



# Statement of Environmental Effects for a proposed Modification to a Development Consent

- Description:** sect. 4.55(2) modification to DA-263/2018/A *'to 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'* to reconfigure the office/administration building.
- Address:** Lot 4 in DP 611519 (55) Martin Road Badgerys Creek NSW 2555.
- Prepared for:** Antoun's Construction Pty Ltd – proponent & landowner.
- Prepared by:** Brent M Winning JP [B.Build (Hons.), GDURP, MAIB, RPIA]  
Registered Planner, Building & Development Consultant
- Report No:** 24018b s.4.55(2) Rev.1
- Date:** 24 January 2025



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## 1. BACKGROUND TO THE PROPOSED MODIFICATION APPLICATION

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This Planning Statement has been prepared to accompany an application to modify Development Consent DA-263/2018/A approved by the *Sydney South West Planning Panel* ("Planning Panel") with an amended Consent issued by Liverpool City Council ("Council") on 16 June 2020 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.*'

This 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.

## 2. THE PROPOSAL

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The proposal is to modify Development Consent #DA-263/2018/A to amend the architectural plans for the 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 specific modifications are as follows:

- Re-position the building to have greater spatial separation (8.695 m setback) from the truck driveway.
- Add a second floor to the building with internal staircase and lift.
- Increase the floor area by 38 m<sup>2</sup> from 280 m<sup>2</sup> (approved) to 318 m<sup>2</sup> (proposed).
- Reconfigure the general internal floor layout of the building.
- Add a geotechnical laboratory to the ground floor with separate entry (subject to a future Development Application for fit out and use).

- vi. Add a covered pergola and BBQ to the rear ground floor elevation.
- vii. Increase the car parking provided 'at grade' external to the administration/office building from 13 spaces (as approved) to eighteen (18) spaces.
- viii. Relocate the staff parking area further to the north to be adjacent to the building.

The requested modifications are directly related to improving the operational efficiencies of the business.

There is no change to the approved site activities and general site layout, hard surface area, type/volumes of waste received, staffing numbers, truck movements, site access, weighbridge location, ecology, landscaping, wastewater, hours of operation, the general nature of the resource recovery processing business conducted at the premises or any other matter that is any way inconsistent with the current Development Consent.

### **3. SITE AND LOCATION DESCRIPTION**

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The subject premises 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. THE PROPONENT**

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The owner/operator of the premises is:

- Antoun's Construction Pty Ltd [ABN 98 104 920 283]
- 55 Martin Road Badgerys Creek NSW 2555
- Michael Antoun – Managing Director
- Mobile: (0449) 255 091
- [michael@amjdemolition.com](mailto:michael@amjdemolition.com)

Except for the specific matters as discussed within this proposal, in all respects the business to be operated at the site and trading as 'AMJ Construction Pty Ltd' is identical to the business as described in the Conditions of Consent #DA-263/2018/A.

## 5. PROPOSED MODIFICATIONS

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

### **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	D	23/09/2019	PTI Architecture
Site Plan	P513-PDA-03	J	23/09/2019	PTI Architecture
Detailed Shed Plan	P513-DA-04	E	23/09/2019	PTI Architecture
Detailed Site Plan (Part A)	P513-A-PDA-05	N	23/09/2019	PTI Architecture
Detailed Site Plan (Part B)	P513-A-PDA-06	J	23/09/2019	PTI Architecture
Shed Amenities Floor Plans	P513-PDA-07	B	23/09/2019	PTI Architecture
Processing Shed Elevations	P513-PDA-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	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
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

**Replace** the approved plan set with the following amended architectural plans (shaded green for clarity):

Plan Name	Plan Number	Rev	Date	Prepared By
Location Plan	P513-PDA-01	D	23/09/2019	PTI Architecture
Demolition Plan	P513-DA-02	B	23/1/2025	PTI Architecture
Site Plan with Approved DA Footprint Overlaid	P513-DA-03	B	23/1/2025	PTI Architecture
Detailed Shed Plan	P513-DA-04	E	23/09/2019	PTI Architecture
Detailed Site Plan (Part A)	P513-A-PDA-05	N	23/09/2019	PTI Architecture
Detailed Site Plan (Part B) – Martin Road East	P513-DA-04	B	23/1/2025	PTI Architecture
Office Building - Ground Floor Plan	P513-DA-05	B	23/1/2025	PTI Architecture
Office Building - First Floor Plan	P513-DA-06	B	23/1/2025	PTI Architecture

Office Building Roof Plan	P513-DA-07	B	23/1/2025	PTI Architecture
Office Building - Elevation East	P513-DA-08	B	23/1/2025	PTI Architecture
Office Building - Elevation West	P513-DA-09	B	23/1/2025	PTI Architecture
Office Building - Elevation North	P513-DA-10	B	23/1/2025	PTI Architecture
Office Building - Elevation South	P513-DA-11	B	23/1/2025	PTI Architecture
Office Building - Sections A & B	P513-DA-12	B	23/1/2025	PTI Architecture
Staff Carpark Driveway	P513-DA-13	B	23/1/2025	PTI Architecture
Shed Amenities Floor Plans	P513-PDA-07	B	23/09/2019	PTI Architecture
Processing Shed Elevations	P513-PDA-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
Truck Entry Driveway Ramp Sections	P513-DA-14	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
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

**Comment:** The plan amendments are intended solely to facilitate improvements in the administration function of the facility by providing additional floor space to accommodate staff training and development, and an enhanced carparking arrangement including an additional five (5) staff/visitor car spaces.

