

Comments from Environment

To	A PRENDERGAST
From	K A CAYNES
Date	25 November 2016
DA Number/Year	49832/2016 Part 1
Proposed	Alterations & Additions to Existing Industrial Building
Property	LOT: 22 DP: 873845 No 98 Wisemans Ferry Road SOMERSBY

Council's Environmental Assessment Officer has assessed the environmental impact of the above proposal in accordance with section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The subject application has been assessed and:

- ☒ **Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) has been considered as part of the assessment and the following comments are made in relation to this clause.**
- ☒ **The attached conditions are recommended for inclusion in any consent issued**

Consent is sought for the construction of Alterations & Additions to Existing Industrial Building, located at LOT: 22 DP: 873845 No 98 Wisemans Ferry Road SOMERSBY. The subject land is zoned IN1 GENERAL INDUSTRIAL.

Background

The previous environment assessment dated 1 June 2016 did not support the proposed CSR manufacturing plant expansion due to insufficient information. Refer to previous environment comments (IR. 22110628).

Additional information has been submitted to address matters raised in the earlier environmental assessment. These matters are addressed below. Recent documents submitted by the applicant include:

- Production Process Flow Diagrams DN. 23597795 & 23597796
- Outstanding Information Report DN. 23579899
- Conservation Areas Management Plan – Whelan Insites DN. 23599259
- SEPP 33 Assessment DN. 23599202
- Environmental Protection Licence letter DN. 23599259
- Operational Noise Assessment DN. 23579888
- Letter of Compliance DN. 23579898
- Conservation Areas Management Plan DN. 23579897

- | | |
|-------------------------------------|--------------|
| • Civil Engineering Report | DN. 23579896 |
| • Air Quality Impact Statement | DN. 23579895 |
| • Previous environmental assessment | DN. 22830749 |

Current Proposal

It is proposed to extend the existing Hebel manufacturing plant operating on Lot 1. The proposed development will extend over the adjoining site to the south (Lot 22).

The proposal has a similar development footprint as the LEC approved development consent and will also encroach within the SIPPOM management zone (Figure Four). The applicant claims that the LEC consent was for earthworks and a hardstand area and the current application seeks to gain approval for the manufacturing plant on this hardstand area.

Outstanding Information Report details the manufacturing processes for the existing and proposed plant. The processes include raw materials, preparation works, mixing, pouring, curing, cooking and packaging.

Lot Consolidation

The proposed development on Lot 22 seeks to expand CSR operations of the existing plant on the adjacent lot known (Lot 1 DP 816083). The two sites will share access, internal road network and stormwater controls. Consequently, it is recommended consolidation of the two lots into one allotment.

Designated Development

The current production rate of the existing CSR facility is 170,000 cubic metres of concrete blocks. The proposed maximum capacity is 500,000 cubic metres. The production capacity exceeds the designated development trigger values of >150tonne/day or 30,000/year as outlined in Schedule 3 of the Environmental Planning Regulation, 2000. Additionally, the subject site is within 100m proximity of a natural waterbody, another trigger for designated development.

Additional information has been provided to address potential environmental impacts of the proposed extension (e.g. noise, air quality and stormwater). These items have been prepared by specialists and submitted to satisfy Council in their assessment of the alterations and addition provisions for designated development (Clause 35 & 36 of the Environmental Planning and Assessment Regulation, 2000).

Overall, it has been demonstrated that the proposed expansion will not significantly increase the environmental impacts of the total development.

Noise Assessment

Wilkinson Murray was engaged by the applicant to assess the potential noise impacts associated with the proposal. The specialist states that the assessment was undertaken in accordance with the relevant NSW State Government policies and guidelines.

Noise sources include truck movements, delivery of materials, forklifts, front end loaders, light vehicle movements and panel cutting. Worse case noise levels were predicted for both the existing and proposed operations. It is acknowledged that background noise levels on the site are influenced by the M1 Motorway traffic.

Noise generated from the existing site operations is expected to be inaudible at all identified receivers. The noise for the proposed expansion is expected to be slightly audible however not intrusive. It was concluded that the noise associated with the existing and proposed development is predicted to comply with the day, evening and night time noise criteria and is unlikely to result in significant noise impacts at the identified receivers.

