

JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

Council Assessment Report

Panel Reference	PPS-2019HCC018 .
DA Number	53515/2017
Local Government Area	Central Coast Council
Proposed Development	Proposed Resource Recovery Facility (a ' <i>waste or resource management facility</i> ' as defined in the Gosford LEP 2014)
Street Address	Lot 10 DP 876323 No. 1 Vere Place, Somersby
Applicant	Coastal Design Link
Owner	Alchere Pty Ltd
Date of DA Lodgement	15 December 2017
Number of Submissions	Nil – First Notification Period Eight (8) – Second Notification Period
Recommendation	Approval, subject to conditions
Regional Development Criteria - Schedule 7 of the State Environment Planning Policy (State and Regional Development) 2011	The application is declared to be Regionally Significant development in accordance with clause 20(1) and Schedule 7, Clause 7(c) of <i>State Environmental Planning Policy (State & Regional Development) 2011</i> , as it is a Designated Waste Management Facility or works, which meet the requirements for designated development under clause 32 (1) (d) (vi) of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i>
List of all relevant 4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979</i> (EP&A Act) • <i>Local Government Act 1993</i> (LG Act) • <i>Protection of the Environment Operations Act 1997</i> • <i>Roads Act 1993</i> (Roads Act) • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (SEPP State and Regional Development) • <i>State Environmental Planning Policy No 55 - Remediation of Land</i> (SEPP 55) • <i>Water Management Act 2000</i>

	<ul style="list-style-type: none">• <i>State Environmental Planning Policy No 44 – Koala Habitat Protection</i>• <i>Central Coast Regional Plan 2036</i>• <i>Draft Central Coast Local Environmental Plan 2018 (DCCLEP)</i>• <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i>• <i>Gosford Development Control Plan 2013 (GDCP 2013)</i>• <i>Somersby Industrial Park Plan of Management</i>																																										
List all documents submitted with this report for the Panel’s consideration	<p>Attachments:</p> <ol style="list-style-type: none">1. Proposed Conditions of Consent.2. Site Plan prepared by Halcrow & Associates.3. Architectural Plans- Sorting Area & Workshop Area Awning Plan prepared by R.J. Sinclair Pty. Ltd.4. Architectural Plans - Site Office /Staff Building Floor Plan & Elevations and Storage Area Plan prepared by R.J. Sinclair Pty. Ltd.5. Retaining Walls and Associated Cross Section Details prepared by R. J. Sinclair Pty. Ltd.6. Landscape Plan prepared by R.J. Sinclair Pty. Ltd.7. General Terms of Approval – Environmental Protection Authority.8. The Secretary’s Environmental Assessment Requirements (SEARs)9. Transport for NSW (TfNSW) comments. <p>Supporting Documents:</p> <table><tr><th>Document</th><th>Prepared by</th><th>Date / Issue</th></tr><tr><td>Environmental Impact Statement</td><td>L.D.A. Planning Services</td><td>10/12/2017</td></tr><tr><td>Waste Management Plan</td><td>Rod Wall</td><td>09/08/2018</td></tr><tr><td>Landscape Plan</td><td>R.J. Sinclair Pty. Ltd</td><td>27/11/2019 Numbered L - 01 – Issue P2</td></tr><tr><td>Traffic Impact Assessment Report</td><td>Intersect Traffic Pty Ltd</td><td>November 2017 -Issue D</td></tr><tr><td>Water Cycle Management Plan</td><td>Halcrow & Associates Pty. Ltd.</td><td>12/03/2015</td></tr><tr><td>Soil & Water Management Plan</td><td>Halcrow & Associates Pty Ltd</td><td>November 2018</td></tr><tr><td>Stormwater Concept Plan</td><td>Halcrow & Associates Pty Ltd</td><td>30/03/2015</td></tr><tr><td>Erosion & Sedimentation Control Plan</td><td>Halcrow & Associates Pty Ltd</td><td>30/03/2015 Numbered DA. 4 of 4</td></tr><tr><td>Bushfire Protection Assessment Report</td><td>Australian Bushfire Protection Planners Pty Ltd</td><td>1/08/2017 Numbered A-01</td></tr><tr><td>DPI Communication Letter</td><td>A. Sutas- Senior Water Regulation Officer</td><td>05/08/2016</td></tr><tr><td>Aboriginal Heritage Information Management System (AHIMS)</td><td>Office of Environment & Heritage (OEH)</td><td>04/12/2017</td></tr><tr><td>Weighbridge Design & Specifications</td><td>AWS Scales & Weighing Systems</td><td>16/04/2015</td></tr><tr><td>Secretary’s Environmental Assessment Requirements (SEAR’s)</td><td>NSW Planning & Environment</td><td>17/01/2017</td></tr></table>	Document	Prepared by	Date / Issue	Environmental Impact Statement	L.D.A. Planning Services	10/12/2017	Waste Management Plan	Rod Wall	09/08/2018	Landscape Plan	R.J. Sinclair Pty. Ltd	27/11/2019 Numbered L - 01 – Issue P2	Traffic Impact Assessment Report	Intersect Traffic Pty Ltd	November 2017 -Issue D	Water Cycle Management Plan	Halcrow & Associates Pty. Ltd.	12/03/2015	Soil & Water Management Plan	Halcrow & Associates Pty Ltd	November 2018	Stormwater Concept Plan	Halcrow & Associates Pty Ltd	30/03/2015	Erosion & Sedimentation Control Plan	Halcrow & Associates Pty Ltd	30/03/2015 Numbered DA. 4 of 4	Bushfire Protection Assessment Report	Australian Bushfire Protection Planners Pty Ltd	1/08/2017 Numbered A-01	DPI Communication Letter	A. Sutas- Senior Water Regulation Officer	05/08/2016	Aboriginal Heritage Information Management System (AHIMS)	Office of Environment & Heritage (OEH)	04/12/2017	Weighbridge Design & Specifications	AWS Scales & Weighing Systems	16/04/2015	Secretary’s Environmental Assessment Requirements (SEAR’s)	NSW Planning & Environment	17/01/2017
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	General Terms of Approval- Attachments A & B	Environmental Protection Authority	14/05/2018
	Biodiversity Impact Assessment Report	Environmental Assessment Pty Ltd.	7/08/2018 Issue B
	Addendum to Biodiversity Impact Assessment Report	Everitt Ecology	25/06/2019
	Soil Testing Report – In – Situ Soil	Larry Cook Consulting Pty Ltd	30/07/2018
	Draft Environmental Management and Stormwater Management Plan	Larry Cook Consulting Pty Ltd	12/08/2018
	DA Acoustic Report – Industrial Premises	PKA Acoustic Consulting	21/11/2018
	Operational Plan of Management	Coastal Design Link	12/11/2019
	Retaining Walls and Associated Cross Section Details	R. J. Sinclair Pty. Ltd.	12/06/2020 & 28/05/2020
Report prepared by	K. Singh		
Report date	1 August 2020		

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)?

No

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable comments to be considered as part of the assessment report.

Yes

CENTRAL COAST COUNCIL DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number

DA 53515/2017

Summary

A development application has been received for a proposed Resource Recovery Facility (best defined as a 'waste or resource management facility' under the *Gosford Local Environmental Plan 2014*) on Lot 10 DP 876323 No. 1 Vere Place, Somersby (subject site). The subject site has an area of 4,036m².

The subject site is located within the Somersby Industrial Business Park and is affected by the *Somersby Industrial Park Plan of Management*. However, the subject land is not affected by any 'Management Zone' identified by figure 4.7 in the *Somersby Industrial Park Plan of Management*. The subject site is not known to contain any Aboriginal heritage characteristics or items of Aboriginal significance.

