



Your reference: SSD-5275
Our reference: ECM 4122906
Contact: Robert Craig
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4 June 2013

Ms Christine Chapman
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Ms Chapman

State Significant Development Application for Expansion of SAWT (SITA Advanced Waste Treatment) Facility at 1725a Elizabeth Drive, Badgerys Creek.

I refer to the Department's letter dated 26 April 2013 seeking comment from Penrith City Council regarding the subject State Significant Development Application.

Council officers have reviewed the Environmental Impact Statement and accompanying plans and reports submitted with the application. Comments and recommended conditions of consent in relation to key assessment issues for the proposal are detailed in Attachment 1 to this letter.

It is strongly recommended that the key assessment issues are addressed prior to determination of the application and that the recommended conditions of consent are imposed should approval of the application be granted.

Thank you for providing Council with the opportunity to comment on this proposal. Should you require any further information or would like to discuss the matters raised in Council's submission further, please do not hesitate to contact me on (02) 4732 7593.

Yours sincerely

Robert Craig
Principal Planner

Attachment 1	
Architectural Plans	Detailed architectural plans should be provided for the proposed building construction works on the site, including the proposed composting hall and refining building.
SAWT Facility Sunset Clause	- It is accepted that the proposal represents a significant capital investment and seeks to establish site infrastructure of a scale commensurate with a long-term use of the site for the purposes of the SAWT facility beyond 2028. It is also noted that the site is located in the Western Sydney Employment Lands Investigation Area (WSELIA). - While Council no longer objects to the deletion of the sunset clause relating to the existing SAWT facility, it is paramount that any potential land use conflict with current adjoining and nearby rural and residential land uses is minimised. The Department should therefore closely consider the potential impacts an expanded SAWT facility could have on adjoining and nearby properties in terms of long-term operations, particularly in relation to air quality and potential noise impacts.
Access, Traffic and Parking	- The proposal does not represent any likely impacts on Council's local road network. All impacted roads are RMS (Roads and Maritime Services) roads and it is noted that the RMS has been consulted regarding these impacts. - The pavement of the local road off Elizabeth Drive which provides public road access to the site is to be upgraded by SITA to accommodate the increase in heavy vehicular traffic. The upgraded pavement is to be designed to accommodate the traffic loadings (ESAs) from the fully developed site. Any works within the road reserve will require approval from Penrith City Council under the Roads Act 1993. - SITA shall maintain the full length of the local road off Elizabeth Drive in accordance with Council's engineering standards for the life of the site operations. The maintenance shall include, but not be limited to, the road pavement, kerb and gutter, stormwater discharge, dust suppression and erosion and sediment control measures. - Access, car parking and manoeuvring details shall comply with AS 2890, Parts 1, 2 and 6.
Air Quality	The Air Quality Impact Assessment prepared by AECOM Australia assesses the potential air quality impacts on the surrounding area, including odour, particulate matter (PM10), total suspended particulates (TSP) and deposited dust. The Director General's Requirements for the proposal required an assessment of the impact from the development and the combined impact from the development and the SITA landfill operations. The

