LIVERPOOL CITY COUNCIL

Ref No.: 249148.2022
Contact: Brianna van Zyl
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Date: 27 July 2022

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Sent by email: susanna.cheng@dpie.nsw.gov.au

Re: Liverpool City Council Submission for State Significant Development – Paper Trade Processing Recourse Recovery Facility (SSD-46042458)

Dear Assessing Officer,

I refer to the request to provide comments on the State Significant Development – Paper Trade Processing Resource Recovery Facility (SSD-46042458) at 49 Heathcote Road, Moorebank (Lot 19 and DP 246172).

The site has a complex history, with the most recent development application (DA-116/2016) for *'Use of the site as a waste and resource management facility for the processing and storage of 28,000 tonnes of material per annum',* approved on 9 February 2018 by the NSW Land and Environment Court. This DA was for retrospective use of the site, and the conditions specified a maximum of 9 employees on site, and the following hours of operation: Monday to Friday 7am to 6pm, Saturday 7am to 4pm, and closed on Sundays and public holidays.

Since the above approval, two modification applications have been lodged with Council. The first modification (DA-1160/2016/A) was for internal alterations and has been approved. The second and most recent (DA-1160/2016/b) requested a modification of the original consent to extend the use of the facility for a further 3 years. It is currently under assessment.

The subject application is seeking approval for the processing of 102,000 tonnes of material per annum, a conveyor belt and bare presses internal to the existing building, two awnings to the rear of the site, an additional 3 employees, and an extension of the hours of operation to Monday to Friday 4am to 10 pm, and 7am to 4pm on Saturdays.

Council Staff have reviewed the following documentation:

- The Scoping Report: Request for Secretary's Environmental Assessment Requirement – Paper Trade Processing (AUST PTY LTD), June 2022, ModUrban;
- Site Plan, Rev 1, Place Studio, 25.10.2019;
- Survey Plan, Ensure Consulting;
- Additional Information, Modurban 16 May 2022; and
- Additional Information, Modurban 15 June 2022.

Upon review, Council staff have provided detailed comments and recommendations relating to flooding, waste management, traffic and parking, and environmental health. These detailed comments are provided in the attachment of this letter and are to be considered in the drafting of the SEARS. The key recommendations include:

a) **Flooding:** An onsite water quality treatment facility shall be provided to ensure that stormwater runoff leaving the site complies with Council's water quality standards. Water quality modelling report and electronic copy MUSIC I models shall also be submitted to Council.

b) **Traffic:** A transport and traffic assessment is required and expected to include: daily and peak traffic movements, proposed number of car and truck parking spaces and compliance with appropriate parking codes.

c) **Waste Management**: Any waste from the facility itself and its employees must be stored undercover, in lidded bins that must not be permitted to overflow. These bins are to be emptied by a licensed private waste contractor, with sufficient regularity to ensure that offensive odours and insects will not be generated.

d) **Environmental Health**: A number of supporting documents are required in order for a full assessment to be undertaken. These studies include, but are not limited to: an acoustic assessment, demonstration of compliance with the relevant SEPPs, and an air quality assessment.

Council requests that further opportunity to comment on the proposal is provided during the exhibition stage to allow for a detailed assessment.

Should you require further information or clarification, please contact Brianna van Zyl, Strategic Planner, on 8711 7940.

Yours sincerely,

Cameron Jewell
Acting Executive Planner

Attachment A: Detailed Comments

Approval Pathway

There is an active modification application on the site which is currently under assessment. The current operators may have chosen to pursue approval through the State Significant Development pathway to bypass Council.

Whilst still under assessment, Council has concerns with the current modification application.

Section 7.12

The site falls under the '*Liverpool Contributions Plan 2018 – Established Areas'* plan. Given the development proposed is non-residential, Section 7.12 contributions may apply.

Development Control Plan

The proposed development must consider the controls outlined in Liverpool Development Control Plan 2008 (DCP).

Specifically, Part 7 of DCP states that any extension of hours outside the existing hours of operation must not compromise the amenity of the locality in any greater, different or additional way than the existing use. The proposed extension of hours is outside the listed hours of operation and thus requires adequate and thorough justification.

