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PO BOX 542
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SECTION 4.55(2) MODIFICATION OF DEVELOPMENT CONSENT

(In accordance with the provisions under Section 4.55 of the *EP&A Act 1979*)

ADDRESS: **LOT 4 DP 611519**
55 MARTIN ROAD, BADGERYS CREEK NSW 2555

DESCRIPTION: **MODIFICATION TO DEVELOPMENT CONSENT DA-263/2018 UNDER SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, AMEND THE ARCHITECTURAL PLANS FOR THE APPROVED PROCESSING SHED TO BE RELOCATED ON THE SITE AND INCREASED IN FLOOR AREA AND HEIGHT**

Reference is made to Modification Application DA-263/2018/D which seeks amendment to Development Consent DA-263/2018 issued for:

Establish 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 Proposal is identified as Designated Development as specified in Schedule 3 of the Environmental Planning and Assessment Regulations 2000.

The Proposal is identified as Nominated Integrated Development, requiring a license from NSW Environmental Protection Authority, pursuant to the Protection Of The Environment Operations Act 1997.

Modification application DA-263/2018/D seeks consent to modify the following, including (but not limited to):

- *Repositioning of the processing shed;*
- *Increase the footprint of the processing shed;*
- *Increase the height of the processing shed;*
- *Increase the first floor footprint of the processing shed;*
- *Internal layout rearrangement.*
- *Relocation of truck access path and manoeuvring area.*

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Council grants approval for the modifications sought. Accordingly, Development Consent DA-263/2018 has been amended as follows (amendments in ***bold and italic font***):

1. **Condition 1 of Development Consent DA-263/2018 (as proposed to be amended by DA-263/2018/C) has been amended to read as follows:**

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-DA-01	D	23/09/2019	PTI Architecture
Demolition Plan	P513-DA-02	B	23/01/2025	PTI Architecture
Site Plan with Approved DA Footprint Overlayed	P513-DA-03	B	23/01/2025	PTI Architecture
Site Plan with Approved DA Footprint Overlayed	P513-DA-03	K	12/02/2025	PTI Architecture
Detailed Shed Plan	P513-DA-04	E	23/09/2019	PTI Architecture
Detailed Shed Plan	P513-DA-04	G	01/05/2025	PTI Architecture
Detailed Site Plan (Part A)	P513-DA-05	H	23/09/2019	PTI Architecture
Detailed Site Plan (Part A) – Lawson Rd West	P513-DA-05	P	01/05/2025	PTI Architecture
Detailed Site Plan (Part B) – Martin Rd East	P513-DA-04	D	02/05/2025	PTI Architecture
Detailed Site Plan (Part B) – Martin Rd East	P513-DA-06	L	01/05/2025	PTI Architecture
Shed Amenities Floor Plans	P513-DA-07	B	23/09/2019	PTI Architecture
Shed Amenities Floor Plans	P513-DA-07	C	12/02/2025	PTI Architecture
Processing Shed Elevations	P513-DA-08	E	23/09/2019	PTI Architecture
Processing Shed Elevations	P513-DA-08	F	12/02/2025	PTI Architecture
Section thru Processing Shed	P513-DA-09	G	23/09/2019	PTI Architecture



<i>Section thru Processing Shed</i>	P513-DA-09	D	12/02/2025	PTI Architecture
Section thru Stockpile Bunker	P513-DA-10	G	23/09/2019	PTI Architecture
Office Building – Ground Floor Plan	P513-DA-05	B	23/01/2025	PTI Architecture
Office Building – First Floor Plan	P513-DA-06	B	23/01/2025	PTI Architecture
Office Building – Roof Plan	P513-DA-07	B	23/01/2025	PTI Architecture
Office Building – Elevation East	P513-DA-08	B	23/01/2025	PTI Architecture
Office Building – Elevation West	P513-DA-09	B	23/01/2025	PTI Architecture
Office Building – Elevation North	P513-DA-10	B	23/01/2025	PTI Architecture
Office Building – Elevation South	P513-DA-11	B	23/01/2025	PTI Architecture
Office Building – Sections A & B	P513-DA-12	B	23/01/2025	PTI Architecture
Truck Entry Driveway Ramp Sections	P513-DA-14	B	23/09/2019	PTI Architecture
Staff Carpark Driveway	P513-DA-13	B	23/01/2025	PTI Architecture
Fence Elevations for Acoustic	P513-DA-16	B	23/09/2019	PTI Architecture
Fence Elevations for Acoustic	P513-DA-16	D	01/05/2025	PTI Architecture
Fence Elevations for Acoustic	P513-DA-17	B	23/09/2019	PTI Architecture
Fence Elevations for Acoustic	P513-DA-17	D	01/05/2025	PTI Architecture
Visual Impact Assessment – Location Plan	P513-DA-18	C	23/09/2019	PTI Architecture
Visual Impact Assessment – View 1	P513-DA-19	C	23/09/2019	PTI Architecture



