



Online Payment Reference: 581773
DA/542/2013/A
Salli Pendergast
26 June 2018

Central Coast Council
C/-Garry Kinney
PO Box 20
WYONG NSW 2259

Application to Modify Development Consent Notice of Determination

Pursuant to Clause 122 of the Environmental Planning and Assessment Regulations 2000

Development Application No: DA/542/2013/A
Property Address: Lot 1 DP 817815, Lots 1 and 2 DP 449738, Lot 361 DP620853 and unformed road, part of Lot 1 DP 817815, 70-100 McPherson Road, Mardi
Description of Development: Remediation of former Mardi Landfill site (amended application)
Modified On: 22 June 2018 (A)
Determination: Approved
Determination Date: 13 February 2014
Consent to Operate From: 13 February 2014
Consent to Lapse On: 13 February 2019
(if not commenced before)

Conditions

Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Project No.	Figure	Date	Prepared By
Former Mardi Landfill Remediation Environmental	30011030	-	7 May 2013	SMEC Australia Pty



Wyang Office: 2 Hely St / PO Box 20 Wyong NSW 2259 | **P** 02 4350 5555

Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250 | **P** 02 4325 8222

E ask@centralcoast.nsw.gov.au | **W** www.centralcoast.nsw.gov.au | ABN 73 149 644 003

Impact Statement				Ltd
Environmental Impact Statement Staging Plan Stage 1 - Stockpiling	30011030	Figure 12	12 December 2012	SMEC Australia Pty Ltd
Environmental Impact Statement Staging Plan Stage 2 - Remediation	30011030	Figure 13	12 December 2012	SMEC Australia Pty Ltd
Environmental Impact Statement Staging Plan Stage 3 – Post Remediation	30011030	Figure 16	12 December 2012	SMEC Australia Pty Ltd

Certificates – Application and Approval

- 2 Where conditions of this consent require approval from Council under the Roads Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

Other Authorities – Compliance Requirements

- 3 Compliance with the general terms of approval of the NSW Office of Water throughout the entire development as outlined in its correspondence dated 5 September 2013 and as attached to this consent.
- 4 Compliance with the general terms of approval of NSW Environment Protection Authority throughout the entire development as outlined in its correspondence dated 6 November 2013 and as attached to this consent.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – STAGE 1

No Conditions

PRIOR TO COMMENCEMENT OF WORKS – STAGE 1

Easement for Transmission Lines

- 5 Prior to the commencement of works, revised drawings must be prepared detailing the exact extent of the two (2) Easements for Transmission Lines in the south western corner of the site. All works and contractor facilities shall be located outside these easements.

Ecology/Tree Requirements

- 6 Prior to commencement of works, trees and native vegetation proposed for retention and those proposed for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as “No Go Area” on all plans.

For Stage 1, the following areas require tree protection fencing in accordance with the flora and fauna assessment report (SMEC 2012);

- As shown on Figure 13 of the Environmental Impact Statement (SMEC 2013), the Spotted Gum forest in the north-eastern corner of the site is to remain undisturbed; the access improvement works and construction access trail are to avoid removal of/damage to mature trees.

In determining other tree protection areas, the applicant is to retain mature native vegetation and remnant EEC species where possible.

- 7 Prior to works associated with the development commencing, the applicant is to engage a qualified and experienced Ecologist, Arborist and Soil Erosion Professional to supervise the vegetation clearing and construction of each stage of the development and to ensure and certify to Council’s Development Ecologist that the trees and vegetation proposed for retention are adequately protected during construction. Evidence of this engagement is to be forwarded to Council prior to the commencement of works. The Ecologist and Arborist are to provide reports to Council’s Development Ecologist for review, certifying how the proposal is meeting tree retention and protection requirements, within 10 working days following completion of the following stages of the development:

- Following the marking of all habitat trees, marking of trees to be retained and erection of required tree protection fencing (prior to the commencement of works).
- Following induction of each civil contractor and subcontractor (prior to the commencement of works)
- Following initial clearing, removal of habitat trees and excavation/filling of the site
- Following provision of roads and services
- Following completion of each construction phase.

- 8 Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development site:

- Trees and vegetation to be retained are to be protected by the erection of 1.8 metre-high chain wire interlocking fencing as per the engaged Ecologist’s direction, AS/NZS 4970-2009 - Protection of Trees on Development Sites and Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development.