## 6. ASSESSMENT OF PROPOSED MODIFICATIONS

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The purpose of this Application is to improve the operational functionality of the site and provide additional administration capacity.

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

### 6.1 Proposed Modifications

The amended plans seek to replace the approved single storey office building with a two-storey building with an additional five (5) car parking spaces; the new structure has a similar footprint as that of the previously approved single storey building on the approved plan.

The office building has a modest increase in floor area of 38 m<sup>2</sup>, from 280 m<sup>2</sup> (as approved) to 318 m<sup>2</sup> (proposed). The additional floor area and improved internal amenity of the building allows the proponent, AMJ Demolition & Excavation, to relocate most of their general business administration functions to the Martin Road site.

The proposal occupies a similar footprint as the former approved single storey structure, with complying setbacks to all boundaries, noting that the new configuration adopts a more generous setback to the truck entry and ramp. No trees are affected by the works, nor are there any additional impacts upon ecology. The wastewater treatment area located to the east of the building is unaffected.



Visually, the structure presents to the public realm of Martin Road as a modest two-storey commercial building with flat roof and parapet. There are no adjoining neighbours to the northern side that are impacted by the works. The façade treatment of the building is of a modern, contemporary style and is entirely consistent with the developing neighbourhood character of 'Enterprise' precinct.

The previously approved carpark at grade within the front setback has been relocated further to the north and is adjacent to the building entry.

The new geotechnical laboratory potentially generates the need for 2-3 additional staff, which is accommodated in the increase in car parking spaces from 13 (as approved) to a total of 18 spaces, noting that the fit out and use of this space will be subject to a future application/approval.

The staff and visitor car park entry/exit to Martin Road remains separated from the main truck entry by approximately 14 m, with a minimum of 150 metres sight distance in both directions. Apart from the increase in car spaces provided for staff and visitors, the scheme remains consistent with that previously assessed and approved.

## **6.2 Statutory Context**


For completeness, a brief discussion of and justification for the proposal against the relevant sections of *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* and is provided hereunder.


### **6.2.1 State Environmental Planning Policy (Precincts – Western Parkland City) 2021**

The relevant local planning instrument is *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*. The *SEPP (Precincts – Western Parkland City) 2021* contains detailed objectives and controls that will be used by the Consent Authority when assessing applications under Section 4.15 of the Act.

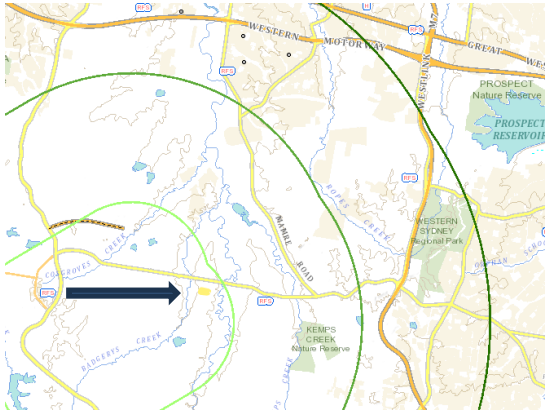
The relevant clauses of *SEPP (Precincts – Western Parkland City) 2021* as typically apply for the approved ‘Enterprise’ land use are summarised in Table 1:

**Table 1: State Environmental Planning Policy (Precincts – Western Parkland City) 2021**

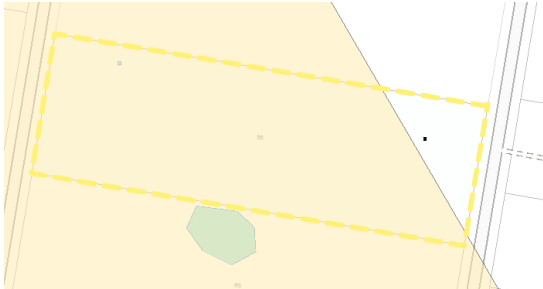
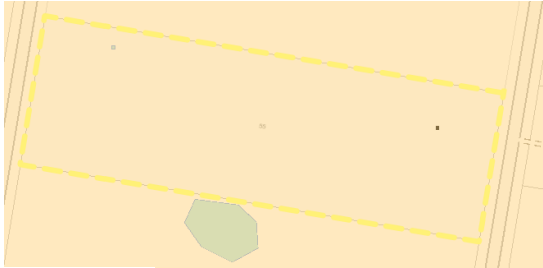
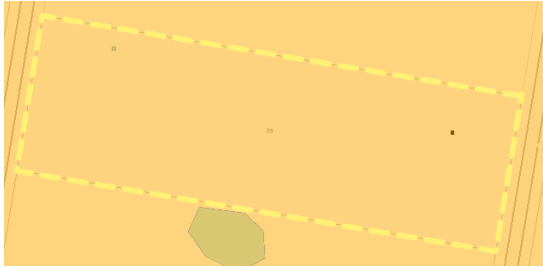
Clause	Description	Comments
<b>Land Use</b>  <b>Enterprise Zone</b>	 <p>ENT: Enterprise</p> <p><b>1 Objectives of Zone</b></p> <ul style="list-style-type: none"> <li>• To encourage employment and businesses related to professional services, high technology, aviation, logistics, food production and processing, health, education and creative industries.</li> <li>• To provide a range of employment uses (including aerospace and defence industries) that are compatible with future technology and work arrangements.</li> <li>• To encourage development that promotes the efficient use of resources, through waste minimisation, recycling and re-use.</li> <li>• To ensure an appropriate transition from non-urban land uses and environmental conservation areas in surrounding areas to employment uses in the zone.</li> <li>• To prevent development that is not compatible with or that may detract from the future commercial uses of the land.</li> <li>• To provide facilities and services to meet the needs of businesses and workers.</li> </ul> <p><b>2 Permitted without consent</b></p> <p>Nil</p>	<p>Extract from SEPP 2021 Zoning map showing the land is zoned ENT: Enterprise.</p> <p>The proposal satisfies the ENT zone objectives as follows:</p> <p>The proposal is for a ‘business’ land use that supports the various activities being conducted within the enterprise zone.</p> <p>The recycling business being conducted at the premises provides employment for support services within the zone.</p> <p>The approved activity is for recycling business that supports waste minimisation and re-use of resources.</p> <p>The land-use is for an employment use and located entirely within that ENT zone.</p> <p>The recycling business is an industrial land-use and is permissible development with the ENT zone.</p> <p>Not applicable.</p> <p>Not applicable.</p>

