

Appendix I – Statutory Compliance Table

Table 1: Statutory compliance assessment

Statutory Reference	Relevant Considerations	Response	EIS Reference
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3 (Objects of the Act)	<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	The Project is a composting facility that would provide capacity to better manage resources in FOGO waste streams, while contributing to generating economic value through new composting products for agricultural industries.	Throughout
	<i>(b) to promote the supply, delivery and maintenance of housing, including affordable housing,</i>	The Project would not have a negative impact on the delivery and maintenance of affordable housing.	N/A
	<i>(c) to promote productivity through the development and management of the State and its resources</i>	The Project would increase productivity by the processing and re-use of organic materials, which would effect increased employment and improvement of soil resources.	Section 2 Section 6.16 Section 8.5
	<i>(d) to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,</i>	The Project has been designed to conserve the by avoiding disturbance of threatened and other species of native animals and plants, ecological communities and their habitats. Efforts have been made to position the development footprint across areas of higher disturbance. The principles of avoidance and minimisation have been applied with respect to both threatened ecological communities and species habitat. Remaining residual impacts are proposed to be offset.. A Biodiversity Development Assessment Report has been prepared and is included in the appendices.	Section 6.5 Appendix N
	<i>(e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,</i>	The project would have a net reduction in regional GHG emissions, contributing meaningfully to broader climate objectives. Measures to mitigate bushfire and flood impacts are included in the design of the site, providing resilience to climate change and natural disasters.	Section 6.17 Section 6.6 Section 6.8 Appendix P Appendix R Appendix S Appendix ZB
	<i>(f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,</i>	A Statement of Heritage Impact (SoHI) and Aboriginal Cultural Heritage Assessment Report (ACHAR) have been prepared to assess the impacts of the Project on built and cultural heritage. The SoHI concluded that the Project is not expected to impact on matters of non-Aboriginal cultural heritage. The	Section 6.12 Section 6.13 Appendix W Appendix X

Statutory Reference	Relevant Considerations		Response	EIS Reference
			ACHAR also concluded that the Project is not expected to impact on matters of Aboriginal cultural heritage. Additionally, elements of the built form will take into account Aboriginal cultural values through the establishment of an entry sign painting by a local Aboriginal artist on the front building.	
		<i>(g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,</i>	The buildings have been designed to suit the surrounding environment while maintaining functionality. A CEMP and OEMP would be developed to ensure the safety of individuals on site as well as minimising impact to the environment during construction and operation of the facility. The buildings will be subject to construction certificate and occupation certificate requirements.	Section 6.2 Section 6.14 Appendix Y
		<i>(h) to provide opportunities for participation in environmental planning and assessment,</i>	The Project has been committed to a broad and inclusive public consultation processes. Engagement with the local community has been an ongoing part of the planning process and documented in the EIS and an Engagement Report. Stakeholders will have opportunity participate in the assessment during the exhibition period.	Section 5 Appendix J
		<i>(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The Project addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms in accordance with the requirements of the <i>Environmental Planning and Assessment Regulation 2021</i> .	Section 7
		<i>(j) to promote a proportionate and risk-based approach to environmental planning and assessment,</i>	The environmental assessment component of the EIS uses a risk based approach to assess potential risks and recommend mitigation and management measures. Specialist studies provide assessments that quantify and mitigate risk.	Section 6 Appendices
		<i>(k) to promote the orderly and economic use and development of land.</i>	The Project would utilise land immediately adjacent an existing waste management centre, reflecting an appropriate colocation of similar land uses. The Project would also provide numerous economic benefits through the recovery and reuse of resources that otherwise would go to landfill.	Throughout
Section 4.15 (Assessment Requirements)	<i>the provisions of</i>	<i>(i) any environmental planning instrument, and</i>	Relevant environmental planning instruments include: • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>Great Lakes Local Environmental Plan 2014</i>	This table, further below.

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	<i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	Relevant draft environmental planning instruments include: <i>Draft MidCoast Local Environmental Plan</i>	This table, further below.
	<i>(iii) any development control plan, and</i>	Section 2.10 of the Planning Systems SEPP states that DCPs do not apply to SSD. As such, it is not a mandatory requirement for the Project to be assessed against the Great Lakes DCP. Notwithstanding, the Project has been assessed against the Great Lakes DCP.	This table, further below.
	<i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	None are relevant to this Project.	N/A
	<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	This EIS has been prepared in accordance with the EP&A Regulations, which is addressed in this table below.	This table, further below.
	<i>the significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The significant likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Section 6
	<i>the suitability of the site for the development,</i>	The suitability of the Site for the Project has been demonstrated in the EIS.	Section 2.4
	<i>any submissions made in accordance with this Act or the regulations,</i>	Stakeholder and community engagement has been conducted and summarised in the EIS and an Engagement Report. Submissions following the exhibition of the application will also be considered.	Section 5 Appendix J
	<i>the public interest.</i>	The public interest of the Project has been demonstrated throughout the EIS. This includes the addressing of the principles of ESD, engagement with the community that identified no major objections, the strategic need for the facility in line with the FOGO mandates, the suitability of the site selected, and the justification of the Project.	Section 2 Section 5 Section 7 Section 8
Section 4.14 (Bushfire prone land)	Development consent cannot be granted for the carrying out of development on bush fire prone land unless the consent authority is satisfied the development conforms to the specifications and requirements of the <i>Planning for Bush Fire</i>	The Project is on land that is mapped as Bushfire Prone Land (Vegetation Category 1 and Vegetation Buffer).	Section 6.8 Appendix R

Statutory Reference	Relevant Considerations	Response	EIS Reference
	<i>Protection</i> document prepared by the NSW Rural Fire Service. This section does not apply to State significant development.	While the Project is SSD and is therefore not applicable to the requirements of Section 4.14 of the Act, bushfire risk has been assessed in accordance with the NSW RFS Guidelines <i>Planning for Bush Fire Protection 2019</i> .	
Environmental Planning and Assessment Regulation 2021			
Section 173 (SEARs)	Section 173 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Clause 173 of the EP&A Regulation and SEARs.	Appendix A
Section 193 (ESD)	Section 193 of the Regulations requires an assessment of the Proposal against the principles of ESD.	The EIS has addressed the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms.	Section 7
Biodiversity Conservation Act 2016			
Section 7.14	The relevant authority is to consider the likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	The EIS has addressed the impact of the Project on biodiversity values, and a Biodiversity Development Assessment Report has been provided.	Section 6.5 Appendix N
Biodiversity Conservation Regulation 2017			
Section 7.1	The regulations declare that proposed development exceeds the biodiversity offsets scheme threshold for the purposes of Part 7 of the Act if it is or involves— (a) the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or (b) the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.	The Project is on land that is mapped under the Biodiversity Values Map and involves clearing of native vegetation. The Project therefore requires a Biodiversity Development Assessment Report, which has been provided.	Section 6.5 Appendix N
Protection of the Environment Operations Act 1997			
Schedule 1	The relevant licence thresholds under Schedule 1 of the PoEO Act are: 12 Composting (2) (a) where it takes place inside the regulated area...it has on site at any time more than 200 tonnes of organics	The Project exceeds the thresholds as set out in the PoEO Act and therefore is considered a scheduled activity under the PoEO Act requiring licencing for the activity.	Section 4.4

