

<b>JRPP Ref. No.</b>	2013SYW026
<b>Application No.</b>	DA12/1346
<b>Applicant</b>	Turnbull Planning International Pty Ltd
<b>Proposed Development</b>	Waste Management Facility
<b>Property Address</b>	No. 10-12 Smith Street, Emu Plains
<b>Property Description</b>	Lot 330 DP 575290
<b>Property Owner</b>	Demasi Bros Holdings Pty Ltd

## Development Assessment Report

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### Executive Summary

An application has been lodged by Turnbull Planning International Pty Ltd seeking consent for the use of Unit 1/10 Smith Street, Emu Plains as a 'waste or resource management facility'.

A two year time-limited consent was granted in 2009 for the use of the site for the storage and disposal of collected effluent. This consent expired in 2011. An order was issued on 29 February 2012 to 'cease the use' of the site for this purpose. The proponent attended a pre-lodgement meeting on 21 February 2012 to discuss the proposed operations and subsequently was given time to prepare and lodge the subject development application.

The subject site is zoned IN1 General Industry under the provisions of *Penrith Local Environmental Plan 2010 (LEP)*. The proposed 'waste or resource management facility' is a prohibited form of development in the zone. Notwithstanding the provisions of the LEP, the proposal is permissible with consent under Clause 121(1) of *State Environmental Planning Policy (Infrastructure) 2007*.

The application represents Designated Development under Schedule 3 of the *Environmental Planning & Assessment Regulation 2000* and therefore in accordance with Schedule 4A of the *Environmental Planning & Assessment Act 1979*, is to be determined by the Sydney West Joint Regional Planning Panel.

The development application was advertised in local newspapers and notified to adjoining property owners and occupants. The exhibition period ended on 26 March 2013 and 3 submissions were received in response. Concerns raised in those submissions related to existing offensive odour being emitted from the site, existing traffic impacts, site management and site suitability.

An assessment under Section 23G, Section 91, Section 77A and Section 79C of the *Environmental Planning and Assessment Act, 1979* (as amended) has been undertaken and the application is recommended for approval by way of deferred commencement.

## **Project Background**

The following provides a brief account of each approval sought on the site and the current status of the operations:

### *DA08/1247 – Storage and disposal of collected effluent (holding tank capacity of up to 80,000 litres) – Unit 1*

A two year time-limited consent was granted under delegated authority on 16 February 2009 to allow Council to gauge the environmental performance of the operation. Within this period, a number of complaints pertaining to odour were received from surrounding and adjoining business operators in the locality.

During the course of the investigations of odour in the area, the operators of the business were reminded of their conditions of consent which included the need to make further application for Council's consideration to extend their operations past the time-limited period.

This did not occur and consequently, the use of the site expired on 16 February 2011 and the consent was no longer valid. An order was issued on 29 February 2012 to 'cease the use'. The proponent attended a pre-lodgement meeting on 21 February 2012 to discuss the proposed operations and subsequently was given time to prepare and lodge a new development application.

### *DA12/0356 – Waste Water Management Facility – Unit 1*

A development application was lodged to continue the use of Unit 1 as a waste water management facility on 8 May 2012. During the assessment of the application it was determined that the proposal is categorised as designated and integrated development.

The application was notified to nearby and adjoining property owners and occupants for a period of 14 days and received 8 submissions in response. Concerns raised in these submissions related to odour, traffic congestion and the continued use of the site without approval.

The applicant withdrew the application on 14 September 2012 in order to obtain Director General's requirements for the proposal from the Department of Planning and Infrastructure.

### *MP10\_0077 – Oily Liquid Waste Treatment Project – Unit 2*

A major project application was lodged with the Department of Planning and Infrastructure (DoP&I) on 26 May 2010 for an Oily Liquid Waste Treatment Facility operating from Unit 2. The proposal was deemed to be a major project not because of the value of the development but because of the type and nature of waste facility being proposed. The application was placed on public exhibition between 1 December 2010 and 4 February 2011. The project approval was issued on 30 October 2012.

On 17 May 2013 the Department of Planning and Infrastructure issued an Order No. 18 requiring the operators to 'cease use' as the development had begun operation and had not satisfied a number of pre-operational conditions of consent (see Appendix 2).

## **Compliance/Complaints**

A review of Council's records reveals that Council has received numerous and ongoing complaints pertaining to odour from the development. Council officers have conducted site inspections of the property and various correspondence has been

provided to the operators on this matter. To date, the issues relating to odour remain outstanding. This report provides an assessment of this issue and proposes recommendations.

Unit 1 has continued to operate throughout the assessment of this development application and since the consent expired in 2011.

## **Site and Surrounds**

The site is identified as Lot 330 in DP 575290 and is situated on the eastern side of Smith Street, Emu Plains approximately 200m from the intersection of Old Bathurst Road and Smith Street.

The subject site is rectangular in shape, orientated in an east-west direction and has an area of 1099m<sup>2</sup>. The site is currently occupied by two attached factory units positioned in an L-shape on the site. The subject development application relates to the use of Unit 1.

Access to the site is provided by a common driveway off Smith Street with access to each unit provided by separate entrances. The front setback area has recently been sealed in accordance with the major project approval issued on the site.

The surrounding area to the north-east of the site is operated by Boral Quarries. The area to the north-west contains Emu Plains Correctional Facility. Industrial developments immediately adjoin the site to the north, east and south. The nearest residential area is approximately 350m south-east of the site, however, there are a number of residential properties located within the industrial area.



