

NSW Rural Fire Service

ISSUE

RESPONSE

At the commencement of building works and in perpetuity, a 10 metre wide asset protection zone shall be provided along the southern property boundary and surrounding the retained vegetation onsite as an inner protection area (IPA) as outlined within Appendices 2 & 5 of Planning for Bush Fire Protection 2006 and NSW Rural Fire Service's document Standards for asset protection zones.

Vegetation on the southern boundary will be cleared to make way for a driveway. This driveway will adjoin the hard stand area which will provide a substantial cleared area between the existing vegetation to the south of the site and the proposed development.

It is proposed to retain a small amount of vegetation alongside the future driveway and the infiltration pond in order to retain the hollow bearing tree.

Water, electricity and gas are to comply with Section 4.1.3 of the Planning for Bush Fire Protection 2006.

This can be included as a condition of approval to the Project.

Public Road access shall comply with section 4.1.3(1) of the Planning for Bush Fire Protection 2006.

Access to the site is from Masonite Road which is a public road. Part of the proposal includes the reconstruction and upgrade of Masonite Road along the frontage of the site to a suitable standard for industrial development and in accordance with Council's requirements. The road surface will have the capacity to carry fully loaded firefighting vehicles. Each access point to the site will be constructed with a channelized right turn bay (CHR intersection type) and will ensure accessibility of firefighting vehicles to the site. The site will be clearly signposted and numbered to allow easy identification of the development.

The Bushfire Threat Assessment states that the *"current design layout allows for a 10m wide perimeter road surrounding the development and multiple access/egress routes to car parking for quick evacuation."*

The proposed buildings are required to provide adequate ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. Where applicable, this includes any sub floor areas, openable windows, doors, vents, weepholes and eaves.

External doors are to be sealed with draft excluders or weather strips to prevent the entry of embers.

Note for DoP

A discussion was held with Mark Hawkins of the RFS on 8th September 2010 to clarify the intent of the above points. The verbal advice was:

- *The RFS have an advisory role only. The response is generic advice provided to all applications.*
- *The RFS did not assess the project in detail and advice is more to alert the proponent of matters to be considered.*
- *Their primary focus is for residential/rural residential housing and subdivision applications.*
- *Acknowledged that:*
 - *The proposal is for a major industrial development;*
 - *External fabric of building is concrete and colorbond which greatly exceeds typical residential standard buildings;*
 - *On-site fire fighting services provided as a requirement of BCA, as well as internal sprinkler systems on a number of buildings;*
 - *Noted comments in Planning for Bushfire 2006 regarding BCA and Class 5-8 Buildings and the*

The principles for Bush Fire Protection generally relate to rural/residential development and subdivision. The buildings proposed on site for this development are a combination of offices and industrial facilities. The PBP 2006 states that for buildings of Class 5 to 8 and 10 of the BCA that *“the BCA does not provide for any bush fire specific performance requirements and as such AS 3959 does not apply as a set of ‘deemed to satisfy’ provisions. The general fire safety construction provisions are taken as acceptable solutions, but the aim and objectives of PBP apply in relation to other matters such as access, water and services, emergency planning and landscaping/vegetation management.”*

The proposed buildings will be designed and constructed in accordance with the BCA and will reduce the risk of ignition while a fire front passes. The proposed buildings will also be assessed by an accredited certifier to ensure compliance with the BCA. The proposal includes a large number of buildings on the site. It is not practical or feasible to enclose all openings or external doors of the buildings proposed on site. A Bushfire Threat Assessment prepared as part of this proposal concluded with a number of design recommendations to enable the proposed development to comply with PBP 2006. These recommendations include:

- A 10m Asset Protection Zone (APZ’s) between the proposed industrial subdivision and the vegetation to the south, south-east and west of the site. These will be established within the site and will be maintained to the standard of an IPA.
- Any vegetation within the development area, not including 1ha parcel of retained vegetation situated in the south-east of the site should be managed in accordance with specifications for an IPA as listed in Section 5.1.
- Access roads as a minimum be formalised to a width capable of being used by fire fighting vehicles (standard minimum width is 8m kerb to kerb with shoulders on each side).
- Future buildings should have due regard to the specific consideration given in the BCA and recommendations made in Section six.

The Report concluded that if these recommendations were incorporated into the proposal, the fire hazard present should be reduced to a level considered necessary to provide a suitable level of protection to life and property of the site.

