

Department of Planning and Environment
Industry Assessments
Locked Bag 5022
PARRAMATTA NSW 2124

By email: emma.barnet@planning.nsw.gov.au

Attention: Emma Barnet

Re: EXHIBITION OF STATE SIGNIFICANT DEVELOPMENT APPLICATION SSD-9346594

PROPOSAL:	LOT 103 DP 866530
ADDRESS:	9 WHYALLA PLACE, PRESTONS NSW 2170

Thank you for the opportunity to comment on the proposed State Significant Development (SSD) for the construction and operation of a Waste Treatment Facility at 9 Whyalla Place, Prestons NSW 2170.

Council has reviewed the documentation on the NSW Department of Planning, Industry and Environment's website with respect to this application, particularly with regards to the applicant's response to submissions, and request that the following matters are considered in the assessment and determination of the SSD.

FLOOD AND CATCHMENT CONSIDERATIONS

1. The proposed development site is located within the Maxwells Creek catchment. The site is not affected by flooding under 1% Annual Exceedance Probability (AEP) event. However, it is affected by the Probable Maximum Flood (PMF) event.

As per NSW Government updated flood-prone land package (commenced on 14 July 2021) and Council's Development Control Plan, the proposed waste treatment facility is considered as sensitive and hazardous development. The flood planning level for a sensitive and hazardous development is the Probable Maximum Flood (PMF) level, which is 24.5m AHD. However, the submitted design drawings indicate that the ground floor level of the proposed waste treatment facility is 23.2m AHD, which is much lower than the required level.

Therefore, the following matters relating to flooding shall be satisfactorily addressed by the applicant in any Application for the development:

- All floor levels shall be no lower than the Probable Maximum Flood (i.e., 24.5m Australian Height Datum).
- The structure shall be constructed from flood compatible building components below the Probable Maximum Flood (i.e., 24.5m Australian Height Datum).

- 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).
- 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.
- 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 or Council stormwater system. 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.

TRAFFIC PLANNING CONSIDERATION

2. Traffic Generation Potential

Approximately 29,385 trucks are expected to use the facility per annum, which is equivalent to 565 trucks per week or 81 trucks per day.

It is expected that 48 and 62 vehicle movements will be generated during the AM and PM road network peak hours.

All the vehicles generated from the subject site will use the intersection of Whyalla Road/Jedda Road. It is noted that there is an existing access to the intersection, opposite to Whyalla Road, which is not modelled in SIDRA. In addition, the SIDRA model is to use the intersection gap acceptance value for heavy vehicle instead of default value for a light vehicle.

Consideration is to be given to provide intersection treatments at the Jedda Road/Whyalla Road intersection to improve road safety, particularly for truck movements.

3. Car Parking Provision

A total of 40 on-site car parking spaces are proposed, which includes 1 accessible parking space. No visitor parking is provided on the site. The car parking provision is less than the required 50 spaces according to Liverpool Council DCP.

Therefore, an Operational Traffic Management Plan (OPTM) should be prepared by an accredited practitioner and submitted to Council's Traffic and Transport Section for review as part of the development consent conditions. The OPTM is to include measures to manage traffic and parking impacts of the proposed day to day use and ensure safe vehicle movements on the subject site as well as surrounding roads.

4. **On-site Serving and Loading Space**

It is noted that no permanent dedicated on-site loading space is proposed. A queue area of 4 truck length is provided on site. The OPTM is to prepare and ensure that no vehicle accessing the subject site is queuing on Whyalla Place.

The other traffic related conditions are provided in Appendix A.

ENVIRONMENTAL HEALTH CONSIDERATION

5. **Regulatory Authority**

Careful consideration must be given to the long-term regulation of the facility to ensure adequate protection for the environment and human health. Schedule 1 of the Protection of the Environment Operations Act 1997 declares premises-based activities regulated by the NSW Environment Protection Authority (EPA). The Application must be reviewed in consultation with the NSW EPA 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.

6. **Site Regulation**

The Department will have primary responsibility for assessing compliance with conditions of consent in relation to environmental emissions (i.e. noise, air, water, land) during the construction and operational phases of the project.

The NSW EPA will be the Appropriate Regulatory Authority for the proposed development under the Protection of the Environment Operations Act 1997.

Comprehensive compliance monitoring initiatives that incorporate both qualitative and quantitative measures must be incorporated in the proposed development. It is strongly believed that data collected using quantitative methods for the duration of construction and operational phases of the Project would assist with determining compliance with any future Approval and encourage environmental best practice.

7. **Detailed Plans and Design Certification**

To achieve satisfactory environmental performance, detailed site plans for the facility shall be submitted to the Department and NSW EPA for their consideration. The detailed plans shall include environmental safeguards to mitigate potential impacts to human health and the environment.

