

Department of Planning, Industry and Environment
Industry Assessments
GPO Box 39
Sydney NSW 2001

By email: Jeffrey.Peng@planning.nsw.gov.au

Dear Mr Peng,

Re: Liverpool City Council's Review of Response to Submissions for SSD-10446, 275 Adams Road, Luddenham

Council was invited to provide comments on the proponent's response to submissions for a proposed resource recovery facility.

Council staff previously provided comments relating to:

- a) Permissibility of the development,
- b) Traffic and transport,
- c) Flood mitigation, and treatment of stormwater,
- d) Environmental Health:
 - Land contamination assessment, remediation, and mitigation,
 - Air quality assessment,
 - Hazardous material storage and use,
 - Wash bay(s)
- e) Landscape plans, and
- f) Operational management plans

Council staff have reviewed the response to submissions report (including relevant appendices) and provides comments as per attached. Council staff are generally satisfied with the proponent's response to Council's submission.

However, additional information and design is required with respect to how the proponent intends on disposing of effluent, and the upgrade of Council / TfNSW roads to facilitate haulage.

Council staff also ask DPIE to consider draft conditions of consent as per Attachment 1. If you have any questions please contact Ian Stendara, Executive Planner on 8711 7511.

Yours sincerely,



Lina Kakish
Acting Manager City Planning

Permissibility of the Development

Council staff note that the SEPP (Western Sydney Aerotropolis) 2020 and the precinct plans were not published when Liverpool City Council staff comments were made. As per the proponent's response to submissions, clause 53(1) clarifies that the SSD is to be assessed and determined as if the new SEPP has not commenced. Given that resource recovery facilities are permitted on RU4 land, as per the SEPP (Infrastructure) 2007, Council staff are of the opinion that the development is permissible.

Notwithstanding the permissibility of the use, Council would still refer to the objectives of the RU4 Primary Production Small Lots zone, as well as the objectives of the agribusiness zone, as per the Aerotropolis planning framework. The development application should be conditioned accordingly to ensure that negative external impacts are managed / mitigated appropriately, and that the site can be decommissioned in a manner that is consistent with the vision of the agribusiness zone.

Traffic and Transport

Adams Road upgrade and intersection

It is noted that the proposed intersection treatments at the Elizabeth Drive/Adams Road intersection include a 90 m deceleration left-hand turn lane into Adams Road, restricted right turn movements from Elizabeth Drive (westbound) into Adams Road and a short-left turn lane on Adams Road into Elizabeth Drive.

Council raises road safety concern about the proposed right turn movements from Adams Road into Elizabeth Drive due to increasing traffic demands along Elizabeth Drive as well as additional time required to cross the proposed left turn deceleration lane.

Since Council provided its previous advice (dated 25 August 2020), the strategic design to upgrade Elizabeth Drive (prepared by Transport for NSW (TfNSW)) indicates the Elizabeth Drive/Adams Road intersection will be restricted to left in and out only, with a raised central median preventing right turn movements.

As such, Council's previous comments are no longer appropriate, as vehicles would, ultimately, need to travel south along Adams Road towards The Northern Road (in order to travel east on Elizabeth Drive). As such, Council recommends that the Adams Road / Elizabeth Drive intersection be restricted to left in and out only for ARRC operations. The alternative route is to be via the Northern Road/Adams Road intersection.

Provided that right turn movements would ultimately be restricted from Adams Road onto Elizabeth Drive, the developer is to improve pavement along the section of Adams Road between Elizabeth Drive and Anton Road and remove 3 tonnes restriction to permit heavy vehicle movements.

Elizabeth Drive is a state road, which is under the care and control of TfNSW. Hence, the proposed intersection upgrade should be referred to TfNSW for approval. The design of this intersection upgrade should be consistent with the strategic design plan prepared by TfNSW.

SIDRA Analysis

Intersection analysis is to be carried out at the intersection of Adams Road/the site access road. Electronic copies of SIDRA models for all the surrounding intersections are to be submitted to Council for review.

