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Planning services
Industry Assessments
Department of Planning & Environment
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Dear Bruce

STATE SIGNIFICANT DEVELOPMENT APPLICATION (SSD8660), KARIONG SAND & SOIL SUPPLIES FACILITY, LOT: 4 DP: 227279 NO. 90 GINDURRA ROAD SOMERSBY

Thank you for the opportunity to provide comment on the amended Environmental Impact Statement (EIS) and Response to Submissions (RTS) for the above proposal. The following comments are made on the response to submission and proposal as amended.

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 road frontages were upgraded in recent years 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

Road pavement works in Gindurra Road would not be required.

Access

Stage 1

It is noted that Stage 1 of this SSD (SSD 8660) is associated with the development application and works previously approved under DA52541/2017, and subsequent modifications under S4.55 applications DA52541.2/2017 & DA52541.3/2017. Access arrangements associated with that DA require the location of the vehicular access crossing to 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.

Stage 2

The access to the site associated with Stage 2 of this SSD has now been designed to be relocated fourteen metres west of the existing site access as per the requirements of DA52541/2017 to provide appropriate sight lines and to enable the safe entry and exit of heavy vehicles up to a 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. A concrete kerb is recommended within the site and at the exit to the site to ensure vehicles only exit to the left on Gindurra Road and do not proceed into the rural and residential areas to the east. A "no right turn" sign should be installed at the exit to the site.

Plans provided in Appendix N of the EIS associated with the Traffic Impact Assessment (TIA) indicate that alterations are proposed to the existing vehicular access provisions in Gindurra Road in the vicinity of the access 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 and exiting the site for these truck movements. 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 turning 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 encroaching on the opposing traffic lane in Gindurra Road. The installation of regulatory 'No Stopping' zones for the full length of the right turn lane, adjustments to the line marking and painted chevrons should also be provided on both sides of the road. 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*.

The internal accesses, roads and parking aisles will need to be designed in accordance with AS2890 and NSW RFS PfBP2019.

Traffic

The Traffic Impact Assessment (TIA) prepared by SECA Solution (Ref P1042 Issue: Ver07 dated 9 July 2020 (Appendix N)) indicates the following:

- *90 Gindurra Road has been approved to use B-Doubles to access the site via the Somersby Industrial area. This approval has been granted by the National Heavy Vehicle Regulator (NHVR), with this included in Appendix G.*
- *The available sight distance at the existing access to the site on Gindurra Road exceeds the Austroads requirements of 90 metres in each direction so it is reasonable to assume that, the current level of safety along Gindurra Road will continue following the development of the site.*
- *Unrestricted on-street parking is available along both sides of Gindurra Road near the site.*
- *All vehicles shall be able to enter and exit in a forward direction. Access and internal circulation are to be designed in accordance with AS2890 and Council's DCP.*
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- *Vehicular access will be provided off Gindurra Road, with a new driveway located 14 metres west of the existing access driveway to ensure safe sight distance in each direction. The upgraded layout for the site access, including a suitable right turn treatment is provided in Appendix B. Access to the site shall be controlled by a secure gate which will be located a sufficient distance within the property so that a single*
- *vehicle can store without interrupting traffic flows in Gindurra Road. This gate shall remain open during the day when the site is operational to ensure unrestricted access for heavy vehicles associated with general operations.*
- *It is recommended that concrete kerbing be installed at the site access in order to prevent the righthand turn for vehicles exiting the site onto Gindurra Road. This physical feature will be accompanied by a no right turn sign at the exit of the site to prevent vehicles entering the rural residential area to the east of the site towards Debenham Road. This treatment was recommended during consultation with the DPE to ensure the load limit in this area is adhered to.*
- *Swept paths have been prepared to confirm the ability of large trucks, up to a B-Double combination, to enter and exit onto Gindurra Road in a forward direction (Appendix B).*
- *It is proposed to provide 18 parking spaces on site, which will accommodate the parking demands for employees.*
- *A parking area for heavy vehicles will be located within the site near the main entrance off Gindurra Road.*
- *This level of operation, 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 semi-trailers and 40 tonne B-Doubles.*

In relation to the proposed use of the B-Double vehicles the following comments are made:

- Reference to the National Heavy Vehicle Regulator (NHVR) portal indicates that the following roads in the vicinity of the development are **not** identified as **general** B-Double routes:
    - Gindurra Road (total length between Wisemans Ferry Road and Debenham Road South).
    - Debenham Road South (total length).

