



# **Addendum to the *Environmental Impact Statement* for a proposed Amendment to a Development Consent**

<b>Description:</b>	sect. 4.55(2) amendment to DA-263/2018 for ' <i>...a Resource Recovery Facility for 95,000 tonnes per annum of construction and demolition waste including the installation of a weighbridge, hardstand, retaining walls and erection of a rural shed.</i> '
<b>Address:</b>	Lot 4 in DP 611519 (55) Martin Road Badgerys Creek NSW 2555.
<b>Owner:</b>	Michael Antoun
<b>Prepared for:</b>	AMJ Demolition and Excavations
<b>Prepared by:</b>	Brent M Winning JP [B.Build (Hons.), GDURP, MAIB, RPIA, LREA] Registered Planner, Building & Development Consultant
<b>Reviewed by:</b>	Louise Popowitz [MUPE, BSc NatRes-NatMgt] Consulting Planner
<b>Report No:</b>	18580 Rev.1
<b>Date:</b>	24 September 2019

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## 1. BACKGROUND TO THE PROPOSED AMENDMENT APPLICATION

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This Addendum to an Environmental Impact Statement (“EIS”) has been prepared to accompany an application to modify Development Consent DA-263/2018 approved by the *Sydney South West Planning Panel* (“Planning Panel”) with a Consent issued by Liverpool City Council (“Council”) on 17/04/2019 for ‘...a Resource Recovery Facility for 95,000 tonnes per annum of construction and demolition waste including the installation of a weighbridge, hardstand, retaining walls and erection of a rural shed.’

The modification application is made pursuant to section 4.55(2) of the Environmental Planning and Assessment Act 1979.

This report should be read in conjunction with:

- *Environmental Impact Statement* prepared by *Benbow Environmental* dated 22/03/2018.
- *Minutes of Pre-Lodgement Meeting PL-59/2019* issued by Liverpool City Council – included at Annexure A of this Report.
- *Email from Bianca Thornton on behalf of the Department of Planning, Industry and Environment* dated 11/9/2019 – included at Annexure B of this report.
- *Email from Deanne Pitts on behalf of the NSW Environment Protection Authority* dated 11/9/2019 – included at Annexure C of this report.
- *Amended Architectural Plans and Visual Impact Assessment Issue D* prepared by *PTI Architecture* dated 23 September 2018 - included at Annexure D of this Report
- *Landscape plan updates* prepared by *Ecological Consultants Australia Pty Ltd* dated September 2019 – included at Annexure E of this Report
- *Civil and Stormwater Plans Issue B* prepared by *TOP Consulting* dated 6/9/2019 – included at Annexure F of this Report
- *Letter Report* prepared by *Transport & Urban Planning Pty Ltd #19115L1*, dated 29 August 2019 – included at Annexure G of this Report.

- *Noise Impact Assessment 191238\_NIA\_Rev3* dated 13 September 2018 prepared by *Benbow Environmental* – included at Annexure H of this Report.
- *Air Quality Statement 171127\_AQIA\_Rev 3* dated 13 September 2019 prepared by *Benbow Environmental* – included at Annexure I of this Report.
- *Letter Report – Revised Stormwater Management #2017-01* prepared by *Ultramark Pty Ltd* dated 24 September 2019 – included at Annexure J of this Report

## 2. THE PROPOSAL

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The proposal is to modify Development Consent #DA-263/2018 to amend the site plans to facilitate a better traffic flow within the site for truck manoeuvring and other minor operational improvements, demolish the existing cottage and replace it with a new office building of similar size and footprint.

The proposal is supported by *Minutes of Pre-lodgement meeting (PL-59/2019)* held between the Applicant and Liverpool Council on 14 August 2019, amended expert reports and plans.

There is no change to the approved operational parameters of the facility in terms of operating hours, waste tonnages, truck types and movements, staffing numbers and carparking numbers.

## 3. SITE AND LOCATION DESCRIPTION

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The subject land is located at Lot 4 in DP 611519 (55) Martin Road Badgerys Creek NSW 2555.

A detailed description of the site and its surrounds is contained in Section 2.0 of the *Environmental Impact Statement* prepared by *Benbow Environmental* dated 22/03/2018.