This is considered to be sufficient in providing adequate ember protection without the need to enclose all

<p><i>potential impracticability of achieving points 4 and 5 of the Correspondence.</i></p>	<p>openings or covering openings with a non corrosive metal screen and without the need to seal external doors with draft excluders or weather strips to prevent the entry of embers.</p> <p>This is considered to be sufficient for this industrial development.</p>
<p><i>Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.</i></p>	<p>The landscaping proposed on site complies with the principles of Appendix 5 of Planning for Bush Fire Protection 2006. There will be no weed species introduced into the area and there are sufficient distances between the proposed buildings and the proposed landscaping and existing vegetation. The site will be maintained in accordance with A5.4 Vegetation Management and A5.5 Maintenance of Property.</p>
<p>NSW Roads and Traffic Authority Submission</p>	
<p><u>ISSUE</u></p>	<p><u>RESPONSE</u></p>
<p><i>The proposed development was considered by the Hunter Regional Development Committee (HRDC) under the requirements of the State Environmental Planning Policy (Infrastructure) 2007, at its meeting on 13 August 2009. As the Chairperson and delegate for the HRDC, I have reviewed the information provided and as there have been no substantial changes to the previous application it was considered unnecessary to refer it to the HRDC again.</i></p>	<p>Noted</p>
<p><i>Previous advice from the HRDC raised no objections to the proposed development, provided the following matters were addressed and included in conditions of development consent.</i></p>	<p>The issues raised by the RTA have been addressed in the EA and can form conditions of approval to the Project.</p>

<p><i>The RTA is satisfied that the previous advice is still relevant for the proposed development. However, as this development will have a significant impact on the existing Masonite Road/Camfield Drive roundabout it would be expected that the developer would make a contribution to the cost of upgrading this roundabout through Council's section 94 contribution plan. The developer of the adjoining subdivision is required to upgrade the roundabout. The resolution of these matters with Council will result in satisfactory traffic arrangements and will satisfy the RTA's requirements.</i></p>	<p>The Port Stephens Section 94A Development Contribution Plan 2006 came into effect on Monday 3rd July 2006. This Plan allows Council to levee a maximum of 1% of the cost of development for employment based development that would create a demand for public amenities and services. The Section 94A Levy assists Council in providing public facilities required to maintain and enhance amenity and service delivery in the LGA. The proponent is required to contribute 1% of the total estimated cost of the development to Port Stephens Council which based on an estimated cost of \$30m equates to \$300,000. It is council's discretion as to where these funds are expended.</p>
<p>NSW Office of Water</p>	
<p><u>ISSUE</u></p>	<p><u>RESPONSE</u></p>
<p><i>The project is located within the Tomago Sandbeds Catchment Area which is defined as a Special Area under the Hunter Water (Special Areas) Regulation 2003, as such Clause 9 Pollution of waters “(1) A person must not pollute any waters in a special area.” The project proposes stormwater infiltration basins which pose a risk to the groundwater, which is of high quality and a groundwater source from which Hunter Water extracts. The environmental assessment does not provide sufficient information on the treatment of the stormwater runoff prior to disposal to the infiltration basins and the proposed water quality that will enter the aquifer via the infiltration basins.</i></p>	<p>GCA Engineers have provided a comprehensive response to the submission received by the NSW Office of Water. A copy of this response is attached.</p> <p>This response has been sent direct to the NSW Office of Water for their comments and requested conditions of consent will be provided.</p>

<p><i>Other issues not addressed in the EA include:</i></p> <ul style="list-style-type: none"> • <i>The EA identifies that excavations for the foundations will encounter the groundwater. This activity poses a risk as disturbance of geological material can cause the release of mineral (such as iron or arsenic) from the rock strata into the water table. These minerals may impact on groundwater quality. Also exposure of watertable could cause aerial contamination of the groundwater.</i> • <i>Dewatering requires a Part 5 Water Access license under the Water Management Act 2000. This has not been identified in the EA.</i> • <i>The development is with the Tomago Groundwater Source which is covered under the Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources 2003 (WSPTSGS), the EA has not considered proposal in relation to the provisions of the WSPTSGS and the requirement to gain a share for groundwater extracted in this area.</i> • <i>The proposal details bulk storage of diesel and waste oil, which poses a pollution threat to the groundwater if a spill occurs. The environmental assessment does not detail whether the diesel and waste oil will be stored with in a bunded area and the specification of the design.</i> 	<p>As above.</p>
<p><i>NOW and HWC require the proponent to address the above issues and include the following information for assessment:</i></p> <ul style="list-style-type: none"> • <i>Specific design details and location of the stormwater treatment systems;</i> • <i>Expected water quality (through modelling or otherwise) that will enter groundwater through infiltration basins;</i> • <i>Water quality monitoring locations and schedule to ensure</i> 	<p>As above.</p>