Figure 1: Locality Plan

## **Proposed Development**

The proposed development includes the following aspects:

- The continued use of Unit 1 as a 'waste or resource management facility' involving the collection of sludge and effluent sourced from septic and sewerage systems in the locality, the screening and disposal of up to 200,000 litres per day of waste into the Sydney Water Sewerage System via a trade waste agreement.

- Solid waste collected from the screening of the effluent is disposed of into waste bins stored on the site and is sent to landfill (approximately 192 tonnes per annum).
- The site has the capacity to store 112,000 litres of waste in the on-site tanks located within Unit 1.
- A total of 5 trucks will service the development with vehicular access from Smith Street. Car parking will be provided onsite for 6 vehicles.
- The hours of operations are Monday to Friday, 6am to 6pm and Saturday, 6am to 12 noon.
- The development will generate employment for up to 6 staff, being 3 administration staff and 3 truck drivers.

The application is accompanied by:

- Environmental Impact Statement, prepared by Turnbull Planning International Pty Limited.
- Supplementary Report for Statement of Environmental Effects, prepared by SEMF Pty Ltd.
- Acoustic Assessment, prepared by BGMA Pty Ltd.
- Odour Impact Assessment Report, prepared by Benbow Environmental.
- Traffic and Parking Assessment, prepared by Varga Traffic Planning Pty Ltd.
- Environmental Management Plan, prepared by SEMF Pty Ltd.
- 'Draft' Odour Audit Report, prepared by Benbow Environmental.
- 'Draft' Odour Management Plan, prepared by Benbow Environmental.

## **Planning Assessment**

The proposed development has been assessed against Section 23G, Section 91, Section 77A and the relevant heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979*, and based on this assessment; the following issues have been identified for further consideration.

### **1. Section 23G – Joint Regional Planning Panels**

Under Section 23G of the *Environmental Planning and Assessment Act 1979*, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

Under Clause 8(c) of Schedule 4A of the *Environmental Planning Assessment Act 1979*, a regional panel has the function of determining applications for development for the purpose of a 'waste or resource management facility' which meets the requirements for designated development under Clause 32 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

This application meets the above criteria and as such the Sydney West Joint Regional Planning Panel is the determining authority.

### **2. Section 91 – What is 'integrated development'?**

The application is classified as Integrated Development under Section 91 of the *Environmental Planning and Assessment Act 1979*, requiring general terms of

approval from the Environment Protection Authority (EPA) based on the types and volumes of materials being processed on the site.

The development involves the receipt and processing of up to 200,000 litres and storage of 112,000 litres of liquid waste per day. As such the development is identified as a scheduled activity exceeding the thresholds detailed in Clause 41 & 42 of Schedule 3 of the *Protection of the Environment Operations Act 1977*.

The Environment Protection Authority has provided general terms of approval (see Appendix 3). This matter is discussed in more detail under Likely Impacts. It is recommended in accordance with Section 91A that these conditions are imposed on the consent. It should be noted that EPA conditions require an upgrade of odour mitigation measures beyond those existing or proposed hence it is crucial that these measures be installed before an operational consent is issued to ensure the existing impacts on adjoining properties is addressed. A deferred commencement consent is therefore recommended.

### **3. Section 77A – Designated Development**

Section 77A classifies Designated Development as development declared to be designated by an environmental planning instrument or the regulations. In this instance the development is classified as designated development by the *Environmental Planning and Assessment Regulations 2000*.

The proposed development seeks approval for a waste management facility that stores, purifies, disposes, sorts and processes waste and material from waste. The facility has the capacity to process up to 200,000 litres of waste per day which equates to 62,400 tonnes per annum (i.e. 200 tonnes x 312 operating days = 62,400 tonnes, based on 1 litre being equal to 1 kilogram).

The proposed development exceeds the thresholds detailed in Clause 32(1)(a)(iii) of Schedule 3 of the *Environmental Planning and Assessment Regulations 2000* in that the facility disposes liquid waste which comprises more than 1,000 tonnes per year of sludge or effluent.

The application has been prepared in accordance with the requirements for designated development and Director-General's requirements have been obtained (see Appendix 4).

### **4. Section 79C(1)(a)(i) – Any Environmental Planning Instrument**

#### ***State Environmental Planning Policy (Infrastructure) 2007***

##### *Clause 104 Traffic Generating Development*

Clause 104 states that landfill, recycling or waste transfer stations of any size or capacity with access to any road is traffic generating development requiring referral to the Roads and Maritime Service (RMS) and Sydney Regional Development Advisory Committee (SRDAC).

The subject application was accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd. Council's Senior Traffic Officer, SRDAC and the RMS have reviewed the proposed development and have raised no objections subject to the imposition of conditions relating to parking and manoeuvrability across the site (see Appendix 5).

Based on the advice provided by the SRDAC, RMS and Council's officer and the limited impact the development will have the surrounding road network, the

development is satisfactory for the purposes of Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*.

#### *Division 23 Waste or Resource Management Facilities*

Division 23 of *State Environmental Planning Policy (Infrastructure) 2007* provides controls relating to 'waste or resource management facilities'. The proposed development is suitably defined as a 'waste or resource management facility'.

Clause 121 provides for the development of 'waste or resource management facility' to be carried out by any person with consent on land in a prescribed zone. In this case, an IN1 General Industry zone is considered a prescribed zone and the proposed waste or resource management facility is permissible with consent.

There are no other provisions within this policy or clause relevant to the subject application.

#### ***Penrith Local Environmental Plan 2010***

The subject site is zoned IN1 General Industry under *Penrith Local Environmental Plan 2010*. The proposed development is defined as a 'waste management facility' and is a prohibited land use in the zone.

