

JRPP No.:	2010HCC017
DA No.:	557/2010
PROPOSED DEVELOPMENT:	Resource recovery and waste Transfer Station
APPLICANT:	Alan Taylor & Associates
REPORT BY:	Joanne Dunkerley – Development Assessment Planner Great Lakes Council

Assessment Report and Recommendation

DETAILS:

Date Received: 3 June 2010

Applicant: Alan Taylor & Associates

Owner: R Mackay
Great Lakes Council

Land: Lots 2 & 3 DP 877627 – 556 Myall Way and Lot 18 DP 249203, 3 Carripool Close Tea Gardens

Area: 83.57ha and 6199m²

Property Key: 25171 & 14451

Zoning: 1(a) (Rural Zone), 7(a) (Wetlands & Littoral Rainforest Zone) and 4(a) (General Industrial Zone), GLLEP 1996

SUMMARY OF REPORT:

- The application proposes the construction of a resource recovery and waste transfer station to serve the local area and to replace the existing landfill site.
- The proposal is defined as 'designated development' as the development is within 100m of a natural waterbody and therefore the JRPP is the consent authority for the application.
- One submission has been received during the public exhibition period which raises issues with sewage disposal and traffic impacts.
- The proposal complies with the requirements of relevant legislation and conditions have been proposed which will ensure that the proposal will not have a significant detrimental impact on the surrounding environment.

SUMMARY OF RECOMMENDATION:

Approval subject to conditions

LIST OF ANNEXURES:

A: Plans of the proposed development

1.0 BACKGROUND

The existing landfill site is located within the industrial area at Tuncurry and has approximately three years of life remaining. In accordance with current industry 'best practice' it is proposed to replace the landfill with a resource recovery and waste transfer station, which allows for the separation of waste for re-use and a reduction in materials being transferred to landfill at Council's existing Tuncurry facility. Upon completion of the construction of Council's Minimbah landfill site, all landfill waste generated at the Tea Gardens waste transfer station will be transferred to Minimbah.

Prior to the lodgement of this application, Council conducted two public meetings in March and June 2009 to discuss options for the location of a resource recovery and waste transfer station to serve the Tea Gardens-Hawks Nest area. The site proposed in this application was overwhelmingly supported by the community.

This development application was lodged with Council on the 3 June 2010 and was registered with the Joint Regional Planning Panel (JRPP) on the 9 June 2010. The application was referred to required external organisations and various departments within Council on the 8 and 9 June 2010. Public exhibition of the application occurred between the 11 June and 11 July 2010, with the application being advertised on two occasions as well as a formal notification letter being sent to adjoining landholders. One submission was received during this period and this was referred to the Department of Planning on the 12 July 2010. No response has been received from the Department of Planning.

2.0 SITE DESCRIPTION AND LOCALITY

The site consists of three allotments being Lots 2 and 3 DP 877627 and Lot 18 DP 249203 as shown in Figure 1 and is located on the western side of Myall Way in Tea Gardens, with access from Carripool Close.

Lot 18 DP 249203 is Council owned land through which a right-of-carriageway is proposed to be created. It is a rectangular shaped allotment of 6199m² and is located at the northern end of Carripool Place within the existing industrial area. The site is currently vacant and clear of any significant vegetation and is of relatively flat terrain.

Lots 2 and 3 in DP 877627 have combined area of 83.57 hectares (ha) and the proposal seeks to utilise a total of 7ha within this holding. Lot 2 is an irregular shaped parcel whilst Lot 3 is a battle-axe shape both of which contain remnant native vegetation comprising Spotted Gum/Grey Ironbark Dry Sclerophyll Forest, Mixed Dry Sclerophyll Forest and Grassy Smooth-barked Apple/Pink Bloodwood Woodland. A small area of the south-western corner of Lot 3 contains wetland vegetation and is mapped State Environmental Policy 14 (SEPP 14) Wetland.

The site falls from a ridge in the north-east of the site (Lot 2) towards the south-west, whilst the proposed location of the resource recovery and waste transfer station (the 'development site') is in the south-eastern corner of the site which has a relatively gentle fall to the south south-west. Three watercourses are located within the site, one of which is required to be diverted from north of the development site. The watercourse is considered to be second order stream, however, it does peter out into a sheet flow which then runs into an existing constructed channel near the southern end of the site. The channel diverts run-off around the existing industrial area.

Koree Creek forms the western boundary of the Lots 2 and 3, whilst the northern boundary of Lot 2 is bounded by a large parcel of rural zoned land containing significant remnant native vegetation. To the south of Lot 3, is a large parcel of rural zoned land that is the subject of a rezoning proposal for residential land. The existing Council landfill site is located at the south-eastern corner of Lot 3. A light industrial estate is located to the south of Lot 2 (and the battle-axe handle of Lot 3) and the east of Lot 3. The eastern boundary of Lot 2 and the battle-axe handle of Lot 3 adjoin Myall Way to the east. Directly to the east of Lot 2 and on the opposite side of

Myall Way is a parcel of land zoned 6(a) (Open Space and Recreation Zone). There is an area on the opposite side of Myall Way and on the southern side of Toonang Drive that is zoned for low density residential development, although subdivision of the land for residential purposes has not yet occurred.

3.0 PROPOSAL

The application proposes the construction of a resource recovery and waste transfer station within the south-eastern corner of the existing Lot 2 DP 877627. Access to the facility will be through the existing industrial subdivision via a right-of-carriageway, which is to be constructed through Lot 18 DP 249203, (No. 3 Carripool Close) and the access handle of Lot 3 DP877627.

The proposal will affect a total of 7 ha of the site and includes the construction of a single storey building, with an area of 150m², containing a 'tip shop', office and staff facilities together with an awning (9m high x 39.75m long x 18m wide) over the concrete collecting and sorting area. The 'tip-shop' allows for the collection of items that are suitable for resale and may include such things as toys, furniture, tools, kitchen items and electrical goods (with cords removed). The area immediately surrounding the collecting and sorting area will be used for stock-piling of green-waste and concrete/bricks, as well as for stormwater detention/treatment ponds and on-site sewage management. Only minor earthworks are proposed within Lot 3. The remainder of the site will be retained in its natural state. As an offset to the proposal a total of 76.48 ha of the site will be dedicated and managed as a conservation area.

The resource recovery and waste transfer station will be used for waste collection and separation of waste generated from within the local area. The facility will allow for small deliveries from the public only, with waste collected by Council's waste collection contractors being taken directly to Council's existing landfill site at Tuncurry (and to the future Minimbah landfill site). General waste deposited by the public at the resource recovery and waste transfer station will be compacted and transported from the site to Council's existing landfill at Tuncurry. Recyclable materials will be sold to specialist organisations. Green waste is to be mulched and concrete is to be crushed at the site for resale to the public.

One full-time staff member will be employed with additional staff assisting at busier times of the year such as Christmas and Easter. The proposed hours for public deliveries to the resource recovery and waste transfer station are:

Mondays and Wednesdays	12.00 midday to 4.00pm
Tuesdays, Thursdays and Fridays	8.00am to 12.00 midday
Saturdays	Closed
Sundays and Public Holidays	12.00 midday to 4.30pm

Other activities such as handling of bins, mulching, crushing and maintenance work, including slashing of vegetation may take place outside of these hours but will only take place between 7.00am and 6.00pm Monday to Friday and Saturdays between 7.00am and 1.00pm.