Site Access Road

A design plan showing the proposed intersection treatment at the intersection of the site and Adams Road is to be submitted to Council for approval.

Haulage Route

The haulage route plan is to be confirmed for the proposed ARRC development prior to the determination of the subject development application.

Flood Mitigation, and Treatment of Stormwater

The response to Councils comments indicated the proposal will not encroach into the Probable Maximum Flood (PMF) extent, with the exception of the on-site detention area which is expected to be inundated by the fringe of the PMF event.

Stormwater generated within the site is proposed to be treated and attenuated through an on-site detention system to pre-development conditions prior to discharging to the receiving water body (Oak Creek).

The proposal is considered satisfactory and supported from flooding and water management prospective.

Environmental Impacts

Land Contamination Assessment, Remediation, and Mitigation

EMM Consulting confirmed that a Liverpool City Council planning certificate (Cert No. 3978) was reviewed and no contaminated land records were reported for the subject property. A property background report is presented in Appendix A of the PSI.

Air Quality Assessment

The consultant confirmed that the ARRC site will be hardstand in its entirety, with the exception of landscaped areas. No vehicles will traverse unsealed surfaces following completion of construction.

Hazardous Material Storage and Use

EMM Consulting confirmed that detailed plans for the vehicle refuelling facilities, forecourt and chemical storage areas will be prepared during the detailed design phase of the project. In addition, the consultant confirmed that no underground petroleum storage systems are proposed at the site.

Wash Bay(s)

EMM Consulting confirmed that plant and equipment will be washed and maintained within the building.

The response provided by EMM Consulting regarding contamination, hazard and risk, vehicle and equipment washing and sealing of internal roads satisfactorily addressed the enquiries made by Liverpool City Council. However, a suitable response was not received regarding the requirements for the on-site sewage management system.

On-site Sewerage Management System (OSMS)

The Submission Report prepared by EMM Consulting dated 27th May 2021 does not specifically address requirements for the on-site sewage management system. Despite the limited information available, Clause 4.1.6 of the document explains that the wastewater system will require pumping out on a monthly basis.

Section 15, Part 1 of the Liverpool Development Control Plan 2008 states that 'development or subdivision proposals relying on pump-out systems will not be approved by Council.

Pump-out systems are not considered to be economically or environmentally sustainable systems due to the high costs associated with the removal of effluent which can result in unauthorised discharge into the environment'. Furthermore, proposals relying on on-site sewage management will not be approved where a reticulated sewerage service is available within 75m of any property boundary.

In accordance with Section 68 of the *Local Government Act 1993*, approval is required to install, construct or alter a waste treatment device and operate a system of sewage management at the premises. "Operate a system of sewage management" means hold or process, or re-use or discharge, sewage or by-products of sewage (whether or not the sewage is generated on the premises on which the system of sewage management is operated).

Therefore, separate approval would be required under Section 68 of the *Local Government Act 1993* if the proposal includes an on-site sewage management system or any other infrastructure to hold or process, or re-use or discharge, sewage or by-products of sewage.

In accordance with the Liverpool Development Control Plan 2008, a new system must be installed where the existing system does not have adequate treatment capacity for all potential flows. Liverpool City Council previously requested the SEARs to require a wastewater report prepared by a suitably qualified and experienced environmental or wastewater consultant.

The report shall identify the site area available for development and determine if on-site effluent disposal is feasible when considering potential risks to public health and the environment. The report was to consider all potential wastewater flows (proposed and existing flows) and include the following minimum information:

Plan

The report shall include a plan to scale, showing the location of:

- a) The sewage management facility proposed to be installed or constructed on the premises.
- b) Any related effluent application areas.
- c) Any buildings or facilities existing on, and any environmentally sensitive areas of, any land located within 100 metres of the sewage management facility or related effluent application areas; and
- d) Any related drainage lines or pipework (whether natural or constructed).

Specifications

The report shall include full specifications of the sewage management facility proposed to be installed or constructed at the premises.

