

Kariong Sand and Soil Supplies (SSD 8660)
Summary of Response to Submissions – March 2021

No.	Issue	Agency	Comment	Summary response	Where a detailed response is provided
1	Water	EPA	The stormwater treatment design has been modified, with removal of the floating treatment wetland, and changes to the operation of the OSD to include a '5-day trigger' for controlled discharges once water quality 'criteria' have been achieved. These 'criteria' are to be developed in consultation with the EPA and are to be based on the ANZECC (2000) guidelines for slightly to moderately disturbed ecosystems.	Noted and agreed.	N/ A
2	Water	EPA	This modification aims to reduce the uncontrolled overflow frequency from 8 to 3 events per year. It is recommended the applicant confirms that the removal of the wetlands from the OSD basin, and the addition of controlled discharges does not change the total volume of water discharged to the environment.	<p>The removal of the wetlands from the OSD basin has negligible impact on total volume discharged.</p> <p>Operating the proposed basin with controlled discharges does marginally increase the total volume of water discharged from the site. However, total site discharges remain close to the pre European (undisturbed land-use) level of site discharge. As such the proposed water management system will not have an adverse impact on the downstream environment.</p>	See letter from Sustainability Workshop at Attachment 2.

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3	Water	EPA	The RtS includes changes to some of the building enclosures. In some sections of the RtS, the roof material of the crusher and mulcher buildings is Colourbond steel, elsewhere it is stated to be canvas. It is recommended that the applicant commits to roofing material that will be impervious to water to minimise the generation of polluted runoff.	Agreed. The roof material for the crusher and mulcher buildings will be sheet metal, per original plans. Waterproof canvas coverings will be used to enclose the bunker containing the stockpiles of processed materials after they have left the processing buildings. The waterproof flexible coverings proposed are widely used to enclose stockpiles and processing operations in the waste and recycling industry.	Appendix 3 of Supplementary Response to Submissions Report.
4	Water	EPA	The applicant has agreed to all of the EPA's previous recommended conditions of approval, with the exception of the following: 'The southern portion of the site (approximately 4ha) will remain as undeveloped, vegetated buffer during the life of the facility'). The applicant states that whilst there is no current intention of further developing this land, they consider there is not a link between the recommended condition and the development proposal. The EPA recommends this condition of approval be revised to 'Should the land use or hydrology of the southern portion of the site (approximately 4ha) change during the operation of the site, a revised impact assessment should be prepared to ensure residual risks to the environment remain unchanged'.	Noted and agreed.	N/A
5	Water	Central Coast	Include adherence to Water Cycle Impact Assessment and Soil and Water Management Plan prepared by Sustainability Workshop (Ref Project	Noted and agreed.	N/A

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			No 197 Issue C dated 7/12/20) as a condition of consent		
6	Air Quality	DPIE	The Department notes the amended Air Quality Impact Assessment (AQIA) advised the predicted 24-hour maximum particulate concentration (cumulative) for both PM10 and PM2.5 would exceed the relevant criteria at receivers R1 and R3 due to the existing exceedance of background emission concentrations. Please provide information about the cumulative emissions at R1 and R3 with breakdowns of background and incremental concentrations.	Information on how existing exceedances at R1 and R3 were estimated has been provided by the proponent's consultants, Northstar Air Quality.	See memo from Northstar Air Quality at Attachment 3
7	Air Quality	EPA	<p>The EPA considers that the RtS adequately addresses the remaining air quality issues and recommend the following conditions of consent.</p> <p>1. Air Quality Management Plan The proponent must prepare and maintain an Air Quality Management Plan for the site. The plan must include both proactive and reactive measure for all significant emission sources at the premises. The plan must include, as a minimum, A Trigger Action Response Plan (TARP) and the following information, for all dust generating activities at the site:</p> <ul style="list-style-type: none"> • Key performance indicator(s); • Monitoring method(s); • Location, frequency and duration of monitoring; • Record keeping; • Response mechanisms; and • Compliance reporting. <p>The Trigger Action Response Plan (TARP) must, at a minimum:</p>	Noted and agreed.	N/ A

