

24 May 2019

DEPARTMENT OF PLANNING AND ENVIRONMENT
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

Subject: State Significant Development (ssd 8753) - Concrush Teralba
Lake Macquarie City Council reply to Response to Submissions prepared by Umwelt.

Thank you for the opportunity to comment on the Environmental Impact Statement (EIS) for the expansion of the Concrush Resource Recovery Facility, Teralba.

The EIS has been reviewed by Council staff and the following comments are requested to be considered in your determination of the proposal.

Scenic Values

Within the response to submissions, justification is provided that the site is within an area of distinctly industrial character with the proposal reflecting the zoning. This is not considered a suitable response. The site is within the Cockle Creek delta surrounded by coastal wetlands which have a distinct ecological focus. Any works should be informed by the ecological values of this context, broader bushland/lakeside appeal of Lake Macquarie City as viewed from the Great Northern Railway and the developing residential nature of Boolaroo as it transitions away from being an industrial suburb. There is a reliance on neighbouring lands to screen the proposal when the large site can incorporate perimeter planting around the entire development including the southern boundary where a 2m high block wall is proposed. Planting can also alleviate movement of dust.

It is recommended conditions be provided which reflect the ecological context and value of the Cockle Creek delta through the establishment of vegetation around the perimeter of the entire site that screens block walls, sheds, car parking and stockpiles that are proposed. Compensatory planting for the trees removed due to expansion should be provided. A condition similar to that below is recommended:

- The entire perimeter of the site is to have a minimum four metre width landscaped area comprising mass planting of locally endemic tree, shrub and ground cover species. This landscape buffer planting is to reflect the ecological values of the surrounding lands and the Lake Macquarie landscape character. All plant species are to be taken from the *Lake Macquarie Coastal Planting Guide* and *Lake Macquarie Streambank and Foreshore Planting Guide*. Tree species are to be planted at a rate of 1/25m², shrubs at 1/4m² and ground covers at a rate of 1/m². The planting schedule is to comprise floristically diverse species endemic to Lake Macquarie coastal wetlands and fringes. The planting is to be mass mulched with edging constructed where mass planting interfaces with turf planting.

The landscape works are to be planted, established and maintained to achieve healthy continual growth. Any failed plantings are to be replaced with similar species.

Acoustic Impact

The original Acoustic Report prepared by RCA was reviewed and evaluated by Council and indicated that daytime and night time activities may affect the amenity of residents in residential area NA1 and this may be marginal at area NA2.

The EPA have requested the applicant to investigate reasonable and feasible mitigation measures to reduce the impacts, however subsequent noise modelling by the applicant's acoustic consultant RCA has determined that substantial earth mounds would have to be constructed to ameliorate the noise to a level of complete compliance.

In this regard, those landscaped mounds would need to achieve a height level of up to 6.5 metres, and, according to the applicant, this would impose a significant cost burden, and somewhat restrict their operational area.

The applicant has argued that these mitigation measures are unreasonable and is therefore reluctant to adhere to those recommendations due to what has been modelled to be a minor exceedance.

It is understood no comment or direction from the EPA has been received in this regard. Any comment from the EPA should be considered in full.

The issue of night time noise impact to the residential areas has been raised by Council and the EPA, and the applicant has confirmed that night time production hours have been withdrawn from the application.

Air Quality

The response to submissions details issues raised by Department of Planning and Environment, Environment Protection Authority and NSW Health in relation to air quality from the proposed operations. Should these agencies be satisfied with the response received from the applicant, the following conditions are recommended:

- Prior to the issue of the Occupation Certificate, submit to the Principal Certifying Authority certification from a suitably qualified environmental consultant that the existing Air Quality Management Plan has been updated to include the management and mitigation measures detailed in the reports *Concrush Increase to Capacity Project Teralba, NSW, Environmental Impact Statement, Final, November 2018* prepared by Umwelt (Australia) Pty Limited and *Air Quality Impact Assessment, Proposed Expansion to Operations, Concrush Pty Ltd, Teralba NSW, Prepared by Umwelt on behalf of Concrush Pty Ltd, Prepared by RCA Australia, RCA ref 13149-701/5, November 2018*.
- At 90 days of operation, engage a suitably qualified environmental consultant to prepare an air quality validation report that confirms that the odour, PM₁₀ and PM_{2.5} emissions from the facility comply with the relevant impact assessment criteria at the nearest sensitive receptors.

