



Boyuan Holdings Limited

10th August 2017

Carolyn McNally - The Secretary
Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

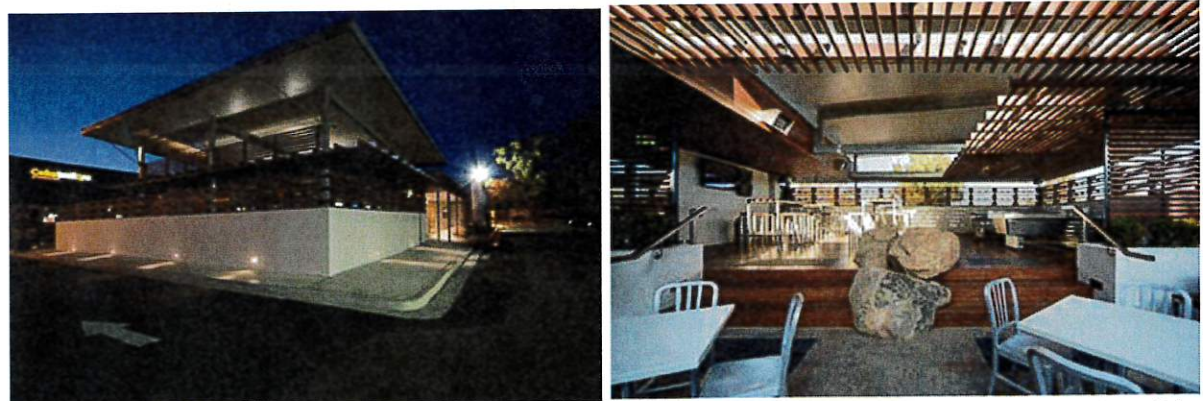
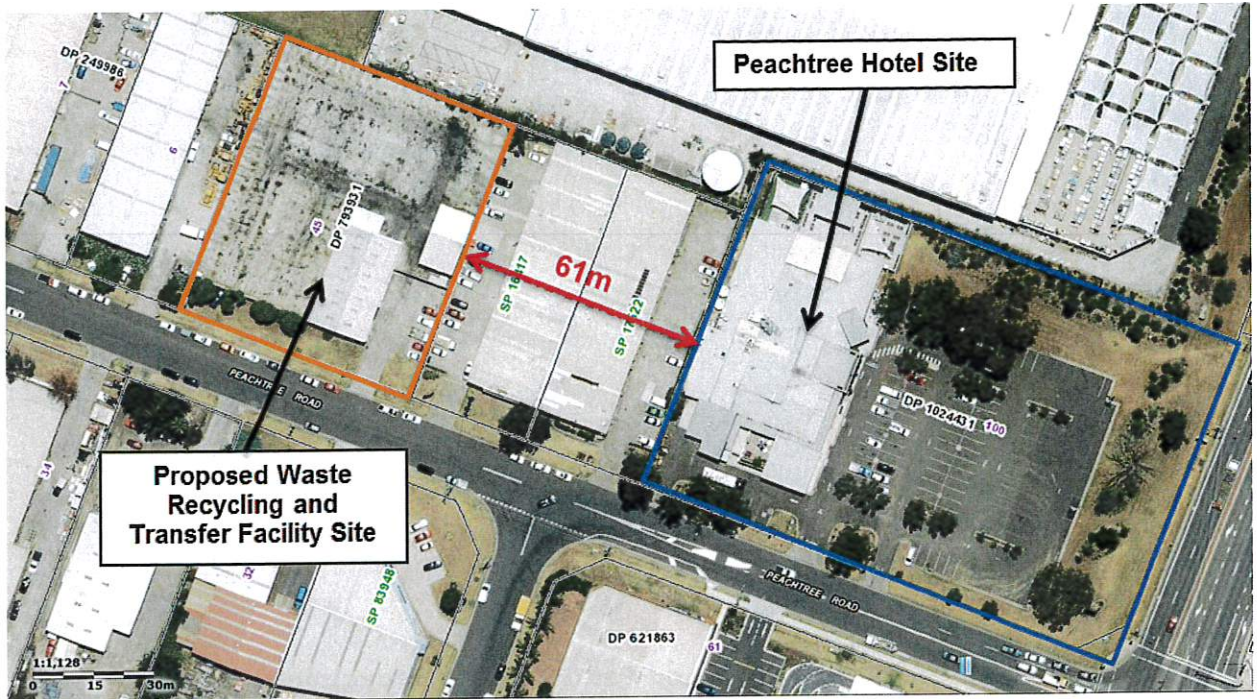
Dear Carolyn,

Submission for SSDA 7733 for Proposed Penrith Waste Recycling and Transfer Facility

Boyuan Holdings Limited (BHL) will be the future owner of 54 Peachtree Road – Peachtree Hotel, we are writing to strongly object the proposed State Significant Development Application for a waste recycling and transfer facility on 46-48 Peachtree Road (SSDA 7733).