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			<ul style="list-style-type: none"> • detail proactive measures to minimise air quality impacts; • identify real-time boundary monitoring trigger levels for remedial action; and, • detail the remedial action that will be taken if trigger levels are exceeded. <p>2. The proponent must develop and implement an ambient air monitoring strategy for the premises incorporating continuous particle monitoring, including but not limited to, total suspended particles and particulate matter <10 µm (PM₁₀).</p> <p>3. The Proponent must install and operate a meteorological monitoring station at the premises.</p>		
8	Noise	EPA	The EPA considers the revised mitigation measures to be an appropriate safeguard.	Noted.	N/A
9	Traffic	DPIE	<p>The Department notes the Traffic Technical Design Note (TTDN) states the Applicant undertook a survey of existing traffic at Central Coast Highway/ Wisemans Ferry Road and Gindurra Road/ Wisemans Ferry Road intersections on 11 November 2020.</p> <p>The TTDN however only includes SIDRA modelling outputs for Gindurra Road/ Wisemans Ferry Road intersection based on the updated survey results. The TTDN states ‘the intersection of Wisemans Ferry Road and Central Coast Highway has not been assessed in detail for this project. The volume of traffic associated with the project represents a very minor increase in the overall traffic flows in this location, with the major flow on the Central</p>	The SIDRA modelling outputs based on the 2017 traffic survey detailed in the amended Traffic Impact Assessment remain applicable.	See letter from SECA Solutions at Attachment 4.

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			<p>Coast Highway provided with priority at his location’.</p> <p>Please confirm if the SIDRA modelling outputs based on the 2017 traffic survey detailed in the amended Traffic Impact Assessment remain applicable.</p>		
10	Traffic	DPIE	<p>I have one question regarding landscaping supplies business. I note Section 2.3.1 of the amended EIS states that it is noted the facility will also purchase materials for storage and re-selling at the site. Up to 10,000 tonnes per annum of mulches, gravels, sand and specialist soils will be stored and sold from the ‘Landscape and Building Supplies’ storage area in bulk / commercial sales only.</p> <p>May you please clarify:</p> <ol style="list-style-type: none"> 1. Will 10,000 tpa of mulches, gravels, sand and specialist soils be staged in a similar manner to the RRF? (i.e. 100,000 tpa in Stage 1, 150,000 tpa in Stage 2, and 200,000 tpa in Stage 3)? 2. How frequent will mulches, gravels, sand and specialist soils be delivered to the site? 3. How many trucks are associated with delivery of mulches, gravels, sand and specialist soils? I note the amended Traffic Impact Assessment includes the following traffic generation: 	<p>The delivery of up to 10,00 tpa, via up to 12 landscape vehicles per day, will be necessary from the commencement of operations. The amount will vary, depending on market needs.</p> <p>The traffic movements associated with the landscape delivery vehicles has been included in the traffic modelling.</p>	See letter from SECA Solutions at Attachment 4.

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			<p>Traffic Assessment</p> <p>4.1 Traffic Generation</p> <p>The operational analysis for the proposed development has been provided by Kariong Sand and Soil Supplies which includes traffic volumes that will be generated at various stages of the development. (Appendix C.)</p> <p>At full development (expected to be in 2025) the site will be capable of receiving, processing and storing up to 200,000 tonnes per annum of soil, sand and building materials. It is also expected to supply and deliver up to 10,000 tonnes per annum of landscape supplies.</p> <p>This level of operation is estimated to generate up to 164 vehicle trips per day (82 inbound and 82 outbound) consisting of:</p> <ul style="list-style-type: none"> • staff operational vehicles x 20 • 12 tonne tippers x 77 • 32 tonne truck and dog or semi trailers x 41 • 40 tonne B-Doubles x 14 • Landscaping x 12 <p>Advice from the study team of a similar development has allowed however for the calculation of the hourly trip distribution as shown in Table 2.</p> <p>Please clarify if the 12 landscaping stands for the delivery of mulches, gravels, sand and specialist soils?</p>		
11	Traffic	Central Coast	The entrance design must not obstruct the footway area along Gindurra Rd. The proposed concrete median strip, which would require truck leaving the facility to only turn left, must not encroach on the footway area.	Noted and agreed. It is proposed that there is a gap in the median strip to allow pedestrian thoroughway.	Refer to letter from SECA Solutions at Attachment 4.
12	Biodiversity	DPIE	The Department notes the development proposes to construct sewers along the eastern boundary of the southern half of the site to connect to Council's sewage main on Kangoo Road. Please clarify whether construction of the sewers requires clearing of the existing bushland which is proposed to be retained and whether this has been addressed in the Biodiversity Assessment Report. Please clarify the total area to be removed, any biodiversity impacts caused by the vegetation removal, and resulting biodiversity impact offset requirements.	The sewer connection was approved as part of an earlier development application for the site (DA 52541/2017), in consultation with Central Coast Council. The sewer line has been installed. No further clearing will be undertaken.	N/A
13	Biodiversity	DPIE – Biodiversity and	BCD recommends that the requirement to prepare and implement a vegetation monitoring program for <i>Melaleuca biconvexa</i> for a minimum of 10 years	Noted and agreed.	N/ A

