



Mr Taylor Richardson
EMM Consulting
Suite 01, 20 Chandos Street
St Leonards NSW 2065

SSD 7733

Dear Mr Richardson

**Penrith Resource Recovery Facility (SSD 7733)
Request for Response to Submissions**

The notification of the Environmental Impact Statement (EIS) for the SSD application relating to the Benedict Recycling, Penrith Resource Recovery Facility ended on Monday 14 August 2017. All submissions received by the Department are provided at **Attachment 2** and are available on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7733

In accordance with section 85A of the *Environmental Planning and Assessment Regulation 2000*, the Secretary requires Benedict Recycling Pty Ltd (the Applicant) to provide a response to the submissions made during the exhibition period. You must also provide additional information in response to the Department's comments provided at **Attachment 1**.

In its submission, the Environmental Protection Authority (EPA) has indicated that the proposed facility must be constructed and operated in accordance with best practice which requires operations (including receipt, storage, processing and dispatch) to be carried out within a fully enclosed building. For this reason, the EPA is not willing to consider the application in its current form.

The Department requests your attendance at a meeting given the EPA's submission and the potential significant changes required to the proposal prior to the preparation of a Response to Submissions Report (RTS).

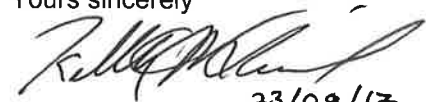
If there are any changes to the scope of the development that substantially change the environmental impacts of the development as outlined in the EIS, exhibition of the proposed changes may be required.

Please note that given the number of submissions received during the exhibition period, it appears likely that the Planning Assessment Commission (the Commission) would be the determination authority for the abovementioned SSD application.

Under clause 113(7) of the *Environmental Planning and Assessment Regulation 2000*, the days occurring between the date of this letter and the date on which your response to submissions is received by the Secretary are not included in the deemed refusal period.

Should you have any enquiries in regards to this matter, please contact Nikki Matthews on the details above.

Yours sincerely



23/08/17.
Kelly McNicol
Acting Director
Industry Assessments
as delegate for the Secretary

ATTACHMENT 1

Department's Comments

Justification

1. The Department is concerned the site will be unable to process the requested amount of waste per annum due to its size and other site constraints. The EIS provides an assessment of the 'do nothing' option with the site being developed for another industrial purpose. Provide an assessment of additional alternatives including an assessment of proposed reduced annual production rates at the facility.
2. Provide a more detailed breakdown of the waste recycling process carried out on site, including timeframes for each individual component of the process.
3. Demonstrate the proposal meets the NSW EPA Minimum Standards for Managing Construction and Demolition Waste in NSW (October 2016). Provide a detailed justification for not enclosing the facility.

Hours of operation

4. Detailed justification is required for the extended hours of operation proposed which includes:
 - waste acceptance for 24-hour periods, on Sundays and Monday to Friday; and
 - dispatch between 6:00 pm and 10:00 pm on Monday to Friday.You are required to provide the following:
 - an assessment of the extended hours of operation against the sites processing and storage capacity.
5. Regarding Sunday and Public Holiday operations, specific details are required about how "*on occasion*" and "*when there is sufficient demand*" is defined. Detail how the public will be informed about the operating hours. Confirm that supporting reports (e.g. traffic, noise) have fully assessed the impacts of extended operation.

Operation

6. Provide further details of the method of loading and removal of outgoing material. This is to include a description of the:
 - location of trucks used for loading; and
 - frequency and method of loading.
7. Confirm the location of any waste bins to be stored on site (including the location of the storage of containers with non-conforming waste) and demonstrate that the site has capacity to accommodate the storage of these bins.
8. Provide details of the expected quantities of material that will be recycled and sent to landfill per annum for each waste stream.
9. The Department is concerned that the size of the designated stockpile area is too small and constrained by shape to cater for the processing volumes proposed. Provide a justification that the stockpile area can cater for the proposed stockpile volume.
10. Regarding vehicle movements, the EIS states "*assuming an even distribution over the ten hour daily operational period available for delivery...*". Vehicles accessing the site are unlikely to be evenly distributed. Provide the following information for the peak period/s anticipated:
 - number of vehicles on site;
 - number of vehicles waiting to access the site;
 - breakdown of vehicles likely to be on site at the peak time/s (i.e. heavy and light vehicles);
 - length of time between arriving to site (queuing to access weighbridge) and exiting the site at peak time/s; and

- differences between weekdays and weekends.
11. Detail how peak times in relation to delivery will be managed. Provide details of the maximum safe capacity of the site in terms of vehicles and people, how often the sites capacity would be reached, measures to manage the site to ensure safe operations should this capacity be reached and how will staff be "reprioritised" to manage peak times as described on page 78 of the EIS.
 12. Provide a revised processing shed floor plan which shows, to scale, the proposed internal setup including machinery, rainwater tank, intermediate stockpile bins etc. Additionally, detail how many intermediate stockpile bins are proposed to be used, what would be their maximum capacity and what types of materials would be placed into them.
 13. Provide plans showing the swept paths of the front-end loader proposed to be used to move waste on-site and vehicles used for waste collection. The plans should include the stacking of vehicles within the site to demonstrate there is sufficient space onsite at peak periods for all the required operations to be carried out in unison.
 14. Detail how the weight of waste delivered by light vehicles would be determined.

Proposed Development

15. At the site inspection on 8 August 2017, the Applicant indicated that the majority of waste to be received at the facility would be from "Mum's and Dad's". This statement does not appear consistent with the EIS submitted. Clarify who the primary users of the facility will be.
16. Provide a detailed breakdown of the sites waste storage at any given time.

Site survey

17. A survey plan, as defined by the *Surveying & Spatial Information Act 2002* is required. The survey is to be prepared by a registered surveyor, reference Australian Height Datum (AHD) and include the location of any easements, below ground services etc.