  - Kangoo Road (from Acacia Road to the intersection of Kangoo Road and Acacia Road).
  - Acacia Road (total length between Debenham Road South and Kangoo Road).
- Although not proposed with the application, it is once again stated that it is not recommended that B-Double vehicles enter and exit the site associated with movements to and 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, as the Roads Authority, 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.

- Stage 1: DA54541/2017 replicated in this application of Stage 1 of the SSD, has not been designed or approved for the use of B-doubles. Therefore Stage 1 of the SSD should be restricted to the maximum vehicle size of the AS2890.2:2018 19m Articulated Vehicle as per the development consent conditions for DA54541/2017.

- Stage 2: The use of B-Double trucks in Ginduura Road in general is prohibited unless a site-specific permit from the NHVR is obtained and is currently valid. In this regard, the TIA indicates that 90 Gindurra Road has been approved to use B-Doubles under Permit Number 236516V1 issued by the NHVR. This permit is site

specific to the subject site and operator and is only valid to 5 March 2022. It is recommended that an Ongoing Condition be imposed on the development consent to require that "B-Doubles may only be used in conjunction with the development under the approval of a valid permit issued by the National Heavy Vehicle Register (NHVR).

Other comments in relation to traffic and the TIA are as follows:

- On-street parking within Gindurra Road will no longer be available when the line marking associated with the channelised right turn bay into the development is implemented.

- Concrete kerbing proposed to deny right turn movements out of the site should not obstruct the footway.

- The plans for the development do not appear to set back the entry gates as per the recommendation of the TIA.

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 Impact Assessment and Soil and Water Management Plan" (WCIA&SWMP) prepared by Sustainability Workshop (Ref Project No 197 Issue H dated 23 June 2020) accompanied the EIS as Appendix I. Review of this document indicates that stormwater for the proposed development is to be managed through the following provisions:

The site has been broken into low, medium and high risk sub-catchments.

The northern part of the site which includes the warehouse is deemed a low risk catchment. This is treated in rainwater tanks and then piped to a gross pollutant trap before being piped to a large 5ML water quality pond which includes floating treatment

wetlands. The pond overflows to a level spreader where additional infiltration will occur. Treated water from the pond will be used to irrigate the site to suppress dust to maintain good air quality once the water has been further treated in a membrane filtration system. This treatment system is a state of the art, world class stormwater management system that is on the cutting edge.

Wherever possible, the medium risk areas of the site first drain to a GPT then to a linear bioswale located on the western side of the development. These medium risk areas are the areas which include storage of products and where blending or processing activities occur.

The bioretention system will provide a high degree of tertiary treatment to the runoff.

The high risk part of the site is that part that contains the waste storage area and the timber processing area. This is the part of the site which affords the best opportunity to intervene to limit unusually high pollutant loads. If a potential water quality problem is going to occur on the site it is most likely to occur in this area as it stores unprocessed materials that may escape the rigorous tip and spread screening and rejection process.

In the high risk area continuous 24/7 real time water quality and flow monitoring will occur.

In addition to the 5 ML water quality pond, an emergency spill pond of 500 m^3 volume will be provided. This will enable up to 60 mm of runoff to be contained in the spill pond from the high risk catchment.

The WCIA and SWMP also indicates the following in relation to stormwater management for the proposed development:

- Water conservation. Stormwater from the proposed developed area within the site will be directed to a 5,000m^3 storage pond where it can be reused within the site. It is proposed to draw approximately 48,162 kL/yr from the pond for reuse within the site.

