**Attachment 15 – Draft Conditions of Consent**

Daniel Buttigieg

Mulgoa Excavations Pty Ltd

C/O PO BOX 426

NORTHBRIDGE NSW 1560

Dear Sir,

**LAND: 25 MARTIN ROAD, BADGERYS CREEK NSW 2555 LOT 1 DP 611519**

**PROPOSAL: MODIFICATION TO DEVELOPMENT CONSENT No. DA-266/2015**

I refer to your Section 4.55(2) Application lodged on 12/11/2019 seeking to amend Development Consent No. DA-266/2015 which granted approval for the *Construction and Operation Of a Resource Recovery Facility And Ancillary Structures.*

It is noted the modification seeks the following:

* Amendments to the building footprint to allow for fire vehicle access to the perimeter of the premises.
* Amendments to the site plan to allow for the inclusion of water storage and services for fire-fighting.
* Amendments to plans to detail finished floor and ground levels within the building footprint.
* Amendments to the landscaping plan to provide for additional canopy planting and the provision of a landscaped earth mound to provide for acoustic separation from the eastern neighbours.
* Amendment to correct typographical error in consent.

Pursuant to Section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*, Council grants approval for such modification. Accordingly, Development Consent (DC No.DA-266/2015/A) is amended as follows: - ***(Amendments to conditions are in bold and italics).***

**Condition 1 in Part 2 of Development Consent No. DA-266/2015 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.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Plan Name** | **Plan Number** | **Rev** | **Date** | **Prepared By** |
| **Proposed Site Plan** | **181014** | **B** | **10/3/20** | **Australian Survey Solutions** |
| **Elevations 1** | **181014** | **B** | **10/03/20** | **Australian Survey Solutions** |
| **Elevations 2** | **101814** | **A** | **10/3/20** | **Australian Survey Solutions** |
| **Elevations 3** | **101814** | **A** | **10/3/20** | **Australian Survey Solutions** |
| **Earthworks Plan** | **18025-1305-201-DA Sheet 1 of 1** | **-** | **26 April 2019** | **CivPlan – Civil Engineering and Project management** |
| **Landscape Plan** | **L 01** | **J** | **16 March2020** | **HLS Pty Limited** |
| **Landscape Plan** | **L 02** | **J** | **16 March2020** | **HLS Pty Limited** |
| **Landscape Details** | **L 03** | **J** | **16 March2020** | **HLS Pty Limited** |
| Martin Road & Lawson Road Elevations - Colour selection |  |  | 18 April 2018 | Jeff Robinson Architect |
| Elevations with colours and materials (South El, East El, West El, North El) |  |  | 7 May 2018 | Jeff Robinson Architect |

**Reports**

|  |  |  |  |
| --- | --- | --- | --- |
| **Report Name** | **Date** | **Reference** | **Prepared By** |
| Environmental Impact Statement including:  Parts A – J  Appendix I – Woodlands Report – Flora and Fauna Assessment  Appendix J – Artefacts Report – Aboriginal Cultural Significance  Appendix K – Wilkinson Murray Report – Acoustic Assessment  Appendix L – Parking and Traffic Report – Traffic Impact Assessment  Appendix N – Preliminary Environmental Site Assessment – Contamination  Appendix P – Environmental Site Assessment – Soils  Appendix Q – Draft Operational Plan of Management  Appendix R – SEPP 33 Risk Screening  Appendix S – HLS Report – Visual Impact Assessment  Appendix T – Weed Management Report  Appendix U – Assessment of the Potential of the Facility to Attract Birds | March 2015 | 1305 | Precise Planning |
| Water Cycle Management Study (Stormwater Management Assessment) | February 2017 | P1404242JR03V04 | Martens & Associates Consulting Engineers |
| Remediation Action Plan (RAP): 25 Martin Road, Badgerys Creek, NSW | April 2016 | P1404242JR04V01 | Martens & Associates Consulting Engineers |
| Air Quality Management Plan | 9 November 2015 | Job 13100241B | Todoroski Air Sciences Pty Ltd |
| Acoustic Report Addendum | 4 November 2015 | WM Project No: 13317  Ref: PP04112015\_Ltr\_JW | Wilkinson Murray |
| Effluent Disposal Letter | 29.10.2015 | P1404242JC02V01.docx | Martens & Associates Consulting Engineers |
| Letter from Wilkinson Murray assessing vibration | 18 August 2016 | PP17082016\_Ltr\_TC | Wilkinson Murray |
| Hazardous Materials Protocol | August 2016 | P1404242JR05V01 | Martens & Associates Consulting Engineers |
| Revised Acoustic Report | 17 February 2017 | WM Project Number: 13317, PP04112015\_Ltr\_JW | Wilkinson Murray |
| Air Quality Impact Assessment | 20 February 2017 | Job Number 13100241C | Todoroski Air Science |
| Acoustic Response Letter | 10 May 2017 | WM Project Number: 13317, Ref PP10052017\_Ltr\_NH | Wilkinson Murray |
| **Arboricultural impact assessment and tree management plan** | **16th March 2020** | **-** | **Scott Freeman – Principal Horticultural Management Services** |
| **Proposed Resource Recovery Facility 25 Martin Road Badgerys Creek**  **Noise assessment based on detail design** | **February 2019** | **13351-DD** | **Wilkinson Murray** |
| **25 Martin Road Badgerys Creek – Amended Proposal** | **9 March 2020** | **JC19037-A 090320\_Ltr\_JW** | **Wilkinson Murray** |

**The following additional conditions are to be included:**

**Prior to the Issue of a Construction Certificate**

17(a) Internal driveway access drainage systems shall be designed and convey the flows into the On-Site Detention System. Details shall be provided on the plans accompanying with a construction certificate.

29(a) The Certifying Authority shall ensure that the on-site detention and Water Quality treatment system has been designed in accordance with Liverpool City Council’s Design Guidelines and Construction Specification for Civil Works.

All other conditions of Development Consent No. DA-266/2015 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:*

1. *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*
2. *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.*