- All fenced tree protection areas and are to be clearly marked as "No Go Area" on the fencing itself.
- No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.
- The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.

The Ecologist is to induct each civil contractor and sub-contractor in relation to the importance of these ecological protocols as part of their site induction program prior to commencement of works. Certification of this induction must be provided to Council's Development Ecologist prior to commencement of works.

Erosion and Sediment Control Requirements

- 9 Prior to the commencement of construction a Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication *'Soils and Constructions- Volume 1'* (The Blue Book) shall be provided to the Principal Certifying Authority (PCA). The SWMP is to be prepared, reviewed and updated by persons suitably qualified to interpret *"The Blue Book"* or trained in the use of *"The Blue Book"* for preparation of Soil and Water Management Plans.

This SWMP shall be modified and updated during construction to reflect any changes to the on-ground/site conditions. A copy of any modifications or updates to the SWMP shall be approved by a suitably qualified person and provided to the PCA and provided to Council upon request. Further information and requirements in relation to works that Council's "Civil Construction Specification" apply, may be found in the appendix of that document.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent SWMP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act*.

Filling and Haulage Requirements

- 10 Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill materials to be imported to the site, are to be provided and approved by Council.
- 11 Prior to works associated with the development commencing, details are to be provided for the approval of Council as the Roads Authority, of the proposed routes to and from the site for heavy vehicle traffic accessing the site. Council's preferred haulage route to and from the site shall be via McPherson Road, Old Maitland Road and M1 Pacific Motorway.

Flooding Design Requirements

- 12 Prior to the commencement of works, revised drawings must be prepared detailing the updated 1% AEP Flood extent in accordance with Council's Draft Wyong River Catchment Flood Study. All stockpiles and contractor facilities shall be located outside of this flood extent.

Other Authorities

- 13 Prior to the commencement of works, an application is to be made to the NSW Environment Protection Authority for an Environment Protection Licence for the Scheduled Activity of Waste Storage.

Roadworks - Design Requirements

- 14 An agreement with Council as the Roads Authority for the methodology of determining the reduced pavement life of the approved haulage route attributable to the construction of the development. The agreement must be made prior to the commencement of work and shall include an agreed method of rectification at sole expense of the developer.
- 15 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service "*Dial before you Dig*" on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.
- 16 An application for a vehicle access crossing is to be lodged with Council, the application fee paid and the application approved prior to the commencement of work. Any widening of the existing western access crossing to facilitate heavy vehicles shall be towards the west only to protect adjacent vegetation

Roads - Preconstruction Requirements

- 17 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 18 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Site Requirements

- 19 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 20 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
 - be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 21 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.
- 22 Prior to works associated with the development commencing, a Construction and Environment Management Plan (CEMP) is to be submitted to and approved by Council. The required CEMP must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management (including tree and vegetation protection methods).

As a minimum, the CEMP is to include the following as they relate to Stage 1 works:

- A Construction Safety Report
- An Occupational Health and Safety Plan
- A Contaminated Material and Asbestos Containing Material Management Plan
- Procedures for working in areas affected by landfill gas
- A Traffic Management Plan
- A Construction Noise and Vibration Management Plan
- Measures to mitigate impacts on air and water quality
- An Acid Sulphate Soils Management Plan

- Erosion and Sediment Control Plans
- Water Management Plan
- Weed Management Plan
- Habitat Restoration Plan

The CEMP is to incorporate the recommendations and actions as specified in the Environmental Impact Statement prepared by SMEC project number 30011030 and the details below:

- The Weed Management Plan is to address the control of weeds on the former grazing land prior to use as a stockpile; no or minimal use of pesticides; that plant, vehicles and equipment are cleaned prior to entering and leaving the site; procedures for managing topsoil containing a weed seed bank; and, that imported soil is to be certified weed free.
- The Erosion and Sediment Control Plan or Soil and Water Management Plan is to specify that stockpiling of materials is only to occur on level ground within disturbed grassland or within slashed access tracks; and is to include protocols to prevent introduction or spread of *Phytophthora cinnamomi* (the protocols used should be either the Sydney Region Pest Management Strategy or Best Practice Guidelines for *Phytophthora cinnamomi* (2008)).
- The Habitat Restoration is to recommend retention of native vegetation wherever possible; include details of the vegetated riparian wildlife corridor linking vegetated areas to the north and south of the former landfill; avoid hydrological changes which may negatively affect EEC habitat; include details of creating amphibian habitat such as a frog pond; and, state that any landscaping and revegetation should include native plant species endemic to the area and include species of all strata types (i.e. ground cover, mid storey and canopy species).