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	received from off site, or it receives from offsite more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics (3) For the purposes of this clause, 1 cubic metre of organics is taken to weigh 0.5 tonnes. 34 Resource recovery Recovery of general waste if the premises are in the regulated area— (a) involves having on site at any time more than 1,000 tonnes or 1,000 cubic metres of waste, or (b) involves processing more than 6,000 tonnes of waste per year 42 Waste storage (3) (c) more than the following amounts of waste (other than waste referred to in paragraph (a) or (b)) are stored on the premises at any time: in the case of premises in the regulated area—more than 1,000 tonnes or 1,000 cubic metres (d) more than the following amounts of waste (other than waste referred to in paragraph (a) or (b)) is received per year from off site: in the case of premises in the regulated area—6,000 tonnes		
Protection of the Environment Operations (Waste) Regulation 2014			
Part 3, Division 1	The PoEO (Waste) Reg prescribes the requirements for recording waste at scheduled waste facilities. It requires the occupier of a scheduled waste facility to record the following information for each delivery of waste material received at the facility: • The amount and type of waste and other material delivered; • The date the delivery was made; • The registration number of the vehicle making the delivery; • The particulars of where on the Site the waste and other materials were placed at the facility; and • The particulars of any waste received that is exempted under clause 10 from the calculation of the contribution payable by the facility.	NALG would create and retain records of all waste movements in accordance with the requirements of the PoEO (Waste) Reg. This is further detailed in the EIS. An OEMP would also be prepared to address waste management of the facility during operation and maintenance.	Section 3.6.8

Statutory Reference	Relevant Considerations	Response	EIS Reference
Water Management Act 2000			
	The <i>Water Management Act 2000</i> outlines key principles relating to several matters including: • water use and • floodplain management • activity approvals	Overall water use would be minimal, with water being recovered and re-used from the AD process and rainwater tanks. The development is not within the floodplain management area; however, flood modelling and stormwater impacts have been addressed in this EIS. There would be no uncontrolled discharge of stormwater, sewer or process water. There would be no harvesting of water from a waterway. The Site is not within a Water Management Area. Additionally, a Controlled Activity Approval is not required, as per s4.41 of the EP&A Act, which clarifies approvals not applicable to State significant development.	Section 6.6
State Environmental Planning Policies			
State Environmental Planning Policy (Planning Systems) 2021	In accordance with Schedule 1, Section 3 and 23 of the Planning Systems SEPP, the following development is SSD: • Agricultural produce industries and food and beverage processing with an estimated development cost of more than \$30 million for the following purposes: ○ Organic fertiliser plants or composting facilities or works. • Waste and resource management facilities ○ Development for the purpose of resource recovery or recycling facilities that handle more than 100,000 tonnes per year of waste.	The Project would process food organics and garden organics through composting processes, with a capital investment value (CIV) of \$54 million and a throughput of 146,000 tpa. The Project is therefore SSD in accordance with Schedule 1, Section 3 and 23 of the Planning Systems SEPP.	Section 4.1
State Environmental Planning Policy (Transport and Infrastructure) 2021	Section 2.122: Traffic generating development. The consent authority must take into consideration: • any submission from TfNSW • the accessibility of the site concerned, including: ○ the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and ○ the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and • any potential traffic safety, road congestion or parking implications of the development.	The Project is defined as a traffic generating development under Schedule 3 of the SEPP. A Transport Impact Assessment has been undertaken for the Project to assess the construction impacts, adequacy of onsite parking and manoeuvring space, and the impact on local roads during operation of the facility.	Section 6.9 Appendix T

Statutory Reference	Relevant Considerations	Response	EIS Reference
	Section 2.48: Development likely to affect an electricity transmission or distribution network The consent authority must give written notice to the electricity supply authority and consider any response received within 21 days after that notice is given for development comprising or involving: a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, b) development carried out— (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or (ii) immediately adjacent to an electricity substation, or (iii) within 5m of an exposed overhead electricity power line	The Project would require the relocation of overhead powerlines. The power lines that run across the northwestern portion of the Site would be relocated utilising a mix of underground and overhead within the Site, which would impact the power pole identified on the Site. Design and delivery of this would be undertaken in conjunction with Essential Energy, MCC and other stakeholders as required.	Section 6.10
State Environmental Planning Policy (Resilience and Hazards) 2021	Section 3.12: Potentially hazardous or potentially offensive development. The consent authority, in making a determination on a potentially hazardous or potentially offensive development, is to consider circulars or guidelines, public authority consultation, a preliminary hazard analysis, any feasible alternatives, the reasons for choosing the location, and any likely future use of the land surrounding the development.	As the Project falls within the definition of a “potentially hazardous industry”, a screening assessment was undertaken. The assessment found the Project exceeded the trigger level for being a potentially hazardous development, and as such, a Preliminary Hazard Analysis was required. The PHA is provided as an Appendix and is summarised in the EIS.	Section 6.11 Appendix V
	Section 4.6(1): Contamination and remediation to be considered in determining development application. A consent authority must be satisfied that the land is suitable in its contaminated state - or will be suitable, after remediation - for the purpose for which the development is proposed to be carried out.	A Preliminary Site Investigation (PSI) has been undertaken to consider potential contamination on the Site. The PSI found that no indication of gross contamination that would restrict the Project at this Site.	Section 6.11 Appendix Q
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 3 Koala habitat protection 2020 Chapter 3 of the SEPP applies to land zoned RU1, RU2 and RU3. Part 3.2 relates to land in these zones with an area greater than 1 hectare. It prescribes the requirements of land that is potential koala habitat and core koala habitat. Land	The Site is zoned RU2 Rural Landscape and covers an area of approximately 5.83 hectares. Although several Koala use tree species listed under Schedule 3 (Related to Chapter 4 Koala habitat protection 2021) are present on the Site - <i>Angophora costata</i> (Smooth-barked apple) and <i>Eucalyptus pilularis</i> (Blackbutt), the Site is	Section 6.5

Statutory Reference	Relevant Considerations	Response	EIS Reference
	that is identified to be core koala habitat cannot be granted development consent unless a plan of management is prepared.	zoned RU2 Rural Landscape. As such, only Chapter 3 Koala habitat protection 2020 of the SEPP applies, which has a more refined list of Koala use trees. Under Chapter 3, only 1 Koala feed tree species (<i>Eucalyptus robusta</i>) was identified within the Study Area and the area where this occurs is to be retained. Therefore, the Subject Site does not satisfy the requirements for core koala habitat as outlined in Part 3.2 of the BC SEPP.	
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3 Advertising and signage – 3.1 Preliminary 1) This Chapter aims – a) to ensure that signage (including advertising) – (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and b) to regulate signage (but not content) under Part 4 of the Act, and c) to provide time-limited consents for the display of certain advertisements, and d) to regulate the display of advertisements in transport corridors, and e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors. 2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.	The Project includes the installation of site safety signage throughout the Site, and a laser cut facility identification sign at the entrance to the facility (ref Appendix C for render including proposed entrance sign). The site safety signage would be distributed across the facility for hazard warning, instruction and identification purposes. This includes the signage identified in the plans adjacent the truck access driveway, which would provide key information for trucks entering and leaving the Site. Only one sign is proposed for advertising purposes, which comprises the laser cut sign upon entering the Site adjacent to the light vehicle access driveway. 1) a) (i) The Project is located adjacent the existing Tuncurry Waste Management Centre. Signage would be of similar scale, quality and design to the existing WMC, and would not negatively affect the amenity of the area. (ii) The signage has been designed to provide clear and visible communication to users of the facility. Signage would be located at the facility entrance points and throughout the facility. (iii) Signage would be produced to a high quality design and finish. This includes a sleek laser cut facility identification sign upon entrance, and other safety signage critical for the facility. b) Noted. c) Not applicable. d) Signage is not located in a transport corridor. e) Signage is not located in or adjacent a transport corridor.	This table.
	Schedule 5 Assessment Criteria Section 1: Character of the Area	The signage proposed is considered compatible with existing character of the area, given the presence of the adjacent Tuncurry Waste Management Centre. Signage is for facility identification and safety purposes.	This table.

