

20 March 2019

Planning services  
Industry Assessments  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

bruce.zhang@planning.nsw.gov.au

**Re: State Significant Development  
Application (SSD8660)  
Kariong Sand & Soil Supplies Facility**  
**Property: LOT: 4 DP: 227279 No. 90 Gindurra Road SOMERSBY**

Dear Sir/Madam

I refer to the Departments letter of 18 February 2019 extending the time for submissions to 21 March 2019.

The following comments are made on the proposal;

The development is proposed in two stages these being:

**Stage 1:**

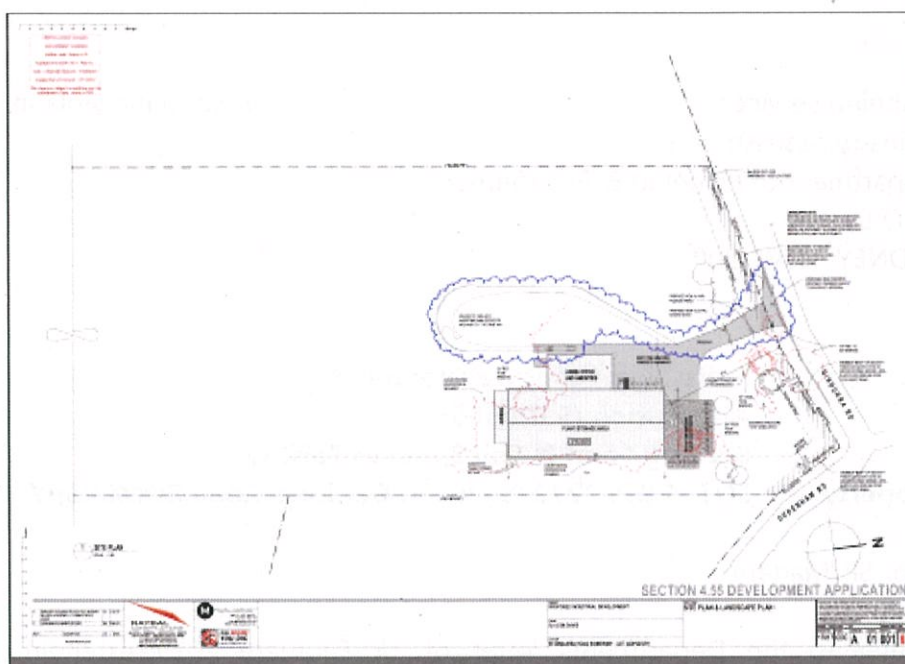
- Demolishing the existing sheds on the property and constructing an office building and warehouse. It is noted that Stage 1 is currently underway and was approved by Central Coast Council as a local development under DA52541/2017 on 17/11/2017. The building design and location was modified and approved by Central Coast Council on 21/09/2018 under DA52541/2017.2). The development consent, as modified, approved "New Shed with Offices and Amenities and Driveway". The shed has a total floor area of 2393m<sup>2</sup>. The amended proposal includes 23 on-site car parking spaces, with driveway access from Gindurra Road (refer Figure 1).
- Consent DA52541/2017 relied upon a previous consent (DA 15337/1991) approved on 28 February 1992 for a "Sand and Metal Recycling Facility" which was still operating on the site.



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**Figure 1- approved site plan under Consent DA52541/2017**

### Stage 2:

- Clearing of selected vegetation from the front half of the site as determined by the Fauna and Flora and Vegetation Management Plan;
- Construct civil and drainage works to ensure the site directs storm water into an on-site detention system;
- Re-develop the existing storm water catchment dam;
- Installation of a hardstand across the operational areas of the site;
- Areas for vehicle parking and manoeuvring;
- Installation of a weighbridge;
- Installation of storage bunkers for receiving incoming material for processing and bunkers for storing processed products ready for sale;
- Installation of sorting equipment into the Secondary Processing Warehouse;
- Installation of crushing and shredding machinery;
- Construction of a noise barrier along the Eastern boundary of the site; and
- Construction of two noise barriers within the operational areas of the site.
- Processing of up to 200,000 tonnes of waste for recycling per year.