Appendix E Report Noise Impact Assessment Environmental Impact Statement, Prestons Waste Treatment Facility (20142192-046-R-Rev1)

submitted to Daniel Blair submitted by Golder Associates Pty Ltd dated August 2021

The Secretary's Environmental Assessment Requirements (SEARs) issued 14 October 2020 required a quantitative noise and vibration impact assessment undertaken by a suitably qualified person in accordance with the relevant Environment Protection Authority guidelines. When undertaking the quantitative assessment, Golder Associates Pty Ltd predominantly focussed on the operation of the proposed development. In contrast, the EIS (p. 133) confirms that construction noise was assessed via a qualitative process. In accordance with the SEARs, a quantitative assessment is also required of potential construction noise impacts, road noise impacts and vibration.

To address the SEARs, a quantitative assessment must be undertaken of potential construction noise impacts in accordance with the Interim Construction Noise Guideline published by the Department of Environment & Climate Change NSW dated July 2009 and road traffic noise impacts as per the NSW Road Noise Policy published by the Department of Environment, Climate Change and Water NSW dated March 2011.

A quantitative assessment would also be required of potential vibration impacts associated with the construction and operation of the development. In this regard, consideration would need to be given to potential impacts on cosmetic building damage, structural integrity and human comfort.

To assess amenity levels at the neighbouring industrial premises, the Noise Impact Assessment (20142192-046-R-Rev1) prepared by Golder Associates Pty Ltd dated August 2021 must also determine the noise level at the reasonably most-affected point on or within the property boundaries as per Section 2.6 of the NSW EPA's Noise Policy for Industry (2017).

The SEARs require the noise and vibration impact assessment to be undertaken by a suitably qualified person. 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.

Appendix F Report Air Quality Impact Assessment Environmental Impact Statement, Prestons Waste Treatment Facility (20142192-050-R-Rev1) submitted to Daniel Blair submitted by Golder Associates Pty Ltd dated 18 August 2021

Golder Associates Pty Ltd was engaged to undertake an air quality assessment of the proposed development. According to the consultant, the air quality assessment was prepared in accordance with the NSW EPA Approved Methods for the Modelling and Assessment of Air Pollutants in New South

Wales (2017). However, it appears that the report does not address the Secretary's Environmental Assessment Requirements (SEARs) issued 14 October 2020 as a quantitative assessment was not completed of odour impacts. It is believed that consideration should also be given to the technical framework Assessment and Management of Odour from Stationary Sources in NSW published by the Department of Environment and Conservation NSW dated November 2006 and supporting technical notes.

State Environmental Planning Policy No. 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 No. 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.

Appendix G Report Preliminary Site Investigation and Limited Detailed Site Investigation 9 Whyalla Place, Prestons NSW (20142192-008-R-Rev0) submitted to Hi-Quality Group submitted by Golder Associates Pty Ltd dated 7 August 2020

The Secretary's Environmental Assessment Requirements (SEARs) issued 14 October 2020 required characterisation of the nature and extent of any contamination on the site and surrounding area. Golder Associates Pty Ltd was engaged to undertake a Preliminary Site Investigation and Limited Detailed Site Investigation of the land. It is believed that the intrusive site investigations comprised a preliminary sampling and analysis program rather than a limited detailed site investigation.

Council's records indicate that the property occupies an approximate area of 9068 m². The NSW EPA's Sampling Design Guidelines (1995) indicate that between 20 to 21 sampling points would be required as a minimum for site characterisation based on detecting circular hotspots by using a systematic sampling pattern. As part of their site investigations, Golder Associates Pty Ltd collected samples from six locations across the site which did not meet the minimum sampling density for site characterisation.

The limited nature of the detailed site investigation component of the report contradicts the objective of a detailed site investigation which is to provide more complete and definitive information on issues raised in the preliminary site investigation. The detailed site investigation report must be designed to provide information on the type, extent and level of contamination for the site. The

Secretary's Environmental Assessment Requirements (SEARs) issued 14th October 2020 specifically requires characterisation of the nature and extent of any contamination on the site and surrounding area and it is believed that the preliminary nature of the intrusive site investigations do not satisfactorily address the characterisation requirements of the SEARs.

The Conceptual Site Model must contain adequate information to identify sources of contamination, contaminant migration pathways, receptors and exposure mechanisms. Guidelines approved by the NSW EPA under Section 105 of the *Contaminated Land Management Act 1997* include the *National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013)* (ASC NEPM). Schedule B2 of the ASC NEPM explains that the development of a Conceptual Site Model 'is an essential part of all site assessments and provides the framework for identifying how the site became contaminated and how potential receptors may be exposed to contamination either in the present or future'. It is noted that the Conceptual Site Model was not continually challenged and updated throughout the combined preliminary site investigation and limited detailed site investigation process.

Contaminated site reports are to be prepared or reviewed and certified 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.

Independent Peer Review

It is strongly recommended that the Department engages a suitably qualified consultant to undertake an independent peer review of the technical reports supporting the EIS for the proposed development.

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 as part of the Project in accordance with the *Public Health Act 2010*, *Public Health Regulation 2012* and AS 3666.