- Water retention. A permanent retention volume of 230m^3 is proposed within rainwater tanks. In this regard a 50 kL rainwater tank is proposed to wash trucks in the truck bay, together with an additional ten (10) 18kL rainwater for dust suppression within the building.

- Water Quality. The following measures are proposed to mitigate the additional nutrients and pollutants that could be generated by the development:
    - Four (4) Barramy Gross Pollutant Traps (GPT's).
    - Two (2) CDS GPT's.
    - Grassed bio-swales.
    - Water quality pond including the following: 5,000m^3 volume, 1,666m^2 surface area, maximum depth 3m, and safety fencing.
    - Floating wetlands with a surface area of 165m^2.
    - An emergency spill pond.

- The report indicates that the reduction targets required in Chapter 6.7 of Council's Gosford DCP2013 will be exceeded as modelled through MUSIC modelling.

- On-site Detention (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 2,500 m^3. It is noted that the report indicates modelling was undertaken for the 1 in 1 yr, 1 in 10 yr, and 1 in 100 yr recurrence intervals. The 1 in 2 yr, 1 in 5yr, 1 in 20 yr, and 1 in 50 yr recurrence intervals would also need to be analysed and achieved for retained predevelopment flow rates prior to a construction certificate being issued.

- The outlet from the proposed pond / on-site detention system will discharge to a level spreader into the undisturbed bushland within the site at the southern limit of the proposed works. This level spreader is approximately 50m in length and the report has checked the outlet velocities to be satisfactory for events up to the 1 in 10 yr recurrence interval.

From council's point of view, the WCIA and SWMP appears to be satisfactory for the purposes of stormwater management for the proposed development.

Water and Sewer

Water and sewer are available to the land. A section 307 certificate will 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

The SEARS required that the biodiversity impacts for the proposal be assessed in accordance with the Framework for Biodiversity Assessment (FBA) which was established under the *Threatened Species Conservation Act 1995*. As a result, the proposal is not required to be assessed under the current *Biodiversity Conservation Act 2016* requirements including the Biodiversity Assessment Method.

Table 1 in the Biodiversity Assessment Report (prepared by Narla Environmental, amended 19th November 2019) outlines how the biodiversity related comments previously raised by Central Coast Council (20 March 2019) and NSW Office of Environment and Heritage have been addressed by additional field surveys and further information included within the report.

Several of the previously raised biodiversity issues have now been addressed in the revised report, which included results of additional field survey. There are some outstanding biodiversity issues that require further information, and these are described below under the heading "*Gaps in Biodiversity Assessment Report*".

Somersby Industrial Park Plan of Management (POM)

The Somersby Industrial Park Plan of Management is listed within the Gosford Local Environmental Plan 2014 (Clause 7.4), which states:

> *7.4 (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority considers that the development is consistent with:*
>
> *(a) any applicable plan of management adopted by the consent authority, and*
>
> *(b) the objectives of this clause.*

Since 2005 the requirements of the Somersby POM have been supported multiple times in Court, including in the NSW Court of Appeal.

The subject property at 90 Gindurra Road includes 4.1 ha of native vegetation within the southern area of the property which is proposed to be retained. This part of the property contains areas covered by threatened species management zones 1b and 1d under the POM. Zone 1b being "*Prostanthera junonis* core habitat" and 1(d) "*Hibbertia procumbens* core habitat". This area of the property also contains habitat for other threatened species, including the Eastern Pygmy Possum detected on site.

The POM includes the following Management Considerations for "1(b) *Prostanthera junonis* core habitat"

Management considerations include:

- *Allotments that contain Sub-Zone 1(b) Prostanthera junonis Habitat are to have a management plan prepared and implemented prior to development proceeding. This management plan is to comply with the requirements of the POM and the Recovery Plan (as appropriate).*
- *Development of allotments that contain Sub-Zone 1(b) Prostanthera junonis Habitat are to ensure that hydrological conditions associated with the core habitat area do not change as a result of development occurring. This may require a Water and Soil Management Plan to be developed and implemented in addition or complementary to, this Plan of Management.*

