

CLARON CONSULTING PTY LTDL
PO BOX 115
CASTLE HILL NSW 1765

Dear Sir/Madam,

Pre - Development Application Advice

Reference Number:	PL-85/2017	
Proposed Development:	Proposed Waste Resource Recovery Facility (construction and demolition material) including ENM/VENM and green waste. No putrescible proposed. Approx 28,000 tonnes per annum	
Property Address:	55 MARTIN ROAD, BADGERYS CREEK NSW 2555 LOT 4 DP 611519	
Date of Meeting:	19 July 2017	
Present at Meeting:	Council Representatives:	
	Name	Title
	Marcus Jennejohn	Senior Development Planner
	Glenn Ford	Senior Development Planner
	Peter Oriehov	Senior Environmental Health Officer
	Phillip Pham	Land Development Engineer
	Applicant Representatives:	
	Name	Company
	Brent Winning	Claron Consulting
	Michael Antoun	AMJ Demolition & Excavation

EXECUTIVE SUMMARY

Zoning:	RU1 Primary Production under Liverpool Local Environmental Plan 2008
Permissible Development:	Development for the purpose of a resource recovery facility (RRF) is a prohibited development in the RU1 Primary Production zone pursuant to LLEP 2008 for which the site is zoned. However, a RRF is identified as permitted with consent pursuant to State Environmental Planning Policy (Infrastructure) 2007 which permits waste or resource management facilities within a prescribed zone.
Relevant Environmental Planning Instruments & Codes	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising and Signage • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) (Deemed SEPP) • State Environmental Planning Policy (Infrastructure) 2007 • Liverpool Local Environmental Plan 2008 (LLEP 2008) • Sydney Regional Growth Centres (SRGC) 2008 State Environmental Planning Policy • Liverpool Development Control Plan 2008: <ul style="list-style-type: none"> - Part 1 – General Controls for all Development. - Part 5 – Rural and E3 Zones. • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) • Contaminated Land Management Act 1997 • Native Vegetation Act 2003 • Threatened Species Conservation Act 1995 • Protection of the Environment Operations Act • Commonwealth Environment Protection and Biodiversity Act 1999
Relevant external referrals:	<ul style="list-style-type: none"> • Roads and Maritime Services (State Environmental Planning Policy (Infrastructure) 2007 – Schedule 3 concurrence • Transgrid / Endeavour Energy - Cl.45 of State Environmental Planning Policy (Infrastructure) 2007 • Department of Infrastructure and Regional Development (DIRD) • Department of Planning and Environment (DPE) - Secretary's Environmental Assessment Requirements (SEARs) • Environmental Protection Authority (EPA) – licensing authority
Other Relevant Matters:	

Issue / Planning Control	Comments
Planning	<p>Building Design</p> <p>Given the proximity of the development to established residential properties, the visual impact of the development on the amenity of the residential area is considered significant.</p> <p>In keeping with a recent decision by the SSWPP for a RRF at 25 Martin Road it is unlikely that a RRF can be supported without all operations and storage of materials being contained in a fully enclosed building.</p> <p>The building should be designed to ensure that its presentation to Martin Road and Lawson Road is sympathetic to the predominant rural character of the area. The architectural language should aim to reduce the apparent bulk, mass and scale of the building. This should include perspective drawings and 3D renders applying a neutral colour scheme, which in accordance with the DCP, emphasize earth and natural colours showing the proposal in relation to its context.</p> <p>Landscaping</p> <p>Landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcover to soften the visual impact of any proposed structures and to minimise the impact of the development on the rural residential area. Applicants need to demonstrate that plant selection is suitable for the particular soil type of the site and comply with any site constraints. A landscape architect shall be engaged as part the design process from the outset. The submitted documentation only show landscaping along the Martin Road frontage and along the side boundaries (to be planted with Casuarina Cunninghamiana – may not be most suitable species).</p> <p>Signage</p> <p>The proposal shall include a SEPP 64 compliance table for any proposed signage.</p> <p>Badgerys Creek Airport</p> <p>The subject site lies under the flight path for the proposed Badgerys Creek airport. The proposal must consider its relationship to the Australian Noise Exposure Forecast (ANEF) contours and permissibility under LEP Clause 7.18. Additionally, given the site's proximity to the future airport, significant consideration will be given to potential environmental impacts.</p> <p>Parking and hardstand areas</p> <p>The proposal must include details of the proposed hardstand (concrete or asphalt pavement) for the building, driveways,</p>