## 4. PROPOSED MODIFICATIONS

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The applicant seeks to modify the following Conditions within Development Consent #DA-263/2018.

### ***Approved Plans***

1. *Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked, except where modified by the undermentioned conditions.*

Plan Name	Plan Number	Rev	Date	Prepared By
Location Plan	P513-PDA-01	A	05/11/2018	PTI Architecture
Overall Site Plan	P513-PDA-03	A	05/11/2018	PTI Architecture
Site Plan Part A	P513-A-PDA-04	D	05/11/2018	PTI Architecture
Site Plan Part B	P513-A-PDA-05	D	05/11/2018	PTI Architecture
Section	P513-PDA-06	D	05/11/2018	PTI Architecture
Shed Elevations	P513-PDA-07	C	13/08/2018	PTI Architecture
Sediment Control Plan	D1-17-040	A	16/01/2019	TOP Consulting Group
Stormwater Pit Collection	D2-17-040	A	16/01/2019	TOP Consulting Group
Stormwater Plan	D3-17-040	A	16/01/2019	TOP Consulting Group
Roof Stormwater Plan	D4-17-040	A	16/01/2019	TOP Consulting Group
Leachate Collection Plan	D5-17-040	A	16/01/2019	TOP Consulting Group
Concrete Layout Plan	S1-17-040	A	16/01/2019	TOP Consulting Group

**Replace** the approved plan set with the following amended plans:

Plan Name	Plan Number	Rev	Date	Prepared By
Location Plan	P513-DA-01	D	23/09/2019	PTI Architecture
Site Plan	P513-DA-03	J	23/09/2019	PTI Architecture
Detailed Shed Plan	P513-DA-04	E	23/09/2019	PTI Architecture
Detailed Site Plan (Part) A – Lawson Road West	P513-DA-05	N	23/09/2019	PTI Architecture
Detailed Site Plan (Part) B – Martin Road East	P513-DA-06	J	23/09/2019	PTI Architecture
Shed Amenities Floor Plans	P513-DA-07	B	23/09/2019	PTI Architecture
Processing Shed Elevations	P513-DA-08	E	23/09/2019	PTI Architecture
Site Plan	P513-DA-03	J	23/09/2019	PTI Architecture
Section thru Processing Shed	P513-DA-09	C	23/09/2019	PTI Architecture
Section thru Stockpile Bunker	P513-DA-10	G	23/09/2019	PTI Architecture
New Office Building Ground Floor Plan	P513-DA-11	C	23/09/2019	PTI Architecture
New Office Building Elevations East & West	P513-DA-12	C	23/09/2019	PTI Architecture

New Office Building Elevations North & South	P513-DA-13	C	23/09/2019	PTI Architecture
Truck Entry Driveway Ramp Sections	P513-DA-14	B	23/09/2019	PTI Architecture
Staff Carpark Driveway Ramp Sections	P513-DA-15	B	23/09/2019	PTI Architecture
Fence Elevations for Acoustic	P513-DA-16	B	23/09/2019	PTI Architecture
Fence Elevations for Acoustic	P513-DA-17	B	23/09/2019	PTI Architecture
Sediment Control Plan	D1-17-040	C	11/09/2019	TOP Consulting Group
Stormwater Pit Collection	D2-17-040	B	6/09/2019	TOP Consulting Group
Stormwater Plan	D3-17-040	B	6/09/2019	TOP Consulting Group
Roof Stormwater Plan	D4-17-040	B	6/09/2019	TOP Consulting Group
Leachate Collection Plan	D5-17-040	B	6/09/2019	TOP Consulting Group
Concrete Layout Plan	S1-17-040	B	6/09/2019	TOP Consulting Group

**Comment:** The plan amendments are intended solely to facilitate improvements in the operational site layout particularly in regard to internal truck movements, and to replace the existing dwelling, which was to have been converted to an office, with a new purpose-designed office building.

## 5. ASSESSMENT OF PROPOSED MODIFICATIONS

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The purpose of this Application is to improve the operational function of the site.

A brief discussion of and justification for the proposed amendments is provided hereunder.