- *Where development within an allotment containing Sub-Zone 1(b) Prostanthera junonis Habitat is to be located to the north of the Sub-Zone 1(b) area , sufficient building setbacks are required to prevent overshadowing and maintain sunlight access for plant health and growth.*

The POM includes the following Management Considerations for "1(d) *Hibbertia procumbens* core habitat":

Management considerations include:

- *Allotments that contain Sub-Zone 1(d) Hibbertia procumbens Habitat are to have a management plan prepared and implemented prior to development proceeding. This management plan is to comply with the requirements of the POM (as appropriate).*
- *Development of allotments that contain Sub-Zone 1(d) Hibbertia procumbens Habitat are to ensure that hydrological conditions do not change as a result of development occurring. This may require a Water and Soil Management Plan to be developed and implemented in addition or complementary to this POM.*
- *Where development within an allotment containing Sub-Zone 1(d) Hibbertia procumbens Habitat is to be located to the north of this Sub-Zone 1(d) boundary, sufficient setbacks are required to prevent overshadowing and maintain sunlight access for plant health and growth.*
- *Provision of adequate building and development setbacks from the Sub-Zone 1(d) boundary to permit management actions to be implemented such as targeted fire management.*
- *Areas identified as Sub-Zone 1(d) cannot be used to satisfy the requirements for an Asset Protection Zones (APZ) on any site to be developed. Such APZ areas will be located outside the Sub-Zone 1(d) area.*

As discussed below under "*Gaps in Biodiversity Assessment Report*", no detail is given in the revised Biodiversity Assessment of any ongoing management of biodiversity values within the area of the property covered by the POM. The above specific management considerations outlined in the POM have not been addressed.

Summary of impacts

The Biodiversity Assessment Report (BAR) assumes total clearing of 3.11 ha of vegetation within the project footprint. A total of 0.06 ha of vegetation will be retained within the buffer area for *Melaleuca biconvexa* individuals.

29 ecosystem credit species were identified as having potential to occur within the development area, and all these species were assumed present by Narla for the purpose of calculating ecosystem credits to be retired.

The Species Credit for the Eastern Pygmy Possum (*Cercartetus nanus*) was confirmed on the subject site through targeted surveys. The impact to 1.41 ha of Eastern Pygmy-Possum habitat requires 28 species credits to be retired.

Melaleuca biconvexa was the only threatened flora species detected within the development area. Narla outlines that the Sustainability Workshop Ltd (2019) report "*Water Cycle Impact Assessment and Soil and Water Management Plan*" outlines measures to reduce hydrological impacts on the population of *Melaleuca biconvexa*.

The BAR outlines that a total of 103 'Biobanking' ecosystem credits and 28 Eastern Pygmy-Possum 'Biobanking' species credits must be retired in order to offset the impacts of the proposed development.

Council considers species credits for the Barking Owl may also be required (see "*Gaps in Biodiversity Assessment Report*" section below).

Section 5.5. of the BAR includes avoidance and mitigation measures that would need to be implemented on site prior to, during and post construction.

Gaps in Biodiversity Assessment Report:

1. *Groundwater Dependant Ecosystems:* The Biodiversity Assessment Report states that *"The Narla Ecologists did not find any vegetation communities or other ecosystems that would meet the definition of GDE during the site assessment",* but it is not stated whether these surveys included the southern vegetated section of the property or any adjoining properties. Clarification is required.

2. *Barking Owl Species Credits*: More assessment is required as to whether species credits for Barking Owl breeding habitat are required. The report details that the Barking Owl (*Ninox connivens*) was confirmed on site, but no further detail is given such as the type of sighting, timing of sighting(s) or location. This would need to include survey for nest trees within 100m of the development area in accordance with the requirements of the NSW Threatened Biodiversity Data Collection (TBDC).