Visual Impact Assessment – View 2	P513-DA-20	C	23/09/2019	PTI Architecture
Visual Impact Assessment – View 3	P513-DA-21	C	23/09/2019	PTI Architecture
Visual Impact Assessment – View 4	P513-DA-22	C	23/09/2019	PTI Architecture
Visual Impact Assessment – View 5	P513-DA-23	C	23/09/2019	PTI Architecture
Visual Impact Assessment – View 6	P513-DA-24	C	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	06/09/2019	TOP Consulting Group
Stormwater Plan	D3-17-040	B	06/09/2019	TOP Consulting Group
Roof Stormwater Plan	D4-17-040	B	06/09/2019	TOP Consulting Group
Leachate Collection Plan	D5-17-040	B	06/09/2019	TOP Consulting Group
Concrete Layout Plan	S1-17-040	B	06/09/2019	TOP Consulting Group

Report Name	Date	Reference	Prepared By
Environmental Impact Statement, including Appendices (and revisions):	22/03/2018	1771127-EIS-Rev2	Benbow Environmental
2. Geotechnical Investigation, Preliminary Acid Sulfate Soils Assessment, Salinity Assessment, and Wastewater Assessment	December 2018	17/3905 A	STS Geo-Environmental
On-Site Wastewater Report	May 2025	1294-WW-A-03	Broadcrest Environmental Pty Ltd
3. Stormwater Management Plan and Report	17/01/2019	2017/01	Ultramark
4. Traffic Impact Assessment Report	February 2018	17149r	Transport & Urban Planning



5. Waste Management Plan	February 2018	171127-WMP-Rev1	Benbow Environmental
6. Air Quality Impact Assessment	February 2018	171127-AQIA-Rev3	Benbow Environmental
Air Quality Impact Assessment	September 2024	241115_AQ IA_Rev3	Benbow Environmental
7. Community Consultation Leaflet	February 2018	-	Benbow Environmental
9. Flora & Fauna Survey and Impact Assessment	March 2018	55 Martin Road	Ecological Consultants Australia
10. Arboriculture Impact Assessment Report	13/03/2018	Revision B	Glenyss Laws
11. Preliminary Site Investigation	January 2018	18/0089	STS Geo-Environmental
13. Landscaping Plan	December 2018	55 Martin Road	Ecological Consultants Australia
Addendum to the Environmental impact Statement, including Appendices:	24/09/2019	18580 Rev. 1	Benbow Environmental
D. Architectural Plans and Visual Impact Assessment	(see above)		
E. Landscaping Plan Updates	September 2019	55 Martin Road	Ecological Consultants Australia
Landscape Plan	January 2025	Version: Final	Ecological Consultants Australia Pty Ltd
F. Civil and Stormwater Plans	(see above)		
G. Traffic Impact Letter	29/08/2019	19115L1	Transport & Urban Planning
Noise Impact Assessment	April 2025	241115_NI A_Rev4	Benbow Environmental
I. Air Quality Statement Letter	13/09/2019	EH/snb	Benbow Environmental
J. Revised Stormwater Management Letter	24/09/2019	2017-01	Ultramark
Construction Noise and Vibration Management Plan	December 2018	171127-02-CNVMP-Rev3	Benbow Environmental
Response to Submissions	18/07/2018	55 Martin Road	Claron Consulting



Response to Matters Raised	06/12/2018	55 Martin Road	Claron Consulting
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2. **Condition 36E has been added to Development Consent DA-263/2018 and reads as follows:**

Detailed Site Plans for the Diesel Storage and Vehicle Refuelling Area

36E Before the issue of a Construction Certificate, design certification prepared by a suitably qualified and experienced person shall be submitted to Liverpool City Council certifying the development's compliance with AS 1940:2017– The Storage and Handling of Flammable and Combustible Liquids, Protection of the Environment Operations (Clean Air) Regulation 2022 and any other relevant Australian Standards and/or other Best Practice Guidelines such as the 'Practice Note Managing Run-Off from Service Station Forecourts' published by the NSW Environment Protection Authority dated June 2019. Detailed plans of the fuel dispensing area, forecourt and chemical storage areas shall identify bunding, spill kit locations and drainage infrastructure. All work and storage areas where spillage may occur shall be bunded.