### 5.1 Site layout, internal truck movements and installation of a second weighbridge

The approved working slab/platform has been extended towards the northern and southern boundaries and the approved shed position moved away from the northern boundary towards the south to allow for a counter-clockwise truck movement down the northern side of the shed, around the western end and onto the working platform.

The potential impact of this modification upon the public is increased noise from truck movements, this is addressed by the installation of a new noise barrier at the slab edge level to ameliorate any additional truck noise, with the noise barrier extending to all three sides of the working platform (ie north, west and eastern elevations).

This noise issue has been assessed within the *Noise Impact Assessment Report* (attached at Annexure I) and is fully compliant with the relevant criteria.

The addition of a second weighbridge allows for more flexibility in truck movements in and out of the site without any consequent delay in waiting for access to a single weighbridge, as was the case under the approved design.

The outcome of these modifications is:

- i. Trucks have an improved traffic flow within the site.
- ii. Potential overflow 'stack parking' for trucks is now entirely within the site and does not impact upon Martin Road.
- iii. Less conflict between truck movements and workers within the site ie OH&S for workers.

The amended truck movements and swept paths has been assessed within the *Traffic Impact Assessment Letter Report* (attached at Appendix H) and is compliant with the relevant criteria.

## **5.2 Increased shed height and width, addition of an awning**

The amended shed has increased in height and width to allow trucks to fully enter the shed to unload, whereas on the approved plan the trucks could only back to the doors of the shed to unload.

A high-level awning has been added to the southern side of the shed to allow for weather protection.



The main potential impact of these modifications is one of visual presentation to neighbours, this is addressed in the amended *Visual Impact Assessment* (attached at Annexure E) and by providing additional boundary screen planting, with the result assessed as being of low visual impact.

The outcome of this modification is that there is a superior noise benefit as the trucks are now totally, rather than partially, enclosed within the building. This issue has been assessed within the *Noise Impact Assessment Report* (attached at Annexure I) and is fully compliant with the relevant criteria.

### **5.3 New office and carpark**

The amended plan seeks to demolish the existing disused brick veneer cottage, which was approved to be converted to a site office and replace it with a new single storey-purpose-designed office building of similar size and footprint as that on the approved plan.

This modification is sought for reasons of construction cost and efficiency of layout only, there are not expected to be any potential negative impacts.

The staff and visitor car park entry/exit to Martin Road has been separated from the main truck entry and now serves only the staff carpark. This modification has been included at the specific request of Liverpool Council's traffic engineer and is considered to be a superior outcome than the approved plan in terms of safety and amenity, as the light vehicle movements are now separated from the heavy truck site access.

The amended carpark and entry have been assessed within the *Traffic Impact Assessment Letter Report* and are compliant with the relevant criteria.

### **5.4 Stormwater Management, OSD and Water Quality**

The proposed modifications to the slightly enlarged impervious working platform/slab and reduced boundary setbacks have been assessed by the project stormwater engineer and have been found to be of minimal impact. This has been addressed within the *Letter*

*Report – Revised Stormwater Management* (attached at Annexure K) and are compliant with the relevant criteria.

The only change to the approved stormwater plan is to slightly re-position the OSD tank and water quality system, which is located under the working platform concrete slab. There is no change to the capacity of the OSD tank or the water quality installation.

#### **5.4.1 Easements**

The modification application also seeks to re-align the existing easements that traverse the lower (western) section of the site and were previously located under the concrete slab, to now run down each of the northern and southern boundaries directly to the Lawson Road boundary.

Note: this is deemed to be a ‘housekeeping’ amendment to avoid conflict between the current location of the easements within the site and the OSD tank position under the slab.

The proposed relocation of the easements:

- (i) has no additional effects upon the flood modelling contained within the original EIS and the Consent;
- (ii) does not alter the modelled upstream area to the north and south of the site, nor alter the volumes of surface water captured by the easements;
- (iii) does not change the position of the easements on the adjoining land to the north and south and where they intersect with the boundaries of the subject site;
- (iv) does not change the volumetric capacity of the easements within the subject site;
- (v) provides an additional discharge point to the Lawson Road table drain at the boundary.