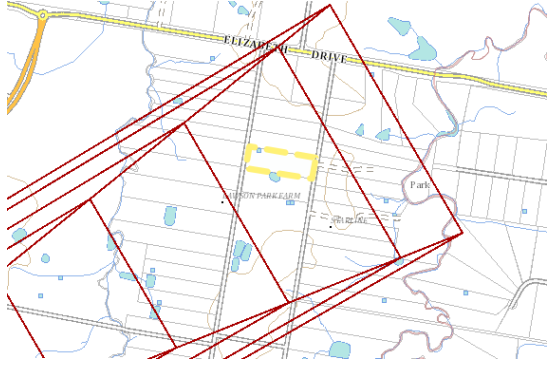
Clause	Description	Comments
	<p><b>3 Permitted with consent</b></p> <p><i>Any other development not specified in item 2 or 4</i></p> <p><b>4 Prohibited</b></p> <p><i>Air transport facilities; Airstrips; Camping grounds; Caravan parks; Crematoria; Exhibition homes; Exhibition villages; Forestry; Heavy industrial storage establishments; Heavy industries; Helipads; Intensive livestock agriculture; Mortuaries; Open cut mining; Residential accommodation; Rural industries; Turf farming</i></p>	<p><b>Complies.</b></p> <p>The proposal for a larger office/admin building as part of a Resource Recovery Facility does not alter the approved usage of the site. The approved use as a Resource Recovery Facility is not a prohibited use for the new 'Enterprise' zone.</p> <p>The increased floor area and reconfigured office/admin building allows for more efficient operation of the approved facility, which is consistent with dot point 3 of the zone Objectives.</p> <p>Accordingly, the proposal is not considered to conflict with either the Consent or the 'ENT Enterprise' zone Objectives.</p>
<b>Part 4.3</b>	<b>Development controls—Airport safeguards</b>	
<b>4.17</b>	<b>Aircraft noise</b>	
	<p>(2) Development consent must not be granted to noise sensitive development if the development is to be located on land that is in an ANEF or ANEC contour of 20 or greater.</p>  <p><b>30 - 35</b></p> <p><b>35 - 40</b></p>	<p><b>Not applicable.</b></p> <p>The proposal for a modification to the approved admin/office building is not a 'noise sensitive development'.</p>
<b>4.18</b>	<b>Building wind shear and turbulence</b>	
	<p>(2) This section applies to development—</p> <p>(a) on land shown as the "Windshear Assessment Trigger Area" on the Lighting Intensity and Wind Shear Map, and</p>	<p><b>Not applicable.</b></p> <p>The land is not mapped within the "Windshear Assessment Trigger Area".</p>

Clause	Description	Comments
	<p><i>(b) that penetrates the 1:35 surface.</i></p> <p><i>(2A) Development consent must not be granted to the development unless the consent authority has consulted the relevant Commonwealth body.</i></p> <p><i>(3) For the purposes of this section, development penetrates the 1:35 surface if the distance from the runway centreline to the closest point of the building is less than or equal to 35 times the height above runway level of the building.</i></p> <p><i>Example— A building with a height of 10 metres does not penetrate the 1:35 surface if the building is located more than 350 metres from the runway centreline.</i></p>	
<b>4.19</b>	<b>Wildlife hazards</b>	
	<p><i>(2) Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority—</i></p> <p><i>(a) has consulted the relevant Commonwealth body, and</i></p> <p><i>(b) has considered a written assessment of the wildlife that is likely to be present on the land and the risk of the wildlife to the operation of the Airport provided by the applicant, which includes—</i></p> <p><i>(i) species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and</i></p> <p><i>(ii) whether any of the wildlife is a threatened species, and</i></p> <p><i>(iii) a description of how the assessment was carried out, and</i></p> <p><i>(c) is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport, including, for example, measures relating to—</i></p> <p><i>(i) waste management, landscaping, grass, fencing, stormwater or water areas, or</i></p>	<p><b>Applies but no impacts.</b></p> <p>The subject site lies within the 3 km wildlife buffer zone.</p> <p>Ecology impacts have been previously assessed as part of the DA-263/2018. The minor modifications to the configuration of the approved office/admin building do not materially increase any impacts upon wildlife within the development site.</p>