4.0 REPORT

This proposal is defined as 'designated development' under Section 77A of the Environmental Planning and Assessment Act 1979 (EP&A Act). Clause 10 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000 defines the criteria for the classification of 'waste management facilities or works' as designated development. In this case, the proposed resource recovery and waste transfer system is 'designated development' as it is located within 100 metres of a natural waterbody, being a second-order stream.

Although the proposal involves works within 40 metres of 'waterfront land' as defined by the Water Management Act 2000, the proposal is not considered to be integrated development under Section 91 of the EP&A Act, by virtue of the exemptions detailed in Clause 39A of the Water Management (General) regulation 2004. Clause 39A(1) states:

"Public authorities (other than Landcom) and local Councils are exempt from section 91E(1) of the Act in relation to all controlled activities that they carry out in, on or under waterfront land."

4.1 Section 79C – Matters for Consideration

The following matters listed under Section 79C of the EP&A Act, are relevant in considering this application:

The provisions of any environmental planning instrument; any draft environmental planning instrument that is or was on public exhibition and which have been notified to the consent authority; any DCP; any matters prescribed by the regulations that apply to the Development Application on the subject land.

4.1.1 Environmental Planning Instruments

State Environmental Planning Policy (Major Development) 2005 (SEPP Major Development)

SEPP Major Development aims to identify development to which the development assessment and approval process under Part 3A of the Act applies; to identify critical infrastructure projects; to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State and to identify development for which regional panels are to exercise specified consent authority functions.

Clause 13B(1)(e) of SEPP Major Development specifies that applications for designated development are to be determined by a Joint Regional Planning Panel. As the proposal is defined as designated development, the Hunter Central Coast Joint Regional Planning Panel is the consent authority responsible for determining the application.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)

SEPP Infrastructure aims to facilitate the effective delivery of infrastructure across the state and waste management facilities are identified as permissible activities in rural land use zones subject to development consent first being obtained.

The proposed waste transfer station is classified as 'Traffic Generating Development' under schedule 3 of SEPP Infrastructure, requiring referral to the Roads and Traffic Authority (RTA). The application was referred to the RTA who raised no objection to the proposal.

State Environmental Planning Policy (Rural Lands) 2008 (SEPP Rural Lands)

SEPP Rural Lands sets out principles that Council must consider in determining applications for development, on rural zoned land. These principles generally relate to the protection of agricultural lands by preventing the fragmentation of lands and potential land use conflicts with

surrounding development. The proposal is considered to be consistent with the Rural Planning Principles for the following reasons:

- The site contains significant native vegetation and the development will conserve and maintain 76ha of habitat for the environmental benefit of the community.
- The site has limited agricultural potential due to the existing extensive native vegetation and provides for best practice waste disposal services for the local community.
- The proposal will reduce fragmentation of the land by the consolidation of the existing rural zoned land into one allotment.
- The conserved area of the site will form a buffer between existing and proposed residential development and agricultural lands.

State Environmental Planning Policy No. 71 – Coastal Development (SEPP 71)

SEPP 71 applies to all land within the coastal zone as defined in the *Coastal Protection Act 1979* and accordingly applies to the subject site to the extent of requiring Council to consider the matters listed in Clause 8, 15 and 16 of the Policy. The proposal is considered to be consistent with the aims of the Policy and the matters for consideration under Clause 8 for the following reasons:

- The proposal does not impact on existing or potential public access to a coastal foreshore.
- The resource recovery and waste transfer station has been designed and located to suit the site and surrounding development;
- The development is proposed to be located on a site that does not impact on a coastal foreshore and is not visible from a coastal foreshore.
- The retention of a vegetated buffer along the eastern boundary of the development site together with the conservation and protection of 76ha of native vegetation protects the scenic qualities of the area and allows for the preservation of animals, plants and their habitats.
- The site is located in an area that will not be affected by flooding or erosion as a result of coastal processes, including the predicted impacts associated with climate change.
- The proposal will not conflict with water-based coastal activities.
- The inclusion of bio-retention stormwater treatment devices will ensure that stormwater run-off from the development site will not impact on the water quality of coastal waterbodies.
- The site does not contain any items of Aboriginal or European heritage significance.
- The proposed development will not contribute to a detrimental cumulative impact on the environment.
- The development proposes a rainwater tank to conserve water usage.

Clause 15 of the Policy requires a consent authority to be satisfied that where effluent is proposed to be disposed of by means of a non-reticulated system that such a system will not have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform. It is considered that the on-site sewage management system will not impact on any coastal creek as the system will be designed and installed in accordance with current Australian Standards.

Clause 16 of the Policy requires that consent cannot be granted to a development if the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform. In this case, it is proposed to treat stormwater via a rainwater tank for re-use on-site and a bio-retention treatment system. This will reduce the pollutant load of the stormwater being discharged from the site in accordance with the targets set by the Department of Environment Climate Change and Water (DECCW). Accordingly, Clause 16 is considered to be satisfied.

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their

present range and reverse the current trend of koala population decline. An ecological assessment of the site has been undertaken and no evidence of koalas was identified within the development footprint or the wider landholding. The holding was found not to contain potential koala habitat and therefore under the provisions of SEPP 44, no further assessment of core koala habitat or a koala plan of management is required. Council's Senior Ecologist has reviewed the proposal and concurs with the submitted ecological assessment.

State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14)

The aim of SEPP 14 is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State. A small area in the south-western corner of the site contains mapped SEPP 14 Wetlands. The area of the site to be developed for the resource recovery and waste transfer station is located a significant distance from the identified wetlands and there are no works proposed within the wetland itself. Surface run-off from the site may potentially enter the wetland, however, the adoption of satisfactory stormwater management measures, including those incorporated into the designed bio-retention system would ensure that the proposal does not result in pollution to the wetland. In this case bio-retention measures are proposed to ensure stormwater is appropriately treated before it leaves the development site.

Great Lakes Local Environmental Plan 1996 (GLLEP 1996)

The site has two zonings 1(a) (Rural Zone) and 7(a) (Wetlands and Littoral Rainforest Zone) under the provisions of GLLEP 1996. The proposed development is located within the part of the site that is identified as 1(a) (Rural Zone) and there are no works proposed within the area of the site identified as 7 (a) (Wetlands and Littoral Rainforest Zone).

Resource recovery/waste management facilities are not defined within GLLEP 1996. The proposal is considered to be an 'innominate use' and is therefore not prohibited in the 1(a) (Rural Zone).

The objective of the 1(a) (Rural Zone) is:

"to restrict development to those uses which are unlikely to -

- (a) prejudice in a significant manner the agricultural production potential of land within the zone; and*
- (b) generate significant additional traffic, or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road; and*
- (c) have an adverse impact on the area's water resources; and*
- (d) create unreasonable or uneconomic demands for the provision or extension of public amenities or services."*

Clause 8 (3) of GLLEP 1996 requires that Council take into consideration the aims of the plan and be satisfied that the proposed development is consistent with at least one or more objectives of the zone. The proposal is considered to be consistent with the aims of GLLEP 1996 and to meet the objectives of the zone as the site has limited agricultural potential due to its location adjacent to the existing light industrial and residential area and is covered with native vegetation of high ecological value. As such, the proposal will not prejudice the agricultural potential of the land. The waste transfer station is to replace the near-by landfill site, which is reaching its capacity. It will therefore not result in a significant increase in traffic as the landfill site will be closed and current users of the landfill site will use the waste transfer station. The proposal will not impact on the areas water resources and will not result in increased demand for the provision of public amenities or services.