<p>stormwater treatment systems are functioning as per design;</p> <ul style="list-style-type: none"> • Details regarding the proposal's impacts in relation to dewatering and provision of the Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources 2003 (WSP TTSGS); and • Bunding design and capacity for any potentially harmful chemical on site. 	
<p>NSW Environment, Climate Change and Water</p>	
<p><u>ISSUE</u></p>	<p><u>RESPONSE</u></p>
<p><i>DECCW cannot at this stage support the project due to threatened species issues, namely inadequate provision of offsets/compensatory habitat and lack of targeted flora searches. .</i></p> <p><i>DECCW acknowledge that the proposed offset package may lead to some better conservation outcomes, namely the conservation of a number of endangered ecological communities and indirect linkage to existing DECCW conservation estate, however whilst recognising these additional values it is of the opinion that a greater offset package is required than that being offered, especially when "like for like will not be achieved"</i></p> <p><i>DECCW recommends that the proponent provide details and commitment of how the offset will be managed and conserved in perpetuity.</i></p>	<p>The land proposed for development is zoned for industrial purposes and the use proposed is consistent with express intent and objectives of the zone. Importantly, the land is not identified as being a priority for environmental conservation under the Lower Hunter Regional Conservation Plan, any SEPP or the Port Stephens LEP.</p> <p>Notwithstanding the above, a comprehensive environmental assessment prepared in support of the application concludes that the proposal is "unlikely to have a substantial adverse impact on a local population of any threatened species recorded or likely to occur within the site due to all or a combination of the small relative size of the area to be cleared; the mobile nature of the species under consideration; no severance of connectivity, fragmentation or isolation of species; large patch of suitable adjacent habitat and retention of some native vegetation and two out of the three hollow bearing trees within the site." An offset strategy is also proposed to further minimise potential impacts.</p> <p>DECCW generally agrees with these conclusions noting that support would largely be guided by a suitable offset strategy being provided.</p>

DECCW requests adequate targeted flora surveys be undertaken for the following species;

- *Leafless Tonque Orchid (flowering December to February)*
- *Sand Doubletail (August to September)*
- *Rough Doubletail (August to September)*

As detailed in the EA, it is proposed to provide a significant offset at Duns Creek to mitigate the loss of vegetation from the development site. The key attributes of the proposed offset are:-

- The site has an area of 54 hectares, is located in the Port Stephens LGA (as is the proposed development) and represents a ratio of 4:1 with respect to the area conserved versus habitat proposed for removal.
- Is consistent with the objectives of the Lower Hunter Regional Conservation Plan being:
 - a) Identified on the RCP Map 1 as an extent vegetation community being a "reservation target not yet met";
 - b) Identified on the RCP Map 3 as a regional investment priority.

The proposed offset land adjoins land that has been accepted under the National Parks & Wildlife Act, 1974 (2009) for offset purposes on the basis of it being recognised as a high priority conservation area under the Lower Hunter Regional Conservation Plan (RCP).

Benefits of the granting of this land to DECCW would include:

- It would increase Columbey National Park by an additional 54 ha in size, connected through lands previously granted to DECCW for Columbey National Park. This would increase the total size of Columbey National Park to 1210ha;
- The increase in size of Columbey National Park would in term provide greater protection to the core habitats due to a decrease in edge to area ratio. It would provide a greater contiguous block of protected habitat for fauna requiring large expanses of habitat;
- This land has been identified in the DECCW Biodiversity Investment in the Lower Hunter Plan and is therefore assumed to be suitable for offsetting;
- This area has been identified in the Lower Hunter Regional Conservation Plan as containing extant vegetation for which the DECCW reservation target has not been met.

	<ul style="list-style-type: none"> - Based on adjacent ecological reporting by EcoHub (2009) and vegetation floristic analysis prepared by Bell (2009), is likely to contain affinities of Forest Red Gum Forest (HLRF equivalent) and Spotted Gum – Ironbark Forest (LHSGIF equivalent or similar);and - According to reporting on adjacent land by EcoHub, the 54ha land to be offered is likely to contain habitat for over 50 threatened species that occur in the vicinity. <p>In light of the above, the proposed offset provides appropriate offset/compensatory habitat to mitigate the loss of vegetation from the development site. Furthermore, it is considered that assessment undertaken as part of the EA provides a balanced approach which will result in a net improvement in biodiversity values in the medium to long term.</p> <ul style="list-style-type: none"> • It is proposed to dedicate the land under the National Parks and Wildlife Act, 1974. In this regard, to provide certainty to DECCW, the Department of Planning and the proponent, it is proposed to enter into a Planning Agreement within 3 months from the issue of consent which sets out the responsibilities of all parties to ensure that the offset is managed and retained in perpetuity. Dedication of the land is to occur within 2 years of issue of consent. <p>The DECCW correspondence identifies other suitable alternative measures in the event that the land is not accepted for dedication under the National Parks & Wildlife Act, 1974. The Planning Agreement will include provisions for these measures for surety purposes but the priority is to have the land added to the adjoining Columbey National Park.</p>
<p><i>In regard to Aboriginal cultural heritage we advise:</i></p> <ul style="list-style-type: none"> • <i>It is strongly recommended that the proponent conduct sub-surface investigations at this location prior to any development works, as the visibility at this location is extremely low.</i> • <i>The results of the sub-surface investigation program should</i> 	<p>The DECCW letter (27th August, 2010, page 6) states the RPS report identified an area of moderate to high archaeological sensitivity. This is incorrect, RPS reported that only an area of <u>moderate</u> archaeological sensitivity (2010:28) was identified (Figure 6-2).</p> <p>The portion of the study area classified as having moderate archaeological sensitivity is anticipated to contain low frequencies of sub-surface artefacts, if present. It is therefore the expert advice of RPS that any excavations (should they be necessary) be conducted as part of the Aboriginal Cultural Heritage</p>

