TITLE JRPP Application - Fitout of Industrial Building for Electricity Network Support

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Locality Plan (contained within this report)
2. Site and Floor Plan Layout (contained within this report)
3. Eastern (Rear) Building Elevation (contained within this report)
4. Western (Street) Building Elevation (contained within this report)

Purpose

To advise Council of a development application that has been referred to the Sydney West Joint Regional Planning Panel (JRPP) for determination. The proposal is for the fitout and use of an existing industrial building in Huntsmore Road, Minto for a gas powered electricity generating sub-station.

The application has been referred to the Sydney West Joint Regional Planning Panel, (JRPP) for determination in accordance with Part 2A of the Environmental Planning and Assessment Act 1979, as the development is for an 'electricity generating work' with a capital investment value of more than $5 Million.

Property Description	Lot 238 DP 260481, 15 Huntsmore Road, Minto
Application No	2325/2013/DA-I
Applicant	Novapower P/L
Owners	Amenley P/L
Statutory Provisions	Environmental Planning and Assessment Act 1979 Campbelltown (Urban Area) Local Environmental Plan 2002
Date Received	4 November 2013

Report

Introduction

Council has received a development application for the fit out and use of an existing vacant industrial building for peak load electricity generation. The proposal involves the installation and operation of four gas fired engine generators to provide supplemental power to the main electricity grid during periods of peak demand.

The facility is proposed to only operate at times of peak electricity demand, so as to supplement the existing 'base load' of the electricity grid. This would be during summer loading periods - late afternoon and evening periods (4.00pm to 11.00pm). However, it is noted that the facility is intended to operate at any time of day as required.

The subject property is located within the Minto industrial area at the cul-de-sac head of Huntsmore Road, adjacent to the main railway line (refer Attachment 1). The closest residential areas are located on the opposite side of Pembroke Road near Council's main depot, approximately 600 metres east of the subject property.

The land is generally level, approximately 6,800 m^2 in size and occupied by two industrial buildings which are separated by a common driveway (Unit 1 to the north and Unit 2 to the south). The application relates to Unit 2 only.

Unit 2 is currently vacant and comprises a pre-fabricated concrete tilt-up panel for the western wall, with a steel frame and steel cladding for the other walls and a concrete slab floor. Two roller doors are located on the eastern (rear) side of the building. The building has overall dimensions of 22m (width) by 50m (length) and 10.8m height (at roof peak) with a floor area of 1,085 m2. There is a paved vehicular parking and manoeuvring area at the rear of the building, with a grassed area along the rear boundary adjacent to the railway corridor.

In December 2012 Council granted development consent for the 2 lot subdivision of the site to create a separate allotment for each existing unit, although it is noted that this subdivision has not been registered. The current proposal is consistent with the 2012 subdivision approval issued by Council.

Proposal

The proposal involves the fitout and modification of the existing industrial building (Unit 2), and includes external works generally at the rear of the site. The proposed physical works are described as follows.

Proposed works within the existing building:

- four gas powered engine generators within building
- four electricity transformers housed within a fire proof enclosure
- switch room
- acoustic treatment of internal walls and roof to meet statutory noise requirements.

Equipment and structures to be installed on site at rear of the existing building:

- four heat exchangers (radiator fans) measuring 6m long x 4m high x 2.4m wide, placed on concrete footings and plinths in the existing car park / storage area
- two (2) x Switching stations in the northeast corner of the rear car park, each measuring 0.8m length x 1m high x 0.8m wide
- underground electrical cabling within the site to facilitate connection with existing power line
- new fence with double gate between the northeast corner of the existing building to the railway boundary fence
- earthworks and trenching to install underground conduits and earth grid.

Modifications to external appearance of existing building:

- existing glass entrance on the southern end of the street elevation (secondary entrance) to be replaced with external wall and ventilation louvres similar to existing

- changes to eastern (rear) wall of building to accommodate additional ventilation louvres, external exhaust vents, building exit, and physical connection with heat exchangers (radiators) at rear of building.

The facility is proposed to operate on a fully automated basis, with attendance by staff only required for routine maintenance or in the event of an alarm or plant failure.