Notwithstanding, the development relies on the provisions within *State Environmental Planning Policy (Infrastructure) 2007* for permissibility. The SEPP prevails to the extent of any inconsistencies with the LEP and therefore the development is a permissible land use in the zone.

#### ***State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)***

In order to determine whether the development would be considered a 'potentially hazardous or offensive industry' under *State Environmental Planning Policy No.33 – Hazardous and Offensive Development* the Department of Planning has issued a set of guidelines to assist officers in their assessment.

The guidelines outline a key consideration in the assessment of a potentially offensive industry is that the consent authority must be satisfied that there are adequate safeguards to ensure emissions from a facility can be controlled to a level which they are not significant. An important factor in making this judgement, for proposals requiring licences, is whether the licence requirements can be met. If the requirements of the licence can be met then the proposal is not likely to be an 'offensive industry'.

The proposed development involves the receipt, processing and storage of sludge and effluent sourced from septic tanks and sewerage systems which has the potential to be an offensive industry. In this instance the development requires an Environment Protection Licence issued by the Environment Protection Authority (EPA). The EPA has issued general terms of approval attaching new conditions to the operators existing licence under a pollution reduction program. This will ensure that the existing odour control measures are upgraded to ensure emissions from the development will be suitably contained, captured and treated through appropriate odour control equipment.

Given general terms of approval for the development has been received, there is acceptance from the EPA that emissions from the development can be managed to a level which they are not significant. The development therefore would not require

further assessment under *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*. As such, the SEPP 33 assessment criteria has been satisfied for the purpose of this development.

Recommended conditions imposed on the consent will ensure that the site manages emissions appropriately onsite. Odour is discussed in detail under a later heading

### ***Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River (SREP 20)***

The *Sydney Regional Environmental Plan No. 20* provides overall direction for planning to protect the environment of the Hawkesbury/Nepean River catchment within which the proposed development is located.

The proposed development is consistent with this objective, and any risks relating to the protection of the Hawkesbury-Nepean River system are considered and addressed through the implementation of recommended conditions of consent.

### **5. Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments**

The Stage 2 City Wide Penrith Planning Proposal was placed on public exhibition on 13 May 2013. As such, the EP&A Act states that the consent authority must consider any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority.

The relevant sections of the Planning Proposal have been reviewed and it is noted that there are no considerations which affect the development's compliance with this instrument.

### **6. Section 79C(1)(a)(iii) – Any Development Control Plan**

#### ***Penrith Development Control Plan 2010***

The provisions of Penrith Development Control Plan 2010 apply to the subject site. The proposed development is generally consistent with the relevant provisions of Penrith Development Control Plan 2010.

### **7. Section 79C(1)(a)(iv) – The Regulations**

In accordance with the provisions of Clause 94 of the *Environmental Planning and Assessment Regulations 2000*, the consent authority can require the existing building be upgraded to meet fire safety requirements of the Building Code of Australia.

Council's Building Surveyor has undertaken an inspection of Unit 1 and identified the following upgrade works:

- exit doors to swing in the direction of egress,
- bollards be installed outside the fire exits,
- an additional exit sign is required above the door leading from the office into the factory.

Subject to the imposition of these works as conditions of consent, Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations as prescribed under the *Environmental Planning and Assessment Regulation 2000*.

## **8. Section 79C(1)(b) – The Likely Impacts of the Development**

### **Current Odour Controls**

A key consideration of this development centres on the containment, capture and treatment of odours emitted from the site. A review of Council's records indicates that the development has received numerous and ongoing complaints from surrounding land owners in relation to offensive odours emitted from the site. The developments current odour attenuation measures involve the spraying of masking agents in and around the facility.

The EPA has acknowledged in the general terms of approval that the odour attenuation measures employed at the premises do not meet current EPA requirements nor industry accepted practice for the control of odours from waste treatment facilities which receive, store and treat septic waste. As the site was operating unauthorised throughout the assessment process Council requested that the applicant address the EPA's general terms of approval up front. The applicant provided an additional odour audit report to satisfy these requirements.

The submitted report supported the ongoing use of masking agents for the development and the implementation of improved cleanliness and operational . Council referred the report to the EPA for comment and the following advice was received:

*'EPA requirements (and current industry accepted practice) for odour attenuation measures at waste treatment facilities which receive, store and treat septic waste is that all odours generated by the activity are fully contained and or captured for treatment through appropriate odour control equipment, typically a caustic scrubber. In addition, the EPA requires that operational and performance monitoring and reporting of odour control equipment and facilities are undertaken.*

*The submitted report does not include the abovementioned requirements.*

*Furthermore, the applicant's proposed attenuation of fugitive odour emission through use of masking agent is not acceptable to the EPA'.*

Informal discussions have been held with the EPA regarding the applicant's methods of odour control and whether or not the development could achieve compliance with the EPA's requirements. The EPA is satisfied that the development could comply through the installation of a caustic scrubber or similar and as such issued the general terms of approval to reflect this.

Given the EPA's position it is recommended that the proposal be approved by way of a deferred commencement consent requiring odour attenuation measures be upgraded to the satisfaction of the EPA and in accordance with the requirements as outlined in the general terms of approval. In addition, it is recommended that the use of the site cease until all relevant approvals are obtained and any required upgrades completed to ensure the development does not continue to emit odours from the site.

Council's Environmental Health Officer has reviewed the original odour impact assessment report and comments provided by the EPA and have raised no objection to the proposal subject to recommended conditions of consent. Council's Environmental Health Officer has advised that the EPA is the appropriate regulatory authority for the development once approved.