Site assessment

The report shall include details of the climate, geology, hydrogeology, topography, soil composition and vegetation of any related effluent disposal areas together with an assessment of the site in the light of those details.

Statement

The report shall include a statement of:
the number of persons or probable number of persons occupying the premises, and
such other factors as are relevant to the capacity of the proposed sewage management facility.

Operation and maintenance

The report shall include details of:

- a) The operation and maintenance requirements for the proposed sewage management facility.
- b) The proposed operation, maintenance and servicing arrangements intended to meet those requirements, and
- c) The action to be taken in the event of a breakdown in, or other interference with, its operation.

Standards and guidelines

The report shall demonstrate that a system can be installed in accordance with the requirements of the following documents:

- a) Liverpool Development Control Plan Part 1, Section 15 – On-site Sewage Management Systems (OSMS).
- b) Local Government (General) Regulation 2005.
- c) Australian/New Zealand Standard 1547:2012, On-site Domestic Wastewater Management, or any updated standard which supersedes AS1547:2012.
- d) Sydney Catchment Authority 2012, Designing and Installing On-site Wastewater Systems.
- e) NSW Health 2001, Septic Tank and Collection Well Accreditation Guideline; and
- f) Department of Local Government 1998, On-site Sewage Management for Single Households.

The detailed wastewater report shall be prepared by an Environmental Scientist or Engineer with a minimum of a bachelor's degree qualification and extensive industry experience within an on-site sewage management context. Note: There is currently no certification body for this field.

Landscape Plans

Council staff recommend that DPIE works with the proponent to identify an alternative species to replace areas to be planted with *Acacia longifolia*. The replacement should offer greater longevity and be suited to the conditions/environment in which these trees would be planted. Appendix 2 of Part 1 of Liverpool's DCP has a list of preferred species.

Operational Management Plans

Liverpool City Council staff recommended that an Operational Environmental Management Plan (OEMP) is prepared for the proposed facility for review by the consent authority.

The Plan shall be written by a suitably qualified and experienced environmental consultant and address means by which the commitment in the Environmental Impact Statement and other environmental assessment reports will be fully implemented.

Appropriate Regulatory Authority

Schedule 1 of the Protection of the Environment Operations Act 1997 declares premises-based activities regulated by the NSW Environment Protection Authority. Any future Application must be reviewed in consultation with the NSW Environment Protection Authority as the Applicant indicated that the proposal is Integrated Development and will require an Environment Protection Licence for scheduled activities.

In these circumstances, approval must be obtained from the NSW EPA before consent can be granted. The consent authority must refer the development application to the relevant public authority and incorporate the public authority's general terms of approval.

Attachment 1 - Recommended Conditions for SSD-10446

Traffic & Access Development Conditions

Prior to Issue of Construction Certificate

- a) The Applicant must submit the following design plans to Council or/and Transport for NSW (TfNSW) for approval:
 - Detailed design of Adams Road upgrade.
 - Adams Road/The access road intersection treatment; and
 - Intersection treatments at Elizabeth Drive/Adams Road intersection.
- b) The applicant shall submit a Section 138 Roads Act application to Council for any road work in, on or over a public road including the payment of application and inspection fees, to Council's Land Development and Traffic & Transport Section for approval.
- c) The application is to be accompanied by detailed design plans and report, including swept path analysis, signs and linemarking scheme prepared in accordance with Austroads Road Design Guide.
- d) The engineering plans are to be prepared in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.
- e) All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note: Approvals may also be required from Transport for NSW (RMS) for classified roads.

- f) Detailed design information indicating the layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, A52890.6-2009 and AS 2890.2 — 2002 for heavy vehicle usage.
- g) An operational traffic management plan is to be prepared and submitted to Council for review. The plan includes heavy vehicle haulage routes, access arrangement, on-site traffic control and road safety measures and noise mitigation measures for heavy vehicles traveling through residential areas.
- h) A Construction Traffic Management Plan (CTMP) prepared by a qualified traffic and transport practitioner detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

- i) A road occupancy permit is to be submitted to Council Traffic and Transport Section or Transport Management Centre (TMC) for any works within the public road reserve.

