

CLARON CONSULTING PTY LTD
PO BOX 542
LINDFIELD NSW 2070

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(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, TO AMEND THE ARCHITECTURAL PLANS FOR THE APPROVED SINGLE STOREY OFFICE/ADMINISTRATION BUILDING AND ASSOCIATED STAFF AND VISITOR PARKING TO BE REPLACED WITH A TWO-STOREY BUILDING, WITH AN ADDITIONAL FIVE (5) CAR PARKING SPACES FOR VISITORS AND STAFF.

THE PROPOSAL IS IDENTIFIED AS DESIGNATED DEVELOPMENT AS SPECIFIED IN SCHEDULE 3 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 AND IS IDENTIFIED AS NOMINATED INTEGRATED DEVELOPMENT, REQUIRING A LICENSE FROM NSW ENVIRONMENTAL PROTECTION AUTHORITY PURSUANT TO PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Reference is made to Modification Application DA-263/2018/C 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/C seeks consent to modify the following, including (but not limited to):

- *Repositioning of the office building;*
- *Addition of a second floor;*

- Increase to the floor plate area;
- Reconfiguration of internal layout;
- Geotechnical Laboratory addition to ground floor (subject to future DA for fit out and use);
- Relocation of car parking area;
- Addition of five car parking spaces.

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 amended by DA-263/2018/A) 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
<i>Demolition Plan</i>	<i>P513-DA-02</i>	<i>B</i>	<i>23/01/2025</i>	<i>PTI Architecture</i>
Site Plan	P513-DA-03	J	23/09/2019	PTI Architecture
<i>Site Plan with Approved DA Footprint Overlayed</i>	<i>P513-DA-03</i>	<i>B</i>	<i>23/01/2025</i>	<i>PTI Architecture</i>
Detailed Shed Plan	P513-DA-04	E	23/09/2019	PTI Architecture
Detailed Site Plan (Part A)	P513-DA-05	N	23/09/2019	PTI Architecture
Detailed Site Plan (Part B)	P513-DA-06	J	23/09/2019	PTI Architecture
<i>Detailed Site Plan (Part B) – Martin Rd East</i>	<i>P513-DA-04</i>	<i>D</i>	<i>02/05/2025</i>	<i>PTI Architecture</i>
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
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	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
New Office Building Elevations East & West	P513-DA-12	G	23/09/2019	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
New Office Building Elevations North & South	P513-DA-13	G	23/09/2019	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 Ramp Sections	P513-DA-15	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-17	B	23/09/2019	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
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
H. Noise Impact Assessment	September 2019	191238-NIA-Rev3	Benbow Environmental
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 6A has been added to Development Consent DA-263/2018 and reads as follows:**

Western Sydney Internal Airport

- 6A *The conditions of consent recommended by Western Sydney International Airport shall be complied with prior, during, and at the completion of construction, as required in accordance with the agency advice dated 7 April 2025. A copy of the advice is attached to this decision notice and available on the NSW Planning Portal.*

3. **Condition 6B has been added to Development Consent DA-263/2018 and reads as follows:**

NSW Rural Fire Service

- 6B *The conditions of consent recommended by NSW Rural Fire Service shall be complied with prior, during, and at the completion of construction, as required in accordance with the agency advice dated 18 March 2025. A copy of the advice is attached to this decision notice and available on the NSW Planning Portal.*

4. **Condition 6C has been added to Development Consent DA-263/2018 and reads as follows:**

Geotechnical Laboratory

- 6C *The area identified as "Geo-Tech Lab" on the approved plans shall not be used or occupied until the subject space has been the subject of a separate Development Application (DA) for its fit-out and use, and that DA has been approved by the consent authority. No works shall be carried out and no use shall commence within this space until such time.*

5. **Condition 19 of Development Consent DA-263/2018 has been amended to read as follows:**

On-Site Sewerage Management System

19. ~~An application for Approval to Install an On-site Sewerage Management System pursuant to Section 68 of the Local Government Act is to be submitted to Council for consideration and approval. The application is to be accompanied by a Waste Water Report prepared by a suitably qualified consultant, specifications of the proposed system and NSW Health~~



~~accreditation details of proposed system.~~

Before the issue of a construction certificate, an application under Section 68 of the Local Government Act 1993 for an Approval to install / construct / alter an On-site Sewage Management System must be submitted to Liverpool City Council for consideration and approval.

