

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

Email: emma.barnet@planning.nsw.gov.au

Attention: Emma Barnet

**Re: Request for Council's comments on Secretary's Environmental Assessment Requirements (SEARs).
Development of 9 Whyalla Place for the purposes of a Waste Treatment Facility**

Dear Sir/Madam,

Thank you for the opportunity to comment on the proposed State Significant Development for the construction and operation of a Waste Treatment Facility at 9 Whyalla Place, Prestons.

Council has reviewed the documentation on the NSW Department of Planning, Industry and Environment's website with respect to this application and request that the following matters, in addition to those identified by the applicant in its letter requesting for SEARs, be taken into consideration in the preparation of the required Environmental Impact Statement.

GENERAL MATTERS FOR CONSIDERATION

1. Local Considerations

The development shall have regard to and address the objectives and controls in Part 7 – Development in Industrial Zones of Liverpool Development Control Plan (LDCP) 2008.

ENVIRONMENTAL HEALTH MATTERS

The following matters are to be addressed to ensure the stability of site and ensure it complies with the requirements of relevant environmental planning instruments and policies, including.

2. Environmental Impact Statement

The Environmental Impact Statement shall be prepared in accordance with Part 3, Schedule 2 of the Environmental Planning and Assessment Regulation 2000.

3. 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). Golder Associates Pty Ltd confirmed that the proposed development would be a scheduled activity and require regulation by the NSW Environment Protection Authority (EPA). 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.

4. State Environmental Planning Policy 55 – Remediation of Land

In accordance with Clause 7(1) of State Environmental Planning Policy (SEPP) No. 55- Remediation of Land, 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 7(2) of SEPP 55- Remediation of Land 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 7 of SEPP No. 55- Remediation of Land prior to granting consent to any development on the land. The land's suitability for the proposed development is largely unknown and a precautionary approach to the assessment of this proposal is warranted. Consequently, additional advice is required from a suitably qualified contaminated land consultant to determine the suitability of the land for the proposed development.

In this regard, the Applicant shall engage the services of a suitably qualified contaminated land consultant to prepare a Stage 1- Preliminary Site Investigation for the Land. The Preliminary Site Investigation shall comply with applicable guidelines made or approved by the NSW EPA under the Contaminated Land Management Act 1997 and identify all past and present potentially contaminating activities; identify potential contamination

types; discuss the site condition; provide a preliminary assessment of site contamination; and assess the need for further investigations.

Where contaminating activities are suspected or known to have occurred, or if site history is incomplete, it may be necessary to prepare a Stage 2-Detailed Site Investigation. This investigation shall give regard to the potential effects of any contaminants on public health, the environment and building structures and shall meet the sampling density outlined in the NSW EPA 'Sampling Design Guidelines' (1995).

If the Stage 2-Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced Contaminated Land Consultant in accordance with applicable guidelines made or approved by the NSW EPA under the Contaminated Land Management Act 1997. In these circumstances, the Remedial Action Plan shall be referred to the consent authority for review.

Contaminated site reports shall be prepared by a suitably qualified contaminated land consultant who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

5. State Environmental Planning Policy (Infrastructure) 2007

When considering the nature of the proposed development, it is believed that further consideration of Clauses 87 and 102 of State Environmental Planning Policy (Infrastructure) 2007 is not required. However, the proposed facility may be a traffic generating development as outlined in Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. Therefore, further consideration of potential acoustic impacts associated with the proposed development is warranted.

6. Acoustic Assessment

The proposed development may be a source of offensive noise and vibration and potentially impact upon human health and amenity. An acoustic report shall be prepared 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.

In accordance with Council's requirements, it is strongly recommended that the Department requires acoustic reports to 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.

7. Air and Water Quality Management

The proposed development may compromise air and water quality. The potential for uncontrolled emissions of volatile organic compounds, leachates and odours and any other adverse effects from treatment need to

be considered on a site-specific basis. Site runoff may also degrade receiving waters.

Consideration must therefore be given to the proposed design, construction and layout of the premises to ensure that the facility is able to 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 wind-blown dust, odour and contamination of overland flow and surface waters.

The SEARs shall require an air and water quality assessment undertaken 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, Office of Environment and Heritage (OEH) 'Technical Framework Assessment and Management of Odour from Stationary Sources in NSW' dated November 2006, NSW Water Quality and River Flow Objectives and 'Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales' dated March 2004. Where required, recommendations shall be detailed to mitigate impacts on the environment and public health.