Water management

18. The Water Report (prepared by npc, dated May 2017) submitted does not specifically address outdoor stockpiles and the potential impacts of overland flows, stormwater and potential flooding. Further details are required to address water management, including:
 - separation of "clean" and "dirty" water;
 - justification for discharge to Councils drainage system;
 - water quality of all water leaving the site including identification of contaminants which may be immobilised from run-off, pollutant loads from storing stockpiles externally and mitigation measures;
 - drainage of wheel-wash area; and
 - management and location of the proposed indoor rainwater tank.
 The Department notes gross pollutant traps (GPT's) are proposed however this does not address finer particles and potential contaminants likely to be present in stormwater runoff.
19. The Water Report (prepared by npc, dated May 2017) submitted states the probable maximum flood (PMF) floodwaters "*pond on the road verge and on the grass area along the site frontage.*" Further details are required regarding the impacts this could have on site access and the proposed stormwater drainage system if the stormwater outlets at the street are flooded.

Traffic, access and parking

20. Based on the proposed processing capacity, peak delivery times and the duration of time the truck is on-site, provide a worst-case scenario of vehicle stacking on site. This should be in the form of a scaled plan.

21. Provide further details regarding the proposed operational measures to manage traffic arriving at the site during an emergency plant shutdown or similar.
22. The EIS estimates the average waste disposal and collection time per truck will be 15 minutes (page 77). Confirm that the total time required for waste disposal and collection activities accounts for trucks manoeuvring on the site and waiting to unload.
23. Demonstrate how conflicts with existing traffic on the surrounding road network will be avoided during peak waste delivery periods to ensure the safety and efficiency of the road network is maintained. This should include a draft Traffic Management Plan.
24. The Department notes swept path analysis has been provided for the largest vehicle proposed to enter the site. Swept paths must also be provided for light vehicle manoeuvres throughout the site including, but not limited to:
 - light vehicles exiting the site, adjacent to the "outgoing weighbridge 3";
 - all on site car parking spaces to demonstrate safe manoeuvrability in and out of parking spaces;
 - light vehicle movements throughout the site, including consideration of heavy vehicles; and
 - the siting of "P10" (as shown on the site plan) appears to be within a highly-trafficked area of the site and located within proximity to materials storage bays. Further details are required identifying interactions between a vehicle parking in "P10" and foot traffic, other vehicles using the area, site infrastructure and materials stockpiles.
25. Provide the distances between each incoming weighbridge and the front boundary line and address heavy and light vehicle queuing, including a further breakdown of wait and activity times, for the following scenarios:
 - vehicles waiting to access the site;
 - within the site, waiting to access unloading areas; and
 - when exiting the site.
26. The Traffic Impact Assessment (TIA) submitted states that the traffic movements associated with 24-hour operations *"have been averaged into the daily traffic movements."* The TIA must assess impacts that accurately reflect the proposed hours of operation and provide worst-case scenarios.
27. The EIS states *"the TIA assumed that all site traffic will leave the area via... Castlereagh Road/Peachtree Road/Thornton Road intersection"*. The EIS and TIA also state that vehicles may leave via the Castlereagh Road/Mullins Road. The impacts of traffic accessing and leaving the site via Mullins Road must be assessed.
28. Confirm whether light vehicles and heavy vehicles would be permitted to exit the site at the same time. Detail how safety will be managed, particularly when a light vehicle is turning left and a heavy vehicle is turning right.
29. The site plan provided indicates that the proposed new driveway at the south-western corner of the site is to be constructed to the boundary. You are required to provide the following:
 - the distance between the proposed driveway and the existing driveway to the west;
 - address safety of vehicles and pedestrians using these driveways;
 - address the existing trees located immediately to the west of the proposed driveway (on the adjacent site) and demonstrate they will have no impact on safety and lines of sight;
 - the width of the proposed driveway at its widest point; and
 - identify the rectangular box sited within the proposed new driveway as shown on the site plan and provide relevant details regarding the impact of the proposed driveway on this box.
30. Provide details of internal directional signage and line marking for pedestrian and vehicle safety.

Contamination

31. The initial contamination investigation (prepared by EMM, dated 20 April 2017) has determined the site is potentially contaminated. As such, the Department requires the submission of a detailed

investigation in accordance with the *State Environmental Planning Policy No. 55 – Remediation of Land* and relevant corresponding Guidelines.

Hazardous Materials

32. Details are required clearly identifying the storage location of dangerous goods and hazardous materials on site including the location of the refuelling area referred to in the EIS (section 5.6.1). Clarify what type of tank/vessel is proposed for the site and what type of bunding is proposed.

Overnight truck parking

33. Provide justification for parking trucks on site overnight and include details such as location of overnight parking and the maximum number of vehicles proposed to be parked overnight.

Waste

34. The EIS states non-recyclable material, for the purposes of the development and the EIS, is considered waste "*not able to be recycled on site*". Confirm whether there would be any sorting of non-recyclable materials on-site and subsequently how it will be determined where the non-recyclables are to be sent (i.e. further processing or landfill). The location of the non-recyclables storage area is to be shown on the relevant plans.
35. Detail how light waste and vegetative waste stockpiles will be separated. The EIS states that light waste includes materials such as plastic, paper and cardboard and states that these materials will be sent to landfill. Detail why these materials are not being recycled. The EIS also states that vegetative waste will be monitored daily for signs of composting, specified as odour and increased temperature. Detail how odour and temperature would be measured and what are the thresholds for removing the waste. Provide justification for waiting for vegetative waste to compost and smell before removing it from the site.