The application for Section 68 approval must be accompanied by a Wastewater Report prepared by a suitably qualified consultant and must be designed in accordance with Liverpool City Council's On-site Sewage Management Standard.

The relevant approval must be submitted to the certifier before the issue of a construction certificate.

6. Condition 20 of Development Consent DA-263/2018 (as amended by DA-263/2018/A) has been amended to read as follows:

Recommendations of Acoustic Report

20. ***Before the issue of a construction certificate, the certifier must be satisfied that the recommendations provided in the approved Acoustic report are implemented and incorporated into the design and construction of the development, and shown on plans accompanying the construction certificate application.***

The construction methodology and plans accompanying the construction certificate application must be assessed and certified in writing by a suitably qualified Acoustic consultant to verify conformance with the requirements of the approved Acoustic report. The written certification from the suitably qualified Acoustic consultant must be submitted to and approved by the certifier before issue of the construction certificate.

The recommendations provided within the Noise Impact Assessment for AMJ Demolition and Excavation 55 Martin Road, Badgerys Creek (Report no. ~~191238-NIA_Rev3~~ **241115_NIA_Rev4**) prepared by Benbow Environmental dated ~~September 2019~~ **April 2025** and the Construction Noise and Vibration Management Plan 55 Martin Road Badgerys Creek (Report no. 171127-02_CNVMP_Rev3) prepared by Benbow Environmental dated December 2018 are to be complied with. This includes, but is not limited to:

- A 2.1m colourbond fence to be constructed surrounding the perimeter of the site.
- The front end loader is to have a sound power level of 97 dB (A) or lower.
- Pedestrian doors are to be self-closing
- Crusher/s, generator/s, screen/s and excavator/s are restricted to indoors only.
- When either crusher or excavator is operating, one roller shutter door is to be open for only 3 minutes out of a 15minute scenario.
- Automated roller shutter doors be installed
- Roller shutters selected should be for their acoustic performance with regards to minimising breakout noise and minimising noise generated from opening and closing operations



- Mobile equipment regularly used onsite such as excavators and front end loaders are to be fitted with reversing lights or a white noise reversing alarm

Note: The 'suitably qualified Acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

7. Condition 21 of Development Consent DA-263/2018 has been amended to read as follows:

Special Infrastructure Contribution

21. The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the *Environmental Planning and Assessment Act 1979* under ~~Section 7.23~~ **Schedule 4, Part 1, Section 1 Continuation of special infrastructure contributions** of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (~~Growth Centres Commission~~) before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

8. Condition 36A has been added to Development Consent DA-263/2018 and reads as follows:

Design Amendments

- 36A ***Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:***
- a) ***All pedestrian paths and shared zones identified by a diagonal hatch on the plan named 'Detailed Site Plan (Part B) – Martin Rd East, Revision D, dated 02/05/2025, prepared by PTI Architecture' must incorporate a change in colour and/or texture to provide clear demarcation between pedestrian and vehicle spaces.***

9. Condition 36B has been added to Development Consent DA-263/2018 and reads as follows:

Acoustic Report

- 36B ***Before the issue of a Construction Certificate, an acoustic report shall be prepared by a suitably qualified acoustic consultant to demonstrate that the development will meet the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction with respect to interior noise levels. The recommendations provided in the acoustic report shall be implemented and incorporated into the design and construction of the***



development and be shown on plans accompanying the Construction Certificate application.

The construction methodology and plans accompanying the Construction Certificate application shall be assessed and certified by a suitably qualified acoustic consultant to verify conformance with the requirements of the acoustic report prior to issue of the Construction Certificate. The acoustic report and plans demonstrating compliance with this condition shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Note: 'Suitably qualified acoustic consultant' means a consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

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

Mechanical Plant and Equipment

- 36C Before the issue of a construction certificate, the certifier must be satisfied that mechanical plant and equipment were selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report.**

Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

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

Payment of section 7.12 Development Contributions

- 36D Before the issue of a construction certificate, the applicant must pay a total contribution of \$83,345 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	Amount (\$)	Job No.
Roads	\$19,839	GL.301121000.1865.10242
Open Space	\$9,200	GL.301121000.1869.10243
Community Infrastructure	\$2,722	GL.301121000.1870.10244
Land Acquisition - Roads	\$21,965	GL.301121000.1865.10245
Land Acquisition - Open Space	\$27,528	GL.301121000.1869.10246
Land Acquisition - Community infrastructure	\$1,616	GL.301121000.1870.10247



Total	\$83,345
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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

12. Condition 84A has been added to Development Consent DA-263/2018 and reads as follows:

Demolition of Septic Tank and Effluent Disposal Area

84A Any existing effluent disposal area is to be demolished and back filled with Virgin Excavated Natural Material (VENM).