This information has been accepted in good faith. A condition of consent has been recommended to comply with NSW Industrial Noise Policy.

Air Quality Assessment

Todoroski Air Sciences were appointed to assess the potential air quality noise impacts associated with the proposal. The specialist states that the assessment was undertaken in accordance with the NSW Environmental Protection Authority's Approved Methods for Modelling and Assessment of Air Pollutants in NSW and The Ambient Air Quality National Environment Protection Measure.

Air impacts include dust particulates from handling raw materials, vehicle movements and windblown generated dust. Air impacts also include nitrogen dioxide from the boiler and the autoclave exhaust stacks.

Worse case air quality levels were predicted for both the existing and proposed operations. The predicted cumulative particulate matter, total suspended particulates and dust deposition levels would increase slightly at the sensitive receiver locations due to the proposed extension. The results indicate that the predicted levels, cumulative concentrations and NO₂ concentrations will be below the relevant criteria at the sensitive receptor locations. The proposal would not lead to an unacceptable level of environmental harm or impact with respect to air quality.

The Air Quality Assessment recommended operational and physical mitigations measures to manage dust impacts. These recommendations have been included as conditions of consent.

Surface Water Management

The previous Civil Engineering Report ensured that the new development could achieve surface water pollution reduction requirements. The total site however did not meet pollution reduction requirements for total suspended solids or total nitrogen in surface water.

Following the water quality concerns from the earlier environmental assessment, ACOR Consultants have provided a revised civil engineering design for the proposed extension as well as the entire development site.

Run off from the development and hardstand areas will be directed to a stormwater reuse/detention basin located in the north eastern corner of the development site. Approximately 75kL/day of water from this tank will be reused in the manufacturing processes in order to reduce water consumption from the local water supply. This equates to a cost saving of approximately \$60,000 p.a. Increasing stormwater reuse volumes results in a reduction in the total site pollutants. Stormwater modelling has estimated that total site pollution reduction exceeds Council's requirements for total suspended solids, total phosphorus and total nitrogen.

The revised civil engineering design and MUSIC modelling has been forwarded to Council's Engineer, John Noakes for comment.

Assumed Concurrence – Somersby Industrial Park Plan of Management

The requirements of the Somersby Industrial Park Plan of Management and the assumed concurrence matter were addressed in the earlier environmental assessment.

Clarification was sought from the NSW Office of Environment & Heritage (OEH) regarding the plant layout to be located on the areas subject to the Land and Environment consent order. It is noted that the proposal will not impact upon the remaining conservation areas as per the Court approval.

Given the proposed development will not result in additional impacts to the recorded threatened species or their habitat (other than those already approved), OEH advised that concurrence is not required.

OEH encourages CSR Hebel to commit to the active management of the conservation areas (e.g. removal of pine trees and ongoing control on the site). These recommendations have been addressed as conditions of consent.

Ecology

The site contains a Land and Environment Court approved development footprint and conservation area based on the provisions of the Somersby Industrial Estate Plan of management. The development footprint and preservation of the conservation area as identified in the Land and Environment Court Order applies (LEC10454/2009).

A site inspection on the 3/6/2016 confirmed a degraded habitat over the western and central portion of the site that was dominated by the highly invasive *Pinus radiata*. Visual inspection confirms that the infestation of pine trees has increased over the southern and eastern portions of the site when compared with the site inspection undertaken during the LEC case in 2008/9. *Radiata* pines have recently been removed from within the development footprint in accordance with the CAMP.

Conservation Plan

A Conservation Areas Management Plan (CAMP) was prepared by Whelan Insites in 2009 for the conservation zones located along the southern property boundary (refer to Figure). The aim of the CAMP was to:

- Provide the detailed basis for the removal and ongoing control of weeds within the conservation areas;
- To provide the basis for implementation of a bush regeneration and rehabilitation program designed to remove weeds and to optimise conditions for the threatened flora species Somersby Mintbush and Spreading guinea-flower;
- To monitor any impacts of the development and to provide measures to address any such impacts; and
- To enhance and consolidate the condition of the native vegetation within the conservation area for biodiversity conservation purposes.

