

Council Reference: 67653E
Contact Person: **Rebecca Lockart**

7th August, 2019

Energy, Industry and Compliance
Department of Planning, Industry and Environment
Locked Bag 5022,
Parramatta NSW 2124

Emailed: bruce.zhang@planning.nsw.gov.au

Dear Bruce Zhang

Re: West Nowra Resource Recovery Park Stage 2 (SSD-9887) - Lot 342 DP 257515

Council refers to the Notice of Exhibition – West Nowra Resource Recovery Park Stage 2 (SSD-9887) received 10 June 2021 from the Department of Planning, Industry and Environment (Department) in relation to the above matter and the request for Council comment and conditions.

Firstly, Council would like to thank the Department for providing an extension to provide comments and recommended conditions.

It is noted that the Council has now completed its review of the application and can provide its response. The response has been divided into relevant parts: general comments, request for additional information and recommended conditions.

GENERAL COMMENTS

Contamination

The preliminary site investigation (PSI) identified 5 Areas of Environmental Concern, including potential weathering of hazardous building materials and demolition of site structures, storage and use of chemicals including septic tanks and absorption beds, fill of unknown quality and origin, and anthropogenic waste and sediment and surface water quality in the three dams and off-site source West Nowra Landfill.

The PSI specifies the likelihood for the migration of landfill gas onto the site from the neighbouring waste facilities as moderate to high. Therefore, it is recommended that a landfill gas risk assessment is undertaken as part of the early design phase for the project. If remediation or management is required to address landfill gas issues, then additional development consent will also be required based on:

- Class (e) remediation of a site affected by hazardous ground gas, and
- Class (m) remediation where a long-term environmental management plan is or will be required

The contamination management measures in Table 12.1 are all deemed adequate and should be included as conditions of consent.

Due to the high likelihood of contamination the site will be placed on the PCL register.

Noise

A noise and vibration impact assessment was prepared by GHD and assessed the construction and operational potential noise impacts, including the cumulative industrial noise level from the resource recovery park and the adjacent landfill. The total industrial noise level at each receiver was calculated to be below the NPfI recommended amenity noise level. Recommended mitigation measures as outlined in Table 14.17 are to be implemented as a condition of the consent if approved.

Vibration

The vibration assessment identified that no adverse vibration impacts or cosmetic damage vibration impacts are anticipated as a result of the project. No specific conditions are recommended in this regard.

Odour

An air quality and odour assessment was prepared by GHD for the project which outlines the air quality dispersion modelling undertaken with the cumulative odour from the proposal and the West Nowra Landfill site considered. No exceedances of the assessment criteria for any pollutant were predicted and no impacts are expected during the operation of the project. Autoclaving pre-treatment of waste is also expected to significantly reduce the potential for odour. The reception hall would be maintained under negative pressure to minimise fugitive emissions. Standard odour and dust conditions would be applicable in this respect.

Water quality

All waste received and waste processing activities are to occur within the confines of the building. No waste processing is to occur outside. Waste materials are proposed to be stored indoors or outdoors within enclosed containers, therefore contaminated runoff from waste processing is not anticipated. An LPG station is proposed which shall be appropriately bunded with roofing to prevent stormwater accumulation in the bunded area.

An onsite wastewater package treatment plant is to be provided to manage effluent generated by the staff. The treated effluent from this is to be combined with the treated effluent from the process wastewater before removal from the site. Section 68 Approval to Install will be required with approval required prior to the issue of a construction certificate for the development.

Stormwater

A Soils and Water Assessment was prepared by GHD for the project which details how stormwater runoff will be captured and treated. The proposed method of treatment is via GPT and then into constructed wetlands.

Constructed wetlands are generally Council's preferred method of treatment provided they meet the necessary targets as set out in Shoalhaven Development Plan 2014 (SDCP 2014) Chapter G2 Sustainable Stormwater Management and Erosion/Sediment Control and Supporting Document 1: Sustainable Stormwater Technical Guidelines. However, the concept plans provided do not demonstrate a legal point of discharge, i.e. Council road

reserve or existing watercourse. Further information is required in this regard and is detailed below.

Earthworks

A significant portion of the site will be disturbed. The submitted Soils and Water Assessment report has detailed sediment and erosion controls to be implemented in accordance with The Blue Book. Recommended conditions have been provided below.

Access/ Manoeuvrability

The Traffic Impact Assessment report prepared by GHD has demonstrated adequate manoeuvrability is available within the site. All trafficable areas are proposed to be sealed in accordance with SDCP 2014 Chapter G20: Industrial Development.

Suitable access via Flatrock Road is available. Recommended conditions for the construction standards for the driveway have been provided.

