

8 November 2013

Mr David Mooney  
Department of Planning and Infrastructure  
GPO Box 39  
**SYDNEY NSW 2001**

Dear Mr Mooney,

**Re: Materials Recycling Facility – Moorebank (05\_0157)  
Exhibition of Preferred Project Report**

Thank you for the opportunity to comment on the proposed materials recycling facility at Newbridge Road, Moorebank.

Council has provided comments in relation to this proposal prior to public exhibition of the Environmental Assessment and as part of the public exhibition process for the Environmental Assessment. In both instances Council identified a number of inconsistencies in the documentation and raised concerns with the project. Both times the Department of Planning and Infrastructure has deemed it appropriate to progress the application to the next stage.

Council maintains its position that the proposed development is incompatible with the existing and future land use pattern in the vicinity, which is predominantly characterised by residential development, environmental conservation and public open space. Residential development at Georges Fair to the west of the site and future residential development to the north are likely to be adversely impacted upon, should this development be approved.

A more detailed analysis of the pertinent elements of the proposal is provided below:

**Access**

There is now a court decision granted easement and access to the road bridge, however the proponent will not be delivering the road bridge access as part of this application.

Council recommends that a deferred commencement condition is included in any consent issued until the access arrangements are completely resolved to the point of construction of the road bridge.

**Traffic Management**

The proponent has provided a response to Council's concerns in Section 2.3.2.3 of the Preferred Project Report. This response is completely inadequate. The proponent has failed to address a number of issues raised by Council and dismissed others without due consideration.

If you do not understand this letter/application, please call the Telephone Interpreter Service (131 450) and ask to be contacted by Council (1300 362 170). Office hours are 8:30 am to 5:00 pm, Monday to Friday.

#### ARABIC

إذا لم تفهم هذا الطلب/هذا النموذج، يرجى الاتصال بخدمات الترجمة الهاتفية (131 450) وطلب أن يتصل بك المجلس (1300 362 170). ساعات العمل: من 8:30 صباحاً إلى 5:00 مساءً، من الإثنين إلى الجمعة.

#### CHINESE

如果您不明白此申請書/申請表格，請致電131 450電話傳譯服務中心(131 450)，請他們轉接市長公署(或致電1300 362 170)，由傳譯服務中心轉接市長公署(或致電1300 362 170)。

#### CROATIAN

Ako ne razumijete ovaj pismo/aplikaciju, molimo nazovite Službu prevodilača i tumača (131 450) i zamolite ih da vas povežu s Vijećem (na 1300 362 170). Radno vrijeme je od 8:30 ujutro, do 5:00 popodne, od ponedjeljka do petka.

#### DUTCH

Wanneer u deze brief/Aanvraag niet kunt verstaan, kunt u het Gemeente-telefoon Duitstalige Dienst (telefoon-vertolungsdienst) (131 450) aanroepen. Het is ook mogelijk om zich met het Gemeentebestuur (1300 362 170) te verbinden. De werktijden zijn van 8:30 tot 17:00 uur, van maandag tot vrijdag.

#### ENGLISH

If you cannot understand this letter/application, please call the Telephone Interpreter Service (131 450) and ask to be contacted by Council (1300 362 170). The working hours are 8:30 am to 5:00 pm, Monday to Friday.

#### HINDI

यदि आप इस पत्र/आवेदन को नहीं समझ सकते हैं, तो कृपया टेलीफोन व्याख्याता सेवा (131 450) से संपर्क करें और उनसे कहें कि वे आपको परिषद (1300 362 170) से संपर्क करने में मदद करें। कार्यालय के घंटे: सोमवार से शुक्रवार तक सुबह 8:30 बजे से सांझ 5:00 बजे तक।

#### ITALIAN

Se non comprendi questa lettera/questo modulo di domanda, telefona al Servizio traduzioni e interpreti al numero 131 450 chiedendo di essere messo in contatto con il Comune (telefono 1300 362 170). Orario d'ufficio: ore 8.30 - 17.00, dal lunedì al venerdì.

