

Our reference: P-1201940-M8H7
Contact: Tania Shephard
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6 August 2026

NSW Department of Planning, Housing, and Infrastructure
4 Parramatta Square
12 Darcy Street,
Parramatta, NSW, 2124

Attention: Sheelagh Lagun

Email: sheelagh.laguna@planning.nsw.gov.au

Dear Sheelagh Lagun,

**Council Advice on the Environmental Impact Statement for SSD-123834490
– Grundy's Waste Solutions Resource Recovery Facility at 7 Dunheved Cct,
68 and 72 Links Rd, St Marys**

Thank you for providing Penrith City Council the opportunity to comment on the subject Environmental Impact Statement (EIS).

Council has reviewed the information referred for comment on 9 July 2026 and provides the following advice for the Department's consideration:

1. Planning Considerations

- a) The commentary provided in Council's previous response dated 28 May 2026 remains relevant.
- b) Council has not been able to access a complete set of current plans for the proposal. However, it can be determined from application documents that the form of development, fencing, setbacks, landscape provision and building height continues to differ from that required under current planning controls. The comments made in Council's letter dated 28 May 2028 concerning design are drawn to your attention.

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- c) The EIS has failed to address the following applicable provisions of Penrith LEP 2010:
- i. Clause 7.4 – Sustainable Development
 - ii. Clause 7.7 – Servicing
 - iii. Clause 7.30 – Urban Heat
- d) The development provides limited opportunity for the provision of green infrastructure and deep soil planting to assist with mitigating urban heat.
- e) Given that there has been no opportunity to view current plans, comment cannot be made concerning the request to vary the building height development standard contained in Clause 4.3 of Penrith LEP 2010.
- f) The requirements of Clause 2.10 of SEPP 2021 – Planning Systems are noted, however, the consent authority is requested to consider the requirements of Penrith DCP 2014 to ensure that the development is consistent with the desired future character of the area.
- g) The setback to Dunheved Road is not mentioned in the EIS. Penrith DCP 2014 requires a minimum 9m setback.
- h) Landscaping opportunities are not provided along the Links Road frontage. Section 4.3 of Penrith DCP 2014 outlines controls for setbacks and landscaping aimed at mitigating adverse streetscape and urban heat impacts.
- i) It is unclear why the building design requirements of Penrith DCP 2014 have not been addressed in the EIS, when other controls have. Built environment impacts have not been sufficiently addressed.
- j) Penrith DCP 2014 outlines requirements for fencing forward of the building line and for the style of fencing, including the provision of barbed wire as is proposed. The consent authority is requested to consider these requirements.
- k) Because of the state significant development classification of the development, Council is not empowered as either the assessment authority or the consent authority. It must then also be recognised that

Council is not responsible for the assessment or consideration of any post determination matters, unless otherwise expressly required by legislation, such as a Section 138 Roads Act Application or a Section 68 application under the Local Government Act 1993.

If the proposal is given a favourable determination by the consent authority, Council requests that no condition of consent is imposed that requires an Applicant to consult with Council where the need for an assessment of suitability, or a determination of condition compliance, is specifically the responsibility of the consent authority.

The only exception to this request is where consultation relates specifically to the design and location of infrastructure or works that are intended to be dedicated to or transferred into Council's ownership. This also includes the use of public roads for construction vehicles and the need for a CTMP.

2. Development Engineering Considerations

The application is considered infill industrial development under Council's flood planning policy. It is noted that the property is wholly located outside of the 1% AEP flood extent. Council's Development Engineering Team raise no objections to the proposed development.

3. Traffic Engineering Considerations

The applicant has generally addressed the matters raised in Council's previous comments. However, the following comments are provided for further clarification and consideration:

Links Road / Forrester Road / Ropes Crossing Boulevard Intersection

- a) Council notes that the applicant's SIDRA modelling confirms the intersection currently operates at Level of Service F during the PM peak period, with significant delays and queuing on the Links Road approach.
- b) While the report concludes that the additional development traffic results in only a marginal increase in queue lengths and delays, Council remains concerned about the cumulative impact of additional

heavy vehicle traffic on an intersection that is already operating at or above capacity during the PM peak.

- c) The applicant should further clarify whether any interim mitigation measures are proposed should the future road connections and upgrades identified in the report not be delivered within the anticipated timeframe.