Assessment

The detailed assessment of all technical and planning considerations relevant to the assessment of the application is being undertaken by JRPP in accordance with Part 2A of the Environmental Planning and Assessment Act 1979.

The application is defined as integrated development under the *Environmental Planning and Assessment Act 1979*, as it requires an environmental protection licence (EPL) from the NSW Environment Protection Authority (EPA) as a prescribed 'metropolitan electricity works' activity. Accordingly, the determination of the application by the JRPP would be reliant upon general terms of approval being issued by the EPA to appropriately regulate potential air emissions and acoustic impacts under the Protection of the Environment Operations Act (POEO Act).

Staff reporting to the JRPP are required to undertake a comprehensive assessment of the proposal to determine the likely environmental impacts, and prepare a detailed report prior to the determination of the proposal. In this respect it is noted that the Statement of Environmental Effects accompanying the development application includes the following detailed studies and reports:

- Air Quality and Greenhouse Gas Assessment
- Environmental Noise Assessment
- Waste Management Plan
- Flood Risk Advice and Stormwater Information
- Electrolysis Statement
- Indicative Equipment information
- Building Code of Australia Capability Statement.

Whilst it is beyond the scope of this report to provide a parallel assessment of the full range of matters to be considered by the JRPP, a broad review of the application has been undertaken and the following matters are considered to be the main issues of significance:

1. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject land is zoned *4 (a) – General Industry Zone* under the provisions of *Campbelltown (Urban Area) Local Environmental Plan 2002* (LEP 2002). The General Industry Zone allows for wide range of industrial activities with consent, including developments that promote economic growth. In this respect, it is considered that the proposed development would be consistent with the zone objectives for new development.

As an industrial use, the subject proposal would be permissible with Council's consent, unless it posed a significant hazard risk to the locality so as to be defined as a 'hazardous industry' under LEP 2002. This matter would need to be examined by the JRPP in accordance with *State Environmental Planning Policy No.33 - Hazardous and Offensive Development (SEPP 33)* and is discussed below.

2. State Environmental Planning Policy No 33 – Hazardous and Offensive Development

State Environmental Planning Policy No.33 - Hazardous and Offensive Development (SEPP 33) provides the relevant assessment criteria to determine whether any proposed industrial use may be defined as a hazardous industry (and therefore be prohibited under LEP 2002). Where a development may be potentially hazardous, SEPP 33 requires the preparation of a Preliminary Hazard Analysis (PHA) for assessment by the determining authority.

The proponent has indicated that preliminary discussions with the Department of Planning and Infrastructure have indicated that the proposed development is unlikely to be a potentially hazardous or offensive industry, and therefore would not trigger the need for a PHA. However it is noted that the final decision as to whether a PHA is required rests with the consent authority (JRPP) and this would need to be determined in accordance with SEPP 33 Guidelines.

Accordingly it is considered that the JRPP, as consent authority in this instance, would need to conduct a detailed assessment of the hazardous industry provisions of SEPP 33 in order to demonstrate that the proposed development is permissible in the zone.

3. Integrated Development (Environment Protection Authority) – Air Emissions and Acoustic Impacts

The development is defined as integrated development under the *Environmental Planning and Assessment Act 1979*, as it requires an environmental protection licence (EPL) from the Environment Protection Authority (EPA) under the *Protection of the Environment Operations Act 1997* (POEO Act).

The EPA is the relevant government authority responsible for the assessment and regulation of industrial air emissions and acoustic impacts in accordance with the POEO Act. As such, it is noted that the development application cannot be approved without general terms of approval first being issued by the EPA to address air and noise compliance. The subject application has been referred to the EPA for their consideration; however at the time of writing of this report no response has been received.

Council does not have the resources to duplicate the analysis conducted by the EPA, or contest the scientific credibility of data submitted by the applicant. Provided the EPA is satisfied that the proposal would comply with relevant air emission and acoustic standards, then it would be difficult for the consent authority (in this case the JRPP) to refuse the application on these grounds.

Notwithstanding these limitations, the following matters have been identified as important issues that the JRPP would need to be confident have been adequately resolved as part of the holistic assessment of the proposal:

Air Emissions and Operating Hours

The air quality assessment provided by the applicant indicates that the most significant emissions resulting from the gas powered engines will mainly be nitrogen oxide exhausts. Other exhaust gases include ozone and carbon dioxide. Air dispersion modelling predictions have been provided by the applicant in accordance with EPA requirements to estimate the impacts and concentrations of offsite air pollutant in the vicinity of the subject site.

