

Title: Development Application No. 49839/2016, Proposed Use of Land for Resource Recycling Facility on LOT: 49 DP: 10900, LOT: 2 DP: 877957, LOT: 55 DP: 755234, LOT: 501 DP: 722244, 849 The Scenic Road KINCUMBER, 50 Doyle Street MACMASTERS BEACH, Doyle Street KINCUMBER, Empire Bay Drive KINCUMBER



Department: Environment and Planning

Report Purpose:

To enable the determination of a development application.

Applicant	Central Coast Council - Construction Operations
Owner	Central Coast Council
Application Number	49839/2016
Description of Land	LOT: 49 DP: 10900, LOT: 2 DP: 877957, LOT: 55 DP: 755234, LOT: 501 DP: 722244, 849 The Scenic Road KINCUMBER, 50 Doyle Street MACMASTERS BEACH, Doyle Street KINCUMBER, Empire Bay Drive KINCUMBER
Proposed Development	Use of Land for Resource Recycling Facility
Zoning	SP2 Infrastructure (Sewerage System and Resource Recovery Facility)
Site Area	11900.4m ²
Existing Use	Sewerage Treatment Plant

Summary:

Central Coast Council (CCC) seeks development consent for a Resource Recycling Facility which is to be wholly contained within the existing cleared portion of Lot 49 DP10900 Doyle Street Kincumber to store, until future reuse, materials from the Council's ongoing road construction and maintenance projects. The subject site is located within the Kincumber Sewerage Treatment Plant (KSTP) site. Refer **Figure 1** for the site and location plan.

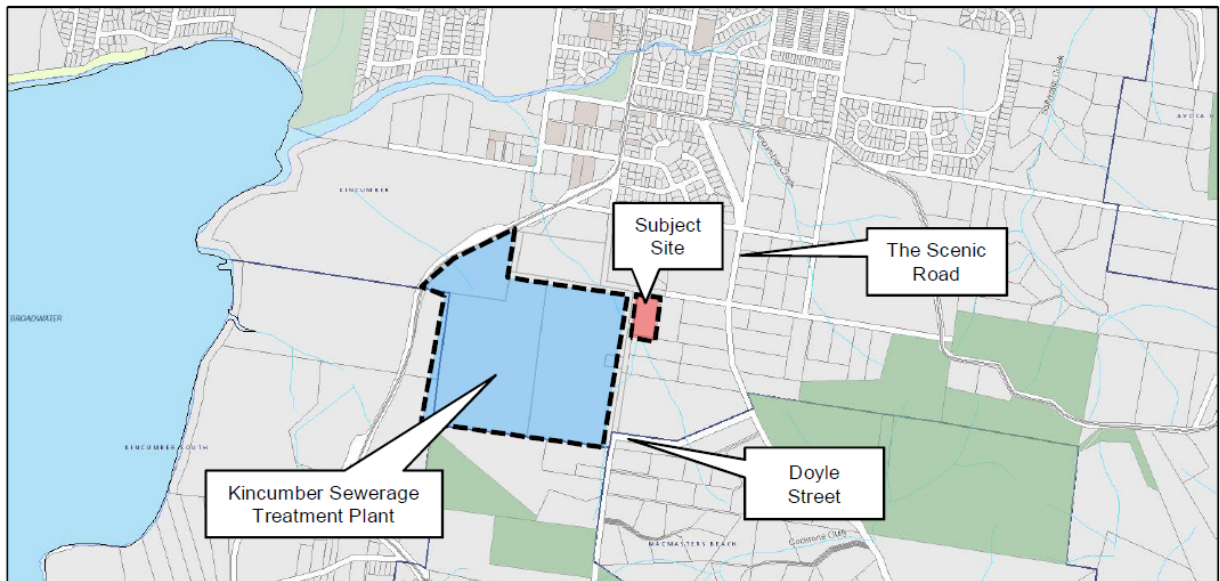


Figure 1 – Site and Location plan

The proposed facility would process a maximum of 6,000 tonnes of excavated road construction material from CCC road projects per year, with no more than 1,000 tonnes of material stored on site at any one time. No permanent services, structures or ancillary facilities are proposed for the site. The facility is to be utilised as a drive in drive out storage area only. Materials will be stored within the existing cleared portion of the site and no vegetation removal is proposed.

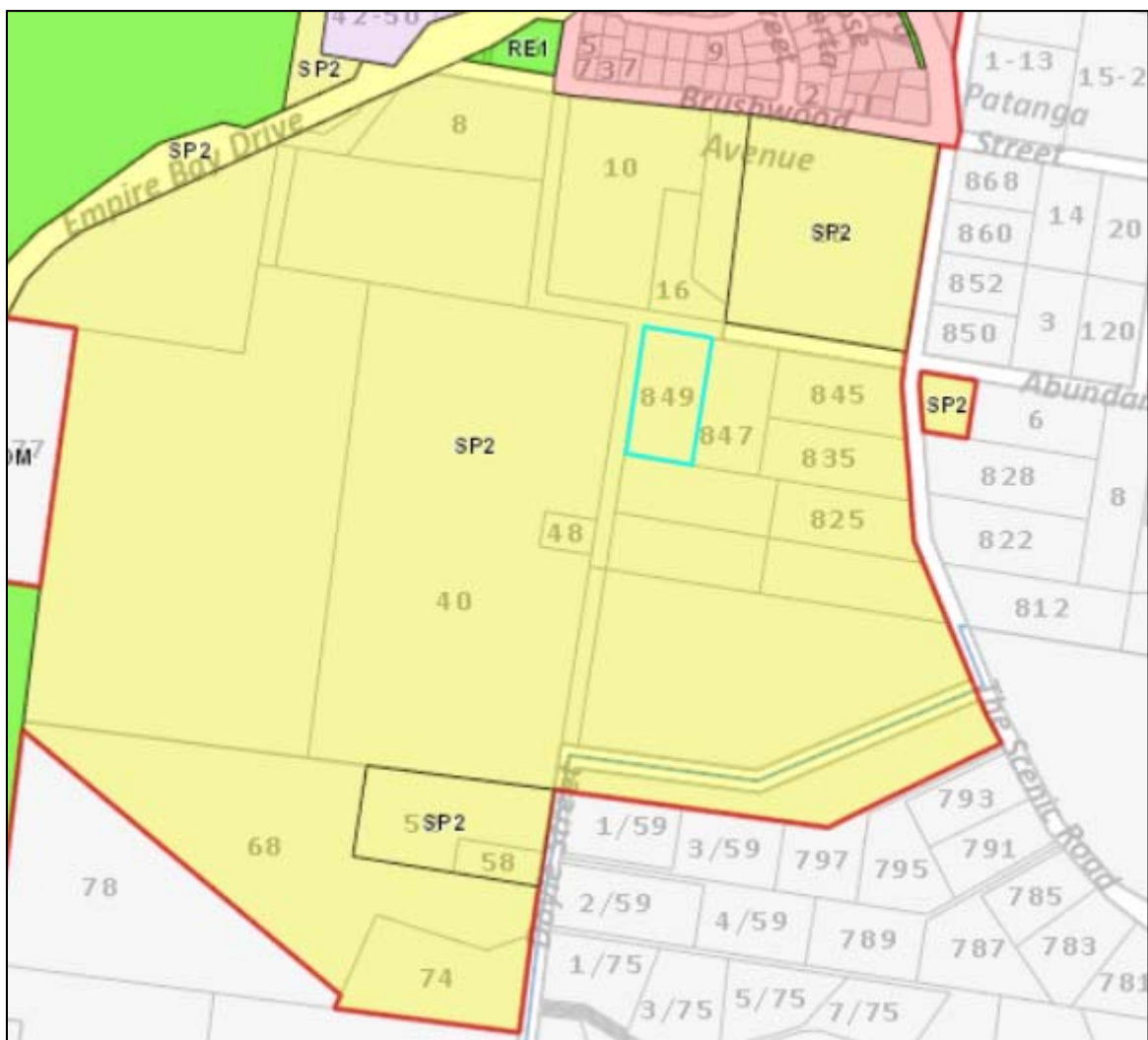
Resource outputs from the facility are likely to include reclaimed asphalt pavement material, concrete, granular road base material, soil and/or topsoil, and pipes and other concrete structures for reuse on future road projects.

The materials would be sorted and tested offsite and stored on site in segregated stockpiles until required for future road construction and maintenance projects. Concrete crushing is expected to be carried out approximately two times each year using a mobile concrete crushing plant.

The subject site is zoned SP2 Infrastructure (Sewerage System and Resource Recovery Facility), under the statutory provisions of Gosford Local Environmental Plan 2014 (GLEP 2014). The subject site is located within the KTSP site and related odour buffer. A significant buffer zone presently exists between the KTSP site and adjoining developments, as indicated by the zoning extract in **Figure 2**. Land immediately adjoining the KTSP is predominantly zoned rural, with a residential component (Brushwood Avenue), approximately 280.0m to the north.