The primary function of the proposed facility is the recovery of resources sourced from waste materials obtained from building and construction projects. Building and construction waste intended to be delivered and recovered by the facility has a pre-classification from the NSW Environment Protection Agency (EPA) as "General Solid Waste (Non-Putrescible)."

The general layout of the new facility will comprise a centralised tipping and sorting area where recovery materials will be deposited for sorting, with a flat compacted area generally extending outwards in all directions towards the property boundaries. Set back from the various site boundaries will be the storage bays for various materials (timber, metal, brick etc.) along with light and heavy vehicle parking bays, a workshop facility, administration and amenities building.

The proposed Resource Recovery Facility is to operate during the hours of 7am to 5pm weekdays, or as stipulated by the Environmental Protection Authority. The proposed facility will not be in operation on the weekend. The proposed facility will employ five (5) full time staff during its regular hours of operation. In addition to the full-time on-site staff, the facility will utilise contracting with vehicle drivers to enable the collection, delivery and dispatch of waste materials both into and out of the subject site.

The proposal is captured by the 'designated development' provisions of *State Environmental Planning Policy (State and Regional Development) 2011*, having regard to the requirements of *Schedule 7 – Regionally Significant Development*, in particular clause 7(c), which references waste management facilities or works, which meet the requirements for designated development under clause 32 (1) (d) (vi) of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

The Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Assessment Statement (EIS) for the proposed development, was issued by the then NSW Planning & Environment Department on 17 January 2017.

DA53515/2017 was submitted on 15 December 2017 and the proposal has been subject to numerous requests for further information from Council on 7 December 2018, 8 May 2018, 30 July 2018 and 3 May 2019.

The application has also been subject to various extension of time request from the applicant to facilitate the preparation of engineering, environmental health, waste services, ecology and Environmental Protection Authority related matters.

The assessment of all the outstanding issues associated with the proposal has been completed, including the assessment of the amended Flora and Fauna Report.

In relation to ecology, two (2) individuals of *Hibbertia procumbens* (Spreading Guinea Flower) were identified on the subject site, and one of the individuals in question will be required to be transplanted to a secure area and be protected with within the landscaped area having frontage to Vere Place.

Eight (8) public submissions were received during the public notification period raising various issues, which are further elaborated upon later in this report. The majority of the public submissions raised issues with the potential for concrete crushing on site as part of the operation of the facility. However, the applicant has provided written confirmation to Council (dated 12 February 2020) that there will be no concrete crushing activities proposed in conjunction with the facility. This will be reaffirmed by a recommended condition of consent.

The application has been assessed against the heads of consideration specified under section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and relevant Council policies.

RECOMMENDATION

- A** *That the Hunter and Central Coast Regional Planning Panel as consent authority grant consent to Development Application DA 53515/2017 for a proposed Resource Recovery Facility on Lot 10 DP 876323 No. 1 Vere Place Somersby, subject to conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues*
- B** *That Council advise those who made written submissions of the Panel's decision.*

Precis

Delegation Level Reason for Delegation Level	Regional Planning Panel Schedule 7,cl 7(c) – <i>SEPP (State and Regional Development) 2011</i>)
Property Lot & DP	Lot 10 DP 876323
Property Address	No. 1 Vere Place, Somersby
Site Area	4,036.0m ²
Zoning	IN1 General Industrial
Proposal	Proposed Resource Recovery Facility (best defined as a 'waste or resource management facility' under the Gosford LEP 2014)
Application Type	Development Application
Current Use	Vacant Industrial Land
Integrated & Designated Development	Yes
Application Lodged	15 December 2017
Applicant	Coastal Design Link
Estimated Cost of Works	\$60,000.00
Advertised and Notified / Notified Only	<u>Exhibition Periods:</u> First period: 11/01/2018 to 12/02/2018 Second period: 18/04/2019 to 20/ 05/2019
Submissions	No submissions received during the first notification period. Eight (8) submissions received during the second notification period
Disclosure of Political Donations & Gifts	No
Site Inspection	20/02/2018 and 15/10/2019
Recommendation	Approval, subject to conditions

History

A previous development application for a similar use (DA 50412/2016 - proposed Resource Transfer Facility) on Lot 10 DP 876323 No. 1 Vere Place, Somersby (subject site), was lodged for Council's determination on 5 August 2016 and was subsequently withdrawn by the applicant on 8 December 2016.

The Site and Surrounds

The subject site is legally identified as Lot 10 DP 876323 No. 1 Vere Place, Somersby and has a site area of 4,036m². The subject site is an irregular shaped corner allotment that is bounded by Vere Place and Chivers Road. The subject land is currently vacant.

The subject site is surrounded by industrial zoned land to the north, east, south and west. A dwelling house (not associated with the proposed development), is located approximately 130 metres to the west of the subject site on land zoned *RU1 Primary Production*. Figure 1 depicts an aerial view of the subject site.

The topography of the site generally falls from north to south and what appears to be an unnamed drainage line extends roughly along the eastern boundary of the site. Vehicular access to the site is proposed Chivers Road.

The site is zoned *IN1 General Industrial* under *Gosford Local Environmental Plan 2014* (Gosford LEP 2014) and is located within the Somersby Industrial Business Park (and subject to the *Somersby Industrial Park Plan of Management*). The allotment concerned is burdened by an easement to drain sewage 2m wide and variable, as well as an easement to drain water 3m wide and variable as depicted vide DP876323.

The site is identified as being "bushfire prone land" on bushfire maps held by Council.



Figure 1- Aerial View of the site (edged in Green)

Regional Planning Panel Briefing September 2019

The Regional Planning Panel was briefed on 4 September 2019 regarding the proposal and the following key issues were discussed during the briefing:

- History – EIS, SEARS, additional information etc – Addressed in planning report.
- Ecological issues subject to recent updated report, Assessed – Completed.
- Issues raised in submissions – Addressed in planning report.
- Water course – DPI no issue raised – Addressed in planning report.
- Landscaping including perimeter- Landscaping plan submitted and is satisfactory.
- Mitigation of dust and traffic impacts - Operational Plan of Management submitted.
- Dwelling within 250m west of the site (rural zone) – Approved under DA 10369 on 16/11/1988 and is situated on land zoned RU1 Primary Production.
- Traffic assessment to be detailed in report including origin and destination of material- Addressed in planning report

-
- Plan of Management (POM) should be provided to detail sorting, separation and management details for the site – POM provided submitted and is satisfactory.

Regional Planning Panel Briefing March 2020

The Regional Planning Panel was briefed on 4 March 2020 regarding the proposal and the Panel requested the following additional information detailed below:

- Additional cross section information associated with the retaining walls,
- Further clarification from the Environmental Protection Authority (EPA), regarding the manner in which the General Terms of Approval (GTA) would be applied.

Additional cross section information associated with the retaining walls have been submitted by the applicant (12 June 2020) and the information has been reviewed by Council's Senior Development Engineer and found to be satisfactory, subject to conditions.

The Environmental Protection Authority (EPA) has been consulted and the Authority has (5 March 2020) provided clarification to Council regarding in the manner in which the General Terms of Approval (GTA) should be applied.

The additional information requested by the Panel has been obtained and is further addressed in the planning report.