Statutory Reference	Relevant Considerations	Response	EIS Reference
	- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? - Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?		
	Section 2: Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage is minimal and is not expected to detract from the amenity or visual quality of special areas. The design would be sleek and is to be located internal to the Site, not likely visible from other open spaces or areas.	This table.
	Section 3: Views and vistas - Does the proposal obscure or compromise important views? - Does the proposal dominate the skyline and reduce the quality of vistas? - Does the proposal respect the viewing rights of other advertisers?	The proposed signage would not impact on important views and would not be located amongst the skyline. The signage is not in proximity of other signage or advertisements.	This table.
	Section 4: Streetscape, setting or landscape - Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? - Does the proposal contribute to the visual interest of the streetscape, setting or landscape? - Does the proposal reduce clutter by rationalising and simplifying existing advertising? - Does the proposal screen unsightliness? - Does the proposal protrude above buildings, structures or tree canopies in the area or locality? - Does the proposal require ongoing vegetation management?	The proposed signage would be internal to the site boundary, and in an appropriate scale to the facility. It is unlikely to be visible from the street. The facility identification sign would be of a quality laser cut design and would not protrude above any buildings or vegetation.	This table.
	Section 5: Site and building - Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? - Does the proposal respect important features of the site or building, or both?	The proposed signage is considered to be moderate and acceptable in scale, in the context of the proposed buildings. It is similar in nature to that of other industrial or commercial developments for the purposes of business identification.	This table.

Statutory Reference	Relevant Considerations	Response	EIS Reference
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?		
	Section 6: Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Entrance signage has been designed to reflect the name of the facility using a laser cut design. No lighting, platforms or safety devices have been designed to be incorporated so far, but this may be further considered during detailed design. The facility logo would be incorporated on the entrance sign.	This table.
	Section 7: Illumination - Would illumination result in unacceptable glare? - Would illumination affect safety for pedestrians, vehicles or aircraft? - Would illumination detract from the amenity of any residence or other form of accommodation? - Can the intensity of the illumination be adjusted, if necessary? - Is the illumination subject to a curfew?	The proposed signage does not include illumination.	This table.
	Section 8: Safety - Would the proposal reduce the safety for any public road? - Would the proposal reduce the safety for pedestrians or bicyclists? - Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Proposed signage includes safety signage that would be provided throughout the facility. This would include hazard signage, providing safety for visitors to the Site and staff working on site. No signage is proposed that would create distractions or obstructions for motorists, cyclists or pedestrians.	This table.
State Environmental Planning Policy (Sustainable Buildings) 2022	The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of the sustainability of buildings. Chapter 3 of the SEPP relates to standards for non-residential development but does not apply to land wholly in RU2 zones.	The Project is located on land that is wholly within the RU2 zone. As such, Chapter 3 of the SEPP does not apply. Although the Sustainable Buildings SEPP does not apply to the Project, the Project has been assessed against the principles of Ecologically Sustainable Development.	Section 7
Great Lakes Local Environmental Plan 2014			
Land Use Table Zone Objectives	RU2 Rural Landscape Zone Objectives: - To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. - To maintain the rural landscape character of the land.	The Project is consistent with the objectives of the RU2 Zone. The facility would support sustainable land use by diverting organic resources from landfill and converting it into high quality compost. This compost can be used to improve soil health and productivity in agricultural settings, enhancing the natural resource base and supporting primary industry in the region.	This table.

Statutory Reference	Relevant Considerations	Response	EIS Reference
	- To provide for a range of compatible land uses, including extensive agriculture. - To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land. - To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.	- The Project has been sited adjacent the existing waste management centre, aligning with the local land use characteristics. Existing vegetation, separation buffers and materials and finishes consistent with the surrounding vegetation would be used to preserve the rural character. - The Project is compatible with surrounding land uses, including waste management, conservation and rural residential areas. - While not a tourism facility, the Project includes an administration building designed to accommodate school visits and educational tours, promoting awareness of sustainable resource recovery and circular economy practices in a rural setting. - The Project is located adjacent an existing waste management centre, highlighting an appropriate colocation of similar land uses. The production of compost products would also support agricultural activity in the region.	
4.3 Height of Buildings	8.5m	Variation proposed. The Project has a maximum height of RL20.85, and the Finished Ground Level (FGL) is RL4.2, therefore the maximum building height is 16.65m above ground level. This represents an 8.15m excess to the development standard (95.88%) for building height under the Great Lakes LEP. The height non-compliance is justified in the accompanying Clause 4.6 Variation Request.	Appendix ZC
4.4 Floor Space Ratio	0.4:1	Complies. The Project would result in a total GFA of 9,998m ² which equates to an FSR of 0.17:1 .	This table.
5.10 Heritage Conservation	The consent authority must consider any impacts to heritage items.	The Site does not contain any items of European, Indigenous or environmental heritage. A heritage item in the vicinity of the Site is present being the Former Darawank Public School. A Heritage Impact Statement has been prepared to support the Project which concludes that the Project would have an acceptable impact on the heritage significance of heritage items in the vicinity of the Site.	Section 6.12 Section 6.13 Appendix W Appendix X
5.21 Flood Planning	A consent authority must consider flood planning before granting development consent on flood prone land, considering: - Compatibility with the land's flood function and projected climate change impacts. - Potential for adverse or cumulative impacts on flood behaviour or neighbouring properties. - Safety of occupants, including evacuation and risk to life during flood events.	The Project is located on land that is partially covered by flood prone land, and flood planning controls apply. The facility has been designed to address the flood function of the land and minimise the environmental impact of the Project. Flooding has been addressed in the EIS.	Section 6.6 Appendix P

Statutory Reference	Relevant Considerations	Response	EIS Reference
	- Environmental impacts such as erosion, riparian damage, or watercourse instability. - The design, scale and adaptability of proposed buildings in response to future flood risk.		
7.1 Acid Sulphate Soils	Development consent is required for the following works on land that is mapped under Class 4 Acid Sulphate Soils: - Works more than 2 metres below the natural ground surface. - Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	The Site is mapped as Class 4 Acid Sulfate Soils. Preliminary investigations identified localised Potential Acid Sulfate Soils (PASS) at depth in two boreholes, with no Actual ASS detected and shallow horizons (<3m) confirmed as non-sulfidic. As the proposed works involve excavation beyond 2 metres, an Acid Sulfate Soils Management Plan would be prepared in accordance with the NSW Acid Sulfate Soils Manual and submitted to the consent authority prior to commencement of such works.	Section 6.9 Appendix Q
7.2 Earthworks	Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— - the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, - the effect of the development on the likely future use or redevelopment of the land, - the quality of the fill or the soil to be excavated, or both, - the effect of the development on the existing and likely amenity of adjoining properties, - the source of any fill material and the destination of any excavated material, - the likelihood of disturbing relics, - the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, - any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The Project requires earthworks for the Site and facility establishment. - Earthworks would be managed using an ESCP to minimise impact to drainage and soils. - The Project is located on land that is zoned RU2 Rural Landscape and is located adjacent the existing Tuncurry Waste Management Centre. Given this, it is considered there are limited other land uses compatible for the Site. Notwithstanding this, the land is capable of remediation for other purposes in future. However, resource recovery is a vital use for the sustainable growth of the region, and the colocation of waste management facilities is considered appropriate. - Approximately 2,00m³ of fill would be required. Fill would be sourced from approved materials and would not include contaminated soils. - The Project has been located adjacent the existing Tuncurry Waste Management Centre, reflecting an appropriate colocation of uses. The facility is well separated from nearby residences. Amenity has been further addressed in the EIS. - Fill would be sourced from approved materials and may include virgin materials or materials allowed under a resource recovery order and exemption. - A non-Aboriginal heritage statement was prepared, identifying that the study area is unlikely to contain archaeological relics. - The development is not within a drinking water catchment. The Endangered Ecological Community within the site would be preserved and managed for protection and improvement. The proposed water treatment measures would not impact local waterways, with discharge achieving a NorBE standard.	Section 6.6 Section 6.7 Appendix G Appendix P Appendix Q