The site was historically cleared and has been used as a road construction material stockpile area for a number of decades and documentary evidence by way of aerial photographs have been included in the Environmental Impact Statement accompanying the development application, to quantify this statement.

This application seeks to formalise the use.



These matters have all be addressed within the EIS and deemed not likely to have a significant impact. Consent conditions will be recommended to mitigate any potential environmental impacts associated with the proposed development. A summary of the issues raised by the public submissions are contained in the planning report.

Application Type	Development Application – Designated
Application Lodged	10/05/2016
Delegation level Reason for delegation level	Joint Regional Planning Panel Schedule 4A of Environmental Planning & Assessment Act 1979 - Waste Management Facilities or Works

Advertised and Notified	Exhibition period closed on 25/07/2016
Submissions	24 submissions and a petition containing 36 signatures
Disclosure of Political Donations & Gifts	No

Recommendation:

- A That the JRPP as consent authority grant consent to Development Application No 49839/2016 for Use of Land for Resource Recycling Facility on LOT: 49 DP: 10900, LOT: 2 DP: 877957, LOT: 55 DP: 755234, LOT: 501 DP: 722244, 849 The Scenic Road KINCUMBER, 50 Doyle Street MACMASTERS BEACH, Doyle Street KINCUMBER, Empire Bay Drive KINCUMBER subject to the conditions attached.
- C In accordance with Section 95(1) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.
- D The objectors are notified of JRPP's decision.
- E The External Authorities be notified of the JRPP's decision.

Assessment:

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans.

Summary of Non Compliance:

The proposal is compliant with the relevant standards.

Clauses Where Consent Authority Must be Satisfied/Have Regard

Planning Provision	Clause	Recommendations
GLEP 2014 2.3(2) Zone Objectives and Land Use Table	2.3(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone	The proposal has been assessed and is considered consistent with the objectives of the SP2 Infrastructure (Sewerage System and Resource Recovery Facility)
Environmental Planning and Assessment Act 1979	Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats (1) For the purposes of this Act and, in particular, in the administration of sections 78A, 79B, 79C, 111 and 112, the following must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats: (a) each of the factors listed in subsection (2), (b) any assessment guidelines.	Specialist flora and fauna investigations undertaken for the Proposal identified two ecological endangered communities (EECs) present in the broader study area and noted that a number of threatened species may forage in the area. Seven part tests of significance concluded that significant impacts on the flora and fauna are not anticipated.(refer Environmental Officers comments)
Threatened Species Conservation Act 1995	Clause 3 – The objects of this Act are as follows: (a) to conserve biological diversity and promote ecologically sustainable development, and (b) to prevent the extinction and promote the recovery of threatened species, populations and ecological communities, and (c) to protect the critical habitat of those threatened species, populations and ecological communities that are endangered, and (d) to eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities, and (e) to ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed, and (f) to encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management	Specialist flora and fauna investigations undertaken for the Proposal identified two ecological endangered communities (EECs) present in the broader study area and noted that a number of threatened species may forage in the area. Seven part tests of significance concluded that significant impacts on the flora and fauna are not anticipated.(refer Environmental Officers comments.)

Planning Provision	Clause	Recommendations
SEPP 55 – Remediation of Land Clause 7(1)(a) and 7(2) – Contamination and Remediation to be Considered in Determining Development Application	(1) A consent authority must not consent to the carrying out of any development on land unless: (a) it has considered whether the land is contaminated... (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	<i>The EIS states that 'on the basis of historical land uses, it is considered unlikely that contamination is present on the site at concentrations sufficient to constrain the ongoing use of the site for commercial/industrial purposes'. The proposed works will not involve disturbance of soils on site and will not change the use of the land from operational/stockpiling.</i> <i>In consideration of the above, the conclusion within the EIS can be generally supported and no further assessment under SEPP 55 is considered warranted .Refer Environmental Officers comments)</i>

Background:

In 2012 Council considered a Planning Proposal application to rezone the Springfield Quarry land from Zone 7(a) Conservation to Zone 5 - Resource Recovery Facility and resolved to prepare a Planning Proposal. A Gateway Determination was subsequently issued by the, then, Department of Planning and Infrastructure.

During November 2012 the Planning Proposal was placed on public exhibition and a significant number of public submissions were received objecting to the Planning Proposal.

On 11 June 2013 the former Gosford City Council resolved, in part, to receive a report considering alternative sites for the proposed resource recovery facility.

18 sites were identified and investigated. Four (4) sites were considered for further investigation.

Preferred option for the Resource Recovery Facility

Of the alternate sites considered, the site at Kincumber Sewage Treatment Works (Lot 49 DP 10900 and adjacent road parcel) was identified as the preferred option for the Resource Recovery Facility.

This site was reported to have the advantages of current ownership by Council and is reasonably central to operations whilst being isolated from adjacent residential areas and screened from these areas by existing vegetation.

A Planning Proposal for the Kincumber Sewage Treatment Plant (KSTP) site was subsequently prepared and a Gateway Determination issued to include "Resource Recovery Facility" in the SP2 zone description for the whole of the KSTP site. As a consequence, the site is presently zone SP2 Infrastructure (Sewerage System and Resource Recovery Facility).

The GLEP 2014 amendment was notified on the NSW Legislation website on 6 February 2015.

DA 49839/2016 for a Resource Recovery Facility was lodged on the subject site on 13 May 2016.

Site & Surrounds:

The proposal is to be wholly contained within the existing cleared portion of Lot 49, DP10900 Doyle Street Kincumber, which is owned by CCC and forms part of the greater KSTP site. Refer to **Figure 3** for the aerial image and site location plan.



Figure 3 – Aerial Image (subject site shown edged blue)

The site consists of an approximately 0.65 ha cleared area which is bound on all sides by thick vegetation described as Kincumber Scribbly Gum Forest and Swamp Mahogany Forest. The site contains two sediment ponds which provides for on-site detention (OSD) requirements and for runoff storage.

The residential suburb of Kincumber exists to the north separated from the site by approximately 275m of dense vegetation. Semi-rural properties exist along The Scenic Drive 255m to the east and 450m to the south off Doyle Street. Kincumber STP is located approximately 120m to the south west of the site (refer **Figure 3**). The area identified as the "operational area" shows the currently disturbed area which will form the perimeter of all future works for the Resource Recovery Facility.

The land is zoned SP2 Infrastructure (Sewerage System and Resource Recovery Facility) under the GLEP 2014, as depicted in the zoning extract in Figure 2.

The site is identified as "bushfire prone land" on Council's bushfire maps, but will not require referral to the NSW Rural Fire Service in this instance under Section 100B of the *Rural Fires*

Act 1997, as the proposal is neither a subdivision nor involves development for a special fire protection purpose.

The Proposal:

CCC is seeking development consent for a Resource Recycling Facility. The proposal is considered Designated Development under Clause 32 (Waste Management Facilities or Works) of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The proposal triggers subsections 32 (1) (a), (b) and (d) (i) of Schedule 3 and the following extract of the definition is applicable:

32 (1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:

a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:

b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:

d) that are located:

(i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area,

The Secretary's Environmental Assessment Requirements (SEARs) for the preparation of the Environmental Impact Statement (EIS) were issued by the Department of Planning & Environment (DP&E) on the 20 May 2015. The SEARs provide guidance on the environmental assessment requirements of the proposed Resource Recycling Facility and have been addressed in the EIS.

The proposed Resource Recycling Facility would process less than 6,000 tonnes of waste per year and would store less than 1,000 tonnes on site at any one time. **[Refer Condition 4.11]** Therefore the activity is not considered to be a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act) and does not require an Environmental Protection Licence (EPL).

No permanent services, structures or ancillary facilities are proposed for the site. The facility is to be utilised as a drive in drive out storage area only. Materials will be stored within the existing cleared portion of the site and no vegetation removal is proposed. A summary description of the operational aspects of proposal is provided as follows:

General Details of Material, Storage and Handling

Road materials are excavated separately on each CCC road project site. The material would be delivered to the proposed Resource Recycling Facility already separated into reusable materials, as outlined below;

- Asphalt material is removed from the road surface using a rotary milling machine, which has a rotating toothed drum underneath, which is lowered into the existing road surface to mill off the existing asphalt. The milled asphaltic material can then be loaded into a truck, and then stockpiled for re-use as road base;
- Concrete is excavated or broken out, stored, transported and stockpiled separately, for re-use
- Granular road base material is usually excavated separately, and loaded, transported and stockpiled for reuse; and
- Soil and/or topsoil is usually excavated separately, and loaded, transported and stockpiled for re-use.

The operational area of the site is proposed to be divided into separated controlled locations for different materials. Trucks are proposed to enter the site and tip the separated materials into separate areas for recycling and storage. Materials are to be divided into the following categories:

- Reclaimed asphalt pavement material,
- Concrete,
- Granular road base material,
- Soil and/or topsoil,
- Pipes and other concrete structures for reuse.