	consultant used a CALPUFF modelling process which takes into account a number of different factors. It is noted that the assessment details the following: ○ The development alone will not produce odour above the four OU (odour ground level concentration) criteria, however the combined odour impacts from the SAWT facility and the landfill operations could be exceeded at two locations. ○ The development alone will not exceed the particulate criteria, however the cumulative impacts do exceed the PM10 (24 hour) and deposited dust criteria. The assessment does indicate, however, that the major contributor to this exceedance is not the development but the existing background levels. ○ Mitigation measures are proposed to limit odour and particulate impacts. These are detailed in Section 8 of the assessment. ○ The assessment concludes that the development itself does not pose a major risk to air quality in the area. • The site is licensed by the Environment Protection Authority (EPA) and as such the management and enforcement of the air quality issue will be the EPA's responsibility. In this regard, the EPA will need to be satisfied with the impact assessment, mitigation measures and control mechanisms. • Some aspects of the Director General's Requirements for air quality fall outside the area of expertise of Council officers. In this regard, the EPA should ensure that all aspects of the Director General's Requirements are met for the proposal. • The air quality concerns raised by the University of Sydney as part of the public exhibition process shall be considered by the EPA in its assessment of the proposal. All appropriate steps shall be taken to address the concerns raised by the University.
Noise Impacts	• The Noise Impact Assessment prepared by Wilkinson Murray assesses the potential noise impacts from the proposed development. As with the Air Quality Impact Assessment, the Director General's Requirements for the proposal required the Noise Impact Assessment to address both the proposed development's impacts and the cumulative impacts from the SAWT and landfill operations. It is noted that the assessment details the following: ○ The 2012 noise predictions for the operations exceed the relevant noise criteria at one location (local road off Elizabeth Drive). The assessment has responded to this by outlining that the exceedance is minor. The EPA will need to consider and make a determination on this matter. ○ Noise levels during construction are expected to exceed the relevant noise levels at several locations. The majority of these exceedances have been

	categorised as negligible. Once again, this matter needs to be considered and determined by the EPA. ○ The future (2016) operations will comply with the relevant noise criteria for LA_{eq}. ○ The predicted cumulative noise impacts are within the EPL (Environment Protection Licence) noise limits for the landfill operations. The EPA should consider if the EPL noise criteria is appropriate for assessing the cumulative noise impacts. The current EPL provides for noise levels much higher than those expected under intrusive noise limits. ○ In assessing the development against the intrusive noise criteria (INP), the assessment outlines several areas of exceedances but these are generally for the cumulative noise levels and not for those expected from the SAWT facility only. ○ The assessment indicates that two sites (R22 and R37) could be impacted under the sleep disturbance criteria. • The site is licensed by the EPA and as such the management and enforcement of noise impact issues will be the EPA's responsibility. In this regard, the EPA will need to be satisfied with the impact assessment, mitigation measures and control mechanisms. • The noise impact concerns raised by the University of Sydney as part of the public exhibition process shall be considered by the EPA in its assessment of the proposal. All appropriate steps shall be taken to address the concerns raised by the University.
Water Balance	• The Water Balance and Leachate Management Strategy prepared by AECOM Australia has been reviewed. The proposed development necessitates modifications to the site's existing leachate management system. The report prepared by AECOM Australia address these modifications, undertakes water balance modelling and provides control mechanisms that are in place to minimise environmental impact and ensure that the leachate is managed in an appropriate manner. • The report outlines that the leachate management system may exceed its capacity under certain situations. The control measure proposed to combat this is to pump out excessive leachate and dispose it off site. The report indicates that it is estimated 115 truck trips will be needed every year to ensure the system does not overflow. This number of trips is considered excessive and suggests that the system as a whole is not sized appropriately. The report provides an alternative option in the form of increasing the size of the SSO (source separated organics) compost leachate pond. Considering that the proposed off site disposal method could include a considerable number of truck trips, increasing the size of the leachate pond is strongly recommended. • The site is licensed by the EPA and as such the management and enforcement of the leachate

	management system will be the EPA's responsibility. In this regard, the EPA will need to be satisfied with the proposed leachate management system and related control mechanisms.
Ecology	• Potential impacts on flora and fauna is minimal as the site is currently largely cleared and developed. However, the information provided with the application indicates that several species may be present, particularly in the riparian zone of the adjacent waterway. In this regard, it is recommended that a condition of consent be imposed to ensure that this area is protected from any development works.
On-Site Sewage Management	• The application does not address the impact of the proposal on the existing on-site sewage management system. The existing system is located approximately 60m from the nearby waterway and as such any impacts on the system could potentially cause effluent to drain or flow into the nearby waterway. It is recommended that a condition of consent be imposed requiring a Section 68 approval under the Local Government Act 1993 to modify the existing on-site sewage management system. This would enable the provision of further details to Council regarding this matter.