Unacceptable materials

36. Specify how vehicles with unacceptable loads turned away at the weighbridge will be directed to leave i.e. through the site or reversing out. Please note that all vehicles should be able to enter and exit the site in a forward direction. Further details are required regarding the process for determining whether vehicle loads are acceptable e.g. visual inspection only.
37. Specify management procedures in the event unacceptable materials (e.g. putrescible waste, contaminated waste) are found to have been unloaded and located within a stockpile (the Department notes the EIS addresses asbestos only in this regard).

Staff

38. Confirm how many operational and construction jobs will be generated by the proposed development. Provide details of staff numbers and arrangements for proposed 24 hour operations.

Sensitive receivers

39. There are several allotments zoned E3 Environmental Management located approximately 340 m north-east of the site where dwellings are a permissible form of development with consent, including an existing dwelling on one allotment. The impacts on this land are required to be addressed.

Natural hazards and emergency

40. Provide a plan showing the proposed location of all fire safety measures.
41. Provide a detailed assessment of the sites ability to store firewater.

Additional points to clarify

42. The *Penrith Local Environmental Plan 2010* identifies the subject site to have Scenic and Landscape Values in accordance with Clause 7.5. This is required to be addressed.
43. Submit amended plans addressing the following:
 - the shed elevations identify “existing metal shed to be demolished” however all other plans identify a metal awning to be demolished in this location;
 - an elevation plan removing the boundary fence;
 - the relationship between the north point and the orientation of the existing floor plan (labelled “01 Shed Floor Plan, Drawing A201, Revision A) and the shed mezzanine plan (labelled “01 Shed Mezzanine Plan, Drawing A202, Revision A) appear to be inconsistent with the other plans and drawings provided; and
 - the EIS states that car parking spaces provided are minimum “2.7m wide by 5.4m long” which is inconsistent with the dimensions of the car parking spaces shown on the site plan and relevant Australian Standards.

ATTACHMENT 2
Agency Submissions



Our reference: 7722617
Contact: Gavin Cherry
Telephone: (02) 4732 8125

4 August 2017

Ms Nikki Matthews
Department of Planning & Environment

By email: Nikki.matthews@planning.nsw.gov.au

Dear Ms Matthews

**Re: Proposed State Significant Development - Benedict Penrith
Resource Recovery Facility (SSD 7733)**
Property: Nos. 46-48 Peachtree Road Penrith

I refer to your email dated 27 June 2017 regarding the above application and thank you for providing Council with an opportunity to comment on the proposal.

Please find below comments from Penrith City Council for consideration in the assessment of the application.

Traffic Management

- Appendix D (Traffic Impact Assessment) proposes 134 “daily truck movements”, but it is not clear whether these are return trips or single trips. This needs to be clarified as it is not possible to assess the traffic impacts of this proposal without this information / clarification.
- The proposed daily traffic movements appear to be based on a 10-hour day operation, however the proposal raises the possibility of 24-hour / 7-day-week operation. A summary of site-generated daily traffic trips for this level of operation is required to be submitted for assessment if this operation is sought as part of the current application.
- The queue distances in the SIDRA analysis (in Appendix B) doesn't appear to reflect the percentage of heavy vehicles in the mix (as a 19m heavy vehicle effectively takes up a queue length of 4 or more cars). For example, the proposed queue distance for right-turn movements from Castlereagh Road into Peachtree Road (i.e. from the northern approach), after operation of the facility commences, is forecast to be 14.7m in the AM peak, and 6.1m in the PM peak. As both distances are less than the length of a single 19m heavy vehicle, and given the numbers of heavy vehicles proposed to access the site at these times, clarification of the application of data in determining these queue distances is required.
- The SIDRA analysis (in Appendix B) of the PM peak indicates that average delay times (on the western approach to the intersection) will actually decrease after all their additional traffic is added to the road network. This does not seem realistic and requires further explanation.

- The survey data provided in Table 2.2 of Appendix D (Traffic Impact Assessment) indicates that the western leg of the Peachtree/Castlereagh Road intersection has an existing AM peak of 30 heavy vehicles and an existing PM peak of 14 heavy vehicles, yet Table 4.1 indicates existing daily heavy vehicles at this leg of the intersection is calculated to be 360. This needs to be clarified, since an over-estimation of the existing heavy vehicle count tends to minimise the proportion of increase in the proposed numbers of heavy vehicles on this leg of the intersection.
- As mentioned in the paragraphs above, the Traffic Impact Assessment shows Level Of Service (LOS) 'C' for the Peachtree/Castlereagh Rd intersection both before and after the proposal, but this is because the report has used the LOS for the entire intersection (all legs), when actually the critical leg of the intersection (the western leg) is LOS 'F' (or at best 'E', depending on the time period). It would unacceptable (in terms of safety, amenity and accessibility), without some level of upgrade, to have this scale of increase in heavy vehicle traffic at an intersection leg that is already failing.
- The applicant should be requested to consult with RMS on the scope for upgrading the western leg of the intersection in association with the proposed intersection upgrade for the other intersection legs. The applicant should demonstrate that upgrade proposal/s would result in LOS 'C' or above for the western leg of the intersection.
- As requested in the SEARs, plans of any proposed road upgrades/infrastructure works required for the development must be provided (specifically with regard to the above point).
- The heavy vehicle swept paths provided (in Appendix B) indicate that both ingress (right-turn in) and egress (left-turn out) require the vehicle to take up the full road width kerb-to-kerb, which is unsafe and would also eliminate parking on both sides of the street. This is unacceptable and access driveways would need to be widened to ensure that swept paths can be safely accommodated from/within the travel lanes.
- The heavy vehicle swept paths provided (in Appendix B) also indicate that truck manoeuvring onsite is in conflict with proposed structures onsite.
- The proposal does not clearly state the size and type of the largest vehicle proposed to enter the site, however I have assumed it to be a 19m general access vehicle. If anything larger (or heavier) is proposed or anticipated (or is even a possibility) it needs to be stated.
- The Traffic Impact Assessment mentions the provision of truck parking onsite, but it is not clearly shown on the plans provided unless it is referring to the truck manoeuvring area (which cannot be counted as a truck parking area).
- The Traffic Impact Assessment addresses road network peaks, but does not give any indication of the operational peaks of the proposal. This information is required.