The Proposed Development

The proposal comprises the establishment of a proposed Resource Recovery Facility on Lot 10 DP 876323 No. 1 Vere Place, Somersby. The facility is to include the following:

- Centralised waste tipping & sorting area (bunded).
- Bays for general waste, timber waste, metal waste, brick rubble & skip bin storage (bunded).
- Six (6) shipping containers.
- An administration building containing offices, bathroom facilities & a lunch room.
- Roofed workshop facility.
- Light & heavy vehicle parking areas.
- OSD sediment & control tank
- Site encompassing retaining walls.
- Landscaping

The general layout of the new facility will comprise of a centralised tipping and sorting area where recovery materials will be deposited for sorting, with storage bays for various materials (timber, metal, brick etc.) along with light and heavy vehicle parking bays, a workshop facility, administration and amenities building. Vehicular ingress and egress to and from the subject site is proposed off Chivers Road, refer. Figure 2 depicts the general layout of the facility.

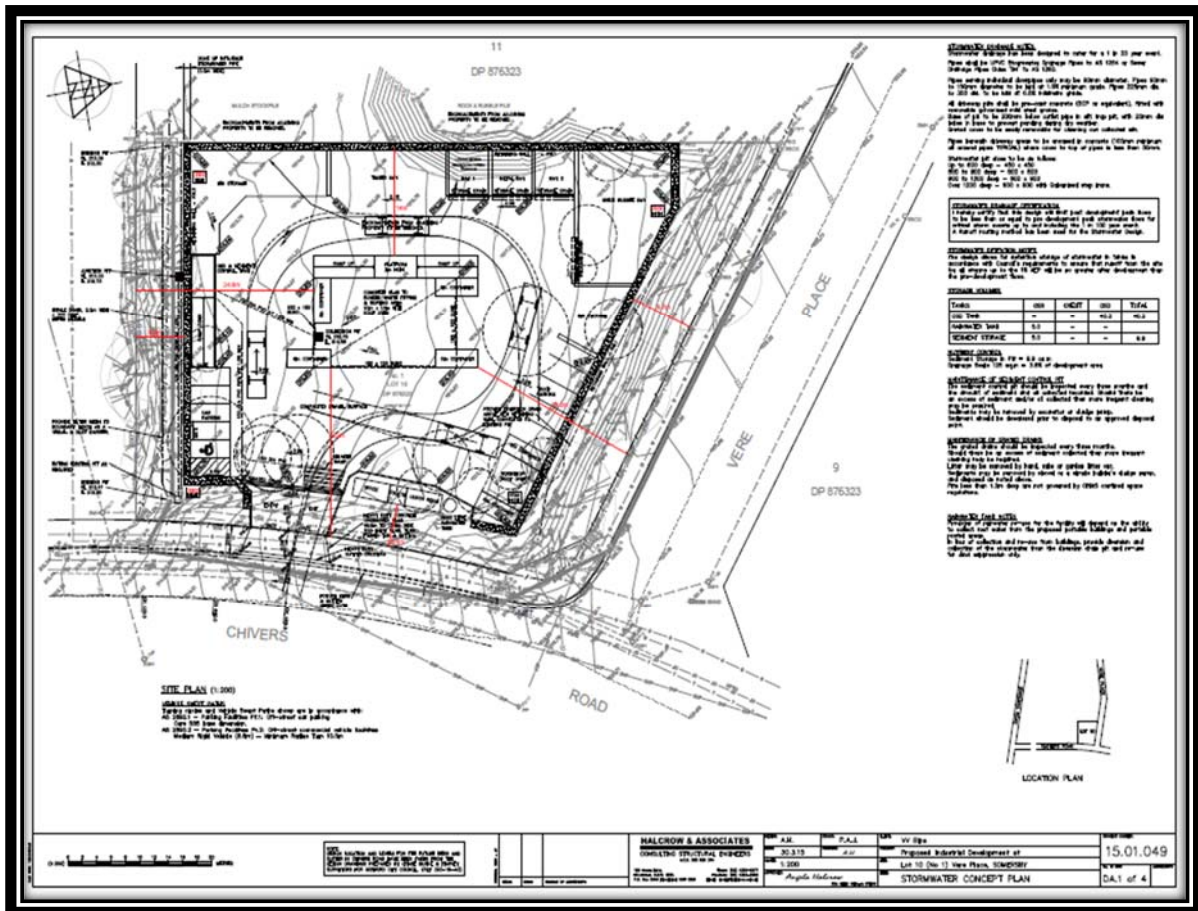


Figure 2- Site Layout Plan

Primary Purpose of Facility

The primary function of the proposed facility is the recovery of resources sourced from waste materials obtained from building and construction projects. Building and construction waste intended to be delivered and recovered by the facility has a pre-classification from the NSW Environment Protection Agency (EPA) as *“General Solid Waste (Non-Putrescible)”*.

The applicant has advised that there will be no concrete crushing activities proposed on site in conjunction with the proposed development. The proposed development does not intend to source or recover any materials containing asbestos or liquid waste and does not intend to manage waste that has been sourced from chemical works, mineral processing works, container re-conditioning works or other similar waste treatment facilities.

The proposed facility is intended to cater for approx. 12,000 tonnes of building and demolition waste on an annual basis and will have the capacity to store a maximum of 1,000 tonnes of said materials on-site at any given point in time.

The facility does not intend to process waste on-site, but rather recover, sort, prepare and relocate the materials to other sites wherein they can be re-used, recycled or disposed of appropriately. Figure 3 and figure 4 depicts the sorting area awning plan, workshop awning elevations and typical storage area plan.