Erosion and Sediment Control

The Concrush Increase to Capacity Project Teralba, NSW *Response to Submissions FINAL April 2019* has satisfactorily addressed the item raised in regard to Erosion and Sediment Control in the LMCC Response to EIS dated 14 December 2018.

Road Design

Appendix E of the Response to Submissions document (April 2019), identifies only a BAL turning treatment is required. However the submission appears to use incorrect figures from *Austrroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings* (Austrroads 2017). Figure 2.26 (b) graph shall be used to determine the required turning treatments, as the speed limit of the road is 80 kph, rather than Figure 2.26 (c).

By using the correct figure it suggests that a CHR(s) and AUL(s) treatment are required at the entry to the development site. It is also important to note that the vehicles entering the site will likely be heavily loaded and therefore make the turning movement slower than normal passenger vehicles. Racecourse Road also has a high volume of heavy vehicles (approximately 11%) increasing the risk of rear end crashes involving vehicles entering the site. Therefore turning treatments of CHR(s) and AUL(s) are required to be installed as part of the development. These entry treatments are required to be designed to cater for the largest vehicles expected to enter the site.

Cycle lane provision (northbound) and shoulder provision (southbound) is required to transition cyclists safely through the treatments.

Council retains the position that permanent drainage structure such as a concrete v-drain with drainage pits and associated piping or K&G with appropriate drainage should be constructed for the full frontage of the facility. Driveway access is to comply with Council Standard EGSD 202 -2 and be constructed of concrete.

The CHR and AUL treatments and associated signage and linemarking are required to be endorsed by Council's Traffic Facilities and Road Safety Committee (TFC) and approved by Council prior to construction.

Site Contamination

Comments by the EPA have been reviewed in relation to the site Contamination Assessment prepared by RCA Australia, and the response to the EPA comments by RCA.

Council concurs with the response by RCA, which confirmed Council's initial review and evaluation of the RCA report, that an EPA accredited Contaminated Site Auditor was not required.

In this regard, the EPA has withdrawn that requirement and is now in acceptance to the report being prepared or certified by an accredited Contaminated Site Consultant.

The PFAS testing suggested by the EPA has also been debated by RCA as unnecessary due to the historic use of the site and lack of evidence to suggest that PFAS was ever used. The EPA has also accepted RCA's response, and PFAS testing is no longer required.

In relation to a Site Remedial Action Plan, this is to be incorporated into a construction site Environmental Management Plan (EMP) and also the long term Environmental Management Plan for ongoing operations.

Sewer Management

As per Council's initial response to EIS, there is no sewer connection point or nearby sewer infrastructure to service the site. An application under the provisions of Section 68 of the Local Government Act 1993 for the installation of a system of sewerage management will be required.

In this regard, a pump-out system will be required due to the limited area available after development of the site.

Heritage

As per Council's initial response to EIS, The heritage recommendations contained within the EIS are concurred with and should be applied as conditions of consent.

Section 7.11 Contributions

Developer contributions are applicable under Council's Section 7.11, (2016) Toronto Plan, which includes levying the development for additional Gross Leasable Floor Area and an annual Haulage levy.