Statutory Reference	Relevant Considerations	Response	EIS Reference
		h) The design has accounted for avoiding and minimising various environmental impacts. Where these impacts couldn't be avoided or minimised, further mitigation measures have been proposed for the facility and are addressed in the EIS.	
7.5 Stormwater Management	Development consent must not be granted to development on any land unless the consent authority is satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) is designed to minimise the use of impervious surfaces on the land, directing run off to piped drainage systems and waterways, and (c) is designed to integrate water sensitive design measures, including stormwater, groundwater and waste water management, to minimise environmental degradation and to improve the aesthetic and recreational appeal of the development, and (d) incorporates an appropriately managed and maintained stormwater management system that will maintain or improve the quality of stormwater discharged from the land, and (e) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (f) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland, groundwater, wetlands and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.	The Project has considered stormwater management in the design of the facility. Stormwater is addressed in the EIS. a) The facility has been designed to use the least possible area for development and to include permeable surfaces in the landscaping. b) As detailed in the Water Cycle Management Plan the development is designed to minimise the use of pervious surfaces and will direct runoff to pipe drainage systems and stormwater drainage infrastructure within the site. Water quality and quantity considerations are made to ensure an integrated outcome. c) The development would connect to existing water, sewer and stormwater networks. Water sensitive design strategies are outlined in Section 7 of the Water Cycle Management Plan. Water management has been designed to minimise environmental degradation, in particular to avoid sensitive areas of ecological importance. Stormwater runoff would be directed into a biofilter which incorporates natural elements, improving the aesthetic appeal of the development. d) The proposed storm water management system would achieve neutral or beneficial effect and will maintain the quality of stormwater discharged from the land. e) Rain water tanks are proposed for the development to capture and store runoff from building rooftops. Two rain water tanks would provide a capacity of 430 kL each. f) Design in the water cycle management plan avoid adverse impacts of stormwater runoff to adjoining properties native bushland, groundwater, wetlands, and receiving waters and minimises and mitigates the impact of storm water runoff treatment.	Section 6.6 Appendix D Appendix P
Great Lakes Development Control Plan			
Chapter 3 – Character Statements	N/A	N/A – character statements not relevant for location and type of development.	N/A
Chapter 4 – Environmental Considerations	4.1 Ecology	1. The Project has minimised the removal of vegetation as far as practicable by iterative design that reduces the overall footprint and avoids impacts to PCT 4006 Northern Paperbark-Swamp Mahogany Saw-sedge Forest.	Section 6.5 Appendix N Appendix Z

Statutory Reference	Relevant Considerations	Response	EIS Reference
	- the avoidance (where possible) or minimisation of loss and harm to remnant native vegetation and trees and the habitat of wildlife populations, and - the protection of natural biodiversity, including native vegetation and wildlife, their habitats and biological processes and functions, and - the protection of all ecological values of the natural landscape including scenic, recreational, aesthetic and cultural heritage values, and - the design and siting of the development (including the footprints of all built structures, access, services, bushfire asset protection zones, water management structures, and other ancillary features of that development) in the area of the land that is of least ecological or biodiversity constraint and where the siting of that development results in the least possible ecological or biodiversity-related impact, and - the appropriate siting and design of a development (including lot boundaries) with regards to the protection of agricultural sustainability, ecological integrity, topography, landform, native vegetation, wildlife habitat, wetlands and watercourses, and - the adoption of suitable and effective protective safeguards that avoids, minimises or compensates for the clearing of habitat and native vegetation within any development, and - the capability of the land to accommodate the development without impairment or harm to important ecosystem services functions and the condition, ecological value and significance of fauna and flora, and - the avoidance of fragmentation or disturbance of wildlife habitats and the protection, maintenance and (where possible) enhancement of ecological linkages and wildlife corridors in a local, subregional and regional context, and - the avoidance (where possible) and minimisation of negative impacts on natural landscapes that provide key ecological services provisions, including but not limited to, rainforests, wetlands, riparian zones, vegetated steep lands, rare, regionally significant or poorly conserved ecological communities, threatened species habitats, endangered ecological communities and protected land, and	- Efforts have been made to position the development footprint across areas of higher disturbance. PCT 4006 vegetation would be completely retained. A single hollow bearing tree would also be retained. Further vegetation retention has been achieved in the northwest portion of the development area. Biodiversity credits would be obtained for remaining species including the squirrel glider and PCT 3544 - Coastal Sands Apple Blackbutt Forest. - A Visual Impact Assessment has been completed for the site. The development would not affect scenic, recreational, aesthetic or cultural heritage values. - The design and siting of the development is such that the area of the land is of least ecological and biodiversity constraint and related impact. - Lot boundaries would not be altered for this development. The proposal is suitably located with regard to the protection of agricultural sustainability, ecological integrity, topography, landform, native vegetation, wildlife habitat, wetlands and water courses. The location has been chosen to avoid sensitive ecological areas, including wetlands, and to be in close proximity to the existing waste management centre. - The development footprint has been minimised to avoid the clearing of habitat and native vegetation. Compensation will be sought for unavoidable impacts to credit generating species. - Important wetland ecosystems will be retained, along with significant fauna habitats in the western portion of the site. Additional native habitat will be retained in the northern portion of the site. - The subject land is in a transition zone between fragmented and intact habitats. It contributes to supporting local species movement. The proposal avoids significant or adverse impacts to ecological connectivity by retaining vegetation in the western portion of the site. - The endangered ecological community and wetland, Northern Paperbark-Swamp Mahogany Saw-sedge Forest, would be retained. No threatened flora species would be cleared. The site does not contain suitable life cycle habitat for threatened fauna species. - The coastal wetland would be protected under this development and a management plan would be implemented. - Unavoidable impacts would be offset under the biodiversity offsets scheme. If possible, offsets will be located on the development site or as close as possible to the area of impact and within the bounds of the MidCoast Local Government Area. - Only one Koala Feed Tree Species was identified within the site, which is within the vegetated area to be retained. - Only one hollow-bearing tree has been identified within the study area. It will be retained. - A Biodiversity Management Plan shall be prepared to improve the overall quality of significant vegetation including the PCT 4006 wetland.	

Statutory Reference	Relevant Considerations	Response	EIS Reference
	10. the identification and active protection of natural landscapes that provide key ecological services provisions, including but not limited to, rainforests, wetlands, riparian zones, vegetated steep lands, rare, regionally significant or poorly conserved ecological communities, threatened species habitats, endangered ecological communities and protected land, including the need to adopt buffers of adequate width and configuration to such areas to protect them from the overt direct or indirect effects of that development, and 11. the compensating or offsetting of unavoidable impacts of a development such that the natural environment and native biodiversity is maintained or improved. The provision of any offsets should be located on the development site or as close as possible to the area of impact, and not beyond the bounds of the Great Lakes Local Government Area, and 12. where primary koala food tree species occur, the means with which the development would avoid such trees and where, if impacts on such trees are unavoidable, the means with which there would be a long term net gain in the representation of primary koala food tree species as a consequence of that development, and 13. where hollow-bearing trees (comprising trees with cavities, hollows, splits or decorticated bark capable of providing roosting, denning or refuge sites for native vertebrate fauna) occur, the means with which the development would avoid such trees and where, if impacts on such trees are unavoidable, the means with which there would be a long-term net gain in the representation of denning opportunities for hollow-dependent native wildlife as a consequence of that development, and 14. the adequate, effective and active conservation management of areas of high biodiversity conservation value of the land of a development site and/ or a restoration or an offset area through a permanent, executed legal mechanism and the preparation, funding and implementation of a habitat or restoration management plan, and 15. the management of risks associated with bush fire in a manner that does not unreasonably compromise and minimises or avoids impacts on native vegetation, wildlife and wildlife habitats, and	15. Mitigation of bushfire risks requires clearing for an Asset Protection Zone. Clearing for the Asset Protection Zone has been designed to avoid impact to significant vegetation. 16. Not applicable. 17. A Biodiversity Management Plan will encourage the management of areas of conservation and recovery of populations of threatened biodiversity. 18. Fencing and weed management will protect areas of high conservation value. No feral or domestic animals will be introduced to the site. 19. Invasive environmental weeds would be controlled through the implementation of a Biodiversity Management Plan. 20. Fencing would be established to prevent incursions by fauna into the construction site. Permanent fencing would exclude general access to conservation areas but would include gates for site management activities.	

