

MEMORANDUM

Reference: PPSSWC-80 (Council Reference: DA20/0262)
To: Sydney Western City Planning Panel
From: Lauren van Etten, Senior Development Assessment Planner
Date: 2 March 2022
Subject: **Proposed Resource Recovery Facility at 344 Park Road, Wallacia**

I refer to the subject development proposal and the Sydney Western City Planning Panel's Record of Deferral dated 23 December 2021 in relation to the proposal.

This memorandum provides advice for the Panel's consideration in response to several queries raised in the Panel's Record of Deferral, and is further to the Panel's inspection of the subject site undertaken on 16 February 2022.

(a) The potential and practicality of enclosing all significant noise producing activities

The applicant has submitted updated plans which provide for a covered loading area for the aggregate bunkers. This design sites all loading and unloading operations inside the building. Operations such as aggregate transfer (loading and unloading), as well as dropping of aggregate from the conveyor system, and movements associated with front-end loaders are now all internalised. The proposal is therefore considered suitable in respect to the amenity concerns raised during the Panel determination meeting on 15 December 2021 regarding the previously externally accessed storage bunkers. Recommended Conditions 1, 25, 26, 33, 36, 38, 39 and 41 have been modified to reflect all updated plans and documents. In addition, recommended Condition 14 has been deleted as it is no longer applicable based on the design changes.

Given the proposed building has increased in size, it was queried with the applicant whether the bushfire Asset Protection Zone (APZ) required west of the building needs to be re-located further west. In response, the applicant's bushfire consultant advised the APZ can reduce in size from 49m to 39m without affecting the construction requirements for the building, noting *Planning for Bushfire Protection 2019* does not impose any level of construction requirements for industrial or office type buildings. Consultation with the Rural Fire Service (RFS) has confirmed the reduced APZ west of the building is acceptable. Recommended Condition 11 has been modified to address this matter.

As the revised APZ will not extend outside the area assessed as part of the Biodiversity Development Assessment Report (BDAR), an amended BDAR is not warranted. The revised design will therefore not increase likely impacts on the site's biodiversity values.

In relation to surface water run-off, Council's Development Engineer has reviewed the updated plans and has confirmed that the additional roof area will not result in any increase in stormwater flows, as this area was previously proposed as an impervious (hardstand) area. Any stormwater flows will now be collected by the roof drainage system rather than falling on the hardstand loading area. Ultimately, however, all stormwater run-off will be conveyed to the same drainage system.

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While the stormwater plans will now need to be amended to show new locations of downpipes, pits and pipes, this matter can be addressed by as part of the Construction Certificate process. In this regard, recommended Condition 54 has been modified as follows (changes shown in **bold**, including changes outlined in Council's previous memorandum to the Panel dated 15 December 2021):

*The stormwater management system shall be consistent with the stamped approved plans prepared by Indesco, Project No. 7410-DA, **subject to the addition of updated drainage details for the amended roof area over the truck loading area adjacent to the storage bunkers.***

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.

Prior to the issue of any Construction Certificate, the Certifier shall also ensure that the rip-rap aprons at the discharge points of OSD 1 and OSD 2 are sized in accordance with Managing Urban Stormwater: Soils and Construction - Volume 1 (the Blue Book) to maximise the energy dissipation and spread of flow at the discharge points.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Council's Environmental Management Officer has also reviewed the updated plans and the updated Noise Impact Assessment which was submitted to reflect the plan amendments. The updated assessment satisfactorily addresses the now internal truck loading area and aggregate loading bays. It also satisfactorily addresses potential noise and vibration impacts which may arise from the construction phase of the proposed development, as well as from traffic which may be generated as a result of the proposed development.

The updated plans identify proposed acoustic mitigation measures such as auto-closing roller shutters, double corrugated steel cladding, roof cladding and acoustic louvres. In this regard, Council's Environmental Management Officer is satisfied that there will be no offensive noise impacts generated as a result of the proposed development, subject to compliance with the Noise Impact Assessment recommendations and the recommended conditions of consent.

Council's Environmental Management Officer has also reviewed the updated Air Quality Impact Assessment which was submitted to reflect the plan amendments. The assessment outlines that re-modelling of potential air quality impacts on surrounding sensitive receivers is not warranted given external stockpile, conveyor belt and truck loading activities are now proposed to be undertaken indoors. In this regard, there will be an 11% reduction in emissions compared to that previously assessed. Overall, Council's Environmental Management Officer is satisfied that there will be no offensive air pollution or odour generation impacts as a result of the proposed development, subject to compliance with the recommended conditions of consent.

It is noted that an updated Traffic and Parking Impact Assessment has also been submitted. The updated assessment is satisfactory and addresses concerns raised during the Panel

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determination meeting on 15 December 2021 regarding an incorrect speed limit reference for Park Road, which is now correctly referenced and assessed as 80km/h. However, it is noted that the assessment indicates there will be an average of 6 truck deliveries to the site per hour (i.e. 12 truck movements in total per hour), which differs to that outlined in the Noise Impact Assessment (being 5 truck deliveries to the site per hour, or 10 truck movements in total per hour). Recommended Condition 6 addresses this anomaly, such that no more than 55 truck deliveries to the site (110 truck movements) are permitted on weekdays (7am to 6pm), and no more than 25 truck deliveries to the site (50 truck movements) are permitted on Saturdays (8am to 1pm).