- The proposal is for 8 staff members on-site, however the GFA for the site needs to be provided for parking calculation purposes, as Penrith DCP 2014 requires that the greater rate be applied.
- The Traffic Impact Assessment does not consider the capacity and impacts on the Mullins/Castlereagh Road intersection, nor does it provide analysis of this intersection as a possible alternative route to/from the site. This analysis is required in order to fully determine the traffic impacts on the local road network (and any remedial measures that may need to be undertaken).
- As requested in the SEARs, plans of any proposed road upgrades/infrastructure works required for the development must be provided (specifically with regard to the above point).
- An accurate description of haul routes is required (as per SEARs) in order to determine any additional traffic impacts on our local roads, whereas the Traffic Impact Assessment states only that 50% of vehicles will travel north via Andrews Road and 50% will travel south via Mulgoa Road. More information is required with regard to where heavy vehicles are travelling from and where their destination points will be.
- The application requires comment from the NSW Roads and Maritime Service and it is requested that the NSW Department of Planning and Environment discuss the above traffic management concerns with the RMS.
- If the application is supported, it must be that the above issues have been resolved and / or suitable intersection upgrades are included within the scope of works to ensure a satisfactory service level is provided without adverse impact on the local road network.

Environmental Management

- The EIS states that stockpiles shall be 5m high with stockpile separation walls being 4m high. The maximum height of stockpiles should be reduced to no greater than 4.0m to coincide with the height of the separating walls.
- Concern is raised at the proposed reliance upon sprinkler systems as the main method of control of outdoor dust generation, particularly in regard to operational practicality (giving consideration to onsite activities) as well as the resultant wastewater that may be generated. Given the proximity of existing surrounding commercial/industrial receptors and the potential for dust to impact these receptors, it must be assured that the dust control system for the site is compatible with site operational needs and will not create other adverse environmental impacts such as water pollution.
- The EIS refers to the installation of a gross pollutant trap however does not provide details of the proposed device and the range of contaminants that the device will satisfactorily treat prior to disposal to the stormwater system. It is requested that this aspect of the application be reviewed by the EPA with assurance given that all potential contaminants (including nutrients, heavy metals and



hydrocarbons etc), not just sediment, are appropriately captured and disposed of and not directed to Council's stormwater system.

- Whilst the air quality impact assessment assesses the potential for odour from green waste it does not discuss the potential for odour from the presence of cloths, plastics and the like. It is requested that the EPA in conducting its assessment, consider all potential sources of odour within the waste stream, as appropriate.
- The EIS discusses the storage of asbestos in a 240L wheelie bin which is then removed when there is sufficient amount to make up a small load. Further clarification and detail is required from the applicant to confirm the storage location and quantity of asbestos and confirming what quantity is actually stored on site and where, before it is of a quantity considered to be a "small load" for disposal.
- The EIS states that materials with the potential to generate leachate will be processed in the processing shed. It is requested that appropriate controls be required to ensure the satisfactory capture, treatment and disposal of any leachate or contaminant impacted runoff and wastewater.
- The application does not detail whether any servicing and maintenance of plant and machinery shall be carried out on site. Confirmation is required as to whether any servicing or repairs of vehicles and/or equipment is proposed on site, and if so, details of management and pollution controls need to be provided for consideration.
- The Preliminary Contamination Assessment identifies that subsurface contamination is likely on the site and that minor ground disturbance works could expose contractors to potentially contaminated soil, and soil vapour. The Contamination Assessment makes a number of recommendations to be implemented during construction activities, including the use of a photoionization detector during excavations to monitor volatiles. Whilst the Contamination Assessment report states that "no contamination issues have been identified that would preclude the proposed future land use as a waste recycling and transfer facility", it does not conclusively state that the site is suitable in its present state for the proposed use. As the Contamination Assessment identifies that the presence of subsurface contamination is likely and that workers could be exposed to contamination, it is considered appropriate that further site investigation works be required prior to determination of the application. Further investigation works will identify and delineate the extent of contamination, if any, and will guide any required remediation process at the site, as well as construction activities and necessary environmental and health controls. Furthermore, the Contamination Assessment recommends a procedure (refer to dot point 3 of section 6.1) should subsurface contamination be identified during excavation works. Importantly, it does not acknowledge that should contamination be present on site and should remediation be required, that consent is required for those remediation works as all remediation work in the Penrith Local Government Area is Category 1 work in accordance with SEPP 55 – Remediation of Land and SREP 20.

Landscaping

- The proposed landscape plan and planting detail is inadequate. The indicated 'lomondra' and 2 x native trees is inadequate planting to suitably treat the existing streetscape in front of the exposed building and setback east of the driveway. An embellished landscape plan is to be provided which outlines embellishment of the front setback zone with specific species, pot size and quantities including a mix of tree and shrub plantings. At a minimum 3 trees across the frontage should be proposed with understorey shrub landscaping to supplement. This could be addressed through conditions of consent if the application was supported.

Should you require any further information or clarification on the above comments, please don't hesitate to contact me on (02) 4732 8125.