Statutory Reference	Relevant Considerations	Response	EIS Reference
	16. the containment, within a single lot, of the area of a holding that comprises land that is zoned E2 Environmental Conservation, and 17. the encouragement of conservation and recovery of populations of threatened biodiversity within a development and/ or any offset areas, and 18. the adoption of suitable and effective protective safeguards that avoids impacts to areas of high conservation value native vegetation and native wildlife populations and their habitats from any harm or impact associated with the introduction or encouragement of domestic pets, invasive exotic plants and animals and grazing animals, and 19. the means with which priority invasive environmental weeds would be effectively and actively controlled and suppressed on the development site for the life of the development, and 20. consideration of the location and style of fencing on the land on the development site to enclose and/ or protect areas of high conservation value native vegetation and native wildlife populations and their habitats.		
	4.2 Flooding Building controls – new buildings 1. New buildings are to be designed and located entirely outside of the 2100 flood planning area wherever possible. 2. New buildings are to be designed with habitable floor levels above the 2100 1% AEP flood planning level. 3. In circumstances where construction of a new building at the 2100 1% flood planning level is likely to have an adverse impact on the adjoining property or the visual amenity of the location, a variation may be sought. If supported by Council, the new building may be designed with habitable floor levels above the 2060 1% AEP flood planning level. 4. Vehicle access to new buildings is to be designed to so that ingress and egress from the site is provided above the 2100 1% AEP flood planning level. Fencing 1. Fences within a floodway are to be of an open-style design to minimise impacts on flood conveyance.	The grading of the developable area has been designed such that the minimum level (excluding the basins) sits at 4.40 mAHD; this site has more than 0.5m of freeboard above the 2100 FPL of 3.36 mAHD 1. The proposed buildings are outside the 2100 1% AEP flood extent. 2. The proposed habitable buildings are designed to have floor levels above the 2100 1% AEP flood extent. 3. N/A 4. Vehicle access to new buildings would be located outside the 2100 1% AEP flood extent. Fencing 1. Proposed fencing is to be of an open-style design.	Section 6.6 Appendix P
	4.3 Coastal Planning Areas	N/A – the Site is not located within the Coastal Risk Planning Area.	-

Statutory Reference	Relevant Considerations	Response	EIS Reference
	N/A		
	4.4 Effluent Disposal 1. The development of vacant land for residential use... 2. The fundamental design of an Onsite Sewage Management System (OSMS) for development where effluent is disposed of by a non-reticulated system and where Council's prescribed buffer distances cannot be achieved, must meet the minimum standards for the relevant On-site Sewage Management Hazard Class for both the treatment and disposal of the effluent. 3. Site specific constraints that have the potential to impact on the environmental or public health must be accounted for in the capability of the treatment system and the design of the land application area. Council may refuse to permit development where it is determined that the environmental impacts and/or public health related risks are considered too great. 4. The design of the OSMS (including land application areas or disposal drains) must meet the requirements of: a. Great Lakes Onsite Sewage Management Strategy and Development Assessment Framework (or as amended) ; b. Australian Standard AS 1547:2000- Onsite Domestic Wastewater Management (or as amended) ; c. Environmental Health Protection Guidelines- Onsite Sewage Management for Single Households (or as amended) ; d. Any other guideline deemed relevant by Council officers, and/or published by a recognised department/ organisation. 5. In accordance with the Local Government Act 1993 (s68C) (or as amended), an application to install, alter or construct a waste treatment device or human waste storage facility must be submitted to Council for determination prior to any works commencing on any part or modification of the onsite sewage management system. 6. The Onsite Sewage Management System disposal area shall not be contained within or form any part of, the private open space or natural landscape areas of the site.	1. N/A 2. N/A. The development would incorporate a reticulated system. 3. Noted. The development would not cause excessive public health related risks. 4. N/A 5. N/A 6. N/A 7. N/A 8. N/A	-

Statutory Reference	Relevant Considerations	Response	EIS Reference
	7. The discharge of any untreated greywater from any source to a waterway, watercourse (whether intermittent or permanent), stormwater drain, drainage channel or ground surface is not permitted. Council approval is required for all greywater disposal. 8. The beneficial reuse of treated effluent within the property confines is encouraged and must be done so in a manner that reflects the objectives of this clause/section.		
	4.5 Poultry Farms Buffer N/A	The facility is not located near poultry farms. An Air Quality and Odour Impact Assessment has been prepared which demonstrates the Project would not adversely affect neighbouring land uses.	Section 6.3 Appendix L
	4.6 Contaminated Land 1. Land that is identified as potentially contaminated land is subject to the provisions of State Environmental Planning Policy (SEPP) No.55 – Remediation of Land.	A Preliminary Site Investigation has been undertaken. No contamination was identified. If unexpected finds occur during construction of the facility, works would cease, and a contamination management plan would be implemented.	Appendix Q
	4.7 Bush Fire 1. All development proposals on land identified as bush fire-prone are to be accompanied by a bush fire hazard assessment report in accordance with the NSW Rural Fire Service Planning for Bush Fire Protection 2006 (or as amended). 2. The bush fire hazard assessment report must have regard to the siting of any trees to be retained as recommended within the Arborist's report. 3. Any bush fire protection measures (i.e. Asset Protection Zones) must not encroach upon any adjoining land. 4. Selection of materials and methods of construction must have regard to AS 39592009 Construction of buildings in bush fire prone areas and Planning for Bush Fire Protection 2006 (or as amended).	Bushfire risk has been assessed in the EIS, and a Bushfire Assessment Report (BFAR) has been provided as an appendix. The BFAR addresses relevant provisions of the NSW RFS publication, and considers tree retention, protection measures and materials and methods of construction.	Section 6.8 Appendix R
Chapter 7 – Industrial Development	7.2 Building Setbacks 1. A building is to be setback a minimum of 7.5m from the primary street frontage. 2. Single storey elements, with a maximum height of 4m may be permitted with a 4.5m setback from the primary street frontage. Where a single storey element is setback 4.5m from the primary street frontage, the remainder of the area between the building and the front	1. The design of the facility has incorporated appropriate setbacks, with the nearest building to the frontage at Midge Orchid Road having a 44.9m setback. 2. N/A 3. Only access driveways are proposed in the front setback area, however landscaping is proposed to limit visibility from the facility to the street. 4. N/A – the facility has one frontage only.	Appendix C

Statutory Reference	Relevant Considerations	Response	EIS Reference
	boundary is to be landscaped (other than an access driveway). 3. Car parking, access driveways and water sensitive design elements are permitted in the front setback area, provided adequate landscape screening is provided to the street, and sightlines are maintained for pedestrians and vehicle movement. A larger front building setback may be necessary to provide a suitable space for car parking, stormwater systems etc. 4. Where a site has frontage to two streets, a building is to be setback a minimum of 4.5m from the secondary street frontage and the areas between the building and the street boundary are to be adequately landscaped. Water sensitive design elements are permitted in this area.		
	7.3 Appearance and General Amenity 1. Elevations of buildings which are visible from a public road, public reserve, adjacent to or adjoining a residential area are to be constructed of: - Brick, masonry, pre-coloured profiled metal cladding; or - Appropriately finished concrete panel; or - Other lightweight cladding that is appropriately finished; or - A combination of these materials. 2. Building entries should be prominently located, clearly demarcated and positioned to maximise casual surveillance. 3. External materials and colours are to be sympathetic to the existing streetscape. Highly reflective materials are not acceptable. 4. All driveways, car parking and manoeuvring areas shall be bitumen sealed or concrete paved. 5. Where a single building is to be divided to provide a number of industrial factory units for separate occupation, the following additional requirements will apply: - the maximum number of factory units permissible is one unit for every 400m² of site area; - each factory unit should have a minimum floor area of 100m²; - internal walls separating the various factory units are to be of brick or concrete masonry construction;	1. Buildings would be largely screened by roadside vegetation. The overall visual impact, as assessed by the visual impact assessment in the EIS, would be low to moderate. The buildings would be constructed from concrete and coloured metal cladding. 2. The primary building entrances would be prominently located and clearly marked. 3. External materials and colours would be sympathetic to the surrounding environment, incorporating natural tones in alignment with the nearby bushland. No highly reflective materials would be used. 4. All driveways car parking and manoeuvring areas will be bitumen sealed or concrete. 5. N/A	Section 6.14 Section 6.15 Appendix C Appendix E Appendix Y Appendix Z