3. *Prostanthera junonis species credits*: The purchase of *Prostanthera junonis* species credits is not included in the report. The 2020 DPIE *"Surveying threatened plants and their habitats - NSW survey guide for the Biodiversity Assessment Method"* includes the following recommendation on assuming presence of *Prostanthera junonis* on long undisturbed sites*:*

> *"Assuming species presence or the use of an expert report is recommended for some species, such as disturbance specialists, where site history indicates a long time since the required disturbance events. For example, Prostanthera junonis (Somersby mintbush) was rediscovered after 67 years on the Central Coast of New South Wales following soil disturbance associated with land clearing (Tierney & Gross 2001). This species is now known to occur as a post-fire coloniser that eventually disappears from the above ground biomass as associated vegetation thickens and shades it out." pp 20.*

   In the case of the current application, surveys have been undertaken but no expert report has been provided. Considering the above, calculation of applicable species credits OR provision of an expert report OR further discussion as to why presence within the development area has not been assumed is required, particularly given the known occurrence in the southern part of the property.

4. *Protection and Management of high biodiversity "avoid" lands:* The "avoid" measures for the development include retaining the high biodiversity value southern area of the property (4.1ha) that is in part covered by the POM (approx. 2.1 ha). This area includes habitat for Eastern-pygmy Possum and a number of threatened species, including *Prostanthera junonis* and *Hibbertia procumbens*. No detail is given in the revised Biodiversity Assessment of any proposed ongoing

management of biodiversity values within the area of the property covered by the POM.

The previous Biodiversity Assessment reviewed by Council (October 2018) stated that:

> "*Avoidance of the southern portion of the Subject Property, which totals 4.1 ha and contains habitat for Prostanthera junonis and Hibbertia procumbens. The area partially falls under Management Zone 1b and 1d of the Somersby Industrial Park Draft Plan of Management (Connell Wagner 2005) and the feasibility of entering into a Biodiversity Stewardship Agreement will be investigated*".

The offset strategy presented in the revised report has removed reference to establishing a Biodiversity Stewardship Agreement over that land. There is no information provided on any steps taken to secure a Biodiversity Stewardship Agreement. It is Council's preference that biodiversity credits be secured within the Central Coast LGA. Establishment of a Biodiversity Stewardship site on the property would assist to provide a source of local credits.

Council would expect that as a minimum the retained area of habitat on the property would be subject to instruments under the *Conveyancing Act* including
1) An 88B restriction that provides for biodiversity protection and
2) An 88E positive covenant to ensure implementation of a comprehensive Bushland Management Plan with a minimum 10 year timeframe that addresses the requirements of the Somersby Industrial Park Plan of Management (POM).

5. *Hollow Bearing Trees*: There is a lack of information about distribution of hollow bearing trees on the site. The largest number of hollows is reported from Plot 6 within Zone 4 in the southern part of the study area. As there is no overlay of the development area shown on the figures in the Biodiversity Assessment Report, it is difficult to determine whether there is scope to retain any of the vegetation containing hollow bearing trees in this area. Council would request the Biodiversity Assessment Report include hollow bearing tree mapping and an

overlay of the development footprint to better identify areas where hollow bearing trees would be retained.

Biodiversity measures that would need to be conditioned in any approval:

- Implementation of the on-site avoidance and mitigation measures outlined in Section 5.5 of the Biodiversity Assessment Report would need to be conditioned. Council would recommend these measures be incorporated into Construction and Operational Environmental Management Plans for the facility.

- The retirement of the required number and type of biodiversity credits, both species and ecosystem, prior to the commencement of any works. It is Council's preference that biodiversity credits be secured within the Central Coast LGA.

- As discussed above, the current proposal does not provide for ongoing protection and management of retained high biodiversity value land in the southern part of the property. Council would expect that as a minimum the retained area of habitat on the property would be subject to instruments under the *Conveyancing Act* including 1) An 88B restriction that provides for biodiversity protection and 2) An 88E positive covenant to ensure implementation of a comprehensive Bushland Management Plan with a minimum 10 year timeframe that addresses the requirements of the Somersby Industrial Park Plan of Management (POM).

Environmental Health

The development is Integrated and will require an Environment Protection License ('EPL') from the NSW Environment Protection Authority ('NSW EPA') under the *Protection of the Environment Operations Act 1997* (POEO). As a result, any noncompliance with POEO will be investigated by the NSW EPA, are the appropriate regulatory authority.