Routine Environmental Audits

If Approval is granted, the consent authority should consider a requirement for the operator to routinely commission an independent Environmental Audit of the project at its own expense.

This audit is to be carried out by a suitably qualified, experienced and independent audit team and be consistent with guidelines and standards relating to principles of environmental auditing including but not limited to AS/NZS ISO 19011:2019 – Guidelines for Auditing Management Systems.

The audit is to include consultation with the Department and Appropriate Regulatory Authority and assess whether the project is complying with the Environmental Management Plan, conditions of consent and any licence issued by any other Authority.

Furthermore, the audit is to assess whether the project is being carried out in accordance with industry best practice and recommend measures or actions to improve the environmental performance of the project.

The Department should require a copy of the audit report to be submitted to the consent authority and Appropriate Regulatory Authority, with a response to any recommendations contained within the audit report.

It is expected that the operator would comply with any reasonable requests in respect to the implementation of any measures arising from the audit, within such time as the Department and/or Appropriate Regulatory Authority may agree.

Following each Independent Environmental Audit, the proponent shall review and if necessary revise the Environmental Management Plan (and any other plans/strategies required under this approval) to the satisfaction of the Department and Appropriate Regulatory Authority.

Additionally, it is requested that any future consent requires the implementation of a complaints handling register.

Construction and Operational Environmental Management Plans

Construction and Operational Environmental Management Plans (OEMPs) shall be prepared for the proposed facility and be submitted to the consent authority for review.

The Plans 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.

CITY ECONOMY CONSIDERATION

8. The proposed development is likely to create up to 48 jobs on site, and therefore it would be beneficial to understand the skills needs of the business in order to assist with workforce development and recruitment of local staff.

Local staff are usually more loyal and productive and from an economic development perspective it is better to employ locally.

Council thanks you for the opportunity to provide comment on this application and would also welcome the opportunity to comment on further stages associated with the Waste Treatment Facility at 9 Whyalla Place, Prestons NSW 2170.

Should you wish to discuss this matter further, please contact Kevin Kim, Acting Principal Planner of Development Assessment on (02) 8711 7896.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Kim', written in a cursive style.

Kevin Kim
Acting Principal Planner
Development Assessment

APPENDIX A – TRAFFIC PLANNING CONDITIONS FOR SSD-9346594

Recommended conditions of consent	
Prior to Works Commencing	Design of any proposed intersection treatments at the Jedda Road/Whyalla Road intersection is submitted to Council's Pedestrian, Active Transport and Traffic Committee meeting for approval.
Prior to Works Commencing	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, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway. The car parking design is to be approved by the Certifier.
Prior to Works Commencing	<p>The applicant shall submit a Section 138 Roads Act application to Council for any proposed new roads and 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 Sections for approval.</p> <p>Prior to the issue of the construction certificate for any roadwork, the Applicant must submit the design plans to the satisfaction of Council and provide a copy of the approved documents to the Certifier for information.</p>
Prior to Works Commencing	An Operational Traffic Management Plan (OPTM) should be prepared by an accredited practitioner and submitted to Council Traffic and Transport Section for review as part of the development consent conditions. The OPTM is to include measures to manage traffic and parking impacts of the proposed day to day use and ensure safe vehicle movements on the subject site as well as surrounding roads.
Prior to Works Commencing	<p>A Construction Traffic Management Plan (CTMP) detailing updated construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be prepared for future developments and submitted to Council's Traffic and Transport Section for approval prior to the issue of a Construction Certificate.</p> <p>The CTMP is to outline the need for a Road Occupancy</p>

	<p>Permit issued by Council or Road Occupancy Permit issued by the Transport Management Centre.</p> <p>Works within the road reserve shall not commence until the construction traffic management plan has been endorsed.</p>
Requirements during Construction	All works within the road reserve are to be at the applicant's cost and all signage is to be in accordance with the <i>TfNSW</i> Traffic Control at Worksites Manual and the RMS Delineation Guideline.
Requirements during Construction	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.
Requirements during Construction	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, at least 7 days to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
Requirements during Construction	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.
Requirements during Construction	All the construction vehicles shall enter and exit the site in a forward direction.
Requirements during Construction	Parking for all construction workers should be accommodated within the development site.
Prior to Occupation	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 Occupation	All the approved roadworks, traffic control devices, pedestrian crossings, signposting, line marking and street lighting are to be completed to Liverpool Council requirements, at no expense to Liverpool Council or

	Transport for NSW.
Prior to Occupation	Council's on-street assets such as footpath should be protected at all times. Any damages should be rectified to Council satisfaction.
Conditions Relating to Use	The approved Operational Traffic Management Plan (OTMP) must be in place and implemented at all times.
Conditions Relating to Use	All loading and unloading must take place on the subject site. 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.
Conditions Relating to Use	The operator of the development must not permit the reversing of vehicles onto or away from the road reserve. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.