(b) The impact of the additional truck movements proposed for Park Road by the facility

Council's engineer has confirmed that the proposal has been assessed by Council and Transport for NSW (TfNSW) on the basis of the applicable 80km/h speed limit for Park Road. The following matters are noted in this regard:

- Entry to the site from Park Road – A basic right turn and left turn treatment (BAR and BAL) were proposed by the applicant for access to the development. Transport for NSW (TfNSW) has requested an auxiliary left turn treatment (AUL) be provided instead of a BAL based on assessment of the posted 80km/h speed limit, which is supported by Council.
- Sight distances exiting the driveway onto Park Road – Sight distances have been analysed by Stanbury Traffic Planning in their supporting letter dated 5 August 2021 based on an 80km/h speed limit. Council has reviewed Stanbury's analysis and concurs with their findings that the available sight distances are adequate.
- SIDRA traffic modelling – The traffic modelling initially undertaken by Motion Traffic Engineers incorrectly adopted a 60km/h speed limit. While this does not significantly change the results of the traffic modelling due to the low trip generation in the peak hours, an updated Traffic and Parking Impact Assessment has been submitted to Council to correct this error and update the associated traffic modelling based on the correct speed limit of 80km/h. While Park Road provides a speed limit of 80km/h adjacent to the site, the speed limit reduces to 60km/h on immediate approach.
- The updated Traffic and Parking Impact Assessment also reflects the correct staffing arrangements, being a maximum of 20 staff on the site at any one time (as opposed to the originally assessed 26 staff on the site at any one time). Council's engineer reviewed the updated Traffic and Parking Impact Assessment prepared by Motion Traffic Engineers and has confirmed that traffic impacts have been adequately addressed for the proposal.
- Park Road is a classified State road which permits heavy vehicle access. The surrounding road network, including Park Road, is deemed capable of accommodating the proposed number of truck movements.

(c) The likely acoustic impact of additional heavy vehicles and the reliability of available means to mitigate that impact

A maximum of 55 truck deliveries to the site on weekdays, and no more than 25 truck deliveries to the site on Saturdays, is not considered to unreasonably affect the surrounding area for the following reasons:

- As Park Road is a classified State road, it currently carries heavy vehicle traffic, noting there are rural industries in the area and the nearby Aerotropolis precincts soon to be under

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construction. The proposed site operations will not substantially alter existing traffic volumes. More specifically, the Traffic and Parking Impact Assessment has found that there is spare capacity at the nearby intersections to accommodate the additional traffic from the proposed development.

- The Traffic and Parking Impact Assessment concluded that the additional trips generated by the proposed development will represent a low proportion of the existing Park Road traffic volumes. Council's engineers and Transport for NSW (TfNSW) raised no concerns in relation to this aspect of the proposal.
- Council's Environmental Management Officer is satisfied that the Noise Impact Assessment satisfactorily addresses truck movements which may be generated as a result of the proposed development. The assessment shows that noise impacts on the nearest sensitive receptors will comply with the relevant environmental criteria.
- The Environment Protection Authority (EPA) did raise concern in response to their statutory referral that noise impacts could increase if the average hourly vehicle movements are not satisfied. However, to ensure the noise impacts of truck movements are managed in a practical way, recommended Condition 6 requires that the number of truck deliveries to the site is limited to 5 per hour to ensure the noise generated by truck movements can be regulated. This was recommended by the EPA as an adequate mitigation measure. Also refer to the comments under item (d) below.
- In response to the outcomes recorded in *Jonah Pty Ltd v. Pittwater Council (2006) NSWLEC99*, the subject proposal is not relying on the existing impacts of a past unlawful use of the site as establishing a baseline to measure the impacts of the proposed use. There are no references in the Traffic and Parking Impact Assessment to the previous unlawful use of the site or any reliance on the traffic impacts of the previous use as establishing a baseline to measure the traffic impacts of the proposed development. Regardless, the traffic generated by the proposed development is not considered to have a significant impact on the performance of Park Road or nearby intersections.
- Regarding the future character of the surrounding area, the site is immediately west of the future M9 orbital and 300m west of the Aerotropolis Agribusiness Precinct. The proposed number of truck movements is not considered to be contrary to the likely future character of the area in this regard.

(d) Any issues of concern arising in relation to the implementation and enforcement of management plans relied upon to mitigate potential unacceptable impacts

The application has been accompanied by a comprehensive Environmental Impact Statement (EIS) prepared in accordance with the relevant legislation and policy regulations. The EIS satisfactorily addresses the implementation and management of environmental and operational management procedures.

The EIS has been updated as part of the recent proposal amendments and includes further operational information regarding compliance with the hourly vehicle movement restrictions. In this regard, the facility will implement a truck booking system which is a computerised program known as "Waste Edge". This system allows for bookings to be made for delivery and pick-up of skip bins and waste loads and enables the timing of truck movements into and out of the site to be managed.

Further, an allocator stationed at the weighbridge will be dedicated to the truck scheduling



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program to manage:

- Scheduling of trucks arriving and leaving the site;
- Timing of truck deliveries to ensure there is room on-site for the trucks to unload; and
- The weighbridge is to contain vehicle queues inside the site.

Recommended Condition 6 has been modified to include these arrangements.

In addition, clarification has been provided by the applicant regarding the number of staff members that will be on the site, being a maximum of 20 staff on the site at any one time. Recommended Condition 6 has been modified to reflect this staffing arrangement.

Recommended Condition 6 has also been modified to clarify that no site operations are to occur on Sundays or public holidays.

Lauren van Etten

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