### Somersby Business Park

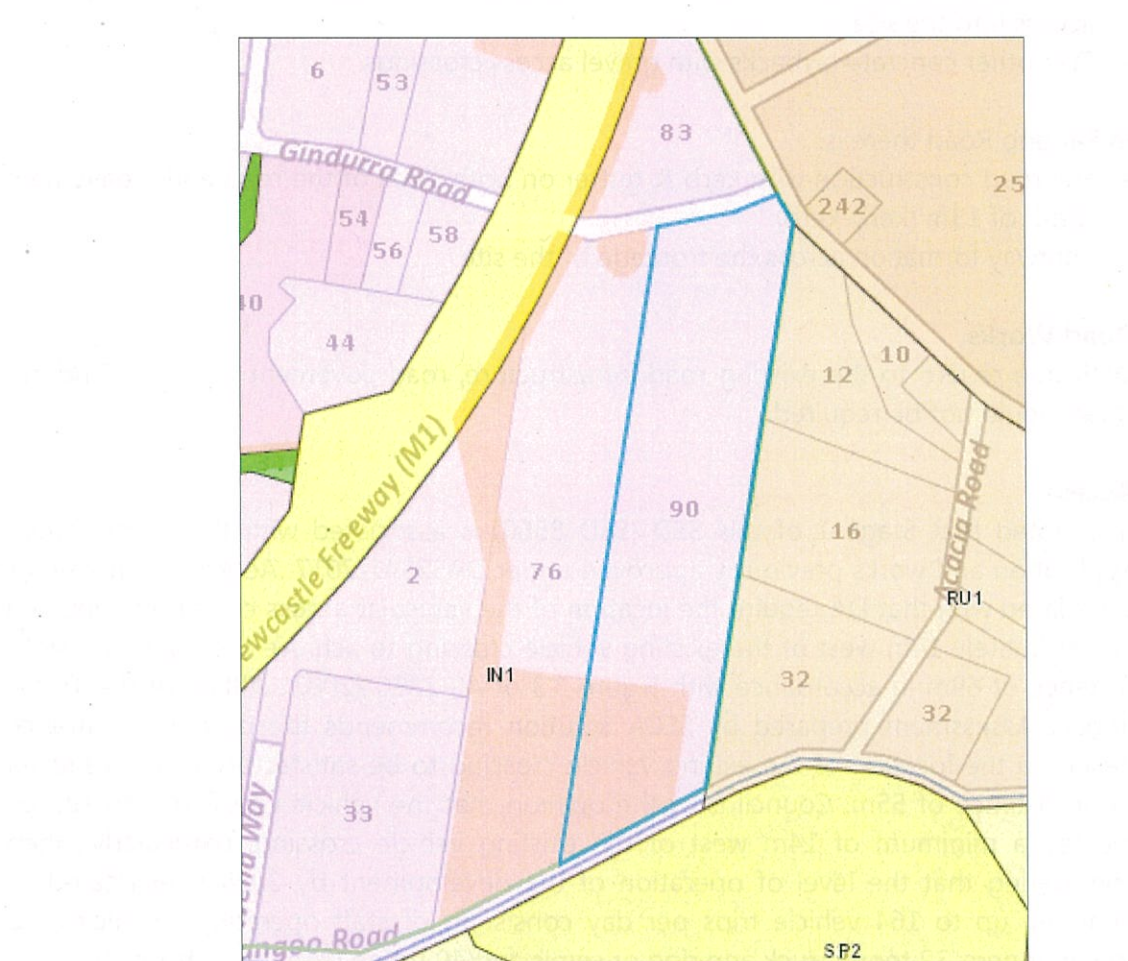
The site is zoned IN1 general Industrial under *Gosford Local Environmental Plan 2014* (GLEP 2014). The site is also subject to the provisions of *Gosford Development Control Plan 2013* (GDCP 2013).



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**Figure 2- Extract of key sites map (shown in pink)**

### Existing Infrastructure

The site has a frontage to two public road reserves, these being the primary frontage on the northern side of the site to Gindurra Road, and a secondary frontage on the southern side of the site to Kangoo Road. Due to environmental constraints, no access is proposed to the Kangoo Road frontage through the southern portion of the site. Both of these road frontages have been recently upgraded under separate projects undertaken through Central Coast Council.

In Gindurra Road there is:

- Full road construction with kerb & gutter on both sides of the road, and a pavement width of 10.5m (kerb-kerb).
- Footway formation across the frontage of the site.
- A concrete layback and concrete vehicle crossing associated with the existing main access into the site.
- Two other concrete laybacks with gravel access crossings.

In Kangoo Road there is:

- Full road construction with kerb & gutter on both sides of the road and a pavement width of 13m (kerb-kerb).
- Footway formation across the frontage of the site.

### **Road Works**

With due regard to the existing road infrastructure, road pavement works in Gindurra Road would not be required.

### **Access**

It is noted that Stage 1 of this SSD (SSD 8660) is associated with the development application and works previously approved under DA52541/2017. Access arrangements associated with that DA require the location of the vehicular access crossing be located approximately 14m west of the existing vehicle crossing to achieve the minimum sight distance of 69m in accordance with Figure 3.3 of AS 2890.22002'. Although the Traffic Impact Assessment prepared by SECA Solution recommends the proposed entrance design in the location of the exiting vehicle crossing to be satisfactory with a reduced sight distance of 55m, Council is of the opinion that the vehicle crossing is to still be located a minimum of 14m west of the existing vehicle crossing, particularly when considering that the level of operation of the development by 2025 is estimated to generate up to 164 vehicle trips per day consisting of staff operational vehicles, 12 tonne tippers, 32 tonne truck and dog or semis and 40 tonne (25m long) B-Doubles.

The vehicle access crossing for Stage 2 works would need to be of a heavy duty standard and incorporate appropriate splays to cater for the proposed 25m long B-Double vehicles.

### **Traffic**

#### ***B-Double Truck Movements***

Plans provided in Appendix M of the EIS indicate that it is proposed to alter the existing vehicular access provisions in Gindurra Road in the vicinity of the access point through altered line marking arrangements to provide a new 60m long turning lane in Gindurra Road to permit the vehicle movements of a B-double truck turning right into the site without impeding traffic flow on Gindurra Road. These details also indicate the



vehicular swept turning paths for the 25m B-Double vehicles entering the site and exiting the site associated with these truck movements in both directions in Gindurra Road. In this regard the following roads in the vicinity of the development are not identified as B-Double routes:

- Gindurra Road (total length between Wisemans Ferry Road and Debenham Road South).
- Debenham Road South (total length).
- Acacia Road (total length between Debenham Road South and Kangoo Road).
- Kangoo Road (from Acacia road to the intersection of Kangoo Road and Acacia Road).