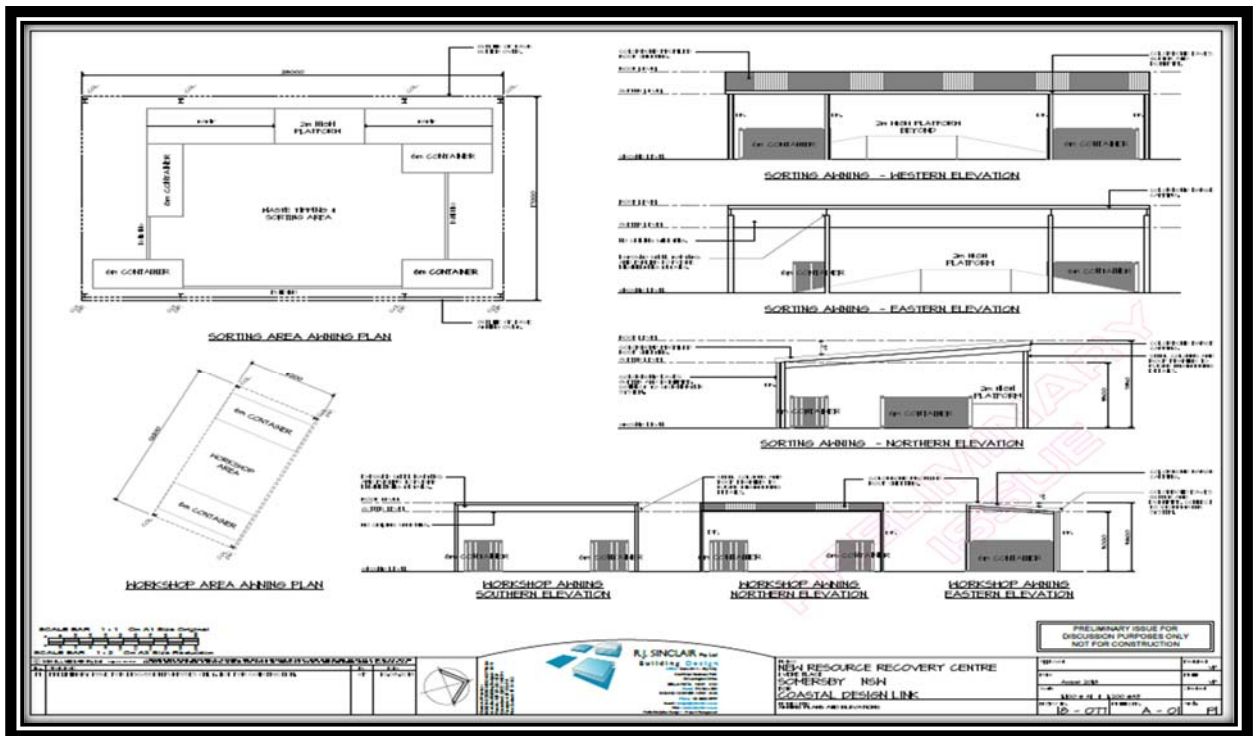


Figure 3- Sorting Area Awning Plan and Workshop Awning Elevations

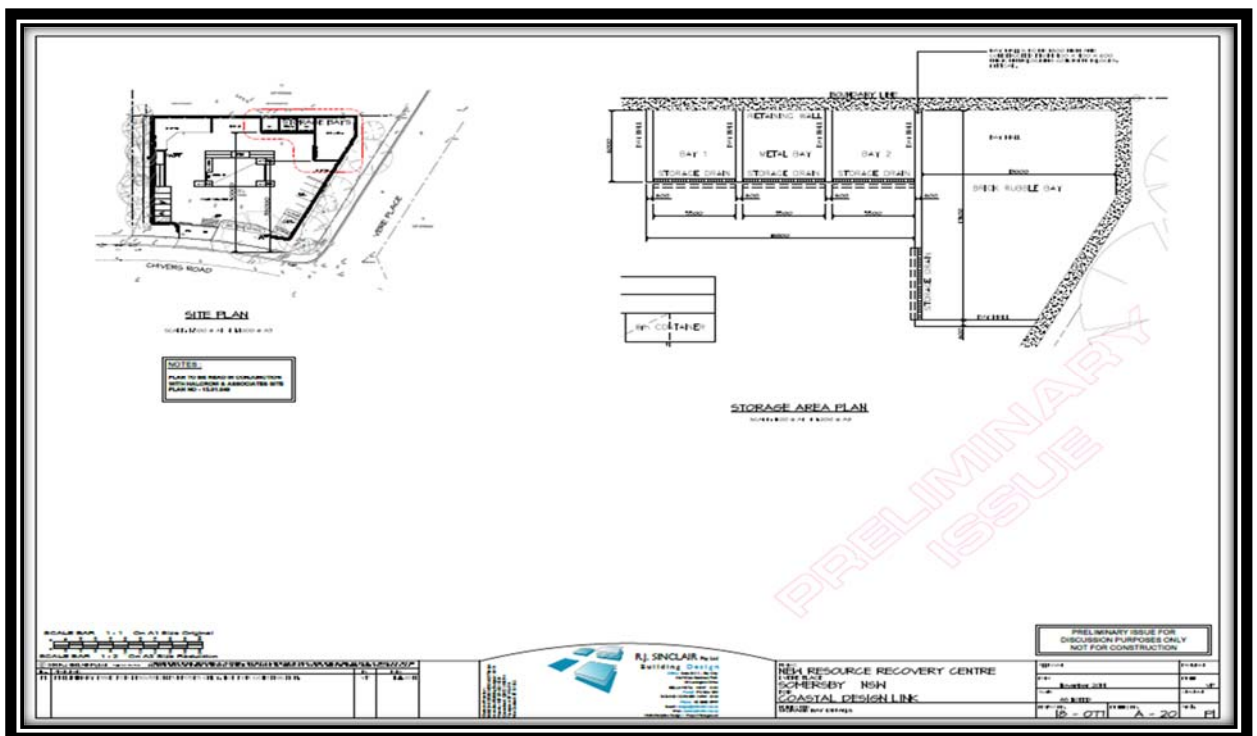
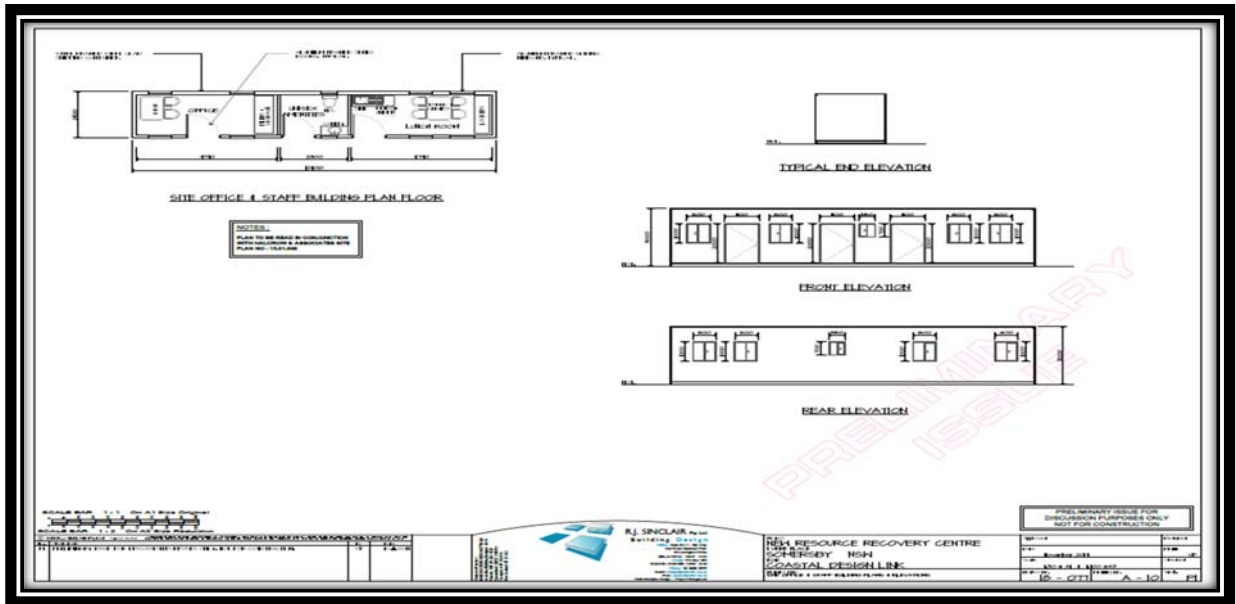