Statutory Reference	Relevant Considerations	Response	EIS Reference
	d. each unit is to have its own male and female toilet.		
	7.4 Landscaping 1. All areas within setbacks which adjoin public areas are to be landscaped, except for approved access driveways and car parking spaces. 2. A landscaped garden bed with a minimum width of 2.5m is to be provided between any car parking spaces and the front boundary. 3. Landscape design must be integral with water sensitive design elements, car parking and access driveway design. Landscape works are to provide adequate screening from the street whilst maintaining good pedestrian sightlines through a combination of low planting and trees. 4. Landscape design should use low maintenance plant species. Council recommends the use of predominantly local indigenous species. 5. A landscape plan showing the location of trees, shrubs and other groundcovers, including the species name and pot size is to be submitted with the development application.	1. Areas within setbacks will be landscaped, except for approved access driveways and car parking spaces, and retained bushland areas. 2. A landscaped garden bed with a minimum width of 2.5 metres will be provided between the car parking area and the front boundary. Landscape design integrates with water sensitive design elements, car parking and access driveway design. Landscape works provide screening from the street. A combination of low planting and trees will be incorporated into the landscaping at the frontage to Midge Orchid Rd. 3. Native indigenous species will be used in the landscape design. 4. A landscape plan has been included as Appendix E.	Section 6.14 Section 6.15 Appendix E
	7.5 Open Storage Areas 1. Open work and storage areas are to be located behind the primary building line and screened from public view by the use of landscaping and/or screen fencing. 2. The storage or display of materials or goods will only be permitted forward of the primary building line where it is an integral component of the proposed use and Council is satisfied that the outcome will not detract from the visual amenity of the locality.	1. Work and storage areas will be located inside enclosed buildings, behind the primary building line. Additionally, existing vegetation would provide further screening of parts of the facility. 2. N/A	This table.
	7.6 Security and Fencing 1. All fencing must be located behind the building line. 2. Security fencing may be permitted forward of the building line where it is constructed as an open style fence with a high quality finish such as hollow-section steel vertical pickets, pre-finished metal palisade or black chainmesh and where screen landscaping is provided in the front setback. Solid fencing, such as masonry, timber paling or colorbond is not permitted forward of the building line.	Fencing would be installed around the perimeter of the Site. Fencing would be of an open-style, likely to be a 2.1m high galvanised chain-link fence with top and bottom rails (TBC during detailed design).	This table.

Statutory Reference	Relevant Considerations	Response	EIS Reference
Chapter 10 – Car Parking, Access, Alternative and Active Transport	10.3.1 Car Parking Rates The minimum parking requirements outlined in the table should be used...	A waste facility is not a development type listed in the DCP parking rates table. As such, parking has been calculated using first principles method, further addressed in the EIS. A total of 23 parking spaces has been provided including two accessible spaces in line with requirements and two electric vehicle charging spaces.	Section 8.9.4.1.2 Appendix T
	10.3.2.3 Car Parking Design Controls – Industrial Development - Car parking that is located in front of the building is to be screened from the street by a landscaped garden bed with a minimum width of 2.5m. - All car parking spaces are to be adequately sealed, drained and line marked. - Vehicles (especially trucks) should not be reversed onto any site from a public street nor onto a public street from any site.	- The proposed carpark is set back approximately 25m from the street frontage. Additionally, existing vegetation would screen views towards the carpark area from the street. - Parking would be adequately sealed, drained and line marked. - Complies. Vehicles accessing the Site would enter in a forward motion and exit in a forward motion. This is further detailed in the EIS.	Section 6.9 Appendix C
	10.3.3.3 Vehicle Access and Driveways – Industrial Development - Developments which generate truck movements are to be designed to facilitate the movement, loading and unloading of those vehicles wholly within the site. - Loading docks must be located behind the primary building line. - Access driveways, car parking and loading docks are to be designed and constructed in accordance with the current version of Australian Standard AS 2890.1 – Offstreet car parking and Australian Standard 2890.2 – Offstreet commercial vehicle facilities. - Access driveways are to be of a width that is consistent with the nature and needs of the development to avoid the obstruction of public roads by vehicles waiting for access to a site and which enables vehicles to be able to enter and leave the site in a forward direction. - Access driveways and car parking areas are to be constructed with a suitable impervious finish such as concrete or bitumen. - Driveways should be designed to avoid the obstruction of public roads by vehicles waiting for access to a site. On large sites (over 1.5ha) or sites likely to generate significant traffic, separate entrance and exit driveways should be provided; - Driveways should not be closer than 1.5m to the side boundary at the street alignment (to allow for	- The Project includes a dedicated internal road network, truck holding areas, and loading zones that allow all vehicle movements, loading, and unloading to occur entirely within the site boundary, avoiding reliance on public roads. - All loading and unloading areas are located behind the primary building line. - The facility's access driveways, parking areas, and loading docks would be in accordance with the relevant Australia Standards. - Two separate access driveways are proposed, sized to accommodate light vehicles and heavy vehicle movements and prevent queuing on public roads. All vehicles would enter and exit in a forward direction, supported by internal turning areas and traffic management protocols. This is further addressed in the EIS. - All driveways and parking areas would be constructed using sealed asphalt and concrete, complying with impervious surface requirements. - The Site exceeds 1.5ha, however the facility would not generate significant traffic. Access for heavy and light vehicles have been separated into two driveways to minimise vehicle conflicts and ensure operational efficiencies. The swept path analysis shows heavy vehicles would be able to enter and exit the Site concurrently, limiting potential impacts on traffic. - Driveways are adequately separated from the side boundaries (>1.5m) and other streets (>6m). - Access driveways have been designed to be at right angles to the street and have adequate space for vehicle visibility when accessing the Site.	Section 6.8 Appendix T

Statutory Reference	Relevant Considerations	Response	EIS Reference
	landscaping) and not closer than 6m to an intersecting street; 8. Driveways must enter the site at right angles and be located so that vehicles turning from the street into the driveway can be readily seen by the driver of an approaching vehicle.		
	10.4 Alternative and Active Transport 1. Developments are required to provide bicycle parking suitable for residents/employees and for visitors/guests. Bicycle parking is to be provided according to current Australian Standards AS2890 series. 2. Large scale retail and commercial developments ... 3. Bicycle parking is to be provided in accordance with the following table: Industrial uses Class 2 Bicycle Enclosure: 1 per 500m2 GLFA* Class 3 Bicycle Rail: 1 per 500m2 GLFA* 4. All Bicycle Parking Spaces provided to meet the requirements must: a. be located outside of pedestrian movements paths. In particular, bicycle parking facilities must not be located within a continuous accessible path of travel; and b. be arranged so that a bicycle can be parked without damaging adjacent objects such as landscaping, access doors and corridors and other parked bicycles; and c. be protected from manoeuvring motor vehicles and opening doors; and d. be provided with adequate lighting. 5. For Bicycle <i>Enclosures</i> to be accepted Bicycle Parking Facilities, they must... 6. For Bicycle <i>Rails</i> to be acceptable as Bicycle Parking Facilities, they must: a. be designed in accordance with Australian Standard 2890.3 – Bicycle Parking Facilities; and b. be located outside where they are under continuous passive surveillance or casual overlooking; and c. provide a hard floor surface such as concrete or paving over the entire area used to park and manoeuvre bicycles.	1. Bicycle parking has been provided for staff and would be in accordance with the Australian Standards AS2890. This is in the form of a sheltered bicycle rack. 2. N/A 3. Bicycle parking rates in the Great Lakes DCP result in requirements that are not consistent with the development. Provision of bicycle parking in line with these rates would require 24 bicycle spaces, while only 12 staff at most would be present. Additionally, bicycle demand in the area is low. As such, 4 spaces (30% of staff) are considered appropriate. Expansion of bicycle parking in the future is possible if required. 4. Complies a. The bicycle rack would be positioned adjacent to the administration building, outside pedestrian or other continuous accessible paths. b. The rack layout would ensure adequate spacing between bicycles and nearby structures. c. The rack would be sheltered and protected by adjacent barriers. d. Lighting would be installed in the vicinity of the bicycle rack to ensure visibility and safety during early morning or evening use. 5. N/A – bicycle parking does not comprise an enclosure. 6. Complies a. The bicycle rails would comply with AS2890.3. b. The rack would be placed near the administration building entrance and carpark, ensuring visibility and passive surveillance by staff and visitors. c. The bicycle parking area would be constructed with a paved or concrete surface to support safe manoeuvring and prevent erosion or pooling.	Section 6.8 Appendix T

