

CLARON CONSULTING PTY LTD
PO BOX 542
LINDFIELD NSW 2070

Dear Sir/Madam,

Pre - Development Application Advice

Reference Number:	PL-59/2019	
Proposed Development:	Proposed modifications under Section 4.55(2) of the Environmental Planning and Assessment Act, seeking amendments to DA-263/2018, which approved a Resource Recovery Facility	
Property Address:	55 Martin Road, Badgerys Creek Lot 4 DP 611519	
Date of Meeting:	13 August 2019	
Present at Meeting:	Council Representatives:	
	Name	Title
	Adam Flynn	Senior Planner
	Peter Oriehov	Planner
	Victor Lim	Traffic
	Juliana Naidovski	Environment & Health
	Danka Radovic	Development Engineer
	Applicant Representatives:	
	Name	Company
	Brent Winning	Claron Consulting
	Louise Popowitz	Claron Consulting
	Peter Israel	PTI
	Dino Di Pietrantonio	PTI
	Rob Peterson	Ultramark
	Michael Antoun	Owner

EXECUTIVE SUMMARY

Zoning:	RU1 – Primary Production under Liverpool Local Environmental Plan 2008
Permissible Development:	<p>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.</p> <p>However, a RRF is identified as permitted with consent pursuant to the State Environmental Planning Policy (Infrastructure) 2007 which permits waste or resource management facilities within a prescribed zone.</p>
Relevant Environmental Planning Instruments & Codes	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy No. 55 – Remediation of Land • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) (Deemed SEPP) • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • (Commonwealth) Environment Protection and Biodiversity Act 1999 • Threatened Species Conservation Act 1995 • Contaminated Land Management Act 1997 • Protection of the Environment Operations Act 1997 • Native Vegetation Act 2003 • Biodiversity Conservation Act 2016 • Liverpool Local Environmental Plan 2008 • Liverpool Development Control Plan 2008 <ul style="list-style-type: none"> ○ Part 1: General Controls for All Development ○ Part 5: Development in Rural and E3 Zones
Relevant external referrals:	<ul style="list-style-type: none"> • Environmental Protection Authority (EPA) • Natural Resource Access Regulator • Roads and Maritime Services • Endeavour Energy • Department of Infrastructure and Regional Development

Issue / Planning Control	Comments
Planning	<p><u>EIS / SEARs</u></p> <p>Council would expect that a revised EIS or addendum to the EIS be submitted with the application, detailing how the modification continues to meet the previously issued SEARs.</p> <p>It is advised that the applicant consult with the Department of Planning and Environment as to whether revised SEARs would be required for this modification. <i>Please note that SEARs require further consultation with the Department 2 years after issue.</i></p> <p><u>Designated Development</u></p> <p>The proposal is considered to be <i>designated development</i> as specified under clause 32 in Schedule 3 of the Environmental Planning and Assessment Regulations 2000.</p> <p><u>Integrated Development</u></p> <p>The proposal is regarded as 'nominated integrated development' as it triggers requirements pursuant to s.91 EPA Act 1979, 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 the proposed enclosure is suitable to address environmental impacts including but not limited to noise, dust and water issues.</p> <p><u>Liverpool DCP</u></p> <p>The proposal must consider Part 1 and Part 5 of Liverpool Council's DCP. In particular setbacks, height, building materials, colours, streetscape and rural landscape.</p> <p><u>Western Sydney Airport</u></p> <p>The subject site lies under the flight path for the proposed Western Sydney 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><u>Decision Making Authority</u></p> <p>The Sydney South West Planning Panel would act as the determining body due to the development being classified as '<i>particular designated development</i>' under Clause 7 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.</p>
Environment & Health	<p><u>Air Quality</u></p> <p>A review of the Air Quality Impact Statement (Report no. 171127_AQIA_Rev3) prepared by Benbow Environmental dated February 2018 submitted with the original application may be applicable for the proposed amended application. So that Council can ensure air quality will not be a concern and can demonstrate due diligence, an appropriately qualified consultant is to provide a statement confirming that the original report is still applicable. If the consultant is unable to do so, an amended Air Quality Assessment may be required.</p> <p>Note: A 'suitably qualified and experienced air quality consultant' is a person who is a Certified Air Quality Professional CAQP member administered by the Clean Air Society of Australia and New Zealand (CASANZ) or is a Certified Environmental Practitioner (CEnvP) administered by the Environment Institute of Australia and New Zealand (EIANZ).</p> <p><u>Noise</u></p> <p>An amended Acoustic Report with consideration for the amendments noted is to be provided by a suitably qualified acoustic consultant. The report is to consider, however not be limited to, the new fencing proposed, as well as the enclosed nature of the sheds and the operations within them.</p> <p>Note: 'Suitably qualified acoustic consultant' means a consultant who is a member of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australasian Acoustical Consultants (AAAC).</p> <p><u>Diesel Storage System</u></p> <p>The amended plans are to demonstrate the location of the Diesel tank and Engine, hydraulic and lubricating oil storage area/s.</p>

