



18th July 2018

Liverpool City Council
33 Moore Street
LIVERPOOL NSW 2170

By email: FlynnA@liverpool.nsw.gov.au

Attention: Adam Flynn, Senior Development Planner

**RE: DA 263/2018 – 55 Martin Road Badgerys Creek
Proposed Resource Recovery Facility
Response to Submissions from Referral Agencies**

Dear Mr Flynn,

I refer to your email to me of 22 June 2018 (12.31 pm) and our subsequent telephone conversations and emails.

This *Response to Submissions* is provided to Liverpool City Council and should be considered as part of the DA-263/2018 application and supporting documentation for the Resource Recovery facility at 55 Martin Road, Badgerys Creek.

We understand that the *NSW Environment Protection Authority (EPA)* and the *NSW Roads and Maritime Services (RMS)* have provided submissions to the Consent Authority which is *Liverpool City Council*. You have also received internal submissions which require our comment and further information.

Below are our responses to each item included in these submissions and your email.

1. NSW Environment Protection Authority

1.1 Resource Recovery Orders and Exemptions

On 30 October 2017, the EPA provided SEARs to DPE in relation to this proposal. In those SEARs, the EPA set out its requirements for assessment of the proposal, including, “details of any materials that will be produced under a Resource Recovery Order, and the controls in place for meeting the conditions of that order”.

The Proponent must confirm whether it intends to produce resource recovered materials in relation to an order or exemption.

Response: We confirm that the proponent is intending to produce resource recovered materials that will be tested in accordance with current relevant resource recovery orders.

1.2 Receipt of ENM

The EPA’s Resource Recovery Orders (RRO) refer to the receipt of classified waste types and their processing into an exempted material. The EPA’s Resource Recovery Exemptions (RRE) refers to those materials being applied to land. You are not able to accept waste that meets an RRO or RRE onto the site (unless in the case of an RRE, you are applying it to land). Excavated Natural Material (ENM) is defined in the EPA’s ENM Orders and Exemptions. Therefore, it is not appropriate to list these as a waste type to be received at a resource recovery or waste processing facility and will not be listed as a waste type in the EPA’s GTAs should they be issued for this proposal.

The Proponent must confirm that it does not seek approval to receive “ENM at the proposed facility”.

Response: We confirm that ENM materials will not be received on site unless it is intended to be used in accordance with the *ENM Resource Recovery Exemption 2014*.

1.3 Receipt of garden waste

The EPA notes that the acceptance, storage, processing and handling of certain waste types such as garden waste has the potential to generate offensive odour. The EPA's SEARs provided to DPE on 30 October 2017 specifically highlight the need for consideration of odour. However, the EIS states that, "odour is not considered as a potential emission that would be generated from the proposed development and therefore was not assessed".

As no odour assessments were conducted, the EPA will limit the quantity of garden waste permitted to be received per year to 2000 tonnes per year, and the quantity permitted onsite at any one time to 30 tonnes to mitigate odour generation. Should you wish to increase this limit, an odour impact assessment must be conducted to demonstrate the potential impacts from the receipt and storage of a larger quantity of garden waste.

The Proponent must confirm whether it intends to conduct an odour assessment as part of the proposal.

Response: We confirm that at this stage the proponent is not intending to undertake an odour impact assessment as part of the proposal and the limits specified by the EPA will be complied with. However, depending of the future operations of the facility, if the proponent is intending to receive or store garden waste above the specified limit, an odour impact assessment will be undertaken and a DA modification as well as an EPL variation will be sought.

1.4 General waste

Page iii of the Executive Summary states that the facility will process "general waste". This description is too broad, encompasses a large range of waste types and is not defined in the Act. The EPA will not approve the receipt of "general waste", rather, any environment protection licence issued for this proposal would contain specific waste types permitted to be received at the facility.

The Proponent must confirm that it does not seek approval to receive “general waste” at the proposed facility.

Response: We confirm that the proponent will not receive “general waste” at the proposed facility but rather the waste specified in Section 8.3 of the EIS.

1.5 Hazardous waste

Several sections of the EIS state that “occasionally, other waste types like Hazardous waste may enter the subject site; for example, in the case of asbestos containing material being found within the C&D waste loads accepted at the proposed facility”. The EPA reiterates that no hazardous waste, restricted solid waste or special waste will be permitted to be received at the facility. The Proponent should have stringent procedures in place to ensure no non-conforming waste enters the facility. The EPA has released draft guidance on minimum standards for C&D facilities, which sets out the minimum procedures to be followed to mitigate the risk of asbestos waste entering the site. The Proponent should review the guidance and ensure any proposal can comply with those guidelines.

The Proponent must confirm that it will employ robust measures to ensure that asbestos waste is not received at the proposed facility.