As such the use of B-Double trucks in these roads is presently prohibited unless they are formally designated as B-Double routes.

For the use of Gindurra Road between the intersection of Wisemans Ferry Road and the proposed access, that would be associated with B-Double Truck movements to and from Wisemans Ferry Road, the applicant/developer must make a formal application with the National Heavy Vehicle Regulator for consideration and approval for Gindurra Road to become a designated B-Double route. This would be the required route for the use of B-Double vehicles associated with this development.

**It is not recommended that B-Double vehicles enter & exit the site associated with movements to & from Debenham Road South (i.e. the eastern side of the site) for the following reasons:**

- The intersections of Gindurra Road / Debenham Road South, and Debenham Road South / Acacia Road do not safely accommodate the manoeuvres for B-Double Vehicles.
- Debenham Road South, Acacia Road, and the section of Kangoo Road from the site frontage to Acacia Road are rural roads and have not been designed to cater for the traffic loadings and vehicle manoeuvrability for B-Double vehicles. As such it is unlikely that Council would support this route for B-Double vehicles between the site and the intersection of Kangoo Road and Wella Way via Debenham Road South and Acacia Road, and the section of Kangoo Road north of Wella Way.

To facilitate the east bound right turn movements from Gindurra Road into the development, the existing centre line marking in Gindurra Road is proposed to be relocated a minimum of 3 metres south (towards the site) to provide sufficient width for a right turn lane into the site, with this right turn lane being a minimum 60m long to provide sufficient storage for two B-Doubles vehicles. The site access is to be designed to ensure that the largest vehicle entering or exiting the site is able to do so without



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encroaching on the opposite lane in Gindurra Road. "No Stopping" signs would need to be installed on both sides of Gindurra Road for the full length of the right turn lane and adjustments to the line marking and painted chevrons. Any alterations to regulatory signage and line marking would require approval by the Council Traffic Committee prior to approval of any plans under Section 138 of the Roads Act, 1993.

Council is presently undertaking construction works in Debenham Road South located between the northern side of the Gindurra Road / Debenham Road South intersection towards the M1 Motorway, and which includes works associated with the Gindurra Road / Debenham Road intersection. As part of these works the priority movements for the intersection are being altered such that traffic in Gindurra Road will in the future need to 'give way' in both directions to traffic movements in Gindurra Road.

The internal accesses, roads and parking aisles will be need to be designed in accordance with AS2890.

### **Flooding**

Council's records do not indicate that the site is affected by flooding or flood planning controls.

### **Drainage**

The site generally grades towards the south-west. Kangoo Road is located along the southern boundary, however, the development will not extend to that area.

A Water Cycle Management Plan (WCMP) prepared by Cardno (NSW/ACT Pty Ltd) accompanied the EIS as Appendix I - (report reference 80518002 Version 6 dated 11 January 2019). Review of this document indicates that stormwater for the proposed development is to be managed through the following provisions:

- Water conservation. Stormwater from the proposed developed area within the site will be directed to storage pond where it can be utilised for dust suppression within the site.
- Water retention. A permanent retention volume of 250m<sup>3</sup> is proposed within the on-site detention basin which is far in excess of the minimum volume in this instance required under Council's DCP. Rainwater from the site shed will also be stored in a 10,000 litre tank for dust suppression within the shed.
- Water Quality. The following measures are proposed for mitigate the additional nutrients & pollutants that could be generated by the development:
  - A 25 kL collection and storage tank has been provided to the waste receiving and storage area. This area is bunded and any runoff from this area is collected within the storage tank and disposed off site. In this manner, the potential for



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contaminants from mixed waste sources to enter the stormwater system for the site is reduced through management and containment;

- A 10kL rainwater tank will be used to capture runoff from the shed roof associated with Stage 1. Stored rainwater will be used for dust suppression within the enclosed workshop;
- A grassed swale located within the western side of the site will be used to pre-treat runoff from the working areas of the site.
- Sediment inlet ponds will be used at the entry to the proposed pond storage to capture sediment from site runoff;
- A storage pond will be used to capture runoff from the site. The pond will consist of a permanent pool for re-use purposes, and an on-site detention component to ensure site discharge meets Council's requirements.
- A Jellyfish filter from Stormwater 360 (or approved equivalent) will be installed on the outlet pipe from the pond to ensure that any discharges from the pond are appropriately filtered prior to discharge to the vegetated area to the south of the site.

The report indicates that the reduction targets required in chapter 6.7 of Council's Gosford DCP2013 have been exceeded as modelled through MUSIC modelling.

- On-site Detention (OSD). OSD is proposed in the basin to limit post development flows for all storms up to and including the 1%AEP storm recurrence interval. A runoff routing method (DRAINS) has been used in the design modelling. The OSD basin is proposed in the south western corner of the proposed developed area of the site and will have a storage volume of 685m<sup>3</sup> at a storage depth of 1.14m. Outflows from the basin will be discharged from a 675mm diameter pipeline with a 10m wide weir, and then directed to a level spreader arrangement to discharge non-concentrated stormwater flows into the undeveloped southern portion of the site that is proposed to be retained in its natural state. A Stormwater 360® Jellyfish™ device (or similar device will also be provided to further treat the discharges from the basin.)

This WCMP is satisfactory for the purposes of review of the stormwater management for this development proposal.

A concept stormwater management plan prepared by Cardno (NSW/ACT) Pty Ltd was also submitted which details the concepts for the abovementioned stormwater management associated with the associated abovementioned WCMP. These details appear to be satisfactory for the purposes of review of the stormwater management for this development proposal.