Increased Employees

Council has concerns with the increased numbers of employees. Specifically, the application should address that the current building has sufficient amenities, as well as adequate car parking to cater for the additional employees.

Right of Carriageway

The application will need to confirm to use of the right of the carriageway is consistent with the DP and 88B.

Flooding

The subject site is located within the Anzac Creek catchment. The site is partially affected by flooding under the 1% Annual Exceedance Probability (AEP) event. Council's Flooding team has reviewed the application and make the following recommendations:

a) On-site water quality treatment facilities shall be provided to ensure that stormwater runoff leaving the site complies with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater system

before discharging it downstream. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link.

b) Water quality modelling report and electronic copy MUSIC models shall be submitted to Council.

c) There shall be no storage of materials below the 1% AEP flood plus half a metre freeboard (i.e., 8.5m + 0.5m = 9m Australian Height Datum) which may cause pollution or be potentially hazardous during any flood.

Waste Management

Council's Waste Management team reviewed the application and made the following comments of concern:

a) All waste collections from the facility are to take place from within the lot, and no waste materials or bins are to be placed on public land pending collection.

b) Any waste from the facility itself and its employees must be stored undercover, in lidded bins that must not be permitted to overflow. These bins are to be emptied by a licensed private waste contractor, with sufficient regularity to ensure that offensive odours and insects will not be generated.

c) Liverpool City Council only has a domestic waste service available, so will not provide any bins or waste services to the facility.

d) Adequate measures must be in place to ensure that all waste materials are kept contained at all times, including all necessary measures to keep contaminants out of rivers, creeks, sewers, stormwater and groundwater.

e) Waste protocols and an Operational Waste Management Plan (OWMP) must be formulated to ensure that spills are dealt with appropriately, and to provide detailed instructions if hazardous or intractable waste is found to be mixed in with the usual waste types noted. The processes to be followed in the event of a fire due to damaged lithium batteries (or another source of ignition), must be fully described, and all necessary control resources provided.

f) Further to the above points, the OWMP must describe the full suite of measures to be used to ensure that no materials escape from trucks delivering to, or picking up from, the site. There is considerable potential environmental harm that could come from littered materials from trucks, and Council does not want to be placed in the position of needing to do extra street sweeping because of materials escaping enroute.

The Application shall specify how refuse and waste will be managed during site preparation, construction and operation. Suitable waste storage facilities are to be provided as part of the proposal. The garbage/waste storage areas shall be clearly identified on the site plans and be located within the proposed building. The designated garbage/waste storage areas shall comply with the following requirements:

a) The rooms shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;

b) Provided with a hose cock for hosing the garbage bin bay and a sewered drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;

c) The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and

d) The room must include a tight-fitting, self-closing door and mechanical ventilation.

Traffic and Parking

Council's Traffic Management Team has reviewed the application and request the following issues be addressed in a transport and traffic impact assessment:

a) Daily and peak traffic movements are likely to be generated by the proposed development including the impact on nearby intersections and the need / associated funding for upgrading or road improvement works (if required).

b) Details of the proposed accesses and the layout of the parking associated with the proposed development including compliance with the requirements of the relevant Australian Standards (i.e., turn paths, sight distance requirements, aisle widths, etc).

c) Proposed number of car and truck parking spaces and compliance with the appropriate parking codes.

d) Details of heat vehicle movements and haulage routes (including vehicle type and likely arrival and departure times).

e) Intersection performance analysis is to be carried out to assess the traffic impact of the proposed development. The intersection performance analysis includes (but not be limited to):

- Heathcote Road/Junction Road intersection; and
- Heathcote Road/Centenary Avenue intersection.

f) The subject site is affected by the proposed Heathcote Road upgrade at Moorebank. Consultation is required with TfNSW for the proposed development and the planned network changes to the subject site.

g) Identification of the required road and intersection upgrades to facilitate the subject development.

h) Prepare a location-specific sustainable travel plan (e.g., 'Travelsmart' or other travel behaviour change initiative), and the provision of facilities to increase the non-car mode

share for travel to and from the site. This will entail an assessment of the accessibility of the development site by public transport.

i) The provision of a construction traffic management plan for all demolition/construction activities, detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures.

j) Demonstrate sufficient car parking is available on site for the additional increase in staff.