Response: We confirm that the proponent will not receive asbestos waste on site and will implement stringent procedures in accordance with current EPA guidelines to address such events, if and whenever they occur. We are aware of the EPA’s guidelines titled “*New minimum standards for managing construction and demolition waste in NSW - 2016*” and the draft “*Protocol for managing asbestos during resource recovery of construction and demolition waste – 2014*”.

1.6 Diesel storage

The EIS notes that diesel fuel will be stored and used at the site and the diesel storage area will comply with the Australian Standard AS 1940:2017 - The storage and handling of flammable combustible liquids. The Proponent should also construct any necessary infrastructure to the diesel

tanks and surrounds to prevent spill, leaks, impact and penetration. This may include barriers to protect against impact and/or penetration from heavy vehicles, leak detection, automatic cut-off mechanisms to filling points and hoses used for the transfer of fuel and positioned within a bunded, impervious hardstand.

The Proponent must confirm that it will construct additional measures in the diesel storage area to ensure that any potential spills and leaks are prevented.

Response: We confirm that the proponent will construct additional measures to contain any spills or leaks from the diesel fuel tank. The measures will also include physical structures to prevent any potential encroaching by vehicles during normal operations. All proposed measures will comply with current Australian Standards and NSW relevant guidelines

2. NSW Roads and Maritime Services

2.1 The proposed truck driveway on Lawson Road should be amended to gain access from Martin Road rather than Lawson Road. Roads and Maritime considers truck movements onto Elizabeth Drive via Martin Road to be a safer outcome than the proposed arrangement. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

Response: We confirm that the site plan will be amended to relocate the entry and weighbridge from Lawson Road to the Martin Road frontage, as requested. The material storage bins will relocate to the lower end of the site and minor modifications to the landscaping concept plan and surface water management plan will be required, however the general site layout and processing shed will be generally be unaltered.

I note my telephone conversation with Council's traffic engineer Salih (17/7/2018, 4.05 pm) that if the site plan was amended as above, then Council would not seek to impose a 'Deferred Commencement' Condition of Consent that sought to restrict the development from operating until the RMS had completed the intersection upgrade.

We request an additional period of 28 days effective from the date of your confirmation, to prepare the necessary amended plans and submit same to Council for further consideration.

2.2 The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) 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.

Response: Amended swept path plans will be provided.

2.3 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

Response: We confirm that the amended access plans will be in accordance with the relevant Standards. We have objection to parking restrictions being placed on Martin Road.

2.4 All vehicles are to enter and exit the site in a forward direction.

Response: All vehicle will enter and exit in a forward direction from Martin Road.

2.5 All vehicles are to be wholly contained within the site before being required to stop.

Response: The weighbridge will be positioned so that all vehicles are wholly within the site.

3. Liverpool City Council

3.1 Environmental Health – additional information required (from your email):

The purpose of the contamination assessment is to describe the methodology and results of a preliminary site investigation. The aim is to provide a preliminary assessment of the potential occurrence and extent of contamination at the site and assess any potential risk to human health and the environment with respect to a proposed waste resource recovery facility.

The assessment was prepared in accordance with NSW EPA guidelines on site contamination.

The site is 2.54Ha and a total of 19 boreholes were drilled and soil samples were collected for analysis. The amount of samples collected do not coincide with NSW EPA sampling design guidelines. 35 sampling points are required for 2.5Ha of the site.

Based on the above there are data gaps in relation to the preparation of the contamination assessment.

The applicant shall engage the services of a suitably qualified and experienced contaminated land consultant and prepare a Stage 2 Detailed Site Investigation. The scope of the assessment shall be prepared in accordance with *NSW EPA "Sampling Design Guidelines" (1995)* and to undertake the recommended number of sampling points for 2.54 Ha of the site. The report shall be prepared in accordance with the *Environmental Protection Authority (EPA) Contaminated Sites Series*.

Response: With great respect we do not agree that a DSI is warranted, given the result of the PSI that the site has tested clean in 19 borehole locations, which provides a very representative sample, and that there is no site history of prior land use that would suggest contamination. The PSI is clear that there is very little risk to human health for the site.

We ask that your Environmental Health Officer considers the letter (attached) from our consultant STS Environmental on this matter before proceeding to further detailed and costly investigations.

3.2 Traffic – comment:

The proposed widening of Martin Road is likely to require land acquisition from the subject property. The extent of the potential land take is unknown at this stage, but it is expected to be as much as 10m wide. It is not clear if the applicant has factored in this potential in their development.

Response: The proposed road widening was unknown to us but is not expected to cause an impediment to the development as there is sufficient depth of the Martin Road front setback to allow for significant screen planting and soft landscaping to attenuate the visual impact of the development.

We trust that the above is to your satisfaction and we will endeavour to provide the necessary amended plans to Council at the earliest possible opportunity after receiving your instructions by return email to proceed.

Should you wish to discuss this matter further please contact me at your convenience.

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