Biodiversity – Flora and Fauna

It is understood that Stage 1 has been approved, including clearing of all vegetation on site, and that Council will purchase and retire the appropriate number and type of credits. As such no further environmental assessment is required. It is noted as the vegetation clearance has been offset for Stage 1 the BDAR waiver by GHD (TRIM D21/242908) is supported by the South East Branch Biodiversity Conservation Division.

The BDAR waiver (GHD) states that not all vegetation removal approved has been conducted and some vegetation remains onsite. This area is known to provide habitat for threatened fauna species including Squirrel Glider, Eastern Pygmy Possum and Yellow-Bellied Glider. As such the protocols for vegetation removal as detailed in Appendix 3 of the Stage 1 approval still stand and should be applied to any vegetation removal being conducted for the implementation of Stage 2.

Recommended conditions are that vegetation removal must be restricted to that approved for the Stage 1 SSD 7015. Any vegetation onsite that is outside the area approved for clearing for Stage 1 approved works must be protected with exclusion fencing during construction and retained in the long term. The vegetation removal protocols as detailed in Appendix 3 of the Stage 1 approval.

These recommended conditions are included below.

ADDITIONAL INFORMATION

Traffic and Transport

The proposed heavy vehicle route is Flatrock Road – Yalwal Road – Kalandar Street – Princes Highway, given the present congestion and intersection performance the following alternative heavy vehicle route is proposed: Flatrock Road – Yalwal Road -Albatross Road – Flinders Road – Princes Highway. This reduces congestion probability at the intersection of Kalandar Street and The Princes Highway while following Council's preferred heavy vehicle route. An assessment of intersection and turning performance turning right out of Yalwal Rd is required in addition to a corridor assessment for suitability relative to the existing approved developments and strategic plans along the route in order to understand the impacts of this development. This includes but is not limited to:

- i) The Mundamia Urban Release Area (URA)
- ii) Cabbage Tree Lane URA

- iii) HYSA (Hillcrest Yalwal Sub Arterial Road)
- iv) Residential developments along Albatross Road and Yalwal Road
- v) Industrial subdivision with impacts to Flinders Road

As an alternative to the above, Cabbage Tree lane may also be used as follows: Flatrock Rd – Yalwal Rd – Cabbage Tree Ln – Albatross Rd -Flinders Rd – Princes Hwy. It is to be noted that there may be additional upgrades required along this route particularly at intersections however it could serve as an alternative.

Explanation on the volumes shown in Table 2-2 of the traffic impact assessment was prepared by GHD is required to justify the assertion that an increase of 2% per annum in the paragraphs above the table and the volume shown for Yalwal road (5720 vehicles/day) would yield a 7254 vehicles/day rather than the provided 1652veh/day.

Drainage

Additional information on the requirement of easements over adjacent land/ or owners consent to allow the weirs for the constructed wetlands to sheet flow over the land should be obtained from the relevant authority.

RECOMMENDED CONDITIONS

Should the above information be provided by the applicant to the satisfaction of Council and the Department, the conditions in **Appendix A** below are recommended to be imposed in addition to those conditions required by the Department to manage the development at each stage of the life of the development.

If you need further information about this matter, please contact Rebecca Lockart, Lead - Development Services on (02) 4429 3111 between the hours of 9.00 – 10.30am Monday to Friday. Please quote Council's reference 67653E .

CONDITIONS TO BE IMPOSED PRIOR TO THE COMMENCEMENT OF WORKS

Works within the Road Reserve

Prior to undertaking any works within an existing road reserve, the developer must obtain the consent of Council under *section 138 of the Roads Act, 1993*.

The following details must be submitted to Council as part of the application:

- a) Any civil works design required by this consent.
- b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.
- c) Name and contact information of the person responsible for all relevant works.
- d) A Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.

Construction Traffic Management Plan

Prior to the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council.

Details must include, but are not limited to:

- e) Stabilised site construction access location
- f) Proposed haulage routes for delivery of materials to the site
- g) Proposed haulage routes for spoil disposal from the site
- h) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction
- i) Parking arrangements for construction employees and contractors
- j) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance
- k) Loading / unloading areas
- l) Requirements for construction or work zones
- m) Pedestrian and cyclist safety
- n) Speed zone restrictions.

Runoff and Erosion Controls

Prior to the commencement of site works, runoff and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- o) diverting uncontaminated runoff around cleared or disturbed areas.
- p) erecting a silt fence and providing any other necessary sediment control measures that

will prevent debris escaping into drainage systems, waterways or adjoining properties.

- q) preventing the tracking of sediment by vehicles onto roads.
- r) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

CONDITIONS TO BE IMPOSED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Soil and Water Management Plans (SWMP)

Prior to the issue of a Construction Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) to the satisfaction of the Certifier.

All implemented measures must:

- a) not cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).
- b) be maintained at all times.
- c) not be decommissioned until at least 70% revegetation cover has been established.