Clause	Description	Comments
	<p>(ii) the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets.</p> <p>(3) Despite subsection (2), development for the following purposes is prohibited on land in the 3 km wildlife buffer zone—</p> <p>(a) livestock processing industries,</p> <p>(b) turf farming,</p> <p>(c) waste or resource management facilities that consist of outdoor processing, storage or handling of organic or putrescible waste.</p> <p>(4) In this section—</p> <p>3 km wildlife buffer zone means the land shown as the “3 kilometre wildlife buffer zone” on the Wildlife Buffer Zone Map.</p> <p>13 km wildlife buffer zone means the land shown as the “13 kilometre wildlife buffer zone” on the Wildlife Buffer Zone Map and includes the 3 km wildlife buffer zone.</p> <p>relevant development means development for the following purposes—</p> <p>(m) waste or resource management facilities that consist of outdoor processing, storage or handling of organic or putrescible waste,</p>  <p>Site shown arrowed.</p>	
<b>4.20</b>	<b>Wind turbines</b>	
	<p>(2) Development for the following purposes is prohibited on land in the 3 km zone—</p>	<b>Not applicable.</b> The land is not within the 3 km zone.

Clause	Description	Comments
	<p><i>(a) electricity generating works comprising a wind turbine,</i></p> <p><i>(b) wind monitoring towers that are not ancillary or incidental to the Airport.</i></p> <p><i>(3) Development consent must not be granted to development for the purposes of a large wind monitoring tower in the 3–30 km zone unless the consent authority has consulted the relevant Commonwealth body.</i></p> <p><i>(4) Development consent must not be granted to development for the purposes of a electricity generating works comprising a wind turbine on land in the 3–30 km zone unless the consent authority—</i></p> <p><i>(a) has consulted the relevant Commonwealth body, and</i></p> <p><i>(b) has considered a written assessment of the risk of the development to the safe operation of the Airport provided by the applicant, and</i></p> <p><i>(c) is satisfied that the development will adequately mitigate the risk to the safe operation of the Airport.</i></p> <p><i>(5) In this section—</i></p> <p><i>3 km zone means the land shown as the “3-kilometre zone” on the Wind Turbines Map.</i></p> <p><i>3–30 km zone means the land shown as the “3–30 kilometre zone” on the Wind Turbines Map.</i></p> <p><i>large wind monitoring tower means a wind monitoring tower that measures at least 150 metres from ground level (existing) to the topmost point of the wind monitoring tower.</i></p>	<p>The proposal does not include a wind turbine or wind monitoring tower.</p>
<b>4.21</b>	<b>Lighting</b>	
	<p><i>(2) Development consent must not be granted to development for the following purposes on land shown as the “6km Lighting Intensity Radius”, a “Light Control Zone” or a “Runway Boundary” on the Lighting Intensity and Wind Shear Map unless the consent authority has consulted the relevant Commonwealth body—</i></p>	<p><b>Applies but no impacts.</b></p> <p>The land is mapped within the ‘Light Control’ zones ‘B’, ‘C’ and ‘D’.</p>

Clause	Description	Comments
	<p>(a) installation and operation of external lighting (whether coloured or white lighting) in connection with development for the following purposes—</p> <p>(i) classified roads,</p> <p>(ii) freight transport facilities,</p> <p>(iii) heavy industrial storage establishments,</p> <p>(iv) recreation facilities (major),</p> <p>(v) recreation facilities (outdoor),</p> <p>(b) installation and operation of external lighting in connection with construction works that is likely to be obtrusive or create light spill outside the land on which the construction works are carried out.</p>  <p>Light Control Zone B</p>  <p>Light Control Zone C</p>  <p>Light Control Zone D</p>	<p><b>Not applicable.</b></p> <p>The proposal is not for a land-use as defined with (2)(a).</p> <p><b>Not applicable.</b></p> <p>The construction of the facility will not involve night work.</p>

Clause	Description	Comments
<b>4.22</b>	<b>Airspace operations</b>	
	<p>(2) <i>This section applies to development on land shown on the Obstacle Limitation Surface Map that is a controlled activity within the meaning of Part 12, Division 4 of the Airports Act 1996 of the Commonwealth.</i></p> <p><i>Note—</i></p> <p><i>Controlled activities include the construction or alteration of buildings or other structures that penetrate the prescribed airspace. Controlled activities cannot be carried out without an approval under Part 12, Division 4 of the Airports Act 1996 of the Commonwealth.</i></p> <p>(3) <i>Development consent must not be granted to development to which this section applies unless—</i></p> <p><i>(a) the consent authority has consulted the relevant Commonwealth body, and</i></p> <p><i>(b) the relevant Commonwealth body advises the consent authority that—</i></p> <p><i>(i) the development will penetrate the prescribed airspace but it does not object to the development, or</i></p> <p><i>(ii) the development will not penetrate the prescribed airspace.</i></p>  <p><b>110-120</b></p>	<b>Applies but no impacts.</b>
<b>4.23</b>	<b>Public safety</b>	