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		Conservation Division	is included as a consent condition and that the monitoring program includes permanent vegetation integrity plots and appropriate triggers for offsetting impacts to <i>Melaleuca biconvexa</i> if the mitigation measures are not effective.		
14	Biodiversity	Central Coast Council	Implementation of the on-site avoidance and mitigation measures outlined in Section 5.5 of the Biodiversity Assessment Report would need to be conditioned. Council would recommend these measures be incorporated into Construction and Operational Environmental Management Plans for the facility.	Noted and agreed.	N/ A
15	Biodiversity	Central Coast Council	The stated requirements of the BCD (letter dated 24 September 2020) in relation to monitoring and management of the <i>Melaleuca biconvexa</i> .	Noted and agreed.	N/ A
16	Biodiversity	Central Coast Council	The retirement of the required number and type of biodiversity credits, both species and ecosystem, prior to the commencement of any works (including any clearing of vegetation) would need to be conditioned. It is Councils preference that biodiversity credits be secured within the Central Coast LGA.	Noted and agreed.	N/A
17	Biodiversity	Central Coast Council	As discussed above, the current proposal does not provide for ongoing protection and management of retained high biodiversity value land in the southern part of the property. In accordance with the requirements of the Somersby Industrial Park Plan of Management Council would expect that as a minimum: o Prior to commencement of any works, a comprehensive Bushland and Threatened Species Management Plan (minimum 10 year timeframe) that addresses the requirements of the Somersby	The proponent disputes the need for an 88E restriction to be placed on the undeveloped portion of the site, and requests that such a restriction is not a condition of consent for the development. Our client proposes the following condition as an alternative: The proponent must engage a suitably qualified expert to	See legal advice from Fishburn Watson O'Brien at Attachment 5.

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			<p>Industrial Park Plan of Management (POM) is required to be approved by the consent authority. The plan needs to include the requirements of Management Zones 1b and 1d under the POM and other threatened species including the Eastern Pygmy Possum.</p> <ul style="list-style-type: none"> o Prior to commencement of any works, a Water and Soil Management Plan is developed that is complementary to the Bushland and Threatened Species Management Plan is required to be approved by the consent authority. o Prior to issue of any Occupation Certificate, the retained area of bushland on the property would be subject to instruments under the Conveyancing Act including: <ul style="list-style-type: none"> 1) An 88B restriction that provides for biodiversity protection; and 2) An 88E positive covenant to ensure implementation of the comprehensive Bushland Management Plan with a minimum 10 year timeframe that addresses the requirements of the Somersby Industrial Park Plan of Management (POM). Councils standard 88E condition is: <p><i>This area will be placed under a 'Public Positive Covenant' 88E of the Conveyancing Act 1919. This instrument must require the land to be managed under an approved Bushland Management Plan for the conservation of all identified threatened species. The public positive covenant must be created to require the implementation of the Bushland Management Plan.</i></p> 	<p>prepare a Bushland Management Plan (BMP) for the facility. The BMP must have regard to the aims and objectives of the Somersby Industrial Plan of Management.</p>	