#### KHMER

បើលោក/លោកស្រីមិនយល់អ្វីពីលិខិត/លិខិតសុំ: ប្រសិនបើលោក/លោកស្រីមិនយល់អ្វីពីលិខិត/លិខិតសុំ (131 450) ព្រមទាំងសុំឲ្យអ្នកសេវាភាសាប្រកបសម្បទាន (1300 362 170) ទាក់ទងជាមួយការស្នើសុំ។ ម៉ោងការងារគឺពីម៉ោង ៨:៣០ ព្រឹក ដល់ ៥:០០ ល្ងាច ចន្ទ រហូតដល់ ថ្ងៃសុក្រ។

#### MACEDONIAN

Ako ne go razumjete ova pismo/aplikacija, vo molime da se javite vo Telefonskata prevoduvacka sluzhba na 131 450 i zamolite gi da stupat vo kontakt so Opstinata na 1300 362 170. Radnoto vreme e od 8.30 часот ujutro do 5.00 часот popodne od ponedelnic do petok.

#### MALIYENI

Jekk ma fihimx din l-ittra/applikazzjoni, jekk jogħġbok ċempel li-Servizz ta' l-Interpreti bil-Telefon (131 450) u illobhom jikkuntattjaw il-Kunsill (1300 362 170). Il-ħinijiet ta' l-Uffizzju ta'wru min 8:30am sa 5:00pm, min-Tnejn sal-Ġimgħa.

#### POLISH

Jeśli nie rozumiesz treści niniejszego pisma/podania, zadzwoń do Telefonicznego Biura Tłumaczy (Telephonic Interpreter Service) pod numer 131 450 i poproś o telefoniczne skontaktowanie się z Radą Miejską pod numerem 1300 362 170. Godziny urzędowania: 08.30-17.00 od poniedziałku do piątku.

#### SERBIAN

Ako ne razumete ovo pismo/aplikaciju, molimo vas da nazovete Telefonsku prevodilačku službu (131 450) i zamolite ih da kontaktiraju Opštinu (1300 362 170). Radno vreme je od 8.30 ujutro do 5.00 popodne, od ponedeljka do petka.

#### SPANISH

Si Ud. no entiende esta carta/solicitud, por favor llamo al Servicio Telefónico de Intérpretes (131 450) y pídales que llamen a la Municipalidad (Council) al 1300 362 170. Las horas de oficina son de 8:30 am a 5:00 pm, de lunes a viernes.

#### TURKISH

Bu mektubu veya müracaatı anlayamazsamız. Lütfen Telefon Tercüme Servisi'ne (131 450) telefon ederek Belediye ile (1300 362 170) ilişkiyo geçmelerini isteyiniz. Çalışma saatleri Pazartesi - Cuma günleri arasında sabah saat 8:30 ile akşam 5:00 arasındır.

#### VIETNAMESE

Nếu không hiểu thư/đơn này, xin Quý Vị gọi cho Telephone Interpreter Service (Dịch Vụ Thông Dịch Qua Điện Thoại), số 131 450, và nhờ họ liên lạc với Council (Hội Đồng), số 1300 362 170. Giờ làm việc là 8 giờ 30 sáng đến 5 giờ 00 chiều, Thứ Hai đến Thứ Sáu.

The items that remain outstanding include:

- The intersection treatment of the proposed access and Brickmakers Drive;
- The cumulative traffic impact of other proposed developments that would use the link off Brickmakers Drive;
- The directional distribution of heavy vehicle traffic from the site;
- The impact on road pavement; and
- The impact of traffic noise on residential receivers and recreation areas.

Council's previous submissions are attached for your reference. Council expects these items to be addressed adequately by the proponent.

### ***Georges River and Flooding***

The site is substantially impacted by flooding (ie within the 1:100 year flood event) and is directly adjacent the Georges River.

Council is yet to see a copy of the flood analysis that supported DA-1417/2005. Council's building was destroyed by fire in 2010 and many Council files were lost. Given that this report is referred to in the consent, it would be beneficial to have this report available when reviewing the subsequent updated/revised flooding reports.