Clause	Description	Comments
	<p>(2) Development for the following purposes is prohibited on land shown as the “public safety area” on the Public Safety Area Map—</p> <p><i>Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Education establishments; Entertainment facilities; Function centres; Funeral homes; Health services facilities; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Service stations; Tourist and visitor accommodation</i></p>  <p>Public Safety Area</p>	<p><b>Not applicable.</b></p> <p>The land is not mapped within the ‘Public Safety Area Map’.</p>
<b>4.23A</b>	<b>Operation of certain air transport facilities</b>	
	<p>(2) Development consent must not be granted to development on land shown as the “Building Restricted Area” on the Building Restricted Area Map unless the consent authority—</p> <p>(a) has consulted the relevant Commonwealth body, and</p> <p>(b) is satisfied that the development will not adversely impact the operation of communication and air traffic control facilities or structures associated with the Airport’s air transport facilities.</p>	<p><b>Not applicable.</b></p>
<b>Part 4.4</b>	<b>Development controls—general</b>	

Clause	Description	Comments
<b>4.24</b>	<b><i>Flood planning</i></b>	
	<p>(2) <i>This section applies to—</i></p> <p><i>(a) land shown as the “flood planning area” on the Flood Planning Map, and</i></p> <p><i>(b) other land that is at or below the flood planning level.</i></p>	<b>Not applicable.</b>
<b>4.25</b>	<b><i>Preservation of trees and vegetation in Environment and Recreation Zone and Cumberland Plain</i></b>	
	<p>(2) <i>This section applies to land—</i></p> <p><i>(a) in the Environment and Recreation Zone, or</i></p> <p><i>(b) shown as “existing native vegetation” on the High Biodiversity Value Areas Map.</i></p> <p>(3) <i>A person must not clear native vegetation on land to which this section applies without development consent.</i></p> <p>(4) <i>Development consent under subsection (3) must not be granted unless the consent authority is satisfied that, in relation to the disturbance of native vegetation caused by the clearing—</i></p> <p><i>(a) there is no reasonable alternative available to the disturbance of the native vegetation, and</i></p> <p><i>(b) any impact of the proposed clearing on biodiversity values is avoided or minimised, and</i></p> <p><i>(c) the disturbance of the native vegetation will not increase salinity, and</i></p> <p><i>(d) native vegetation inadvertently disturbed for the purposes of construction will be re-instated where possible on completion of construction, and</i></p> <p><i>(e) the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation, and</i></p>	<b>Not applicable.</b>

Clause	Description	Comments
	<p><i>(f) the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.</i></p> <p><i>(5) Development for the following purposes is prohibited on land shown as “high biodiversity value” on the High Biodiversity Value Areas Map—</i></p> <p><i>(a) information and education facilities,</i></p> <p><i>(b) kiosks,</i></p> <p><i>(c) recreation areas other than a public park, reserve or garden,</i></p> <p><i>(d) recreation facilities (outdoor).</i></p> <p><i>(6) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 does not apply to land to which this section applies.</i></p> <p><i>(7) This section does not authorise the clearing of existing native vegetation within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the repealed Threatened Species Conservation Act 1995.</i></p>	
<b>4.25A</b>	<b>Clearing of native vegetation</b>	
	<p><i>(1) This section applies to land shown as “existing native vegetation” on the High Biodiversity Value Areas Map.</i></p> <p><i>(2) Development consent must not be granted to development on the land unless the consent authority is satisfied that the development will not result in clearing of native vegetation.</i></p>	<p><b>Not applicable.</b></p> <p>The land is not mapped for ‘existing native vegetation’.</p>
<b>4.26</b>	<b>Heritage conservation</b>	
	<p><i>(2) Requirement for consent Development consent is required for the following—</i></p> <p><i>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</i></p> <p><i>(i) a heritage item,</i></p>	<p><b>Not applicable.</b></p> <p>There are no Schedule 2 listed heritage items upon or in the vicinity of the land, and the site is not within a Conservation Zone.</p>

Clause	Description	Comments
	<p><i>(ii) an Aboriginal object,</i></p> <p><i>(iii) a building, work, relic or tree within a heritage conservation area,</i></p> <p><i>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 2 in relation to the item,</i></p> <p><i>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</i></p> <p><i>(d) disturbing or excavating an Aboriginal place of heritage significance,</i></p> <p><i>(e) erecting a building on land—</i></p> <p><i>(i) on which a heritage item is located or that is within a heritage conservation area, or</i></p> <p><i>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</i></p> <p><i>(f) subdividing land—</i></p> <p><i>(i) on which a heritage item is located or that is within a heritage conservation area, or</i></p> <p><i>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</i></p>	
<b>4.27</b>	<b>Transport corridors</b>	
	<p><i>(1) Development consent must not be granted to the following development unless the consent authority has obtained the concurrence of Transport for NSW—</i></p> <p><i>(a) development on transport corridor land with an estimated development cost of more than \$200,000,</i></p> <p><i>(b) development that involves the penetration of ground to a depth of at least 2 metres</i></p>	<p><b>Not applicable.</b></p> <p>The land is not located upon a transport corridor.</p>