Statutory Reference	Relevant Considerations	Response	EIS Reference
Chapter 11 – Water Sensitive Design	11.4.4 Other Development Stormwater quality targets <u>Gross pollutants:</u> 90% Total suspended solids, total phosphorus and total nitrogen: Neutral or Beneficial Effect on Water Quality - meaning loads of pollutants from future development must be equivalent to or less than that from the existing land use prior to development. Water Sensitive Design Strategy A WSD Strategy (WSDS) is a written report detailing management of water quality during and after development (required for lots >2,500m²). It also outlines the stormwater quantity and integrated water cycle management measures that are to be implemented on the development site.	All pollutant loads including total suspended solids, phosphorus, nitrogen and gross pollutants have met the requirement for neutral or beneficial effect on water quality. A water sensitive design strategy is included in the Water Cycle Management Plan.	Section 6.6 Appendix P
Chapter 12 – Vegetation Management	12.4 Controls Removal or pruning of vegetation on land to which the <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> applies, must comply with the process outlined in the Vegetation Management Policy.	N/A – This DCP chapter applies to private land identified by the mapping referenced in the MidCoast Vegetation Management Policy. The Project is on land not mapped as being applicable to the policy.	N/A
Chapter 13 – Landscaping and Open Space	N/A	N/A – This DCP chapter only references a variety of residential and commercial development types. Waste management facilities / other development types are not addressed. Notwithstanding, landscaping has been addressed.	Section 6.14 Section 6.15 Appendix E
Chapter 14 – Waste Management	14.2.2 All Other Development 1. A completed Site Waste Minimisation and Management Plan shall be prepared and submitted with the development application. 2. Architectural plans must show the location and design of all waste management infrastructure, including individual or communal bin storage areas, garbage chutes, recycling facilities, service rooms, waste compaction equipment, collection points and the paths of travel for both bins and collection vehicles. 3. Systems should be designed to maximise source separation and recovery of recyclables for each unit and on each floor. 4. Waste management systems should be designed and operated to prevent the potential risk, injury or illness	1. A waste management plan is included as Appendix K. 2. The architectural plans do not show the location and design of waste management infrastructure, as the detail is too small to be noticeable. Bin placement is detailed in Appendix A of the Waste Management Plan. 3. Systems will incorporate source separation and recovery of recyclables to the extent possible. 4. Waste management systems will be designed and operated to prevent the potential risk, injury or illness associated with the collection, storage and disposal of wastes. 5. A declaration of waste confirmation shall be provided to Council at the completion of works, if required. 6. The industrial development will maximise resource recovery through waste avoidance, sole separation and recycling as outlined in the Waste Management Plan.	Section 6.2 Appendix K

Statutory Reference	Relevant Considerations	Response	EIS Reference
	associated with the collection, storage and disposal of wastes. 5. A Declaration of Waste Confirmation shall be provided to Council at the completion of the works. Commercial, Industrial and Mixed Use Development – Additional Controls 1. Commercial, Industrial and Mixed-Use development must be designed to maximise resource recovery through waste avoidance, source separation and recycling and to ensure appropriate well-designed storage and collection facilities are accessible to occupants and service providers. 2. Industrial development waste products may be hazardous and require compliance with established laws/protocols that are additional to this section.	7. Waste products will be managed in compliance with established laws and protocols.	
	14.3.1 Indicative Bin Sizes	1. Office waste requires the use of four x 140L bins, with a total footprint of approximately 4m².	Appendix K
	14.3.4 Commercial, Industrial and Mixed Use Development – Waste and Recycling Storage Areas Design Controls 1. Waste/recycling storage areas must be constructed in accordance with the requirements of the Building Code of Australia (BCA). 2. Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes that are visible from the outside should be similar in style and quality to the external materials used in the rest of the development. 3. Waste/recycling storage areas must be located and designed in a manner that reduces adverse impacts upon neighbouring properties and the streetscape. The location and design of the areas should minimise adverse impacts associated with: - The proximity of the area to dwellings; - The visibility of the area; - Noise generated by any equipment located within the area; - Noise generated by the movement of bins into and out of the area; - Noise generated by collection vehicles accessing the site; and - Odours emanating from the area.	1. N/A, no WRSAs are required for this development. 2. N/A, no WRSAs are required for this development. 3. N/A, however, Bins would be screened from public view and would not affect neighbouring properties or the streetscape. 4. Waste storage areas would be of adequate size to accommodate all waste and recycling bins. They proposal includes segregated bins for general waste, recycling, paper and cardboard, and organic waste. 5. The required volume for bins has been calculated within the Waste Management Plan. 6. Bins may be collected in close proximity to the storage locations. The gradient of access is sufficiently level so that collections would occur in accordance with WorkCover NSW occupational health and safety requirements. 7. Recyclable waste and general waste bins would be kept separated. 8. Collection vehicles are able to enter and exit the site in a forward facing direction. Access driveways would be of sufficient strength to support collection vehicles. 9. Servicing arrangements would be compatible with other loading and unloading activities. Bins will be located away from entry points to loading docks. 10. Access for the purpose of emptying waste bins is able to be completed in accordance with WorkCover occupational health and safety requirements. 11. N/A 12. The waste and recyclable area is not accessible to the general public. It is set back from the roadway and within the secured premises.	Appendix K

Statutory Reference	Relevant Considerations	Response	EIS Reference
	4. Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development. 5. Waste/recycling storage areas must be able to accommodate separate general waste bins and recycling bins which are of sufficient volume to contain the quantity of waste generated (at the rate described in Appendix B) between collections. 6. The gradient of waste/recycling storage area floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements. 7. Within waste/recycling storage areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers, so that the potential for contamination of recyclable materials is minimised. 8. The development must be designed to allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction and so collection vehicles do not impede general access to, from and within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles. 9. Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities onsite. 10. Access for the purpose of emptying waste/recycling storage containers must be able to occur in accordance with WorkCover NSW Occupational Health and Safety requirements. 11. In commercial development, public buildings and industrial development, there must be convenient access from each tenancy to the waste/recycling storage area(s). There must be stepfree access between the point at which bins are collected/emptied and the waste/recycling storage area(s). 12. Arrangements must be in place so that the waste/recycling storage area is not accessible to the general public.	13. N/A, however, bins will be lidded to prevent vermin. Bins will not be allowed to overflow. 14. N/A 15. N/A 16. N/A 17. N/A 18. N/A 19. N/A 20. N/A	