The air emission analysis and predictions are based upon a limited operation running time of the facility of 3.5 hours per day (2 x 1.75 hours). This is based upon the supplemental nature of the facility to only supply electricity to the grid during periods of peak electricity demand. However, there are no definitive operating hours specified in the application, and indeed the

applicant has identified that the facility could operate at any time due to the need to provide network support at any time of the day.

Accordingly, it is considered that any consent issued by the JRPP imposes operating restrictions consistent with the methodology used by the applicant in the determination of air emission impacts. On the basis of air emission analysis supplied by the applicant, this would appear to warrant a restriction on operating times to 3.5 hours on any day.

Noise Assessment

The environmental noise assessment report submitted by the applicant concludes that the noise emission limits will comply with the EPA Industrial Noise Policy for both industrial and residential receivers.

In general terms, the noise assessment models two acoustic scenarios, one based upon the acoustic qualities of the existing building, and the other being a "modified building envelope" with acoustic treatment to the existing building comprising fibro-cement sheeting to the internal walls and roof. By the applicant's admission, the proposal only complies with the noise level criteria for the nearest industrial receiver under the "modified building envelope" scenario.

However, some issues have been identified with respect to the adequacy of the acoustic methodology provided in the noise assessment report. The issue of interest relates to whether the proposed development is consistent with either scenario considered in the noise report. In this respect, neither scenario appears to account for the building alterations proposed for the external walls of the existing building, namely new wall openings proposed to accommodate ventilation louvres, and building alterations to accommodate external exhaust stacks and radiators.

Additionally, the noise assessment report (page 19) states that the author has "*assumed openings will be required to reduce heat build up*", which would indicate that the final building design has not been viewed by the author.

Accordingly, it is considered prudent that the Noise Assessment Report is reviewed to ensure consistency and accuracy with the plans lodged under the subject application.

4. General Considerations

The following issues have been identified having regard to the broader suite of considerations prescribed by Section 79C of the *Environmental Planning and Assessment Act 1979.*

- Security

  The proposal is intended to operate as a fully automated facility. The issue of crime prevention is therefore considered to be a relevant matter given the absence of personnel on the site to provide surveillance or respond to incidents in a timely manner. In this respect, it is considered that a 'Crime Prevention through Environmental Design' analysis should be undertaken to ensure this matter is adequately addressed.

- Landscaping

  Existing landscaping of the site is lacking, particularly along the rear landscape strip adjoining the railway corridor which is largely grass ground cover. A landscape plan to

embellish the site with appropriate indigenous plantings should be provided by the applicant and implemented as part of any approval issued.

- Emergency response

  As an industrial activity involving combustion processes and flammable materials, the assessment of the proposal should address the potential for emergency incidents to arise, and how these would be responded to in an appropriate and timely manner.

- Ancillary gas piping

  The proposed development relies upon provision of a new gas supply line to the site however details of this associated aspect of the proposal are unclear. If the subject proposal is approved, the relevant gas authority may be able to undertake these works without Council approval as infrastructure works. However, in the interests of providing a holistic and transparent disclosure of the total project being proposed, that additional details on these associated works are provided under the current application.

Conclusion

Council has received a development application for the fit out and use of an existing vacant industrial building for gas powered electricity generation. The intent of the facility is to provide supplementary power to the main electricity grid during times of peak electricity demand.