4.1.2 Draft Environmental Planning Instruments

There are no draft environmental planning instruments that apply to the site.

4.1.3 Development Control Plans

There are no development control plans that apply to the site.

4.1.4 Matters prescribed by the Regulations

NSW Coastal Policy 1997

The Coastal Policy applies to the coastal zone as defined in the *Coastal Protection Act* and is a 'prescribed matter' under Section 79C (1) (a) (iv) of the EP & A Act. The Coastal Policy contains a detailed range of objectives and strategic actions for coastal zone planning and management although there are no specific provisions that would apply to the proposal. The development is considered to be consistent with the principles of the Policy for the following reasons:

- The proposed development will result in the conservation and on-going management of 76ha of native vegetation, contributing to the conservation of biological diversity and ecological integrity of the area.
- The proposal is consistent with the principle of inter-generational equity as it represents current best practice for waste disposal by allowing the separation and re-use of waste thereby limiting the amount of waste being disposed to landfill.
- The proposed development takes into consideration the value of natural systems and proposes appropriate measures, such as the installation of bio-retention systems for the treatment of stormwater to reduce the impacts of the stormwater on the surrounding natural environment.
- The precautionary principle has been considered in the selection of the development site and the design of the proposed resource recovery and waste transfer facility.

Coastal Design Guidelines for NSW

The NSW Coastal Design Guidelines compliments the Coastal Policy and SEPP 71 and is based on the principle of ecologically sustainable development. The Guidelines aim to ensure that future developments and redevelopments are sensitive to the unique natural and urban settings of coastal places in NSW. The Guidelines set out detailed 'Desired Future Character' statements for various categories of settlement ranging from hamlets to cities. The proposal is considered to be consistent with the 'desired future character' guidelines for coastal towns as it is located within the fringe of the existing urban settlement with an appropriate vegetation buffer to Myall Way and residential settlements.

4.1.5 The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

Context and Setting

The proposal is considered to be suitable for the site having regard to its relationship with the existing industrial area and the large areas of the site that is to be retained in its natural vegetated state.

Site Design and Internal Layout

The proposal is considered to be satisfactory as it disturbs a relatively small area of the site adjacent to the existing industrial zone whilst retaining a significantly larger proportion of the site for conservation purposes.

Privacy (Aural and Visual)

The proposal does not result in any visual privacy impacts due to its location on the site and maintenance of vegetation around the perimeter of the site.

The application has been considered by Council's Environmental Health Officer with regard to potential noise impacts on the future residential areas to the south and south-east of the development site. In the context of the Environmental Noise Assessment Report (ENA) prepared

by Bridges Acoustics, dated 2 June 2010, Council's Environmental Health Officer has provided the following comments:

"Background noise measurements have been taken by Bridges Acoustics during 2003 and 2010 at four locations in close proximity to the nearest potentially affected receptors. Noise sources associated with the waste transfer station, including both typical operations and worst case operations have been identified and assessed against the project specific noise criteria based upon the existing background noise measurements.

Proposed noise sources associated with the typical operation of the waste transfer station include cars, hook trucks, customer trucks, a loader and a waste compactor. Whereas, worst case operations assess the potential impact of campaign concrete crushing and green waste mulching on potentially affected receptors.

The ENA concludes that the typical operations of the waste transfer station on the busiest days of the year will comply with the project specific noise criteria at all potentially affected receptors, subject to a noise barrier being constructed on the eastern side of the site should residential development occur on the eastern side of Myall Way.

The occasional periods of additional noise from concrete crushing or green waste mulching (assessed in conjunction with typical operations on the busiest days of the year) however, is shown to increase noise levels from the site by 15 to 17 dB(A) and exceed the project specific noise criteria at all potentially affected receivers.

The New South Wales Environment Protection Authority's 'Industrial Noise Policy' (INP) contains advice on a negotiation process, designed to be available to those whose amenity is potentially affected by non-achievement of the project specific noise levels. The INP also states 'where, in the final analysis, the level of impact would still exceed the project-specific noise levels, the economic and social benefits flowing from the proposed development to the community should be evaluated against the undesirable noise impacts'.

Bridges Acoustics in the ENA considers that it is not 'appropriate to require strict compliance with the INP noise criteria for an activity expected to occur on 4 or 5 days per year, although it would be reasonable to require all feasible and reasonable noise mitigation measures to be implemented for these activities and for a noise management plan to be prepared, discussed and agreed with the affected residential community'. According to the proponent, it would be more realistic to consider a maximum of 5 days, three times a year to allow for future growth within the area.

The Bridges Acoustics ENA also states that 'crusher or mulcher noise could be considered in the same way as occasional maintenance work on public infrastructure such as roads, water or sewer services or power lines. In these cases the work produces additional noise above the noise level normally produced by the infrastructure but occurs infrequently, only during the day and despite the noise the activity remains in the public interest'.

Considering the intermitted nature of the proposed concrete crushing/green waste mulching operations, and the potential benefit of having the ability to recover resources within the Tea Gardens area, it is desirable to manage the potential impacts associated with the proposal through imposing conditions of consent relating to achieving practical noise levels and ensuring appropriate operational standards. Requirements through the implementation of conditions of consent to ensure that all reasonable mitigation measures are applied include:

- Restriction concrete crusher/green waste mulcher sound power levels.*
- Prohibition of simultaneous operation of the concrete crusher and green waste mulcher.*

- *Establishment of a noise barrier on the eastern side of the site.*
- *Restriction of hours of operation.*
- *Development of a noise management plan.*

Traffic noise levels and construction noise levels have also been considered as part of the ENA. Bridges Acoustics concludes that 'noise produced by traffic accessing the site would be insignificant compared to projected traffic flows in the absence of the project'. Construction noise has been assessed in accordance with the Department of Environment, Climate Change & Water (DECCW) document 'Interim Construction Noise Guideline' (ICNG), which shows that construction noise associated with the proposal, is below the 'highly noise affected' level of 75 LAeq, 15 min."

Having regard to the comments above, it is considered that noise impacts to future residential development in the area can be mitigated through appropriate conditions of consent as contained within the Recommendation of this report.

Visual Impact

The proposal will disturb approximately 7 ha of the site, however, the remainder of the site will be retained in its natural vegetated state. In addition, the site will be screened from Myall Way by a 50m wide vegetated buffer and therefore the proposal is not considered to result in a detrimental visual impact from surrounding rural or residential areas. Whilst the proposed facility will be visible from within the industrial zone, the structures are consistent with the buildings normally found within an industrial area.

Access, Transport and Traffic

Access to the proposed resource recovery and waste transfer station is proposed via Carripool Close within the existing industrial area. A right-of-carriageway with a minimum width of 12m is proposed across Lot 18 DP 249203, 3 Carripool Close in order to provide access to the facility. A 9m wide pavement will be constructed within the right-of carriageway.