Yours sincerely



Gavin Cherry
Development Assessment Coordinator



Department of Primary Industries

OUT17/26717

Mr Nicolas Hall
Industry Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

nicolas.hall@planning.nsw.gov.au

Dear Mr Hall

Benedict Penrith Resource Recovery Facility (SSD 7733) Comment on the Environmental Impact Statement

I refer to your email of 27 June 2017 to the Department of Primary Industries in respect to the above matter. Comment has been sought from relevant branches of DPI. Views were also sought from NSW Department of Industry - Lands that are now a division of the broader Department and no longer within NSW DPI.
Any further referrals to DPI can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

Recommendations

That the proponent provide to DPI the following additional information:

- The groundwater trigger criteria that are to be used for comparative purposes to the surface water quality monitoring;
- An outline on how these groundwater trigger criteria were derived and from what data;
- Information on how the groundwater monitoring would occur in a "validation monitoring program".

Other comments to note:

- The proponent should note that if more than 3 ML/year of water is taken from groundwater sources, a licence will need to be sought from DPI Water.

Yours sincerely

Mitchell Isaacs
Director, Planning Policy & Assessment Advice
17 August 2017

DPI appreciates your help to improve our advice to you. Please complete this three minute survey about the advice we have provided to you, here: <https://goo.gl/o8TXWz>

General Terms of Approval - Refused



Notice No:1553737

Department of Planning and Environment
Sydney NSW 2001

Attention: Nikki Matthews

Notice Number 1553737
File Number EF17/7451
Date 05-Jul-2017

Re: "Benedict Penrith Resource Recovery Facility (SSD 7733)"

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I am writing in response to the Department of Planning's (**DPE**) request for the Environment Protection Authority (**EPA**) to review development application SSD 7733.

I understand that Benedict Recycling Pty Ltd (**the Proponent**) is seeking development consent to establish a resource recovery facility (**the Proposal**) at 46–48 Peachtree Road, Penrith (**the Premises**).

The EPA does not recommend approval of this Proposal

The EPA has reviewed the information provided and has determined that it will be unable to issue an environment protection licence for the Proposal as currently presented.

We have concerns that the proposal does not meet current best practice. As specified in our SEARs, the EPA expects that all waste handling activities, inclusive of the receipt, sorting, processing, sampling, quarantine and storage are conducted within an enclosed building. However, much of the proposed operations, including receipt, sorting and storage of waste are proposed to occur outside.

The EPA does **not** recommend approval of this Proposal. For more information please refer to Attachment A.

The EPA has not reviewed technical information

General Terms of Approval - Refused



Notice No:1553737

We advise that as the Proposal does not meet current best practice, the EPA has not undertaken a technical review of the EIS. We have not reviewed the 'Air quality and greenhouse gas assessment', 'Noise impact assessment', 'Water assessment' or 'Contamination assessment'. This is because impacts would be different if all operations were conducted within an enclosed building as required.

If you have any questions, or wish to discuss this matter further please contact Melissa Ward on 9995 5747.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CFE', with a stylized flourish extending from the end.

Celeste Forestal
Unit Head
Waste & Resource Recovery
(by Delegation)

General Terms of Approval - Refused



Notice No:1553737

ATTACHMENT A

Development application SSD 7733 has been submitted by Benedict Recycling Pty Ltd (**the Proponent**) to the Department of Planning and Environment (**DPE**), seeking consent to establish a resource recovery facility (**the Proposal**) at 46–48 Peachtree Road, Penrith (**the Premises**).

We understand that the facility will process up to 180,00 tonnes per annum of pre-classified general solid (non-putrescible) waste. Waste will be screened and sorted to produce saleable recycled materials.

The EPA notes that the Proposal would require an environment protection licence with the EPA to lawfully operate if approved by DPE. The EPA does **not** support the proposal in its current form.

Operations must be conducted within an enclosed building

As stated in our SEARs, the EPA expects that all waste handling activities, inclusive of the receipt, sorting, processing, sampling, quarantine and storage are conducted within an enclosed building. The EPA will not support an application that does not meet this requirement.

The *Protection of the Environment Operations Act 1997* (**POEO Act**) makes clear that environmental performance is to be continuously improving. The EPA therefore seeks best practice in all new facilities or activities. The need for best practice can be linked to the following elements of the POEO Act:

a) Objects

Section 3d of the POEO Act sets out the objects of the act and includes:

- (ii) the reduction to harmless levels of the discharge of substances likely to cause harm to the environment, and*
- (iv) the making of progressive environmental improvements, including the reduction of pollution at source.*

b) Matters to be considered

Section 45 of the POEO Act sets out the matters to be taken into consideration in licensing functions and includes:

d) the practical measures that could be taken:

- (i) to prevent, control, abate or mitigate that pollution, and*
- (ii) to protect the environment from harm as a result of that pollution*

We do not consider that the Proposal is meeting the objectives of the POEO Act or taking all practical measures to prevent, control, abate or mitigate pollution. The Proposal includes storage of waste outside. The stormwater management system does not include any separation of 'clean' and 'dirty' stormwater. Pollution control measures proposed within the stormwater management system include a GPT which "allows for gross pollutant removal, sediment capture, TSS removal, total phosphorous removal and hydrocarbon capture." It is the EPA's experience that 'dirty' stormwater from construction demolition waste facilities can contain other potential pollutants which are not captured by the proposed GPT. This includes a variety of metals, nutrients, organics and other chemicals.

General Terms of Approval - Refused



Notice No:1553737

Section 6.6.3 of the EIS lists potential contaminants associated with recycling facilities to be monitored once the facility is operational. We do not consider operational monitoring sufficient to meet section 3 or 45 of the POEO Act. Measures must be taken now to prevent such contaminants to entering the water.

c) Prevent and minimise

Section 128(2) requires activities to be undertaken *“by such practicable means as may be necessary to prevent or minimise air pollution”*.

d) Dealing with materials

Section 126 and section 140 makes it an offence to fail to deal with materials in a proper and efficient manner causing air pollution or noise pollution respectively.