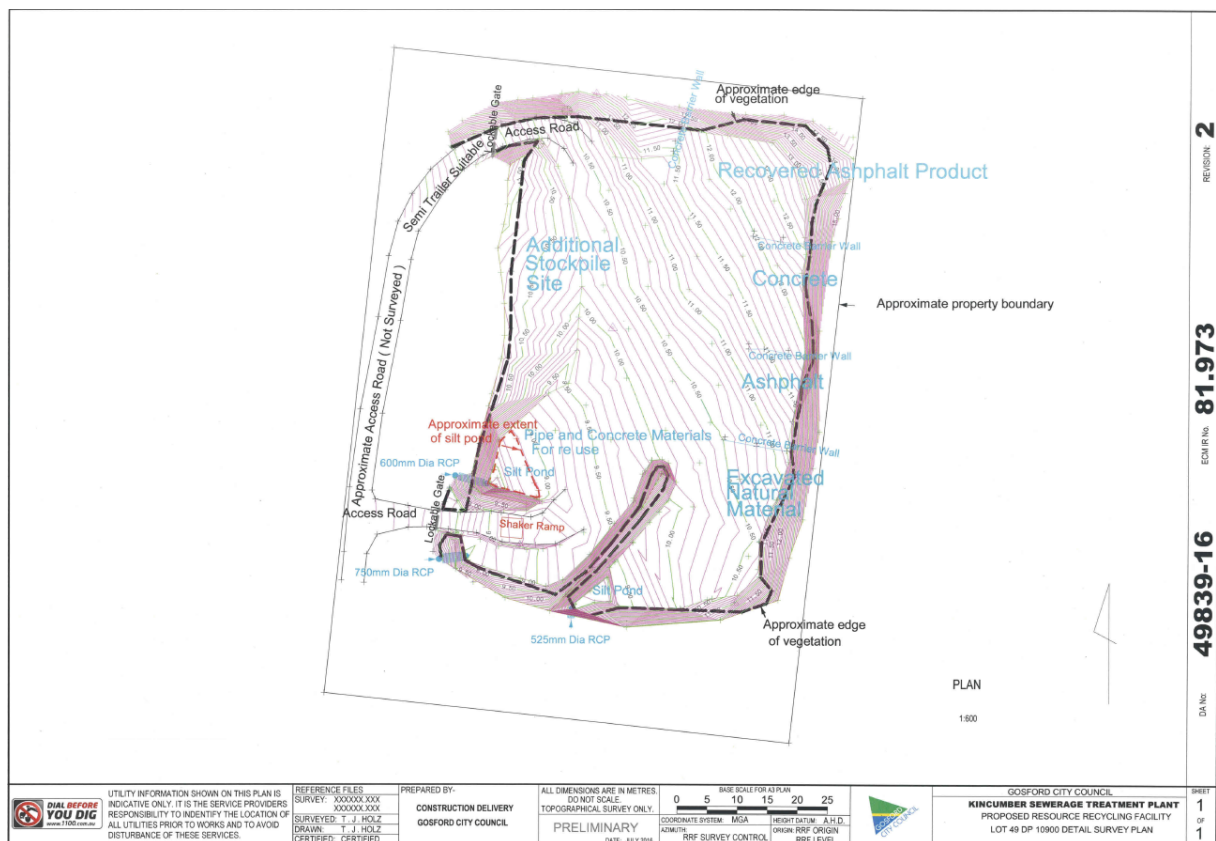


Figure 4 - Stock Pile Designated Area

The only expected additional process at the proposed Resource Recycling Facility would be concrete crushing, to be carried out approximately twice during each year, using a mobile concrete crushing plant. [Refer Condition 4.4 and 4.12]

In relation to storage of materials on site, it is proposed to use standard "type F" precast concrete barrier sections to contain the materials that are proposed to be recycled, as indicated by the **figure 5** below, each approximately 2.0m in length x 0.820m in height, to form physical dividers between individual stockpile areas. The stockpile height is expected to be between 3m to 4m.

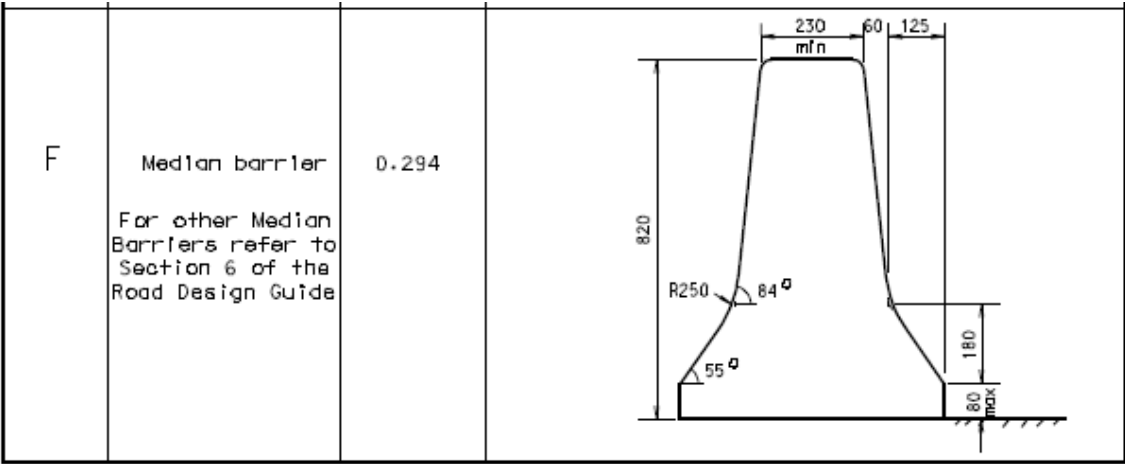


Figure 5 – Typical Concrete Barrier

It is proposed to store less than 1,000 tonnes on site at any one time and process a maximum of 6,000 tonnes of excavated road material per year at the proposed Resource Recycling Facility. Only material which can be reused/ recycled would be stockpiled at this facility.

The excavated road base material to be stored on site is defined in clause 49 of Schedule 1 of the *NSW Protection of the Environment Operations Act 1997* (PoEO) as General Solid Waste (non-putrescible). There would be no potentially hazardous material brought onto or stockpiled at the proposed Resource Recycling Facility.

All materials would be tested and classified prior to being received at the proposed resource recovery facility. Any waste material to be received at the proposed Resource Recycling Facility site would have been tested for Excavated Natural Material (ENM) of Virgin Excavated Natural Material (VENM) classification, at the road construction site from which it originated.

Resource outputs would be excavated soil and road base materials to be reused as road construction materials within CCC’s ongoing road reconstruction and road construction works.

Facility Operational Details

The layout for the proposed facility is provided in **Figure 6** and a description of the works is provided below.



Figure 6 – Facility Layout

Access to the Facility

Vehicular access to the facility is proposed to occur via Doyle Street. It is not proposed to provide any dedicated parking at the site, with employees to utilise the parking areas at the existing Kincumber Sewerage Treatment Plant if required.

Hours of Operation

The facility would operate primarily during day time hours, typically 7am to 5pm Monday to Friday. It is anticipated that there would be an occasional requirement for night works, and weekend works, to meet the safety demands of road projects due to safety issues around working during periods of high traffic flow.

Plant and Equipment

The proposal assumes the use of 8 tonne trucks with a 12 tonne bogey, (20 tonne total capacity), a maximum annual volume of processed material of 6,000 tonnes would require 300 truck movements into the facility, and 300 truck movements out of the facility. This total of 600 truck movements per year would be equivalent to approximately 2.3 truck movements per day, on average, based on the site operating Monday to Friday only.

Additional plant required would include:

-
- loader to load and unload material
 - two mobile crushers to be used occasionally throughout the year;
 - water cart for dust suppression

Council owned plant is generally returned to the Council Depot each night. Fuelling and servicing of plant is generally to be carried out at the Council Depot.

Traffic and Transport

It is considered that the levels of traffic expected to be generated by the proposal would not have any impact on the operation of the surrounding road network and would not be perceivable in areas away from the immediate vicinity of the subject site

It is considered that the low levels of traffic expected to be generated by the proposal would not impact on the safety or function of the surrounding road network and that no road upgrades would be required due to the proposed development.

In order to manage operational traffic at the site, a Traffic Management Plan (TMP) would be prepared to form a component of the Operational Environmental Management Plan (OEMP) and would be approved by CCC prior to the commencement of site works. **[Refer Condition 2.2 and 4.8]**

Noise and Vibration

The noise and vibration impact assessment states that Operational plant noise levels are predicted to generally comply with the Industrial Noise Policy (INP) noise criteria for general works (without operation of the mobile crushing plant) during the day. However, the INP noise criteria would be exceeded with operation of the crusher. Given that crushing is proposed very occasionally (approximately two times per year), permanent additional mitigation measures such as site boundary noise barriers have not been recommended.