The capacity of the bunded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 25% of total volume of the stored product for facilities storing small containers. Drainage within any fuel dispensing area may need to be connected to a pre-treatment device. The canopy covering the fuel dispensing and chemical storage areas shall have an overhang by 10° to prevent rainwater intrusion. The covered fuel dispensing area shall be designed to ensure that the hose and nozzle of the bowsers cannot extend beyond the covered and bunded area.

3. **Condition 36F has been added to Development Consent DA-263/2018 and reads as follows:**

Payment of section 7.12 Development Contributions

36F Before the issue of a construction certificate, the applicant must pay a total contribution of \$133,665 as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with the City of Liverpool s7.12 Aerotropolis Contributions Plan 2024

The applicant must pay the following contributions to council for:

Facilities	<u>Amount (\$)</u>	<u>Job No.</u>
Roads	\$31,816	GL.301121000.1865.10242
Open Space	\$14,755	GL.301121000.1869.10243
Community Infrastructure	\$4,365	GL.301121000.1870.10244
Land Acquisition - Roads	\$35,226	GL.301121000.1865.10245
Land Acquisition - Open Space	\$44,147	GL.301121000.1869.10246



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Land Acquisition - Community infrastructure	\$2,591	GL.301121000.1870.10247
Admin GMP levy 1.5%	\$764	GL.301121000.1872.10248
Total		\$133,665

The cost (and consequently the levy amount) must be indexed between the date of DA determination and the date of payment in accordance with the following formula:

Indexed development cost (\$) = (\$Co X Current PPI) / Base PPI

Where:

\$Co *is the original development cost estimate assessed at the time of the issue of the development consent*

Current PPI *is the Producer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter immediately prior to the date of payment*

Base PPI *is the Consumer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution*

Payment of section 7.12 contributions must be made directly to Liverpool City Council.

Contact Liverpool City Council for the current amount payable (contributions are indexed quarterly) on the day of payment.

Contributions can be paid on any date after the issue of this notice of determination, prior to the mandatory timing.

A copy of the development contributions plan is available on Council's website

4. Condition 102 of Development Consent DA-263/2018 (as proposed to be amended by DA-263/2018/C) has been amended to read as follows:

Site to be concreted

102. All areas to be trafficable by vehicles (being the area annotated with 'Concrete Driveway & Manoeuvring Area' and 'driveway', and the car spaces depicted on the plans prepared by 'PTI Architecture', Sheets DA-05 Revision N **DA 05, Detailed Site Plan (Part A) – Lawson Rd West, Revision P, dated 01/05/2025** and DA 04, Detailed Site Plan (Part B) – Martin Rd East, Revision D, dated 02/05/2025), are to be concreted to an appropriate engineering specification prior to the issuing of an Occupation Certificate.



5. Condition 102I has been added to Development Consent DA-263/2018 and reads as follows:

Certification of Diesel Storage and Refuelling Area

102I *Before the issue of an Occupation Certificate, certification issued by a suitably qualified and experienced person shall be submitted to Liverpool City Council certifying that the development complies with AS 1940:2017- The Storage and Handling of Flammable and Combustible Liquids, Protection of the Environment Operations (Clean Air) Regulation 2022 and any other relevant Australian Standards and/or other Best Practice Guidelines such as the 'Practice Note Managing Run-Off from Service Station Forecourts' published by the NSW Environment Protection Authority dated June 2019.*

6. Condition 102J has been added to Development Consent DA-263/2018 and reads as follows:

Forecourt Management Plan

102J *Before the issue of any Occupation Certificate, a Forecourt Management Plan for the vehicle refuelling facilities at the facility shall be prepared and submitted to Council. The plan shall include details of daily operations and best management practices for the forecourt area (including any policies, procedures and staff training). Additional information is available in the 'Practice Note Managing run-off from service station forecourts' published by the NSW Environment Protection Authority dated June 2019.*

A hard copy of the Forecourt Management Plan shall be kept on site at all times.

The design, maintenance and operation of the fuel dispensing area shall comply with the 'Practice Note Managing run-off from service station forecourts' published by the NSW Environment Protection Authority dated June 2019 and the approved Forecourt Management Plan.