The EIS shows an exceedance of the assessment criterion at industrial Premises. We do not believe that the Proposal will be able to comply with s126 and s128 of the POEO Act as it proposes to conduct waste receipt/unloading and waste handling outside. In 2015 the EPA's Waste Compliance Section undertook a dust compliance campaign to examine dust management at licensed waste facilities in Sydney. The results of the campaign showed that major sources of dust generation at waste facilities include unloading of waste and handling of waste. Despite the use of sprinklers, these operations still caused significant dust generation.

The EPA restates that we expect the Proposal to meet current best practice - in this case that waste be received, stored, processed and dispatched in an enclosed building.

SEARs have not been met

On 20 July 2017, the EPA provided DPE with Secretary's Environmental Assessment Requirements (**SEARs**). In addition to the requirement to conduct operations within an enclosed building, the following requirements have not been met:

- provision of a waste management plan for the Proposal;
- provision of quantities of each type of waste to be received;
- details of any materials that will be produced under a Resource Recovery Order, and the controls in place for meeting the conditions of that order;
- dust control measures (e.g. sprinklers) are not shown on the site plan;
- any external area where waste vehicles wait for loading/unloading must drain to a stormwater quality treatment device sufficient to remove any contaminants, both solid and dissolved prior to discharge to the offsite stormwater system;
- the reason for welding and consideration of any potential odours;
- details of the above-ground diesel tank and bunding; and
- consideration of any previous contamination.

General Terms of Approval - Refused



Notice No:1553737

Other issues to be considered

The EPA notes the following additional issues in the EIS:

- excavated natural material (**ENM**) is not a waste classification listed in the EPA's *Waste Classification Guidelines* (2014) and is not appropriate to be listed as a waste type to be received on an environment protection licence.
- Testing of recycled material must meet the requirements of a Resource Recovery Order. A Resource Recover Exemption must be complied with by the user of the material.
- We remind the Proponent that the EPA is currently working on new minimum standards for managing construction and demolition waste in NSW. The Proposal will need to meet these standards once released.
- Further information is required on how the existing concrete surface (including oil pit) will be cleaned and how waste / waste water will be disposed of.
- Further information is required on on-site refuelling. Is there a fuel storage on site? Does the fuel contractor remain on site or attend the Premises as required? Is there a designated re-fuelling area on site?
- Picking of asbestos from a load is not permitted. If asbestos is found in a tipped load, the whole load must be rejected.
- We do not consider it appropriate to list every single pre-classified 'general solid waste (non-putrescible)' on the licence. Only targeted wastes will be listed on a licence and must be identified in the EIS.
- Section 1.4 of the EIS states that plastics will be segregated and recycled while Table 2.3 indicates that plastic will be sent to landfill?
- Hours of operation – the EPA does not support any operations on Sundays or public holidays. The EPA does not typically support operations outside of 'daytime' hours (being 7 am to 6pm), without sufficient justification and assessment – please note that as the Proposal does not meet current best practice, the EPA has not undertaken a technical review of the EIS including the 'Noise impact assessment'.
- The EIS refers to 'vegetative' waste – this is not listed in the EPA's *Waste Classification Guidelines* (2014). The EIS must use definitions provided in the POEO Act for garden waste and wood waste.
- Section 6.7 of the EIS states that "*there have been potentially contaminating activities in the site and surrounds*" and that "*there is the potential for interaction by contractors with impacted soil and soil vapour during the construction phase only, if contamination is present.*" Given that the potential for contamination, why is testing for petroleum hydrocarbon only being undertaken post excavation of soils?

File Ref. No: BFS17/1443(8000000801)
TRIM Doc. No: D17/45718
Contact: Mark Castelli

4 July 2017

The Department of Planning & Environment
C/- Nikki Mathews
GPO Box 39
SYDNEY NSW 2001

E: nikki.mathews@planning.nsw.gov.au

Dear Ms Mathews

**Penrith Resource Recovery Facility
46-48 Peachtree Road
(SSD16_7733)**

I refer to the above development proposal's Environmental Impact Statement (EIS) which is currently on exhibition. Fire & Rescue NSW (FRNSW) have reviewed the EIS and the following comments and recommendations are submitted to the NSW Department of Planning & Environment (the Department) for consideration.

Overview

Due to the processes undertaken at resource recovery facilities, it is FRNSW experience that the frequency of recycling facility fires is greater in comparison to other industries. In addition, the fire hazards associated with stockpiled recyclable material directly correlate to the:

- The volume of the stockpile and potential fire magnitude,
- The life safety risk to firefighters and employees,
- The environmental risks to the local and surrounding areas, and
- The potential structural damage to buildings, other structures and plant.

The potential fire size is the primary factor that FRNSW considers when determining the level of resources required to be deployed to safely and efficiently control and extinguish fires at these facilities and to mitigate any environmental risk resulting from the fire.

Recent recycling industry fire incidents have resulted in several large fires that required the deployment of large numbers of FRNSW resources. To ensure safe resolution of these incidents FRNSW personnel and equipment have been required to remain in attendance at the fire ground for more than 12 hours. The long duration of recent fire incidents is primarily attributable to '*special problems of firefighting*' that either existed prior to the fire or have arisen during the incident.

Note: The term 'special problems of firefighting' is used in Clause E1.10 of the National Construction Code (NCC).

In relation to the recycling industry, it is FRNSW experience that 'special problems of firefighting' are primarily related to the following aspects:

1. Inappropriate stockpile sizes (i.e. pile area, height and total volume).
2. Insufficient separation of stockpiles (which hinders first responder vehicle access and increases the likelihood of fire expansion).
3. The capacity of the fire hydrant system and its water supply is insufficient for the fire load kept on site.
4. Buildings are often not served by a sprinkler system.
5. Buildings not usually provided with smoke hazard management systems that facilitate safe firefighting operations.
6. On-site provisions to contain contaminated fire water runoff are not usually in place.