In the context of the minor re-alignment of easements that are entirely within the site, there is no requirement for additional flood studies or modelling.

## 5.5 Landscaping

The proposed modifications have also been addressed with an amended landscape plan (attached at Annexure F) which includes additional planting in native species to the western and eastern street frontages for enhanced visual amelioration.

The stormwater water drainage swale that runs down the length of the site in the side setback zones (ie along the northern and southern boundaries) is proposed to be planted with local ground cover species (eg typically lomandra longifolia or similar) in accordance with the recommendations of the stormwater/flood consultant to accommodate water flow and water quality.

The chain wire boundary fencing will be planted with a low native climber.

## 5.6 Approved Operation

Note that the proposed amendments are to the site layout and structures only; **there are no changes** to the approved waste operation in terms of:

- Staff numbers.
- Operating hours.
- Tonnages received or stored.
- Types of materials received and processed.
- Overall truck numbers and types of trucks.
- Any other matter contained in Consent #DA-263/2018 that is not specifically covered in this modification application.

## 5.7 Liverpool Development Control Plan 2008

### 5.8 Part 1 General Controls for all Development

*The objectives of this DCP are:*

- a) To provide more detailed provisions for regulating the carrying out of development.*
- b) To protect and improve the natural environment in the City of Liverpool.*
- c) To protect and improve the amenity of the City of Liverpool.*
- d) To protect personal safety and to minimise the risk of damage to areas subject to environmental hazards, particularly flooding.*
- e) To promote a high standard of urban and environmental design.*
- f) To conserve, protect and enhance the environmental heritage of the City of Liverpool.*
- g) To encourage a diversity of housing to meet the needs of the residents of the City of Liverpool.*
- h) To facilitate development that is environmentally sustainable.*

*There are also additional specific objectives for each section of each part of the DCP.*

**Response:** This section of DCP 2008 generally sets out matters of potential environmental impact that may result from development. The Resource Recovery Facility being the subject of this Amendment Application has been fully designed to address all relevant environmental impacts, been the subject of a rigorous assessment undertaken by Council and found to be satisfactory by the Planning Panel as set out in Development Consent DA-263/2018.

The proposed minor amendments are limited to the site plan, internal traffic movements and built structures and do not seek to alter the approved parameters of the waste business, they constitute improvements to the site functionality only and have minimal environmental impacts. These matters have been assessed within the amended sub-consultant reports and found to be consistent with the original environmental assessments for noise, traffic, air quality, landscape, stormwater and flood impacts.

Accordingly, the proposal is not considered to be in conflict with any of the Objectives of Part 1 of LDCP 2008.

A further assessment of the Objectives and Controls for development in Rural zones is provided hereunder.

## 5.9 Part 5 Development in Rural and E3 Zones

### ***Setbacks***

### ***Objectives***

*a) To ensure appropriate development on site.*

*b) That setbacks help maintain the rural character.*

**Response:** Whilst the current zoning for the land within *Liverpool LEP 2008* is *RU1 Primary Production* it is important to take note of the *proposed future land use* within the *Western Sydney Aerotropolis Structure Plan*<sup>1</sup>, which is nominated as being for ‘**Employment Land**’ within the ‘Badgerys Creek’ sector. Refer to Figure 1.

Thus, any variations sought by this application to vary specific DCP Controls for the ‘Rural’ zone should be properly considered and assessed against the future land use as the current land use is a short-term, interim condition.

In context of assessment against the Rural zone Objectives, a) ‘appropriate land use’ should clearly contemplate the future ‘Employment’ zoning, and b) ‘rural character’ is a short-term consideration.