DURING WORKS – STAGE 1

Dust Control Requirements

- 23 Suitable dust suppression measures shall be implemented and maintained by the developer during works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

Earthworks and Haulage - Construction Requirements

- 24 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.

25 All imported and stockpiled material shall be classified as:

- Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by NSW EPA, or
- Treated and validated acid sulphate soils excavated from Lake Road, Tuggerah that are the subject of a Specific Resource Recovery Order and Exemption which NSW EPA has confirmed by letter dated 23 May 2018 that it intends to issue to Council,

and shall be certified by a practicing Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works. All imported and stockpiled material brought onto the site must comply with any other relevant NSW Environment Protection Authority requirements.

Ecology/Trees - Construction Requirements

- 26 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as “tree to be removed” shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Consent Authority.
- 27 To maintain genetic diversity, any plant stock used in landscaping/rehabilitation must be supplied from provenance specific seed/material collected from within the Tuggerah Lakes catchment area. Non-provenance specific material is prohibited. The Landscape Plan is to integrate with the required Vegetation Management Plan.
- 28 Any approved excavation or filling within a retained tree's canopy perimeter shall be in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, as excavation or filling can lead to tree instability or death.
- 29 Native fauna must be appropriately managed during clearing and construction phases of the approved works. In this regard, an appropriately licensed Fauna Ecologist is to be engaged to advise and supervise the clearing of trees. Where, in spite of precautions, wildlife is injured, the Fauna Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as WIRES or Wildlife Arc.
- 30 Any natural hollows removed by the development are to be placed wherever possible as ground hollows within retained bushland under the supervision of the Ecologist.

Potentially Contaminated Land Requirements

- 31 During the construction phase of the development, any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and required remediation must be notified to Council and site auditor immediately upon discovery.

Site Requirements

- 32 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday and 8.00 am to 1.00 pm on Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 33 All works are to be undertaken in accordance with the Construction Environmental Management Plan and the Environment Protection Licence issued by the NSW Environment Protection Authority.

PRIOR TO OCCUPATION/USE– STAGE 1**Dilapidation Rectification Requirements**

- 34 At the completion of Stage 1, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

Filling and Haulage- Completion Requirements

- 35 At the completion of Stage 1, the developer shall determine the reduced pavement life for the haulage route using the agreed methodology identified in the agreement with Council as the Roads Authority, and complete the agreed rectification actions.

ONGOING – STAGE 1

- 36 Dust suppression and erosion and sediment control measures must be maintained around the stockpile to minimise the movement of soil off site.
- 37 The sediment basin must be regularly maintained in order to remain effective.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – STAGE 2

No conditions

PRIOR TO COMMENCEMENT OF WORKS – STAGE 2

Contaminated Lands

- 38 The submission to and approval by Council of an updated Remediation Action Plan (RAP), prepared in accordance with the requirements of SEPP No 55 – Remediation of Land, the 'Managing Land Contamination Planning Guidelines' and the Contaminated Land Management Act 1997. In accordance with the recommendations of the NSW EPA accredited contaminated site auditor (Environ Australia letter dated 5 April 2013), the following details are to be provided as an addendum, to the RAP submitted with the development application:
- Detailed design, including assessment of regulatory approvals that are required.
 - Preparation of a detailed validation plan based by the validation consultant based on the requirements of the Addendum.
 - Preparation of a Construction Environmental Management Plan and an Occupational Health and Safety Plan prior to commencement of remedial works.
 - Validation during and after remedial works to verify that the remediation has been conducted in accordance with the Remediation Action Plan and Addendum.
 - Preparation of a long term Environmental Management Plan, detailing the as-built condition, management and maintenance requirements, and on-going monitoring and reporting requirements.