The proposed development is inconsistent with the current zoning (IN1 – Penrith Local Environmental Plan 2010). The proposed development will host a “heavy/ hazardous industry” processing commercial waste, which is prohibited under the current LEP. Council has correctly set the zoning for this site and the surrounding precinct, based on the prevalence of smaller lot sizes, design of local roads, environmental sensitivity of the Peachtree Creek corridor and strategic proximity to the Penrith Regional Centre. State and local instruments permit these projects on larger lots in larger industrial precincts, where external impacts are better contained.

The proponent's site is located at 46-48 Peachtree Road, which is approximately 61 metres from the boundary of our property (see figure below).



Source: Google Earth and <http://www.totalvenue.com.au/venue/peachtree-hotel/>



The Peachtree Hotel was originally built in 1980 and recently underwent a major refurbishment. The hotel is a popular licensed premise which includes a main bar, bistro, large outdoor dining area and play areas for children. The hotel caters for event functions and has on-site parking for around 118 vehicles. The hotel is licensed to operate the public bar, lounge, bistro and gaming room 24 hours from Monday to Saturday, and 5am till midnight on Sundays. It is also licensed to operate from 12 noon to 10:00pm on Good Friday and Christmas Day, and till 2am the day after December 31st.

In addition to the obvious site suitability issue for the proposed development, we have also reviewed the DA documentation and we have some serious concerns about the facility. We are concerned to ensure that the patrons of the hotel, especially those in the outdoor dining area along the western edge of the premises will not suffer negative impacts from the proposal, particularly with respect to heavy vehicle traffic generation, air quality, odour and noise.

1.0 Summary of Concerns

Penrith City Council has correctly prohibited this proposed land use within their LEP as it conflicts with business activities of the surrounding precinct. These impacts include:

- **Odour** - Potential unpleasant odours from the site's operations, in particular from the green/vegetative waste to be stored and processed on the site.
- **Lot size and Site Suitability** – Waste facilities are traditionally located within heavier industrial precincts on significantly larger lot sizes. They operate on these larger sites as they are best positioned to cater to larger truck movements and provide a level of buffering that is sympathetic to nearby and adjoining properties. Therefore the zoning does not support the site use.
- **Site Layout and Capacity** - There isn't adequate space with which to accommodate all required facilities, both for the types of material to be processed within the shed, and also to adequately accommodate sufficient area for vehicles to manoeuvre and traverse the site.
- **Traffic impact** - There are no designated off street waiting bays for the heavy vehicles to deliver almost 500 tonnes of material per day, the possibility of long queues of heavy transportation vehicles along Peachtree Road will cause traffic blockages and impair vehicular access to smaller industrial units in the surrounding area, in addition to the Peachtree Hotel.
- **Air Quality** – In the preliminary environmental review for the proposal, it is acknowledged that "Some of the proposed activities have the potential to produce airborne dust". Use of outdoor water sprinklers are expected to emit water mist that will impact on the outdoor dining area of our hotel premises.
- **Operating Hours Conflicts** - Concerns regarding conflicts with hours of operation for the hotel and that for the proposed facility.



2.0 Odour

The SSDA documentation indicates that maximum quantum of material to be processed at the site per annum is 180,000 tonnes (almost 500 tonnes per day). However, the breakup of what proportion of material that this comprised by type of waste is only indicative and estimated as outlined at page 30 of the EIS. This is not adequate.

Additionally, page 72 of the EIS indicates that green or vegetation waste is to be stored and processed in the on-site shed. However, the plans for the proposal illustrate that green waste will be stored in the open area located at the site's north eastern corner, which puts the most odorous material in the closest possible proximity to our outdoor dining area.

Weak protections against composting and composting odour

The commitment by the proponent is that green waste material will not be allowed to compost on the site (see page 81 of the EIS). However the EIS also states at page 36 that if *"composting does occur the stockpile will be broken apart and arrangements will be made immediately for the material to be dispatched from site in a smaller truck"*. Additionally, the EIS does not state what the maximum timeframe may be for which this material can be held on site to prevent composition. And yet, it would be expected that this material could potentially be fully or partially composted by the time it is received on the site.