A traffic impact study prepared by Roadnet Pty Ltd, dated May 2010, has been submitted by the applicant. The traffic impact study concluded:

"The existing traffic volumes in Myall Way, and the volumes estimated for 2020 are relatively low and well within the capacity of the existing roadway.

The existing 'AUR-type' intersection operates efficiently, (at a Level of Service of A) and provides adequate gaps to allow turning movements into and out of Yandala Street/Wanya Road to be undertaken safely and with minimal delays.

The proposed waste transfer station, together with the closure of the existing landfill site, will result in a minimal change to the net traffic volumes, and will not generate any need to upgrade or change the existing intersection of Myall Way and Wanya Road".

Notwithstanding, the conclusions of the report, the following recommendations were made:

- "1. Extend the current 50kmh zone on Myall Way to include the intersection with Wanya Road, by relocating the existing speed limit signs. Note that any proposed changes to speed zones on classified roads require a submission and approval by the RTA.*
- 2. Investigate future upgrade of the existing intersection to an Urban CHR(S) (in accordance with Ausroads Guide to Road Design, Part 4A – 2009) with the provision of a sheltered right turn bay and painted diverge median, if warranted by a significant increase in future traffic volumes generated by the Tea Gardens industrial precinct.*

3. Formalise No stopping restrictions at the intersection of Yandala Street/Wanya Road and Winta Road to enable unrestricted passing of turning heavy vehicles (19m semi trailer) at these intersections."

The proposal has been reviewed by the Roads and Traffic Authority Hunter Regional Development Committee (HRDC), Council's Traffic Engineer and Engineering Development Officer and no objections have been raised. In fact, the HRDC advised that:

- The RTA does not support the extension of the existing 50km/h speed zone on Myall Way to include the intersection of Yandala Street recommended by the Applicant's Traffic Impact Study.*
- No upgrade of the existing intersection at Myall Way and Yandala Street is considered warranted as a consequence of the proposed development.*
- All accesses/driveways and internal roads are to be constructed to Council requirements."*

Accordingly, access to the site is considered to be satisfactory.

The RTA Guide to Traffic Generating Developments does not specify car parking requirements for a Waste Transfer Station or similar developments, however, Council's Industrial Development Code requires car parking to be provided at the rate of 1 space for every 100m² of gross floor area and 1 space for every 4 employees. The gross floor area of the 'tip shop' office and staff facilities is 150m², and it is proposed to employ one person on the site, therefore a total of 3 car parking spaces are required. The proposal satisfies this requirement by the provision of 6 car parking spaces adjacent to the 'tip shop' building. It is noted that an accessible car parking space compliant with AS 2890.6 – 2009 has not been provided, however, there is sufficient area for such a space to be provided. Accordingly, a condition of development consent for a car space in accordance with the requirements of AS 2890.6 – 2009 is contained within the Recommendation of this report.

Utilities

The site has access to mains water, electricity and telephone, however, an on-site sewage disposal system is required to treat effluent from the site. There is sufficient area for an on-site disposal sewage disposal area and appropriate conditions are contained within the Recommendation of this report.

Drainage

The stormwater treatment for the site will involve the installation of a bio-retention system and a rainwater tank for toilet reuse and landscape irrigation. Council's Natural Systems manager has reviewed the proposal and advises that:

"The treatment train proposed will ensure the water quality objective (DECCW load reduction targets) for the site is achieved."

The stormwater disposal system is considered to be satisfactory subject to appropriate design details being submitted at the Construction Certificate stage and appropriate conditions are contained within the Recommendation of this report.

Flora and Fauna

The site contains remnant native vegetation and an assessment under Section 5A of the EP&A Act has been undertaken. Council's Senior Ecologist has reviewed the submitted ecological assessment report, prepared by Darkheart Eco-Consultancy, dated May 2010 and provides the following comments:

"I have considered the listed matters of national environmental significance and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), which includes world heritage properties, national heritage places, the commonwealth marine

environment, nuclear actions, Ramsar wetlands, nationally threatened species and communities and international migratory species. It is evident that the proposal to establish the waste transfer station would not impact significantly on any matters of national environmental significance. The proposal is not a nuclear action and the land is not on or in the relevant vicinity of any Ramsar wetland, world heritage property, national heritage place or commonwealth marine environment. The proposal would not affect any habitats in a manner that would negatively impact migratory bird species or significantly affect the habitat or lifecycles of nationally-listed threatened species or communities. While the grey-headed flying-fox might occur on the subject land, any such use would be occasional and transient and the species would not rely locally on the resources of the subject land. The species is not known to camp locally on the land or its surrounds. While, the nationally-listed threatened flora species, *Tetratheca juncea* and *Cryptostylis hunteriana* may occur, they were not detected on the land during any of the field inspections of the assessment report. Pre-clearing surveys for these species can also be mandated through conditions to further protect local populations and avoid local impacts. Consequently, it is evident that the proposal does not significantly affect matters of national environmental significance and referral to the Department of Environment, Water, Heritage and the Arts is not required pursuant to the EPBC Act. This conclusion is consistent with the assessment of Darkheart Eco-Consultancy (2010).

With respect to Section 5A of the EP&A Act, the development shall cause clearing and loss of up to eleven (11) hollow-bearing trees and up to 3.2ha of native dry sclerophyll forest, to construct the facility, its stockpiles and access and to form the bushfire APZ and water management structures. Some existing native trees including hollow-bearing trees can be selectively retained on the land. Beyond the bounds of the development footprint and the wider 7ha development envelope, a very large and significant area of native vegetation shall be retained, protected and conserved in perpetuity to offset the impacts of the proposal. The Assessment of Significance prepared for the land (Darkheart Eco-Consultancy 2010) detected the presence of several threatened fauna species but concluded that significant impacts were not likely to result from the proposal. They advised that an Species Impact Statement (SIS) was not deemed required. I concur with this evaluation of the 7-part test. I am content that impacts can not be considered likely to be significant on the local representation, viability or integrity of threatened species, communities or populations as a consequence of these works. As such, I am satisfied that a significant ecological effect can be avoided and that a SIS is not deemed required for this proposal. Further, there are a range of mitigatory and protective safeguards that can be established by way of conditions of consent and which would act to further minimise impacts on threatened species from this proposal. The proposal is clearly associated with a significant biodiversity outcome through the public conservation and management of over 76ha of significant bushland that is currently held in private tenure and potentially subject to threatening processes and impacts.

With respect to Section 79C of the EP&A Act, the subject lands contain regionally significant native vegetation and recognised regional and local wildlife corridors. With regards to regionally significant native vegetation, the characteristic vegetation community types of the land are considered to be regionally significant on the lower north coast of NSW. Some 3.2ha of this community will be cleared for the development. This area has been minimised and restricted to the more appropriate parts of the land. However, a much larger area of this community will be conserved in perpetuity and managed as part of an offset for the clearing works. This is clearly described in the report of Darkheart Eco-Consultancy (2010). This will adequately compensate for the removal of native vegetation from the land. The development proposal will also potentially modify the function of part of a regional and a local wildlife corridor. This proposal does not sever the corridor nor cause the cessation of wildlife connectivity, but it does narrow the available habitat in which fauna movements may occur. A corridor of land 50m wide is to be retained, protected and managed along the eastern edge of the development footprint and which would provide for secure ongoing wildlife movements. This zone is adequate to permit the continuation of the local wildlife connectivity and

contribute to the wider regional wildlife corridor, when considered in respect to the wider area of land that is being publicly conserved as part of this development proposal and which integrates with wider sub-regional initiatives. There are not expected to be any significant or unreasonable impacts of the proposal pursuant to Section 79C of the EP&A Act. This endorses the conclusions of the report of Darkheart Eco-Consultancy (2010).