Plant noise controls such as provision of a temporary local barrier close to the crusher and screener if practical, and a maximum noise limit for crushers and screeners of 110 dB(A) is recommended. Additional best practice mitigation measures have been recommended to manage noise associated with this activity. **[Refer Condition 2.2, 4.8, 4.9 and 4.13]**

Haulage from the site is not likely to have any significant impact on the nearby dwellings, given that the predicted truck movements are likely to be less than two per hour and would not generally occur at night. The estimated vibration level at all dwellings near to the proposed site is likely to comply with human comfort levels adopted for this project

Air quality and dust

The project is not expected to generate significant emissions to air, given its location, and the nature and scale of the operations undertaken on site. The site is situated 280 metres from the nearest rural-residential receptors, and the scale of the project is constrained by regulatory limits to a maximum of 1,000 tonnes of material on site at any time and a maximum of 6,000 tonnes throughput per year. Operation impacts are largely able to be

controlled through good site environmental practice and commonly applied dust management measures. [Refer Condition 2.2, 4.11 and 4.12]

Flooding

The site is minimally impacted by flooding from Kincumber Creek subject during the 1% AEP flood event (**Refer Figure 7**). Most of the area to be used for Resource Recycling Facility is flood free except the blue mark pockets depicted in Figure 7. Council's *Waterride* Flood Viewer reveals that these blue mark pockets areas are of low hydraulic hazard category with depth of inundation 10 cm and flow velocity 0.4 m/sec at 1% AEP flood event. The site is not subject to flooding during smaller, more frequent events.

The submitted flood assessment report states that:

"The potential impact from flooding is that access and egress from the site can be limited during storm events. Flood free access in a 10% AEP storm would require that the culvert beneath the access road be upgraded to a 3m x 0.9m reinforced concrete box culvert. This upgrade is considered unwarranted due to the small duration of road overtopping.

Management of the risk can be undertaken by ensuring that the site induction process includes awareness of potential flood access and egress issues in the event of a significant storm event."

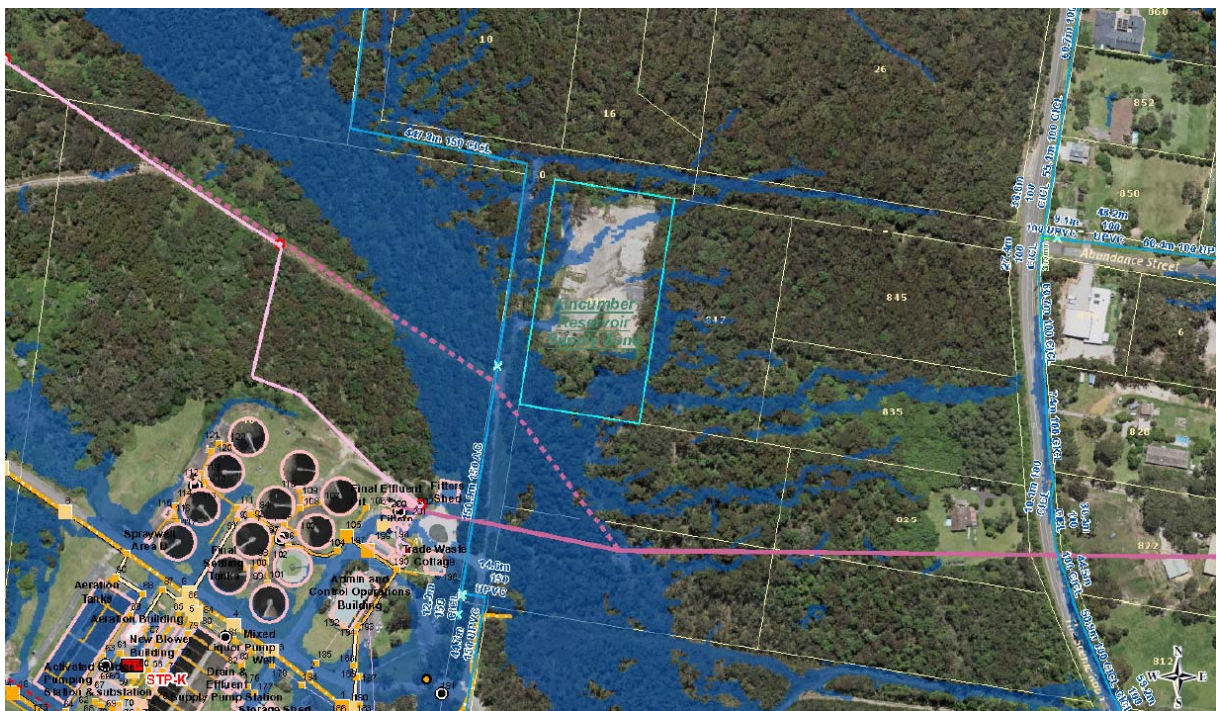


Figure 7 – Extent of 1% AEP Flood Event

The portions of the site which are proposed to be actively used are generally within bund walls and are above the 1%AEP which means that the use will have only minimal impacts on flood waters. The use is considered compatible with flooding on the site. The impact of flooding is not considered significant and Council's Development has provided a suitable condition of consent requiring that this risk is managed. (**Refer condition 4.1**)

Planning Consideration of proposal

The review of the operation details associated with the proposal and the review of the submitted EIS, concludes that the scale and capacity of the proposal is not significant and proposal will not have an adverse impact on the subject site and surrounding natural and built environment.

Furthermore, the proposal is to be sited within an existing cleared area, with no vegetation removal proposed and no permanent services, structures or ancillary facilities proposed to be constructed for the site. The facility is to be utilised as a drive in drive out storage area only.

The impacts of the proposal on soil and water can be appropriately managed through the maintenance and monitoring of existing sediment and erosion controls such as water quality basins and shaker grids at the site as well as covering stockpiles during heavy rain and high wind and covering loads entering and exiting the site

Council's Environmental Officer has advised that dust management, including dust from concrete crushing will be controlled on the few occasions per year it occurs via wetting down or other suppression methods. Air pollution is another element that will be required to be addressed within an Operational Environmental Management Plan, required as a consent condition. **[Refer Condition 2.2].**

In addition, a suitable condition is contained in the recommendation requiring the applicant to provide 5 days written notice to residents within a radius of 500m of the subject site, prior to any concrete crushing being conducted. **[Refer Condition 4.12].**

The EIS has provided a thorough and adequate assessment of the proposal and has provided sound recommendations (where appropriate), as well as providing reasonable and appropriate Statement of Commitments, which are to be referenced in the conditions. **[Refer Condition 4.8].**

Applicable Planning Controls:

The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

- Environmental Planning & Assessment Act 1979 - Section 77A and 79C
- Environmental Planning & Assessment Regulation 2000 – Clause 32 of Schedule 3
- Local Government Act 1993 - Section 89
- Protection of the Environment Operations Act 1997
- Roads Act 1997
- Rural Fires Act 1997
- Threatened Species Conservation Act 1995
- Water Management Act 2000
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (SEPP) No 55 - Remediation of Land
- State Environmental Planning Policy (SEPP) No 71 - Coastal Protection
- Gosford Local Environmental Plan 2014
- Gosford Development Control Plan 2013

Permissibility:

The subject site is zoned SP2 Infrastructure (Sewerage System and Resource Recovery Facility), under GLEP 2014 and is permissible with consent, in the prescribed zone.

State Environmental Planning Policies:State Environmental Planning Policy No 71 – Coastal Protection

The provisions of State Environmental Planning Policy No 71 - Coastal Protection (SEPP 71) require Council consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone. The aims of SEPP 71 are as follows:

- (a) *to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- (b) *to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (c) *to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (d) *to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- (e) *to ensure that the visual amenity of the coast is protected, and*
- (f) *to protect and preserve beach environments and beach amenity, and*
- (g) *to protect and preserve native coastal vegetation, and*
- (h) *to protect and preserve the marine environment of New South Wales, and*
- (i) *to protect and preserve rock platforms, and*
- (j) *to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the [Protection of the Environment Administration Act 1991](#)), and*
- (k) *to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
- (l) *to encourage a strategic approach to coastal management.*

The application is considered consistent with the stated aims and objectives of State Environmental Planning Policy (SEPP) No 71 - Coastal Protection in that it will not have direct impacts on coastal processes/amenity/accesses and related matters.

State Environmental Planning Policy (SEPP) (Infrastructure) 2007

Division 23 of the SEPP Infrastructure relates to the development of waste or resource management facilities. Development for the purpose of waste or resource management facilities, may be carried out by any person with consent on land in a prescribed zone.

Land zoned SP2 Infrastructure zone is suitable for resource management site. The proposed facility is permitted with development consent.

Gosford Local Environmental Plan 2014

The land is zone SP2 Infrastructure (Sewerage System and Resource Recovery Facility), under GLEP 2014 and the proposal is permissible with the consent of Council.

The objectives for the SP2 Infrastructure are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure*
- *To ensure that development is compatible with the desired future character of the zone*

The proposed development meets the objectives of the zone in that it the use is directly related to the provision of road and related infrastructure, and the use is compatible with the surrounding existing infrastructure uses.