Statutory Reference	Relevant Considerations	Response	EIS Reference
	13. Vermin must be prevented from entering the waste/recycling storage area. 14. Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within. 15. Doors/gates to waste/recycling storage areas must be durable. There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use. All doors/gates are to be opened from both inside and outside the storage area and must be wide enough to allow for the easy passage of waste/recycling containers. 16. Waste/recycling storage areas must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers. 17. The floor must be graded so that any water is directed to a sewer authority approved drainage connection located upon the site. 18. Waste/recycling storage areas must include signage that clearly describes the types of materials that can be deposited into recycling bins and general garbage bins. 19. Arrangements must be in place for the regular maintenance and cleaning of waste/recycling storage areas. Waste/recycling containers must only be washed in an area which drains to a sewer authority approved drainage connection. 20. The "Better Practice Guide for Waste Management in MultiUnit Dwellings" gives detailed information about waste recycling/storage rooms and facilities. The Guide was substantially reviewed in 2007 and is available on the Department of Environment and Climate Change NSW website (www.environment.nsw.gov.au).		
	14.3.6 Waste/Recycling Storage Rooms 1. Waste/recycling storage rooms must be constructed in accordance with the requirements of the Building Code of Australia (BCA). 2. Waste/recycling storage rooms must be integrated into the design of the overall development. It is preferable that such rooms be located behind the front building line.	N/A there would be no waste/recycling storage room.	Appendix K

Statutory Reference	Relevant Considerations	Response	EIS Reference
	3. Where possible, the room should be in a basement location within the main building envelope (rather than a separate standalone structure). Materials and finishes visible from outside should be similar in style and quality to the external materials used in the rest of the development. 4. Waste/recycling storage rooms must be located and designed in a manner that reduces adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties. 5. The location and design of the room should minimise adverse impacts associated with: a. the proximity of the room to any dwellings; b. the visibility of the room; c. noise generated by any equipment located within the room; d. noise generated by the movement of bins into and out of the room; e. noise generated by collection vehicles accessing the site; and f. odours emanating from the room. 6. Waste/recycling storage rooms must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development. 7. The gradient of waste/recycling storage room floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements. 8. Within waste/recycling storage rooms, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers, so that the potential for contamination of recyclable materials is minimised.		

Statutory Reference	Relevant Considerations	Response	EIS Reference
Chapter 15 – Advertising and Signage	15.3.4 Rural Zones - Maximum area of a commercial sign in any other zone should not be in excess of 5.m2 unless otherwise specified in the Performance Measures of the zone in which the sign is proposed to be located. - The number of signs must be limited to one sign per street frontage. - The letter size of signs should be formulated using the Australian Standards equation outlined in the '5. General Guidelines for Sign Design' in section of this document. - The location and design of signs must be compatible with the rural landscape character of the area. - Colours used in any signs must be unobtrusive and compatible with the surrounding landscape. - Signs must be designed so that they are clearly legible and do not cause any distraction to passing motorists. 'FreeStanding' signs shall only be permitted where it can be demonstrated that the sign will not be visually intrusive or contribute to sign clutter.	A laser cut sign is proposed inside the Site identifying the name of the facility upon arrival. Final design is to be confirmed. - The proposed sign would measure 6m². While this is in excess of the control, the sign is set back from the street frontage, would be an appropriate scale for the size of the facility, and would only be visible from Midge Orchid Road, which experiences very limited traffic, other than those visiting the waste management facility. The identification sign is required to provide wayfinding to vehicles accessing the site. - Only one commercial sign is proposed, located with a setback from the street frontage. - Letter sizing would be designed in accordance with the Australian Standards equation outlined in the signage guidelines. - The sign would be visually consistent with the rural and industrial character of the area. - Neutral and non-reflective colours would be used to ensure compatibility with the surrounding landscape. - The sign is clearly legible and positioned to minimise distraction to passing motorists, with limited visibility from the street. - The freestanding sign is modest in scale, well-integrated with the site layout and would not contribute to visual clutter.	This table.
Draft MidCoast Local Environmental Plan (Ver 17 Feb 2025)			
<i>The Draft MidCoast LEP has been assessed against the Project, with responses reflecting changes against the current Great Lakes DCP.</i>			
Land Use Table Permissibility	RU2 Rural Landscape Zone Permitted with consent Agriculture; Airstrip; Animal boarding or training establishments; Artisan food and drink industries; Boat launching ramps; Boat sheds; Camping grounds; Cemeteries; Community facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Function centres; Group homes; Helipad; Home-based child care; Home industries; Home occupations (sex services); Information and education facilities; Jetties; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; School-based child care;	The Site would remain zoned RU2 Rural Landscape. The proposed use, being a 'Waste or resource management facility', is permitted with consent in the RU2 Zone under the draft MidCoast LEP. While the Project under current planning instruments is permissible, pursuant to the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (as a waste or resource management facility in a prescribed zone), the draft MidCoast LEP would also permit the proposed use.	This table.

Statutory Reference	Relevant Considerations	Response	EIS Reference
	Secondary dwellings; Sewerage systems; Signage; Telecommunications facilities; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Waste or resource management facilities ; Water recreation structures; Water supply systems; Wharf or boating facilities; Any other development not specified in item 2 or 4.		
Land Use Table Zone Objectives	RU2 Rural Landscape Zone Objectives: - To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. - To maintain the rural landscape character of the land. - To provide for a range of compatible land uses, including extensive agriculture. - To promote productive rural landscapes by minimising the fragmentation of rural land.	The new zone objectives reflect only a minor change, which remain consistent with the Project. The Project would not significantly affect land fragmentation, as the Site is adjacent the existing waste management centre, reflecting an appropriate colocation of uses.	This table.
4.3 Height of Buildings	8.5m	No change.	This table.
4.4 Floor Space Ratio	0.4:1	No change.	This table.
5.10 Heritage Conservation	The consent authority must consider any impacts to heritage items.	No change.	This table.
5.21 Flood Planning	A consent authority must consider flood planning before granting development consent on flood prone land, considering: - Compatibility with the land's flood function and projected climate change impacts. - Potential for adverse or cumulative impacts on flood behaviour or neighbouring properties. - Safety of occupants, including evacuation and risk to life during flood events. - Environmental impacts such as erosion, riparian damage, or watercourse instability. - The design, scale and adaptability of proposed buildings in response to future flood risk.	No change.	This table.

Statutory Reference	Relevant Considerations	Response	EIS Reference
7.1 Acid Sulphate Soils	Development consent is required for the following works on land that is mapped under Class 4 Acid Sulphate Soils: • Works more than 2 metres below the natural ground surface. • Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	No change.	This table.
7.2 Earthworks	Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	No change.	This table.
7.4 Stormwater Management	Development consent must not be granted to development on any land unless the consent authority is satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and	No change.	This table.

Statutory Reference	Relevant Considerations	Response	EIS Reference
	(b) is designed to minimise the use of impervious surfaces on the land, directing run off to piped drainage systems and waterways, and (c) is designed to integrate water sensitive design measures, including stormwater, groundwater and waste water management, to minimise environmental degradation and to improve the aesthetic and recreational appeal of the development, and (d) incorporates an appropriately managed and maintained stormwater management system that will maintain or improve the quality of stormwater discharged from the land, and (e) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (f) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland, groundwater, wetlands and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.		
7.6 Riparian land and watercourses	(2) This clause applies to all land that is within— (a) 40 metres of the top of the bank of Strahler stream classification system ordered 7 to 9, (b) 30 metres of the top of the bank of Strahler stream classification system ordered 5 to 6, (c) 20 metres of the top of the bank of Strahler stream classification system ordered 3 to 4, (d) 10 metres of the top of the bank of Strahler stream classification system ordered 1 to 2.	Under current Great Lakes LEP this control is not applicable as the control applied to land identified under “watercourses” overlay, or within 40m of a watercourse. However, under the draft MidCoast LEP, the control is applied on a proximity from a Strahler stream classification basis. Notwithstanding, the Project is not located in proximity to any watercourses within the definition of the Strahler stream classification. .	This table.