With respect to the Native Vegetation Act (NV Act), the land is zoned 1(a) and the NV Act therefore applies to the land. However, the clearing for the project (if approved), would be exempt from requiring further approval under the NV Act. Dual consent under the NV Act is thus not required. Further, I am content that the objectives of the NV Act, including the ending of broadscale clearing in NSW unless it improves or maintains biodiversity, the protection of high conservation value vegetation and the restoration of native vegetation in NSW would be satisfactorily achieved by this proposal. This is due to the significant offset that is proposed to compensate the effects of the development proposal and which would conserve and manage over 76ha of significant habitat."

Climate Change

The development site is above the 1% flood level and will not be affected by sea level rise and the impacts of climate change are not considered to substantially increase the risk of flooding to the site.

Bushfire

The site is mapped as bushfire prone land and the application was referred to the NSW Rural Fire Service in accordance with the provisions of section 79BA of the EP&A Act. The RFS have raised no objection to the proposal and have not suggested any conditions to be imposed in relation to bushfire impacts.

Cumulative Impacts

The proposal is not considered to result in any detrimental cumulative impacts.

4.1.6 4.1.6 The Suitability of Site for the Development

The site is considered to be suitable for the proposed use as a resource recovery and waste transfer station as it is compatible with the surrounding land-uses, allows for the retention and on-going protection of ecologically significant land and can accommodate appropriate facilities, such as noise barriers and bio-retentions systems, to ameliorate any potential amenity or environmental impacts.

4.1.7 Any Submissions Made in Accordance with the Act or Regulations

The application was publicly exhibited in accordance with the provisions of Section 79(1)(b) of the EP&A Act. In this case a Notice was published in the 'Nota' Newspaper on the 10 June 2010 and the 17 June 2010. The application was also notified to adjoining property owners and a Notice was erected at the front of the site in Carripool Place. The exhibition period was between the 11 June and the 11 July 2010 and one submission was received, a copy of which was forwarded to the Department of Planning on the 12 July 2010. The submission raises the following issues:

1. Availability of Sewerage System

The submission suggests that the proposal should be deferred until a reticulated sewage disposal system is provided to the industrial estate.

Comment: MidCoast Water is responsible for the provision of water and sewage disposal services in this area and it is not appropriate to stop development occurring in the area until a reticulated sewage disposal system is constructed. An adequate on-site sewage disposal system can be accommodated within the site and this is an acceptable method of sewage disposal.

2. *Traffic impacts*

The submission raises concerns with the increased traffic impacts in the cul-de-sac and objects to the cul-de-sac changing to an "access road".

Comment: A traffic impact assessment has been undertaken and this has been reviewed by both the Roads and Traffic Authority and Council's Transport Assets Branch and no objection has been raised to the proposal. The traffic report concluded that there would be minimal change to existing traffic counts and that traffic volumes generated by the existing landfill site are currently low. It is noted that the resource recovery and waste transfer station will not be used for disposal of waste collected by Council's contractors via the weekly garbage and recycling service and will cater only to cars and small trucks. The traffic generated by the development is commensurate with that normally expected within an industrial area.

4.1.8 *The Public Interest*

The proposal forms part of Council's long term waste management strategy and will provide a modern waste management facility to meet the current and future needs of the community. The proposal is considered to be in the public interest.

Section 94 Contributions are payable for new non-residential development within the Great Lakes Area. Contributions are payable in relation to the Headquarters building under the Great Lakes Wide Contribution Plan and are based on the value of the development. In this case, the value of the development is \$750,000 and therefore the applicable contribution for the headquarters building is \$750.

Contributions are also payable for major roads under the Tea Gardens District Plan. Contributions are based on the additional traffic movements generated by the development. In this case, the resource recovery and waste transfer station will replace the existing landfill site. As such the proposal will not generate additional traffic and therefore contributions for major roads are not applicable.

5.0 CONCLUSION

The application proposes the construction of a resource recovery and waste management facility to replace the existing landfill site which has almost reached capacity. The proposal is consistent with the objectives of the 1(a) (Rural Zone) and has been designed and located to suit the site and surrounding development. Conditions of consent are contained in the Recommendation below and these relate to the appropriate treatment of sewage and stormwater and for the retention and maintenance of existing vegetation on the remainder of the site that will not be utilised for the resource recovery and waste transfer facility. This will ensure the proposal does not result in any significant detrimental impacts on the environment.

6.0 RECOMMENDATION

That the application for a resource recovery and waste transfer station at Lot 23 DP 1089772 be approved subject to the following conditions:

The following condition/s have been applied to ensure that the development complies with the provisions of the Environmental Planning and Assessment Act and Regulations and Policies of Council:

1. The development must be in accordance with the plans numbered 209 3457 C1 to C4, prepared by Alan Taylor & Associates and dated 11/05/2010, the application form and on

any supporting information received with the application, except as may be amended by the following conditions.

2. Work on any building shall not commence until a Construction Certificate, complying in all respects with the provisions of the Environmental Planning and Assessment Act , Environmental Planning and Assessment Regulation 2000 and the Building Code of Australia, has been issued.
3. It is a condition of approval that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **Prior to the issue of a Construction Certificate**, a Certificate of Title from the Land and Property Management Authority must be submitted to the Certifying Authority demonstrating that:
 - Lot 2 DP 877627 and Lot 3 DP 877627 have been consolidated into one allotment, and
 - a right of carriageway, with a minimum width of 12m has been created over Lot 18 DP 249203 in favour of the consolidated lot (currently Lot 2 and Lot 3 DP 877627) under section 88B of the Conveyancing Act, 1919.
5. **Prior to the issue of a Construction Certificate**, plans detailing an accessible car parking space complying with AS 2890.6 – 2009 and details of the proposed surface material of the car parking and vehicular manoeuvring areas must be submitted to and approved by the Certifying Authority. Car parking and vehicular manoeuvring areas must be sealed with concrete or equivalent
6. **Prior to the issue of a Construction Certificate**, a Public Engineering Works Permit Application, together with the required documentation, fees and defects liability bond must be submitted to and approved by Great Lakes Council. The following is to be included in the engineering works:
 - a) Road pavement design based on the recommendations of a geotechnical report prepared by a qualified Geotechnical engineer.
 - b) Construction of a 9m wide bitumen seal road, ancillary drainage and service relocation from the existing cul-de-sac in Carripool Close to the full extent of the internal works.
 - c) All necessary traffic control being undertaken during construction.

