22 December 2016

Department of Planning and Environment
Industry Assessments
GPO Box 39
SYDNEY NSW 2000

Attention: Kelly McNicol, Team Leader - Waste

Dear Kelly

Subject: **SSD 6518 - Frazer Park Resource Recovery Facility**

800-900 Pacific Highway, MOONEE NSW 2259

LMCC response to exhibition

In response to your letter of 15 November 2016 the following information is provided.

An EIS for State Significant Development has been lodged with the Department for the use of the land known as the Fraser Park Quarry for a Resource Recovery Facility including the importation of up to 200,000 tonnes per year of cemiticious material, brick, tile, ash, glass, clay, sand and soil and mixing with material won on site or separating and stockpiling for further processing off site.

It is noted that the proposed operating hours are 6:00am to 5:00pm Monday to Friday, and 6:00am to 1:00pm Saturdays. No site operations are proposed on Sundays or Public Holidays.

The EIS has been reviewed by relevant Council staff. Please note that due to the extent of the notification period, quantity and scale of development and time of year, this response does not reflect an in depth review of the information.

Land Use Planning

The land is zoned SP1 Special Activities – Extractive Industry and E2 Environmental Conservation pursuant to Lake Macquarie Local Environmental Plan 2014. The proposal is to be undertaken on the SP1 zoned part of the site.

The following uses are permitted with consent within the SP1 zone:

Environmental protection works; flood mitigation works; roads; extractive industry, including any development that is ordinarily incidental or ancillary to development for extractive industry. All other development is prohibited.

For permissibility, the applicant relies upon the Resource Recovery Facility being ancillary to the approved use of the site as an extractive industry. The ancillary status of the use is available where the material is blended with material won on site through the extractive industry process and no issues are raised in this regard.

However it is requested that the Department determine whether other processes such as the stockpiling and sorting of material that is not to be mixed or associated with the extractive industry processes, is ancillary to that use.

As the development is state significant, the provisions of Council's Development Control Plan 2014 do not apply.

Air Quality

Council staff has reviewed the *Air Quality Impact Assessment* (Air Quality Report, Appendix 7), and additional application information, with regard to air quality in reference to *National Environment Protection (Ambient Air Quality) Measure* (NEPM – Air Quality), and the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW 2005* (Approved Methods).

The Air Quality Report has been prepared in a manner consistent with the Approved Methods. Air pollutants assessed in the report include the relevant criteria pollutants of Total Suspected Particulates (TSP), particulate matter of 10 micrometres in diameter or below (PM_{10}), and particulate matter of 2.5 micrometres in diameter or below ($PM_{2.5}$). The report also considers deposited dust from the facility.

In accordance with the Air Quality Report, the proposed facility will have a minor impact on cumulative emissions of particulate matter, and the designated sensitive receivers are not predicted to be impacted beyond the limits defined in the Approved Methods. It is noteworthy that (1) the study is dependent upon control factors, presented in section 8 of the report (Management and Mitigation Measures); and (2) the Air Quality Report does not specifically reference odour, as requested in the SEAR's.

To ensure that air quality management measures are installed prior to commissioning of the facility, a condition of consent (should consent be granted) should require an Air Quality Management Plan (AQMP, or variation thereof), to be prepared to formalise the air pollutant management on site. The AQMP should be prepared prior to the commissioning of the facility and be developed to ensure compliance with statutory provisions in the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Clean Air) Regulation 2010*, relevant standards and impact assessment guidelines. The plan should detail:

1- All potential emissions sources; and
2- The nature of air quality control methodologies that will be used to ensure that operations do not exceed air quality guidelines as per statutory requirements (at a minimum, these control factors should be as detailed in the Air Quality Report); and
3- Appropriate air quality monitoring to ensure Council that dust and odour are not traversing the boundary of the facility beyond statutory requirements and guidelines;
4- Complaints handling and management; and
5- Other relevant matters.

Traffic and Transportation

As the access is from the Pacific Highway reliance is made on the RMS assessment of the proposal. Notwithstanding, impact on the local road network (i.e. Lake Macquarie City Council roads) may be experienced and in this regard reference is made to the developer contributions comments below.

Developer Contributions

The site falls within the Lake Macquarie Section 94 Contributions Plan Citywide – Belmont Catchment, 2004 (Belmont Catchment Plan). A review of the Belmont Catchment Plan has commenced, and the amended plan is programmed to come into effect in December 2017.

It is anticipated that the new Belmont Catchment plan will authorise an ability to levy resource management facility developments for road haulage contributions. Such provision is contained in Council's most recent Contribution Catchment plans (Glendale in June 2016 and Toronto in December 2016).

Council seeks road haulage contributions from developments that generate heavy vehicle movements as a significant and integral component of their operations. The contributions will be expended on road maintenance, repairs, and rehabilitation.

Heavy vehicles are the primary contributor to the consumption of a road structural capacity and developments that generate heavy vehicle movements lead to an increased burden on the existing road system. The additional heavy vehicular axle loadings on roads result in faster deterioration of the road pavement and surface, and reduction in road asset life. To maintain the roads at a serviceable level there is a need to increase expenditure on maintenance, repairs and rehabilitation work, beyond what would be required without the development. The extent of this increased expenditure depends on the amount of heavy vehicular traffic generated by the development.

Road haulage contributions are applicable to the road network under Council's care and control within the Lake Macquarie Local Government Area (LGA). This excludes National highways, State roads and privately owned roads within the LGA.