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## Water & Sewer

Comments from Council's Water Assessment Unit have indicated that water and sewer are available to the land. A section 307 certificate shall be required. There are no additional water or sewer developer contributions as these have been paid in accordance with the SIE Agreement and Council negotiation.

## Ecology

### **Overview and conclusions of the Framework for Biodiversity Assessment Report for 90 Gindurra Rd Somersby, NSW (Narla Environmental 2018)**

Narla Environmental have identified that the proposal would result in impacts to two plant community types (PCT's):

- Removal of 2.19 hectares of Red Bloodwood – Scribbly Gum/Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central (PCT 1783)
- Removal of 0.31 hectares of Smooth Barked Apple- Red Bloodwood open forest on enriched sandstone slopes around Sydney and the Central Coast (PCT 1776)

One threatened flora species, Biconvex Paperbark (*Mealeuca biconvexa*) and two threatened fauna species Eastern Pygmy-possum (*Cercartetus nanus*) and Barking Owl (*Ninox connivensis*) are known to occur within the subject site.

The proposal would result in the removal of 1.41 ha of known habitat for the threatened fauna species Eastern Pygmy-possum (*Cercartetus nanus*). This species is listed as vulnerable under the TSC Act.

An assessment under the Framework for Biodiversity Assessment (FBA) and credit calculations were performed by Narla Environmental in accordance with the BioBanking Assessment Methodology (BBAM). Credits required to be secured and retired to offset the impacts of the proposal include:

- 11 ecosystem credits for impacts on low condition Red Bloodwood – Scribbly Gum/Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central (PCT 1783)
- 93 ecosystem credits for impacts on moderate to good condition Red Bloodwood – Scribbly Gum/Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central (PCT 1783)
- 12 ecosystem credits for impacts on moderate to good condition Smooth Barked Apple- Red Bloodwood open forest on enriched sandstone slopes around Sydney and the Central Coast (PCT 1776)
- 28 species credits for *Cercartetus nanus* (Eastern Pygmy Possum)



### Ecology comments

- The subject site covers an area of approximately 10.75 ha and is zoned IN1 – General Industrial
- It is noted that the proposal has assessed impacts to biodiversity values in accordance with the FBA which falls under the TSC Act (as per the SEARs requirements), rather than in accordance with the new Biodiversity Assessment Method (BAM) under the new BC Act. As such, credits required to offset the residual impacts of the proposal will need to be converted into BAM equivalent credits.
- The proponent has adequately demonstrated the principals of ‘avoid and minimise’ by avoiding impacts to areas of higher biodiversity values in the southern end of the subject site and restricting clearing to the northern most portion of the site that corresponds with lower biodiversity values.
- It is noted that the proponent will investigate the feasibility of protecting the southern portion of the site under a Biodiversity Stewardship Agreement, with the remainder of the credits to be sourced from the market or payment into the Biodiversity Conservation Fund. It is Council’s preference that biodiversity credits required to offset the impacts of the proposal be secured within the Central Coast LGA.
- The Plant Community Type (PCT) 1783 that was identified as the most dominant PCT occurring on the site poorly matches the diagnostic species for the community (no matching species for low condition PCT and only two matching diagnostic species for the moderate – good portion of the PCT). The proponent needs to consider other possible PCTs that provide a better match with diagnostic species. This is an important step as precise PCT identification will accurately identify the correct PCT for offsetting.
- Targeted threatened frog surveys were conducted over two nights. Since no specific dates of targeted surveys were provided it is unclear if surveys were conducted in accordance with OEH threatened species survey guidelines. Additional species credits may be required.
- Surveys for the threatened orchid species *Caladenia tessellate* and *Diuris bracteata* were conducted at the wrong time of year and are therefore not compliant with OEH threatened species survey guidelines. The proponent needs to either conduct surveys in accordance with OEH guidelines, provide an expert report that verifies that the species would be absent from the proposal site or assume that the species are present on site and offset as required under the FBA.

### Environmental Health

#### Waste

The development proposes to process 200,000 tonnes per year, and store 50,000



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tonnes onsite at any one time, of non-putrescible construction and demolition waste, consisting of sand and metal, VENM soil, Soil (non putrescible solid waste meeting the CT1 threshold), concrete, tiles, masonry, asphalt, timber, stumps, root balls and mixed building waste (masonry, concrete, brick, tiles, wood, timber and metal). This is listed as a scheduled activity in the *Protection of the Environment Operations Act 1997* ('**POEO**') and as such requires an Environmental Protection Licence ('**EPL**').

As such the operation of the facility in relation to environmental issues (noise, air, water and land pollution) will be responsibility of the NSW EPA to administrator and enforce POEO. The EPL will also set limits in relation to the type of waste allowed to be received on the site, along with how much material can be stored and processed per day/ pre year at the site, along with discharge limits. Conditions have been applied.

#### **Acid Sulphate Soils (ASS)**

The land is mapped as Class 5 no known occurrence of ASS. No issues are expected.

#### **Asbestos Containing Material ('ACM') and Site Contamination**

The land is not listed as a significantly contaminated site to require management under the *Contaminated Land Management Act 1997*. Council records indicate that the site has historically been used as a Sand and Metal Recycling Facility which is listed as a potentially contaminating activity in the EPAs *Managing Land Contamination Planning Guidelines SEPP 55- Remediation of Land*. Council records indicate that a Compliance and Health Officer inspected the site on 20 September 2017, and observed that areas of the land were visibly contaminated with waste and possible ACM.