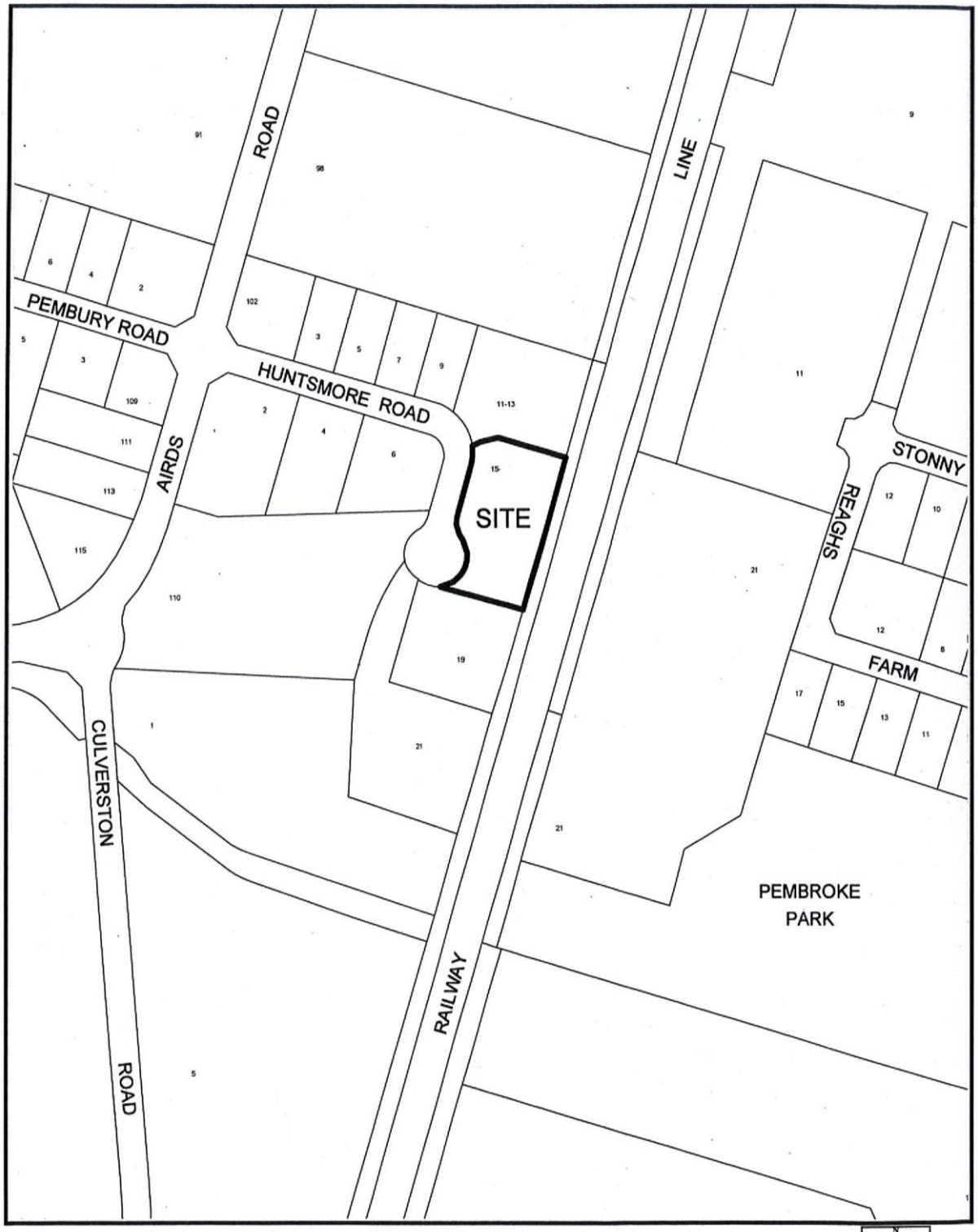
The application will be determined by the Sydney West JRPP in accordance with Part 2A of the *Environmental Planning and Assessment Act 1979*.

Council staff have reviewed the application and a number of issues and potential concerns have been identified. In order to ensure that these matters are properly considered by the JRPP, it is recommended that Council forward a submission to the JRPP for its consideration prior to the determination of the proposal.

Officer's Recommendation

That Council's Director Planning and Environment forward a submission to the Sydney West Joint Regional Planning Panel (JRPP) requesting that the development application (2325/2013/DA-I) for the fitout of an industrial building for peak load electricity network support at 15 Huntsmore Road, Minto not be approved unless the concerns and issues outlined in the body of this report are satisfactorily addressed.