Clause	Description	Comments
	<i>below ground level (existing) on land within 25 metres (measured horizontally) of transport corridor land.</i>	The development does not require an excavation of >2 metres within 25 m of a transport corridor.
<b>4.28</b>	<b>Warragamba Pipelines</b>	
	<p><i>Development consent must not be granted to development on land shown as “Warragamba Pipeline” on the Warragamba Pipelines Map unless the consent authority—</i></p> <p><i>(a) has obtained the concurrence of Water NSW, and</i></p> <p><i>(b) is satisfied that the development will not adversely affect—</i></p> <p><i>(i) the quantity or quality of water in the Warragamba Pipelines controlled area (declared under the Water NSW Act 2014), or</i></p> <p><i>(ii) the operation and security of water supply pipelines from Warragamba Dam to Prospect Reservoir and associated infrastructure.</i></p>	<p><b>Not applicable.</b></p> <p>The land is not located upon land associated with the <i>Warragamba Pipeline</i>.</p>
<b>4.28A</b>	<b>Sydney Science Park</b>	
	<i>(1) This section applies to land identified as “Sydney Science Park” on the Sydney Science Park Map.</i>	<p><b>Not applicable.</b></p> <p>The land is not located upon land associated with the <i>Sydney Science Park</i>.</p>
<b>4.28B</b>	<b>Aboriginal cultural guidelines</b>	
	<i>Development consent must not be granted to development on land to which this Policy applies unless the consent authority has considered Recognise Country: Guidelines for development in the Aerotropolis published in November 2022 on the Department’s website.</i>	<p><b>Applies but no impacts.</b></p> <p>The proposal is for a reconfiguration of the approved office/admin building that is ancillary to the resource recovery facility and has no material effect upon any item of indigenous heritage nor is it contrary to the principles of the <i>Recognise Country: Guidelines for development in the Aerotropolis</i>.</p>
<b>Part 4.5</b>	<b>Design excellence</b>	
<b>4.3</b>	<b>Application of Part</b>	

Clause	Description	Comments
<b>4.31</b>	<p><b><i>Design review panel</i></b></p> <p><i>(1) This section applies to the following development—</i></p> <p><i>(a) State significant development,</i></p> <p><i>(b) development with an estimated development cost of more than \$30 million,</i></p> <p><i>(c) development with a site area of at least 10,000 m<sup>2</sup>,</i></p> <p><i>(d) development in relation to a building that has, or will have, 3 or more storeys above ground level (existing).</i></p>	<p><b>Not applicable.</b></p> <p>None of the c.4.31 criteria are triggered by this modification application.</p>
<b>Part 4.6</b>	<b><i>Exempt and complying development</i></b>	<b>Not applicable.</b>
<b>Part 4.7</b>	<b><i>Precinct plans and master plans</i></b>	
<b>4.38</b>	<p><b><i>Precinct plans</i></b></p> <p><i>(1) A precinct plan is to be prepared by the Planning Secretary and must be approved by the Minister.</i></p> <p><i>(2) A precinct plan is to apply to specified land (a precinct) to which this Chapter applies.</i></p>	<p><b>Not Applicable.</b></p> <p>The proposal is not for the preparation of a precinct plan.</p>
<b>4.39</b>	<p><b><i>Development must be consistent with precinct plan</i></b></p> <p><i>(1) Development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.</i></p>	<p><b>Not Applicable.</b></p> <p>There is no precinct plan that applies to the subject site.</p>
<b>4.40</b>	<p><b><i>Development prior to precinct plan</i></b></p> <p><i>(1) This section applies to development on land in the Western Sydney Aerotropolis if there is no precinct plan in force for the land.</i></p> <p><i>(2) However, this section does not apply to development that has an estimated development cost of less than \$1 million and relates to an existing or permitted use.</i></p> <p><i>(3) Development consent must not be granted to development to which this section applies,</i></p>	<p><b>Applies.</b></p> <p>There is no precinct plan in place for the subject site.</p> <p><b>Not applicable.</b></p> <p>The value of the works associated with the modest increase in size of the subject admin/office building is &lt;\$1 m.</p>

Clause	Description	Comments
	<p><i>unless the consent authority has considered whether the development—</i></p> <p><i>(a) is consistent with the aims of this Chapter, and</i></p> <p><i>(b) will result in further fragmentation of land holdings, and</i></p> <p><i>(c) will hinder the orderly and co-ordinated provision of infrastructure that is planned for the land to which this Chapter applies, and</i></p> <p><i>(d) is incompatible with, or will adversely affect, the long-term operations and development of the Airport, and</i></p> <p><i>(e) appropriately takes into account the development and infrastructure in areas adjacent to the development, and</i></p> <p><i>(f) will be adequately serviced by public utility infrastructure.</i></p>	<p>The proposed modifications to the industrial building are consistent with clause 4.40(3) as set out hereunder:</p> <p>The use of the ancillary office building is consistent with the Objectives of the Enterprise zone, as has been demonstrated above.</p> <p>The proposal does not result in fragmented landholdings.</p> <p>The proposal has no impact upon planned infrastructure.</p> <p>The proposal has no negative impact upon the long-term operation of the airport.</p> <p>The proposal is appropriate to the planned development pattern of the precinct.</p> <p>The enlarged two-storey office building imposes negligible additional impacts upon infrastructure and is adequately serviced.</p>

The approved Resource Recovery Facility and ancillary office/admin building being the subject of this Modification Application has been legally approved by the relevant Consent Authorities, having been the subject of a rigorous assessment undertaken by Council and found to be satisfactory as set out in Development Consent DA-263/2018/A.

