



Our reference: ECM: 9030810
Contact: Gavin Cherry
Telephone: 4732 8125

2 March 2020

Ms Katelyn Symington
NSW Department of Planning Industry & Environment
By Email: Katelyn.Symington@planning.nsw.gov.au

Dear Ms Symington,

**SSD 7733 – Further Comments Following Teleconference - Penrith
Resource Recovery Facility at 46 Peachtree Road Penrith**

I refer to Council's previous comments dated 7 February 2020 and a teleconference with you on 20 February 2020 to clarify documentation associated with the application and the relevant responses from the applicant to Council's previous comments.

Following this discussion, the documentation made available on the Departments Major Projects Website has been reviewed further and the following matters are still raised for your consideration in the assessment of the application:-

1. Contamination Considerations and Remediation Requirements

Council maintains concerns that the investigations carried out to date are insufficient to establish if the site suitable having regard to SEPP 55 and SREP 20 in combination.

In the absence of a sufficient site investigation, it is also then difficult to ascertain if SREP 20 applies (in terms of whether the level of impact is a trigger that would warrant formal development consent for remediation works).

Though additional sampling is proposed through the Remediation Management Plan, this would be carried out post-determination. This is not considered appropriate as SREP 20 requires consent to be obtained for any remediation works, which means that the identification of required remediation works must be done as part of the development application assessment, coupled with a remediation action plan that forms part of the formal determination documentation. Essentially the additional sampling should be done as part of the current application and not deferred until post determination.

It is also noted in the Remediation Management Plan, that where soils are above limits, then these soils are to be removed or remediated on-site. These works would constitute remediation works, and development consent would be required to be obtained as outlined above. It is also noted that this document is not a referenced document within either SEPP 55 or the EPA Guidelines.

If there was a suggestion to condition an 'unexpected finds' approach, then all works would need to cease if contamination is identified. This cessation would need to be in place until such time as a development application for remediation is lodged, assessed, favourably determined and the works subject of that consent are undertaken and validated. This requirement would need to be captured in consent conditions if the application is determined without the above recommended site investigations being done, and / or inclusion of remediation as part of the works seeking development consent.

It is however reiterated that the Department is the relevant consent authority, and the Department must be satisfied that the site is suitable or can be made suitable as per SEPP 55 noting the implications of the consent requirements contained within SREP 20.

2. Traffic Management and Local Road Conditions

Council maintains its position that the driveway must be widened to satisfactorily facilitate truck turning swept paths clear of parking lanes, and clear of oncoming vehicles in opposing travel lanes. Amended plans reflecting this requirement should be submitted that demonstrate compliance with this requirement.

The application appears to now indicate that no formalised truck parking is line marked to be provided. It must be demonstrated that sufficient space on the site is available to accommodate sufficient on-site truck parking. It is not sufficient to remove indications of parking without demonstrating that parking is available, without reliance on the local road network.

The primary remaining concern that is yet to be resolved is the Level of Service (LOS) F that has been identified in the application for the western leg of the intersection of Peachtree Road with Castlereagh Road. If the Department is of a mind to support the application, this support should be predicated on traffic infrastructure works that sufficiently resolve queue lengths and time delays as identified in the traffic modelling submitted. The RMS commentary will relate to the classified roads under their care and control, whereas Council must separately ensure that our local road network is not further compromised or impacted by the proposal on this site, in this location.

The applicant's response to date is that it is considered accepted practice to only look at overall intersection performance (rather than individual legs) in terms of Level of Service. This is not considered to be an adequate response and does not resolve or address the concerns raised by Council. It is recommended that the Department ensure that the failure of the western leg of the intersection is sufficiently addressed and measures included within this application, or as conditions of consent, that ensure that the existing volumes / local road function are not worsened as a result of this intensified development. If such measures are not proposed or included, the question of suitability of the site to accommodate this scale and nature of development comes into question, being a key consideration within Section 4.15 of the Environmental Planning and Assessment Act, 1979.



If you require any further information, please do not hesitate to contact me on (02) 4732 8125.

Yours sincerely,

Gavin Cherry
Development Assessment Coordinator