

JOINT REGIONAL PLANNING PANEL

(Southern Region)

ASSESSMENT REPORT SUMMARY AND RECOMMENDATION COVER SHEET

JRPP No	2015STH001
DA Number	523/2014
Local Government Area	Shellharbour
Proposed Development	Dunmore Resource Recovery Redevelopment
Location	Lot 1 DP 110135 & Lot 1 DP 419907, 58 Buckleys Road Dunmore Lot 21 DP 653009, 44 Buckleys Road Dunmore
Applicant/Owner	Shellharbour City Council
Number of Submissions	22
Regional Development Criteria (Schedule 4A of the Act)	<p>Clause 8 Particular Designated Development</p> <p>Development for the purposes of a waste management facilities or works which meet the requirements for designated development under clause 32 of Schedule 3 of the <i>Environmental Planning & Assessment Regulation 2000</i></p> <p>Clause 4 Council related development with a CIV over \$5 million</p> <p>Development that has a capital investment value of more than \$5 million if (a) a council for the area in which the development is to be carried out is the applicant for development consent, or (b) the council is the owner of any land on which the development is to be carried out.</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy – Infrastructure • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy No. 71 – Coastal Protection • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising & Signage • Shellharbour Local Environmental Plan 2013 • Shellharbour Development Control Plan 2013 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest. • EP&A Regulation – 92(1)(b) demolition works
List all documents submitted with this report for the panel's consideration	<p>Additional information from applicant dated 19.03 2015 & 19.06.2015</p> <p>Correspondence received from the Office of Environment & Heritage</p> <p>Correspondence from NSW Office of Water</p> <p>Correspondence from NSW Environmental Protection Agency (Submission received during the exhibition period have been previously provided)</p> <p>Architectural Plans & Photomontages (as submitted with application)</p>
Recommendation	That DA No. 523/2014 (JRPP Ref no. 2015STH001) be approved subject to the imposition of conditions contained in Attachment 1.

Report by	Victoria Nicholson, Senior Development Assessment Officer
Report endorsed	Grant Meredith, Group Manager City Development

PLANNING REPORT

1 Development proposal

Background to existing waste facility

The development application (DA) seeks approval for the redevelopment of Shellharbour City Council's (SCC) existing waste management facilities at the Dunmore Recycling and Waste Disposal Depot (DRWDD) facility that services the Shellharbour local government area (LGA). The site has been in use as a waste management depot since the 1970s. The DRWDD currently comprises of:

- a buy back and recycling centre (known as the Revolve Centre) leased from SCC and operated by a private contractor. The Centre accepts post-consumer recyclables and, at the discretion of the operator, recovers goods and materials for re-sale,
- a transfer station which receives mixed waste in addition to discrete waste streams such as metals, e-waste, mattresses, batteries and oil (motor-sump),
- an organics facility, including incoming green waste storage area, material stockpiling and processing area and product dispatch area for sale of mulch material, and
- landfilling. The majority of the DRWDD site comprises of landfill deposition of kerbside collection of waste within the LGA.

The above facilities are supported by additional infrastructure such as weighbridges, sediment and leachate ponds, road networks, signage, landfill cells and essential services and utilities. The site also contains a sand extraction operation.

Proposed redevelopment works

The objectives of the Dunmore resource recovery redevelopment (DRRR) proposal, as stated in the EIS (page 18), are:

- to reduce the amount of waste requiring landfill disposal, and thereby extend the life of the DRWDD landfill to provide additional capacity to service the community's waste disposal needs over future years, and
- to improve resource recovery rates consistent with the objectives of the *Draft NSW Waste Avoidance and Recovery Strategy 2013-2021*, which includes targets for diversion of more waste from landfill and increasing recycling.

The strategic justification of the proposal includes the need to cluster like activities on the DRWDD site thereby reducing inefficiencies in on-site uses and minimising the operational costs associated with the waste levy required under the *Protection of the Environment Operations Act 1997*; and to improve environmental performance and management so as to limit impacts on the surrounding natural environment.

The redevelopment proposal comprises the following works:

- upgrade of the revolve centre and associated customer and employee parking areas, including construction of awning to provide cover to the open display area and customer parking areas,
- relocation and reorganisation of the Transfer Facility, including the construction of a new transfer station with a building height of 10.55m which will include a covered shallow 'push-pit' and a front resource recovery area,
- construction of a building with staff and office facilities and associated car park area,
- construction of an organics (food and green) and pre-treatment building and associated bio filter; a section of this building will have a building height of 14.55m,
- expansion and reconfiguration of the existing composting facility works, including construction of a finish compost storage building to improve sorting, maturation and pick-up areas,
- relocation of gas flare infrastructure, weighbridges, operational equipment and storage repair areas,
- decommissioning of existing leachate storage ponds (existing storage capacity 2,330m³) and installation of leachate tanks (storage capacity 2,500m³). The leachate systems will be relocated from Environment Protection Licence (EPL) 12903 to EPL 5984,
- upgrade of internal road network, including reallocation of traffic routes,
- construction of an integrated storm-water management system, including upgrade works to the existing sedimentation pond,
- relocation and extension of existing utilities,
- demolition of an existing storage shed,
- associated earthworks,
- new signage works, and
- selected tree removal and new boundary screen landscaping.

Refer to Figure 1 which shows the proposed layout plan. The proposed reconfiguration of entry intersection no longer forms part of the current application.

The proposal will include:

- Revolve Centre – 40 tonne
- Transfer Station – 16,700 tonne
- Organics Processing – 19,500 tonne

The site reorganisation works aim to:

- improve safety and minimise the potential for traffic conflict by improving traffic management and way finding with the separation, where possible, of public light vehicles associated with resource recovery, from staff and heavy vehicles associated with resource recovery, landfilling and sand extraction operations, and
- relocate and consolidate key resource recovery operations to promote public use of these facilities.



Figure 1 Layout Plan of Proposal (Figure 5 of EIS)

The existing operational hours will be maintained. These are:

- Week days: 7.30am – 4.00pm
- Weekends & public holidays: 8.00am – 4.00pm
(excluding Christmas Day & Good Friday)

The above operational hours are when DRWDD is also open to the public.

Outside the public access hours it is proposed to extend these hours for activities such as maintenance and site clean-up to:

- Week days: 5.00am – 8.00pm
- Weekends & public holidays: 7.00am – 6.00pm
(excluding Christmas Day & Good Friday)

2 Site description & surrounding land uses

The Proposal site, and the DRWDD site, adjoins:

- the recreational areas, Links Shell Cove Golf Course to the north and Killalea State Park to the north-east,
- Endeavour Energy Works Depot to the north west,
- Dunmore Resources and Recycling (DRR) to the north east,
- Rocklow Creek and a wetland to the south; the wetland is listed under *State Environmental Planning Policy No. 14- Coastal Wetlands* (SEPP 14 - Wetlands). The creek drains into the Minnamurra Estuary, and
- a pocket of residential development along Dunmore Road. These residences are about 350m – 850m from the proposal site to the north west.

To the north of the golf course is a largely established residential area (Shell Cove) which is at least 900m at its closest point from the proposal site. Further to the north west of the site is undeveloped residential area (recently re-zoned as low density residential).

3 Statutory development assessment framework

3.1 Designated development

Pursuant to s77A of the *Environmental Planning & Assessment Act 1979* (EPAA), the proposal is identified as designated development pursuant to *Environmental Planning & Assessment Regulation 2000* (EPAR) Schedule 3, comprising a waste management facilities or works that meets the requirements of clause 32, in particular, being a facility with a handling capacity that will purify, recover, reprocess or process more than 5,000 tonnes of a year of solid or liquid organic materials. The site is also mapped as having acid sulfate soils and in proximity of a SEPP 14 wetland.