Application of Clause E1.10 of the NCC

It is FRNSW experience that the above matters are not usually adequately addressed by typical application of the NCC by certifying authorities. It is FRNSW expectation that due to the special problems of firefighting associated with such facilities (N.b. due to the nature, type and quantity of the materials stored on the allotment and/or the building) that Clauses E1.10 and E2.3 of the NCC should be satisfied.

The NCC Deemed-to-Satisfy Provisions (DtS) do not specify what 'suitable additional provisions' can be applied to prescriptively satisfy Clause E1.10 and E2.3. Consequently, it is FRNSW opinion that the lack of prescriptive guidance is intended to ensure that in each instance where Clauses E1.10 and E2.3 are deemed applicable, the development should be assessed on its merits. We highlight that FRNSW opinion is consistent with the guidance and clarification detailed in the 'Guide to Volume One of the NCC'.

It is also FRNSW opinion that where Clauses E1.10 and E2.3 of the NCC are applicable, that the suitable additional provisions should be developed in consultation with the relevant fire agency having statutory responsibility for extinguishing fires which, in this instance, is FRNSW (i.e. pursuant to Section 6 of the Fire Brigades Act 1989). This is because the effectiveness of any suitable additional provisions must be adequate to mitigate any special problems of firefighting that are identified.

Special problems of firefighting should, due to their specific nature, be identified by the relevant fire service. The relevant fire service will be familiar with their agencies

operational capabilities and limitations and have substantial experience in relation to problems that are unique to and associated with resource recovery developments. Further, it is FRNSW experience that the imposition of Clauses E1.10 and E2.3 of the NCC upon developments by certifying authorities is infrequent. FRNSW suspects that this is because many certifiers lack familiarity or expertise in this specialist area of fire compliance.

Recommendation/s

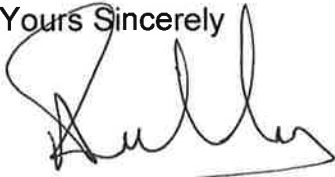
Should development consent be granted, that the following condition form part of the instrument of consent:

- a) That Clauses E1.10 and E2.3 of Volume One of the National Construction Code (NCC) be complied with to the satisfaction of FRNSW. In particular, that the following aspects of the development be assessed and appropriately addressed:
 - i) That stockpile storage within any building and/or open yard storage on the allotment be limited in size and volume and arranged to minimise the likelihood of fire spread.
 - ii) That the arrangement of stockpiles of combustible material, stored externally, on the allotment be sufficiently separated to permit Fire & Rescue NSW (FRNSW) vehicle access between stockpiles.
 - iii) That the site is served by a fire hydrant system that has a minimum water supply capability appropriate to the site's largest stockpile's fire load.
 - iv) That significant buildings used to process recyclable material are provided with a smoke hazard management system that facilitates Fire & Rescue NSW (FRNSW) firefighting operations.
 - v) If deemed necessary, by virtue of applying Clauses E1.10 and E2.3 to the development, that any significant building used to process recyclable material is provided with an appropriate automatic fire suppression system.
 - vi) That the site be provided with an effective means to contain an appropriate volume of contaminated fire water runoff. The capacity of containment to be commensurate with the concurrent discharge rate of the facility's hydraulic fire systems.

Should the recommended condition be imposed, please be assured that FRNSW will engage constructively with the proponent (and their consultants) to expeditiously address the matters raised above.

For further information please contact Mark Castelli of the Fire Safety Assessment Unit, referencing FRNSW file number BFS17/1443. Please ensure that all correspondence in relation to this matter is submitted electronically to firesafety@fire.nsw.gov.au.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Mark Reilly', with a long horizontal flourish extending to the right.

Superintendent Mark Reilly AFSM CMIFireE
Manager
Fire Safety Assessment Unit



Ms Nikki Matthews
Planning Officer, Industry Assessments
Department of Planning & Environment
320 Pitt Street
SYDNEY NSW 2000

Email to: Nikiki.Matthews@planning.nsw.gov.au

Dear Ms Matthews

Notice of Exhibition – Benedict Penrith Resource Recovery, 46 - 48 Peachtree Road, Penrith (SSD 7733)

Reference is made to your correspondence received on 14 July 2017 requesting comment from the Heritage Council of NSW (the Heritage Council) for the above proposal.

The proposal seeks approval for:

- construction of a Recycling and Waste Transfer Facility;
- a processing capacity of 180,000 tonnes of waste per year; and
- to include the processing and recycling of pre-classified general (non-putrescible) waste.

An Environmental Impact Statement (EIS), prepared by ENM Consulting, dated 2 June 2017, has been reviewed and the following comments are provided:

The proposed State Significant Development (SSD) site is not within the curtilage of an SHR item. The EIS addresses the potential heritage impact for SHR and s170 Register items within a 1.2 km radius of the site and finds there are no potential impacts to the heritage items and a heritage assessment is not warranted for the proposed development.

The relevant documents have been reviewed and no additional heritage requirements are recommended. It is, therefore, considered that further referrals to Heritage Council are not required.

If you have any questions regarding the above matter, please contact James Quoyale, Heritage Officer, at the Heritage Division, Office of Environment and Heritage on telephone (02) 9873 8612 or by email: james.quoyale@environment.nsw.gov.au.

Yours sincerely

Rajeev Maini
Manager, Conservation
Heritage Division
Office of Environment & Heritage
As Delegate of the Heritage Council of NSW
14 August 2017

Hi Nikki,

Thanks for forwarding the above proposal to OEH for consideration.

After reviewing the relevant documents, OEH's Greater Sydney Planning Team has concluded that the matter does not contain biodiversity, natural hazards or Aboriginal cultural heritage issues that require a formal OEH response. We have no further need to be involved in the assessment of this project.