Easement for Transmission Lines

- 39 Prior to the commencement of works, revised drawings must be prepared detailing the exact extent of the two (2) Easements for Transmission Lines in the south western corner of the site. All works and contractor facilities shall be located outside these easements.

Ecology/Tree Requirements

- 40 Prior to the commencement of work for Stage 2, trees and native vegetation proposed for retention and those proposed for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans.

The following areas require tree protection fencing in accordance with the flora and fauna assessment report (SMEC 2012):

- As shown on Figure 13 of the Environmental Impact Statement (SMEC 2013), the Spotted Gum forest in the north-eastern corner of the site is to remain undisturbed; the access improvement works and construction access trail are to avoid removal of/damage to mature trees.
- The Asset Protection Zone occurring at the southern end of the eastern landfill batter, parallel to Riveroak Drive, is also to be protected; no tree removal is permitted.

- Where possible, native vegetation adjacent to the bushland reserve to the south of 'Site 1' (Site 1 is shown on Figure 3 within the flora and fauna assessment report) is to be retained.
- Where possible, native vegetation in the south-eastern corner of the study area is to be retained.

In determining other tree protection areas, the applicant is to retain mature native vegetation and remnant EEC species where possible.

- 41 Prior to works associated with the development commencing, the applicant is to engage a qualified and experienced Ecologist, Arborist and Soil Erosion Professional to supervise the vegetation clearing and construction of each stage of the development and to ensure and certify to Council's Development Ecologist that the trees and vegetation proposed for retention are adequately protected during construction. Evidence of this engagement is to be forwarded to Council prior to the commencement of works. The Ecologist and Arborist are to provide reports to Council's Development Ecologist for review, certifying how the proposal is meeting tree retention and protection requirements, within 10 working days following completion of the following stages of the development:

- Following the marking of all habitat trees, marking of trees to be retained and erection of required tree protection fencing (prior to the commencement of works).
- Following induction of each civil contractor and subcontractor (prior to the commencement of works).
- Following initial clearing, removal of habitat trees and excavation/filling of the site.
- Following provision of roads and services.
- Following completion of each construction phase

- 42 Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development site

- Trees and vegetation to be retained are to be protected by the erection of 1.8 metre-high chain wire interlocking fencing as per the engaged Ecologist's direction, AS/NZS 4970-2009 - Protection of Trees on Development Sites and Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development.
- All fenced tree protection areas and are to be clearly marked as "No Go Area" on the fencing itself.
- No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.

- The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
- The Ecologist is to induct each civil contractor and sub-contractor in relation to the importance of these ecological protocols as part of their site induction program prior to commencement of works. Certification of this induction must be provided to Council's Development Ecologist prior to commencement of works.

Erosion and Sediment Control Requirements

- 43 Prior to the commencement of construction a Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication *'Soils and Constructions- Volume 1'* (The Blue Book) shall be provided to the Principal Certifying Authority (PCA). The SWMP is to be prepared, reviewed and updated by persons suitably qualified to interpret *"The Blue Book"* or trained in the use of *"The Blue Book"* for preparation of Soil and Water Management Plans.

This SWMP shall be modified and updated during construction to reflect any changes to the on-ground/site conditions. A copy of any modifications or updates to the SWMP shall be approved by a suitably qualified person and provided to the PCA and provided to Council upon request. Further information and requirements in relation to works that Council's "Civil Construction Specification" apply, may be found in the appendix of that document.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent SWMP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act*.

Flooding Design Requirements

- 44 Prior to the commencement of works, revised drawings must be prepared detailing the updated 1% AEP Flood extent in accordance with Council's Draft Wyong River Catchment Flood Study. All stockpiles and contractor facilities shall be located outside of this flood extent.

Other Authorities

- 45 In accordance with the General Terms of Approval of the NSW office of Water, an application for a groundwater licence under Part 5 of the Water Act, 1912 must be made at least six weeks before the commencement of any activity that interferes with groundwater.

Protection of Adjoining Property Requirements

- 46 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed remediation works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.
- 47 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

Roadworks - Design Requirements

- 48 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service *"Dial before you Dig"* on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.
- 49 An application for a vehicle access crossing is to be lodged with Council, the application fee paid and the application approved prior to the commencement of work. Any widening of the existing eastern access crossing to facilitate heavy vehicles shall be designed to protect adjacent vegetation.