A letter of compliance from Kleinfelder dated 4 November 2016 was submitted with the Outstanding Information Report. The letter concludes that CSR Hebel complies with the actions outlines in the CAMP.

The Land and Environment Court Order required the conservation area to be managed in perpetuity by the landowner through the implementation of the CAMP. The conservation area has been placed under a public positive covenant in accordance with the Order.

The CAMP is subject to a review every five years. A part of this development application, Kleinfelder was engaged to undertake the review to ensure the goals of enhancing habitat and to incorporate new information and / or management regimes. It is proposed to supersede the CAMP with a revised version prepared by Kleinfelder (2016).

Targeted weed species will be managed by a bushland regenerator twice in the first year and once every year thereafter. Temporary construction fencing will be installed along with permanent fencing along the northern boundary of the conservation area and adjacent to the riparian corridor. Stormwater will be directed to a large detention basin for reuse in the production process. If observed, pests will be managed. An ecological burn is scheduled for 2018 in consultation with Council, NSW Office of Environment and Heritage and the Rural Fire Service.

The revised CAMP has been reviewed and forms part of this environmental assessment. No objection is raised subject to implementation of the recommended conditions of consent.

Bushfire

The Bushfire Report claims that the asset protection zones can be maintained without encroaching upon the conservation area located the south-western corner of the site and along the southern boundary.

Contrary to the Statement of Environmental Effects, the 10/50 Vegetation Clearing Code of Practice for NSW does not apply to the proposed development. Section 6 of the Code state that the 10/50 clearing provisions apply to habitable buildings and farm sheds. The

proposed industrial development is neither a habitable building nor a farm shed and as such, the 10/50 clearing provisions do not apply.

State Environment Planning Policy 19 – Urban Bushland

The site adjoins lands zoned for public recreation and as such the provisions of SEPP 19 apply. The vegetation on the adjoining site forms part of Pile Creek and is mapped as E26 Exposed Hawkesbury Woodland and E54 Sandstone Hanging Swamps (Coastal Upland Swamps endangered ecological community).

In consideration of the additional information provided, the proposal is not considered likely to have a significant impact upon the adjoining reserve and its vegetation. Consequently, the proposal is considered to comply with the aims, objectives and Clause 9 of this Policy.

State Environment Planning Policy 33 – Hazardous and Offensive Development

The applicant has provided a Preliminary Hazard Analysis under SEPP 33.

The Preliminary Hazard Analysis states that the current facility exceeds the SEPP33 thresholds for the storage of lime. The lime is managed through:

- CSR Hebel's on site management plan, which includes a pollution incident response plan (if required);
- Environmental Protection Licence which is monitored by the EPA;
- In the event that WorkCover NSW are required to be notified, WorkCover will also ensure appropriate management. Nonetheless, CSR's work health and safety system also provides management and preventative measures (e.g. site inductions) to ensure the lime poses a low risk to any worker on the site.

The Preliminary Hazard Analysis states that the proposed expansion complies with the Environment Protection Authority and Work Health and Safety legislation. Additional recommendations have been included as conditions of consent and include:

- The regular maintenance and inspection of the storage area to ensure no mixing of products can occur;
- Clear and appropriate signage is maintained on site;
- Maintenance of emergency response procedures and staff training including site inductions;
- Maintenance, on site of Safety Data Sheets;

Environmental Protection Licence

An Environmental Protection Licence exists for operations activities of the existing facility (#3427). In accordance with Schedule 1 of the Protection of Environment Operations Act These scheduled activities include 50,000 m³ of concrete works and >30,000-100,000 tonnes of crushing, grinding or separating works. The Environment Protection Authority (EPA) classifies the CSR Hebel facility as a Level 1 low environmental risk under their licensing system.

A telephone conversation with EPA's Operations Officer, Alex Beavis was undertaken on the 30 August 2016. In their recent site inspection the EPA identified a number of issues requiring improvement including:

- Stormwater management
- pH of stormwater
- Importing materials
- Migration of white dust offsite
- Makeshift stockpiles of sand and lime
- Issues with aluminium processing and handling
- Noise issues from pumps and loading
- External storage of products wrapped in plastic
- Sediment entering stormwater drains

These matters have been considered in the assessment of the development application. A condition of consent has been recommended for a licence variation with the EPA for an increase to productivity quantities and to include the subject site into the existing licence.

