



7 August 2019

NSW DEPARTMENT OF PLANNING, INDUSTRY &
ENVIRONMENT
GPO Box 39
SYDNEY NSW 2001

Attention: William Hodgkinson

Dear Willilam

**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

Council has reviewed the response provided and consider that additional landscape plantings proposed will aim to screen the views from the site from all boundaries. The width of the planting area will vary due to site constraints and use only endemic species that are floristically diverse. This approach is supported, thus the following condition is recommended for determination:

The landscape bund along the Racecourse Road frontage is to remain landscaped with additional landscape works including the planting of endemic trees, shrubs and ground covers to ensure a continuous landscaped screen along the entire roadway frontage.

The south western corner of the site is to retain existing endemic site vegetation and include supplementary landscape works that include revegetation that enhances habitat opportunities using the planting of endemic vegetation.

The southern boundary is to incorporate tree, shrub and ground cover planting where possible to integrate with the stormwater management of the site and provide vegetative screening of any concrete block walling.

All plantings are to be representative of the ecological and scenic values of the surrounding Lake Macquarie lakeside landscape character and be designed to minimise the visual impacts of the proposed works when viewed from any of the surrounding lands.

Acoustic Impact

Council's previous response highlighted potential noise impacts to residents within the NA1 area, following review of the acoustic report submitted on behalf of the applicant by RCA Acoustics.

The NSW EPA also reviewed the acoustic report, and it is understood, following the review, the EPA required the applicant to obtain written advice from the two residents affected, confirming their position regarding proposed changes to operational hours of the facility.

Those responses when received were to be forwarded to the Department of Planning, however, only one of the two residents has responded, and the matter still remains outstanding.

The EPA have raised no objection to Concrush operating during evening hours, providing that the two activities, i.e. screening and stockpiling, or loading and despatching of trucks are not operating at the same time. The applicant has confirmed that they will comply with those requirements.

The applicant has confirmed that nighttime operations will not be carried out as part of the operational phase of the facility.

Proposed construction hours remain in accordance with the EPAs standard recommendations for construction sites.

It would appear from the information submitted that the EPA still require compliance with their requests prior to the approval of the application

Air Quality

Council have reviewed the letter report *Agency Comments on the Concrush Response to Submissions (SSD 8753)* prepared by Umwelt (Australia) Pty Limited and dated 18 July 2019.

The report details the applicants response to issues raised by LMCC and the NSW Environment Protection Authority (EPA).

It is noted from the comments that the NSW EPA appear to be satisfied with the response from the applicant and have provided recommended conditions.

In addition, it is noted that the applicant has indicated that development will be subject to an independent environmental audit and that an air quality validation report at 90 days of operation is not required.

Accordingly, the following condition is 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 for Umwelt on behalf of Concrush Pty Ltd, Prepared by RCA Australia, RCA ref 13149-701/5, November 2018.*

Erosion and Sediment Control

As per Council's previous response, *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

Council have reviewed the response provided and offer the following comments:

- An AUL(s) left turn treatment is adequate.
- A BAR right turn treatment is adequate.
- On road cycling lanes are to be provided in both directions on Racecourse Rd through the intersection.
- These are to be designed to Austroads Guidelines.
- These treatments are subject to LMCC Traffic Facilities and Road Safety Committee endorsement and Council approval. The approval process could take up to three months and must be finalised and installed prior to Occupation Certificate.

In consideration of this, the following condition is recommended

All regulatory line marking and works on Public roads shall be submitted to Council's Traffic Facilities & Road Safety Committee. Works on line marking and road design shall not commence until approved by the Committee.

The works shall be constructed prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate, whichever occurs first.

Site Contamination

As per Council previous response a Site Remedial Action Plan, 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 previous response, 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 previous, the heritage recommendations contained within the EIS are concurred with and should be applied as conditions of consent.

Section 7.11 Contributions

As per Council's previous response, Section 7.11 Contributions are applicable and the following conditions are applicable:

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.

Thank you again for the opportunity to comment on the SSD for Concrush, Teralba.

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

Yours faithfully



Glen Mathews
Development Planner
Development Assessment and Certification