Roads - Preconstruction Requirements

- 50 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 51 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Site Requirements

- 52 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 53 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 54 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.
- 55 Prior to works associated with the development commencing, a Construction and Environment Management Plan (CEMP) is to be submitted to and approved by Council. The required CEMP must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management (including tree and vegetation protection methods).

As a minimum, the CEMP is to include the following as they relate to Stage 2 works:

- A Construction Safety Report
- An Occupational Health and Safety Plan
- A Contaminated Material and Asbestos Containing Material Management Plan
- Procedures for working in areas affected by landfill gas
- A Traffic Management Plan
- A Construction Noise and Vibration Management Plan
- Measures to mitigate impacts on air and water quality
- An Acid Sulphate Soils Management Plan
- Erosion and Sediment Control Plans
- Water Management Plan
- Weed Management Plan
- Habitat Restoration Plan

The CEMP is to incorporate the recommendations and actions as specified in the Environmental Impact Statement prepared by SMEC project number 30011030 and the details below:

- The Weed Management Plan is to address the control of weeds on the former grazing land prior to use as a stockpile; no or minimal use of pesticides; that plant, vehicles and equipment are cleaned prior to entering and leaving the site; procedures for managing topsoil containing a weed seed bank; and, that imported soil is to be certified weed free.
- The Erosion and Sediment Control Plan or Soil and Water Management Plan is to specify that stockpiling of materials is only to occur on level ground within disturbed grassland or within slashed access tracks; and is to include protocols to prevent introduction or spread of *Phytophthora cinnamomi* (the protocols used should be either the Sydney Region Pest Management Strategy or Best Practice Guidelines for *Phytophthora cinnamomi* (2008)).
- The Habitat Restoration is to recommend retention of native vegetation wherever possible; include details of the vegetated riparian wildlife corridor linking vegetated areas to the north and south of the former landfill; avoid hydrological changes which may negatively affect EEC habitat; include details of creating amphibian habitat such as a frog pond; and, state that any landscaping and revegetation should include native plant species endemic to the area and include species of all strata types (i.e. ground cover, mid storey and canopy species).

DURING WORKS – STAGE 2

Contaminated Land Requirements

- 56 During the construction phase of the development, any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and required remediation must be notified to Council and site auditor immediately upon discovery.

Dust Control Requirements

- 57 Suitable dust suppression measures shall be implemented and maintained by the developer during works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

Earthworks and Haulage - Construction Requirements

- 58 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.

Ecology/Trees - Construction Requirements

- 59 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as “tree to be removed” shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Consent Authority.
- 60 To maintain genetic diversity, any plant stock used in landscaping/rehabilitation must be supplied from provenance specific seed/material collected from within the Tuggerah Lakes catchment area. Non-provenance specific material is prohibited. The Landscape Plan is to integrate with the required Vegetation Management Plan.
- 61 Any approved excavation or filling within a retained tree's canopy perimeter shall be in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, as excavation or filling can lead to tree instability or death.
- 62 Native fauna must be appropriately managed during clearing and construction phases of the approved works. In this regard, an appropriately licensed Fauna Ecologist is to be engaged to advise and supervise the clearing of trees. Where, in spite of precautions, wildlife is injured, the Fauna Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as WIRES or Wildlife Arc.
- 63 Any natural hollows removed by the development are to be placed wherever possible as ground hollows within retained bushland under the supervision of the Ecologist.

Site Access Requirements

- 64 All construction access and deliveries are to be via McPherson Road. No construction access or deliveries are permitted from Clementine Place.

Site Requirements

- 65 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday and 8.00 am to 1.00 pm on Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 66 All works are to be undertaken in accordance with the Construction Environmental Management Plan, the Environment Protection Licence issued by the NSW Environment Protection Authority and the groundwater licence issued by the NSW Office of Water

PRIOR TO OCCUPATION/USE – STAGE 2**Contaminated Land**

- 67 The submission to and approval by Council of a notice of completion of remediation works within 30 days of completion of the works, as required by SEPP No 55 – Remediation of Land.

Ecology/Tree Requirements

- 68 At the completion of the landfill capping, the stockpile area is to be rehabilitated to similar condition existing prior to commencement of Stage 1, with weed levels significantly reduced.