8. Human Health Risk Assessment

Contamination can have significant human health consequences. When reviewing the Application, it will be necessary for the Department to consider exposure pathways and potential risk of harm to human health. Environmental conditions or hazards associated with the proposed development must be investigated to determine potential impacts on human health. The Application must be supported by a Human Health Risk Assessment prepared or reviewed and approved by a suitably qualified and experienced consultant in accordance with the guideline titled 'Environmental Health Risk Assessment Guidelines for assessing human health risks from environmental hazards' prepared by enHealth dated 2012.

9. SEPP 33 – Hazardous and Offensive Development

To address the requirements of State Environmental Planning Policy No. 33- Hazardous and Offensive Development, the Applicant may be required to prepare a preliminary screening procedure and/or Preliminary Hazard Analysis for the proposal.

10. Chemical Inventory

A chemical inventory checklist may need to be completed and submitted to the consent authority for review.

11. 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, Australian Standard (AS) 1692-2006 Steel tanks for flammable and combustible liquids.

12. Construction Phase Soil and Water Management Plan

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

13. 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:

1. Project Contact Information;
2. Site Security Details;
3. Timing and Sequencing Information;
4. Site Soil and Water Management Plan;
5. Noise and Vibration Control Plan;
6. Dust Control Plan;
7. Health and Safety Plan;
8. Waste Management Plan;
9. Incident Management Contingency; and
10. Unexpected Finds Protocol.

14. 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 and waste;
- The roof covering all storage areas, garbage bin bays and chemical storage areas shall contain an overhang of at least 10° 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.

15. Waste Management

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:

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

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

16. 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 warm water and/or cooling water systems will be installed at the premises in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS 3666.

17. 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 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.

The EMP 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. Further advice should be sought from an environmental consultant who is suitably qualified and experienced in the preparation of Environmental Management Plans.

18. Technical Reports

To improve environmental health outcomes and efficiency during the development assessment process, Council requires applications to be supported by technical reports prepared 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>.

TRAFFIC MATTERS FOR CONSIDERATION

19. The following matters shall be addressed in a Traffic Impact Statement accompanying the EIS:

- a) Daily and peak traffic movements likely to be generated by the proposed development.
- b) Details of haulage profile (including vehicle type and likely arrival and departure times) and routes.
- c) Adequacy of Whyalla Place to be used for heavy vehicle movements expected to be generated by the proposed development.
- d) 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).
- e) Proposed number of car parking spaces and compliance with the appropriate parking codes.
- f) Intersection performance analysis of the following intersections considering the cumulative impacts of the proposed development and other developments:
 - i. Access off Whyalla Place;

- ii. Jedda Road/Whyalla Place intersection;
 - iii. Jedda Road/Ash Road intersection; and
 - iv. Other surrounding intersections.
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- g) The assessment needs to provide details of the required infrastructure upgrades to support the proposed development and funding mechanism.
 - h) Noise mitigation measures for the proposed haulage routes near residential areas.
 - i) A construction traffic management plan providing details of all demolition / construction activities, detailing vehicle routes, number of trucks, hours of operation, access arrangements, traffic control measures and impacts on the existing and proposed road network.

FLOODING AND CATCHMENT CONSIDERATIONS

20. The following matters relating to flooding shall be satisfactorily addressed by the applicant in any Application for the development:

- a) All floor levels shall be no lower than the Probable Maximum Flood (i.e. 24.5m Australian Height Datum).
- b) The structure shall be constructed from flood compatible building components below the Probable Maximum Flood (i.e. 24.5m Australian Height Datum).
- c) An engineer's report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including the Probable Maximum Flood (i.e. 24.5m Australian Height Datum).
- d) Wastewater generated from the site including petroleum and other hazardous chemicals shall not be discharged into downstream site or Council's stormwater system. Appropriate pollution control measures shall be provided to collect, treat and dispose hazardous pollutants from the site.
- e) On-site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to 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.
- f) Water quality modelling report and electronic copy MUSIC models shall be submitted with the Application.
- g) There shall be no storage of materials below the Probable Maximum Flood (i.e. 24.5m Australian Height Datum), which may cause pollution or be potentially hazardous during any flood.

LIVERPOOL CITY COUNCIL

If you have any questions please contact Boris Santana, Principal Planner on 8711 7683.

Yours sincerely,



George Nehme
Coordinator
Development Assessment



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170

All correspondence to Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170

Fax 9821 9333 **Email** lcc@liverpool.nsw.gov.au

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