ATTACHMENT 1

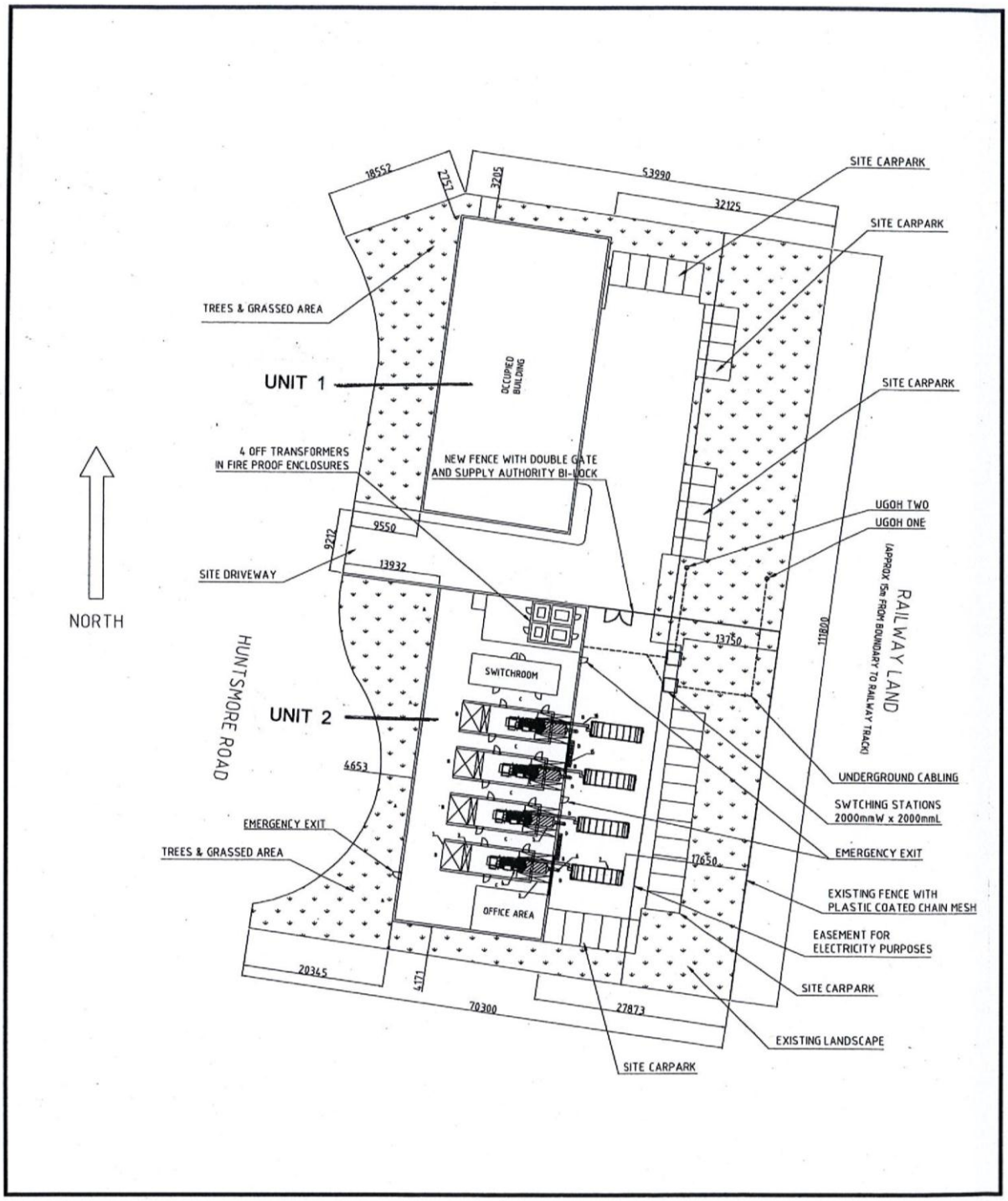


LOCALITY PLAN

SUBJECT: FITOUT OF INDUSTRIAL BUILDING FOR ELECTRICITY NETWORK SUPPORT.

LOT 238 DP 260481 - No. 15 HUNTSMORE ROAD, MINTO.