ONGOING – STAGE 2

- 69 Ongoing monitoring and record keeping is to be undertaken in accordance with the Construction Environmental Management Plan, the Remediation Action Plan, the Groundwater Licence and the Environment Protection Licence.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 3

No Conditions

PRIOR TO COMMENCEMENT OF WORKS – STAGE 3

Ecology/Tree Requirements

- 70 Prior to the commencement of works, trees and native vegetation proposed for retention and those proposed for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as “No Go Area” on all plans.
- 71 The following areas require tree protection fencing in accordance with the flora and fauna assessment report (SMEC 2012):
- As shown on Figure 13 of the Environmental Impact Statement (SMEC 2013), the Spotted Gum forest in the north-eastern corner of the site is to remain undisturbed.
 - The Asset Protection Zone occurring at the southern end of the eastern landfill batter, parallel to Riveroak Drive, is also to be protected; no tree removal is permitted.
 - Where possible, native vegetation adjacent to the bushland reserve to the south of ‘Site 1’ (Site 1 is shown on Figure 3 within the flora and fauna assessment report) is to be retained.
 - Where possible, native vegetation in the south-eastern corner of the study area is to be retained.

In determining other tree protection areas, the applicant is to retain mature native vegetation and remnant EEC species where possible.

- 72 Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development site:
- Trees and vegetation to be retained are to be protected by the erection of 1.8 metre-high chain wire interlocking fencing as per the engaged Ecologist’s direction, AS/NZS 4970-2009 - Protection of Trees on Development Sites and Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development.
 - All fenced tree protection areas and are to be clearly marked as "No Go Area" on the fencing itself.
 - No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.

- The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
- The Ecologist is to induct each civil contractor and sub-contractor in relation to the importance of these ecological protocols as part of their site induction program prior to commencement of works. Certification of this induction must be provided to Council's Development Ecologist prior to commencement of works.

Fire Trail Requirements

- 73 Prior to commencement of works, detailed design plans are to be prepared and submitted to Council for the construction of the access track between the western access from McPherson Road to the fire trail off Clementine Place. This access track is to be designed as a Fire Trail in accordance with Council's Fire and Land Management Trail Construction Guidelines (2012). A heavy duty fire trail gate (as per Council specifications) and cable/bollards/concrete blocks are to be included in the design to ensure the trail is controlled access only and restricts motorcycle access.

Site Requirements

- 74 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 75 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.

- 76 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.
- 77 Prior to works associated with the development commencing, a Construction and Environment Management Plan (CEMP) is to be submitted to and approved by Council. The required CEMP must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management (including tree and vegetation protection methods).

As a minimum, the CEMP is to include the following as they relate to Stage 3 works:

- A Construction Safety Report
- An Occupational Health and Safety Plan
- A Contaminated Material and Asbestos Containing Material Management Plan
- Procedures for working in areas affected by landfill gas
- A Traffic Management Plan
- A Construction Noise and Vibration Management Plan
- Measures to mitigate impacts on air and water quality
- An Acid Sulphate Soils Management Plan
- Erosion and Sediment Control Plans
- Water Management Plan
- Weed Management Plan
- Habitat Restoration Plan

The CEMP is to incorporate the recommendations and actions as specified in the Environmental Impact Statement prepared by SMEC project number 30011030 and the details below:

- The Weed Management Plan is to address the control of weeds on the former grazing land prior to use as a stockpile; no or minimal use of pesticides; that plant, vehicles and equipment are cleaned prior to entering and leaving the site; procedures for managing topsoil containing a weed seed bank; and, that imported soil is to be certified weed free.
- The Erosion and Sediment Control Plan or Soil and Water Management Plan is to specify that stockpiling of materials is only to occur on level ground within disturbed grassland or within slashed access tracks; and is to include protocols to prevent introduction or spread of *Phytophthora cinnamomi* (the protocols used should be either the Sydney Region Pest Management Strategy or Best Practice Guidelines for *Phytophthora cinnamomi* (2008)).

- The Habitat Restoration is to recommend retention of native vegetation wherever possible; include details of the vegetated riparian wildlife corridor linking vegetated areas to the north and south of the former landfill; avoid hydrological changes which may negatively affect EEC habitat; include details of creating amphibian habitat such as a frog pond; and, state that any landscaping and revegetation should include native plant species endemic to the area and include species of all strata types (i.e. ground cover, mid storey and canopy species).