As the proposal is a particular designated development, the consent authority is the Joint Regional Planning Panel (JRPP) pursuant to clause 21 of the *State Environmental Planning Policy (State and Regional Development) 2011*.

Pursuant to s79 of the EPAA, the development application was placed on public exhibition for a minimum period of 30 days.

An Environmental Impact Statement (EIS) has been prepared in accordance with EPAA, EPAR and the Director General Requirements (SEARs 677 (Composting facility) and 6921 (Waste management facility - waste transfer station)).

3.2 Permissibility

As can be seen in Figure 2 below, the site is zoned RU1 Primary Production, E2 Environmental Conservation and E3 Environmental Management under *Shellharbour Local Environmental Plan 2013* (SLEP 2013).

With exception of the proposed upgrade works to the existing sediment pond, the proposed works are on the land zoned RU1. The sediment pond is located predominantly on E3 zoned land.

Pursuant to clause 121 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), a waste or resource management facility is permitted development with consent on land in a prescribed zone. RU1 is a prescribed zone.

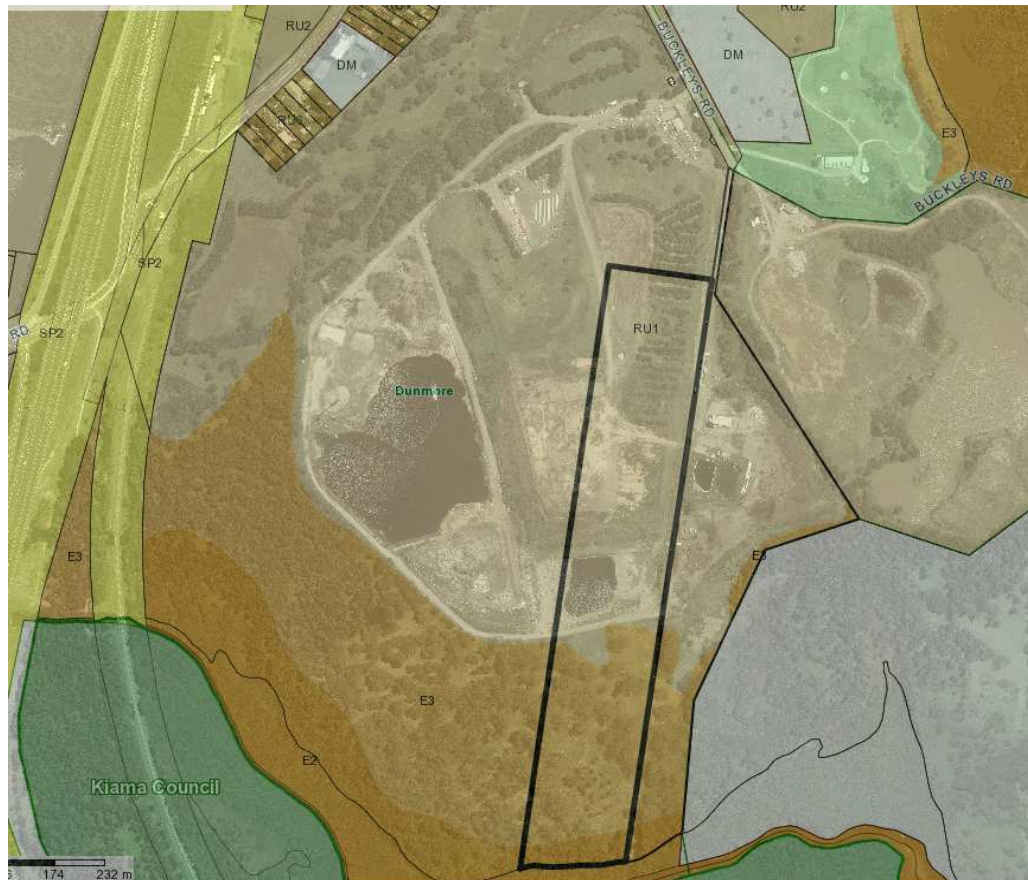


Figure 2 Land Use Zoning

3.3 Integrated development

Pursuant to s91 of the *Environmental Planning & Assessment Act 1979* (EPAA), the proposal is integrated development as approvals are required:

- to vary the existing environmental protection licence/s under the *Protection of the Environment and Operations Act 1997*, and
- for an aquifer interference approval under the *Water Management Act 2000* as a result of leachate ponds excavation which has the potential to intercept groundwater on the site.

Accordingly, the approval of the NSW Department of Primary Industries Office of Water (OOW) and the NSW Environment Protection Authority (EPA) for the proposal was sought.

3.4 Notice of application

Pursuant to cl 77 of the EPAR written notice of the proposal was given to Southern Rivers Catchment Authority, NSW Transport Roads and Maritime Services Southern (RMS) and Office of Environment and Heritage (OEH).

3.5 Section 79C assessment

In determining a development application, a consent authority is to take into consideration matters referred to in section 79C(1) of the Act as are of relevance to the development the subject of the application:

- (a) **Section 79C (1) (a)(i)(ii)(iii)(iiiia)(iv)(v) - environmental planning instruments; any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority, any development control plan, and any planning agreement entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F, the Regulations, any coastal zone management plan;**

- **State Environmental Planning Policy (Infrastructure) 2007**

The ISEPP permits the proposal with development consent within a prescribed zone which includes RU1 Primary Production.

The proposal adequately addresses relevant matters for consideration as identified in clause 123. The strategic justification and objectives of the proposal includes maximising resource recovery and minimising the amount of waste going to landfill, in addition to improving operational efficiencies. Landfill gas will continue to be captured.

- **State Environmental Planning Policy No. 71 – Coastal Protection**

State Environmental Planning Policy No. 71. (SEPP 71) applies to land and development within the coastal zone as defined by the *Coastal Protection Act 1979*. The site falls within the coastal zone. SEPP 71 aims to protect and manage the natural, cultural, recreational and economic attributes, vegetation and visual amenity of the NSW Coast as it applies to the site. In doing so it requires development to be assessed under a range of considerations (for examples, clause 8 and Part 4).

The proposal site is approximately 900m from the closest foreshore area and does not have direct frontage or access to the coastal foreshore. The area between the foreshore and site is predominantly Killalea State Park. The proposal site cannot be viewed from the coastal foreshore.

The proposal can satisfactorily address relevant matters raised in Part 4 (development control) through its stormwater drainage design. The matters for consideration, pursuant to clause 8 have been considered and the proposal will not compromise the Policy aims as outlined in clause 2.

- **State Environmental Planning Policy No. 33 – Hazardous and Offensive Development**

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) links the permissibility of an industrial development proposal to its safety and environmental performance whereby the handling, processing or storing of a range of materials may, in the absence of controls, create risk outside the operational borders to people, property or environment.

The applicant has prepared a hazard and risk impact assessment which includes the matters raised in the SEARs under 'hazard and risk' and 'fire and incident management'. Hazard and risk mitigation measures and management thereof will form part of a construction management plan and an operational site management plan for the development.

The EIS does not conclusively determine whether the proposal is a potentially hazardous and/or a potentially offensive industry under SEPP 33. It is therefore recommended that a condition of consent be imposed to limit dangerous goods to be kept below the screening threshold of the SEPP.