The proposed amendment is limited to a reconfiguration of the ancillary office/admin building to increase the size of the building and add extra car parking spaces and does not fundamentally alter the approved parameters of the business as originally approved.

The proposal constitutes a qualitative improvement to the functionality of the business and has negligible additional environmental or amenity impacts.

Accordingly, the proposal is not considered to conflict with any of the Objectives of Chapter 4 of SEPP (Precincts—Western Parkland City) 2021.

## 7. SECTION 4.15 EVALUATION ASSESSMENT

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I 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 I make the following observation.

The proposal has been assessed against the relevant planning instruments and is compliant with the prescriptive controls. The modification sought to the configuration of the ancillary office/admin building results in a development that is consistent with the relevant Objectives



of Chapter 4 of *SEPP (Precincts—Western Parkland City) 2021* 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 social impact, a positive economic impact and would not be antipathetic to the public interest.

## **8. 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/modified by *Liverpool Council* and the *Sydney Western City Planning Panel* on 12 June 2020. The proposed development would be of a consistent scale and for a general Enterprise 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.

## **9. SUMMARY and RECOMMENDATION**

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The proposed modifications that are the subject of this sect.4.55(2) application represent an enhanced operation of the 'AMJ Demolition & Excavations' resource recovery facility for the efficient function of the premises and enhanced financial viability of the business, would not offend any development standard or the Objectives underlying *SEPP (Precincts—Western Parkland City) 2021* 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

## 10. ATTACHMENT – Copy of DA-263/2018/A

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Our Ref: DA-263/2018/A  
Contact: Adam Flynn  
Ph: 8711 7765  
Date: 16 June 2020

CLARON CONSULTING PTY LTD  
PO BOX 542  
LINDFIELD NSW 2070

Dear Sir/Madam,

**55 MARTIN ROAD, BADGERYS CREEK NSW 2555, (LOT 4 DP 611519),  
SECTION 4.55(2) MODIFICATION TO DEVELOPMENT CONSENT DA-263/2018**

I am pleased to advise that on 12 June 2020, the Sydney Western City Planning Panel has approved your Section 4.55(2) Application seeking to amend Development Consent DA-263/2018 which granted approval to *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 modification seeks *alterations to the site layout, including an enlarged slab, altered internal vehicle movements, and noise barriers; an increase in building height and footprint and the addition of an awning; the replacement of the existing dwelling with a purpose built single storey office building; the relocation of the car park and the provision of an additional vehicle access; changes to the drainage and easements across the site.*

The modification is approved under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979.*

Development Consent DA-263/2018 is amended as follows (*amendments to conditions are underlined and italicised*):

- A. Condition 1 of Development Consent No. DA-263/2018 is 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.



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170 DX 5030 Liverpool  
All correspondence to Locked Bag 7064 Liverpool BC NSW 1871 Call Centre 1300 36 2170  
Fax 9821 9333 Email [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
Web [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) NRS 13 36 77 ABN 84 181 182 471

<u>Plan Name</u>	<u>Plan Number</u>	<u>Rev</u>	<u>Date</u>	<u>Prepared By</u>
<u>Location Plan</u>	<u>P513-DA-01</u>	<u>D</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Site Plan</u>	<u>P513-DA-03</u>	<u>J</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Detailed Shed Plan</u>	<u>P513-DA-04</u>	<u>E</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Detailed Site Plan (Part A)</u>	<u>P513-DA-05</u>	<u>N</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Detailed Site Plan (Part B)</u>	<u>P513-DA-06</u>	<u>J</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Shed Amenities Floor Plans</u>	<u>P513-DA-07</u>	<u>B</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Processing Shed Elevations</u>	<u>P513-DA-08</u>	<u>E</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Section thru Processing Shed</u>	<u>P513-DA-09</u>	<u>C</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Section thru Stockpile Bunker</u>	<u>P513-DA-10</u>	<u>G</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>New Office Building Ground Floor Plan</u>	<u>P513-DA-11</u>	<u>C</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>New Office Building Elevations East &amp; West</u>	<u>P513-DA-12</u>	<u>C</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>New Office Building Elevations North &amp; South</u>	<u>P513-DA-13</u>	<u>C</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Truck Entry Driveway Ramp Sections</u>	<u>P513-DA-14</u>	<u>B</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Staff Carpark Driveway Ramp Sections</u>	<u>P513-DA-15</u>	<u>B</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Fence Elevations for Acoustic</u>	<u>P513-DA-16</u>	<u>B</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Fence Elevations for Acoustic</u>	<u>P513-DA-17</u>	<u>B</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Visual Impact Assessment – Location Plan</u>	<u>P513-DA-18</u>	<u>C</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Visual Impact Assessment – View 1</u>	<u>P513-DA-19</u>	<u>C</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Visual Impact Assessment – View 2</u>	<u>P513-DA-20</u>	<u>C</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Visual Impact Assessment – View 3</u>	<u>P513-DA-21</u>	<u>C</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Visual Impact Assessment – View 4</u>	<u>P513-DA-22</u>	<u>C</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>