Environmental Impact Statement

An Environmental Impact Statement shall be prepared in accordance with Part 8, Division 5 of the Environmental *Planning and Assessment Regulation 2021.*

Appropriate Regulatory Authority

Schedule 1 of the Protection of the Environment Operations (POEO) Act 1997 declares premises-based activities regulated by the NSW Environment Protection Authority (EPA). The Scoping Report confirms that the proposal is a scheduled activity and will require an Environment Protection Licence from the NSW EPA (Integrated Development). 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.

Controlled Activity

The Department shall consider whether the proposed development must comply with requirements imposed by the *Water Management Act 2000*.

Contamination

In accordance with Clause 4.6(1) of State Environmental Planning Policy (Resilience and Hazards) 2021, the consent authority is required to consider contamination and the need for remediation when determining an application. If the land requires remediation, it must be satisfied that the land will be remediated before the land is used for that purpose. Furthermore, Clause 4.6(2) of *State Environmental Planning Policy (Resilience and Hazards) 2021* requires the consent authority to consider a report specifying the findings of a preliminary investigation of land if the proposed development involves a change of use on any land specified in subclause 4. It is the responsibility of the consent authority to consider the requirements of Clause 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021.*

Acoustic Assessment

When considering the nature of the proposed development, it is believed that further consideration of Clauses 2.100 and 2.120 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* is not required. However, the proposed facility may be a traffic-generating development as

outlined in Clause 2.122 and Schedule 3 of *State Environmental Planning Policy (Transport and Infrastructure) 2021.* Therefore, further consideration of potential acoustic impacts associated with the proposed development is warranted.

The proposed development may be a source of offensive noise and potentially impact upon human health and amenity. An acoustic report shall be prepared or reviewed and certified by a suitably qualified acoustic consultant and include a quantitative assessment of all noise and vibration generating sources during site preparation, construction and operation in accordance with the NSW Environment Protection Authority's '*Noise Policy for Industry'* (2017) and Department of Environment and Conservation's '*Assessing Vibration: A Technical Guideline'* dated February 2006. The cumulative effect of noise must be considered when assessing the impact upon receivers.

Where necessary, the report shall also assess potential road traffic noise impacts in accordance with the 'NSW Road Noise Policy' prepared by the Department of Environment, Climate Change and Water NSW (DECCW NSW) dated March 2011. The project noise trigger levels for the proposed development shall be selected according to the most stringent intrusive or amenity criteria. If required, recommendations and noise control measures shall be specified to achieve compliance with the assessment criteria. The assessment shall be representative of all noise generating activities on-site including but not limited to mechanical plant, deliveries and motor vehicle movements.

When assessing noise levels at commercial or industrial premises, the noise level shall be determined at the most affected point on or within the property boundary. Alternatively, when gauging noise levels at residences, the noise level shall be assessed at the most affected point on or within the residential property boundary. Where necessary, sound levels shall be adjusted in accordance with NSW Environment Protection Authority's guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

Detailed specifications of any equipment, machinery or public address system are required to determine noise impacts associated with the proposed development's operation. Construction noise shall also be assessed in accordance with the '*Interim Construction Noise Guideline'* published by the Department of Environment and Climate Change NSW dated July 2009.

The acoustic report shall be prepared or reviewed and certified by a suitably qualified acoustic consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. The report's cover or title page must confirm the consultant's membership with the Australian Acoustical Society or employment by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Air Quality

The construction and operation of the proposed development may compromise air quality. Consideration must therefore be given to the proposed design, construction and layout of the premises to ensure that the facility can be operated in an environmentally satisfactory manner. This would include the incorporation of appropriate safeguards in the design and construction of the facility to prevent the generation of air pollutants and odour.