- **State Environmental Planning Policy No. 55 – Remediation of Land**

The aim of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) is to provide for the remediation of contaminated land for the purpose of reducing the risk of harm to human health or environment and requiring that any remediation work meet certain standards and notification requirements.

The proposal site and the DRWDD site includes areas of soil contamination. Preliminary site investigations demonstrate that although leachate is present in groundwater and there is the potential existence of asbestos containing material, the proposal will not exacerbate contamination processes and would not preclude the proposed redevelopment proposal.

Council's environment officer concludes that the contamination investigation has been satisfactorily completed in accordance with relevant industry guidelines and concurs with the findings of the report. Whilst the assessment reveals that there is contamination on site it is considered that the contamination status is suitable for the existing and ongoing land use. It is proposed that any exposure of any contaminated areas will be managed through the implementation of mitigation measures to be prescribed in the Construction Environmental Management Plan (CEMP). A CEMP is included in the recommended conditions.

- **State Environmental Planning Policy No. 14 – Coastal Wetlands**

The policy aims to protect and preserve coastal wetlands. The site is located about 2km from Killalea Lagoon, an identified SEPP 14 wetland.

The proposed works include stormwater management infrastructure which the EIS notes is expected to substantially reduce run-off from the DRWDD site and thus contribute to improving water quality in the surrounding tributaries. Council's environment officer has reviewed the EIS and advises that the proposal will not have any additional impact on the adjoining areas identified and mapped as SEPP 14 wetlands.

- **State Environmental Planning Policy No. 64 – Advertising & Signage**

One of the policy main objectives is "to ensure signage and advertising is compatible with the desired amenity and visual character of an area".

Pursuant to clause 8 of the Policy a consent authority must not grant consent for the display of signage unless the signage is considered to be consistent with the objectives of the Policy as set out in clause 3 (1) (a), and satisfies the assessment criteria specified in Schedule 1.

The proposed signage includes one free-standing sign at the entry of the site, which will replace the existing entry sign, and internal directional signage. The proposed signage is considered to satisfy relevant assessment criteria of Schedule 1 and will not undermine the policy objectives.

- **Shellharbour Local Environmental Plan 2013 (SLEP 2013)**

Land Use Table

The land is zoned RU1 Primary Production, E2 Environmental Conservation and E3 Environmental Management under Shellharbour Local Environmental Plan 2013 (SLEP 2013). With exception of the proposed upgrade works to the existing sediment pond, the proposed works are on the land zoned RU1. The sediment pond is located predominantly on E3 zoned land. The sediment pond relates to the landfill operations of DWRDD.

The Land Use Tables of SLEP 2013 do not include waste management facilities or works on RU1 and E3 zoned lands, however the proposal is permitted development on RU1 zoned land pursuant to the ISEPP.

The objectives of RU1 and E3 land use zones are:

Zone E3 Environmental Management Objectives

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To retain and enhance the visual and scenic qualities of the Illawarra Escarpment.

Zone RU1 Primary Production Objectives

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposal lies within the DWRRD site and will not change the existing land use and as such the proposal will not undermine the first 3 RU1 objectives. Whilst the proposal has the potential to create land use conflict with the surrounding different land uses, such as air quality (odour and particles), mitigation measures are proposed to ensure any impacts arising will be minimal. These measures will form part of the development consent, and in addition form part of the EPA's general terms of approval (GTAs). The proposal is not considered to undermine the last RU1 objective.

The first objective of the E3 land use zone is relevant to the proposal. The land has special ecological values as it contains endangered ecological vegetation communities, a SEPP 14 wetland and ground water dependent ecosystems.

Whilst most of the works are predominantly on the adjoining RU1 zone, these works and future operational activities, are sited in close proximity to the E3 zoned land and have potential to impact on the biodiversity values of the surrounding E3 zoned land.

The sediment pond upgrade works will increase the capacity of the pond from an assumed capacity of 1000m³ to a minimum capacity of 2,000m³. Overflows from this pond are conveyed via an unlined, currently degraded, drainage channel down to Rocklow Creek. This channel is proposed to be reconstructed as a grass lined channel. The increase in pond capacity will include some lateral excavation, in addition to increase depth, however these works and the channel upgrade works will not require vegetation removal.

Minimal vegetation is proposed for removal with most being cleared grassland or hermland dominated by exotic species. Two small areas of mapped Swamp Oak Fringing Forest totalling 0.02 hectares in area overlap the proposed windrow composing area but it is considered unlikely that any trees will be cleared from this area.

The integrated stormwater management system is designed to capture and control leachate, dirty and clean water runoff generated by the proposal site through clean and dirty water drainage systems and a leachate drainage system with the aim to have either a neutral or positive impact on water quality of receiving environments including Rocklow Creek and Minnamurra River.

Whilst a specific groundwater monitoring assessment has not been prepared, previous groundwater data and characterisation of local hydrogeology/groundwater chemistry has been included within the EIS. The assessment concludes there is a localised leachate plume associated with previous site management, however, the proposal will not exacerbate any impacts on groundwater. It is proposed that during construction any interception of the groundwater will be managed accordingly through the CEMP.

With regard to the relocation of the leachate ponds, the OOW conclude that on the basis of the information provided, groundwater is unlikely to be intercepted during the proposed works and provide advice on the regulation of aquifer interference activities should ground water be intercepted during works. This advice forms part of the recommended conditions in Attachment 1.

The application is supported with an assessment of biodiversity against relevant legislative requirements under the *Threatened Species Conservation Act 1995* and *The Environment Protection and Biodiversity Conservation Act 1999*. Where impacts cannot be avoided mitigation measures will form part of the CEMP and OEMP for the proposal. The biodiversity assessment completed for the proposal concludes that there will be a negligible impact on biodiversity including adjoining endangered ecological communities or listed threatened species.

The proposal will not adversely impact on the surrounding visual landscape and on views to and from the proposal site. The application has been supported with an assessment of the proposal on potential view receivers. Views from residential areas into the proposal site are distant with existing vegetation screening much of the site. The proposal site sits between the landfill mounds to the immediate west and a corridor of established trees along the eastern boundary. Due to existing topography, distance between the proposal site and

potential view receivers, and the treed areas along the site perimeter, there are limited views of the proposal site from surrounding residential areas, public places and recreation areas.

Attributes of the site does not include any cultural values; refer to heritage section below.

For the above reasons, the proposal is unlikely to undermine the objectives of the E3 zoned land.

A number of clauses of SLEP 2013 are applicable to the proposal, as follows:

Clause 4.3 Height of Buildings

- (1) The objectives of this clause are as follows:
 - (a) to ensure the height of buildings complements the streetscape, rural or natural scenic character of the area in which the buildings are located,
 - (b) to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views,
 - (c) to protect areas of scenic or visual importance.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The Height of Buildings map shows that the maximum height for buildings on the subject site is 9m. The transfer facility building and the organics processing building have a maximum height of 10.25m and 14.55m respectively.

For the organics building the exceedance in building height is limited to the northern and western part of the building; the remainder of this building is well below 9m. The whole of the transfer facility building exceeds the building height development standard. Figure 3 shows the buildings, or part thereof, that exceed the building height development standard.

Pursuant to clause 4.6 of SLEP 2013, the application has been supported with a written request that seeks to justify the variation to the building height development standard, as follows:

- the buildings have been purpose designed with heights that will accommodate the specific operational needs of the buildings, for example forklifts, garbage trucks with tipplers and front-end loaders and heavy vehicle manoeuvring and shredder,
- the higher internal roof height clearance will enable flexibility in future functioning of the buildings (for example, equipment upgrades for continued operational efficiencies and useability) thereby ensuring the use and function of the buildings continues to be consistent with the strategic purpose of the redevelopment during the operational life of the buildings,
- the proposed built form of the buildings is in line with the strategic purpose of the proposal which includes:
 - improving environmental management and limiting impacts on surrounding environments, and
 - improving user requirements and efficiencies of waste management services and activities.