## **Traffic and Access**

The development proposes the infrequent use of articulated vehicles (once per two weeks on average). The applicant has been advised that the site is subject to an existing major project approval 10\_0077 and this approval provides the following condition in relation to the size of trucks accessing the site:

*Condition 22: Prior to any vehicle exceeding 9 metres in length accessing the site, the proponent shall provide an independent traffic report from an appropriately qualified traffic engineer which demonstrates that longer vehicles can access and egress the site in a forward direction, without the reliance on neighbouring driveways, to the satisfaction of the Director-General.*

In order to ensure the current Development Application does not conflict with the Project Approval on the same site, consideration has been given to this requirement.

The applicant has acknowledged throughout the assessment process that vehicles longer than 9m (in particular, articulated vehicles) are not able to enter and leave the site in a forward direction.

Submissions received from neighbouring properties have provided photographic evidence that vehicles accessing the subject site currently queue within the street, block access to other developments, occupy designated parking spaces with storage areas materials and other vehicles, resulting in staff parking on-street, and prevention of access to unit 2.

Given the above and to avoid conflicting with the major project approval on the site, recommended conditions of consent require that trucks over 9m do not access the site.

## **Mainstream Flooding**

The site is located within the Emu Plains Low Flood Island. The adopted flood level for the site is 25.2m AHD. Therefore the flood planning level for the proposal is 25.7m AHD (flood level + 0.5m freeboard). The floor level of the building is 25.08-25.1m AHD, resulting in flooded depths of approximately 100-120mm.

The development includes measures to evacuate the site, procedures to ensure all waste is contained and diverted from the site to prevent spills/overflows/pollution and has identified the ability to transfer property at greatest risk of damage to the mezzanine level. It is considered that the applicant has satisfactorily demonstrated that measures have been implemented to minimise the risk of flood damage and pollution. Recommended conditions of consent will be imposed accordingly.

## **Noise Generation**

Council's Environmental Health Officer has reviewed the Acoustic Assessment accompanying the application and has raised no objections to the proposed development in relation to noise.

## **Waste Management**

Appropriate arrangements will be made for solid waste collected through the screening processes undertaken on the site to be disposed of at authorised waste management facility. Recommended conditions of consent will require the waste bins

to be stored in a designated location within the building to minimise impacts relating to odour and to avoid conflicting with truck movements across the site.

### **Environmental Management Plan**

An Environmental Management Plan (EMP) has been submitted with the application and reviewed by Council's Environmental Health Officer. Recommended conditions of consent will ensure that the EMP is implemented for the development.

### **9. Section 79C(1)(c) – The Suitability of the Site for the Development**

The application has demonstrated that the proposed development is suitable for the site. There are no significant natural or built environment constraints that would hinder the proposed development and appropriate measures can be employed to mitigate potential impacts.

### **10. Section 79C(1)(d) – Any Submissions made in relation to the Development**

In accordance with Appendix F4 Notification and Advertising of Penrith Development Control Plan 2010, the development application was advertised in local newspapers and notified to adjoining property owners and occupants. The application was placed on public exhibition between 25 February 2013 and 26 March 2013.

Council received 3 submissions in response with the concerns raised in those submissions relating to existing offensive odour emitted from the site, existing traffic impacts, site management and site suitability.

In response to the submissions received it is recommended that the development is approved by way of deferred commencement consent requiring the current odour attenuation measures be upgraded to the satisfaction of the EPA and a recommended condition be imposed on the consent restricting the access of trucks over 9m to the site. In addition, Council recommends that the current operations cease until all approvals have been obtained.

#### *Internal Referral Comments*

The table below summarises the results of internal Penrith City Council referrals in relation to the proposal.

<b><i>Referrals</i></b>	<b><i>Comments</i></b>
Building Surveyor	No objection, subject to conditions.
Development Engineer	No objection, subject to conditions.
Traffic Engineer	No objection, subject to conditions.
Environmental Management	No objection, subject to conditions.

### **11. Section 79C(1)(e) – The Public Interest**

Although a review of Council's records reveals that the development has received numerous and ongoing complaints pertaining to odour in the past and has also received submissions relating to odour, traffic, site management and site suitability against this application, the impacts of the proposal can be mitigated and managed to an acceptable level.

Given the operators compliance history, recommendations to 'cease the use' of Unit 1 should alleviate any concerns the public have regarding the continued operation of the development.

Subject to the recommendations of this report and conditions of consent the issues raised through public submissions can be satisfactorily managed.

## **Conclusion**

The proposed development has been assessed against Section 23G, Section 91, Section 77A and the relevant heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979*. Subject to demonstration that the proposed development is able to contain offensive odours emitted from the site, the development is considered to have substantial merit and is unlikely to result in a significant adverse impact upon adjoining lands. With the implementation of the recommended conditions of consent, the impacts of the proposal can be mitigated and managed to ensure the development operates at an acceptable level of environmental performance. Failing this if the odour mitigation upgrade is not undertaken within six months the consent will lapse.

The application is therefore satisfactory and the proposal is recommended for approval by way of deferred commencement consent, subject to the imposition of the recommended conditions.

## **Recommendations**

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That:

- A. The information contained in the report on Development Application No.DA12/1346 for the Waste Management Facility be received.
- B. Development Application No. DA12/1346 for the Waste Management Facility be approved by way of deferred commencement consent subject to the conditions contained in Appendix 1.
- C. Those who made submissions on the development application are notified of the determination.
- D. A copy of the determination is forwarded to external authorities for their record.
- E. An Order No. 18 is issued and the development 'ceases use' until all relevant conditions of this consent are satisfied and an Occupation Certificate is issued for the development.