The *Stage 1 Preliminary Site Investigation for Contamination* dated March 2018 prepared by Clear Safe Environmental Solutions has been reviewed and has generally been prepared in accordance with EPAs Guidelines for Contaminated Sites. Non friable asbestos located on the ground surface, stockpiles of fill (waste) material and potentially hazardous materials, such as lead paint, from aged buildings were identified as contaminants of concern. The Report provided a number of recommendations which have been applied as conditions of consent.

#### **Noise**

Five (5) properties zoned RU1 are located to the east of the boundary of the site. Additional properties zoned RU2 are located to the north east of the site.

The *Noise and Vibration Impact Assessment* dated 17 January 2019 prepared by Waves Consulting ('**the Assessment**') has been reviewed and has been generally prepared in accordance with the NSW EPAs *Interim Construction Noise Guideline* and NSW *Noise Policy for Industry 2017*.



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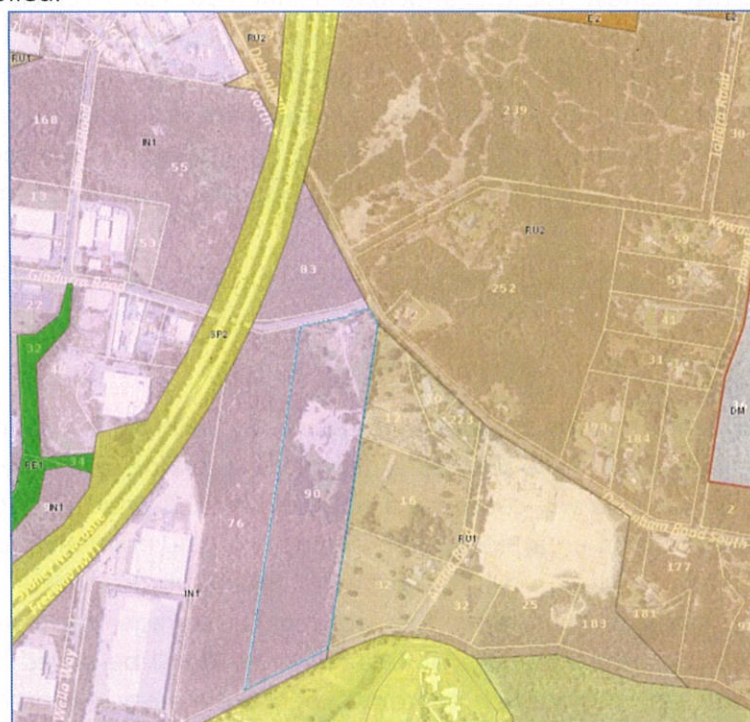
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The assessment details predicted operational noise impacts will exceed the project noise trigger levels ('PNTLs') whenever the crusher and screening plant will be used in the daytime, in addition to delivery and truck movements during the evening and night time period. Limiting the use of the screening and crushing equipment to the designated processing area depicted on the site plans and the construction of a noise barrier was modelled and predicted to satisfy the PNTLs. Site plans depict the proposed 5m high 30kg/m<sup>2</sup> concrete panel noise wall to be installed along the eastern and north eastern boundary of the site, in addition to 3m high noise walls within operational areas of the facility.

The assessment also details predicted construction noise impacts. During standard construction hours, the following plant formation was modelled: concrete crusher, mobile screening plant, excavator, front end loader, grader, bull dozer, dump truck and roller. Exceedances of the noise management levels of up to 12db are predicted at the closest sensitive receptors on Acacia and Debenhams Road South, during standard construction hours. Standard mitigation measures were applied, and the construction of the finished 5m noise berm along the eastern boundary was recommended as early as possible in the construction phase. Details regarding construction staging do not appear to reflect this recommendation.

Council will be the ARA during the construction phase of the development. Conditions have been applied.



**Figure 3: boundary of 90 Gindurra Road denoted by blue line showing RU1 and RU2 land located to the east and north east.**



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## **Air**

The *Air Quality Impact Assessment* dated 17 December 2018 prepared by Northstar Air Quality ('**the Report**') has been reviewed and has been generally prepared in accordance with the NSW EPAs *Guidelines for Air Pollutants*. The Report provides a quantitative assessment of potential dust and odour impacts, details of proposed mitigation, management and monitoring measures of both the construction and operational phases of the development.

During the operational phase of the development the fact that only non-putrescible waste will be stored and processed on the site reduces the risk of offensive odours. The Report compares the expected particulate pollutants with the National Environment Protection (Ambient Air Quality) Measure ('**Ambient Air Quality NEMP**') and NSW EPA Guidelines. The application of water on haul roads and stockpiles, modifying activities in windy conditions, 3 sided enclosure around stockpiles, covering loads with tarps, keeping travels routes paved and partial enclosure of the secondary screening area will be used as controls. In any case this will form part of the operational environmental management plan of the site of which the NSW EPA are the appropriate regulatory authority ('**ARA**').

Fugitive dust emissions during the construction phase of the development are considered the highest risk. It is anticipated that >50 heavy vehicle movements would be required each day to service the site, during peak periods of construction. These movements along with earthworks are considered the highest contributors to fugitive dust emissions. A number of mitigation measures are proposed in the Report to control dust emissions including communications, site management, monitoring, preparing and maintaining site, operating vehicle and plant, operations and waste management.