Various options as to the equipment and internal design required to best meet the strategic purpose of the redevelopment proposal were considered with the resulting built form.

- the proposed built form is as result of and is consistent with various strategic planning policies for example the *NSW Waste Avoidance and Resource Recovery Strategy 2007*, the *Shellharbour Community Strategic Plan 2013* and the *DRRD Masterplan*.



Figure 3 Height exceedance plan (EIS Appendix H, figure 3.2)

Pursuant to clause 4.6(3) of SLEP 2013, the above adequately justifies the variation to the standard in that compliance with the development standard is unreasonable or unnecessary in this instance and there are sufficient environmental planning grounds to justify the non-compliance.

The development does not compromise the objectives of the building height development standard for the following reasons:

- Surrounding land uses are located some distance from the proposal site and perimeter vegetation limits views into the site. In addition, the topography increases in height to the north and north east. Accordingly the amenity of these land uses will not be adversely impacted by the proposed building heights in terms of access to sunlight, privacy, visual bulk and views.
- The buildings are located on the eastern part of the site. Along the north and south eastern boundaries are perimeter trees that have a height of at least 10-12m. The landfill mound to the west of these structures has an approximate height of 20m. In time, the landfill areas will be capped and progressively landscaped with trees.

The landfill area nearest to these buildings has an approximate RL of 25m. The height of the proposed buildings, being RL15.00m and RL19.00m, will be lower than this landfill mound. Notwithstanding that views of these buildings from public places and surrounding lands will be limited, the height of the landfill areas of the DWRRD site will effectively provide a backdrop to the buildings.

Pursuant to clause 4.6 (4) (ii), the proposal will not compromise the public interest as:

- the proposed built form will not undermine the objectives of the building height development standard as the proposal is unlikely to adversely impact on the aesthetic values and scenic qualities of the surrounding natural environments such as Killalea State Park and Rocklow Creek and wetlands, and the distant rural landscapes, and
- the objectives of the RU1 land use zone on which the development is situated on will not be undermined by the variation to the development standard.

Clause 5.5 Development in the coastal zone

Refer to SEPP 71 comment above. The site does not have frontage to the foreshore and will not affect existing public foreshore access or foreshore attributes.

Clause 5.9 Preservation of trees and vegetation

The objective of this clause is to “to preserve the amenity of the area including biodiversity values, through the preservation of trees and other vegetation”.

Refer to biodiversity assessment above. Within the proposal site, trees to be removed are limited to those that will conflict with the proposed siting of buildings and car parking areas. The removal of perimeter trees of the site with frontage to Buckleys Road will likely detract from both the existing streetscape and development, however, the landscape concept shows that this area will be replanted with similar species.

The proposal will not undermine the objectives of this clause.

Clause 5.10 Heritage conservation

A cultural heritage assessment for the proposal indicated that as the proposal site is of low archaeological potential due to its position on a low lying floodplain and with a long history of ground surface disturbance, it is unlikely that in situ artefact material will be present.

With regard to non-Aboriginal heritage, SLEP 2013 does not identify any items within the DWRRD site. Dunmore Station is the nearest heritage item to the proposal site. The proposal site is about 700m from the item and is not within its visual curtilage.

The objectives of this clause will not be undermined by the proposal.

Clause 6.1 Acid sulfate soils

The subject site is mapped under the Office of Environment and Heritage's predictive classification scheme as an area containing both class 2 and 3 potential acid sulfate soils (PASS).

PASS has been previously identified on the site below 1m depth and upto 0.6m depth in some locations. Excavation works associated with the decommissioning of the leachate ponds will be below the ground surface by 1m in class 3 soils. Upgrade works to the existing sediment pond are also in class 3 soils.

Suitable consideration has been given to PASS management with proposed safeguard provisions to be incorporated in the Construction Environmental Management Plan (CEMP) to be prepared for the site

- *Shellharbour Development Control Plan 2013*

There are no specific requirements for waste management facilities under the DCP. The development was notified in accordance with chapter 2 of the DCP. The proposed development is not inconsistent with relevant objectives and development provisions of the Plan, for example stormwater management, floodplain risk management and vehicle access, manoeuvring and parking.

The site is mapped as being floodprone land. In this regard, Council's engineer advises:

- Council has not adopted a flood study for this catchment,
- flood levels have been taken from Dunmore Recycling and Waste Disposal Depot Site Management Plan (SMP). The SMP references four flood study reports with 100 year flood levels between 3.32m (AHD) and 3.9m (AHD). The report recommends a 100 year flood level of 3.55m (AHD),
- the Surface Water Assessment prepared by Hyder Consulting states "the site area is immune to flooding during all flood events up to and including the 1 percent annual exceedance probability (AEP) flood event",
- floor levels are all above the the recommended flood levels, and
- the proposal complies with the SDCP.

In reply to OEH's comments on the proposal with regard to floodplain management, Council's engineer advises that the development is compliant with Appendix 11 of the *Shellharbour Development Control Plan*.

- *Other matters*

No planning agreement under Section 93F applies to the site or any draft planning agreement. No coastal zone management plan applies to the site. With regard to the Regulations, the prescribed conditions relating to demolition are relevant to this proposal.

- (b) **Section 79C (1)(b)- the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality;**

An assessment of likely impacts of the proposal that have not been discussed elsewhere in this report are discussed below.

With regard to environmental impact considerations, the EPA has determined that the existing EPL no.12903 can be varied to allow the proposal to proceed subject to GTAs. The GTAs included air quality management together with assessment of the biofilter performance and the emission of odours. The EPA also provided recommended consent conditions which have been included in the recommendation.

Noise and vibration

The Noise Impact Assessment supporting this application has been prepared in accordance with relevant industry standards and guidelines and is satisfactory. The Noise Impact Assessment concludes that no mitigation measures are required to attenuate any operational noise, however, recommendations have been provided which would assist to reduce potential noise impacts. Similarly, best practice construction noise mitigation measures have also been detailed. The provision of noise attenuation measures is to be detailed in both the CEMP and OEMP/SMP to be prepared. Conditions of consent have been included in the recommendation to address noise attenuation measures.

Air quality

The upgrade to the leachate collection system from ponds to enclosed tanks should reduce odours from this source to nil. The Air Quality Impact Assessment and the additional information provided 19 March 2015 is considered satisfactory. Where impacts cannot be avoided, mitigation measures will be in place to minimise any impacts associated with the operations. The recommendations of the report have been included in the Mitigation Measures Table (revised 19 June 2015) of the EIS and are to form part of both the CEMP and SMP documents to be prepared in accordance with the recommended conditions of consent.

Traffic

The development is expected to result in an increase of 12 heavy vehicle trips per day; this increase is attributed to the forecast increase in organic waste. This forecast growth includes organic waste from other LGAs. The traffic impact report for the proposal concludes that the surrounding road network has spare capacity to accommodate the additional traffic likely to be generated by the proposal and will not impact significantly on the Buckleys Road/Dunmore intersection.

The relocation and co-location of the facilities and associated changes to the internal road network, and the new car parking areas also aim to improve the safety of vehicle circulation and ease of access to these facilities within the site.

(c) Section 79C (1)(c)- the suitability of the site for development;

The site is suitable for the proposed development subject to the recommended conditions of consent of Attachment 1.