	<p>haulage roads and car parking areas. Details of the car park layout, driveways, vehicle manoeuvring areas and entry and exit points. In keeping with the recent SSWPP for a RRF at 25 Martin Rd, the proposal is unlikely to be supported unless suitable hardstand material is provided for all parking, stockpile, processing and vehicle manoeuvring areas.</p> <p>Liverpool DCP The proposal must consider Part 5 of Liverpool Council's DCP. In particular setbacks, height, building materials, colours, streetscape and rural landscape.</p> <p>EPA The proposal is regarded as 'integrated development' as it triggers requirements pursuant to s.91 <i>EPA Act 1979</i>, requiring approval from the Environment Protection Authority (EPA).</p> <p>The adequacy of the structure is at the discretion of the EPA as they are the licensing authority for the proposed resource recovery facility. Consultation with the EPA regarding the proposal prior to lodgement is highly recommended to ensure a proposed enclosure is suitable to address environmental impacts including but not limited to noise, dust and water issues.</p> <p>Additional reports The application should be accompanied by the following reports:</p> <ul style="list-style-type: none"> - Vibration assessment - Hazardous materials protocol
	<p>Designated Development The proposal is considered to be a designated development, based on the following clauses from the <i>Environmental Planning and Assessment Regulations 2000</i>:</p> <ul style="list-style-type: none"> • Sch 3, cl. 16(1)(b) – crushing, grinding or separating works that are located within 250 metres of a dwelling not associated with the development; • Sch 3, cl. 32(1)(b)(iii) – Waste management facilities or works that store, process, recycle, recover, use or reuse material from waste and that sort, consolidate or temporarily store waste at transfer stations for transfer to another site for final disposal, permanent storage, recycling, use or reuse and that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material; • Sch 3, cl. 32(1)(c) – Waste management facilities or works that store, treat or dispose of waste or sort, process,

	<p>recycle, recover, use or reuse material from waste and that recover, reprocess or process more than 5,000 tonnes per year of solid organic materials (in this case greenwaste); and</p> <ul style="list-style-type: none"> Sch 3, cl 32(1)(d)(ii) – Waste management facilities or works that store, treat, or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and that are located in an area of sodic or saline soils. NB the sodicity and saline levels in the soil exceed threshold levels (waste management facilities or works). <p>Consultation The applicant shall consult with the Department of Planning and Environment and obtain the Secretary's Environmental Assessment Requirements (SEARs).</p> <p>Decision Making Authority The Sydney South West Planning Panel would act as the determining body due to the development being classified as "designated development".</p> <p>Zoning - Growth Centre The subject land and surrounding area has not been rezoned by the Growth Centres SEPP, however, it is identified as 'future industrial' on the South West Growth Centre Development Control Map (Edition 2) – Sheet DVC 006. As precinct planning for the area where the subject land is situated is not yet finalised, pursuant to Clause 16 of the Growth Centres SEPP, matters under Clause 16 must be considered in any application for the subject site.</p>
Key Engineering Issues	<ol style="list-style-type: none"> Water Quality Treatment Sealed access driveway and show extents of hardstand areas.
Engineering stormwater -	<ul style="list-style-type: none"> Stormwater drainage for the site must be in accordance with Council's Development Control Plan. A stormwater concept plan shall be submitted with the application. The stormwater concept plan shall be accompanied by a supporting report and calculations. On-site detention is required to be provided for the site. The on-site detention system must be within common

	<p>property and accessible from the street without going through dwellings or private courtyards.</p> <ul style="list-style-type: none"> • A water quality treatment device shall be provided in accordance with Council's Development Control Plan. Provide MUSIC Model.
Traffic and Access	<ul style="list-style-type: none"> • The application shall be supported by a Traffic Report prepared by a suitably qualified person which includes addressing parking provision and traffic generation impacts • The application must demonstrate that access, car parking and manoeuvring details comply with AS2890 Parts 1, 2 & 6 and Council's Development Control Plan. • The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road for the largest vehicle to service the development
Engineering – roadworks and road reserve works	<p>The development will require the following external road works:</p> <ul style="list-style-type: none"> ○ Driveway crossing in accordance to Liverpool Council standard and specification.
Engineering earthworks -	<ul style="list-style-type: none"> • No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site. • Earthworks and retaining walls must comply with Council's Development Control Plan. • The application is to be supported by a geotechnical report prepared by a suitably qualified person to address any potential salinity/ acid sulphate soils. • Proposed fill material must comply with Council's Development Control Plan.
Health Comments	<p>1) The proposed development is considered as Integrated</p>