Council will be the ARA during the construction phase of the development. Conditions have been applied.

## **Groundwater**

The *Environmental Impact Statement* prepared by Jackson Environment and Planning dated 15 January 2019 ("**the EIS**") states the main access driveway and the waste tip and spread inspection area will comprise a fully engineered and bunded hardstand (waste tipping and inspection area), to avoid movement of any pollutants into groundwater. A flexible asphalt pavement will be provided beneath the waste storage bays, the landscaping storage bays and the aggregate storage bays to further protect groundwater. The other operational areas of the site will be paved in recycled crushed concrete, with an engineered bentonite geotextile layer (impermeable barrier) to prevent any infiltration moving into groundwater.



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Groundwater impacts will be included in the EPL as the NSW EPA are the ARA. Conditions have been applied.

### ***Hazardous and dangerous liquids (SEPP 33)***

A preliminary hazardous analysis and environmental risk assessment has been completed for the proposal and has been prepared generally in accordance with the Department of Planning Guidelines for applying SEPP 33.

Small quantities of diesel (max 5,000L), coolant (max 100L) and oils (max 5,000L) will be stored in bunded areas within the enclosed processing warehouse. Diesel will be contained in a bunded above ground tank. These liquids will be used to refuelling and maintain trucks and mobile plant and equipment. LPG (max 1000kg) for fuelling forklifts will be stored in chained and approved racks under an awning outside the warehouse.

### ***Water***

A new OSD and stormwater storage basin is proposed to be constructed to capture stormwater and sediment. The site will be contoured to capture stormwater and sediment. Stored water will be used on site for dust suppression. Overflows from the OSD will be treated through a jellyfish membrane filtration system and released via a level spreader into grassed area.

Surface water impacts will be included in the EPL as the NSW EPA are the ARA. Conditions have been applied.

### ***Soils***

The site is relatively flat, however gently slopes to the South-West. A watercourse and number of ponds /dams are located on the site which is a tributary of Piles Creek.

The area of soil disturbance is expected to be approximately 40,000m<sup>2</sup>. Cut and fill will occur during the construction phase, with approx. 12,000m<sup>3</sup> of the excess material expected to be used as product.

The *Soil and Water Management Plan Report* prepared by Cardno dated 11 January 2019 ("the **SWMP**") has not been prepared in accordance with the minimum requirements of the Blue Book and the Gosford DCP.

Council would be the ARA during the construction phase of the development.

### **Draft conditions of Consent**

Attached are draft conditions of consent recommended by Council in addition to those that would be imposed by the Department if the application was approved.



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It is also requested that if the proposal is approved, that the Department impose conditions on the operation of the proposal to require the applicant to have independent monitoring and reporting on air, noise and water quality impacts within and outside the site. Such monitoring reports to be submitted to the Department and Council on at least six (6) monthly intervals on compliance with the conditions of consent and any licences issued.

Should you have any enquiries with regard to this matter please contact R. Eyre on (02) 4325 8216, Monday to Friday.

Yours faithfully

A handwritten signature in black ink, appearing to read "A. Roach".

Andrew Roach

**Manager**

**DEVELOPMENT ASSESSMENT**

Assessment Unit/GG

DA 52541/2017

IR 26557148



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## DRAFT CONDITIONS RECOMMENDED BY COUNCIL

**STAGE 1- as per Council's consent DA52541/2017 as modified.**

**(Note: The EIS indicates that Stage 1 is associated with DA52541/2017 PART 2. As such the engineering conditions for Stage 1 are very similar to those associated with DA52541/2017 Part 2) however the following changes should be considered to the engineering conditions.**

### Prior to Issue of Any Construction Certificate

- 1.1 Submit an application to Council under Section 138 of the *Roads Act, 1993*, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 *Erosion Sedimentation Control*. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Tapered heavy duty vehicle crossing that has a width of 12m at the property boundary and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom. The vehicle crossing shall be splayed out 12.7m (minimum) measured along the kerb and gutter on the western side, and 1.75m (minimum) measured along the kerb and gutter on the eastern side of the vehicle. The vehicle crossing shall be located approximately 14m west of the existing vehicle crossing to achieve the minimum sight distance of 69m in accordance with Figure 3.3 of AS 2890.22002.
- b. The redundant vehicular crossing shall be removed and footway formation reinstated.
- c. Any redundant laybacks shall be removed and replaced with kerb and gutter.
- d. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 1.2 Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide



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photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.

- 1.3 Submit design details of the following engineering works within private property:
- a. Driveways / ramps, car parking areas and truck manoeuvring areas must be designed according to the requirements of AS2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.
  - b. The entry gate shall be located within the property a minimum of 20m away from the front boundary to permit AS2890.2:2002 Articulated Vehicles to enter without obstructing Gindurra Road.
  - c. A stormwater detention system must be designed in accordance with the Gosford DCP 2013 Chapter 6.7 *Water Cycle Management* and Council's *Civil Works Specification*. The stormwater detention system must limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% AEP storm event. A runoff routing method must be used. An onsite stormwater detention report including an operation and maintenance plan must accompany the design.
  - d. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 *Water Cycle Management*. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
  - e. Onsite stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 *Water Cycle Management*. A report detailing the method of stormwater harvesting, sizing of retention tanks for reuse on the site and an operation and maintenance plan must accompany the design.
  - f. Piping of all stormwater from impervious areas within the site via an onsite stormwater detention structure to the proposed level spreader as generally depicted on preliminary plan prepared by Cardno drawing number 80518006CI205 revision B (dated 26 June 2018). Note: The level spreader shall be aligned parallel to the ground contours.