Any septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels available from the NSW Health website (www.health.nsw.gov.au)



13. **Condition 84B has been added to Development Consent DA-263/2018 and reads as follows:**

Acoustic Report

84B The construction requirements recommended in the approved acoustic report are to be implemented by the consent holder during the construction of the development.

14. **Condition 90 of Development Consent DA-263/2018 has been amended to read as follows:**

Landscaping

90. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

The Landscape works to the office and car parking area must be in accordance with the Landscape Plan prepared by Ecological Consultants Australia Pty Ltd, dated January 2025.

15. **Condition 91 of Development Consent DA-263/2018 has been amended to read as follows:**

Recommendations of Acoustic Report

- ~~91. A Compliance Certificate or other documentation deemed suitable demonstrating compliance with the following is to be submitted to the Principal Certifying Authority:~~

- ~~a) The building has been constructed to meet the relevant noise criteria's in accordance with the approved acoustic report; and
b) All relevant recommendations within the approved acoustic report have been adopted.~~

Upon completion of works and before the issue of any occupation certificate, written certification prepared by a suitably qualified Acoustic consultant must be submitted to and approved by the certifier. The written certification prepared by the suitably qualified Acoustic consultant must confirm that the development complies with all requirements and recommendations detailed within the acoustic report approved under DA-263/2018. The acoustic consultant must confirm that the development or use is capable of operating in accordance with the design criteria.



Note: The 'suitably qualified Acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

16. **Condition 102 of Development Consent DA-263/2018 (as amended by DA-263/2018/A) 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, and ~~DA-06 Revision J, dated 23/09/2019~~ **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.

17. **Condition 102A has been added to Development Consent DA-263/2018 and reads as follows:**

Recommendations of Acoustic Report (Aircraft Noise Intrusion)

- 102A ***Upon completion of works and prior to the issue of any Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of any Occupation Certificate. The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development meets the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction with respect to interior noise levels.***

Note: 'Suitably qualified acoustic consultant' means a consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

18. **Condition 102B has been added to Development Consent DA-263/2018 and reads as follows:**

Operational Environmental Management Plan

- 102B ***Before the issue of any Occupation Certificate, an Operational Environmental Management Plan (OEMP) shall be prepared for the facility and be submitted to***



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Web www.liverpool.nsw.gov.au NRS 13 36 77 ABN 84 181 182 471

Liverpool City Council for review and approval. The Plan shall be prepared or reviewed and certified by a suitably qualified environmental consultant and address means by which the commitment in the Environmental Impact Statement and other environmental assessment reports will be fully implemented.

The OEMP shall also provide a framework for managing and mitigating environmental impacts for the life of the proposal and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures. The Plan would support recommendations proposed in the submitted technical reports whilst also addressing other risks to the environment including but not limited to material storage, dust/odour management, protection of watercourses and wet areas and water management and facility design.

As a minimum, the OEMP shall address the following requirements:

- a) Provide the strategic context for the management of the development;***
- b) Identify all the statutory requirements of the development and any specific environmental standards;***
- c) Detail mitigation measures to minimise acoustic impacts;***
- d) Specify mitigation requirements to maintain air quality;***
- e) Outline mitigation measures to maintain water quality;***
- f) Address sediment and erosion control during operation; and***
- g) Include community consultation and complaints management procedures.***

Note: 'Suitably qualified environmental consultant' means a consultant who is certified under the Environment Institute of Australia and New Zealand- Certified Environmental Practitioner (CEnvP) scheme.

A copy of the Operational Environmental Management Plan shall be forwarded to Liverpool City Council for review and approval prior to the issue of the Construction Certificate.

- 19. Condition 102C has been added to Development Consent DA-263/2018 and reads as follows:**

Operational Environmental Management Plan – Compliance Certificate

102C Prior to the issue of any Occupation Certificate, a Compliance Certificate prepared by a suitably qualified and experienced environmental consultant shall be submitted to Liverpool City Council certifying that all components of the development comply with the approved Operational Environmental Management Plan and that all recommendations have been adopted.