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<sup>1</sup> ([https://www.planning.nsw.gov.au/~/\\_media/Files/DPE/Plans-and-policies/western-sydney-aerotropolis-stage-1-plan-08-2018.ashx](https://www.planning.nsw.gov.au/~/_media/Files/DPE/Plans-and-policies/western-sydney-aerotropolis-stage-1-plan-08-2018.ashx))

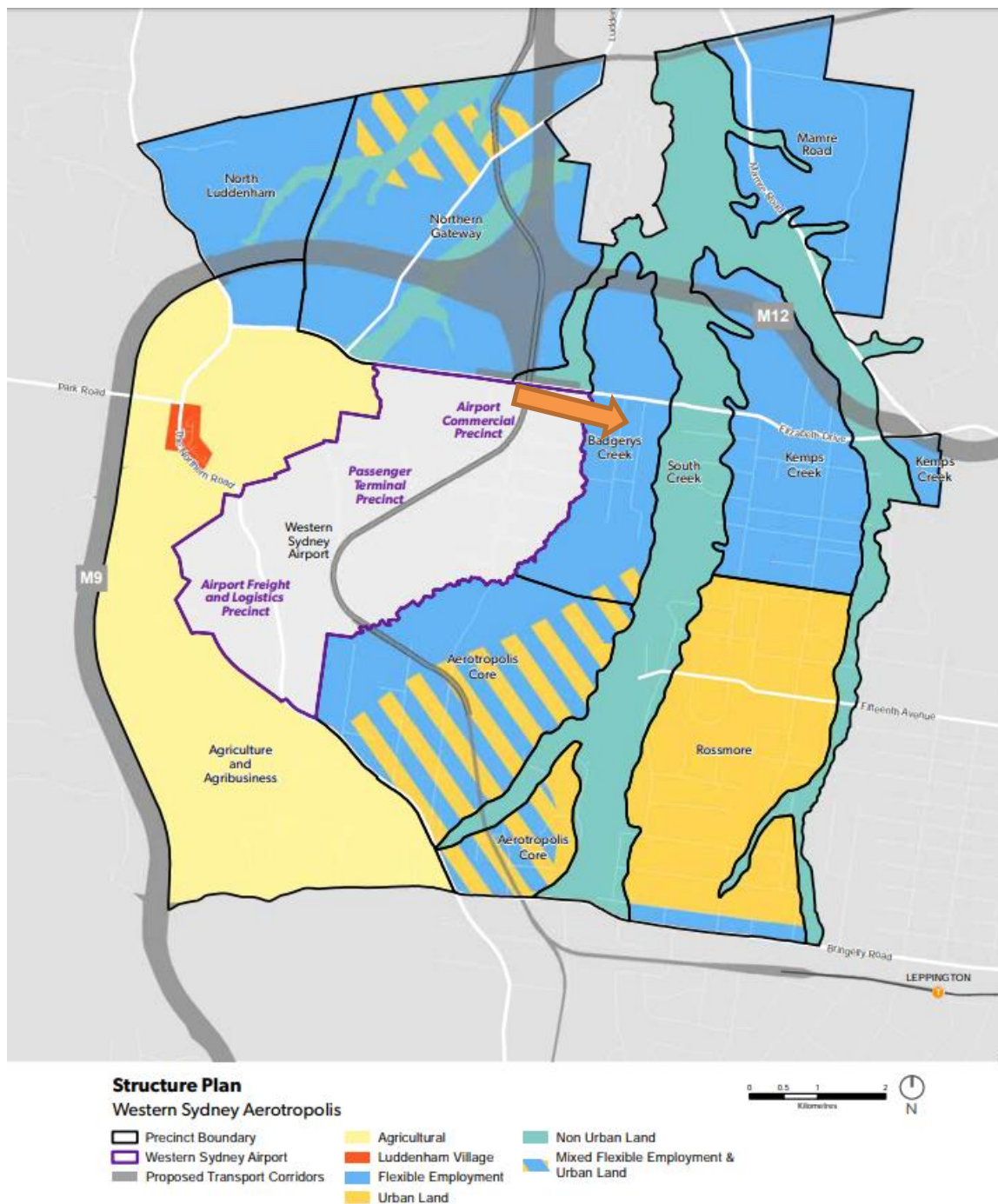


Figure 1 - extract from the Western Sydney Aerotropolis Structure Plan. Site location is arrowed.

## Controls

*Site Coverage Maximum site coverage: 10% except where otherwise specified for particular land uses.*

**Response:** The proposed extra hardstand/concrete slab area increases the existing site coverage to a minor extent, however neither the approved nor the amended plan comply with the Site Coverage control.