Aboriginal Heritage

The site is mapped as having any management zones for the protection of Aboriginal heritage within the Somersby Industrial Estate Plan of Management. A search of the OEH's AHIMS Web Services has shown that no Aboriginal sites have been recorded or Aboriginal places declared in/near the subject site.

Trade Waste

Waste concrete from the cutting process is mixed with water and to make slurry. The slurry is reused and added to the raw material early within the production process. The existing CSR facility disposes to trade waste. It is therefore recommended that the development application for expansion be referred to Council's Trade Waste Officers for comment.

Sydney Regional Environmental Plan 20 – Hawkesbury Nepean

The site is subject to SREP 20. This matter has not been adequately addressed within the Statement of Environmental Effects.

In consideration of the additional information provided, the proposal is considered to be consistent with the aims and objectives of this Policy.

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 and inclusion of the following recommendations:

- Uphold Council's resolution dated 7.7.2009 for the protection of the 1.4 hectares of conservation land at the rear of the site. The perpetual protection must be in the form of a legislative instrument on Certificate of Title (IR6025993).
- Update the existing Environment Protection Licence from the NSW Environment Protection Authority to include the proposed expansion.
- Obtain the relevant approvals from the NSW Office of Water for the harvesting of stormwater reuse within the production process.
- Discussion with Council's Engineering / legal section regarding the inclusion of Condition 5.7 of the Land and Environment Consent Order for 10454/2009.
- Develop and implement a preventative maintenance system to include the measures for the ongoing management and maintenance of the stormwater management system.
- Ongoing condition - Maintenance of the on-site stormwater facility in accordance with an operation and maintenance plan.
- Ongoing condition - Any water that could potentially discharge from the site (e.g. wet-weather stormwater detention basin overflows) must meet the relevant water quality trigger values within the "Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Australian and New Zealand Environment and Conservation Council (ANZECC Guidelines), October 2000". Water quality shall be monitored and the water suitably treated or lawfully disposed of to ensure water pollution does not occur.

Regularly monitor and maintain the stormwater detention basin on site. Maintenance shall include removal of rubbish and debris, control of algae and weeds as well as removal of built up sediment.

K A Caynes
Environmental Officer

Conditions (see below):

- | | |
|--|---|
| • ENV200 | • ENV701 |
| • ENV203 (edit) | • Court Condition (2.13) |
| • ENV303 | • Court Condition (2.14) |
| • ENV311 | • Court Condition (3.5) |
| • ENV317 (Court cond 4.9) | • Court Condition (3.6) |
| • ENV318)Court cond 4.12) | • Court Condition (3.7) |
| • ENV320 (edit – court condition 4.10) | • Court Condition (4.1) – ENV332 – Comprehensive SWMP |
| • ENV321 | • Court Condition (4.15) – ENV323 |
| • ENV328 | • Court Condition (5.3) |
| • ENV332 | • Court Condition (5.7) |
| • ENV401 (edit) | • Court Condition (6.3) |
| • ENV404 (edit) | |
| • ENV600 (edit) | |
| • ENV601 | |
| • ENV602 | |
| • ENV700 | |