The roads over which individual contributions are calculated will be determined on a development specific basis, based on the actual roads to be utilised for each development.

Council seeks a road haulage contribution per tonne per kilometre of goods or materials transported to and/or from the site. The amount of the road haulage contribution should be calculated in accordance with the following methodology, which is consistent with the last two Contribution Catchment plans adopted by Council.

<u>Calculation of Road Haulage Contribution Rate</u>

A range of factors will be taken into consideration when calculating the haulage contribution rate for each applicable development including:

- The affected road sections and pavement types
- The rehabilitation costs, routine maintenance costs and programmed maintenance costs
- Existing traffic load quantified in terms of the number of equivalent standard axle loads (ESA)
- Proposed increase in traffic load as a result of the development proposal quantified in terms of ESA
- Quantity of goods or materials proposed to be transported along nominated haulage routes as specified in the development proposal

Council will calculate the haulage contribution rate for each applicable development using the following process.

1. Calculate the total lifecycle cost for the projected pavement life of the selected haulage routes:

$$TC = \left\{\frac{PR + RM + PM}{TL}\right\}$$

- TC = Total lifecycle cost ($ / km)
- PR = Pavement rehabilitation cost ($)
- RM = Routine maintenance cost ($)
- PM = Programmed maintenance cost ($)
- TL = Total length of the nominated road haulage routes (km)
- Pavement rehabilitation is major work due to substantial deterioration of the roads to restore the assets to their intended service potential. Works involve replacement and/or stabilisation of the road pavements, replacement of the wearing surfaces and ancillary works. This component also includes associated investigation, design and project management costs.
- Routine maintenance is the regular on-going work that is necessary to keep road assets operating, including instances where portions of the assets fail and need immediate repair. The work is generally of an unplanned and reactive nature, and includes pothole and edge break repairs, heavy patching of failed areas, crack sealing, joint sealing, and other minor repairs.
- Programmed maintenance is the planned repair and resurfacing work that is identified and managed through a maintenance management system based on condition assessments and cyclic programs. This includes replacement of existing wearing surfaces at nominated frequencies, for example every 12 years.

2. Determine the proportion of ESA increase as a result of proposed development:

$$P = \left\{\frac{ESAp}{ESAe + ESAp}\right\} x\ 100$$

- P = proportion of ESA increase as a result of proposed development (%)
- ESA(e) = Total existing traffic load in terms of ESA for the haulage routes
- ESA(p) = Proposed increase in traffic load in terms of ESA for the haulage routes. The proposed traffic mix should include vehicle types and typical axle loads in order to assess the increase in traffic load due to the proposed development
- ESAs are determined for the projected pavement life in accordance with the current AUSTROADS Guide to Pavement Technology Part 2 – Pavement Structural Design

3. Determine the haulage contribution rate per tonne of goods or materials proposed to be hauled:

$$CR = P \times \left[\frac{TC}{DL \times TQ}\right]$$

- CR = Haulage Contribution Rate ($ / tonne / km)
- P = proportion of ESA increase as a result of proposed development (%)
- TC = Total lifecycle costs ($ / km)
- DL = Design life of the haulage route pavements (years)
- TQ = Total quantity of goods or materials to be hauled (tonnes / year)

The contribution rate should be subject to indexation and be required to be paid to Council at regular intervals.

Acoustics

Council staff have reviewed the Operational Noise Assessment, project number 13273, dated August 2015, prepared by Wilkinson Murray.

The report has been prepared to determine the potential noise impacts the proposal will have on the existing developed residential areas, the new south Catherine Hill Bay subdivision presently being developed, and those areas undeveloped but zoned as residential.

The approval sought is for daytime operations only and will generate an additional 28 truck movements per day on the Pacific Highway.

The report indicated that the noise levels from the expanded operations will comply with the data logged and calculated Project Specific Noise Levels at the residential boundaries. This evaluation was carried out with the aid of an EPA recognised acoustic computer modelling program.

The additional traffic flows will only increase the existing Pacific Highway traffic noise by 0.1 decibels for the daytime period, and this well within the allowable 2.0 decibel increase permitted under the provisions of the NSW Road Noise Policy.

The acoustic impacts of the development have been considered and no issues are raised in this regard.

Contaminated Land

The site is currently listed by Council as being potentially contaminated due to its current use as a quarry, however there are no specific issues of concern with the present activities, and therefore the proposed expansion may proceed, unencumbered by any site contamination constraints.

Water Quality and Management

Stormwater Management

The stormwater and water quality strategy as set out in the Soil and Water Management Plan prepared by VGT Pty Ltd is satisfactory. Stormwater quality monitoring currently takes place for the quarry and this should continue following the proposed works. All stormwater quality monitoring results should be provided to the EPA to ensure that the licence requirements are being satisfied.

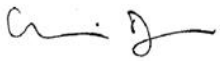
Creeks

The majority of the quarry water management system will remain the same with the exceptions of the catchments which include the processing area, the recycled product hardstand area and the tip and sort area which is located in the North Pit area.

The surface water quality monitoring and maintenance schedule is satisfactory. Water quality reports should be submitted to Council and EPA as per EPA licence conditions.

Should you require further information, please contact the undersigned on 4921 0311 or by e-mail on cbdwyer@lakemac.nsw.gov.au.

Yours faithfully



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