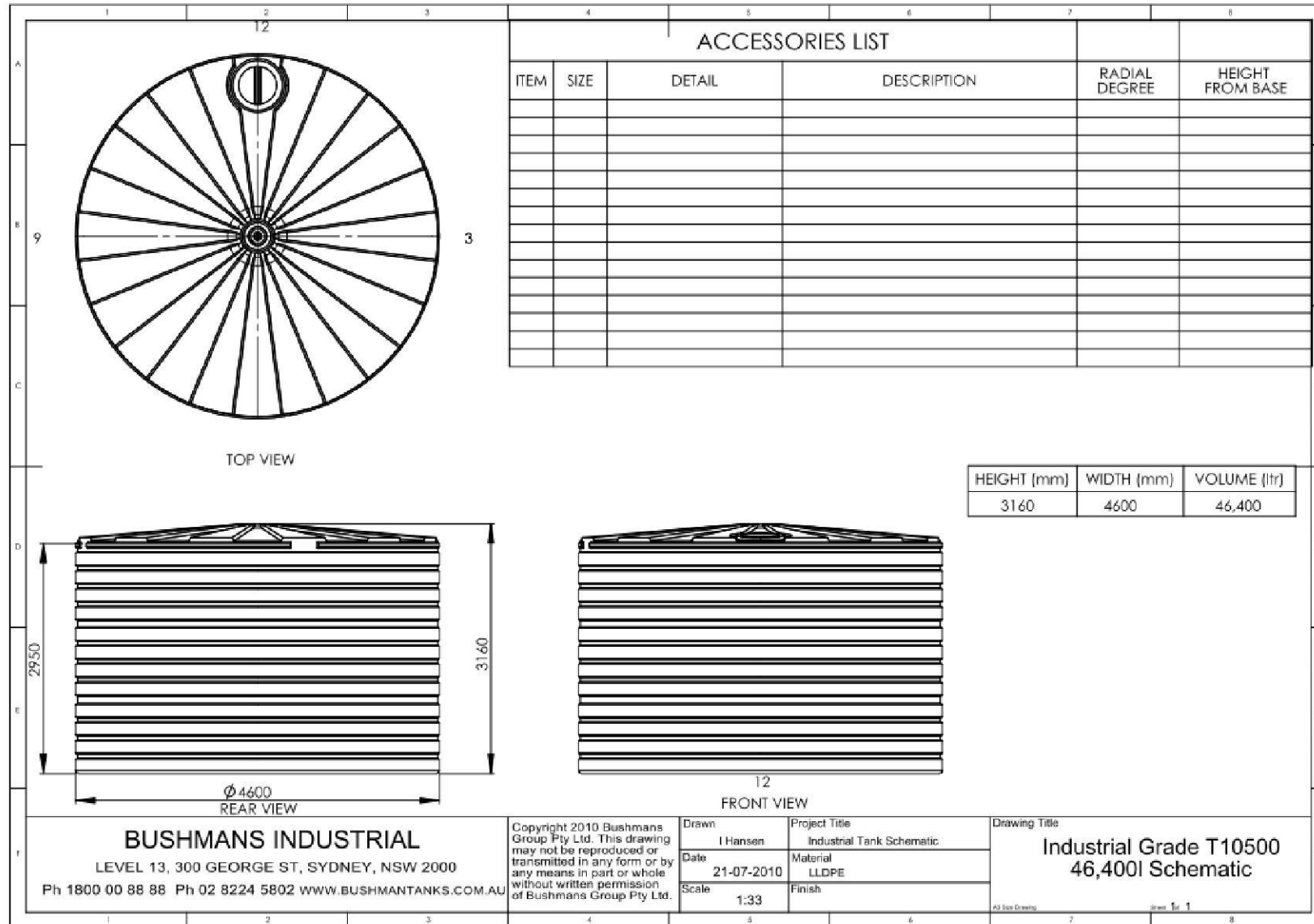
Drawing Title  
**Industrial Grade T6500  
 30,000 Schematic  
 (NSW PTR Version Only)**



A3 Size Drawing Sheet of



f) External storage tank details



## Appendix C – EPA Complaint Letter



DOC14/80349

Ms Melanie Campbell  
VIRBAC Pty Ltd  
PO BOX 1122  
NSW 2751

**BY ELECTONIC MAIL**

Dear Ms Campbell

### **Site Inspection - Odour complaints - Environment Protection Licence no. 5269**

As you are aware the Environment Protection Authority ("EPA") has received a complaint relating to odour generated on the premises and impacting neighbouring businesses. The EPA visited the premises on 20 May 2014 to identify the cause of the odour.

During the inspection it was identified that the waste storage tank located on the northern boundary of the premises is in poor condition and either needs to be replaced or refurbished. The lid of the storage tank has collapsed and the integrity of the tank has been compromised allowing odours to escape and stormwater to flow in. EPA recommends you upgrade the storage tank and locate it away from the boundary.

It was also discussed that odour may be generated when waste is being pumped out by the waste removal contractor. It is suggested that VIRBAC request a tanker from the waste removal contractor that has an odour scrubber fitted to the truck. This may reduce the odours generated when it is being emptied.

The EPA will continue to monitor the situation and contact VIRBAC if it receives any further complaints. If you have any further questions, please contact Andrew Reece on (02) 9995 5770.

Yours sincerely

A handwritten signature in black ink that reads 'C. Groves'.

**Christy Groves**  
**A/Unit Head Waste Compliance**  
**Environment Protection Authority**