There is minimal environmental impact from the proposed site coverage over the approved plan.

## **Setbacks**

### **Setback from Street frontage**

1. Dwellings shall be setback as set out in the following table:

**Table 1 Front Setbacks**

<b>Setback</b>	<b>Front Setback</b>
Land within the RU1, RU2, or RU4 zone	20m
Land with a Frontage to Greendale Road	50m
Land that is classified as part of the Growth Centres	15m
Land within the E3 zone	20m

2. Minimum setback to secondary frontage from a public street: 10m.
3. Variation of the setback requirement may be considered in areas within the South West Growth Centre, where planning for new residential release is sufficiently advanced.

**Response:** The front setback to Martin Road is unchanged. The new single storey office building is located in the same position as the existing single storey dwelling, which is to be demolished.

There is negligible environmental impact from the proposed new office building over the approved plan.

#### **Setback from other boundaries**

1. Minimum setback to side boundaries: 2m except where otherwise specified for particular land uses.
2. Minimum setback to rear boundaries: 10m except where otherwise specified for particular land uses.

**Response:** The rear setback to Lawson Road is unchanged.

The side boundary setbacks are to the concrete slab, not the structures that sit upon the working platform.

The northern boundary side setback is **2.5 m** to the slab with the shed set back to **11.035 m**, which represents an increased setback over the current approved shed position.

The southern boundary side setback is **2.005 m** to the slab.

The new shed position is an improved environmental outcome over the current approval due to the increased side setback.

#### ***Building Design, Style and Streetscape***

##### ***Objectives***

- a) To protect the scenic, historic and cultural value of Liverpool's natural and built environment.*
- b) To protect significant views and vistas to and from public places.*
- c) To maintain the existing streetscape and rural aesthetic of the area.*
- d) To minimise the visual impact of any large development in rural zones.*
- e) To promote a high standard of urban design, particularly along Classified Roads.*

**Response:** The proposal addresses the Objectives as follows:

- a) The proposed amendments have no more effect upon the “...*scenic, historic and cultural value of Liverpool's natural and built environment...*” than does the currently approved development.
- b) There are no significant view lines to or from the subject site.



- c) The proposed amendments have no more effect upon the “...existing streetscape and rural aesthetic...” than does the currently approved development. Arguably the increased shed setback to the side boundary further reduces subjective bulk and scale than the current shed position. Again, the future ‘Employment’ land use and changing nature of the precinct should be taken into consideration.
- d) This Objective is in the same terms as for pt. c). The visual impact of the shed is modulated by the additional and significant side setback, whilst the increased shed height is ameliorated by the site topography which falls away from the Martin Road, thus reducing subjective bulk and scale from the public viewpoint. This is illustrated by the ‘Visual Impact Assessment’ that accompanies the Application.

Additionally, the concept landscape plan proposes enhanced screening in the form of new native vegetation and plantings in the front and rear setback zones to Martin Road and Lawson Road respectively. Side boundary fencing is to be planted with native climbers to screen the slab soffit.

- e) The site is not located adjoining a classified road; the purpose-built Resource Recovery Facility represents high quality ‘best practice’ design for this type of facility within an urban landscape.

The proposal is considered to be consistent with the Objectives of this section of Part 5 of LDCP 2008.

## ***Height***

### **Controls**

#### **Height in Rural Areas**

Note: Height is generally not controlled by the *Liverpool LEP 2008* in rural zones. This is due to the varying and differing uses that can be found within rural zones, each with significant variations in height. Therefore the following restrictions generally apply.

#### **Further Restrictions on Height:**

All development must fit in with the surrounding areas, and conserve and protect the rural nature of the area. Therefore the above heights are a guide only, and a merit based assessment will occur for all development above 8.5m for a dwelling, and above 8.5m for a non-residential building.

### **Roof design**

1. The roof pitch of a building is not to exceed 36 degrees.
2. Gabled and hipped rooflines are to be incorporated into the design of a building.

**Response:** As discussed above, the shed height is considered to be appropriate for the intended industrial (waste recovery) use and future 'Employment' land zoning, with the additional height ameliorated by the increased side setback and screen planting. The amended shed height is well justified by the improved operational outcome within the facility, and the improved noise outcome resulting from allowing the trucks to fully enter the shed to unload materials.