These design details and any associated reports must be included in the construction certificate.

- 1.4 Submit an application to Council under section 305 of the Water Management Act 2000 for any requirements for the obtaining of a section 307 Certificate of Compliance.

Note: The section 305 Notice may contain requirements associated with the development that must be completed prior to the issue of a Construction Certificate.



## During Works

- 2.1 Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 *Erosion Sedimentation Control*.
- 2.2 Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 *Erosion Sedimentation Control*.

## Prior to Issue of Any Occupation Certificate

- 3.1 Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 *Erosion Sedimentation Control*, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 3.2 Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 3.3 Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 3.4 Amend the Deposited Plan (DP) to:
  - Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
    - a. Create a 'Restriction as to User' over all lots containing an onsite stormwater detention system restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

And,

- Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with the Council having the benefit of these covenants



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and having sole authority to release and modify. Contact Council for wording of the covenant(s).

- a. To ensure on any lot containing onsite stormwater detention system that:
  - (i) The facility will remain in place and fully operational.
  - (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
  - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
  - (iv) Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

2.2 Waste storage locations to be constructed from materials and finish consistent with the proposed development.

### Ongoing Operation

- 4.1 The maximum sized vehicle permitted to access the site associated with Stage 1 shall be the AS2890.2:2002 19m Articulated Vehicle.
- 4.2 All truck vehicle movements shall enter the site from an east bound direction in Gindurra Road and depart the site into Gindurra road in a westerly direction, i.e right turn in / left turn out.
- 4.3 Maintain the onsite stormwater detention facility in accordance with the operation and maintenance plan.
- 4.4 Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 4.5 Compliance with all commitments as detailed within the Waste Management Plan prepared by Jackson Environment and Planning Pty Ltd.
- 4.6 All waste bin storage locations to be located to be readily accessed by the occupants and the private commercial waste contractor.
- 4.7 All waste bin storage locations to be screened from view from within the development, adjoining sites and public view.



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- 4.8 Do not place or store waste material, waste products, or waste packaging outside waste storage enclosure/s.

### Advice

- The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.

### STAGE 2

Stormwater from stage 1 outlet needs to be picked up in stage 2 stormwater design.

### Prior to Issue of Any Construction Certificate

- 1.1 Submit an application to Council under Section 138 of the *Roads Act, 1993*, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 *Erosion Sedimentation Control*. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- A signage and line marking plan associated with the adjustments to the line marking in Gindurra Road to accommodate a 60m long east bound right turn bay for access into the site. The line marking plan shall be generally in accordance with the plan prepared by SECA Solution (Project No HD196, Drawing No HD01 Rev 1 dated 12.2.18), and include an amendment to locate the vehicle crossing approximately 14m west of the existing vehicle crossing (indicated on this referenced plan) to achieve the minimum sight distance of 69m in accordance with Figure 3.3 of AS 2890.2002. The signage and line marking plan must be approved by Council's Traffic Committee.
- "No Stopping" signage for the extent of the adjustments to the line marking associated with the provision of the right run bay design.
- Tapered heavy duty vehicle crossing constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom. The vehicle crossing shall be redesigned from the vehicle access crossing associated with Stage 1 works to accommodate the swept turning paths of the Austroads 25m B-Double Vehicle turning into and out of the site. The vehicle crossing shall be located approximately 14m west of the existing



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vehicle crossing indicated on the plan prepared by SECA Solution (Project No HD196, Drawing No HD01 Rev 1 dated 12.2.18) to achieve the minimum sight distance of 69m in accordance with Figure 3.3 of AS 2890.2002.

- d. The redundant vehicular crossing shall be removed and footway formation reinstated.
- e. Any other redundant laybacks within the Gindurra Road site frontage shall be removed and replaced with kerb and gutter.
- f. The existing kerb inlet pit that is located within the proposed vehicle access crossing is to be adjusted to remove the lintel and provide a heavy duty v-grate.
- g. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 1.2 Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 1.3 Submit design details of the following engineering works within private property:
  - a. Driveways / ramps, car parking areas and truck manoeuvring areas must be designed according to the requirements of AS2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.
  - b. The entry gate shall be located within the property a minimum of 25m away from the front boundary to permit Austroads 25m B-Double Vehicle to enter the site without obstructing Gindurra Road.
  - c. Stormwater detention basins must be designed in accordance with the Gosford DCP 2013 Chapter 6.7 *Water Cycle Management* and Council's *Civil Works Specification*. The stormwater detention system must limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% AEP storm event. A runoff routing method must be used. An onsite stormwater detention report including an operation and maintenance plan must accompany the design.
  - d. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 *Water Cycle Management*. A nutrient /



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pollution control report including an operation and maintenance plan must accompany the design.

- e. Onsite stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 *Water Cycle Management*. A report detailing the method of stormwater harvesting, sizing of retention tanks for reuse on the site and an operation and maintenance plan must accompany the design.
- f. A grassed swale located within the western side of the site to pre-treat runoff from the working areas of the site prior to discharging into the basin.
- g. Piping of all stormwater from impervious areas within the site via an onsite stormwater detention structure to the proposed level spreader as generally depicted on preliminary plan prepared by Cardno drawing number 80518002-CI-115 revision 6 (dated 10/01/2019). Note: The level spreader shall be aligned parallel to the ground contours. The drainage design shall also include the collection and piping of stormwater associated stage of the development.