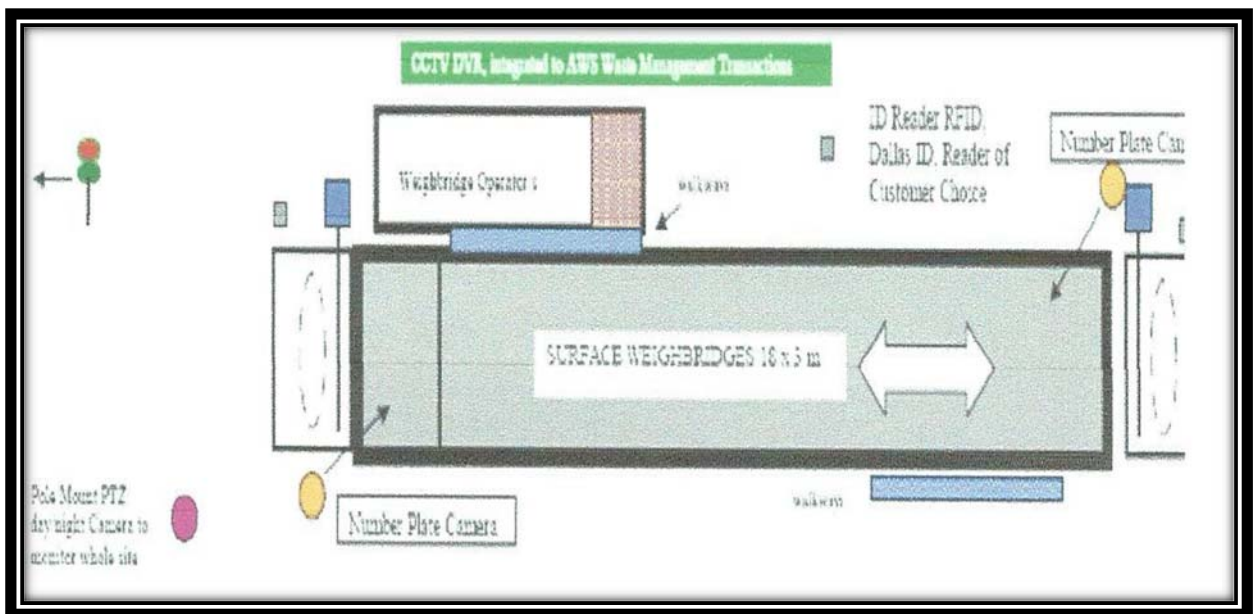
Figure 4 - Typical Storage Area Plan

Staffing & Hours of Operation

The proposal is to operate during the hours of 7am to 5pm, Monday to Friday, or as stipulated by the Environmental Protection Authority. The proposal will employ 5 full time staff who will be contained within an administrative office and amenities building, refer figure 5.



The proposal will also necessitate the construction and provision of a weighbridge in accordance with the requirements of the Environmental Protection Authority and the applicant has furnished Council with preliminary details of the weighbridge, refer figure 6.



A suitable condition of consent is contained in the recommendation requiring final details of the weighbridge to be submitted with the Construction Certificate, to the satisfaction of the Principal Certifying Authority having regard to the requirements of the Protection of the Environment (Waste) Regulation 2014 and Waste Levy Guidelines (NSW EPA, 2018), as outlined by condition 2.3.

The entire facility is to be bounded on three sides (and part of the fourth) with retaining walls, with ingress and egress to the subject site being proposed from Chivers Road to the east. **Figure 7** depicts the location of the retaining wall and access details.

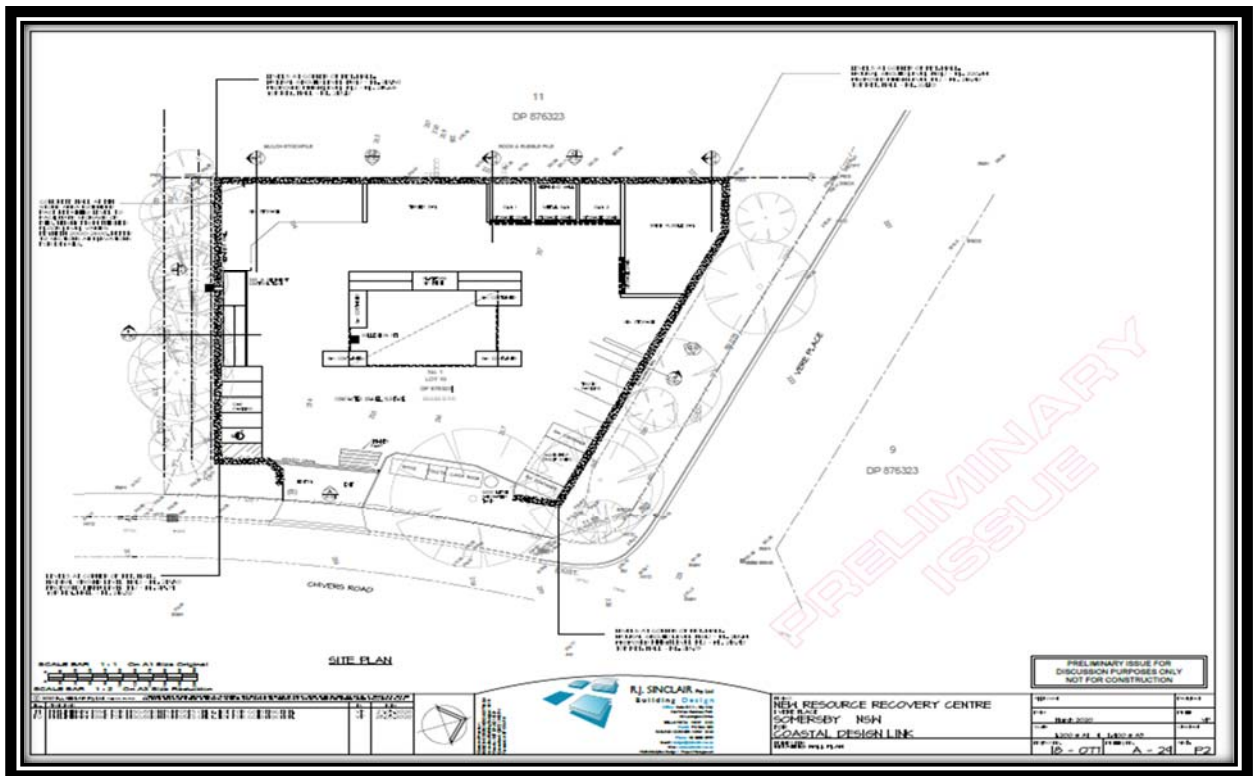


Figure 7- Location of Retaining Walls and Access Details

The applicant has provided typical retaining wall details (Figure 8), as well as cross sections of the proposed retaining walls are per the request from the Regional Planning Panel and a descriptive summary of the proposed retaining walls (following page).