Evidence of the contractor's public liability insurance (minimum value of \$10 million) must be provided with the application

All work must comply with Council's Engineering guidelines, specifications and standards and the contractor is to have all engineering works inspected in accordance with Council's holding points. Upon completion of the public works, a final inspection is to be arranged by the contractor with Council. Once the works are approved by Council a Certificate of Practical Completion will be issued and is required to be provided to the Certifying Authority prior to the issue of an Occupation Certificate. The defects liability bond will be held by Council for a maintenance period as specified in the application form.

Note: The applicable fees, defects liability bond and maintenance period are reviewed periodically by Council and shall be determined from Council's current requirements at the time of lodgement.

7. **Prior to the issue of a Construction Certificate**, a Damage Bond Application Form and payment of a bond in the amount of **\$7500** must be submitted to Council by any applicant (for the associated construction certificate) other than Great Lakes Council. The bond is payable for the purpose of funding repairs to any damage that may be occasioned to Council assets by activities/works associated with the construction of the development and ensuring Council standards and specifications are complied with. .

A final inspection will be carried out by Council's responsible officer and the bond (minus the administration fee) will be considered for refund once all works, including landscaping, driveway construction, turfing, etc, have been completed; AND Following issue of an Occupation Certificate by the Principal Certifying Authority for the development

A fee of **\$330.00** (for developments with value greater than \$400,000) will be deducted from the bond to cover administration costs as follows:

The Damage Bond is reviewed periodically and therefore the fee and bond amount payable shall be determined from Council's current fees and charges document at the time of lodgement of the Damage Bond.

8. In accordance with Section 94 of the Environmental Planning and Assessment Act , a monetary contribution shall be paid to Council **prior to the issue of a Construction Certificate**. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following table:

Code	Contributions Plan	Facility	quantity	unit	rate	amount
GLW-07	Great Lakes Wide	Headquarters Building	\$750,000	\$1 non res	@ \$0.001 =	\$750.00
Total						\$750.00

Contribution rates are subject to indexation. The rates shown above are applicable until 30 June following the date of consent. Payment made after 30 June will be at the indexed rates applicable at that time.

The Contributions Plan and the Standard Schedule for Section 94 Plans may be viewed on Council's web site www.greatlakes.nsw.gov.au or at Council's offices at Breese Parade, Forster.

9. **Prior to the issue of a Construction Certificate**, plans detailing the installation of a rain water tank with a minimum size of 7500 litres is to be submitted to and approved by the Certifying Authority. The rainwater tank is to be for the collection of roof water for re-use in the toilet, hand basin and for irrigation of landscape areas.
10. **Prior to the issue of a Construction Certificate**, detailed design plans and specifications of the stormwater disposal system are to be submitted to and approved by the Certifying Authority. Stormwater from the proposed development including rainwater tank overflow and surface runoff from hardstand areas shall be drained via a silt arrestor pit to an on-site bioretention system. The bio-retention system shall be designed consistent with WSUD Engineering Procedures - Stormwater, Melbourne Water 2005 and shall include the following:
 - a) A minimum size of 2% surface area of the contributing catchment and a maximum surface storage depth of 0.3m. The maximum batter/side slope of the bio-retention system shall be 1(v):5(h).
 - b) The entire bio-retention system shall be planted with Carex appressa and/or other native plant species that have research supported similar performance characteristics in the removal of nitrogen and tolerance of a range of moisture conditions, at a minimum density of 4 plants/m².
 - c) Design specifications supported by testing done by NATA for the proposed filter media to be used demonstrating that the media will achieve a minimum saturated hydraulic conductivity of 150mm/hr at 16, 15 cm drops using the McIntyre Jakobsen Drop Cone Test. Testing shall also be undertaken by NATA registered laboratory to

confirm that the filter media has sufficient water holding capacity and is also suitable for supporting growth of the bio-retention vegetation.

- d) Engineering drawings of the bio-retention measures that show details and configuration of the bio-retention system.
 - e) Details of the maintenance guidelines for the bio-retention system.
11. **Prior to the issue of a construction certificate**, structural drawings prepared by a suitably qualified and experienced Structural Engineer are to be submitted to and approved by the Certifying Authority. The plans shall detail:
- a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas.
 - b) Footings of the proposed structure.
 - c) Structural steel beams/columns.
12. **Prior to the issue of a Construction Certificate**, specifications of the building construction demonstrating compliance with Australian Standard AS 3959 – 2009 'Construction of buildings in bush fire-prone areas' BAL 29 are to be submitted and approved by the Certifying Authority.
13. **Prior to the issue of a Construction Certificate**, an application to install an on-site sewage management system must be submitted to and approved by Great Lakes Council.
14. **Prior to the issue of a Construction Certificate**, the registered proprietor of the land shall accurately survey and mark on the land the location of building, accessway and stockpile footprints and the area enclosed by the APZ (with appropriately marked survey pegs) and mark, using spray-paint, all trees to be removed for the approved development, including trees to be removed for bushfire APZ purposes. Council's Tree Management Officer and Senior Ecologist shall jointly inspect the tree marking program. The Construction Certificate shall not be issued until such time as these officers have advised in writing that the tree marking program has been satisfactorily completed, that trees have been appropriately retained in the development envelope (where safe) and that tree clearing has been adequately minimised.
15. **Prior to the issue of a Construction Certificate**, the registered proprietor of the land must take the necessary steps to ensure a separate landscape plan for the development is prepared by a qualified landscape architect. The landscape plan must be submitted to the Senior Ecologist and Tree Management Officer of Great Lakes Council for their consideration and approval. The landscape plan is to include or indicate the following:
- a) All existing trees or groups of trees in the proposed development area and specifying those trees to be retained.
 - b) The location and areas proposed to be planted and details of the species proposed to be used in landscaping including common and scientific names and height and spread at maturity.
 - c) The location of driveways, parking and storage areas and the type of material to be used for sealing these areas.
 - d) The location of stockpile areas and the material used to form these areas.
 - e) Details of earthworks including mounding and retaining walls.
 - f) Details of planting procedures and maintenance.
 - g) All landscaping must utilise native Australian species, with a particular emphasis on locally indigenous species to the Bulahdelah locality.
 - h) Details of the measures and techniques that are to be deployed and adopted to protect trees and groups of trees that are to be retained on the site from direct and indirect damage during construction.

All landscaping must be carried out in accordance with the plans and maintained in accordance with the plan and approval at all times.

16. **Prior to the commencement of work**, a sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
- a) The name, address and telephone number of the principal certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c) The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be removed when the work has been completed.

17. **Prior to the commencement of work**, toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewerage management system approved by Council.

18. **Prior to the commencement of work**, an erosion and sediment control plan must be submitted to and approved by the Certifying Authority detailing the following erosion and sediment control measures to be implemented in the sequence outlined:

- a) Approved runoff and erosion controls shall be installed prior to clearing of site vegetation (other than that associated with the construction of the controls). These shall be as shown on an Erosion and Sediment Control Plan approved by Council.
- b) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.
- c) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural or artificial water body, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned.
- d) Uncontaminated runoff shall be intercepted upside and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.
- e) Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, road base, spoil or other sediment escaping from the site or entering any downstream drainage easements, natural or artificial water bodies.
- f) Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development

The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times in accordance with Council's Erosion and Sediment Control Policy.