5.5 Development within the coastal zone

The provisions of Clause 5.5 GLEP 2014 require Council to consider matters in relation to the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone. The application is considered consistent with the stated aims and objectives of SEPP 71 and will not have direct impacts on coastal processes/amenity/accesses and related matters.

Planning Agreements:

The proposed development is not subject to a planning agreement / draft planning agreement.

Development Contribution Plan:

The proposed development is a development type that is not subject to S94 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

External Referrals:

i. Environmental Protection Authority

The Environmental Protection Authority raises no objection to the proposal and has by correspondence dated 13 October 2016, provided the following comments (summarised):

"It is noted the proposal now incorporates the storage or processing of no more than 6,000 tonnes of waste per annum and will not exceed 1,000 tonnes of waste on the premises at any one time. As a consequence the proposal will not exceed the threshold values as outlined in Schedule 1 of the Protection of the Environment Operations Act 1997 ("the Act") and accordingly will not require a premises based Environment Protection Licence.

The EPA has reviewed the environmental Impact Statement prepared by Cardno dated 14 December 2015 ("the EIS") and finds the controls proposed to be in place at the premises to

limit impacts from water management, waste management, noise, vibration air quality and odour to be adequate.

You are further advised to ensure robust administrative controls are in place and followed by relevant staff to ensure the facility continues to operate at a level compliant with schedule 1 of the Act.

The EPA takes this opportunity to remind Central Coast Council of your obligation to operate the facility in such a manner to prevent pollution by way of water, dust, noise and odour as defined in the Act."

Comment: The comments from the Environmental Protection Authority are noted and appropriate conditions are proposed to ensure that the proposal has a satisfactory relationship with the surrounding natural and built environment.

ii. Roads & Maritime Services

The Roads & Maritime Services raises no objection to the proposal and has by correspondence dated 15 July 2016, provided the following comments (summarised):

"Roads and Maritime has reviewed the information provided and notes the Traffic impact Assessment undertaken by Cardno 13 August 2015 indicates that the proposed development will generate only low levels of traffic and will not have an impact on the operation of the surrounding road network. Roads and Maritime raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the classified (state) road network."

iii Office of Environment & Heritage

The Office of Environment and Heritage has by correspondence dated 27 June 2016, provided the following comments (summarised):

"In General, OEH is of the opinion that the application needs to be sufficiently comprehensive to enable unambiguous determination of the extent of the direct and indirect impact(s) of the proposal and that it addresses all the environmental and cultural requirements under the EP&A Act.

The EIS should include an appropriate assessment of the potential impacts on biodiversity, including threatened species, populations, ecological communities, or their habitats likely to occur on or near the subject site, as well as Aboriginal cultural heritage values and flooding (where applicable)."

Comment: The EIS has provided a thorough and adequate assessment of the proposal. The Biodiversity Assessment undertaken concludes that the proposed facility would maintain biodiversity values within the site and locality through the avoidance of impacts to areas of high biodiversity value.

Council's Environmental Officer has advised that the EIS included an Aboriginal Heritage Due Diligence Assessment, that identified that no Aboriginal objects/site are recorded in the

locality and that site has been historically disturbed. The EIS also states that 'no further impact assessment is required for the project site in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW, 2010).

iv NSW Office of Water

A Controlled Activity Approval (CAA) is required from the NSW Office of Water (NOW) under Section 91 of the WM Act for any controlled activities being carried out on waterfront land; being land up to 40 m inland from the top of bank. Controlled activities include removal and deposition of material (earthworks) on waterfront land.

Comment: Under Clause 38 of the *Water Management (General) Regulation 2011* public authorities are exempt from needing to obtain CAAs. Hence CCC is exempt from the requirement to obtain a CAA for the works however, the proposed works are considered consistent with the requirements of the WM Act.

v Darkinjung Local Aboriginal Land Council

The Darkinjung Local Aboriginal Land Council (DLALC) was notified by Council of the proposed development by correspondence dated 20 June 2016, but has not provided a response to the Council.

The EIS Submitted with the development application does however contain e-mail communication from a representative of the DLALC dated 7 September 2015 which states:

"Thank you for the information.

Based on your reply below I am satisfied that no potential Aboriginal Cultural Heritage will be impacted within the vegetated areas of the property and in the even that Aboriginal Heritage is discovered then the appropriate measure will be taken.

Thank you again for your attention."

Comment: Given the above response, it is considered that there is sufficient information available to make a determination, in relation to the current application. A suitable condition has been incorporated into the consent to ensure that NSW Office of Environment & Heritage is contacted, if any Aboriginal objects or artefacts be uncovered during works.
(Refer Condition 3.5)

Internal Referrals:

Councils Environmental Officer has by Memo dated 13 October 2016, provided the following comments (summarised):

Proposal

The proposal is for a Resource Recovery facility which seeks to normalise an existing stockpile site adjacent to Council's Kincumber Sewage Treatment Plant (STP). The site was historically cleared and has been used as road construction material stockpile area for a number of

decades. The proposed use for the site is to store and sort road construction materials such as soil, asphalt, gravel, mulch and concrete for beneficial re-use. Concrete may be periodically crushed on site using mobile plant. All material is intended for re-use as road construction material.

It is proposed to operate the site under the Protection of the Environment Operations Act 1997 Waste Facility licensing thresholds so as to avoid the need for a weighbridge. This means the site cannot store more than 1000 tonnes or cubic metres (whichever is lesser) of waste at any one time or 6000 tonnes or cubic metres per year in total.

It is understood that the primary purpose of the proposed Resource Recovery Facility is to stockpile Council's road construction material for beneficial re-use. Road construction work is generally project based and it cannot always be planned that any surplus materials from one project can be immediately re-used for the next project. For this reason, temporary stockpiling of materials is necessary to avoid taking waste to landfill and then purchasing new materials.

Some of the materials proposed for storage and sorting are classified as 'waste' and some may be exempt under a range of Resource Recovery Exemptions which are provided under the Protection of the Environment Operations (Waste) Regulation 2014.

- The Excavated Natural Materials Order and Exemption 2014.
- The Excavated Public Road Material Order and Exemption 2014
- The Reclaimed Asphalt Pavement Order and Exemption 2014
- The Recovered Aggregate Order and Exemption 2014
- The Mulch Order and Exemption 2014

Concrete rubble from demolition works will also be stockpiled and then when a large enough amount is accumulated, a mobile concrete crusher will be hired to process the material on site into an aggregate product for re-use in road base. This activity is expected to occur only 1-4 times per year.

EIS Requirement

The proposal is considered Designated Development under Clause 32 (Waste management facilities or works) of Schedule 3 of the Environmental Planning and Assessment Regulation 2000 as the facility would include:

Waste management facilities or works that store, treat, purify or dispose of waste of sort, process, recycle, recover, use or reuse material from waste and:

- a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:
- b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling use or reuse and:
- c) that are located in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area.

The Cardno Environmental Impact Statement was prepared in accordance with Secretaries Environmental Assessment Requirements which were provided to Council by the NSW Department of Planning and Environment in May 2015.

Site Description

A site inspection was undertaken on 22/9/2016. The site was observed to be a cleared area used as a compound for stockpiling of road construction materials. Access is via Doyle St along an existing gravel road. There are 2 gated driveways to the site with a cattle grid installed at the southern driveway. The ground surface of the compound area consists of compacted gravel and a number of material stockpiles that are separated by concrete 'emu egg' bays. The following stockpiled materials were observed at the time of the site inspection:

- Sand*
- Asphalt*
- Tree roots and logs*
- Concrete pipes*
- Gravel*
- Soil*
- Crushed concrete*
- Crushed sandstone*

The site is surrounded on the north, east and southern sides by an earthen berm approx. 2m high which is heavily infested by weeds likely to have been introduced from seed stock within the imported soils. No chemical waste, hazardous waste or fibrous cement material was observed on this occasion however a number of used tyres are stored near the southern driveway.

There are two low lying areas on the site which serve to act as sediment retention ponds during wet weather. Water pooling in these areas is allowed to evaporate or percolate into the ground. In large wet weather events, the water will discharge through concrete pipes into the nearby creek, flowing north-west to Brisbane Water. The water within one of the sediment ponds was observed to be turbid at the time of the site inspection but was not of a level likely to discharge into the concrete pipe which is slightly raised.

Flora and Fauna

The vegetation on site is mapped as:

- E42i Narrabeen Alluvial Sedge Woodland which is indicative of Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community and;*
- E102 Kincumber Scribbly Gum Forest Critically Endangered Ecological Community.*

A number of mature trees are scattered around the boundaries of the compound area including a large hollow bearing Scribbly Gum near the northern driveway.

No tree removal is being proposed as the site has been historically cleared. Indirect impacts to the surrounding sensitive vegetation may include introduction and spread of weeds via

imported soils, dust, changes to the quality/quantity of stormwater runoff and damage by large vehicles.