Access Driveway Design Standards

Prior to the issue of a Construction Certificate, engineering design plans must be prepared by a suitably qualified person and approved by the Certifier. The layback/footpath crossing design must comply with the following:

- d) Council's Engineering Design Standard Drawings. A standard concrete gutter layback and footpath crossing must be designed at the driveway entrance in accordance with Council's Standard Drawings Plan Nos. 5104-08 (without K&G) 2026-05 (Sections inc Heavy Duty) and 2026-08 (Engineering Design Specification).
- e) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.

Car Parking Design Standards

Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The car parking and access design must comply with the following:

- a) Generally in accordance with the concept plans in the Traffic Impact Assessment report prepared by GHD dated May 2021.
- b) Constructed in accordance with the following:
 - i) with a flexible pavement, surfaced with 30mm of AC10 asphaltic concrete or two coat bitumen seal using 14mm and 7mm aggregate, or a heavy duty concrete pavement

(light vehicle parking areas only), or;

- ii) with a concrete pavement designed and constructed for a minimum traffic loading of 1×10^6 ESA, or;
 - iii) with an asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of 1×10^6 ESA. Where asphaltic concrete surfaced pavements are likely to be subject to bogie-axle vehicles turning tightly, the asphaltic concrete is to include a rubber base to improve durability and to manufacturer's product details.
- c) Bordered in accordance with Council's Standard Drawings by:
- i) concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed.
 - ii) a concrete edge strip (min 150mm wide and 300mm deep).

Stormwater Drainage Design Standards (Urban)

Prior to the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
- b) The minor and major systems must be designed for a 18.13% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
- c) Generally, in accordance with the controls outlined in the Soils and Water Assessment Report prepared by GHD dated June 2021.
- d) Where a pipe drains a public road through land adjoining the road, the pipe is to be designed to cater for the 1% AEP event with an overland flow path to provide for bypass/surcharge in the event of the pipe or pit inlet being 50% blocked.
- e) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.

On-Site Detention – Infill Subdivision and Development

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The on-site stormwater detention (OSD) design must comply with the following:

- a) Designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions.

WSUD Devices – Private Property

Prior to the issue of a Construction Certificate, detailed design of permanent stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier. Specifications can be found on Council's web site.

The drainage design must also not include any uncoated metal (i.e. Copper etc.) surfaces such as roofs, facades and/or downpipes.

Water Sensitive Urban Design Operation and Maintenance Manual

Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council prior to issue of the Construction Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the Soils and Water Assessment Report by GHD dated June 2021.

CONDITIONS TO BE IMPOSED DURING WORKS

Biodiversity Management

Vegetation removal must be restricted to that approved for the Stage 1 SSD 7015. Any vegetation onsite that is outside the area approved for clearing for Stage 1 approved works must be protected with exclusion fencing during construction and be retained.

The vegetation removal protocols as detailed in Appendix 3 of the Stage 1 approval (SSD 7015) under *Terrestrial and Aquatic Flora And Fauna -Mitigation Measures* must be implemented for all vegetation removal required for the construction or operation phase of proposed Stage 2 works.

CONDITIONS TO BE IMPOSED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Works in the Road Reserve - Evidence of Completion

Prior to the issue of an Occupation Certificate, the developer must provide the Certifier with a Completion of Works in the Road Reserve letter provided by Council, confirming compliance with the requirements of the approval issued under section 138 of the *Roads Act 1993*.

On-site Detention System

Prior to the issue of the Occupation Certificate, the developer must:

- a) create a restriction on use under the *Conveyancing Act 1919* over the on-site detention system and WSUD elements and provide it to the Certifier as follows:
 - i) The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site stormwater detention system' must include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct

stormwater to those structures. Name of the authority having the power to release, vary or modify the restriction referred to is Shoalhaven City Council.

- ii) The registered proprietor must not make or permit or suffer the making of any alterations to any stormwater treatment measures/ water sensitive urban design (WSUD) elements which is, or must be, constructed on the lot(s) burdened without the prior consent in writing of Shoalhaven City Council.

The expression “stormwater treatment measures/ water sensitive urban design elements” means the infiltration systems, porous pavement, sediment basins, bio-retention swales, bioretention basins, rain gardens, landscaped or vegetated swales, vegetated buffers, swale/ buffer systems, sand filter, wetlands, ponds, retarding basins, aquifer storage and recovery, rainwater reuse tanks, stormwater reuse tanks, gross pollutant traps, pit inserts, silt/ oil arrestors or other proprietary products including all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins or surfaces graded to direct stormwater to the stormwater treatment measures/ water sensitive urban design elements.

- b) create a positive covenant under the *Conveyancing Act 1919*, requiring the property owner(s) to undertake maintenance in accordance with the approved On-Site Stormwater Detention and WSUD System and Maintenance Schedule.
- c) provide a certificate from a professional engineer, (as defined in the National Construction Code) to verify the adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.