## Appendix 1 – Recommended Consent Conditions

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### Schedule 1 – Deferred Condition

- 1 The odour control upgrade report requirements as detailed in the general terms of approval issued by the Environment Protection Authority shall be submitted to and approved by the Environment Protection Authority in writing. The approved upgrade is to occur within 6 months of the date of this determination and prior to the consent becoming operational.

### Schedule 2 – Operational Conditions

- 1 The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council and any other plans or documents approved in respect to Schedule 1 by Council or an accredited Certifier, except as may be amended in red on the attached plans and by the following conditions.
- 2 A copy of the general terms of approval issued by the Environment Protection Authority under the Protection of the Environment Operations Act 1977 shall be submitted to the Principal Certifying Authority, **before the Construction Certificate can be issued** for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.
- 3 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 4 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.
- 5 The approved operating hours are from 6.00 am to 6.00 pm Monday to Friday and 6.00 am to 12.00 pm Saturday. Delivery and service vehicles generated by the development are limited to these hours.
- 6 All materials and goods associated with the use shall be contained within the building at all times. The front setback area shall not be used under any circumstances for the purpose of storage including vehicle or machinery storage other than staff car parking.
- 7 **Prior to the issue of the Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 “Control of the obtrusive effects of outdoor lighting” (1997).
- 8 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

- 9 A **Construction Certificate** shall be obtained prior to commencement of any building works required by this consent.
- 10 The works as recommended by the approved report required by the general terms of approval issued by the Environment Protection Authority shall be implemented and installed for the development **prior to the issue of an Occupation Certificate**.

## **ENVIRONMENTAL MATTERS**

- 11 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, the waste storage bins are to be located within the building at all times except during times of collection by a waste contractor.

- 12 All material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 13 Activities on the premises must be carried out in accordance with Environment Protection Licence No. 13253, issued by the Environment Protection Authority. Should this license be rescinded or surrendered, an application is to be submitted to Council for consideration of matters contained in the licence.
- 14 All unloading, loading and discharge of waste from vehicles is to occur within the building.
- 15 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system.

Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility. The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

In this regard, an approved Trade Waste Agreement is to remain in force for the proposed use.

- 16 When discharging from the waste collection vehicles, the discharge point of the vehicle is to be located within the bunded area of the facility.
- 17 The waste collection vehicles are not to be decontaminated in or at this facility.
- 18 The servicing and washing of vehicles within the facility is not permitted.
- 19 All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning.
- 20 The 'Environmental Management Plan' prepared by Sustainable Consulting Solution Pty Ltd dated May 2012 (Project No. 3439.001 Revision 0) is to be implemented and complied with.
- 21 The facility is not to collect, store, treat and dispose of wastewater that is in conflict with the Sydney Water Trade Waste Agreement. This includes the type, source and volume of waste disposed of.
- 22 Upon request, official documentation is to be provided to Council including, but not limited to, the volume and sources of waste disposed of within the facility. This information is to be provided within 48 hours of request.
- 23 No other waste, other than septic and sullage waste, is permitted to be received by Unit 1 as a part of this development consent.
- 24 All wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.  
  
Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility.  
  
All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

## **BCA ISSUES**

- 25 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".  
  
Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.
- 26 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
  - a) complying with the deemed to satisfy provisions, or
  - b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or
- c) a combination of a) and b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

27 In accordance with the requirements of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following works are to be completed to upgrade the fire safety of the existing building:

- a) Rehang exit door to swing in the direction of egress in accordance with D2.20 of the BCA.
- b) An additional exit sign is required above the door leading from the factory into the office.
- c) Provide bollards outside all doors within a path of travel to a required exit in accordance with Part D1.10 of the Building Code of Australia.

## **UTILITY SERVICES**

28 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

## **CONSTRUCTION**

29 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed **when the Occupation Certificate has been issued for the development.**

## **ENGINEERING**

- 30 A total of 6 off-street parking spaces are to be provided, line marked and maintained for the development, in accordance with the stamped plans. The parking space dimensions and manoeuvring areas are to comply with AS2890.1 and AS 2890.2 the Building Code of Australia and the Commonwealth Disability Discrimination Act.
- 31 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2 and AS 2890.6.
- 32 **Prior to the issue of an Occupation Certificate** directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.
- 33 All potential pollutants that are stored or detained on-site shall be stored above RL 25.2m AHD.
- 34 Any vehicles exceeding a 9m rigid vehicle shall not be permitted to enter the site.
- 35 All vehicles accessing the site shall enter and exit in a forward direction.
- 36 No storage of goods or materials is to occur within any car parking or manoeuvring areas.
- 37 Trucks associated with the operations of the business shall not be parked on the street or across designated car parking spaces. The operations of the business are not to interfere with access to the adjoining unit on the subject site, including any parking and driveway areas.
- 38 There is to be a maximum of one vehicle at any time collecting or discharging waste. No queuing of vehicles, either on the street or on the subject site, is to occur as a result of business operations.

## **LANDSCAPING**

- 39 Existing landscaping is to be retained and maintained at all times.
- 40 **Prior to the issue of an Occupation Certificate**, landscaping containing a mixture of native trees and shrubs shall be provided across the front of the site to reduce the impact of hardstand areas. The landscaping shall achieving a minimum height of 1.2m and be maintained at all times.

Should any landscaping die or be removed; it is to be replaced with the same species and, to the extent practicable, the same maturity.



## PAYMENT OF FEES

- 41 All road works, dedications and drainage works are to be carried out at the applicant's cost.

## CERTIFICATION

- 42 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the commencement of the approved use**. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the abovementioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

- 43 **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.

The Principal Certifying Authority shall submit to Council 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.

