

Our reference: ECM 4132390  
Contact: Gavin Cherry  
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23 October 2013

Chris Ritchie  
NSW Department of Planning and Infrastructure – Major Projects Assessment  
GPO Box 39  
Sydney NSW 2000

Attention: Ashley Cheong

**Re: Additional Information Responding to Submissions to a State  
Significant Development Proposal for a Glass Beneficiation Plant  
(SSD 5267)**

**Property: No. 126 Andrews Road, Penrith**

I refer to the notice of proposed development dated 5 June 2013, Council's previous submission dated 22 July 2013 and additional information received by Council on 14 October 2013 for further review and comment.

The additional information has been reviewed and the following comments and recommended conditions of consent are provided:-

#### **Biodiversity Comments**

The "Amended Landscape Construction Plan for SSD 5267 Penrith Glass Beneficiation Plant" (prepared by Bio-Design, 12/9/2013) provided to Council only contains Drawing 3/5 (Landscaping Construction Plan – Vegetation Management Plan). The other drawings in the series are not provided and have not been provided previously. To enable adequate review of the additional information, all drawings associated with the "Landscaping Construction Plan – Vegetation Management Plan" (prepared by Bio-Design, 12/9/2013) need to be provided.

It is also unclear if the "Landscaping Construction Plan – Vegetation Management Plan" replaces Figure 5-45: Landscape Concept Plan in the original Environmental Impact Statement. The Department is requested to clarify if the "Landscaping Construction Plan – Vegetation Management Plan" replaces Figure 5-45: Landscape Concept Plan in the original Environmental Impact Statement.

It is requested that this clarification be referred back to Penrith City Council for review prior to determination of the Development Application.

#### **Environmental Comments and Conditions**

Council is now satisfied that the applicant has provided sufficient information to address the requirements of SEPP 55 in demonstrating that the site is suitable for the proposed use. However, given that the Council is not the consent authority, the Department should review this information to ensure that they have also considered this aspect.

Council is generally satisfied with the amended environmental documentation provided in support of the development proposal. It is considered that the environmental

impacts of the development will be adequately managed as long as the relevant recommendations of the reports are implemented.

Considering that the EPA will be the environmental regulatory authority (as the use is a scheduled activity), Council considers that it is of key importance that any conditions recommended by the EPA be included in the consent.

#### **Waterways Comments**

The proposed water quality monitoring program outlined in the EMP should be undertaken more frequently than is suggested in the Environmental Management Plan. To ensure that the proposed stormwater treatment measures are adequately functioning, it is considered that the monitoring should take place on a quarterly basis for a period of two years to align with the maintenance and establishment period of the wetland. The frequency of the monitoring program should be reviewed at the end of the period subject to the results of the findings.

The Department should also consider imposing a requirement that a maintenance agreement with a suitably qualified contractor, be entered into by the proponent to ensure that the GPT are regularly serviced and that the wetland is maintained.

These requirements are included as recommended conditions of consent below.

#### **Engineering Comments**

The additional information submitted in response to flooding issues has not sufficiently addressed concerns raised by Council. The statements made by the consultant are not backed by flood modelling but rather a rudimentary assessment. Due to the complex nature of flooding in the area of the development site, Council is concerned that the impacts of filling and increased hardstand area have not been fully addressed, particularly in relation to flood conveyance and associated impacts.

Council is willing to discuss the flooding issues with the Department or applicant directly as it is difficult to deal with the complexity of the flooding issues with this site where Council does not have any direct control over the project. The Department as the consent authority however needs to ensure that the proposed development will not have any adverse impact with respect to flooding.

In the event that the above concerns are not relayed to the applicant, at the very least the following recommended conditions of consent should be imposed:-

- The upgrade of the access driveway, as required, to cater for the design traffic loading and to provide flood free access in accordance with Council's Flood Liable land Policy. The condition will require a S68 LG Act approval for any proposed works within Council's drainage reserve.
- Flood proofing of the building and associated equipment to the flood planning level.
- A Roads Act approval and associated RMS concurrence is required for a type CHR – Protected Turn treatment be provided on Andrews Road at the driveway in conjunction with a deceleration lane and adequate taper for the Westbound left turn into the property, with all works to be undertaken at no cost to Council.

These requirements are included as recommended conditions of consent below.

#### **Recommended Conditions of Consent**

Subject to resolution of the above biodiversity / landscape concerns, the following conditions of consent are recommended to be imposed. These conditions are recommended in addition to compliance with the plans and supporting documentation



submitted with the Development Application:-

- Any additional advertising signage proposed (beyond that approved as part of this application / consent) is to be submitted to Penrith City Council for approval, unless addressed by way of the exempt development provisions within SEPP (Exempt and Complying Development) 2009.
- All lighting is to comply with AS4282 (1997) – Control of the obtrusive effects of outdoor lighting.
- Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- Erosion and sediment control measures shall be installed prior to the commencement of works on site including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, has been stabilised and grass cover established. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.
- All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Sections C6 "Landscape Design" and F5 "Technical Information" of Councils Development Control Plan 2010.
- Prior to the commencement of any earthworks or construction works on site, the proponent is to:
- a) Employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and

b) Submit a Notice of Commencement to Penrith City Council and the Department.

The Principal Certifying Authority shall submit to Council and the Department, an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

- The development is restricted to the following hours of operation:-

- Internal Activity: 24 hours a day, seven days a week; and
- External activity: 6.00am to 6.00pm seven days a week

Any change to these hours of operation will require further approval from the relevant consent authority.

- The development is required to comply with the requirements of the Building Code of Australia.
- Prior to the commencement of works, a Draft Operation and Maintenance Plan (OMP) be submitted to the consent authority for review and approval. The manual should include details on the management of the proposed Gross Pollution Traps as well as for the maintenance requirements for the proposed wetland / swales. The plan should include a clearly labelled map identifying all assets and an accompanying table outlining asset operation, maintenance frequency and responsibility details. This plan should clearly indicate how each component of the system operates. Cost estimates should also be provided within the maintenance plan.
- To ensure that the proposed stormwater treatment measures are adequately functioning, it is considered that the monitoring should take place on a quarterly basis for a period of two years to align with the maintenance and establishment period of the wetland. The frequency of the monitoring program should be reviewed at the end of the period subject to the results of the findings.
- A maintenance agreement with a suitably qualified contractor is to be entered into by the proponent to ensure that the GPT are regularly serviced and that the wetland is maintained.
- The upgrade of the access driveway, as required, to cater for the design traffic loading and to provide flood free access in accordance with Council's Flood Liability Policy. The condition will require a S68 LG Act approval for any proposed works within Council's drainage reserve.
- Flood proofing of the building and associated equipment to the flood planning level.
- A Roads Act approval and associated RMS concurrence is required for a type CHR – Protected Turn treatment be provided on Andrews Road at the driveway in conjunction with a deceleration lane and adequate taper for the Westbound left turn into the property, with all works to be undertaken at no cost to Council.



Should you require any further information or clarification on the issues raised above,  
please contact me on (02) 4732 8125

Yours faithfully,



Gavin Cherry  
**Principal Planner**