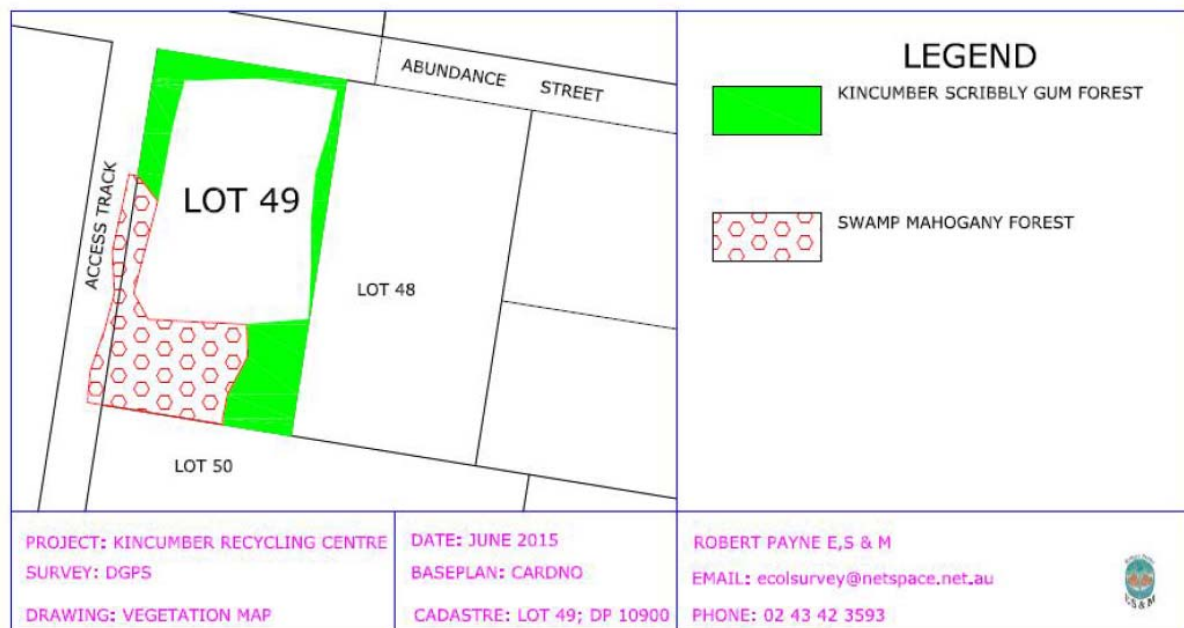


Figure 8: Map from Flora and Fauna Assessment showing vegetation communities

A Flora and Fauna Assessment was provided within the EIS which addresses impacts to threatened species. The Flora and Fauna Assessment did not include fauna survey work however this is considered acceptable as the proposal will not require any vegetation removal. The Fauna Assessment was undertaken based on a review of the NPWS Wildlife Atlas, local knowledge by the Ecologist, previous fauna survey work around the Kincumber STP as well as incidental observations during site inspections. As such, the assumptions made about the types of fauna expected to occur on the site are considered to be accurate.

The Flora and Fauna Assessment confirmed the presence of the two endangered vegetation communities (**Refer Figure 8**) and identified that a number of threatened fauna species may occur in the vegetated area surrounding the stockpile site. These species include micro-bats, Grey Headed Flying Fox, Yellow Bellied Glider and a number of birds. No threatened flora species were identified.

Section 5a Threatened Species Assessments were undertaken for all species and EEC's known or likely to occur on the subject site. They concluded that the proposed works were not likely to have a significant impact upon threatened species, populations, EEC's or their habitats. This conclusion is generally accepted and it is agreed that there will be no direct impacts to vegetation.

Weed incursion is considered to be the most significant threat to the surrounding EEC vegetation and will require management via a vegetation management plan. A consent condition will be recommended to ensure weeds are removed from the site and surrounds which will aim to have a positive environmental outcome for the surrounding sensitive vegetation

Stormwater

Stormwater discharging from the site may potentially be contaminated with sediment or impacted by the stockpiled materials (e.g. crushed concrete may have alkaline runoff). The existing sediment ponds are not deemed to be adequate to manage these impacts and require upgrading and regular monitoring to ensure that water pollution does not occur from any water discharged from the site.

The EIS identifies that the sediment ponds will need to be re-sized and re-designed to better accommodate potential site runoff. Council's Engineering Assessment Unit have recommended the following condition regarding the sediment pond:

'Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.'

Conditions of consent will also be recommended by Environment to ensure the ponds are designed and sized to accommodate site runoff. Ongoing site stormwater management and monitoring will be required to be addresses within an Operational Environmental Management Plan. Conditions of consent have been recommended in this regard.

Air Pollution

The site is not expected to generate large quantities of dust that may migrate off site however during periods of high vehicle movement or during concrete crushing events, dust will be generated. Dust management including dust from concrete crushing will be controlled on the few occasions per year it occurs via wetting down or other suppression methods. Air pollution is another element that will be required to be addressed within an Operational Environmental Management Plant, required as a consent condition.

Aboriginal Heritage

The EIS includes an Aboriginal Heritage Due Diligence Assessment. This identified that no Aboriginal objects/site are recorded in the locality and that site has been historically disturbed. The EIS states that 'no further impact assessment is required for the project site in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW, 2010).'

This conclusion is generally supported as the site has been historically disturbed and no expansion of the site area is proposed. An advisory note will be placed on the consent regarding the protection of Aboriginal heritage.

SEPP 55 – Contamination and Remediation

The site has been used for materials stockpiling for road construction works for approximately 30 years. Prior to this, the site was vegetated. There is a low risk of soil and groundwater contamination from the historical use via runoff from the stockpiles.

Council's records indicate that an environmental incident occurred at the site in 2015 which involved the detection of bonded cement material within some stockpiles. The material

fragments were suspected to be asbestos however testing later confirmed the material did not contain asbestos. (See IMS Environmental Incident 2015-08-001, IR 21289981).

The EIS states that 'on the basis of historical land uses, it is considered unlikely that contamination is present on the site at concentrations sufficient to constrain the ongoing use of the site for commercial/industrial purposes'. The proposed works will not involve disturbance of soils on site and will not change the use of the land from operational/stockpiling.

In consideration of the above, the conclusion within the EIS can be generally supported and no further assessment under SEPP 55 is considered warranted.

Noise

Noise impacts will be assessed by Council's Environmental Health Officers. The noise impact assessment component of the EIS indicates that the proposal is not likely to cause noise pollution or impact the neighbouring residential areas.

Waste Management

An Environmental Protection Licence is required under Schedule 1 of the Protection of the Environment Operations Act 1997 for certain activities including Resource Recovery Facilities and Waste Storage Facilities. The thresholds for both of these activities are 1000 tonnes of waste at any one time or 6000 tonnes of waste per year. The Application repeatedly states that the site will operate below the thresholds and will still be able to be used for beneficial re-use of road construction materials.

An Operational Environmental Management Plan will be required as a consent condition to clearly outline how each type of material is to be handled and which types of materials will be used to calculate the total volume of waste (1000 tonnes at any time or 6000 tonnes per year).

The Operational Environmental Management Plan will also require information on how waste is to be screened to avoid importing any hazardous materials such as asbestos.

Conclusion

The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. Council's Environmental Assessment Officer has no objection to the proposal subject to the attached conditions being included within any consent granted.

The comments from Council's Environmental Officer are noted and have been taken into consideration in the development of appropriate conditions.

Internal Referral Body	Comments
Environmental Officer	Supported, subject to conditions
Development Engineer	Supported, subject to conditions
Water & Sewer	Supported, subject to conditions
Waste Management	Supported, subject to conditions

Officer	
Tree preservation Officer	Supported, without conditions

Political Donations:

No political donations were declared by the applicant.

Public Submissions:

24 public submissions and a petition containing 36 signatures were received in relation to the application. Those issues associated with key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979.

The points raised by the public submissions are detailed below.

1. Increase air pollution

Comment - The project is not expected to generate significant emissions to air, given its given its location, and the nature and scale of the operations undertaken on site. The scale of the project is constrained by regulatory limits to a maximum of 1,000 tonnes of material on site at any one time and a maximum of 6,000 tonnes per year. Operational impacts are largely able to be controlled through good site environmental practice and commonly applied dust management measures. **(Refer Condition 2.2)**

2. Increase noise pollution

Comment – The noise and vibration impact assessment states that Operational plant noise levels are predicted to generally comply with the Industrial Noise Policy (INP) noise criteria for general works (without operation of the mobile crushing plant) during the day. However, the INP noise criteria would be exceeded with operation of the crusher. Given that crushing is proposed very occasionally (approximately two times per year), permanent additional mitigation measures such as site boundary noise barriers have not been recommended.

Haulage from the site is not likely to have any significant impact on the nearby residents. Given that the predicted truck movements are likely to be less than two per hour and would not generally occur at night, sleep disturbance is also not likely to occur. The estimated vibration level at all dwellings near to the proposed site is likely to comply with human comfort levels.