- 20. Condition 102D has been added to Development Consent DA-263/2018 and reads as follows:**

Mechanical Ventilation Certification



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102D Upon completion of works and before the issue of any occupation certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person must be submitted to certifier for their review and approval. The certification must be accompanied by details of the tests carried out in relation to ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2.

- 21. Condition 102E has been added to Development Consent DA-263/2018 and reads as follows:**

Connection to Reticulated Sewer

102E Before the issue of any occupation certificate, a restriction must be placed on the title of the land pursuant to S.88E of the Conveyancing Act 1919, requiring the following:

- a) If a connection to a reticulated sewerage system becomes available within 75 meters from any property boundary, a connection must be established within 12 months of such connection becoming available.**
- b) All wastewater generated at the premises must be directed to the reticulated sewerage system.**
- c) Certification of connection to the reticulated sewerage system must be submitted to Council.**

- 22. Condition 102F has been added to Development Consent DA-263/2018 and reads as follows:**

Decommissioning of On-Site Sewage Management Systems

102F Following the decommissioning of the on-site sewage management system and before the issue of any occupation certificate, a certificate certifying that the system was decommissioned in accordance with NSW Health Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF), must be submitted to Liverpool City Council. A template decommissioning certificate can be found on Liverpool City Council's website www.liverpool.nsw.gov.au

- 23. Condition 102G has been added to Development Consent DA-263/2018 and reads as follows:**

Operational Environmental Management Plan

102G Before the issue of any Occupation Certificate, an Operational Environmental Management Plan (OEMP) shall be prepared for the facility and be submitted to



Liverpool City Council for review and approval. The Plan shall be prepared or reviewed and certified by a suitably qualified environmental consultant and address means by which the commitment in the Environmental Impact Statement and other environmental assessment reports will be fully implemented.

The OEMP shall also provide a framework for managing and mitigating environmental impacts for the life of the proposal and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures. The Plan would support recommendations proposed in the submitted technical reports whilst also addressing other risks to the environment including but not limited to material storage, dust/odour management, protection of watercourses and wet areas and water management and facility design.

As a minimum, the OEMP shall address the following requirements:

- a) Provide the strategic context for the management of the development;***
- b) Identify all the statutory requirements of the development and any specific environmental standards;***
- c) Detail mitigation measures to minimise acoustic impacts;***
- d) Specify mitigation requirements to maintain air quality;***
- e) Outline mitigation measures to maintain water quality;***
- f) Address sediment and erosion control during operation; and***
- g) Include community consultation and complaints management procedures.***

Note: ‘Suitably qualified environmental consultant’ means a consultant who is certified under the Environment Institute of Australia and New Zealand- Certified Environmental Practitioner (CEnvP) scheme.

A copy of the Operational Environmental Management Plan shall be forwarded to Liverpool City Council for review and approval prior to the issue of the Construction Certificate.

- 24. Condition 102H has been added to Development Consent DA-263/2018 and reads as follows:**

Operational Environmental Management Plan

102H Prior to the issue of an Occupation Certificate, a Compliance Certificate prepared by a suitably qualified and experienced environmental consultant shall be submitted to Liverpool City Council certifying that all components of the development comply with the approved Operational Environmental Management Plan and that all recommendations have been adopted.

- 25. Condition 106 of Development Consent DA-263/2018 has been amended to read as follows:**



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Car Parking/Loading

106. A total of 43 **18** off street car parking spaces must be provided in accordance with Council's relevant development control plan. 2 of the spaces must be designed and signposted/marked for the specific use of persons with a disability.

26. **Condition 116 of Development Consent DA-263/2018 has been amended to read as follows:**

Offensive Noise – Acoustic Report

116. ~~The proposed use of the premises and/or machinery equipment must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant, and an acoustic report is to be submitted to Liverpool City Council for review. Any noise attenuation recommendations approved by Council must be implemented. The assessment is to obtain relevant background readings for the approved Noise Impact Assessment.~~
The use of the premises and/or machinery equipment installed must not give rise to offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Liverpool City Council, an acoustic assessment must be undertaken by a suitably qualified acoustic consultant and an acoustic report must be submitted to Liverpool City Council for review. Any noise attenuation recommendations approved by Liverpool City Council must be implemented. The assessment is to obtain relevant background readings for the approved Noise Impact Assessment.

Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

27. **Condition 117 of Development Consent DA-263/2018 has been amended to read as follows:**

Hours of Operation

117. The hours of operation of the premises are limited to:
- Processing and delivery activities, as well as the movement, loading and unloading of trucks, and cleaning activities using mechanical equipment that is audible from any residential boundary:
 - Monday to Friday 7:00am to 6:00pm
 - Saturdays 8:00am to 1:00pm



- At no time on Sundays or Public Holidays
- Administrative activities **and laboratory activities:**
 - Monday to Friday 7:00am to 6:00pm
 - Saturdays 8:00am to 5:00pm
 - At no time on Sundays or Public Holidays

28. Condition 121 has been added to Development Consent DA-263/2018 and reads as follows:

Operational Environmental Management Plan

121. The operation of the development shall comply with the approved Operational Environmental Management Plan at all times.

A spill kit shall be provided on site at all times to clean up any minor liquid spillages.

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record shall be made available to Liverpool City Council's Officers upon request.

29. Condition 122 has been added to Development Consent DA-263/2018 and reads as follows:

Connection to reticulated sewerage system

122. In the event that a connection to a reticulated sewerage system becomes available within 75 meters from any property boundary, a connection must be established within 12 months of such connection becoming available, and all wastewater generated at the premises directed to the reticulated sewerage system. Certification of connection to the reticulated sewerage system must be submitted to Liverpool City Council.

30. Condition 123 has been added to Development Consent DA-263/2018 and reads as follows:

Waste Collection and Management

123. Waste and recyclable material must be managed in a satisfactory manner, covered at all times and not give rise to offensive odour or encourage pest activity. All solid and liquid waste must be removed regularly from the site by a registered waste contractor. Waste must not be permitted to accumulate near the waste storage bins.



31. **Condition 124 has been added to Development Consent DA-263/2018 and reads as follows:**

Waste Storage Area

124. *Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.*

32. **Condition 125 has been added to Development Consent DA-263/2018 and reads as follows:**

Noise Complaints Register

125. *The operator shall keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:*
- a) the date and time, where relevant, of the complaint;*
 - b) the means by which the complaint was made (telephone, mail or email);*
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;*
 - d) the nature of the complaint;*
 - e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.*
 - f) allocate an individual "complaint number" to each complaint received.*
 - g) The Complaints Register must be made available for inspection when requested by Liverpool City Council.*

33. **Condition 126 has been added to Development Consent DA-263/2018 and reads as follows:**

Noise Management Plan

126. *The approved Noise Management Plan must be complied with at all times.*

34. **Condition 127 has been added to Development Consent DA-263/2018 and reads as follows:**


Environment

127. *The use of the premises must not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.*



35. **ATTACHMENT D – Western Sydney International Airport has been added to Development Consent DA-263/2018 and reads as follows:**

ATTACHMENT D – Western Sydney International Airport

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	Western Sydney International Airport
Agency Reference number: A-97957	
DA Number: DA263/2018/C	
Concurrence and Referral: CNR-79543	
WSA Response:	
Thank you for the opportunity to comment on the modification of Development Application (DA263/2018/C), located at 55 Martins Rd, Badgerys Creek. We understand that the proposal seeks approval to modify the application in relation to the office and includes:	
<ul style="list-style-type: none">• Increase setback of building from truck driveway• Add a second storey to the building increasing the floor space by 38sqm• Reconfigure the floor layout to facilitate a future geotechnical lab on the ground floor• Add a pergola and BBQ area at the ground floor• Increase parking spaces by 5• Relocate the car parking area	
If the application is recommended for approval and the consent authority is satisfied with the information provided, the following conditions of consent should be included:	
Impact	General Comments
Wildlife Hazards	
	The landscape plan is to include species detailed in the Aerotropolis DCP to minimise wildlife attraction.
	Any waste storage outdoors should be designed and installed with fixed lids and cannot be accessed by wildlife.
Lighting	
	Lighting on the site must not exceed an intensity of light of (Zone B – 50cd, Zone C – 150 cd,) above the 3 degrees horizontal plane
Airspace Operation	
	Based on the information provided it appears that the height of the development is below the OLS. Should the proposal and design change have the potential to impact the prescribed airspace the proposal will need to assess the development's potential impacts on the OLS, during construction and operation. It should be noted that the <i>Airports Act 1996</i> covers any intrusions into prescribed airspace, which could include: <ul style="list-style-type: none">a. constructing permanent structures, such as buildings, into the protected airspace;b. temporary structures such as cranes protruding into the protected airspace; or
wsairport.com.au PO Box 397 Liverpool NSW 1871 ACN 618 989 272	
OFFICIAL	