ATTACHMENT 2

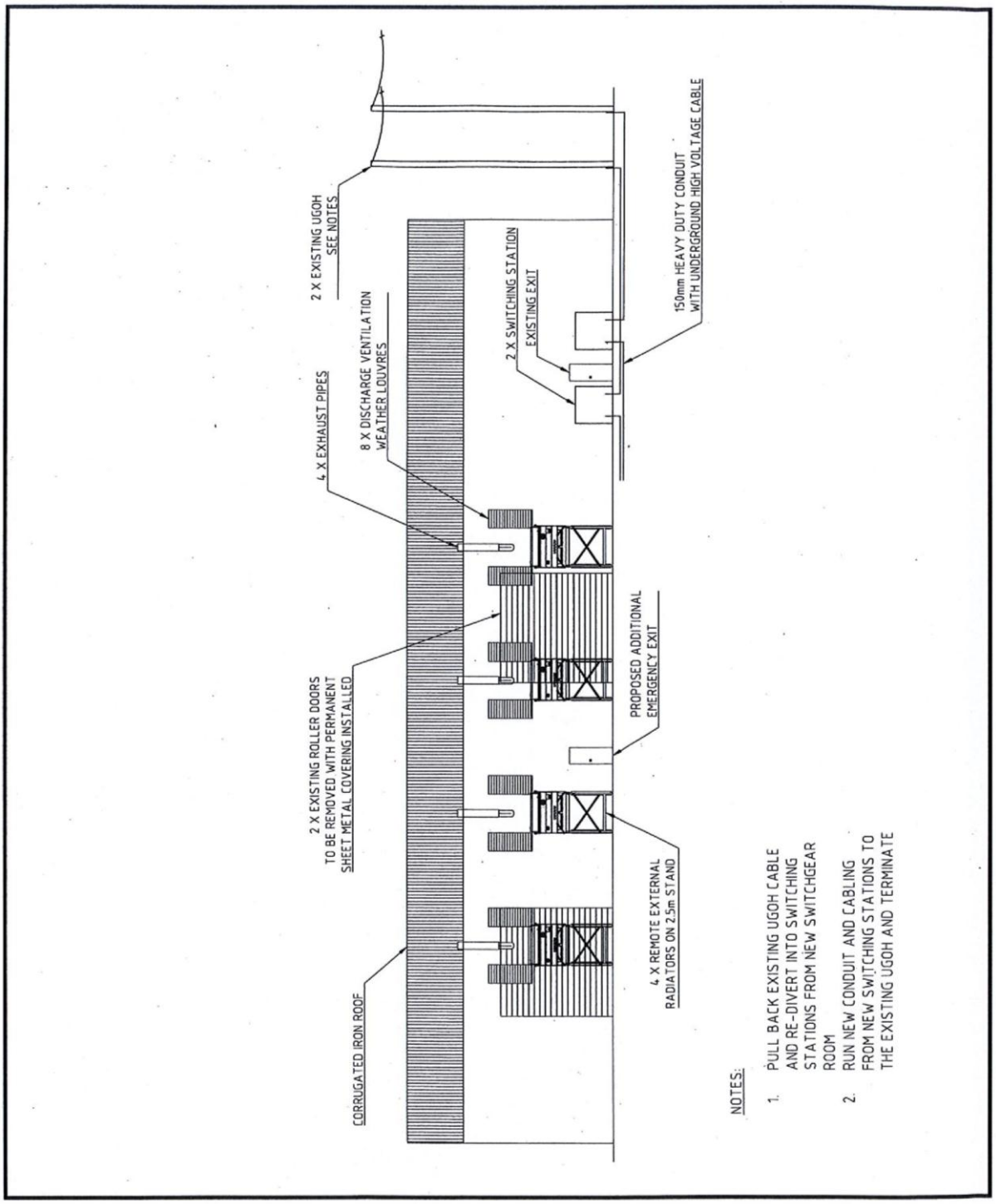


SITE & FLOOR PLAN

SUBJECT: FITOUT OF INDUSTRIAL BUILDING FOR ELECTRICITY NETWORK SUPPORT.

LOT 238 DP 260481 - No. 15 HUNTSMORE ROAD, MINTO.