A suitable condition is contained in the recommendation requiring the applicant to provide 5 days written notice to residents within a radius of 400m of the subject site, prior to any concrete crushing being conducted. (Refer Condition 4.11)

3. Increase traffic generation

Comment - The traffic impact assessment accompanying the application states that the proposed development will generate only low levels of traffic during each peak period. The levels of traffic will not be expected to have any impact on the operation of the surrounding road network and will not have any significant impact in areas away from the immediate vicinity of the subject site.

The facility is expected to operate 260 days per year (Monday to Friday), which equates to an average of 2.3 truck movements per day throughout the year.

A Traffic Management and Safety Plan is proposed to be conditioned **(Refer Condition 2.4)**

4. Hazardous dust generation

Comment - The project is not expected to generate significant emissions to air, given its location, and the nature and scale of the operations undertaken on site. The site is situated approximately 280 metres from the nearest dwelling and the scale of the project is constrained by regulatory limits to a maximum of 1,000 tonnes of material on site at any time and a maximum of 6,000 tonnes throughput per year. Operation impacts are largely able to be controlled through good site environmental practice and commonly applied dust management measures. **(Refer Condition 2.2)**

5. Increase in number of heavy vehicles

Comment – The facility is expected to operate 260 days per year (Monday to Friday), which equates to an average of 2.3 truck movements per day throughout the year. The levels of traffic expected to be generated by the proposal would not have any impact on the operation of the surrounding road network and would not be perceivable in areas away from the immediate vicinity of the subject site.

It is considered that the low levels of traffic expected to be generated by the proposal would not impact on the safety or function of the surrounding road network and that no road upgrades would be required due to the proposed development.

6 Create health hazard

Comment – No storage of hazardous materials is intended to occur on site, including transport fuels (diesel). Refuelling would be carried out off site at Council's depot. Servicing of plant and equipment is also intended to be carried out offsite (with the exception of minor servicing), thereby eliminating the need to store bulk quantities of lubricants.

Potential impacts from identified hazards and risks at the proposed site are considered as either minor or low. With appropriate mitigation measures in place, it is considered that the potential impacts associated with such risks would be effectively managed.

7 Roads need to be widened or possibly new roads built

Comment – The Traffic Impact Summary states that the low levels of traffic expected to be generated by the proposal will not impact on the safety or function of the surrounding road network and that no road upgrades will be required due to the proposed development.

8 Impact on tourism

Comment – The proposal seeks to process materials for use in Council's road maintenance projects, which will facilitate improvements to the local road network. The site is well screened with existing vegetation and no further tree removal is proposed. The proposal is not considered to impact on tourism activity.

9 Disturbance and destruction of ecological communities and micro environments

Comment – The Biodiversity Assessment Report states that no further impact is predicted on flora as a result of the proposed development, given that the existing cleared area will be utilised for storage of materials and that there will be no expansion of the work area by clearing of vegetation. The report also states that the proposed Resource Recycling Facility is not likely to have a significant effect on threatened species, populations or ecological communities or their habitats and a Species Impact Statement is not required for the proposed development. Council's Environmental Officer has assessed the application and confirms the environmental impacts are acceptable.

10 Increase volume of traffic will pose safety concerns on the Scenic Road

Comment – It is considered that the low levels of traffic expected to be generated by the proposal would not impact on the safety or function of the surrounding road network and that no road upgrades would be required due to the proposed development. It has been conditioned that a Traffic Management Plan (TMP) and Pedestrian Guidance Scheme be prepared to form a component of the Operational Environmental Management Plan (OEMP). **(Refer condition 2.2, 2.4 and 4.8)**

11 Similar facility was rejected within 2 kilometres of this site

Comment – Council was in receipt of a Planning Proposal (PP 28/2012) for the establishment of a Resource Recovery facility on parts of Lots 7 - 9, 11 - 13 and 31 - 33 DP 2180, Kerns Road, Kincumber.

After considering a report regarding the issues raised in the public submissions, the former Gosford Council on 9 December 2014, resolved to defer the Planning Proposal subject to the submission of additional information.

The applicant however withdrew the Planning Proposal on 14 August 2015. Accordingly, the Planning Proposal was not refused by the Council.

12 Proposal would minimise food source for many native animals.

Comment – The Seven Part Test of Significance prepared for the proposal under the *Threatened Species Conservation Act* concluded there is no major impact predicted on flora or fauna given that the existing cleared area would be utilised for recycling and there would be no expansion of the work area or additional clearing of vegetation.

- 13 Facility of this kind belongs in an area far away from residents

Comment – Adequate buffer distance separation exists between the proposal and the adjoining residential developments, the closest being situated approximately 280m to the north of the site, (Brushwood Avenue), and 450m to the south of the site (Doyle Street). Furthermore, the proposal is separated from adjacent residential development due to the existing vegetative buffers and is zoned particularly to support infrastructure uses such as Sewerage Systems or Resource Recovery Systems.

- 14 Facility will dramatically devalue house prices.

Comment – Land values are not a matter for consideration under S79C of the *Environmental Planning & Assessment Act 1979*.

- 15 Facility could be located elsewhere in an area where there is current industrial use

Comment – The proposed Resource Recycling Facility would provide a central, relatively isolated area where recycling activities can be undertaken with minimal impact on the surrounding environment. The site is suitably located and appropriately zoned land for resource recovery infrastructure to support continued waste minimisation programs within the Local Government area. The use is located adjacent to Council's Waste Management Facility (sewerage) and is not considered to create unacceptable amenity impacts.

- 16 Animals and plants will be killed in the process of building the facility

Comment – The Biodiversity Assessment concludes that the proposed facility would maintain biodiversity values within the site and locality. There is to be no additional vegetation removal on the site.

- 17 Road will be damaged further

Comment – The traffic impact assessment states that the low levels of traffic expected to be generated by the proposal will not impact on the safety or function of the surrounding road network and that no road upgrades will be required due to the proposed development.

- 18 We do not want upgrades and Council work here to enlarge the road which is a potential necessity if the plant would go ahead.

Comment – The road network will not require upgrading as a result of this development.

-
- 19 The land in which this facility is proposed was once Crown land, which is defined as lands retained in public ownership for environmental purposes. This is no longer the case, which also goes against the original objectives of the land use.

Comment – The subject site is presently zoned SP2 Infrastructure (Sewerage System and Resource Recovery Facility), under the statutory provisions of GLEP 2014 and the proposed development is permissible with development consent. The proposal is to use the land for a public works purpose.

- 20 When concrete is crushed a portion of sand is converted to crystalline silica which is a human carcinogen (lung cancer) and can cause a lung condition known as silicosis.

Comment –Concrete crushing which is expected to be carried out approximately two times per year using a mobile concrete crushing plant. Crushing would only be carried out within normal working hours to mitigate negative noise impacts on surrounding developments. Furthermore, no storage of hazardous materials is intended to occur on site. Operation impacts are largely able to be controlled through good site environmental practice and commonly applied dust management measures in accordance with the management plan. **(Refer Condition 2.2)**

- 21 Crushing and sorting of these heavy materials by machinery will be extremely loud

Comment – Concrete crushing which is expected to be carried out approximately two times per year using a mobile concrete crushing plant. Crushing would only be carried out within normal working hours to mitigate negative noise impacts on surrounding developments.

Furthermore, a suitable condition is contained in the recommendation requiring the applicant to provide 5 days written notice to residents within a radius of 400m of the subject site, prior to any concrete crushing being conducted. **(Refer condition 4.4, 4.11 and 4.12)**

- 22 A recycling facility which stores, sorts, and crushes concrete is not compatible for the zoning objectives in the surrounding subdivision.

Comment – The proposal is considered consistent with the zone objectives of the subject site.

The proposed use is separated from residents by a buffer distance ranging between approximately 280m and 450m and the site topography is such that a slight hill physically separates the site from the nearest residents. The impacts of the use are considered reasonable in the locality.

- 23 Health consequences this could have on the community

Comment – The project is not expected to generate significant emissions to air, given its location, and the nature and scale of the operations undertaken on site. Furthermore, no storage of hazardous materials is intended to occur on site,

-
- 24 We have not been contacted by the Council about this proposal at all.

Comment - The proposal has been advertised and notified in accordance the relevant statutory and GDCP 2013 requirements.

- 25 Council is not adhering to distance required by the EPA for distances between industrial and sensitive zones.

Comment – The Environmental Protection Authority has advised Council by correspondence dated 13 October 2016, that the Authority raises no objections to the proposal.

The proposed use is separated from residents by a buffer distance ranging between approximately 285m and 450 m and the site topography is such that a slight hill physically separates the site from the nearest residents. The impacts of the use are considered reasonable in the locality.

- 26 Transported material will spread contaminants along the route.

Comment – The proposal will implement appropriate measures such as covering all loads during off-site transport, regular maintenance of the existing shaker grid to reduce the quantity of soil transported onto public roads by vehicle tyres and regular checks and inspections to assess the performance of dust mitigation measures. **(Refer Condition 2.2 and 4.8)**

- 27 The current investigations surrounding the “Deferred Lands” should be allowed to reach its conclusion before this DA should be considered.