The applicant has previously agreed to a haulage levy figure, however this figure was based upon the only possible route for transporting material to and from the site by heavy vehicle being south bound via Teralba along Racecourse Road, York Street and Toronto Road. In the applicant's response to submissions they have identified that traffic can come and go from both north and south. As such an amended figure has been calculated based upon traffic survey data of heavy vehicles coming from both north and south utilising the below routes:

- Route 1. South through Teralba. Distance 2.885 klm – Racecourse Road, York Street and Toronto Road.
- Route 2 North into Barnsley then South through Wakefield. Distance 15.295 klm - Racecourse Road, The Weir Road, Northville Drive and Wakefield Road
- Route 3 North into Barnsley then North through Edgeworth. Distance 6.145 klm - Racecourse Road, The Weir Road and Northville Drive

Council has provided a recommended condition for Haulage below which includes scope for both traffic coming from north and south and for access only being available from the south should a 5 tonne load limit be applied to the weir preventing northern access.

The fees for additional floor are calculated using the following criteria: 41.09m² for office, yard manager's office, lunchroom and storage area:

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
TO-Public Transport Facilities-CPI	\$5.57
TO-Plan Preparation & Administration-CPI	\$3.43
	TOTAL \$9.00

The following condition is applicable in regard to Contributions:

Contribution Toward Provision or Improvement of Amenities or Services

(a) In accordance with the provisions of the Environmental Planning and Assessment Act 1979 – Sect 7.11 and the Lake Macquarie City Council Development Contributions Plan Toronto Contributions Catchment – 2016:

- i. the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule; and
- ii. In addition to the monetary contributions in the Contributions Schedule, during the life of this development, the person(s) entitled to the benefit of the consent shall pay Council an annual Haulage Contribution of:
 - A. *\$24050.00 when access along Weir Road between the intersections of Bath Street and Weir Road and Griffen Road and Weir Road is available during the whole period to which the payment relates, or*
 - B. *\$6,045.45. when access along Weir Road between the intersections of Bath Street and Weir Road and Griffen Road and Weir Road is not available at any time during the period to which the payment relates.*

The Council shall apply the Haulage Contribution towards the repair, maintenance and upgrade of roads used by the development.

(b) From the date this determination is made until payment, the amounts of the contributions in payable under the preceding clauses (a)(i) and (a)(ii) will be indexed and adjusted at the close of business on:

- 14 August,
- 14 November,
- 14 February, and
- 14 May;

in each year in accordance with indexation provisions within the Contributions Plan and Directions issued under the Environmental Planning and Assessment Act 1979 – Sect 7.17. The first date for indexation will occur on the first abovementioned date after the Notice of Determination becomes effective.

- (c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those in clause (a) above.
- (d) The monetary contributions in the Contributions Schedule shall be paid to Council as follows:

- Development Applications involving subdivision – prior to the release of the first Subdivision Certificate;
 - Development Applications involving building work – prior to the release of the first Construction Certificate;
 - Development Applications involving both subdivision and building work – prior to the release of the first Subdivision Certificate or first Construction Certificate, whichever occurs first;
 - Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the commencement of any construction work or prior to any occupation, whichever occurs first;
 - Complying Development Certificates - prior to any work authorised by the application or certificate commencing.
- (e) The Haulage Contribution shall be paid to Council 12 months from the Determination Date, and annually on the Determination Date thereafter.

It is the professional responsibility of the Principle Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above provisions.

Please note that payments made by cheque or electronic transfer - the release of any documentation will be subject to the clearing of those funds.

The Haulage Contribution shall be paid to Council either by cash, bank cheque made payable to the Council or by electronic transfer into a bank account, the details of which are to be provided by the Council. The Haulage Contribution is deemed paid when the Council receives the full amount of the Haulage Contribution payable in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into the bank account nominated by the Council.

Indexation details are available from Council's Development Contributions section.

A copy of the Lake Macquarie City Council Development Contributions Plan Toronto Contributions Catchment - 2016 may be viewed on Council's website, or a copy is available for inspection at the Council's Administrative Building during Council's ordinary office hours.

Should you require further information, please contact the undersigned on 4921 0399 or by e-mail on gmathews@lakemac.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Glen Mathews', with a long horizontal stroke extending to the right.

Glen Mathews
Development Planner
Development Assessment and Certification

DRAFT