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			<p><i>The public positive covenant must permit Council or its nominee to enter and inspect the site and carry out any works required under the Bushland Management Plan, at the owner's cost, if the owner fails to implement and maintain the site in accordance with the Bushland Management Plan as amended and approved by Council.</i></p> <p><i>The public positive covenant must be prepared by Council's Solicitor at the cost of the registered proprietor.</i></p> <p><i>The authority empowered to release, vary or modify the instrument is Central Coast Council.</i></p> <p>o Ongoing conditions will need to be included to require implementation of the approved Bushland Management Plans and ecological monitoring programs, and to provide the ecological monitoring reports to the consent authority and Council. Council's standard condition is: Implement the Bushland Management Plan and submit progress reports to Council's Ecologist immediately after initial works have commenced and then at intervals of 1 year, 2 years, 5 years and 10 years following works.</p>		
18	Biosecurity	DPI	<p>It appears that the second response to submissions has still not addressed the issue of biosecurity for the activities of the proposed development. It is recommended that the following condition be imposed should the application be approved: A Biosecurity Management Plan (BMP) is to be prepared to address the biosecurity risk from all weeds, pests and pathogens that may be encountered by the facility's handling of material.</p>	Noted and agreed.	N/A

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			The BMP should address the potential for soil movements to the site from the Sydney Basin Phylloxera infested Area. The movement of soil out of a Phylloxera Invested Zone is prohibited under the Biosecurity Act 2015. Movement restrictions also apply to other phylloxera carriers, such as mulch and garden organics. Movement restrictions for other regulated pests of concern such as red imported fire ant, green snail and potato cyst nematodes may also apply if the proposed facility is intending to receive waste from other jurisdictions.		
19	Heritage	Heritage NSW	<p>1. An Aboriginal Cultural Heritage Management Plan must be prepared and implemented for the project.</p> <p>An Aboriginal Cultural Heritage Management Plan (ACHMP) should be prepared in consultation with the Registered Aboriginal Parties (RAPs) and HNSW, to ensure any potential or newly identified Aboriginal sites located within the project area are appropriately managed and mitigated as required.</p> <p>The ACHMP must include procedures for implementing the recommendation to fence the boundary of Lot 4 DP 227279 (ACHAR 2020: 29-30) to minimise potential impacts to the Aboriginal cultural heritage values identified in proximity to the project area.</p> <p>HNSW recommends that an ACHMP be prepared and approved as a Condition of Consent, prior to</p>	Noted and agreed.	N/A

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			any ground surface disturbance works being undertaken.		
20	Heritage	Heritage NSW	<p>2. Re-survey of the southern half of the project area should occur following surface removal of vegetation</p> <p>HNSW has reviewed the results of the field survey undertaken with the RAPs and noted the results were inconclusive as the effective coverage in the southern half of the project area was 0% due to heavy vegetation. The AR argues that the low-lying ground in the southern half of the project area precludes Aboriginal occupation in this part of the project area (AR 2020:33) and the likelihood of Aboriginal objects in this area is low. The extensive archaeological record and the significant Aboriginal cultural values of the immediate area and broader Somersby locality do not support this assumption. HNSW is of the view that the identification of potential Aboriginal sites being present in this part of the project area was prevented due to a lack of visibility.</p> <p>HNSW recommends that survey of the southern half of the project area should occur following surface removal of vegetation. Procedures for vegetation removal must be prepared and included in the ACHMP.</p>	Noted and agreed.	N/A
21	Heritage	Heritage NSW	<p>3. An unexpected finds protocol should be prepared and included in the ACHMP.</p> <p>Any Aboriginal sites or objects identified during the survey must be managed in accordance with the protocols for newly identified sites in the ACHMP.</p>	Noted and agreed.	N/A

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			An unexpected finds protocol should be prepared and included in the ACHMP to manage and mitigate impacts to any potential or newly identified Aboriginal sites following vegetation removal for survey and development-related ground disturbing works.		
22	Waste Management	DPIE	Please clarify and provide a clear and consistent processing procedure for ENM and VENM in the response to RFI.	<p>Noted and agreed.</p> <p>The Waste Management Plan has been updated to provide clear directions on how ENM and VENM will be handled. To clarify, ENM and VENM will be inspected in the Tip and Spread Building, and transferred to one of the designated waste storage bays, then transferred to the product storage area, as required.</p> <p>ENM and VENM will not be blended or processed. It will not come into contact with other wastes or products. The use of the waste storage area for storing ENM and VENM will have no environmental impact or any impact on product quality.</p> <p>We note that a Specific Resource Recovery Order and Exemption will be applied for to enable the blending of ENM or VENM to</p>	See updated Waste Management Plan at Attachment 6.

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				manufacture specialised soil products.	