(d) Section 79C (1)(d)- any submissions made in accordance with the Act or the Regulations;

Twenty (20) submissions were received during the exhibition period. Eighteen (18) of these submissions were a proforma letter. A petition with 38 signatories was attached to one of the submissions; 10 of these signatories also made a separate submission in the form of a proforma letter.

Two (2) submissions were received after the exhibition period, one from Endeavour Energy and one from the NSW Office of Environment & Heritage (and forms part of the documents submitted with report).

Matters raised in the submissions are:

- Traffic safety concerns and re-direction of traffic to benefit the proposal as a result of the proposed re-alignment to Buckleys Road & traffic management functioning,
- Lack of proper consideration of the potential for odour impact on all receptors sites, and details of mitigation measures in this regard. The adjoining DRR site has not been considered as a sensitive receptor for the purposes of the air quality assessment in the EIS. The EIS has only nominated sensitive receptors to residential and recreational users,
- The stormwater management plan incorrectly shows an existing drainage line discharging to a water storage pond on the adjoining DRR site. The drainage channel however is located on the subject development site and discharges to Rocklow Creek,
- Lack of consultation with surrounding land owners that are likely to be impacted by the proposal in accordance with the Secretary's Environmental Assessment Requirements (SEARs) in the preparation of the EIS,
- Electricity infrastructure is located on and adjoining the development site and in this regard, safety where working in vicinity of the infrastructure, and unencumbered access to the infrastructure are required, and
- Council is to be satisfied that the following matters are adequately addressed: floodplain management; stormwater infrastructure performance contingencies with regard to protection of receiving environments; and relevant statutory and policy documents.

Most of the submissions made, including the petition, objected to the proposed works to Buckleys Road.

Response:

- The applicant acknowledges that the proposed reconfiguration works will redirect traffic from a public road into the facility.

The applicant provided additional information to propose minor works to the intersection with the removal of the kerb build out and deflection on entry to the adjoining Dunmore Resources and Recycling (DRR) site, so that vehicles travelling on Buckleys Road from DRR will continue to have priority over vehicles egressing from the DRWDD site. Notwithstanding, no works to the existing intersection will form part of the current application.

Due to community concerns about the proposed access and intersection realignment works, a condition has been included in the recommendation to exclude the aforementioned works from forming part of the development consent, should consent be granted.

The applicant notes that the existing conditions provide for adequate sightlines for vehicles exiting the DRWDD site and the swept paths of both entry and exit vehicles are unhindered and both movements can occur simultaneously.

- In reply to the air quality matter raised in the submission/s, the applicant writes "*....In practice the character of a particular odour can be judged by the receiver's reaction to it. The level at which an odour is perceived to be of nuisance can range from 2 OU to 10 OU (NSW DEC, 2005) depending on a combination of many factors including: odour*

quality; odour intensity; odour frequency, timing and duration; population sensitivity; background odour level, public expectation; source characteristics; etc.

For residential areas in sparsely populated areas the criteria assume there is lower risk that some individuals within the community would find the odour unacceptable, hence higher criteria apply. The typical residential odour criteria range from 2 to 7 OU. The 2 OU criterion applies to receivers in an urban environment while the 7 OU criterion applies to rural residential areas.

There are no specific criteria for commercial/industrial receivers. For commercial/industrial receivers it can therefore be expected meeting the residential criteria would be an indicator that there is very little likelihood of odour nuisance, however in practice commercial/industrial receivers would typically have a higher tolerance for odour especially as many commercial/industrial receivers have some self-generated odours.

The very conservative odour predictions indicate that the public areas within 57 Buckleys Rd, Dunmore (DRR) would have odours of 8OU. This is below the acceptable threshold of 10 OU for an industrial premise.

As such the Proposal is unlikely to create an odour nuisance for the DRR site. Odour levels up to 25 OU are predicted within the stockpile area of the Proposal site. It is important to note that these levels of odour would not be inconsistent with levels of odour that are self-generated from mulch, chicken manure and other organic garden mixes located on the DRR site.

The DRWDD site has a Site Management Plan which includes odour management strategies."

The applicants justification is considered satisfactory in the context of the GTAs issued by NSW EPA include air quality monitoring and management requirements.

- A site survey demonstrated that the existing drainage channel along the eastern boundary is wholly contained within the property boundaries of the development site and discharges at the south eastern boundary of the site to Rocklow Creek. The drainage channel does not discharge to the dam located on the adjoining DRR site as previously shown in the EIS.
- Information has been provided to confirm that public consultation in the preparation of the EIS was carried out in accordance with the SEARs, namely the landowners and occupants of 57 Buckleys Road Dunmore and DRR were invited in writing to attend a meeting on 2.04.2015 to discuss the proposed development on the DRWDD site (letter dated 25.03.2014), and were also advised in writing on 12.12.2014 of the timelines for lodgement of the EIS and DA for the proposal.
- The site adjoins Endeavour Energy's Shellharbour Field Service. The easements over the site relate to overhead power lines. Matters raised in the submission made by the electricity provider can be addressed with the imposition of relevant consent conditions which have been included in the recommendation.
- The matters raised by OEH have been addressed elsewhere in this report. In brief, the assessment of the proposal included the matters raised by OEH.

The matters raised in the submissions do not provide adequate grounds to refuse the development application or to require redesign of the proposal and/or further additional information.

(e) Section 79C (1)(e)- the public interest.

The proposal will reduce the amount of waste requiring landfill disposal, improve resource recovery rates and increase operational efficiencies to provide sustainable waste management services for SCC LGA.

The proposed development is consistent with the relevant statutory requirements and planning objectives. Development consent of this proposal will not undermine the public interest subject to appropriate conditions being imposed on any development consent.

3 Recommendation

It is recommended that DA No. 523/2014 (JRPP Ref no. 2015STH001) be approved subject to the conditions contained in Attachment 1.

Attachment 1 – Draft Schedule of Conditions

PART A - ADMINISTRATIVE CONDITIONS

A1 Construction Certificate & PCA Notification *Environmental Planning & Assessment Act 1979 Section 81A*

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, and
- appoint a Principal Certifying Authority.

A2 Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*.

A3 Development in Accordance with Plans

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp except as modified by conditions of this consent.

Name of Plan	Prepared By	Drawing No./Revision	Drawing Date
Site Plan	Hyder Consulting Pty Ltd	AA005925 Drawing no. A0002 Issue D	17.12.2014
Demolition Plan	Hyder Consulting Pty Ltd	AA005925 Drawing no. A0003 Issue C	17.12.2014
Transfer Facility Plans	Hyder Consulting Pty Ltd	AA005925 Drawing no.s A0010 & A0011 Issue C	17.12.2014
Compost Storage Building Plans	Hyder Consulting Pty Ltd	AA005925 Drawing no.s A0012 & A0013 Issue C	17.12.2014
Staff Office & Facilities Plans	Hyder Consulting Pty Ltd	AA005925 Drawing no.s A0014 & A0015 Issue C	17.12.2014
Staff Office Carpark Plan	Hyder Consulting Pty Ltd	AA005925 Drawing no. A0021 Issue B	17.12.2014
Revolve Centre Plans	Hyder Consulting Pty Ltd	AA005925 Drawing no.s A0016 & A0017 Issue B	17.12.2014
Pretreatment Building & Bio filter Plan	Hyder Consulting Pty Ltd	AA005925 Drawing no.s A0018 & A0019 Issue B	17.12.2014
Weighbridge Station Plans	Hyder Consulting Pty Ltd	AA005925 Drawing no. A0020 Issue B	17.12.2014
Landscape Design (EIS SCC DRRR Appendix G, pages 1-10)	Hyder Consulting Pty Ltd	-	18.12.2014
Signage Plan	Urbis	SD1168 Drawing no. SP01 Issue 1001 Rev A	16.12.2014
Table 10.1 Revised - Mitigation Measures	Hyder Consulting Pty Ltd	-	Revised 19.06.2015

Stormwater Concept Management Plan	Hyder Consulting Pty Ltd	Revised	19.03.2015
Construction Waste Management Plan (EIS SCC DRRR Appendix I, pages 4-9)	Hyder Consulting Pty Ltd	-	18.12.2014
Environmental Impact Statement SCC DRRR	Hyder Consulting Pty Ltd		

A4 Compliance with Notations on Drawings

Works must comply with any annotations on the approved plans.