It is noted that in response to Council's concerns regarding whether the consent has lapsed, the proponent notes that appropriate information regarding the commencement of the Development Application has been forwarded to the Department of Planning and Infrastructure. This is not included in the material being made publicly available, nor has it been provided to Council. Under Sections 81 of the Environmental Planning and Assessment Act 1979 the proponent is required to notify Council of the commencement of works. This has not been undertaken. Council requests that the proponent provide this documentation to Council immediately.

The proponent's response to issues regarding the Georges River and flooding are inadequate. The following information is outstanding:

- An assessment of the proposal in relation to The Greater Metropolitan Regional Environmental Plan No 2 – Georges River. This evaluation is critical given the site has direct frontage onto the Georges River.
- Additional information regarding the collection sumps and their ability to deal with the amount of potential eroded material, particularly in major storm events. The risk of debris being washed into the Georges River is particularly high given the depth and velocity of flooding in this area and could result in significant water quality issues.
- The flood impacts arising from the ramps attached to the bridge have not been properly assessed through flood studies undertaken by appropriately qualified flooding engineers in accordance with Council's flood model. This is not acceptable.
- A response to the public amenity impacts given the proximity to the largely publicly owned Georges River foreshore and recreation areas.

Furthermore, the earth mounds proposed as part of the proposal were originally approved as part of DA-1417/2005. The alterations to the mounds require approval. It is not clear whether this is to be in the form of a Section 96 Application to DA-1417/2005 with Council or whether this is part of the Part 3A approval. The Preferred Project Report details the changes to the bund as part of the project. It is confusing to know which approval covers the bund and earthworks, when both the DA and Part 3A are in operation for the same works. This should be clarified.

Furthermore, the increase in height of the bunds will have a significant impact on the flood behaviour. Council is not satisfied with the information provided by the proponent with regard to flooding.

### ***Contamination***

The proponent assumes that Council has considered a number of items relating to geotechnical issues and contamination from landfill through the assessment process for DA 1417/2005. As stated above, Council lost this file in the fire of 2010 and cannot confirm what was considered during the assessment of this DA. It should be noted that this DA was lodged 8 years ago, under the previous planning instrument. The applicant should demonstrate that there is not risk of contamination from the project.

The applicant states that the Operations Manual will detail the need to maintain the integrity of the landfill and capping. The development and use of an Operations Manual is not included in the Statement of Commitments. This should be rectified.

### ***Views***

Council has requested previously that detailed analysis of the levels, canopy cover and other factors that influence the view lines/visibility from the Georges River, zoned residential land (developed or undeveloped), Marina Development, Brickmakers Drive and the New Brighton Golf Course must be undertaken. Such information has not been supplied as part of the Preferred Project Report.

The proponent's response to this submission is inadequate.

### ***Odour and Dust***

The proponent states that their development will not generate any odour due to the types of material being recycled on site not being biodegradable. Regardless, the Director-General's Requirements list air quality, including odour, as a key issue to be addressed with the EA process and the proponent has failed to do so. Council has previously requested that an Odour Impact Assessment be carried out in accordance with relevant NSW EPA guidelines. The developer's failure to conduct such an assessment to demonstrate compliance raises significant concerns for the health and wellbeing of the local community. Further the application cannot be approved without compliance with the Director-Generals requirements.

### ***Environmentally Significant Land***

It is understood that the Part 3A application has been updated to include amended access to the site. The application is accompanied by two separate flora and fauna reports by different authors, one which addresses the primary site, and one which briefly addresses the proposed access. It is recommended that all impacts associated with this proposal are included into a single flora and fauna assessment

to ensure that the entire extent of impacts is assessed as a single unit, rather than two smaller components. This is considered critical to ensure that the significance of all impacts is assessed as a whole.