	<p>The following submission requirements are to be incorporated into any written correspondence provided to the applicant:</p> <ul style="list-style-type: none"> • Further Acoustic Assessment • Statement from Air Quality Consultant confirming no further investigation necessary (if not, further Air Quality Assessment). • Location of Diesel tank and liquid storage area/s on site plan
Traffic	<ul style="list-style-type: none"> • A Traffic Impact Statement addressing traffic generation, impacts on the surrounding road network and parking provision is to be submitted. • Swept path analysis for driveway access, internal circulation and parking bays is to be submitted for assessment. • Internal and external pedestrian crossing points and facilities are to be clearly identified and included in the submission. • A separate access to the staff car park located off Martin Road away from truck access would be welcomed. • Clear delineation of driveway access and internal circulation.
Development Engineering	<p><u>Key Engineering Issues</u></p> <ol style="list-style-type: none"> 1. Water Quality Treatment 2. Building over the existing drainage system. 3. Relocation of drainage easement <p><u>Stormwater</u></p> <ul style="list-style-type: none"> • The modification includes the relocation of the stormwater drainage system. The applicant shall demonstrate through full engineering analysis (modelling), prepared by a suitably qualified civil engineer experienced in hydraulic design, that there is no adverse effect on Council's stormwater system and adjoining properties. The application for relocation of the easement is to be submitted as part of your development application. • Stormwater drainage for the site must be in accordance with Council's Development Control Plan.

	<ul style="list-style-type: none"> • 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. • A water quality treatment device shall be provided in accordance with Council's Development Control Plan. <p><u>Earthworks</u></p> <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. • Proposed fill material must comply with Council's Development Control Plan.
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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 (*please note, this list is not exhaustive, and other relevant plans/information may be required if necessary*).

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• 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 and Other Supporting Documents
<ul style="list-style-type: none">• Revised EIS or addendum to EIS detailing how modification continues to meet the previously issued SEARs.• Traffic and Parking Assessment• Erosion and sediment control plan• Contamination Investigation/s and subsequent Remedial Action Plan (if applicable)• Acoustic Assessment• Visual Assessment• Noise Management Plan• Construction Noise Assessment• Operational Environmental Management Plan• Wastewater Report• Justification for any modification or removal of easements on the site• Details and plans of any truck wash bay/stand• Air Quality Impact Assessment• Waste Management Plan (for demolition, construction and on-going waste management)• Statement relating to Hazardous Materials/Goods (SEPP 33 – Hazardous and Offensive Development), including details of hazardous substances (use and storage, including diesel)• Details of any revised SEARs from the EPA• Details of any new/updated Pre-DA meetings with the EPA, Department of Planning, Industry and the Environment, or Department of Infrastructure, Transport, Cities and Regional Development

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| <ul style="list-style-type: none">• 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 LDGP 2008 controls |
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Submission Requirements

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| <ul style="list-style-type: none">• 2 x CD Rom / USB containing electronic copies of all above documents accurately titled.• 1 x copies of the above reports/plans. Plans are to be no larger than A3 size. |
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Please do not hesitate to contact Peter Oriehov or Adam Flynn on **1300 36 2170** if you wish to discuss this matter further.

Yours faithfully



Adam Flynn
Senior Development Planner
DEVELOPMENT ASSESSMENT

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