A5 Easements

Structures must not encroach onto any easement.

A6 NSW Office of Water

The development must comply with the advice of the NSW Office of Water, as contained in their letter dated 16 June 2015, consisting of one (1) page, and as attached to this Notice of Determination. Additional licences and approvals may be required under the *Water Act 1912* and the *Water Management Act 2000*.

A7 NSW Environmental Protection Authority

The development must comply with the General Terms of Approval and advice of the NSW Environmental Protection Authority, as contained in their letter dated 07 May 2015 (Reference: EF15/798, Notice no. 1527988), consisting of seven (7) pages, and as attached to this Notice of Determination.

The recommended conditions of consent, A, B and C on page 6, are to be taken as conditions of this development consent.

This development consent includes the construction of an organics processing facility which will include the receiving, processing, treatment and composting of food waste.

A8 Works Excluded from Consent

No reconfiguration works of the vehicular access point on Buckleys Road forms part this development consent.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Initial Geotechnical Report

A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

The report must cover, but not be limited to the following:

- a. extent and stability of proposed embankments including those acting as retarding basins,
- b. recommended Geotechnical testing requirements,

- c. level of geotechnical supervision for each part of the works as defined under AS 3798 - *Guidelines on Earthworks for Commercial and Residential Developments*,
- d. an analysis of the level of risk to existing adjacent structures/buildings including the scenario of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent structures/buildings, high risk areas must be identified on a plan and indicate that no vibratory rollers shall be used within that zone,
- e. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation,
- f. recommended structure footing types and founding depths,
- g. requirement for subsurface drainage lines, and
- h. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics.

B2 Soil and Water Management Plan

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of a Soil and Water Management Plan (SWMP). The SWMP must clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures. In addition, rehabilitation techniques that are necessary to deal with such activities should be referred to.

The SWMP must take into account the requirements of Landcom's publication *Managing Urban Stormwater - Soils and Construction (2004)* thus ensuring the following objectives are achieved, namely:

- a. minimise the area of soils exposed at any one time,
- b. conserve topsoil for reuse on site,
- c. identify and protect proposed stockpile locations,
- d. preserve existing vegetation and identify revegetation techniques and materials,
- e. control surface water flows through the development construction site on a manner that:
 - i. diverts clean run-off around disturbed areas
 - ii. minimises slope gradient and flow distance within disturbed areas
 - iii. ensures surface run-off occurs at non-erodible velocities
 - iv. ensures disturbed areas are promptly rehabilitated.
- f. trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilized (includes landscaping),
- g. specifies measures to control dust generated as a result of construction activities on site,
- h. temporary sediment ponds must be fenced where the batter slope exceeds 1 vertical to 5 horizontal,
- i. design scour protection for the 10 year ARI event at all inlet and outlet structures, and
- j. including measures to prevent the tracking of sediment off the site.

B3 Detailed Drainage Design

A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The detailed plan must:

- a. be generally in accordance with Dunmore Resource Recovery Development Surface Water Assessment prepared by Hyder Consulting Pty Ltd on 17.12.2014, and Stormwater Concept Management Plan prepared by Hyder Consulting on 19.03.2015,
- b. indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- c. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- d. show that overflow drainage paths are designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- e. comply with Council's *Shellharbour Development Control Plan (Chapter 25 & Appendix 12)* unless variation is specifically noted and approved on DA concept drainage plan,
- f. drainage and all drainage infrastructure must be wholly contained within the subject property, and
- g. be to the satisfaction of the Certifying Authority.

B4 Stormwater Discharge to Natural Watercourse

Stormwater discharge point to the natural watercourse must be protected against erosion.

Details are to be submitted and be to the satisfaction to the Certifying Authority prior to the release of the Construction Certificate.

B5 Car Parking Spaces - Dimensions

All car parking spaces must have minimum dimensions of 2.6m x 5.5m adjacent to a 7.0m wide access aisle. A lesser aisle width is permitted provided that for every 0.4m reduction in the aisle width below 7m there is a corresponding increase in the car space width of 0.1m. The car spaces for people with a disability must be designed in accordance with AS 2890.6 (or subsequent amendments).

B6 Engineer Designed Pavement

All car parking areas, manoeuvring areas and the access aisle must be paved, drained and marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. *AUSTROADS Guide to Pavement Technology* can be used as the design guideline for the pavement design.

B7 Landscape Plan Required

Two copies of a landscape plan prepared by a landscape architect must be submitted with the Construction Certificate application. The Certifying Authority must be satisfied that the landscape plan has been prepared in accordance with the approved concept landscape design referred to on condition A3, with Shellharbour City Council's *Development Control Plan* and the following requirements:

- a. The use of the plant species *Crinum pedunculatum* must be limited. Additional planting of *Doryanthes excelsa* shall be incorporated into the proposed plant selection. *Crinum*

pedunculatum attracts a caterpillar that devours these plants which detracts from the visual amenity of the landscape.

- b. Landscape along Buckleys Road must include at least 5 trees that will reach heights on maturity similar to the existing trees that are proposed for removal.
- c. Any removal of perimeter trees along the north and south eastern boundaries must be replaced with tree species selected from the surrounding vegetation communities. The intent of this requirement is to maintain screening of the existing and proposed development. This measure is to also be included in the Site Management Plan (SMP).

B8 Protection of Trees on Site

Existing site trees to be retained that are in proximity to the proposed works must be enclosed with temporary protective fencing to prevent any activities, storage or the disposal of materials within the fenced area. Details of the design and location of the vegetation protective fencing must be shown on the building plans and must be approved by the accredited certifier prior to the issue of the Construction Certificate. The protective fence must:

- a. be located a minimum of 1.5m from the base of the tree,
- b. have a minimum height of 1.5m, and
- c. be clearly marked at all times with the use of high visibility plastic hazard tape.

B9 Acid Sulfate Soils

An Acid Sulfate Soil Management Plan (ASSMP) must be provided to the Certifying Authority prior to the issue of the Construction Certificate. The Plan must be prepared in accordance with the *NSW Acid Sulfate Soil Manual 1998*. The ASSMP may form part of the Construction Environmental Management Plan (CEMP) to be prepared for the site.

In the event that acid sulfate soils are encountered, the ASSMP must be activated to address and minimise any adverse impacts of acid sulfate soils on site.

B10 Construction Environmental Management Plan

Prior to the issue of a Construction Certificate a Construction Environmental Management Plan must be prepared and must incorporate the environmental mitigation measures as revised dated 19 June 2015 referred to in condition A3.