These design details and any associated reports must be included in the construction certificate.

- 1.4 Submit an application to Council under section 305 of the Water Management Act 2000 for any requirements for the obtaining of a section 307 Certificate of Compliance.

Note: The section 305 Notice may contain requirements associated with the development that must be completed prior to the issue of a Construction Certificate.

- 1.5 Prepare a detailed site specific Construction Noise Management Plan. The plan is to be prepared in accordance with the NSW EPAs *Interim Construction Noise Guideline* and make reference to the *Noise and Vibration Impact Assessment* dated 17 January 2019 prepared by Waves Consulting.
- 1.6 Prepare an Asbestos Management Plan, detailing how asbestos located on the grounds surface will be remediated. The Plan must be prepared by a suitably qualified environmental consultant or licensed asbestos assessor and make reference to the *Stage 1 Preliminary Site Investigation* prepared by Clearsafe Environmental Solutions dated March 2018.
- 1.7 Undertake the removal of asbestos in accordance with the Asbestos Management Plan.



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- 1.8 Removal of greater than 10m<sup>2</sup> of non-friable asbestos and the removal of all friable asbestos must be undertaken by a licensed asbestos removal and in compliance with the *NSW Government Workcover How to Safely Remove Asbestos Code of Practice 2011*.
- 1.9 Prepare an Unexpected Finds Protocol detailing how unexpected contamination encountered within the site during development works will be managed. The Protocol shall be prepared by a suitably qualified environmental consultant and shall make reference to *Stage 1 Preliminary Site Investigation* prepared by Clearsafe Environmental Solutions dated March 2018.
- 1.10 Prepare a Construction Environmental Management Plan detailing how fugitive dust emissions from earthworks, construction and construction traffic will be managed. The plan shall be prepared by suitably qualified environmental consultant and shall make reference to the *Air Quality Impact Assessment* dated 17 December 2018 prepared by Northstar Air Quality.
- 1.11 Submit to Council for approval a Soil and Water Management Plan in accordance with Section 2.3 of the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*) be prepared by a suitably qualified environmental/civil consultant.
- 1.12 Obtain an Environment Protection Licence from the New South Wales Environment Protection Authority.

#### **Prior to Commencement of any works**

- 2.1 Obtain a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that the site has been made free of asbestos material.

#### **During Works**

- 3.1 Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 *Erosion Sedimentation Control*.
- 3.2 Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 *Erosion Sedimentation Control*.



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- 3.3 Waste storage locations to be constructed from materials and finish consistent with the proposed development.
- 3.4 Any imported soils to the subject site must be Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*.
- 3.5 Undertake works in accordance with the Construction Environmental Management Plan.
- 3.6 All excavated material and waste material removed from the site must be classified in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All waste material must be disposed of to an approved waste management facility and receipts of the disposal must be kept on site.
- 3.7 Undertake works in accordance with the Unexpected Finds Protocol.
- 3.8 . Construction works are restricted to the following hours:  
  - Monday to Friday: 7:00am to 6:00pm
  - Saturdays: 8:00am to 1:00pm
 No construction works to be conducted on Sundays or public holidays.
- 3.9 Undertake works in accordance with the approved Soil and Water Management Plan.
- 3.10 Undertake works in accordance with the Construction Noise Management Plan.

### **Prior to Issue of Any Occupation Certificate**

- 4.1 Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 *Erosion Sedimentation Control*, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 4.2 Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 4.3 Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.



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#### 4.4 Amend the Deposited Plan (DP) to:

- Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
  - a. Create a 'Restriction as to User' over all lots containing an onsite stormwater detention system restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

And,

- Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
  - a. To ensure on any lot containing onsite stormwater detention system that:
    - (v) The facility will remain in place and fully operational.
    - (vi) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
    - (vii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
    - (viii) Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

#### 4.5 Completion of landscaping works.

### Ongoing Operation

- 5.1 No B-Double Vehicles are to utilise Gindurra Road until such time that Gindurra Road has been approved as a designated B-Double route through the National Heavy Vehicle Regulator.
- 5.2 The maximum sized vehicle permitted to access the site associated with Stage 1 shall be the AS2890.2:2002 19m Articulated Vehicle.
- 5.3 All truck vehicle movements shall enter the site from an east bound direction in Gindurra Road and depart the site into Gindurra Road in a westerly direction, i.e right turn in / left turn out.



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- 5.4 Maintain the onsite stormwater detention facility in accordance with the operation and maintenance plan.
- 5.5 Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 5.6 Compliance with all commitments as detailed within the Waste Management Plan prepared by Jackson Environment and Planning Pty Ltd.
- 5.7 All waste bin storage locations to be located to be readily accessed by the occupants and the private commercial waste contractor.
- 5.8 All waste bin storage locations to be screened from view from within the development, adjoining sites and public view.
- 5.9 Do not place or store waste material, waste products, or waste packaging outside waste storage enclosure/s.
- 5.10 Maintain landscaping within the site.

### **Advice**

- The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- At the time of application Gindurra Road is not identified as a designated B-Double route. The applicant/developer must make a formal application with the National Heavy Vehicle Regulator for consideration and approval for Gindurra Road to become a designated B-Double route.
- At the time of application, the Debenham Road South, Acacia Road, and Kangoo Road between Acacia Road and the intersection of Kangoo Road and Wella Way were not identified as B-Double routes. It is unlikely that Council would support a traffic route incorporating these roads as a designated B-Double route.



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