<u>Visual Impact Assessment – View 5</u>	<u>P513-DA-23</u>	<u>C</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Visual Impact Assessment – View 6</u>	<u>P513-DA-24</u>	<u>C</u>	<u>23/09/2019</u>	<u>PTI Architecture</u>
<u>Sediment Control Plan</u>	<u>D1-17-040</u>	<u>C</u>	<u>11/09/2019</u>	<u>TOP Consulting Group</u>
<u>Stormwater Pit Collection</u>	<u>D2-17-040</u>	<u>B</u>	<u>06/09/2019</u>	<u>TOP Consulting Group</u>
<u>Stormwater Plan</u>	<u>D3-17-040</u>	<u>B</u>	<u>06/09/2019</u>	<u>TOP Consulting Group</u>
<u>Roof Stormwater Plan</u>	<u>D4-17-040</u>	<u>B</u>	<u>06/09/2019</u>	<u>TOP Consulting Group</u>
<u>Leachate Collection Plan</u>	<u>D5-17-040</u>	<u>B</u>	<u>06/09/2019</u>	<u>TOP Consulting Group</u>
<u>Concrete Layout Plan</u>	<u>S1-17-040</u>	<u>B</u>	<u>06/09/2019</u>	<u>TOP Consulting Group</u>

<b>Report Name</b>	<b>Date</b>	<b>Reference</b>	<b>Prepared By</b>
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
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
<u>Addendum to the Environmental impact Statement, including Appendices:</u>	<u>24/09/2019</u>	<u>18580 Rev. 1</u>	<u>Benbow Environmental</u>

<u>D. Architectural Plans and Visual Impact Assessment</u>	<u>(see above)</u>		
<u>E. Landscaping Plan Updates</u>	<u>September 2019</u>	<u>55 Martin Road</u>	<u>Ecological Consultants Australia</u>
<u>F. Civil and Stormwater Plans</u>	<u>(see above)</u>		
<u>G. Traffic Impact Letter</u>	<u>29/08/2019</u>	<u>19115L1</u>	<u>Transport &amp; Urban Planning</u>
<u>H. Noise Impact Assessment</u>	<u>September 2019</u>	<u>191238-NIA-Rev3</u>	<u>Benbow Environmental</u>
<u>I. Air Quality Statement Letter</u>	<u>13/09/2019</u>	<u>EH/snb</u>	<u>Benbow Environmental</u>
<u>J. Revised Stormwater Management Letter</u>	<u>24/09/2019</u>	<u>2017-01</u>	<u>Ultramark</u>
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

- B. Condition 2 of Development Consent No. DA-263/2018 is amended to read as follows:

**General Terms of Approval**

2. All the General Terms of Approval issued by NSW Environmental Protection Authority (EPA) shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 2 December 2019. A copy of the General Terms of Approval is attached to this decision notice.

- C. Condition 20 of Development Consent No. DA-263/2018 is amended to read as follows:

**Recommendations of Acoustic Report**

20. The recommendations provided within the Noise Impact Assessment for AMJ Demolition and Excavation 55 Martin Road, Badgerys Creek (Report no. 191238-NIA-Rev3) prepared by Benbow Environmental dated September 2019 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

**D. Condition 24 of Development Consent No. DA-263/2018 is amended to read as follows:**

**On-Site Detention**

24. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by T.O.P Consulting Group Pty Ltd, reference number 17-040, revision B, dated 06/09/2019.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification.

**E. Condition 102 of Development Consent No. DA-263/2018 is 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), are to be concreted to an appropriate engineering specification prior to the issuing of an Occupation Certificate.

**F. Condition 110 of Development Consent No. DA-263/2018 is amended to read as follows:**

**EPA General terms of Approval**

110. The facility shall operate in accordance with the General Terms of Approval (Notice No. 1589160) issued by the NSW EPA. This includes, but is not limited to:

- Noise limits of 42 dB(A) (LAeq, 15minute) during the day at 40 & 65 Martin Road, 75 & 55 Lawson Road.
- Noise Monitoring Report within 60 days of the commencement of operation
- Use of water sprinklers and/or mist sprays in the enclosed building and outside undercover storage area so that no visible dust leaves the premises
- Development of an Air Quality Management Plan.

G. Attachment 2 of Development Consent No. DA-263/2018 is amended to include the updated General Terms of Approval from the NSW Environmental Protection Authority (EPA) dated 02/12/2019.

All other conditions of Development Consent No. DA-263/2018 remain unchanged.

**ADVISORY NOTES:**

*(a) Section 4.55 of the Environmental Planning and Assessment Act, 1979 gives you the right to request the Council to review this determination within six months of the date of determination.*

*(b) Section 8.7 & 8.10 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the NSW Land and Environment Court within six (6) months after:*

- (a) the date on which the applicant received notice, given in accordance with the regulations, of the determination of that application or, if an application for review under section 96AB has been decided, the date on which the applicant received notice, in accordance with the regulations, of the decision, or*
- (b) the date on which the applicant's application is taken to have been determined in accordance with regulations made under section 8.5 (3), 4.55 (6) or 4.55AA (3).*

*(c) The Section 4.55 Modification Application does not extend the timeframe of the development consent initially granted by Council.*

*(d) Modification of the development consent in accordance with Section 4.55 of the Environmental Planning and Assessment Act, 1979 shall not be construed as the granting of development consent, but reference to a development consent, is a reference to a development consent so modified.*

*(e) Modification of the development consent does not remove the need to obtain any other statutory consent necessary under the Act.*

If you have any questions please contact Adam Flynn on the number at the top of this letter.

Yours faithfully



**Lina Kakish**  
**Manager**  
**DEVELOPMENT ASSESSMENT**