	<p>Development pursuant to Section 91 of Environmental Planning and Assessment Act 1979 and as a result shall be referred to NSW Environmental Protection Authority for comment;</p> <p>2) A Stage 2 Detailed Site Investigation prepared by a suitably qualified and experienced contaminated land consultant, which identifies the level and extent of any contamination at 55 Martin Road, Badgerys Creek. This includes providing information to define the nature, extent and degree of contamination; to assess potential risk posed by contaminants to health and the environment; The assessment shall take into consideration the dams and any water courses.</p> <p>The report shall be prepared in accordance with the Environmental Protection Authority (EPA) Contaminated Sites Series and shall provide an assessment of the suitability of the above premises for the intended/continued land use.</p> <p>3) An acoustic report shall be prepared by a suitably qualified and experienced acoustic consultant in accordance with the Environment Protection Authority's Industrial Noise Policy, Interim Construction Noise Guideline (DECC 2009), and the NSW Road Noise Policy 2011. The acoustic report shall give consideration to all noise and vibration impacts arising from the construction and operation of the proposal and where necessary specify recommendations/noise control measures to achieve compliance with the project-specific noise levels.</p> <p>The assessment shall encompass all activities taking place within the boundary of the premises and extend to offsite impacts including road noise. Peak noise level events associated with the construction and operation of the facility should also be assessed for sleep disturbance. In accordance with the EPA's Industrial Noise Policy it would be necessary to determine the project specific noise levels for intrusiveness and amenity relevant to the site or area.</p> <p>Sound levels shall be adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content. The acoustic report shall be made available to Council for review;</p> <p>4) Engage the services of a suitably qualified and experienced air quality consultant to undertake an air quality assessment of the proposal in accordance with the</p>
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	<p>Department of Environment and Conservation (now known as the NSW Environment Protection Authority) 'Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (January 2017). The assessment shall identify all sources of air pollution and potential emissions.</p> <p>5) Engage the services of a suitably qualified and experienced air quality consultant to undertake an Odour report of the proposal in accordance with the Department of Environment & Conservation (now known as the NSW Environment Protection Authority) Technical Framework – Assessments and Management of Odour from Stationary Sources in NSW (November 2006).</p> <p>6) Engage the services of a suitably qualified and experienced environmental consultant and prepare an Environmental Management Plan (EMP) for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptable impacted upon by the proposed modification. The EMP shall include but not be necessarily limited to the following measures;</p> <ul style="list-style-type: none"> a. Measures to Control noise emissions from the site; b. Measures to suppress odours and dust emissions; c. Selection of traffic routes to minimize residential noise intrusions; d. Soil and sediment control measures; e. Measures to identify hazardous and industrial waste and the procedures for removal and disposal including asbestos; and f. Community Consultation. <p>7) Engage a suitably qualified and experienced consultant to undertake a waste water report detailing on-site sewerage disposal is to be provided.</p> <p>8) Engage a suitably qualified and experienced consultant to undertake a hazardous and offensive development assessment responding to SEPP Policy No 33 – Hazardous and Offensive Development.</p>
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Note:

This Pre-Lodgement advice is only a preliminary review of the concept development and the comments provided, written or otherwise, must not be considered as assessment of your proposal. Council is unable to make a recommendation on the proposal until such time as a full merit assessment of a lodged Development Application and its supporting documentation

is undertaken.

The advice provided in no way fetters the discretion of Council in the assessment and determination of any potential application for the site. Additionally, any matters not identified in the below advice may emerge during the consideration of the complete application.

Information to be submitted with a Development Application

The following information is required to be submitted with any potential application. All the requested information is required to be submitted to enable a complete, proper and timely assessment of the application.

Please be advised that any potential application will not be accepted for lodgement unless all the required information is submitted.

Architectural Plans
<ul style="list-style-type: none">• Survey Plan (confirming no building encroachments to easements, if any),• Architectural plans (site plan, floor plans, elevations and sections), ensuring that all survey details including boundaries and other site constraints are shown on the architectural plans),• Site analysis,• Shadow diagrams and shadow analysis of adjoining elevations,• Coloured perspectives,• Colour schedule of external building materials, colours and finishes,• Landscaping plan prepared by a qualified Landscape Architect,• Stormwater Drainage plan,• Demolition plan and statement, clearly identifying all structures to be demolished.
Reports
<ul style="list-style-type: none">• A quantity surveyors report which identifies the Capital Investment Value (CIV) and estimated cost of works,• An Environmental Impact Statement (EIS) including addressing Section 79C of the EPA & Act 1979 and Table of Compliance against provisions of LLEP 2008, DCP 2008 and SEPPS• Air Quality Impact Assessment• Air Quality Management Plan• Acoustic Assessment and Management Plan• Pavement, Signage and Linemarking Plan• Vibration assessment• Hazardous Materials Protocol• Traffic and Parking Assessment including swept path analysis,• Site contamination investigation report, Remediation Action Plan as required• Essential services report.
Digital Requirements
<ul style="list-style-type: none">• 1 x CD Rom / USB containing electronic copies of all above documents accurately titled.

Other Supporting Documents

- Written justification of any variations to LLEP 2008 development standards in accordance with Clause 4.6 of the LLEP 2008,
- Written justification of any variations to LDCP 2008 controls
- Waste Management Plan (for demolition, construction and on-going waste management),
- Erosion and sediment control plan,
- Earthworks plan and cut/fill and retaining wall details,
- Sections depicting the relationship between proposed surface levels, floor levels, openings, type of opening, setbacks etc in comparison to the same elements on adjoining sites,
- 1 x copies of the above reports/plans.
- Plans are to be no larger than A3 size.

Please do not hesitate to contact the undersigned on **1300 36 2170** if you wish to discuss this matter further.

Yours faithfully



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DEVELOPMENT ASSESSMENT

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