Reliance on Future Road Infrastructure

- a) The traffic assessment relies, in part, on future road projects and connections, including the Wianamatta Parkway / Dunheved Link Road connections, to improve traffic distribution and network performance.
- b) Council requests further clarification regarding the extent to which the development's traffic impacts are dependent upon these future road improvements and whether the development remains acceptable should these projects be delayed.

Heavy Vehicle Movements

- a) The proposal represents a substantial increase in waste processing operations and associated heavy vehicle activity.
- b) The applicant should provide confirmation of the expected daily heavy vehicle arrivals and departures under a worst-case operational scenario and identify the percentage increase relative to existing operations.
- c) Consideration should also be given to preparing an Operational Traffic Management Plan detailing truck scheduling procedures, driver inductions, approved routes and incident management procedures.

Truck Scheduling and Queue Management

- a) Council notes the proposed scheduling system and weighbridge assessment indicating that truck queues can be accommodated on-site.
- b) A condition should require that all trucks accessing the facility operate under a booking/scheduling system to ensure no heavy vehicle queuing occurs within Links Road or Dunheved Circuit.

- c) Any exceedance of on-site queuing capacity should trigger a review of site operations.

24-Hour Operations

- a) The proposed facility seeks approval for operations extending into evening periods and occasional 24-hour operation.
- b) While traffic capacity impacts during off-peak periods are not expected to be significant, Council recommends that any approval include operational controls requiring heavy vehicle arrivals and departures to be managed in accordance with approved operational procedures to minimise impacts on the surrounding road network.

Construction Traffic Management Plan

- a) Council supports the preparation of a detailed CTMP prior to commencement of works.
- b) The CTMP should be reviewed and endorsed by Council and include:
 - i. construction traffic routes;
 - ii. construction vehicle numbers;
 - iii. worker parking arrangements;
 - iv. traffic control measures;
 - v. management of oversized vehicle deliveries; and
 - vi. procedures to ensure no obstruction of Links Road or Dunheved Circuit.

4. Environmental Management Considerations

As part of their assessment of the application, the consent authority should satisfy themselves that the following aspects are adequately addressed:

Land Contamination

- a) Chapter 4 of SEPP (Resilience and Hazards) requires that the consent authority be satisfied in relation to the site's suitability for the proposed

use. In turn, DPHI will need to ensure that the site is suitable, or can be made suitable, prior to its use.

- b) It is requested that copies of all contamination-related documentation (such as any Preliminary Site Investigations, Detailed Site Investigations, Remediation Action Plans, Validation Reports and Long-Term Environmental Management Plans, along with any documents prepared by a NSW EPA Accredited Site Auditor endorsing these documents) be provided to Council. These will be recorded on the property file and will be placed as property notations on the Section 10.7(5) planning certificates prepared.

Environmental Management

- a) It needs to be ensured that adverse impacts on surrounding receivers and the environment are avoided and mitigated where necessary, in accordance with any relevant planning instrument and the relevant NSW EPA guidelines.
- b) Noting that the development is considered a 'scheduled activity' under the Protection of the Environment Operations Act, the proposal will also be subject to the environmental assessment and regulation of the NSW Environment Protection Authority.

Hazardous Industry

- a) The consent authority will need to be satisfied that the proposed development is assessed in compliance with Chapter 3 of State Environmental Planning Policy (Resilience and Hazards) 2021 and that the assessment is undertaken in accordance with relevant guidelines and standards, such as the Hazardous Industry Planning Advisory Papers.

General Comments

- a) We note that the consent authority will undertake a comprehensive review of the EIS, including appended technical reports, assessing environmental health impacts. Upon the consent authority being

satisfied with the application, Council anticipates that any mitigation and monitoring measures contained in the EIS, as put forward in the technical documents (and as refined or modified to satisfy DPHI during the assessment process), will be incorporated into any approval issued, ensuring potential environmental impacts can be effectively managed and monitored.

- b) Council requests that conditions of consent do not require further assessment by Council of any item, except where there is a legislative requirement (such as the need for a s68 application under the Local Government Act 1993), or where specifically requested by Council.

Should you wish to discuss this matter further, please contact me directly on (02) 4732 7797.

Yours sincerely,



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Principal Planner

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