Note: It is recommended that ongoing operation conditions relating to air, noise, land and water pollution are NOT applied by the consent authority, as the NSW EPA are the appropriate regulatory authority for ensuring the ongoing operation complies with the EPL and POEO.

Waste

The development proposes to store a maximum of 40,000 tonnes onsite at any one time and process up to 200,000 tonnes per annum. Waste material to be received at the facility includes non-putrescible building 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).

The Waste Management Plan details the procedure for non-conforming waste. Incoming trucks will be inspected by staff at the weighbridge. If any non-conforming waste, such as asbestos, is identified the entire load is rejected. Vehicles that pass the weighbridge inspection will be allowed to enter and directed to tip the entire load in the 'tip and spread' area for inspection. Any non-conforming waste will be isolated for disposal or the entire load will be rejected.

Weighbridge

Two 26-metre weighbridges will be installed at the facility, used for entry and exit.

Fire Safety and Firefighting water

The facility proposes an onsite detention system, with shut off valve, and 70mm bunding within the secondary sorting shed to contain firefighting water. Penstocks (water gates) will be used to capture fire-fighting water in the detention basin.

Acid Sulphate Soils (ASS)

The land is mapped as Class 5 no known occurrence of ASS; therefore, the risk of disturbing ASS is low.

Asbestos Containing Material ('ACM') and Site Contamination

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 EPA *Managing Land Contamination Planning Guidelines SEPP 55- Remediation of Land*.

Council records show that an inspection of the site was carried out on 20 September 2017 and observations on site indicated areas of the land were visibly contaminated with waste and possible ACM.

The *Stage 1 Preliminary Site Investigation*, Clearsafe Environmental Solutions, July been prepared generally in accordance with the EPA 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 consent authority will need to be satisfied that a stage 2 detailed investigation is not required prior to the granting of consent.

Noise and Vibration

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.

Proposed staffed hours of operation, including waste deliveries and product sales are:

- Monday to Saturday: 7:00am to 6:00pm.
- Sundays (and public holidays): Closed

Proposed hours of operation for waste processing (sorting crushing, grinding and screening) are:

- Monday to Friday: 8:00am to 5:00pm.

The *Noise and Vibration Impact Assessment* dated 3 July 2020 prepared by Waves Consulting ('the Assessment') has been prepared in accordance with the NSW EPAs *Interim Construction Noise Guideline* and NSW *Noise Policy for Industry 2017*.

The assessment details predicted operational noise impacts will meet the project noise trigger levels ('PNTLs') in the daytime, provided the following noise mitigation measures are implemented:

- A 5-metre noise barrier along the eastern boundary, which reduces to 2 metres towards the north eastern portion of the site
- 3 metre noise barriers adjacent to the processing and storage zone
- Processing building façade to provided minimum airborne sound insulation performance of 35dB Rw.
- Processing building must operate with all openings (doors and windows) closed during processing
- Mechanical ventilation at process building must have a maximum sound power level of 80dB L_{WA}.

Additional noise mitigation measures include enclosing the tipping and spreading bays and grinding and mulching operations of the processing.

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, construction noise monitoring and the construction of the finished 5m noise berm along the eastern boundary was recommended as early as possible in the construction phase.

The distance to adjoining buildings is large, therefore the potential for vibration impacts is nil.

It is recommended that a routine operational noise assessment is implemented.

Air

The *Air Quality Impact Assessment, 30 June 2020,* Northstar Air Quality ('the Report') has been 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 for 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 enclosure of the crushing, grinding/shredding activities and the secondary sorting area will be used as controls. The 'tip and spread building', 'crusher building', 'mulcher building', 'landscape storage bays' and 'aggregate storage bays' will be fitted with fixed sprinklers for dust suppression.

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. Several 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, waste management and construction traffic.

It is recommended that a routine operational air quality assessment is implemented.