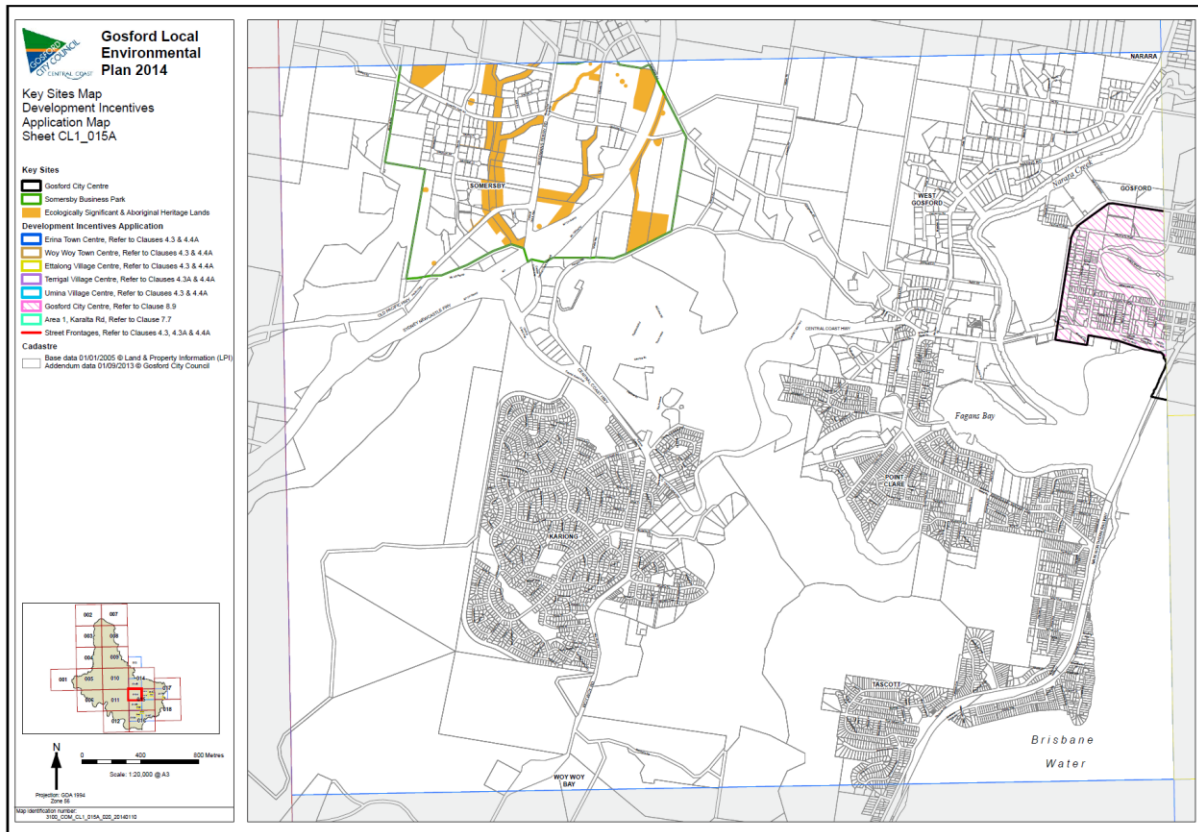


Figure One – Key Sites Map (Source: Gosford local Environment Plan)



Figure Two – Management Zones (Source: Somersby Industrial Park Plan of Management)