## Appendix 2 – Order No. 18 issued by the Department of Planning

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### REGISTERED POST

No Fuss Liquid Waste Pty Ltd  
Unit 1  
10-12 Smith Street  
EMU PLAINS NSW 2750

### ORDER NO. 18 SECTION 121B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### PREMISES:

Land located at Lot 330 DP 575290, known as Unit 2, 10-12 Smith Street, Emu Plains in the Penrith City Council local government area ("the premises").

#### Approval

Major Project 10\_0077 issued by the Minister for Planning & Infrastructure on 30 October 2012 under section 75J of the *Environmental Planning and Assessment Act 1979* (the Act) for the receipt and processing of oily liquid waste ("the approval").

#### Terms of Order

The terms of the Order are as follows:

1. Submit to the Manager Compliance an action plan to address the concerns identified within the report prepared by Acrocet, dated June 2013 in order to ensure that the buildings and structures at the premises comply with the relevant requirements of the Building Code of Australia and relevant fire safety requirements.

**Period for compliance:** within 14 days from the date of this Order.

2. Submit to the Manager Compliance written certification that the odour treatment system at the premises has been designed and installed in accordance with the recommendations contained in the memorandum prepared by SEMF Pty Ltd dated 4 October 2011, document reference 3439.001.

**Period for compliance:** within 14 days from the date of this Order.

3. Submit to the Manager Compliance written certification that any gaps/voids in external walls, the roof structure and between the wall and roof have been appropriately sealed.

**Period for compliance:** within 14 days from the date of this Order.

4. Submit to the Manager Compliance an Odour Management Plan (OMP), prepared by a suitably **independent** and qualified expert and in consultation with the NSW Environment Protection Authority. The OMP is to include:

- the measures to be implemented at the premises to minimise any odour impacts resulting from the Project;
- identify triggers for contingency action; and
- include a program for monitoring the odour impacts of the project.

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**Period for compliance:** within 30 days from the date of this Order.

5. Provide confirmation to the Manager Compliance that the extension to the available 100 mm water main on the eastern side of Smith Street Emu Plains, and the extension to the available 225 mm wastewater main in Smith Street Emu Plains, have been designed and constructed to the satisfaction of Sydney Water.

**Period for compliance:** within 21 days from the date of this Order.

6. Provide confirmation to the Manager Compliance that the front setback area at the premises has been sealed to satisfaction of Penrith City Council.

**Period for compliance:** within 14 days from the date of this Order.

7. Submit to the Manager Compliance a traffic report prepared by an appropriately qualified **and independent** traffic engineer that demonstrates vehicles longer than 9 metres can access and egress the site in a forward direction, without reliance on neighbouring driveways.

**Period for compliance:** within 30 days from the date of this Order.

8. Until such time as the requirements of 1-7 above have been complied with, to the satisfaction of the Department, cease all unauthorised operations and activities at the premises.

**Period for compliance:** all unauthorised operations and activities are to cease immediately from the date of this order.

#### **Reasons for Order**

- a) A breach of Major Project 10\_0077 has occurred.
- b) Major Project 10\_0077 included a requirement to undertake a Performance Verification Trial prior to full operation. This included notifying the Director-General in writing of the commencement and upon conclusion of the trial. The proponent's representative confirmed by email of 28 May 2013 that the facility is in operation (*which by definition from Schedule 1 of MP 10\_0077 occurs upon receipt and processing of oily liquid waste*). The proponent's representative confirmed by way of email of 28 May 2013 that a previous trial had been conducted without having advised the Director-General contrary to Condition 9 of Schedule 2 of MP 10\_0077.
- c) The proponent has failed to submit a report, prior to operation (which is defined in the approval as the *'receipt and processing of oily liquid waste (and includes the performance verification trial period)'*), from a principal certifying authority that the buildings and

structures on the premises comply with the relevant requirements of the Building Code of Australia and relevant fire safety requirements (Condition 11, Schedule 2).

- d) The proponent has failed to submit an Odour Management Plan within one month from the date of approval for MP 10\_0077 as required by Condition 7 of Schedule 3.
- e) The Department requested, by way of email of 24 May 2013, confirmation from the proponent's representative that the recommendations contained in the memorandum prepared by SEMF Pty Ltd dated 4 October 2011, reference 3439.001 had been implemented. The proponent's representative sent an email to the Department on 28 May 2013 advising that the measures had been implemented and that the odour control ducting was installed. Insufficient evidence has been provided to confirm the recommendations made by SEMF Pty Ltd have been implemented.
- f) On 28 May 2013, Penrith City Council provided a photograph of a truck parked/queued on the public road (Smith Street), waiting to enter the premises. By way of email of 30 May 2013, the proponent confirmed the truck was related to the site. This is considered a contravention of Condition 20 (c), Schedule 3 of MP 10\_0077 which prohibits allowing vehicles associated with the project to park/queue on a public road.
- g) The Traffic and Parking Assessment Report, prepared by Varga Traffic Planning Pty Ltd, dated 14 May 2013 states *"the articulated truck reverses off the street onto the site which then allows it to depart in a forward direction"*. The report confirms the facility is operating contrary to Condition 20 (d) and 22 of Schedule 3 which require all vehicles to enter and leave in a forward direction. This has the potential to adversely impact on existing traffic movement with Smith Street.
- h) The Traffic and Parking Assessment Report, prepared by Varga Traffic Planning Pty Ltd, dated 14 May 2013 was not prepared by an Independent person having been prepared as a supporting document for a development application to Council (*as stated in the report – refer page 1*).
- i) The proponent's representative, by way of email of 17 May 2013 advised the Department that Unit 2 of 10-12 Smith Street, Emu Plains is being used as a truck washout facility. MP 10\_0077 does not permit the use of Unit 2 as a truck washout facility.
- j) The failure to submit the relevant reports/management plans required under the approval has resulted in the facility operating without appropriate measures in place to ensure the project operates without potentially adverse impacts on the environment and adjoining facilities.
- k) On 13 June 2013 the Department provided a draft Order to the proponent, No Fuss Liquid Waste Pty Ltd providing fourteen days to make representations on the terms of the draft Order.
- l) On various dates, the proponent (*via email*) made representations to the Department.
- m) The Order has been amended based on these representations.