The SEARs shall require an air quality assessment to be prepared or reviewed and certified by a suitably qualified environmental consultant in accordance with the NSW EPA's '*Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales'* published January 2017 and the Office of Environment and Heritage's '*Technical Framework Assessment and Management of Odour from Stationary Sources in NSW*', dated November 2006. Where required, recommendations shall be detailed to mitigate impacts on the environment and public health.

The air quality assessment shall be prepared or reviewed and certified by a suitably qualified environmental consultant who is a Certified Environmental Practitioner under the CEnvP Scheme administered by the Environment Institute of Australia and New Zealand (EIANZ); or Certified Air Quality Professional under the CAQP Scheme administered by the Clean Air Society of Australia and New Zealand (CASANZ).

Water Quality

The proposed development has the potential to increase stormwater flows and cause water pollution. The SEARs shall require the Applicant to engage a suitably qualified environmental consultant to undertake a quantitative assessment of surface water quality impacts associated with the construction and operation of the proposed waste or resource management facility.

In addition to these requirements, appropriate assessment criteria and procedures shall be derived from the Australian National Water Quality Management Strategy comprising the Australian and New Zealand guidelines for fresh and marine water quality and '*Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales',* dated January 2022. Where necessary, measures to mitigate potential water quality impacts may need to be incorporated into the design and construction of the proposed development. A soil and water management plan is also required for the project's construction and operational phases.

Dangerous Goods

The Applicant shall confirm whether dangerous goods will be stored at the premises and if the requirements of Part 3, *State Environmental Planning Policy (Resilience and Hazards) 2021* apply to the development. To address the requirements of Part 3, *State Environmental Planning Policy (Resilience and Hazards) 2021*, the Proponent may be required to prepare a preliminary screening procedure and/or Preliminary Hazard Analysis for the proposal.

Chemical Storage

Detailed plans of the facility and chemical storage areas shall identify bunding, spill kit locations and drainage infrastructure. All work and storage areas where spillage may occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is greater. The canopy covering the chemical storage areas shall have an overhang by 10° to prevent rainwater intrusion.

Plans may also be required to demonstrate compliance with Australian Standard (AS) 1940-2017: The storage and handling of flammable and combustible liquids; AS/NZS 3833-2007: The storage and handling of mixed classes of dangerous goods, in packages and intermediate bulk containers; and, if applicable, AS 1692-2006: Steel tanks for flammable and combustible liquids.

Sewage Management

The Applicant is required to demonstrate that the development can be connected to the reticulated sewerage system.

Site Plans

Detailed site plans for the proposed facility shall be submitted with the Application and include:

- Environmental safeguards such as trafficable bunds installed at the entry and exits of chemical and waste storage areas to prevent contamination of the surrounding environment;
- A sealed forecourt area to prevent dust emissions and tracking of sediment and other material from the site;
- An enclosed building for the complete storage of chemicals, waste and other materials (no storage of waste or other materials shall be permitted in the external grounds of the subject premises which is currently occurring onsite according to Council's aerial imagery);
- The roof covering all storage areas, garbage bin bays and chemical storage areas shall contain an overhang of at least 10º to prevent rainwater intrusion. Uncontaminated rainwater shall be directed from the canopy and other roofed areas into stormwater drains;
- The location of spill kits, stormwater pits and stormwater drainage infrastructure. A detailed drainage diagram shall be submitted with the Application to clearly identify the proposed location of surface drains, sewerage and stormwater infrastructure; and
- Manufacturer's specifications and the location of any pre-treatment devices to be installed at the subject premises.

All containment measures including trafficable bunds shall be designed, installed and constructed in a manner which: permits the safe passage of personnel and vehicles, maintains effective containment capacity and minimises intrusive/offensive noise impacts arising from vehicle operation.

NSW Health

NSW Health shall be provided with the opportunity to provide comments in relation to this proposal to ensure that the SEARs address all associated human health risks.

ADDITIONAL CONSTRUCTION AND OPERATIONAL REQUIREMENTS

Construction Phase Soil and Water Management Plan

A soil and water management plan shall be prepared for the construction phase of the proposal.