Comment – The Deferred lands investigations will feed into the comprehensive LEP for the Central Coast and are not due for some time. The current development applicant can be determined based on the current zoning provisions and associated statutory planning controls.

- 28 Absence of detail regarding the duration of ‘Crusher Operations’

Comment - Concrete crushing which is expected to be carried out approximately two times per year using a mobile concrete crushing plant. Crushing would only be carried out within normal working hours to mitigate negative noise impacts on surrounding developments. The applicant has confirmed that the duration of each of the crushing operations will be 1 business day.

- 29 Wind direction confirms that nearby residents will be affected by airborne dust, dangerous fibres and particulates.

Comment - The submitted air quality and odour assessment states that wind frequency analysis from Sydney Airport (50km south of the site) indicates the most common 9 am wind directions are from the south, west and north west. At 3 pm southerly, north easterly and south easterly wind directions are most common.

The assessment also states that in general terms, the project is not expected to generate significant emissions to air, given its location, and the nature and scale of the operations undertaken on site.

The proposed use is separated from residents by a buffer distance ranging between approximately 275m and 450m and the site topography is such that a slight hill physically separates the site from the nearest residents. The impacts of the use are considered reasonable in the locality.

Conclusion:

This application has been assessed under the heads of consideration of section 79C of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will provide a necessary infrastructure facility on land which is zoned appropriately to accommodate the use.

The proposal provides a number of environmental benefits, in that it will allow the applicant to recycle up to 6000T of excavated material per year, thereby enabling such excavated materials to be reused on ongoing road construction projects.

Furthermore, the recycling of excavated materials will prevent them from being disposed of in landfill and taking up valuable landfill space. In addition, by recycling up to 6000T of excavated materials per year there will be less pressure on existing quarries to supply road base materials for road construction projects within the Central Coast Council area.

The impacts of the development have been considered. The use is not considered incompatible with the locality and is considered to be a reasonable use of the land given its location within the STP odour buffer.

The EIS has provided a thorough and adequate assessment of the proposal and has provided sound recommendations (where appropriate), as well as providing reasonable and appropriate Statement of Commitments.

Accordingly, the application is recommended for approval pursuant to Section 80 of the *Environmental Planning and Assessment Act*.

Recommendation:	Approval, subject to conditions
Assessing Officer	K. Singh
Recommendation Reviewed by:	Robert Eyre

Plans for Stamping:

Original Lodged Plans ECM Doc No. 23030577

Supporting Documents for Binding with consent:

Kincumber Resource Recycling Facility – Environmental Impact statement prepared by Cardno (NSW/ACT) Pty Ltd. ECM Doc No. 22640964

Standard Kerb And Gutter Shapes (Barrier Details) ECM Doc No. 23258339

Attachments:

Nil

Proposed Conditions of Consent:

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "Development Consent" unless modified by any following condition.

Plans by Construction Delivery – Gosford City Council [Now Central Coast Council]

Drawing	Description	Sheets	Issue	Date
ECM IR No.81.973	Kincumber Sewerage Treatment Plant – Proposed Resource Recycling Facility –Detailed Survey Plan	1 of 1	2	July 2016
MD.R15.A01.A..2	Standard Kerb And Gutter Shapes (Barrier Details)	1 of 1	-	20/11/16

Supporting Documentation

Document	Title	Date
80515607	Kincumber Resource Recycling Facility – Environmental Impact statement prepared by Cardno (NSW/ACT) Pty Ltd	14 December 2015

2. PRIOR TO COMMENCEMENT OF ANY WORKS

All conditions under this section must be met prior to the commencement of any works

- 2.1. Submit a Vegetation Management Plan to Council's Environment Officer for approval for management of the native vegetation on the site.

The Vegetation Management Plan must be prepared by a person qualified in natural vegetation management, ecology or bush regeneration. The Vegetation Management Plan must be prepared in accordance with *Appendix 8.2 – Guidelines for Vegetation Management Plans Volume 1 (Wyang Shire Council, 2014)*, available on Central Coast Council's website and the *Regeneration Policy* of the Australian Association of Bush Regenerators.

The primary objectives of the Vegetation Management Plan are weed management, regeneration of native vegetation, revegetation, and enhancement of flora and fauna habitat, mitigation of environmental impacts and protection of threatened species.

- 2.2. Submit to Council's Environment Officer for approval, an Operational Environmental Management Plan (OEMP) prepared by a suitably qualified environmental consultant. The

OEMP shall be prepared to detail the operation of the facility and will include a summary of the environmental statutory framework and overview of information about the premises.

The OEMP shall address the key environmental management issues for the site including:

- Waste screening process
- Stockpile Management
- Sediment pond monitoring and maintenance scheme (including relevant water quality parameters and frequency of testing).
- Dust suppression
- Noise mitigation measures
- Incident management
- Roles and responsibilities
- Contamination mitigation measures
- Asbestos protocol
- Traffic Management Plan

2.3. Do not commence site works until the sediment control measures have been installed in accordance with the requirements of Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.

2.4. The Developer shall engage a contractor holding current certifications accredited by the RMS to prepare a Traffic Management Plan/s and implement a Traffic and Pedestrian Guidance Scheme including all necessary safety signage, measures and devices in accordance with the current Australian Standard 1742.3 (2009) Manual of Uniform Traffic Control Devices – Traffic Control for Works on Roads and the current RMS Traffic Control at Worksites.

The Traffic Management Plan is to be submitted to Council's Section Manager Engineering Assessment for approval.

3. DURING WORKS

All conditions under this section must be met during works

3.1. The delivery of material operations on site must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 5:00pm

No work is permitted on Saturdays, Sundays and Public Holidays

3.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.

3.3. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.

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- 3.4. Construct the engineering works within the private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
 - 3.5. Cease all works if any Aboriginal objects or artefacts be uncovered during works. Immediately contact the NSW Office of Environment & Heritage and comply with any directions or requirements.

4. ONGOING OPERATION

- 4.1. Manage potential flood by ensuring that the site induction process includes awareness of potential flood access and egress issues in the event of a significant storm event.
- 4.2. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan. Details being submitted to Council's satisfaction, with the Operational Environmental Management Plan
- 4.3. The amount of waste and materials stored or processed at the premises at any one time and per year must be within the relevant thresholds for scheduled activities as outlined in Schedule 1 of the *Protection of the Environment Operations Act 1997*.

Should the waste volumes exceed the relevant scheduled activity thresholds, an Environmental Protection Licence shall be obtained from the NSW Environment Protection Authority.

- 4.4. The proposal including concrete crushing on site shall only occur within the following hours to minimise noise impacts:
 - o Monday to Friday 7am – 5 pm.
 - o No crushing on Saturdays, Sundays or public holidays.
 - o Concrete crushing is to be restricted to a maximum of two (2) times per year.
- 4.5. Comply with the approved Operational Environmental Management Plan. The Operational Environmental Management Plan must be reviewed every 5 years and updated as required.
- 4.6. Implement the approved Vegetation Management Plan and submit progress reports to Council's Environment Officer immediately after initial works have commenced and then at intervals of 1 year, 2 years, 5 years and 10 years following works.
- 4.7. Compliance with all solid waste commitments as detailed in the Environmental Impact Statement dated 14 December 2015 prepared by Cardno.
- 4.8. Compliance with the Statement Of Commitments associated with the proposal, as outlined in Table 7.1 of the Environmental Impact Statement prepared by Cardno dated 14 December 2015, Reference No. 80515607

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- 4.9 Adopt the Best Practise construction noise and vibration mitigation measures as recommended in Section 7 of the Noise Impact Assessment Report prepared by Cardno dated September 2015, Job Reference No. E041_80515607
- 4.10 Compliance with the recommendations of the Flora and Fauna Supplementary Report prepared by Robert Payne (undated & unreferenced) , as detailed in the Environmental Impact Statement prepared by Cardno dated 14 December 2015, Reference No. 80515607
- 4.11 The capacity of the Resource Recycling Facility is restricted to processing a maximum of 6,000 tonnes of excavated road construction material with no more than 1,000 tonnes of material stored on site at any time.
- 4.12 Concrete crushing is to be restricted to a maximum of two (2) times per year and is not to be conducted after 5.00pm. The applicant is to provide 5 days written notice to residents within a radius of 400m of the subject site , prior to any concrete crushing being conducted.
- 4.13 Plant and machinery noise controls will be required to be provided through the provision of a temporary local barrier close to the crusher and screener, with a maximum noise limit for crushers and screeners of 110 dB(A).

5. OTHER APPROVALS

- 5.1. Compliance with any requirements specified by the Environmental Protection Authority.

6. ADVICE

- 6.1. Consult with public authorities who may have separate requirements in the following aspects:
- a. *Ausgrid* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - b. *Telstra*, *Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
 - c. *Central Coast Council* in respect to the location of water, sewerage and drainage services.
- 6.2. Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- 6.3. Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an

amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

7. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

8. RIGHT OF APPEAL

- 8.1. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.
- 8.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.