19. There is to be no construction and/or demolition works, including deliveries on or to the site prior to 7.00 am or after 6.00 pm Monday to Friday and prior to 8.00 am and after 6.00 pm Saturday. No work including deliveries on or to the site Sundays or Public Holidays.
20. Activities associated with the construction of the development must comply with the NSW Department of Environment & Climate Change document 'Interim Construction Noise Guideline' 2009.
21. The building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority subject to the provisions of the Environmental Planning and Assessment Act and Regulation 2000) to verify compliance with this consent and the standards of construction

detailed in the Building Code of Australia. Inspections shall be carried out as required by Section 162A of the EP&A Regulation 2000.

22. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.
23. Immediately before placement of any roofing materials stormwater from roof areas shall be linked to the approved rainwater tank with overflow directed to the bio-retention system.
24. At the commencement of building works and in perpetuity, the property around the building to a distance of 21 metres, shall be maintained as an inner protection area (IPA) and 5 metres shall be maintained as an outer protection area (OPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
25. Only trees that are approved (and marked by Council Officers for removal) to be removed shall be cleared from the land. All other trees on the land shall be protected and managed in accordance with the Native Vegetation Act 2003 and other relevant statutory controls.
26. During the physical removal of the approved, marked trees, the following shall be adopted at all times:
 - Machinery operators shall inspect the crown, foliage and trunks of trees that require removal immediately prior to any felling to investigate the presence of koalas. If a koala is detected, the tree and no other surrounding trees shall be cleared within 50-metre of the sighting, until the animal has dispersed of its own free will from the area.
 - Removal of approved trees shall be conducted using directional felling away from trees that are to be retained on the land.
 - Removal of approved trees shall be conducted in a manner that avoids the movement of heavy machinery in the root zones of trees that are to be retained on the land.
 - Any deliberate or accidental damage to trees that are to be retained during the construction of the dwelling shall be reported immediately to Council's Tree Management Officer. Remediation or repair actions identified by Council's Tree Management Officer shall be conducted on the land to assist minimise the harm associated with any such damage.
27. The removal of hollow-bearing trees for the construction of the approved facility must be effectively minimised and restricted to those trees approved for removal by application of the above conditions. All other hollow-bearing/ habitat trees must be protected on the land from any direct or indirect harm associated with the construction of this facility. Marked habitat trees must be removed by qualified arborists and be felled sensitively using dismantling techniques or machinery to minimise mortality and injury risks to any resident fauna.

The registered proprietor of the land must arrange for an appropriately trained, licensed and experienced ecologist or Council's Senior Ecologist to supervise the removal of the approved hollow-bearing trees to be removed from the land as part of this consent. The ecologist must be present for the felling of these habitat trees and must inspect each and every felled habitat tree and its hollows and recover any injured or displaced native fauna found affected by the works. If fauna are encountered during the supervision, attempts to capture the animal(s) must be made and captured animals must be inspected and assessed. The ecologist must rapidly transfer any injured fauna to appropriately trained wildlife carers or vets and release any uninjured native fauna in retained habitats of the wider allotment, away from the clearing works. Exotic vertebrate fauna collected must be humanely euthanized and must not be re-released. The ecologist must document a report on the dates, methods and results of the habitat tree felling supervision program and provide such to Great Lakes Council within 2-weeks of the removal of hollow-bearing trees.

Within one-month of the removal of hollow-bearing trees, an equivalent number of suitably-sized artificial nesting boxes or refurbished natural hollows to those removed from the subject land, shall be erected by the registered proprietor within the wider Lots 2 and 3 DP877627, outside the approved development site.

28. Trees and shrubs removed from the study area shall be re-used on the site in log form for erosion control or habitat for ground fauna or in site landscaping or bushland restoration as mulch. No felled vegetation shall be heaped or burnt.
29. The construction and operation of the facility shall be conducted in a manner that avoids impact, harm or removal trees that are to be retained and stockpiles, machinery and equipment shall not be used or placed in the root zones of trees that are to be retained. Landform modification (cut/ fill) shall not occur in the root zones of trees that are to be retained.
30. A qualified landscape consultant must be retained by the registered proprietor of the land for the duration of the construction and upon the satisfactory completion of the landscaping work, the consultant must prepare and submit to Council a Certificate of Practical Completion stating that the landscaping work has been carried out in accordance with the approved Landscape Plan and that a maintenance program has been established.
31. **Prior to the issue of an Occupation Certificate**, the registered proprietor of the land shall erect a fence so as to enclose that part of the land within which the approved facility, including all structures, cut/ fill, accessways, stockpiles, run-off diversion berms, bio-retention basins, effluent management and bushfire APZ (26m from the façade of the approved tip shop) are contained. The proposed fence design and location shall be designed and submitted to Council's Natural Systems Branch prior to approval and erection. The erection of the fence must be conducted in a manner that avoids harm and removal of remnant native vegetation from the land.
32. **Prior to the issue of an Occupation Certificate**, the registered proprietor of the land must engage a suitably qualified Ecologist or Council's Senior Ecologist to prepare and submit to Great Lakes Council, a Bushland Management Plan (BMP) for that part of the subject land referred to as the "Bushland Conservation Area" and totalling in excess of 76.47ha.

The BMP must be prepared with the over-riding principle and targeted output, as a minimum of conserving, protecting and restoring the integrity, habitats and biodiversity of the Bushland Conservation Area for its inherent ecological value and as an offset area for the clearing of native vegetation associated with the facility.

The BMP must be either prepared by or prepared to the written satisfaction of and approved by Council's Senior Ecologist. The BMP must contain maps and plans and information pertaining to issues, actions, responsibilities and timing. It must be written in a style that is clear, explicit and able to be practically implemented and it must exclude subjective or unquantified statements and the use of terms such as "should, may, where possible, potentially, etc". It must demonstrably contain the following structure and content:

- Chapter 1 entitled "Background and Conservation Mechanism" must include an introduction, objectives, background information and details of the conditions protecting the Bushland Conservation Area and a description of activities that are precluded from that Bushland Conservation Area as specified in the conditions.
- Chapter 2 entitled "Baseline Information on the Ecology of the Conservation Area" must include a summary as a baseline of the known vegetation, biodiversity and threatened species of the land.
- Chapter 3 entitled "Action Plan" must document the means of native vegetation and habitat conservation, restoration and regeneration of the Bushland Conservation Area. This section must identify the actions to be implemented to:

- i. Describe the occurrence, monitor, control and eradicate invasive environmental weeds, weeds of national significance and noxious weeds from the Bushland Conservation Area. This must follow a specific weed management plan prepared as part of the BMP;
 - ii. Monitor, control and eradicate (where possible) exotic fauna species and free-ranging domestic fauna;
 - iii. Identify, monitor and implement adequate bushfire regimes over the Bushland Management Area with respect to bushfire intervals and thresholds (and exclusion if required);
 - iv. Identify, monitor and implement practical measures to prevent water quality pollution risks from adjacent landscapes on the Bushland Conservation Area and particularly on drainage lines and riparian zones; and
 - v. Preclude and control unauthorised access to the Bushland Conservation Area.
- Chapter 4 entitled “Nesting Box Establishment Program” must set-out the details of the sourcing, dimensions/ characteristics, techniques for establishment, establishment program and monitoring/ management of at least 8 artificial nesting boxes across the Bushland Conservation Area. Nesting boxes deployed on the land must comprise an entrance diameter and internal structure suitable for use by Squirrel Gliders and Brush-tailed Phascogales. The artificial nesting boxes must be established at a rate of no more than 1 box per tree on trees that do not presently contain natural hollows and must be established in groups of 5 trees with boxes that are separated from the next nearest group by a linear distance of at least 50-metres. Artificial nesting boxes must be established no lower than 5-metres from the ground surface. All proposed nesting box locations must be shown on a map in the BMP.
 - Chapter 5 entitled “Bushland Regeneration Program” must set out the details of bushland restoration and regeneration across the Bushland Conservation Area, and particularly including the areas of affected understorey modified through the historic disposal of wood chips.
 - Chapter 6 entitled “Monitoring Program” of the BMP must clearly set-out and report on the details, frequency, reporting, funding, milestones and performance targets. It must define a monitoring program for the integrity and condition of the vegetation of the Bushland Conservation Area. Further, it must provide for monitoring of the occupancy and condition of the established nesting boxes. This aspect of the monitoring plan must provide that nesting boxes provided must be managed and replaced if lost or damaged for the duration of the approved development. The monitoring program must be conducted by trained and experienced consulting ecologists, with particular expertise in hollow-dependent fauna. Each nesting box must be visually inspected annually and timed for the periods mid spring to late summer/ autumn. During each inspection, each nesting box must be cleaned, repaired, replaced where appropriate and all undesirable, exotic species found occupying any compensatory hollow feature must be evicted and humanely euthanized. Finally, it must record occurrences of wild fire and occurrences of deliberate and hazard management fires in order to collate data as to the attainment of adequate thresholds and intervals.
 - Chapter 7 entitled “Administration, Responsibilities, Timing and Funding” must clearly set-out details of the administration, responsibilities, timing and must determine, establish and implement an ongoing annual funding scheme that provides for the funding and implementation of BMP. Details of this funding scheme must be submitted for approval of Council. The funding scheme must, on its approval and establishment, form part of this consent.
33. **Prior to the issue of an Occupation Certificate**, a Noise Management Plan (NMP) must be established for the development to ensure the needs of the community are considered and be submitted and approved by Council’s Environmental Health Officer. The NMP shall include (but not be limited to):

- provisions for future noise assessment including impacts and recommended mitigation measures; details of all strategies and measures for minimising noise transmission, and
 - a noise complaints register.
34. **Prior to the issue of an Occupation Certificate**, an approval to operate the on-site sewage management system must be obtained from Great Lakes Council.
 35. **Prior to the issue of an Occupation Certificate**, a spill kit is to be provided for use as emergency equipment if there is a leak or spill of chemicals or oils. The spill kit must be clearly labelled and may include items such as rags, brooms and mops to stop any spill from entering a drainage system.
 36. **Prior to the issue of an Occupation Certificate**, self bunded containers or impervious bunded areas are to be provided inside the waste transfer facility for the storage of chemicals, oils or fuel. The volume of any bunded areas shall contain at least 110% of the volume of the largest container.
 37. **Prior to the issue of an Occupation Certificate** the parking and manoeuvring areas are to be fully line marked in accordance with AS 2890.1 Off Street Car Parking.
 38. Concrete crushing and green waste mulching activities must be undertaken in accordance with the following requirements:
 - Any concrete crusher and green waste mulcher operated on-site must not produce a sound power level of greater than 115 dB(A) towards any residence and must be attenuated or enclosed (if necessary). A sound power level of 115 dB(A) is equivalent to a sound level of 90 dB(A) at a distance of 7 metres from the crusher or mulcher.
 - Concrete crushing and green waste mulching activities must be undertaken independently. A concrete crusher and green waste mulcher shall not be permitted to operate simultaneously on-site at any time.
 - Concrete crushing or green waste mulching must only be permitted to be undertaken on-site on a maximum 3 occasions in any calendar year and for a maximum of 5 days in any given week.
 - Concrete crushing or green waste mulching shall only be permitted to be undertaken between the hours of 8am to 5pm Monday to Friday.
 39. Upon completion and occupation of the development, under typical operation of the site (excluding concrete crushing and green waste mulching activities) no machinery, vehicles or equipment is to produce noise greater than 5dB(A) LAeq (15 minute) above the LA90 background level within any residential premises.
 40. Prior to the establishment of any residential development on Lot 40 DP 270100 or Lot 40 Myall Street, TEA GARDENS NSW 2324, a noise barrier as described in Section 4.2 of Bridges Acoustics Environmental Noise Assessment, Report J0120-04-R3, dated 2 June 2010 must be constructed on the subject site.
 41. All stockpiles associated with the approved facility must be restricted to that part of the land identified as the "Study Site" on Figure 14 of Darkheart Eco-Consultancy (2010) and be located in a manner that avoids harming, killing or removing trees that are to be retained in these conditions. The location and extent of all stockpile sites must be reviewed and approved in writing by Council's Senior Ecologist, must be clearly sign-posted and must be appropriately confined with physical edging (concrete or similar) that spatially limits the area of that stockpile.
 42. In order to protect the natural environment and the habitats and lifecycles of threatened species, the registered proprietor of the land, prior to the commencement of work, and then for the life of the development, must ensure that the following activities must not be

permitted and must be effectively prohibited from within the area identified as the “Bushland Conservation Area” identified as the area entitled “offset” area on Figure 14 of the report of Darkheart Eco-Consultancy (2010) unless they are required by law or carried out in accordance with the written consent of the Council of the Great Lakes in order to protect the natural environment and the habitats and lifecycles of threatened species:

- a) Development (as defined by the Environmental Planning and Assessment Act) other than subdivision to create a single conservation lot.
 - b) Clearing (as defined by the Native Vegetation Act 2003), destruction, removal of or injury to any local native trees, plants or grasses.
 - c) Planting of any trees, grasses or plants except local native flora.
 - d) Carrying out of any act which may significantly adversely affect any populations of local native flora or local native fauna or their related habitats.
 - e) Entry of livestock.
 - f) Access by unauthorised persons.
 - g) Release or wilful introduction of any animal (but excluding an assistance animal as defined by the Companion Animals Act 1998), including any cat, dog or other domestic animal.
 - h) Establishment of any transmission lines or other telecommunication cables.
 - i) Removal, introduction or disturbance of any soil, rocks, or other minerals or the construction of channels, drains or dams.
 - j) Recreational use of trail bikes or four wheel drive vehicles.
 - k) The accumulation of rubbish or the storage of any materials other than materials being used or intended to be used for the purpose of implementing the Bushland Management Plan.
 - l) Removal of any timber including fallen timber.
 - m) Erection, installation or display of any notice except for the purpose of advising the restrictions set out in the Bushland Management Plan.
 - n) The establishment of any asset protection zone for bushfire protection.
43. The registered proprietor of the land must not permit or suffer cats or dogs to be released on or within the land at any time.
44. The applicant and the registered proprietor, its successors and assigns, must at all times comply with the approved Bushland Management Plan required in these conditions.

ANNEXURES:

A: Plans of the proposed development

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