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	<p>c. activities causing non-structural intrusions into the protected airspace such as air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter.</p> <p>Note: Emissions from mechanical ventilation systems may impact on protected airspace if the velocity of emissions is greater than 4.3m/s at point of emission or protected surface.</p> <p>If it is likely that any of the above components would result in an impact on protected airspace, then approval will need to be obtained in accordance with the <i>Airports Act 1996</i> and the <i>Airports (Protection of Airspace) Regulations 1996</i>.</p>
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Should you have any further questions or clarifications regarding the above please contact planning@wsairport.com.au

wsairport.com.au | PO Box 397 Liverpool NSW 1871 | ACN 618 969 272

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36. **ATTACHMENT C – NSW Rural Fire Services has been added to Development Consent DA-263/2018 and reads as follows:**

ATTACHMENT C – NSW Rural Fire Services



RFS



Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Your reference: (CNR-79543) DA-263/2018/C
Our reference: DA20250312000912-S4.55-1

ATTENTION: Ben Paterson

Date: Tuesday 18 March 2025

Dear Sir/Madam,

Development Application
s4.14 - Other - Commercial Premises
55 Martin Road Badgerys Creek NSW 2555, 4//DP611519

I refer to your correspondence dated 07/03/2025 seeking advice regarding bush fire protection for the above Development Application in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities

1. From the start of building works, the property around the proposed office/administration building must be managed as an inner protection area (IPA) for a distance of minimum 15 metres in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 metres above the ground;
- tree canopies should be separated by 2 to 5 metres;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au



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Construction Standards

The intent of Infill measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities

2. New construction must comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

Access – Property Access

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities

3. Property access must comply with the following requirements of Table 7.4a of *Planning for Bush Fire Protection 2019*:

- property access roads are two-wheel drive, all weather roads with minimum 4 metre carriageway width;
- a minimum vertical clearance of 4 metre to any overhanging obstructions, including tree branches;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles, bridges and causeways are to clearly indicate load rating.
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005;
- there is suitable access for a Category 1 fire appliance to within 4 metre of the static water supply where no reticulated supply is available;
- property access must provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6 metre and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6 metre;
- the crossfall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and
- a development comprising more than three dwellings has formalised access by dedication of a road and not by right of way.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5 metre wide, extend for no more than 30 metre and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

Water and Utility Services

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities

4. The provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- all above-ground water service pipes external to the building are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30 metre), unless crossing gullies, gorges or riparian areas;
- and



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- no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with *AS/NZS 1596:2014* and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

5. In absence of a hydrant within 70 metres of the most distant point of the proposed office building, a 10,000 litre static water supply tank, pool, dam or the like, must be provided on site to comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:

- a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure;
- 65mm Storz outlet with a ball valve is fitted to the outlet;
- ball valve and pipes are adequate for water flow and are metal;
- supply pipes from tank to ball valve have the same bore size to ensure flow volume;
- underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;
- a hardened ground surface for truck access is supplied within 4 metres;
- above-ground tanks are manufactured from concrete or metal;
- raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F of *AS 3959*);
- unobstructed access can be provided at all times;
- underground tanks are clearly marked;
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;
- all exposed water pipes external to the building are metal, including any fittings;
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and
- fire hose reels are constructed in accordance with *AS/NZS 1221:1997*, and installed in accordance with the relevant clauses of *AS 2441:2005*.

Landscaping Assessment

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities

6. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;



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



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Note: This determination notice is strictly for changes sought under Modification Application DA-263/2018/C. 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



Ben Paterson
ACTING SENIOR DEVELOPMENT ASSESSMENT PLANNER
DEVELOPMENT ASSESSMENT

Reviewing Officer -



Nabil Alaeddine
PRINCIPAL PLANNER
DEVELOPMENT ASSESSMENT



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