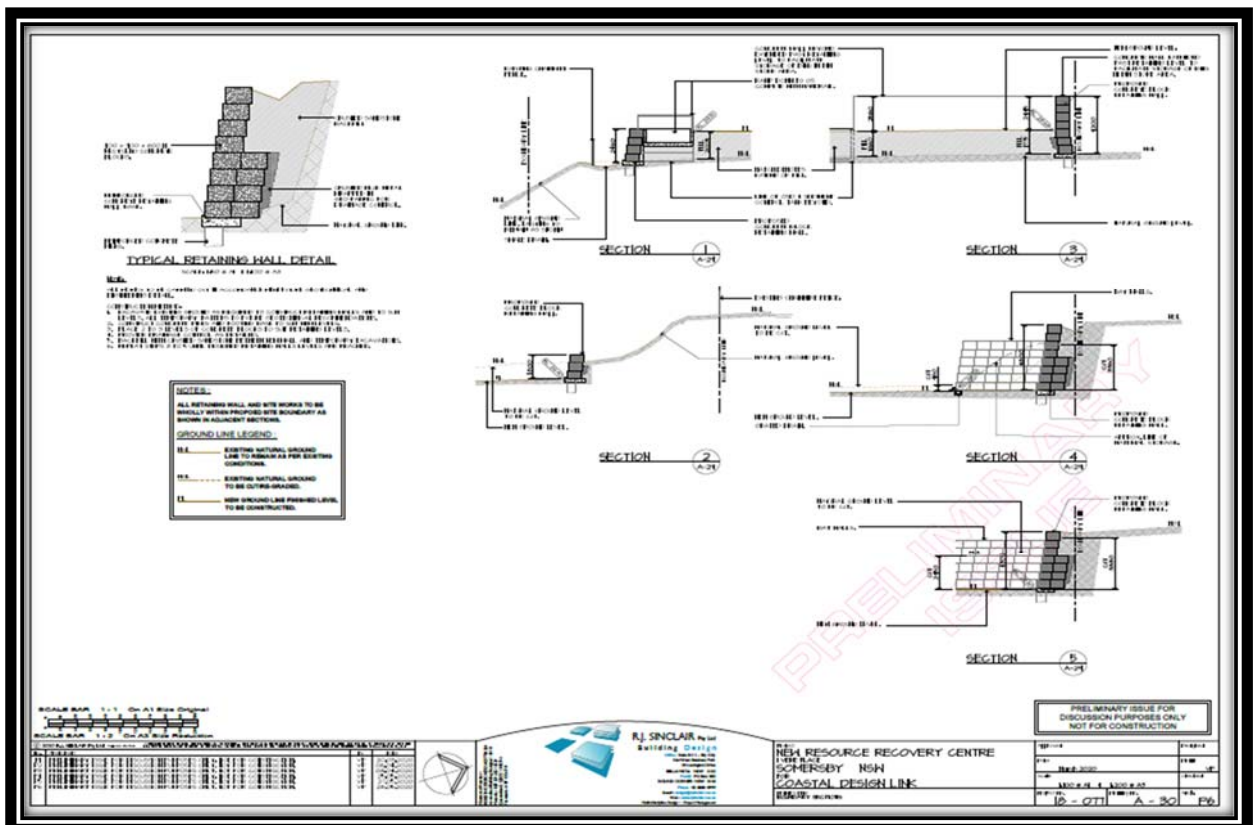


Figure 8- Typical Retaining Wall Details

Northern Boundary

The northern boundary of the subject site has street frontage to Vere Place. The retaining wall along this boundary is to be of concrete block construction, typical details of which can be seen on Drawing A-30.

The northern boundary extends for a length of 59.075 metres, with retaining wall heights of 1830mm (1240mm cut) at the north-eastern corner through a midpoint retaining wall height of 2430mm (1763mm cut) and ending with a retaining wall height of 4200mm (4040mm cut) at the north-western corner of the boundary.

The percentage of the northern boundary wall with a height between 4000mm - 4200mm is approximately 19.875m or approximately 34%. Details of these elevations can be seen in *Detail D* on Drawing A-32.

Eastern Boundary

The eastern boundary of the subject site contains the point of ingress/egress and has street frontage to Chivers Road. The two sections of retaining wall on this boundary (broken up by the ingress/egress) are to be of concrete block construction, typical details of which can be seen on Drawing A-30.

The northern section of retaining wall on the eastern boundary extends from the north-eastern corner of the property to the access driveway for a length of 6.775 metres. The height of this section of retaining wall is 1830mm for its entire length, with a cut of 1240mm at the northern end and a cut of 1035mm at its southern end.

The southern section of retaining wall on the eastern boundary extends from the south-eastern corner of the site to the access driveway for a length of 10.285 metres. The height of this section of retaining wall is 2830mm for its entire length, with a fill level of 1475mm at its northern end and a fill level of 2295 at its southern end. Details of these elevations can be seen in *Detail A* on Drawing A-31.

Southern Boundary

The southern boundary of the subject site contains no street frontages. The retaining wall along this boundary is to be of concrete block construction, typical details of which can be seen on Drawing A-30.

The southern boundary extends for a length of 50 metres with retaining wall heights of 2830mm (2295mm fill) at the south-eastern corner through a midpoint height of 2220mm (2050mm fill) and ending with a wall height of 4625mm (2180mm fill).

N.B - It should be clearly noted that the wall on the western end of the southern boundary is comprised of two separate elements. The first element is a retaining wall which is of a height necessary to retain the 2180mm of fill in the southwestern corner of the site.

The second element is an architectural wall on top of the retaining wall which rises to a height of 4625mm in the southwestern corner of the site. This architectural wall is designed to

accommodate for the bin storage area in the southwestern part of the development and is not designed for retaining purposes. An example of the stacked retaining and architectural walls can be seen in Section 3 on Drawing A-30.

The percentage of the southern boundary wall with a height between 4500mm - 4625mm is approximately 14.255m or 28%. Details of these elevations can be seen in *Detail B* on *Drawing A-31*.

Western Boundary

The western boundary of the subject site abuts the neighbouring property and does not contain any street frontages. The retaining wall along this boundary is to be of concrete block construction, typical details of which can be seen on *Drawing A-30*.

The western boundary extends for a length of 90.045 metres with retaining wall heights of 4200mm (4050mm cut) at the north-western corner through variable midpoint heights of 4875mm (1280mm cut) and then 2100mm (205mm fill) where the landform transitions from cut on the northern portion of the wall to fill on the southern portion of the wall. The western boundary wall ends at the south-western corner with a height of 4625mm (2180mm fill).

N.B. – The wall on the western boundary is also comprised of two elements. The first element is a retaining wall which is of a height necessary to retain the 2180mm of fill in the southwestern corner of the site.

The second element is an architectural wall on top of the retaining wall which rises to a height of 4625mm in the southwestern corner of the site. This architectural wall is designed to accommodate for the bin storage area in the southwestern part of the development and is not designed for retaining purposes. It should be noted that the ground level on the property to the west is higher than the ground level on the subject site. The retaining wall on the western boundary is designed to retain to the height of the ground level on the property to the west.

For the western boundary there is a total of 28% of the retaining walls have a between 4000mm – 4500mm and a total of 25.3% of the retaining walls that have a height between 4500mm – 4625mm.

In summary with the exception of the eastern boundary, the additional information submitted by the applicant associated with the longitudinal and cross section details for the proposed retaining walls, indicate that for the northern boundary there is 34% of the retaining walls between 4000mm - 4200mm in height, for the southern boundary there is 28% of the retaining walls between 4500mm - 4625mm in height, and for the western boundary there is a total of 28% of the retaining walls have a between 4000mm – 4500mm and a total of 25.3% of the retaining walls that have a height between 4500mm – 4625mm.

From a planning perspective, the retaining walls are considered relevant to the proposed development and is supported for the following reasons :

- The structures promote security around the perimeter of the subject site and are considered acceptable, given the context of the IN1 General Industrial zoning.

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- The design of the structures generally reflects the existing topography and land form of the subject site and adjoining land.
 - In terms of structural integrity, the final design and construction of the retaining walls must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards, with details being submitted with the Construction Certificate.
 - Perimeter landscaping is proposed at the frontages of the subject site. This, together with the proposed ancillary structures (administration building and awning sorting area), further minimises and reduces the visual implications of the retaining walls.

Assessment:

This application has been assessed using the heads of consideration specified under section 4.15 of the EP&A Act, and relevant Council policies. The assessment has identified the following key issues, which are elaborated upon for the Panel's information.

s. 4.15 (1)(a)(i) of the EP&A Act: Provisions of any environmental planning instruments/Plans/Policies

The relevant Environmental Planning Instruments are addressed below:

State Environmental Planning Policy (State and Regional Development) 2011

The aims of *State Environmental Planning Policy (State and Regional Development) 2011* (the SEPP) are to identify development that is State significant development, State significant infrastructure and critical State significant infrastructure or regionally significant development and to confer functions on the relevant state or regional planning panels to determine development applications.

The proposal is captured by the designated development provisions of *State Environmental Planning Policy (State and Regional Development) 2011* having regard to the requirements of Schedule 7 – Regionally Significant Development, in particular clause 7(c), which references waste management facilities or works, which meet the requirements for designated development under clause 32 (1) (d) (vi) of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

State Environmental Planning Policy No 44 – Koala Habitat Protection

In relation to State Environmental Planning Policy No 44 – Koala Habitat Protection, Council's Senior Ecologist has on 4 February 2020, provided the following comments:

"The new Koala Habitat Protection SEPP will replace SEPP 44 on 1 March 2020. The policy intent of SEPP 44 has been retained in the new Koala Habitat Protection SEPP. The proposal site is covered by the new Koala Habitat Protection SEPP.

However, the application was submitted in 2017 and the former planning provisions contained within Section 5A of the Environmental Planning and Assessment Act 1979

pursuant to the Biodiversity Conservation (Savings and Transitional) Regulation 2017 apply, including SEPP 44.