Please note that the Heritage Division in the Office of Environment and Heritage may wish to provide separate comments. The Heritage Division can be contacted at heritage@heritage.nsw.gov.au

Kind regards,
Dana

Dana Alderson
Planning Team
Regional Operations Division
Office of Environment and Heritage
T: 02 8837 6304
F: 02 9995 6900
W: www.environment.nsw.gov.au

Please note my work days are Mon-Thurs



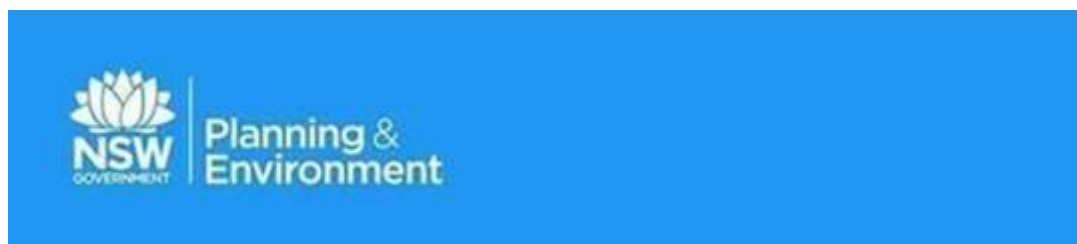
Please consider the environment before printing this e-mail

From: Nuray Duran

Sent: Tuesday, 27 June 2017 9:30 AM

To: Planning Matters Mailbox <planning.matters@environment.nsw.gov.au>

Subject: Notice of exhibition - Benedict Penrith Resource Recovery Facility (SSD 7733) - Penrith LGA



Good morning

Please find attached the notice of exhibition for the Benedict Penrith Resource Recovery Facility (SD 7733) in the Penrith Local Government Area.

The public exhibition is from **Friday, 30 June 2017 until Monday, 14 August 2017.**

The SSD Application, Environmental Impact Statement (EIS) and accompanying documents may be viewed on the Department's website at <http://majorprojects.planning.nsw.gov.au/page/on-exhibition/> from **Friday, 30 June 2017.**

The Department invites you to comment on the proposal, including advice on recommended conditions of consent by **Monday, 14 August 2017**.

The contact person for this project is Nikki Matthews, who can be contacted on (02) 8289 6679 or via email at Nikki.matthews@planning.nsw.gov.au

Regards

Nuray Duran

DA Coordinator | Industry, Key Sites & Priority Projects

Department of Planning & Environment

320 Pitt Street | GPO Box 39 | Sydney NSW 2001

T 02 9274 6162 E nuray.duran@planning.nsw.gov.au



Planning &
Environment



4 August 2017

Our Reference: SYD16/00846/03 (A18452701)
DP&E Ref: SSD 7733

Team Leader
Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Nikki Matthews

Dear Mr Hall,

**BENEDICT PENRITH RESOURCE RECOVERY FACILITY
46-48 PEACHTREE ROAD, PENRITH**

Reference is made to the Department of Planning and Environment (DP&E) letter dated 26 June 2017, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime has reviewed the submitted application and provides the following comments for your consideration in the determination of the application:

1. All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.
2. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.
3. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of a construction certificate.
4. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

Furthermore, the proponent should be advised that Roads and Maritime is currently investigating the proposed Mulgoa Road/Castlereagh Road Corridor Upgrade. The current design is preliminary and subject to change with the next iteration of design when this stage of the project receives

Roads and Maritime Services

funding. Further information on this project can be obtained by visiting the Roads and Maritime website www.rms.nsw.gov.au/projects/sydney-west/mulgoa-rd-castlereagh-rd/ or by contacting the team on 1800 733 084 or via email mulgoaroadupgrade@rms.nsw.gov.au

Any inquiries in relation to this application can be directed to Zhaleh Alamouti on 8849 2331 or by email at development.sydney@rms.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'RCumming'.

Rachel Cumming
Senior Land Use Assessment Coordinator
Network Sydney West Precinct

17 August 2017

Our Ref: 165397

Nickholas Hall
A/Team Leader
Industry Assessments
The Department of Planning & Environment
GPO Box 39 Sydney NSW 2001

RE: Benedict Penrith Resource Recovery Facility SSD 7733

Dear Nick,

Thank you for notifying Sydney Water of the development application listed above. We have reviewed the application and provide the following comments for your consideration.

Water & Wastewater

The following information is provided to assist in planning the servicing needs of the development, based on the information supplied:

- Strategic investigation shows that the local water and wastewater systems have adequate capacity to service the proposed development.
- Water servicing investigation is based on supply from the existing 150mm drinking water main in Peachtree Road.
- Wastewater servicing investigation is based on supply from the existing 300mm wastewater main in Peachtree Road.

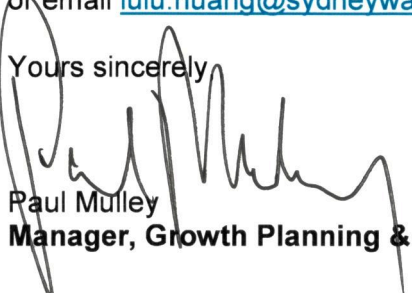
This advice is not a formal approval of our servicing requirements. Formal requirements for servicing the development will be determined as part of the Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).

Sydney Water E-Planning

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au.

Further advice and requirements for this proposal are in the attachment. If you require any further information, please contact Lulu Huang of Growth Planning and Development on 02 8849 4269 or email lulu.huang@sydneywater.com.au.

Yours sincerely



Paul Mulley
Manager, Growth Planning & Development

Attachment 1

Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water prior to development commencement. It is recommended that the Council includes this requirement as a Condition of the DA approval.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The developer must have the building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

Attachment 2

Requirements for Business Customers for Commercial and Industrial Property Developments

If this property is to be developed for Industrial or Commercial operations, it may need to meet the following requirements:

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>
Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:

<http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au