Leachate management in breach of SEARs

This sort of material can normally generate its own moisture, and hence its own leachate. However, the plans for the proposal do not illustrate any leachate management facilities despite this being requested as part of the SEARs. The EIS for the proposal claims that this material will not generate the need for leachate management as it will be stored in the shed.

Even in the short term, this material will generate odours, and in the higher summer temperatures the increased odours are likely to wipe out trade in the daylight-saving hours that are crucial to the operation of our business.

The key concerns we must raise with DP&E is that:

- The vegetative material held and processed on the site will compost regardless of the time with which it is stored, and hence will likely generate odours.
- That the odours emitted from the material could be significant unless there is a maximum cap on the quantum of green waste that can be accepted on the site.
- Combined with the above factors, and if the green waste is to be technically stored at the north-western corner of the site (which has the closest proximity to our hotel premises) the odour impact from this waste is expected to be unacceptable.



This proposal will generate and emit intrusive and unacceptable odours to adjoining and nearby properties, presents a storm water risk to the Peachtree Creek, alienates our patrons and cripple the viability of our business. As a result, we request that no vegetative material be stored or processed at the site.

3.0 Site Suitability and Adequacy of the Site

The quantity of waste expected to be received and processed by the proposed facility appears to be significant when compared to the small size of both the site and the proposed facilities.

In particular, the shed for which waste material will be processed is unusually small and insufficient detail has been provided as to how this area provides adequate capacity for a "Processing Area".

Additionally, given the various types of waste to be processed, there should be more detail to better explain how these processes will operate independently of each other.

Despite the truck turning circles provided at Appendix D of the EIS, the available room with which to manoeuvre semi-trailer vehicles through the site is highly constrained, which increases the potential for conflicts with other smaller vehicle movements both on-site and in the surrounding precinct.

4.0 The Effects of Outdoor Sprinklers

There is concern that on windy days, water mist from the outside sprinklers will traverse to the Peachtree Hotel site, particularly as it is only 60 metres from the proposed development site, most particularly to the surfaces of our outdoor area, where our patrons eat and drink.

This concern, in the context of other concerns about the storage of green waste in the exposed north west corner of the site, indicates an adequate development in a complying zone should be enclosed and not just for part of the operations within the current shed.

5.0 Operating Hours Conflicts

There is too much room for abuse in the proposed operating hours especially outside of the core hours proposed on the application.

We are particularly concerned about lack of guarantees and restrictions in the 24-hour operation for the premises, as the EIS only provides estimates of "up to 6 times a year", and for up to 2 weeks at a time. We are especially concerned that if this period could conflict with the busiest times of the year for the Peachtree Hotel, such as Easter and Christmas.

We therefore request that if the facility were to be operated in a 24-hour cycle, that this does not occur on Friday, Saturday and Sunday nights or on public holidays.



6.0 Conclusion and Recommendations

From above, we would recommend that the proposed development (SSD 7733) to be refused by the Department of Planning & Environment based on the fact the it is inconsistent with the current intended land-use and it will cause adverse impact on the current established businesses in the vicinity.

In the case that the proposed development shall progress any further, BHL would appreciate that these issues are closely examined in the light of the operation of the Peachtree Hotel, in particular for modifications to be made and further assessment to be carried out. Specifically, this includes:

- That no green or vegetative waste be stored or processed at the site, to eliminate the potential for unacceptable levels of odour that may be emitted to our site and to other odour sensitive sites in the vicinity.
- That the proposed development not cause any adverse impacts to our premises by virtue of air quality, traffic congestion, odour, noise and water spray that could impact our patrons. This includes:
 - Relocation of any storage bay.
 - Enclosure of as many parts of the operation as possible.
- DP&E shall carefully examine the true capacity of the site to accommodate all proposed operations including truck movements, including off-street heavy vehicle waiting bays and other vehicle movements and the quantum of material to be processed within the shed.
- DP&E defer any commencement subject to assessment of a leachate management strategy and a ruling on the suitability of operations as they relate to storm water management for the Peachtree Creek catchment.
- Clarification of operating hours, and prohibition on 24-hour operation through Friday nights, weekends and public holidays.

We hope that the contents of the submission will be adequately addressed.

If you would like to discuss any aspect of our submission in further detail, please don't hesitate to contact Mr. Ian Clark on (02) 9048 9850 or Mr. Adam Huxley on (02) 9048 9869.

Yours Sincerely



Ian Clark
Chief Financial Officer
Boyuan Holdings Limited