7. Condition 112 of Development Consent DA-263/2018 has been amended to read as follows:

Bunding

112. All work and storage areas where chemical spillage may occur shall be bunded. The capacity of the banded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 40% 25% of the total volume of vessels/containers accommodated in the area, whichever is the greater.



All bunded areas shall be graded to a blind sump or sewer to facilitate collection and disposal of wastewater in accordance with Sydney Water's requirements. All bunded areas shall be suitably treated to prevent ingress of stormwater.

8. Condition 128 has been added to Development Consent DA-263/2018 and reads as follows:

Environmental Audit

128. *Within twelve (12) months of the commencement of operations, and every twelve (12) months thereafter unless Liverpool City Council directs otherwise, the operator shall at its own expense commission an independent Environmental Audit of the project. This audit must:*

- a) Be carried out by a suitably qualified, experienced and independent audit team;*
- b) Be consistent with guidelines and standards relating to Principles for Environmental Auditing;*
- c) Include consultation with Liverpool City Council and the Appropriate Regulatory Authority;*
- d) Assess whether the project is complying with the approved Operational Environmental Management Plan, conditions of both this consent and any licence issued by any other authority;*
- e) Assess whether the project is being carried out in accordance with industry best practice; and*
- f) Recommend measures or actions to improve the environmental performance of the project.*

Within three months of commissioning this audit, the proponent shall submit a copy of the audit to Liverpool City Council and relevant authorities, with a response to any recommendations contained within the audit report. The operator shall comply with any reasonable requests of Council in respect to the implementation of any measures arising from the audit, within such time as Council may agree.

Following each Independent Environmental Audit, the proponent shall review and if necessary revise the Operational Environmental Management Plan (and any other plans/strategies required under this approval) to the satisfaction of Liverpool City Council. The revised Operational Environmental Management Plan and other plans/strategies must be submitted to Liverpool City Council within three months of submitting the audit report.

9. Condition 129 has been added to Development Consent DA-263/2018 and reads as follows:

No Vehicle Washing



129. *The subject premises has not been approved for the washing of motor vehicles including but not limited to trucks and/or trailers. It is prohibited to undertake such activities without separate written development consent being obtained from Council.*

10. Condition 130 has been added to Development Consent DA-263/2018 and reads as follows:

No Mechanical Repairs

130. *The subject premises has not been approved for mechanical repairs to motor vehicles including but not limited to trucks and/or trailers. It is prohibited to undertake such activities without separate written development consent being obtained from Council.*

11. Condition 131 has been added to Development Consent DA-263/2018 and reads as follows:

No Panel Beating/ Spray Painting

131. *The subject premise has not been approved for panel beating or spray-painting. It is prohibited to undertake such activities without separate written development consent being obtained from Council.*

Any substances which are not typically found in domestic wastewater such as chemicals shall not be treated via the onsite sewage management system and must be disposed of via trade waste or an equivalent disposal method.

All waste handling, loading, unloading, storage and processing must be undertaken within the confines of the fully enclosed building at all times.

12. Condition 132 has been added to Development Consent DA-263/2018 and reads as follows:

Goods in Building

132. *All materials and goods associated with the use shall be contained within the building at all times.*

13. Condition 133 has been added to Development Consent DA-263/2018 and reads as follows:

Storage and Handling of Corrosive Substances



133. Corrosive Substances must be stored and handled in accordance with AS 3780-2023 The Storage and Handling of Corrosive Substances.

All other conditions of Development Consent DA-263/2018, as previously modified by DA-263/2018/A and DA-263/2018/C remain unchanged.

Note: This determination notice is strictly for changes sought under Modification Application DA-263/2018/D. No approval is granted or implied for any other works / changes proposed to the submitted development.

ADVISORY NOTES:

(a) Section 8.2 of the EP&A Act provides that an applicant may request that Council review the determination of the Modification Application (this does not relate to designated development or Crown development).

Section 244 of the EP&A Regulations provides that an application for review must be submitted within 28 days of the date of the determination, and Section 8.2 of the EP&A Act provides that an application cannot be reviewed/determined after 6 months of the date of determination.

(b) Section 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Modification Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.

(c) The Section 4.56 Modification Application does not extend the timeframe of the Development Consent initially granted by Council.

(d) Modification of the Development Consent does not remove the need to obtain any other statutory consent necessary under the EP&A Act.

If you have any further enquiries, please contact Ben Paterson on the abovementioned contact details.

Yours faithfully



**Nabil Alaeddine
Acting Manager - Development Assessment**