ATTACHMENT 3

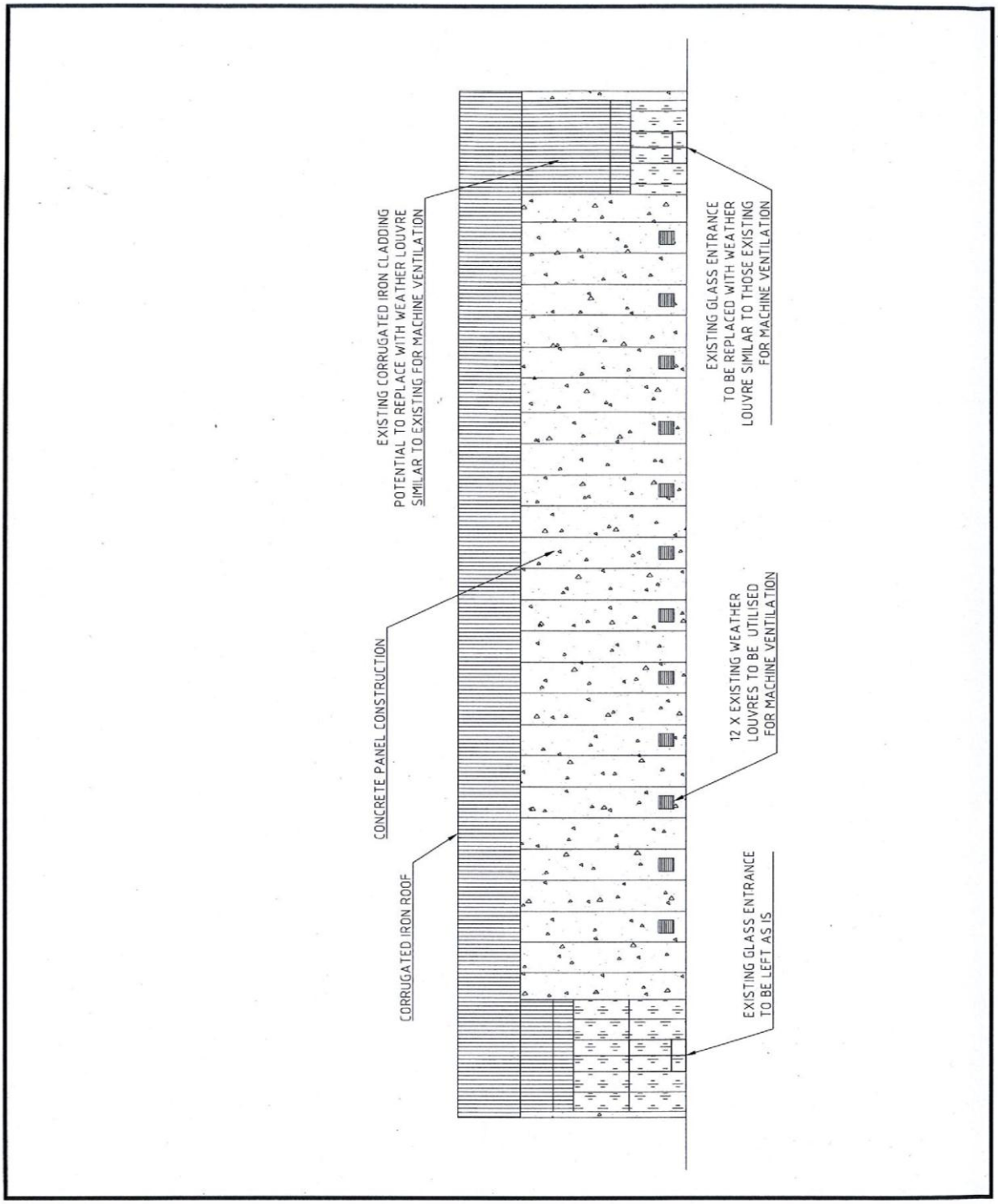


Eastern (Rear) Building ELEVATION

SUBJECT: FITOUT OF INDUSTRIAL BUILDING FOR ELECTRICITY NETWORK SUPPORT.

LOT 238 DP 260481 - No. 15 HUNTSMORE ROAD, MINTO.

ATTACHMENT 4



Western (Street) Building ELEVATION

SUBJECT: FITOUT OF INDUSTRIAL BUILDING FOR ELECTRICITY NETWORK SUPPORT.

LOT 238 DP 260481 - No. 15 HUNTSMORE ROAD, MINTO.