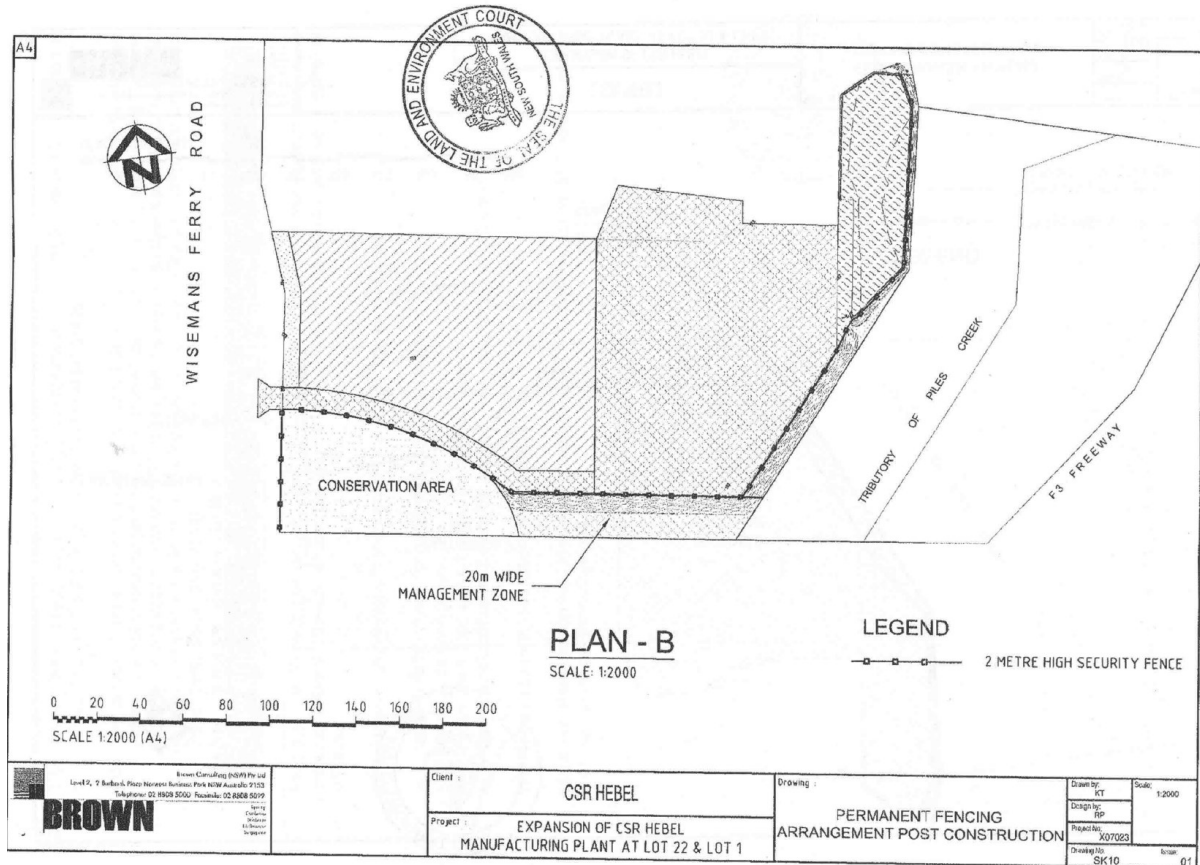


Figure Three – Approved Site Plan (Source: LEC10454/2009)