#### **Appeal**

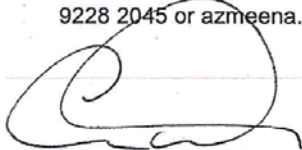
You are advised that you may appeal to the Land and Environment Court at Level 4, 225 Macquarie Street, Windeyer Chambers, Sydney NSW 2000 against these Orders or a specified part of these Orders under the provisions of section 121ZK of the Act. Such appeal must be

made within 28 days after the service of these Orders on you, and does not affect the requirement for you to carry out these Orders.

The maximum penalty for breaching or failing to comply with an order issued under s121B of the Act is a fine of \$1.1 million and a further fine of \$110,000 for each day that the offence is continuing.

**Departmental contact**

The contact for this matter is Azmeena Kelly, Manager Compliance who can be contacted on 9228 2045 or [azmeena.kelly@planning.nsw.gov.au](mailto:azmeena.kelly@planning.nsw.gov.au).



15.7.13

Chris Wilson

**Executive Director Major Projects Assessment**  
as delegate of the Minister for Planning & Infrastructure



## Appendix 3 – Environment Protection Authority, General Terms of Approval



## **Pollution Reduction Program**

### ***Odour Control Upgrade – Septic Waste Treatment Facility***

The licensee must engage the services of a suitably qualified consultant to investigate required measures and facilities for implementation which will contain, collect and treat all odours generated by septic waste treatment activities to a level that will prevent odours impacting off site.

A written report must be prepared by the consultant detailing the findings and recommendations from the odour investigations. The report must include (but not be limited to) the following information:

- Complete engineering details including drawings on proposed works demonstrating that all waste loading, unloading and treatment activities conducted at the facility will be undertaken in a fully enclosed building, or through implementation of suitable facilities such that all odours from various point sources, such as from tanker unloading operations, screens, collection pits and sumps, storage tanks, sedimentation tanks and clarifiers etc, are captured and directed to appropriate air pollution control equipment (e.g. caustic scrubber) for treatment prior to discharge to atmosphere.
- Detailed specifications, operational controls and maintenance protocols (and where available, manufacturer's performance guarantees) of proposed odour control equipment such as a caustic scrubber.
- Location, dimension and elevation of the discharge point (stack) serving the scrubber.
- Detailed management protocols to attenuate potential fugitive odour emissions.
- Information on methods to be employed to monitor proper and efficient operation of the caustic scrubber (e.g. monitoring devices fitted with audible and visual alarms to monitor liquor flow rate, pump pressure, redox potential etc)
- Provide the emission rates in terms of odour units (determined by techniques compatible with EPA procedures). Sampling and analysis techniques for individual or complex odours and for point or diffuse sources, as appropriate should be used.
- Reference should be made to *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (EPA, 2005); *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (EPA, 2006); *Technical framework: Assessment and management of odour from stationary sources in NSW* (EPA, 2006); *Technical Notes: Assessment and management of odour from stationary sources in NSW* (EPA, 2006).
- Estimate the resulting ground level concentrations of odours. Where necessary (eg for potentially significant impacts and complex terrain effects), use an appropriate dispersion model to estimate ambient pollutant concentrations. Discuss choice of model and parameters with the EPA.

## **Waste**

### ***Spill Containment***

- Details on facilities or features of the building which will provide emergency storage capacity in the event of a catastrophic tank failure whereby 110% of the capacity of the largest storage tank, or tanks if manifolded together will be provided.

PO Box A290 SYDNEY SOUTH NSW 1232  
59-61 Goulburn St Sydney NSW 2000  
Tel: (02) 9995 5000 Fax: (02) 9995 5999  
TTY (02) 9211 4723  
ABN 43 692 285 758  
[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

## Appendix 4 – Director General's Requirements



**Planning &  
Infrastructure**

**Mining & Industry Projects**

Contact: Brendan Liew

Phone: 8228 6310

Fax: 8228 6400

Email: [brendan.liew@planning.nsw.gov.au](mailto:brendan.liew@planning.nsw.gov.au)

Ms Grace Brooks  
Suite 2301, Quattro Building 2  
Level 3, 4 Daydream Street  
Warriewood NSW 2102

Our ref: 12/17678

Dear Ms Brooks

**Waste Management Facility – Emu Plains (DGR 683)  
Director-General's Requirements**

I refer to your request for the Director-General's Requirements (DGRs) for the preparation on an Environmental Impact Statement (EIS) for the above development proposal.

I have attached a copy of these requirements.

In your Form A, you indicated that your proposal would require a license under the *Protection of the Environment Operations Act 1997*.

The Department has consulted with the Environment Protection Authority (EPA) on your proposal and a copy of their response letter is attached.

When you lodge the DA for the proposal, you must provide:

- Three (two hard and one electronic) copies of the EIS to the Department;
- A suitable number of copies of the EIS to each integrated approval authority (you should consult each agency to determine the number of copies required); and
- A cheque for \$320 to each integrated approval authority, to offset costs involved in the review of the DA and EIS.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then it will require an additional approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) in Canberra on 6274 1111 or [www.environment.gov.au](http://www.environment.gov.au).