B11 External Materials & Colours

The external material/s and colour/s selected for the roof and external cladding of the buildings that exceed 9m in height must be non-reflective or have low-reflectivity and have a colour that will provide a neutral appearance the surrounding backdrop. Details to be submitted with the Construction Certificate application.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Soil and Water Management Plan Implementation (SWMP)

The measures required in the Soil and Water Management Plan approved by the Certifying Authority must be implemented prior to the commencement of works.

C2 Dilapidation Report

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report. The report must be supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

C3 Site Management Plan

Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site,
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,
- d. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions,
- e. how it is proposed to ensure that soil/excavated materials is not transported on wheels or tracks of vehicles or plant and deposited on the roadway, and
- f. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in civil engineering.

C4 Structural Details

The following structural details must be provided to the Certifying Authority prior to commencing work:

- a. structural engineer's design for all reinforced concrete footings and slabs,
- b. structural engineers design for all structural steel beams, framing and connections,
- c. roof truss and bracing details, and
- d. manufacturer's specifications for any patented construction systems.

Council records indicate that acid sulfate soils may be present in this area. The engineer's design must make specific reference to acid sulfate soils as a consideration.

C4 Protection Fencing

The site tree protection fencing must be installed prior to works commencing.

PART D - DURING DEMOLITION & CONSTRUCTION WORKS

D1 Hours of Work During Demolition and Construction Work

Noise generating activities, including excavation, construction and delivery of equipment and materials, must only be carried out between:

- 7am to 6pm Mondays to Fridays

- 8am to 1pm Saturdays

unless otherwise agreed to by Council in writing. Work must not be carried out on Sundays or public holidays.

D2 Maintenance of Soil and Water Management Plan (SWMP)

The soil and water management controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a. all sediment fences, sediment traps and socks are properly placed and are working effectively, and
- b. drains, gutters and roads are maintained clear of sediment at all times.

Note: It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

D3 Endeavour Energy Assets

No stockpiling of excess materials or site sheds are permitted in the easement areas.

Access to the existing electricity infrastructure on and adjacent to the site must be maintained at all times. The intent of this is to ensure that electricity supply to the community is not interrupted.

As the proposed development will involve work near electricity infrastructure, workers run the risk of an electric shock and causing damage to plant and equipment. Workers, including contractors, in the vicinity of the easement areas should be informed of associated risks and work safety practices. Safety training resources can be downloaded from Endeavour Energy's website

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw+homepage/communitynav/safety/safety+brochure>

D4 Acid Sulfate Soils Management Plan

Works must comply with the Acid Sulfate Soil Management Plan.

D5 Demolition - WorkCover, AS 2601 & Work Health & Safety Act 2011

Demolition work must:

- a. be carried out in accordance with the requirements of the WorkCover Authority of New South Wales,
- b. be carried out in accordance with the *Work Health & Safety Act 2011*,
- c. be carried out by a WorkCover licensed contractor where demolition work involves the removal of any materials containing asbestos, and
- d. be carried out in accordance with the provisions of AS 2601- 2001: *The Demolition of Structures* (or subsequent edition/s).

D6 Building Height - Survey Certification

The building must not exceed the height shown on the approved plans.

A report from a registered surveyor must be provided to the Certifying Authority on completion of the roof frame, prior to covering the roof, certifying that the height of the building is in accordance with the approved plans.

Building refers to the transfer facility building and the organics building.

D7 Waste Management

The management of waste must comply with the approved Waste Management Plan. All receipts such as waste disposal dockets must be retained (refer Part E). Any variations to the Waste Management Plan must have prior written approval of Council.

D8 Signage

When the new entry signage structure is installed, the existing entry sign must be removed at this time.

When the new directional signage is installed, the existing wall signage on the Revolve Centre building must be removed at this time.

D9 Protection Fencing

The tree protection fencing must be maintained intact at all times throughout the period of demolition and building work on the site. Machinery, structures, storage/disposal of any building materials and the like, must not be located within the fenced area at any time.

PART E - PRIOR TO OCCUPATION

E1 Occupation Certificate

All conditions in Parts A, B, C, D & E of this consent are preconditions for the purpose of section 109H of the *Environmental Planning & Assessment Act 1979*.

Compliance with all preconditions must be verified by the Principal Certifying Authority prior to issue of a final Occupation Certificate. The building must not be used until the Principal Certifying Authority issues an Occupation Certificate.

E2 Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer www.sydneywater.com.au > *Building and Developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 2092 for assistance. Please make early application for the Certificate as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

E3 Works As Executed - Stormwater Drainage

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted the Certifying Authority by a registered surveyor certifying compliance of all drainage works with the approved design plans. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. This plan must verify surface and invert levels on all pits, invert levels and sizes of all pipelines, and finished surface levels on all paved areas. All levels must relate to Australian Height Datum.

E4 Completion of Landscape Works

Landscape works must be carried out in accordance with the approved Landscape Plan prior to the issue of an Occupation Certificate. Landscape or turf areas must not be reduced or replaced with hard impermeable surfaces. Any variations to the design or species used must be authorised by Council in **writing before any changes are made.**

A report from a suitably qualified person must be provided to the Principal Certifying Authority on completion of the landscape works certifying that the landscape is in accordance with the approved Landscape Plan.

E5 Environmental Management Plan

Prior to the issue of an Occupation Certificate a Site Management Plan is to be prepared to include the environmental mitigation measures as detailed in the EIS referred to in condition A3.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not Applicable

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

G1 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The storage of goods on the site which exceed the quantities listed in Table 1 – Screening Method To Be Used of the Applying SEPP 33 (Hazardous and Offensive Development Application Guidelines) is prohibited.

Furthermore the development is prohibited from transporting to and from the site any dangerous goods which exceed the quantities listed in Table 2 – Transporting Screening Thresholds of the Applying SEPP 33 (Hazardous and Offensive Development Application Guidelines).

G2 Perimeter Vegetation

The removal of any perimeter vegetation along the north east and south east boundaries must be re-established with suitable screening species.



**Department of
Primary Industries**
Office of Water

Contact: Keti Nikolovski
Phone: 02 4224 9738
Fax: 02 4224 9740
Email: keti.nikolovski@dpi.nsw.gov.au

The General Manager
Shellharbour City Council
PO Box 155
SHELLHARBOUR CITY CENTRE NSW 2529

Our ref: **10 ERM2015/0127**
File No: 9059366
Your Ref: DA 523/2014

Attention: Tim Collins

16 June 2015

Dear Tim

**Re: Integrated Development – 44 & 58 Buckleys Road, Dunmore –
Dunmore Resource Recovery Redevelopment – Relocation of existing leachate ponds**

I refer to the Memorandum of 2 June 2015 from Hyder Consulting Pty Ltd in response to the NSW Office of Water's (NOW) request for further information.

The NOW acknowledges Hyder's advice provided by Environmental Earth Sciences that it is **unlikely** groundwater will be intercepted as a result of the proposed works.

Should groundwater be intercepted during the course of the subject works, the interim position by NOW for the regulation of aquifer interference activities is as follows :

- **Temporary dewatering (take of water for up to 12 months)**
 - Where the take of water is less than 3ML per year – **exempt** from obtaining approval from NOW;
 - Where the take of water is greater than 3ML per year – a Part 5 licence is required under the *Water Act 1912*.
- **Ongoing take (longer than 12 months)**
 - The ongoing take of water (continuing take from a groundwater source and/or a connected surface water source) by an aquifer interference activity will require a water access licence and approval under the *Water Management Act 2000* (WMA).

Please direct any questions regarding this correspondence to Keti Nikolovski, keti.nikolovski@dpi.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Keti Nikolovski".