Prior to works commencing

- Prior to commencement of any works within the public road reservation, a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller, and submitted to Council and the PCA for approval.
- Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

During Construction

Hours of Construction Work and Deliveries

Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Traffic Management

- a) All works within the road reserve are to be at the applicant's cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Delineation Guideline.
- b) If a works zone is required, an application must be made to Council's Traffic and Transport Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
- c) Notice must be given to Council's Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
- d) Applications must be made to Council's Traffic and Transport Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

Prior to Issue of the Occupation Certificate

- The Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.
- All roadworks, signposting and street lighting are to be completed to Liverpool Council requirements, at no expense to Council or Transport for NSW.
- Council's on-street assets such as footpath should be protected at all times. Any damages should be rectified to Council satisfaction.

The required intersection and road upgrades shall be completed to Council or/and TfNSW's satisfaction, which include:

- a) The upgrade of Adams Road between Elizabeth Drive and Anton Road is to be used for heavy vehicle access including B-doubles vehicles.
- b) Elizabeth Drive and Adams Road intersection treatments; and
- c) Adams Road and the proposed access road intersection treatment.
- d) The proposed B-double route along Adams Road is to be approved by NHVR (in consultation with Council); and
- e) The removal of 3 tonnes load limit along Adams Road shall be submitted to Council's Pedestrian, Active Transport and Traffic Committee for approval, if required.

Conditions Relating to Use

The approved operational traffic management plan shall be implemented all times.

- A total of 47 off-street car parking spaces is to be provided on site. All the parking signage and line marking are to be maintained to Council's satisfaction.
- Loading and unloading must take place from the designated loading dock. Goods and/or waste or extraneous material must not be stored in the vehicular manoeuvrings and parking areas. Those areas must be kept clear at all times for the free movement of vehicles.
- An operational traffic management plan is to be prepared to outline haulage times and routes. This is to include a map showing the section of Adams Road to be used for heavy vehicle and B-double route, which requires the removal of 3 tonnes load limit.

Engineering Conditions

All roadworks, drainage works and dedications, required to affect the consented development shall be undertaken at no cost to Liverpool City Council.

Prior to the issue of a Construction Certificate

Prior to the issue of a Construction Certificate for site civil works, the Principal Certifying Authority shall ensure that the engineering drawings are consistent with the plans prepared by Indesco, reference number 7472-SSDA amendment C dated 7/6/2020 and that all civil works have been designed in accordance with the consent conditions and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroads Guidelines and best civil engineering practice.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road Name	Carriageway Width	ESA
Access Road	10.0m and variable	5 x 10 ⁵
Ring Road	6.6m minimum 12.5m maximum	5 x 10 ⁵

On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Indesco, reference number 7472-SSDA, revision C dated 7/6/2020.

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.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- a) Specification & installation details of the stormwater pre-treatment system; and
- b) The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system.
- c) A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

- d) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- Off street access and parking complies with AS2890.1.
- Vehicle access and internal manoeuvring has been designed for a B Double in accordance AS 2890.2.

Prior to Commencement of Works

Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Adams Road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 50m either side of the development.

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall always be available on site.

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

Requirements during Construction

All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

Prior to the issue of an Occupation Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local

Government Act approval have been inspected and signed off by Liverpool City Council.

Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- On-site detention system/s.
- Stormwater pre-treatment system/s.
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s.
- b) Stormwater pre-treatment system/s shall be registered on the title of the property.
- c) The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
- d) Prior to the issue of select an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.
- e) Any rectification works within Adams Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

- f) Prior to the issue of an Occupation Certificate an Outstanding Works Bond for the construction, implementation and landscaping of the stormwater pre-treatment system is to be lodged with Liverpool City Council.
- g) Prior to the issue of an Occupation Certificate a 12-month Defects and Maintenance Bond is to be lodged with Liverpool City Council for DLP maintenance over constructed road works in Adams Road.