Groundwater

Baseline groundwater monitoring has been undertaken with three groundwater monitoring wells installed at the site, one up gradient and two down gradient of site operations. Groundwater seepage ranged from 1.15m and 7.35m below ground level. Analytical results indicated that the current groundwater conditions are fresh to slightly acidic, with detectable zinc and lead concentrations that exceed the GIL.

The *Environmental Impact Statement* prepared by Jackson Environment and Planning dated 5 August 2020 (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 the 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 a waterproof membrane layer (impermeable barrier) to prevent any infiltration moving into groundwater.

It is recommended that a routine operational groundwater monitoring program is implemented.

Hazardous and dangerous liquids (SEPP 33)

A preliminary hazardous analysis and environmental risk assessment has been completed for the proposal 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 for refuelling and various truck, plant and equipment maintenance. LPG (max 1000kg) for fuelling forklifts will be stored in chained and approved racks under an awning outside the warehouse.

Water

The operational stormwater system will consist of four gross pollutant traps, two CDS gross pollutant traps, bioswale, emergency spill pond, stormwater isolation valves, a detention pond with floating wetland and a membrane filtration plant to supply the site with water for dust control via the fixed sprinkler systems. The detention pond will overflow to level spreaders.

It is recommended that a routine water quality monitoring program is implemented.

Soils

The site is relatively flat, however gently slopes to the south-west. A watercourse and several 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^2. Cut and fill will occur during the construction phase, with approximately 12,000m^3 of the excess material expected to be used as product.

The *Soil and Water Management Plan Report* prepared by Sustainability Workshop, June 2020 ("the SWMP") has not been prepared in accordance with the minimum requirements of the Blue Book and the Gosford DCP. The report recommends that the SWMP is prepared by the contractor prior to construction. The report should have regard for the minimum requirements of the Blue Book and Gosford DCP.

Draft conditions of consent

In the event the assessing authority is of a mind to recommend approval of the application and not seek additional information in relation to the proposed development, the conditions provided in Attachment A should be considered for inclusion in the draft conditions to be considered by the consent authority.

As highlighted above, conditions should also be imposed 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. It is recommended those monitoring reports are submitted to Council at six monthly intervals.

General

The issues raised above are brought to the attention of the Department for consideration in the detailed assessment of the proposal. In doing so it is acknowledged that these issues, and any other issues raised by state government agencies or via public submissions, will be duly assessed by the Department in their overall consideration of the application under a merit assessment.

Your attention is also drawn to the resolution of Council on 10 December 2019, a copy of which has previously been provided to the Minister for Planning and Public Spaces, Executive Director Compliance, Industry and Key Sites and Regional Assessments- Department of Planning, Industry and Environment.

If you have any further enquiries, please contact Erin Murphy on 0427 002 301 or at Erin.Murphy@centralcoast.nsw.gov.au.

Yours faithfully

Andrew Roach
Unit Manager
DEVELOPMENT ASSESSMENT

ANNEXURE A

RECOMMENDED DRAFT CONDITIONS

Engineering Conditions

STAGE 1

The EIS indicates that Stage 1 is associated with DA52541/2017 PART 2. As such the engineering conditions for Stage 1 should be applied as per Council's consent DA52541/2017 as modified, however the following changes should be considered to the engineering conditions:

PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

1.1 Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's *Civil Works Specifications*.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

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.

1.2 Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.

1.3 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

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 generally in accordance with the Water Cycle Impact Assessment and Soil and Water Management Plan prepared by Sustainability Workshop (Ref Project No 197 Issue H dated 23 June 2020.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

PRIOR TO COMMENCEMENT OF WORKS

2.1 Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

- Ingress and egress of construction related vehicles to the development site.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

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*.

PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

4.1 Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.

4.2 Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.

4.3 Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.

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:
     (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.

ONGOING OPERATION

5.1 The largest vehicle permitted in conjunction with the operation of the site is the AS2890.2:2018 19m Articulated Vehicle.

5.2 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.

5.3 All vehicle movements must enter and exit the site in a forward direction.

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.