Keti Nikolovski
Water Regulation Officer
Water Regulation Group | Sydney & South Coast
NSW Department of Primary Industries | NSW Office of Water

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1527988

The General Manager
Shellharbour City Council
Locked Bag 155
SHELLHARBOUR CITY CENTRE NSW 2520

Attention: Mr Grant Meredith

Notice Number 1527988
File Number EF15/798
Date 07-May-2015

Dear Sir

Dunmore Resource Recovery Facility Redevelopment - DA523/2014
Buckleys Road, Dunmore

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the redevelopment of the Dunmore Resource Recovery Facility received by the Environment Protection Authority (EPA) on 15 January 2015.

On 25 February 2015, the EPA wrote to Council requiring further information in relation to the proposal. Council has since provided the additional information.

The EPA has completed its review of the information provided and has determined that it is able to vary the existing environment protection licence to allow the proposal to proceed, subject to a number of proposed licence conditions. These proposed licence conditions are provided in attachment A, and are to be read in addition to the conditions currently included in environment protection licence no. 12903. The EPA has also provided some general comments in attachment B that Council may wish to consider when drafting the conditions of consent.

Please note that the proposed licence conditions relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

JRPP No. 2015STH001
Development Application No. 523/2014
Lot 1 DP 110135, Lot 1 DP 419907, Lot 21 DP 653009, Buckleys Road Dunmore

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1527988

If you have any questions, or wish to discuss this matter further please contact Megan Whelan on (02) 4224 4109.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'CW' followed by a flourish.

.....
Cate Woods

A/Manager Regional Waste Compliance

Waste & Resources - Waste Management

(by Delegation)

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1527988

ATTACHMENT A: General Terms of Approval

Integrated Development Application - Dunmore Resource Recovery Facility Redevelopment DA523/2014 - Buckleys Road, Dunmore

1. Information supplied to the EPA

Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- a) the development application DA523/2014 submitted to Shellharbour City Council on 17 December 2014;
- b) "*Environmental Impact Statement - Dunmore Resource Recovery Redevelopment*", Hyder Consulting, December 2014"; and
- c) all additional documents supplied to the EPA in relation to the development, including the "*Response to Additional Information Request*", Hyder Consulting, 19 March 2015".

2. Hours of operation

- All construction work at the premises must only be conducted between:
 - a) 7am and 6pm weekdays; and
 - b) 8am to 1pm on Saturday
- Activities at the premises, other than construction work, may only be conducted between:
 - a) 7.30am and 4.00pm weekdays;
 - b) 8.00am and 4.00pm weekends and Public Holidays; and
 - c) Closed Christmas Day and Good Friday

3. Dust

- Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
- Vehicles leaving the premises must not track materials onto external surfaces.

4. Air Quality Management Plan

- For all dust and odour emission sources at the site the licensee must prepare an air quality management plan that includes, but is not limited to:
 - Key performance indicator(s);
 - Monitoring method(s);
 - Location, frequency and duration of monitoring;
 - Record keeping;
 - Response mechanisms; and

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1527988

- *Compliance reporting.*
- The air quality management plan must be implemented prior to the commencement of works to redevelop the facility.

5. Assessment of Biofilter

Within the first six months of operation, the licensee must undertake an assessment of odour from the bio-filter under usual operating conditions. A report detailing the results of the assessment must be submitted to the EPA by the end of the first six months of operation. If the operation is to continue, the bio-filter must perform at least to the standard assumed in the Environmental Impact Statement.

6. Waste

- The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below. This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Virgin Excavated Natural Material	As defined in Schedule 1 of the POEO Act, in force from time to time	Waste Storage, Resource Recovery	NA
NA	Building and Demolition Waste		Waste Storage, Resource Recovery	
NA	Garden Waste		Waste Storage, Resource Recovery, Composting	
NA	Wood Waste		Waste Storage, Resource Recovery, Composting	
NA	Food Waste		Waste Storage, Resource Recovery, Composting	
NA	General Solid Waste (non-putrescible)		Waste Storage	
NA	Asbestos Waste		Waste Storage	
NA	Waste Tyres		Waste Storage	

- The quantity of waste composted at the premises must not exceed 50,000 tonnes per annum.
- The quantity of waste processed at the premises must not exceed 50,000 tonnes per annum.
- The height of any stockpile on the premises must not exceed 6 metres.
- Stockpiles of waste, waste derived substances and/or recovered substances (including stockpiled substances already processed or partially processed) must not exceed the following limits at any time:
 - Processed and unprocessed garden waste and wood waste - 10,000 tonnes;
 - Unprocessed and processed building and demolition waste - 15,000 tonnes;
 - Virgin excavated natural material (VENM) - 5000 tonnes; and
 - Metal - 500 tonnes.

7. Meteorological Monitoring

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- The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

Air

EPA Identifi- cation no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	<u>Meteorological Monitoring</u>		<u>To be determined</u>

- For each monitoring point specified in the table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period, and sample at the frequency specified opposite in the other columns.

POINT 1

Parameter	Units of measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm	Continuous	1 hour	AM-4
Wind speed @ 10 metres	m/s	Continuous	15 minute	AM-2 & AM-4
Wind direction @ 10 metres	D	Continuous	15 minute	AM-2 & AM-4
Additional requirements				
- Siting				AM-1 & AM-4
- Measurement				AM-2 & AM-4

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ATTACHMENT B: EPA General Comments

Integrated Development Application - Dunmore Resource Recovery Facility Redevelopment DA523/2014 - Buckleys Road, Dunmore

The EPA provides the following general comments in relation to the proposal:

Conditions of Consent

The EPA recommends that Council consider including the following in the conditions of consent:

A. Environment Protection Licence Variation

Prior to undertaking any works not permitted by environment protection licence no. 12903, the applicant must submit an application to the Environment Protection Authority and be issued with a licence variation.

B. Stormwater/sediment control - Construction Phase

A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction*.

C. Stormwater/sediment control - Operation Phase

A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook*.

Waste Types

The EPA notes that the applicant proposes to receive, process, and compost food waste at the resource recovery facility. The EPA has included food waste in the waste table that forms part of the general terms of approval, but advises that it can only be added to the environment protection licence if it is included in the development consent.

Premises Details

The EPA notes that the premises details referred to in the proposal include Lot 1 DP 419907. This parcel of land is not currently included in the area covered by environment protection licence no. 12903. If the applicant intends to operate on this parcel of land, it must be included in the development consent, and the applicant must submit a licence variation application to the EPA, together with a map indicating the proposed new premises boundary.

Meteorological Monitoring

Conducting meteorological monitoring at the site would assist with appropriate dust suppression and odour management. The EPA recommends that a meteorological monitoring station be installed at the site, and has included this in the above General Terms of Approval. However, the EPA recognises that the station may be better placed on

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the Landfill site under environment protection licence no. 5984. The applicant may contact the EPA to discuss the proposed licence condition.

Waste Regulation

There have been some recent changes to Environment Protection Legislation in NSW that will affect the applicant, whether or not the proposal goes ahead. Under the *Protection of the Environment (Waste) Regulation 2014*, a levy liability will apply to all EPA-licensed waste facilities. Each of these facilities will also be required to install a weighbridge to accurately record waste movements. For more information about the changes, see the EPA's website: <http://www.epa.nsw.gov.au/wasteregulation/wastechanges.htm>.

JRPP No. 2015STH001

Development Application No. 523/2014

Lot 1 DP 110135, Lot 1 DP 419907, Lot 21 DP 653009, Buckleys Road Dunmore

END OF RECOMMENDED CONDITIONS