It is recommended that the Ecological Assessment of Amended Part 3A Application For Access (or subsequent combined assessment) includes further details on methodology, potential indirect impacts, impacts on corridor values, justification for assumed lack of suitable habitat of some threatened species, assessment of significance for pertinent threatened species and communities.

Biobanking is noted as a possible offset measure on page 3-35 of the Preferred Project Report. It is recommended that OEH is consulted if this is to be pursued.

On-site vegetation offsetting potential within the southern portion of the property is noted on page 3-36 of the Preferred Project Report. The location of the suggested area is not indicated on a map. A Vegetation Management Plan (VMP) was submitted for DA-1417/2005, which required vegetation rehabilitation works in the southern portion of the site. No subsequent versions of the VMP have been provided, so Council is not aware of the current status of this report. If on-site offsetting is undertaken, it should be in addition to any required works associated with previous approvals.

The Preferred Project Report notes that an EMP will be developed, but has not yet been produced. Therefore the following matters are still considered pertinent:

- *It is recommended that the Environmental Management Plan (EMP) is developed and reviewed prior to a determination being made.*
- *It is recommended that the 'Environmental Management Measures and Safeguards' listed in Section 5 are incorporated into the EMP and conversely, that Section 5 of the FFA draws on any pertinent control plans currently listed for the EMP e.g. 'Erosion and Sediment Control'.*
- *It is recommended that groundwater testing and monitoring is incorporated into the EMP and gives due consideration to the NSW Groundwater Dependent Ecosystem Policy.*

### **Acid Sulfate Soils**

The site is noted as being subject to class 2 and class 4 acid sulphate soils in the Liverpool Local Environmental Plan 2008. The applicant has failed to address this item. The Liverpool LEP 2008 stipulates that development consent must not be granted unless a management plan has been provided to the consent authority. Failure to adhere to this represents a serious threat to the local environment.

### **Sewerage disposal**

The proponent states that a pump out sewerage system will be installed on the site. They note that their expert has a number of recommendations to ensure this system does not contaminate the water table. None of these recommendations are specifically included in the Statement of Commitments. The Statement of Commitments refer to Appendix 14, but it is not clear if this means the Evans and Peck report, or its appendices and annexures also. There is no assurance that these recommendations will come to fruition.



## **Noise**

Council maintains its position that the provision of an acoustic barrier along the public road is unacceptable and would not be in keeping with the residential streetscape anticipated for the precinct. Furthermore, the need for an acoustic barrier reflects the incompatibility of the proposal with current and future residential development.

## **Social and economic impacts**

The applicant has not addressed social and economic impacts as raised in Councils previous submission. This is not acceptable in a response to submissions.

## **Conclusion**

The proposed development of a material recycling facility on Lot 6, DP 1065574 is incompatible with the existing and future land use pattern which is predominantly characterised by residential development, environmental conservation and public open space.

Residential development at Georges Fair to the west of the site and future residential development to the north are likely to be adversely impacted upon, should this development be approved. Furthermore, the eastern border of the lot has been identified as a missing link in securing the Georges River foreshore corridor for the enhancement of public amenity. The changing nature of land use within the precinct is such that this development is no longer appropriate.

The Statement of Commitments is generalised and poorly worded. It is not meaningful for Council or the public to view such an inarticulate document. The Statement of Commitments should be completely re-written to include the exact details of all commitments, rather than references to appendices and other documents.

For the reasons given in this submission, Liverpool City Council objects to the Part 3A Application Materials Recycling Facility – Moorebank 05\_0157 and reiterates that the project is not appropriate given the local zoning and residential context.

Liverpool City Council recommends that this proposal is refused, as a determination in the contrary would be inconsistent with the objects of the *Environmental Planning and Assessment Act 1979*.

Thank you for the opportunity to provide a submission regarding the proposed recycling facility. Should you require further information or to clarify any of these matters raised within this submission, please contact Council's Senior Strategic Planner, Megan Munari on 9821 9285.

Yours sincerely



**Tanya O'Brien**  
Manager Strategic Planning

Encl: Councils submissions dated 7 February 2013 and 5 April 2013.