The new office building remains a single storey structure, consistent with the existing single storey dwelling now to be demolished.

Both structures have roofs <36 degrees.

### ***Building Materials and Colours***

#### **Building Materials**

1. Materials must complement the rural landscape. Examples include stained timbers, brickwork, mud bricks, metal roofs and similar materials sympathetic to the Australian rural heritage.
2. Buildings and structures must complement the rural landscape where possible. However Council will consider the use of the building when assessing building materials.

#### **Colours**

1. Natural earth colours and natural vegetation colours are to be emphasised on all buildings. (Examples include light ochres, silver greys, grey blues and olive greens.)
2. Highly reflective (shiny) colours are to be avoided for roofs and walls of buildings, including sheds.

**Response:** The shed walls, roof and noise barriers are to be of 'Pale Eucalypt' Colorbond non-reflective material.

The new office building will be of traditional masonry construction. Refer to the architectural plans for details.

## ***Streetscape, Rural Landscape and Views***

### **Streetscape**

1. Natural vegetation should be retained in setback to the street.
  2. Buildings shall directly address the street frontage.
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**Response:** The existing remnant native vegetation to the Martin Road and Lawson Road setbacks is to be retained and enhanced through bushland regeneration and new plantings, as per the landscape plan.

The new office building addresses Martin Road.

### **Rural landscape**

1. Except for driveways, no paved areas or "hard surfaces" are permitted in the front setback.
2. All development should attempt to maintain the existing natural environment.

**Response:** The front setback zone consists of driveways only, with the balance of this area to be soft landscaping treatment.

### **Views, Scenic landscape and built features**

1. Buildings shall not be sited that obstruct views and vistas.
2. Any significant natural and built features should be maintained.

**Response:** There are no significant view lines to or from the subject site that are impacted by the proposal, indeed increasing the northern side setback for the shed allows for a potential view corridor to be maintained along this boundary between the subject site and any building that may be constructed upon the neighbouring site at some future time. This would not be as easily achieved with the current approved plan.

## **Landscaping**

### **Landscaping for rural landscape**

Landscaping for rural landscape is generally applied for dwellings, out buildings and other buildings. While dense planting in garden beds may form part of the landscape treatment the primary aim is to provide tree planting to enhance the rural landscape. In particular the landscaping shall involve the following:

1. The trees shall provide a canopy for the streetscape and rural landscape.
2. Shrubs may be used and preferably in mulched garden beds.

### **Landscaping for screening**

Landscaping for screening is generally applied to uses such as Intensive Plant Agriculture, Intensive Livestock Agriculture, Extractive Industries, outside storage areas and large storage buildings. The aim is to minimise the view of such buildings and items. It will involve the provision of trees and shrubs in mulched garden beds. In particular the landscaping shall involve the following:

1. The trees shall provide a canopy for the streetscape and soften the appearance of the rural environment, without unduly concealing approved on site signage.
2. Mulched garden beds shall incorporate ground covers that will cover the ground area.
3. Large shrubs shall be used under the tree canopy to screen the building or item.
4. Shrubs shall only be planted in mulched garden beds.

**Response:** A detailed landscaping plan has been provided that addresses the relevant criteria and the specific design issues for the site and proposed facility.

## **5.10 Amenity and Environmental Impact**

### **Objectives**

- a) To minimise the Environmental impact of such issues as pollution, noise, traffic, odour and ensure that the local amenity is not affected.*
- b) To restrict the size & intensity of some uses, where they may have an adverse effect on surrounding properties.*
- c) To ensure that any future aircraft noise will be of minimal disturbance to development within the vicinity of the airport site.*

**Response:** The proposal addresses the clause Objectives as follows:

- a) Environmental impacts have been fully considered within the amended sub-consultant reports that accompany the Application. The proposed amendments impose negligible environmental impacts over the current approved plans.