STAGE 2

PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

1.1 Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's *Civil Works Specifications*.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

a. 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 HD04 Rev 1 dated 24.07.19), and 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.

b. "No Stopping" signage for the extent of the adjustments to the line marking associated with the provision of the right turn bay design.

c. 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 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 to achieve the minimum sight distance of 69m in accordance with Figure 3.3 of AS 2890.2002. Concrete kerbing proposed in the vicinity of the vehicle access crossing to deny right turn movements out of the site shall not obstruct the footway and be located within the site.

d. Any redundant vehicular crossings shall be removed and footway formation reinstated.

e. Any 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 double V-grate.

g. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

1.2 Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.

1.3 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

a. Driveways / ramps, car parking areas and truck manoeuvring areas must be designed according to the requirements of AS2890: *Parking Facilities* and

Austroads publications 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 must be designed in accordance with the Gosford DCP 2013 Chapter 6.7 *Water Cycle Management* and Council's *Civil Works Specification,* and generally in accordance with the Water Cycle Impact Assessment and Soil and Water Management Plan prepared by Sustainability Workshop (Ref Project No 197 Issue H dated 23 June 2020. 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*, and generally in accordance with the Water Cycle Impact Assessment and Soil and Water Management Plan prepared by Sustainability Workshop (Ref Project No 197 Issue H dated 23 June 2020. 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* and generally in accordance with the Water Cycle Impact Assessment and Soil and Water Management Plan prepared by Sustainability Workshop (Ref Project No 197 Issue H dated 23 June 2020. 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 generally in accordance with the Water Cycle Impact Assessment and Soil and Water Management Plan

prepared by Sustainability Workshop (Ref Project No 197 Issue H dated 23 June 2020.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

PRIOR TO COMMENCEMENT OF WORKS

2.1 Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

- Ingress and egress of construction related vehicles to the development site.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

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*.

PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

4.1 Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.

4.2 Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before

the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.

4.3 Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.

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.

ONGOING OPERATION

5.1 B-Doubles may only be used in conjunction with the development under the approval of a valid and current permit issued by the National Heavy Vehicle Register (NHVR).

5.2 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.

5.3 All vehicle movements must enter and exit the site in a forward direction.

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.

Environmental Health Conditions

STAGE 1 AND STAGE 2

PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1 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 refer to the *Stage 1 Preliminary Site Investigation*, Clearsafe Environmental Solutions, July 2020.

2.2 Undertake the removal of asbestos in accordance with the Asbestos Management Plan.

2.3 Removal of greater than $10m^2$ 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*.

2.4 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 refer to *Stage 1 Preliminary Site Investigation*, Clearsafe Environmental Solutions, July 2020.

2.5 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.

PRIOR TO COMMENCEMENT OF ANY WORKS

3.1 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

4.1 Any imported soils to the subject site to be used as fill material must be Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*.

4.2 Undertake construction works and/or demolition works in accordance with the recommendations stated in Section 6.5 of the *Air Quality Impact Assessment, 30 June 2020,* Northstar Air Quality.

4.3 Classify all excavated material removed from the site in accordance with NSW EPA (November 2014) *Waste Classification Guidelines* and/or the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

4.4 Undertake works in accordance with the Unexpected Finds Protocol.

4.5 Carry out construction and/or demolition works during the construction phase of the development only between the hours as follows:

- Monday to Friday: 7am to 6pm
- Saturday: 8am to 1pm
- No work on Sundays or public holidays.

4.6 Undertake works in accordance with the approved Soil and Water Management Plan. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004).

4.7 Undertake construction and/or demolition works in accordance with the *Noise and Vibration Impact Assessment*, Waves Consulting, 3 July 2020.

PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

5.1 Obtain an Environment Protection Licence from the New South Wales Environment Protection Authority.

ONGOING OPERATION

6.1 Restrict staffed hours of operation, including waste deliveries and product sales to:

- Monday to Saturday: 7:00am to 6:00pm.
- Sundays (and public holidays): Closed

6.2 Restrict hours of operation for waste processing (sorting crushing, grinding and screening) to:

- Monday to Friday: 8:00am to 5:00pm.