78 Prior to commencement of Stage 3 an Operational Environmental Management Plan (OEMP) is to be submitted to and approved by Council. The OEMP is to include the measures in Section 6.7 of the Environmental Impact Statement (SMEC 2013).

Water and Sewer Services - Design Requirements

79 The developer must submit an application to Council under Section 305 of the Water Management Act 2000 for any requirements for the obtaining of a Section 307 Certificate of Compliance. The application must be made prior to the issue of the Construction Certificate. **Note:** The Section 305 Notice may contain requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

DURING WORKS – STAGE 3

Dust Control Requirements

80 Suitable dust suppression measures shall be implemented and maintained by the developer during works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

Earthworks and Haulage - Construction Requirements

81 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.

Ecology/Trees - Construction Requirements

82 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as “tree to be removed” shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Consent Authority.

83 To maintain genetic diversity, any plant stock used in landscaping must be supplied from provenance specific seed/material collected from within the Tuggerah Lakes catchment area. Non-provenance specific material is prohibited. The Landscape Plan is to integrate with the required Vegetation Management Plan.

- 84 Any approved excavation or filling within a retained tree's canopy perimeter shall be in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, as excavation or filling can lead to tree instability or death.
- 85 If canopy thinning is required to achieve Bushfire Asset Protection Zone then it shall be conducted selectively. Those trees with poor health shall be removed prior to those of with good health. Selective removal shall also consider maintenance of species diversity. No hollow-bearing trees may be removed to achieve Bushfire Asset Protection Zones. An appropriately qualified Arborist or Ecologist and Bushfire Manager are to be engaged to flag and clearly identify those trees best removed to achieve bushfire asset protection requirements. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.
- 86 Any natural hollows removed by the development are to be placed wherever possible as ground hollows within retained bushland under the supervision of the Ecologist.
- 87 Implementation of landscaping and vegetation establishment works as described in Section 3.4.3 of the Environmental Impact Statement (SMEC 2013) and as shown of Figures 16 and 17 of the EIS.

Potentially Contaminated Land Requirements

- 88 During the construction phase of the development, any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and required remediation must be notified to Council and site auditor immediately upon discovery.

Site Access Requirements

- 89 All construction access and deliveries are to be via McPherson Road. No construction access or deliveries are to be permitted from Clementine Place.

Site Requirements

- 90 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday and 8.00 am to 1.00 pm on Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 91 All works are to be undertaken in accordance with the Construction Environmental Management Plan, the Environment Protection Licence issued by the NSW Environment Protection Authority and the ground water licence issued by the NSW Office of Water.

PRIOR TO OCCUPATION/USE– STAGE 3

Dilapidation Rectification Requirements

- 92 At the completion of works, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development (including Stage 2 works) and must be rectified at the applicant's expense.

Ecology/Tree Requirements

- 93 Prior to the completion of Stage 3, the habitat restoration works including the riparian corridor and amphibian habitat are to be implemented as outlined in the Habitat Restoration Plan.

Landscaping Requirements

- 94 Prior to the completion of Stage 3, the landscape designer must provide certification to Council that the landscaping has been implemented in accordance with the approved landscape plan (Figure 17 of the EIS, SMEC 2013).

Vehicle Access and Parking – Compliance Requirements

- 95 The vehicle access crossings shall be constructed in accordance with the vehicle access crossing Notice of Determination issued by Council under Stage 1 and 2 prior to the completion of the development.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 96 Prior to the final use of the development, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.
- 97 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of the Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.
- 98 Prior to the use of the site for public recreation, a site validation certificate from an appropriately qualified site auditor is to be provided to Council.

ONGOING – STAGE 3

- 99 Ongoing monitoring and record keeping is to be undertaken in accordance with the Construction Environmental Management Plan, the Operations Environmental Management Plan, the Remediation Action Plan, the Groundwater Licence and the Environment Protection Licence.

Right of Appeal

If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to Review the determination, except where the application is Integrated or Designated development.

Signed on Behalf of the Consent Authority



Salli Pendergast
Principal Development Planner
DEVELOPMENT ASSESSMENT