- b) The ‘...size and intensity...’ of the development is unchanged from that described in the Consent, the only changes are to the site layout, which impose minimal impacts. Again, the surrounding rural land-use is in a transition period to ‘Employment’, a use which is consistent with the approved development.
- c) According to the *Noise Impact Assessment*, the site is located in a zone where the ANEF is between 30 and 35. The proposed development is not a noise sensitive development and would be best classed as “other industrial” under AS2021; acceptable in all ANEF zones. Furthermore, aircraft noise is not a relevant consideration to this modification application under cl.4.55(s2) as it has already been assessed as part of the original Development Application process and a Consent properly issued.

The proposal is considered to be consistent with the Objectives of this section of Part 5 of LDCP 2008.

### **5.11 Consultation**

The Applicant has undertaken the following consultation in the preparation of the proposed amendment:

- (i) **Liverpool City Council:** A pre-lodgement meeting was held with Council on 13 August 2019. Council raised no objection to the proposed amendments but asked that certain matters be attended to within the Application, including amended consultants’ reports. The Minutes have been provided as Annexures to the Application.
- (i) **NSW Department of Planning, Industry and Environment:** email sent to Bianca Thornton (Planning Officer, Industry Assessments) seeking clarification of any required amendments to the SEARs 1182. No objection was raised to the proposal by Ms Thornton and no further interaction is required. An email to this effect is attached as Annexure I.

- (ii) **Environment Protection Authority:** A briefing meeting was held with Deanne Pitts (Senior Operations Officer, Waste Compliance) and Celeste Forestal (Senior Operations Officer) at the NSW EPA Goulburn Street office on 19 August 2019. No objections were raised to the proposal by either officer. An email to this effect is attached as Annexure J.

## 6. SECTION 4.15 EVALUATION ASSESSMENT

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We have also considered the proposed amendments against s.4.15 of the EP&A Act 1979 (as amended), these being:

### **4.15 Evaluation**

#### *(1) Matters for consideration--general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

#### *(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*that apply to the land to which the development application relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.*

In this regard, we make the following observation.

The proposal has been assessed against the relevant planning instruments and is compliant with the prescriptive controls. The variation sought results in a development that is consistent with the relevant Objectives of the LEP/DCP and has negligible impact upon the natural and built environments. The subject property remains suitable for the development as modified.

The requested modification of the development consent would have minimal economic or social impact and would not be antipathetic to the public interest.

## **7. SECTION 4.55(2) ASSESSMENT**

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Section 4.55(2) of the Act empowers Council to modify a Development Consent if:

*(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),*

The development resulting from the proposed modification would be substantially the same as the development approved by *Sydney South West Planning Panel* on 17/04/2019. The proposed development would be of a consistent scale and for a resource recovery usage as that previously approved. The modified development would be substantially the same as the approved development both qualitatively and quantitatively. Section 4.55(2)(a) is therefore satisfied.

## **8. SUMMARY and RECOMMENDATION**

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The proposed amendments that are the subject of this sect.4.55(2) application represent an enhanced site layout for operational efficiencies, would not offend any development standard or the Objectives underlying *Liverpool Local Environment Plan 2008* and *Liverpool Development Control Plan 2008* and can be well supported on merit grounds.

I recommend therefore that the sect.4.55(2) application be supported and that Conditions be modified as requested.

**CLARON CONSULTING PTY LTD**

A handwritten signature in black ink, appearing to read 'Brent M Winning', with a stylized flourish at the end.

**Brent M Winning JP** [B.Build, MAIB, GDURP, RPIA, LREA]  
Registered Planner, Project Manager and Development Consultant



## 9. ANNEXURE A – Minutes of Pre-Lodgement Meeting

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## 10. ANNEXURE B – Email from NSW Department of Planning, Industry and Environment

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## 11. ANNEXURE C – Email from NSW Environment Protection Authority

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## 12. ANNEXURE D – Architectural Plans and Visual Impact Assessment

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### 13. ANNEXURE E – Civil and Stormwater Plans

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## 14. ANNEXURE F – Landscape Plan Updates

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## 15. ANNEXURE G – Traffic Letter Report

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## 16. ANNEXURE H – Noise Impact Assessment

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## 18. ANNEXURE I – Letter Report on Air Quality Impacts

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## 19. ANNEXURE J – Revised Stormwater Management Letter Report

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