<p><i>also be used to inform the development of appropriate ACH management strategies for the proposed impact area, in consultation with the registered Aboriginal stakeholders.</i></p> <ul style="list-style-type: none"> <i>An ACH management plan should be developed following the sub surface investigation program.</i> 	<p>Management Plan (AHMP) and in consultation with the Aboriginal community stakeholders identified for this project.</p>
<p>Port Stephens Council</p>	
<p><u>ISSUE</u></p>	<p><u>RESPONSE</u></p>
<p><i>Council is familiar with the proposed details and assessment issues through its role as the consent authority under Part IV of the Act and issuing consent (DA16-2009-418-2) with conditions for this proposal on 15 September 2009. It is understood that the Department of Planning will forward a copy of the Environmental Assessment report to Council in due course. Therefore, Council has no comments to make if the application, approval and conditions are the same as that made by Council.</i></p>	<p>The application is substantially the same as that approved by Council on 15th September 2009.</p>

CABP Group Pty Ltd

ISSUE

RESPONSE

I am concerned that the proposed Sandvik development has not considered the base traffic flow as well as the traffic generated by our approved subdivision. I believe that the accumulated total of existing and our potential traffic should be the baseline for their traffic assessment.

Traffic would enter the site via Masonite Road with most traffic associated with the development travelling to and from the site via the Pacific Highway. The Traffic Impact Assessment prepared for the site has undertaken SIDRA modelling of the Pacific Highway/Masonite Road roundabout (2 lane) and the Masonite Road/Camfield Drive roundabout (1 lane). The modelling of these intersections post development has shown that both roundabouts will continue to operate satisfactorily and with a predicted ten year traffic growth for all likely peak traffic periods.

The RTA has raised no objection to the proposed development and their submission has been dealt with earlier in this report.

CABP Group Pty Ltd specifically requests that the Department of Planning ensure that the traffic analysis baseline volume used by Sandvik's consultants include the CABP Group subdivision. Most importantly if the RTA and Council insist on the 2 land roundabout and approach capacity upgrade we request that Sandvik be made to share the not insignificant cost.

The Proponent will pay Council \$300,000 in contribution for public facilities as outlined in the Port Stephens Council Section 94A Development Contribution Plan 2006.

David Soars Construction

ISSUE

RESPONSE

Our industrial estate has provision for residential tenancy. Previously we have had a residence on our property. Our neighbours at 28 and 32 live on site in approved residential structures. The new Machinery Manufacturing project is applying for 24 hour operation and we seek consultation on this matter as it does not conform to the existing land use.

The land subject of the submission is zoned for industrial uses. A recent site inspection revealed no dwelling currently existing on the land. Although, council may have previously approved a dwelling on the site, it has since been removed and any potential dwelling on the site would require significant rearrangement of existing buildings on the site to cater for a dwelling.

Any future dwelling on the land would therefore require approval from the Council pursuant to Post Stephens LEP 2003. In an industrial zone, dwellings are prohibited unless they are ancillary to and on the same land as other development permissible in this zone. Council would need to consider any application for a dwelling on this site in conjunction with the zoning of the surrounding land for industrial uses.

The Noise Impact Assessment submitted with the EA lists a number of recommendations to manage noise emissions from site operations. These include restricting the testing of machinery to the day period and not within 30m of the site boundary and ensuring external doorways on the western and northern façade remain closed during the hours of 22:00 to 7:00 on all buildings.

Consultation with our Solicitors over the easement track that allows access to the rear of our property leaves questions unanswered as to why existing usage rights would not apply as we believe the property mentioned did not exist in its current zoning.

A title search of Lot 38 DP 715308 reveals that the easements are to drain water. The land does not have the benefit of a registered legal right of way

ATB Morton

ISSUE

RESPONSE

It is of concern that this project may be approved and a building constructed (I assume a two storey building) without offering the public the opportunity to view and comment on the appearance/scale of the buildings.

The proposed office building is two storeys in size and is of similar scale to the other proposed buildings on site. Additional copies of the elevations of the proposed office are provided.