If you have any enquiries about these requirements, please contact Brendan Liew on 8228 6310.

Yours sincerely

Chris Ritchie  
Manager – Industry  
Major Projects Assessment  
as the Director-General's nominee

6/12/12



## Director-General's Requirements

Section 78A (8) of the *Environmental Planning and Assessment Act 1979*.

### Designated Development

DGR Number	683
Proposal	Waste Management Facility – Penrith local government area
Location	10-12 Smith Street, Emu Plains (Lot 330 DP575290)
Applicant	Turnbull Planning International Pty Ltd
Date of Expiry	December 2014
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> .
Key Issues	<ul style="list-style-type: none"> <li>• <b>waste management</b> – including: <ul style="list-style-type: none"> <li>– the measures that would be implemented to ensure that the project is consistent with the aims, objectives, and guidance in the <i>NSW Waste Avoidance and Resource Recovery Strategy 2007</i> and other relevant NSW government policy;</li> <li>– identification of the quantity and type of waste that would be accepted, handled, stored, processed or disposed of at the facility; and</li> <li>– a description of how this waste would be stored and handled on site, and transported to and from the site.</li> </ul> </li> <li>• <b>air quality</b> – including: <ul style="list-style-type: none"> <li>– details of the proposed capture, containment and treatment of odour emissions;</li> <li>– odour (including cumulative), dust and greenhouse gas emissions in accordance with relevant EPA guidelines; and</li> <li>– assessment of any potential impacts on nearby private receptors.</li> </ul> </li> <li>• <b>noise</b> – including construction, operation and traffic noise in accordance with relevant EPA guidelines. This assessment must consider any potential impacts on nearby private receptors;</li> <li>• <b>traffic and transport</b> – including: <ul style="list-style-type: none"> <li>– details of the size of vehicles to be used;</li> <li>– details of site access;</li> <li>– an assessment of potential traffic impacts on the capacity, efficiency and safety of the road network; and</li> <li>– a description of the measures that would be implemented to maintain and/or improve the capacity, efficiency and safety of the road network in the surrounding area.</li> </ul> </li> <li>• <b>soil and water</b> - including: <ul style="list-style-type: none"> <li>– impacts on surface water, stormwater management, wastewater management and flooding;</li> <li>– details of water requirements including water supply;</li> <li>– the potential for soil and groundwater contamination;</li> <li>– details of leachate collection and management; and</li> <li>– details of spill containment and bunding.</li> </ul> </li> <li>• <b>hazards and risk</b> – including a preliminary risk screening undertaken in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)</i> and <i>Applying SEPP 33 (DoP, 2011)</i>, and if necessary, a Preliminary Hazard Analysis (PHA); and</li> <li>• <b>fire and incident management</b> – including technical information on the environmental protection equipment to be installed on the premises such as dust and noise controls, spill cleanup equipment and fire management and containment measures.</li> </ul>

<b>Environmental Planning Instruments</b>	<p>The EIS must assess the proposal against the relevant environmental planning instruments, including but not limited to</p> <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007</i>;</li> <li>• <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i>;</li> <li>• <i>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River No. 2 (1997)</i>;</li> <li>• <i>Draft South West Subregional Strategy</i>;</li> <li>• <i>Wollondilly Local Environmental Plan 2011</i>; and</li> <li>• relevant development control plans and section 94 plans.</li> </ul>
<b>Guidelines</b>	<p>There are no specific guidelines for waste management facilities. However, Attachment No.1 provides some guidance on the preparation of the EIS.</p>
<b>Consultation</b>	<p>During the preparation of the EIS, you should/must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult surrounding landowners and occupiers that are likely to be impacted by the proposal.</p> <p>Details of the consultations carried out and issues raised must be included in the EIS.</p>

## Appendix 5 – Sydney Regional Advisory Committee, Concurrence Referral

	<b>SYDNEY REGIONAL DEVELOPMENT ADVISORY COMMITTEE</b>
	<b>SRDAC</b>

3 April 2013

Your Reference: DA12/1346  
Our Reference: SYD13/00346 (A3880523)

The General Manager  
Penrith City Council  
PO Box 60  
PENRITH NSW 2751

Attention: Robert Craig

**PROPOSED WASTE MANAGEMENT FACILITY  
10-12 SMITH STREET, EMU PLAINS**

Dear Sir/Madam

I refer to your letter of 7 March 2013 (Council Ref: DA12/1346), concerning the abovementioned Development Application which was referred to Roads and Maritime Services (RMS) for comment in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007. I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this application at its meeting on 3 April 2013.

Below are the Committee's recommendations and RMS's comments on the subject application:

1. The car parking provision is to be to Council's satisfaction.
2. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
3. The swept path of the longest vehicle (including garbage trucks) 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.

In addition to the above, RMS provides the following requirements:

1. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

Reason: To comply with RMS requirements.

Roads and Maritime Services of New South Wales

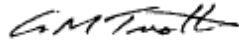
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LEVEL 11, 27-31 ARGYLE STREET PARRAMATTA NSW 2150  
PO BOX 973 PARRAMATTA CBD NSW 2150 DX 28555  
www.rms.nsw.gov.au | 13 22 13

**In accordance with State Environmental Planning Policy Infrastructure, it is essential that a copy of Council's Determination on the proposal (Conditions of Consent if approved) is forwarded to RMS at the same time it is sent to the developer.**

Any inquiries can be directed to Dianne Rees by telephone on 8849 2237.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. M. Trotter'.

Gordon Trotter  
Chairman, Sydney Regional Development Advisory Committee