The original Ecological Assessment (DN:23673731) prepared by Danny O'Brien included an assessment in relation to SEPP 44. It was found that the subject site did not qualify as 'Potential Koala Habitat' as defined under SEPP 44. This was due to the study area being less than one hectare in area in size, and therefore SEPP 44 does not apply."

The comments from Council's Senior Ecologist are noted and have been considered in the determination process.

State Environmental Planning Policy (SEPP) No 55 – Remediation of Land

Clause 7 of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) requires the consent authority to consider whether the land is contaminated when determining a Development Application.

The provisions of SEPP 55 aim to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7 of SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The proposed development will entail minor ground disturbance to accommodate the proposed development and Council's Environmental Health Officer has provided the following comments (summarized) :

"The Environmental Health Team are generally satisfied that the report indicates that the site is not likely to be significantly contaminated and additional information is not required. No further investigations deemed necessary."

Having regard to the commentary provided by Council's Environmental Health Officer, the nature of the use as a result the proposal is considered satisfactory under the provision of SEPP 55.

Central Coast Regional Plan 2036

The Central Coast Regional Plan 2036 provides a 20 year framework and guiding strategic planning document aimed at facilitating effective growth and services for the people of the region. It outlines a vision for the Central Coast to 2036; the challenges faced, and the goals and directions to follow to address these challenges and achieve the vision.

It aims amongst other measures, to build a strong economy capable of generating jobs, providing greater housing choice, essential infrastructure and protecting the natural environment.

The proposal has been assessed having regards to the relevant goals and directions set out within the Central Coast Regional Plan 2036 and is consistent with this Plan.

Gosford Local Environmental Plan 2014 - Zoning & Permissibility

The subject site is zoned *IN1 General Industrial* under *Gosford Local Environmental Plan 2014* (GLEP 2014), as indicated by Figure 9.



Figure 9 -Zoning Map GLEP 2014 (site edged in blue)

The proposed development is defined as best defined as a 'waste or resource management facility' under the provisions of the GLEP 2014, which is defined as:

waste or resource management facility means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

Waste or resource management facilities are permitted with development consent under the provisions of the IN1 – General Industrial zoning.

The proposal is captured by the designated development provisions of *State Environmental Planning Policy (State and Regional Development) 2011* having regard to the requirements of Schedule 7 – Regionally Significant Development, in particular clause 7(c), which references waste management facilities or works, which meet the requirements for designated development under clause 32 (1) (d) (vi) of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

The proposed development is permissible within the prescribed zone, with development consent.

Gosford Local Environmental Plan 2014 – Zone Objectives

The objectives for the *IN1 General Industrial* zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To promote ecologically, socially and economically sustainable development.
- To ensure that retail, commercial or service land uses in industrial areas are of an ancillary nature.
- To ensure that development is compatible with the desired future character of the zone.

The proposed development meets the objectives of the *IN1 General Industrial* zone, having regard to the following:

- The proposal will contribute to the variety of industrial land uses available in the locality.
- Whilst modest, the proposal will provide for additional employment opportunities.
- The proposal is located within the Somersby Industrial Park, with access easily available to the M1 Pacific Motorway.
- The proposed development is considered industrial in nature and is planned for land zoned for this purpose.
- Potential environmental impacts of the proposal are considered minimal and can be adequately mitigated.
- No retail, commercial or service land uses are proposed.
- The proposal is consistent with the zone objectives and consistent with the desired future character of the zone.

Gosford Local Environmental Plan 2014 – Height

There is presently no statutory height limit prescribed by *Gosford Local Environmental Plan* (GLEP2014), for industrial type developments within the Somersby Industrial Estate.

Accordingly, the proposal has been subject to a merit -based assessment and the relevant objectives prescribed within Gosford Development Control Plan 2013 (GDGP 2013) Chapter 3.11 Industrial Development, which are further elaborated upon in the planning report.

Given the nature of the use which incorporates storage bays and associated single storey structures (office, lunch room, amenities, waste tipping and sorting area), the proposal is of low visual impact and provides for a development with a satisfactory height and scale.

Gosford Local Environmental Plan 2014 – Floor Space Ratio

There is presently no floor space ratio requirement prescribed by *Gosford Local Environmental Plan* (GLEP 2014). for industrial type developments within the Somersby Industrial Estate.

Accordingly, the proposal has been subject to a merit- based assessment and the relevant objectives prescribed within Gosford Development Control Plan 2013 (GDGP 2013) Chapter 3.11 Industrial Development, which are further elaborated upon in the planning report.

Gosford Local Environmental Plan 2014 – Clause 7.1 Acid Sulfate Soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of *Gosford Local Environmental Plan 2014* (GLEP 2014) have been considered. The site contains Class 5 Acid Sulfate Soils.

Notwithstanding this, a condition of consent is recommended to cease works should Acid Sulfate Soils be identified and details of mitigate and treatment measures are provided and approved by the Principal Certifying Authority, as outlined by condition 4.12.

Gosford Local Environmental Plan 2014 – Clause 7.2 Flood Planning

Council's Senior Development Engineer has advised that the subject site is not affected by flooding.

Gosford Local Environmental Plan 2014 – Clause 7.4: Additional Local Provisions – Development in Somersby Business Park

Part 7 Additional Local Provisions of GLEP 2014 is relevant in the merit assessment of the proposal and clause 7.4 (1) makes specific references to Development in Somersby Business Park, details of which are reproduced as follow:

"7.4 Development in Somersby Business Park

(1) The objectives of this clause are as follows—

- (a) to maximise the opportunity for industrial development in Somersby Business Park to provide employment opportunities in Gosford,*
- (b) to protect ecologically significant land and land with Aboriginal heritage characteristics in Somersby Business Park,*
- (c) to ensure that the function and appearance of future subdivision of, or other development in, Somersby Business Park protects ecologically significant land and land with Aboriginal heritage characteristics within Somersby Business Park,*
- (d) to provide that subdivision occurs in a flexible manner to take account of ecologically significant land and land with Aboriginal heritage characteristics within Somersby Business Park"*

The subject site is located within the Somersby Business Park and is subject to the provisions of the *Somersby Industrial Park Plan of Management*. However, the subject land is not affected by any Management Zone identified by figure 4.7 in the Somersby Industrial Park Plan of

Management and does not contain any known Aboriginal Heritage characteristics or items of Aboriginal significance, (see Figure 10).

The proposal complies with the objectives of clause 7.4 of GLEP 2014. The development will also provide increased economic activities and employment opportunities. Furthermore, the recycling of materials contributes positively to the environment and should be encouraged.