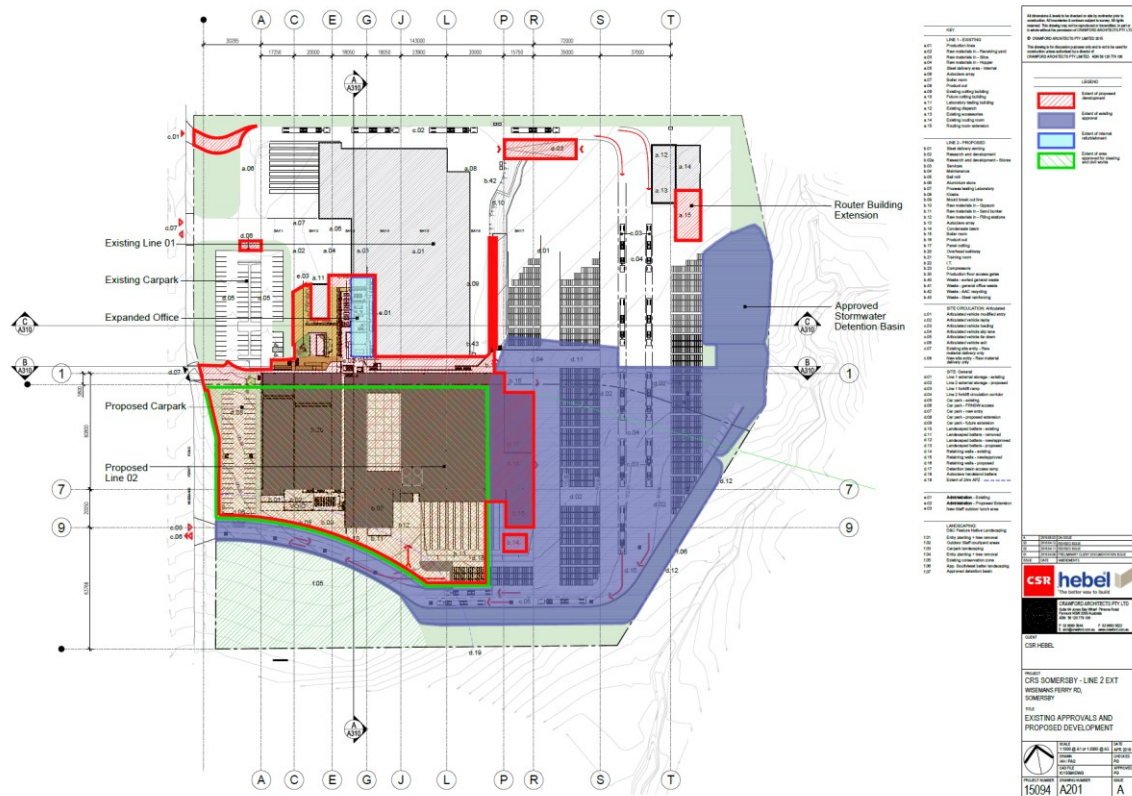


Figure Four – Existing Approval and Proposed Development Plan

DEFERRED COMENCEMENT

nil

1.. PARAMETERS OF THIS CONSENT

nil

2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

All conditions under this section must be met prior to the issue of any Construction Certificate

nil

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

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

- 3.1. Erect a minimum 2 metre high chain wire link security fence along the boundary of the area identified within the Conservation Areas Management Plan. At intervals of no less than thirty (30) metres, the fence must be sign posted to identify the conservation value of the land and discourage access.

The sign must read as follows:

WARNING – NO UNAUTHORISED ENTRY

"STOP! Land beyond this fence has been identified as having significant environmental value. Placing of people, materials, machinery, equipment or vehicles beyond this fence will result in fines.

Fines of up to \$110,000 for an individual and \$1.1m for a corporation under the *NSW Threatened Species Conservation Act 1995* are applicable to persons in breach of this warning".

- 3.2. Protect the conservation area and management zone by a suitably qualified ecologist overseeing the works including the placement of a temporary fence along the edge of the development area. The ecologist must notify Council in writing of compliance with this condition.
- 3.3. Stormwater structures and erosion and sediment control structures (including drains, basins, pipes, culverts, pits, headwalls, haybales, silt fencing etc) shall not be located or constructed within the Conservation Areas or the Management Zone Piles (1e) Piles Creek Riparian (Somersby Industrial park Plan of Management).
- 3.4. Stormwater generated from the development site must be managed so as to attenuate post-development flows to pre-development flows for a full range of design rainfall events. The principles of Water Sensitive Urban Design may be applied in order to achieve this goal.
- 3.5. Submit to Council's Environment Officer for approval, a Soil and Water Management Plan in accordance with Section 6.3 of the Gosford Development Control Plan 2013 and the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*). The plan shall be prepared by a suitably qualified environmental/civil consultant and shall be adaptive to address all stages of the construction. (Note: A Soil and Water

Management Plan is a more comprehensive documents than an Erosion and Sediment Control Plan).

4.. DURING WORKS

All conditions under this section must be met during works

- 4.1. Cease all works if any Aboriginal objects or artefacts are uncovered during works. Immediately contact the NSW Office of Environment & Heritage and comply with any directions or requirements.
- 4.2. Remove trees and ground stumps in a manner so as to not damage trees to be retained.
- 4.3. Locate stockpiles of soil and other material away from sensitive environmental receptors (including the conservation area, management zone, creeks and watercourses) and cover when not in use.
- 4.4. Suppress dust with the use of a water cart.
- 4.5. No development or any works contrary to the Conservation Areas Management Plan are permitted in the designated the conservation area and management zone as shown on the approved plan.
- 4.6. Clearing of vegetation must take place outside the dominant breeding season for threatened species as guided by a suitably qualified ecologist.
- 4.7. Fill material must only comprise of Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).

Virgin Excavated Natural Material (VENM) is defined under Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997* as follows:

"virgin excavated natural material" means natural material (such as clay, gravel, sand, soil or rock fines):

- (a) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and
- (b) that does not contain any sulfidic ores or soils or any other waste,

Excavated Natural Material (ENM) that has been issued with an exemption under the *Protection of the Environment Operations (Waste) Regulation 2014* in accordance with the Excavated Natural Material exemption 2014.