Construction Environmental Management Plan

A Construction Environmental Management Plan shall be prepared by a suitably qualified environmental consultant for the proposal. Suitable management and control measures must be included within the Plan to ensure that there are no adverse impacts on the environment during construction. The CEMP must address all environmental aspects of the development's construction phases, and include, where relevant, but not be limited to, the following:

a) Asbestos Management Plan;

b) Project Contact Information;

c) Site Security Details;

d) Timing and Sequencing Information;

e) Site Soil and Water Management Plan;

f) Noise and Vibration Control Plan;

g) Dust Control Plan;

h) Health and Safety Plan;

i) Waste Management Plan;

j) Incident Management Contingency; and

k) Unexpected Finds Protocol.

Vehicle Refuelling Facilities and Chemical Storage

If vehicle refuelling activities are proposed, detailed site plans are required to demonstrate compliance with '*Practice Note: Managing Run-Off from Service Station Forecourts'* published by the NSW EPA, dated June 2019.

The Applicant may also be required to comply with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*, *Protection of the Environment Operations (Clean Air) Regulation 2021* and industry best practice and standards including but not limited to Australian Standard AS 4897–2008: Design, installation and operation of underground petroleum storage systems (AS 2008a) and '*The Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations'* published by the NSW EPA dated March 2017.

Mechanical Repairs and Servicing

If general vehicle maintenance is proposed, these activities shall be conducted within a workshop/building constructed and operated in accordance with the '*Environmental Action for Automotive Servicing and Repairs*' (DECC 2008/77) prepared by the Department of Environment and Climate Change NSW dated May 2008.

The floor of the workshop/building shall be graded to an internal drainage point connected to an appropriate wastewater system. Otherwise, general vehicle maintenance and fleet servicing shall be prohibited at the site.

Wash Bay

If vehicle, trailer and/or equipment washing is proposed, adequate environmental controls comprising a fully enclosed bunded and covered wash bay must be incorporated into the design of the waste management facility. The floor of the wash bay shall be graded to an internal drainage point connected to the sewer of Sydney Water in accordance with their requirements. Trafficable bunds shall be installed at the entry/exit of the wash bay and the roof covering the wash bay shall contain an overhang of at least 10º to prevent rainwater intrusion. Uncontaminated rainwater shall be directed from the canopy and other roofed areas into stormwater drains.

Operational Environmental Management Plan

An Operational Environmental Management Plan (OEMP) shall be prepared for the proposed facility and be submitted to the consent authority for review. 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 must 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, wet areas, water management and facility design.

The OEMP shall be prepared to meet the requirements of ISO 14001 and as a minimum 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.

In this regard, the OEMP must include at least the following information: introduction, project description, environmental policy, EMP context, objectives, responsibilities, statutory and reporting requirements, environmental management activities, environmental training, emergency contacts, risk assessment and monitoring and review procedures, OEMP auditing and appendices. Individual sub-plans may be incorporated into a single comprehensive OEMP for the proposal.

In addition, a Noise Management Plan is required to mitigate acoustic impacts. Further advice should be sought from an environmental consultant who is suitably qualified and experienced in the preparation of Environmental Management Plans.

Regulated Systems

The installation, operation and maintenance of cooling water systems and warm water systems are regulated under the *Public Health Act 2010.* The Applicant must confirm whether regulated systems such as cooling water systems will be installed at the premises in accordance with the *Public Health Act 2010*, *Public Health Regulation 2012* and AS 3666.

Sealing the Site

Unsealed roads and driveways may result in environmental impacts associated with the emission of airborne particulate matter and/or erosion, transportation and deposition of sediment off-site. The property must be hard surfaced using either bitumen, concrete or other similar materials, and drained appropriately.

Storage of Waste and Materials

All storage of chemicals, waste and other materials shall occur within the confines of the building at all times.

Note on technical reports

To improve environmental health outcomes and efficiency during the development assessment process, Council requires development applications to be supported by technical reports prepared or reviewed and certified by suitably qualified and industry certified environmental consultants. It is recommended that the Department adopts a similar approach in the assessment of the Application.

Further information is available on Council's website at https://www.liverpool.nsw.gov.au/development/development-and-building.