The placement of any other type of fill material other than that defined under VENM or ENM is prohibited under this consent.

The applicant must provide Council with validation documents verifying and certifying that the material placed on the land complies with:

- the definition of VENM under Schedule 1 of the *POEO Act 1997*, or
- an exemption issued under the Excavated Natural Material Exemption 2014.

Any exposed soil surface areas must be grassed / landscaped to minimise soil erosion.

- 4.8. Maintain the temporary fencing surrounding the conservation area and management zone as indicated in the Conservation Areas Management Plan.
- 4.9. 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 Council's Code of Practice of Erosion and Sedimentation Control.
- 4.10. All stormwater/sediment and nutrient control systems shall be implemented and functioning prior to any development occurring on the site.

5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

All conditions under this section must be met prior to the issue of any Occupation Certificate

- 5.1. Protect the Conservation Area and Management Zone by either of the two following approaches:

- a. This area will be placed under a 'Restriction on Use' pursuant to Section 88B and 'Public Positive Covenant' 88E of the *Conveyancing Act 1919*. These instruments must require the land to be managed under an approved Bushland Management Plan for the conservation of all identified threatened species. The public positive covenant must be created to require the implementation of the Bushland Management Plan.

The public positive covenant must permit Council or its nominee to enter and inspect the site and carry out any works required under the Bushland Management Plan, at the owner's cost, if the owner fails to implement and maintain the site in accordance with the Bushland Management Plan as amended and approved by Council.

The public positive covenant must be prepared by Council's Solicitor at the cost of the registered proprietor.

The authority empowered to release, vary or modify the Restriction is Central Coast Council.

- b. The area must be dedicated under a conservation covenant to an eligible environmental body that is on the Register of Environmental Organisation (the Register). The dedication of this area, under a conservation covenant, must be conserved in perpetuity for the conservation of threatened species and their habitat.

Provide written evidence to Council from a suitably qualified ecologist detailing the implementation, supervision and compliance of the ecological protection measures specified in this consent and the Conservation Area and Management Zone.

- 5.2. Appropriate licenses from the Department of Environment and Climate Change must be obtained to undertake prescribed burns on the Conservation Area and Management Zone.
- 5.3. Compliance with the NSW Industrial Noise Policy.
- 5.4. Undertake works in accordance with the approved Soil and Water Management Plan and update the plan as required during all stages of the construction.

6.. ONGOING OPERATION

- 6.1. Lots 1 and 22 must be consolidated into a single allotment under one Certificate of Title.
- 6.2. Implement the Conservation Areas Management Plan and submit progress reports to Council.
- 6.3. Comply with the requirements of the Protection of the *Environment Operations Act 1997* for all gases, odours, fumes, steam, moisture and particulate matter generated by the use of the premises.
- 6.4. Store and handle all flammable and combustible liquids in accordance with AS1940-2004: *The storage and handling of flammable and combustible liquids* and SafeWork NSW requirements.

Provide and maintain the following safety equipment in association with the hazardous chemical and dangerous goods storage area.

- spill kits or clean-up materials must be stored within close proximity;
- emergency washing facilities and first aid supplies must be located within immediate proximity;
- fire fighting equipment must be located within close proximity;
- signage warning of any hazards associated with the hazardous chemical and dangerous goods must be displayed at the entrance of chemical storage areas.

Such signage must contain relevant information relating to the class of dangerous or hazardous materials stored, emergency contact numbers and safety precautions to be taken. This is only required if the chemicals are stored above manifest or placard quantities.

7.. OTHER APPROVALS

8.. ADVICE

nil

9.. PENALTIES

- 9.1. It is an offence under the *National Parks and Wildlife Act 1974* to knowingly disturb an Aboriginal artefact without consent.
- 9.2. Fines of up to \$110,000 for an individual and \$1.1m for a corporation under the *NSW Threatened Species Conservation Act 1995* are applicable to individuals / corporations who cause damage or harm to any threatened species, endangered ecological communities or their habitats.

10.. REVIEW OF DETERMINATION

nil

11.. RIGHT OF APPEAL

nil