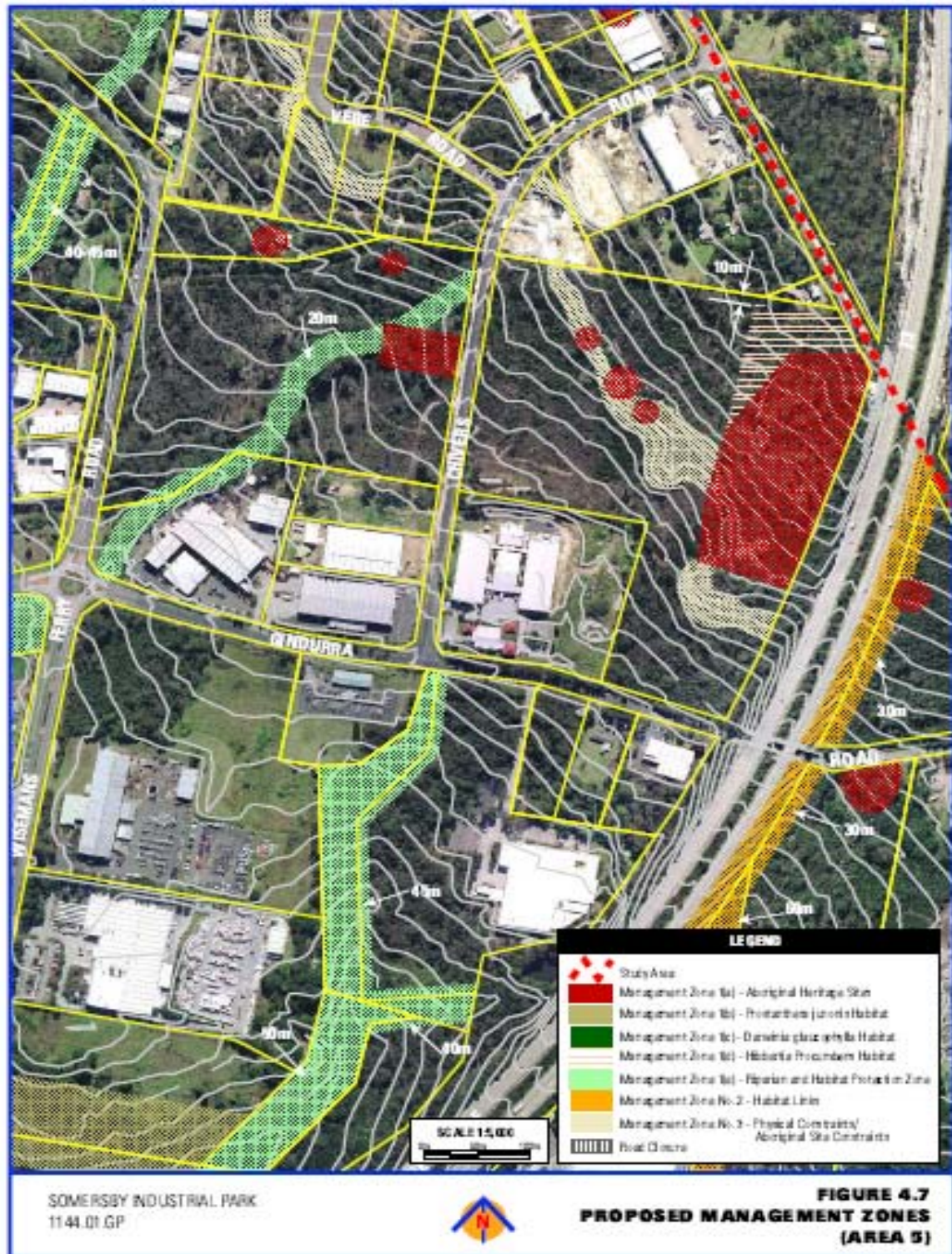


Figure 10 – Extract of Figure 4.7 Somersby Plan of Management

s. 4.15(1)(a)(ii) of the EP&A Act: Draft Environmental Planning Instruments:

Draft Central Coast Local Environmental Plan 2018

The application has been assessed under the provisions of the *Draft Central Coast Local Environment Plan 2018 (Draft CCLEP)* which was publicly exhibited from 6 December 2018 to 28 February 2019, in respect to zoning, development standards and special provisions.

Under the Draft CCLEP the subject land retains its *IN1 General Industrial* zoning and the proposed planning controls generally reflect the current planning controls. The proposed use remains permitted with development consent under the provisions of the Draft CCLEP.

The assessment concluded the proposal is consistent with the Draft Central Coast Local Environment Plan 2018 and given the site characteristics, existing industrial nature in the immediate locality and existing planning controls, it is considered that the granting of consent to the proposal will not be detrimental to the Draft CCLEP.

s. 4.15(1)(a)(iii) of the EP&A Act: Provisions of any development control plan

Draft Central Coast Development Control Plan 2018

The application has been assessed under the provisions of the *Draft Central Coast Development Control Plan 2018* which was exhibited with the *Draft Central Coast Local Environment Plan 2018*.

The planning controls under the *Draft Central Coast Development Control Plan 2018*, generally, reflect the current planning controls. Given the existing industrial nature in the immediate locality, the assessment of the application concludes that the proposal is consistent with the *Draft Central Coast Development Control Plan 2018*.

Gosford Development Control Plan 2013 - Chapter 2.1 Character

The site is located within the Somersby Character Precinct 2- Employment Estate of Gosford Development Control Plan 2013 (GDGP 2013) Chapter 2.1 Character. The existing and desired character statements describe the area as follows:

"This area will remain a master-planned estate for medium- and higher-impact employment activities where development conserves the scenic value of surrounding bushland backdrops, protects Aboriginal cultural values, maintains the amenity of nearby residential properties, and achieves high standards of streetscape quality.

Future development will conform to detailed planning controls that have been prepared and adopted for this area."

The site is zoned IN1 General Industrial under *Gosford Local Environmental Plan 2014 (GLEP 2014)* and is located within the Somersby Industrial Park. Surrounding developments directly to the west, north and east are cleared and comprise of various forms of industrial

development, whilst land directly to the south remains undeveloped, whilst still being zoned for industrial purposes.

Given the existing industrial zone and the given the nature of the proposed development, it is considered that the proposal will not be detrimental to the character of the immediate locality.

Gosford Development Control Plan 2013 - Chapter 2.2 Scenic Quality

The proposal is subject to the requirements of *Gosford Development Control Plan 2013* (GDCP 2013) Chapter 2.2 Scenic Quality and is located within the Plateau Geographic Unit and encompasses the landscape Units of Kulnura to Somersby and is of local significance.

The principle aim of the Scenic Quality Development Control Plan is to provide guidelines for the interpretation and management of the scenic quality of the area and provides for the following objectives:

- i to provide a detailed assessment of Gosford's landscape character which highlights the diversity between and within landscape units;*
- ii to detail the components of that landscape character;*
- iii to provide a comparative ranking of the landscapes; and*
- iv to develop appropriate guidelines for the management of the landscape character.*

In relation to scenic conservation issues, the DCP in question states (summarized):

"The development of the Kariong urban release area, Somersby Industrial Park and the Mount Penang Festival Development Site have had a significant effect upon the scenic quality of the area, particularly as viewed from the F3 Freeway and areas of Gosford below the Brisbane Water Escarpment."

The proposed will integrate with the existing industrial development within the Somersby Business Park when viewed from the M1 Pacific Motorway and is not visible from Gosford, making the absorption capacity for the proposed development high, and the development of generally low visual sensitivity.

The proposed development is consistent with the relevant development objectives of GDCP 2013 Chapter 2.2 Scenic Quality and will not have an adverse impact on the scenic quality of the immediate locality. The subject site is visually capable of accommodating the proposed development having regard to the site characteristics and landscaping that is proposed.

Gosford Development Control Plan 2013 0 Chapter 3.11 Industrial Development

The relevant provisions of Gosford Development Control Plan 2013 (GDCP 2013) Chapter 3.11 Industrial Development are summarised:

i. Building Objectives

In relation to building objectives, clause 3.11.5.1 of GDCP 2013 Chapter 3.11 Industrial Development prescribes the following building objectives:

-
- a. *To ensure that no site is developed beyond the level at which it can function efficiently and without adverse effect upon adjoining properties or localities.*
 - b. *To ensure that sufficient areas are available to permit landscaping, access, carparking and manoeuvring of vehicles.*
 - c. *To ensure that industrial buildings within the City of Gosford recognise the inherent character of the area and achieve a standard appropriate to that character*

In relation to the current proposal the following comments are provided:

- a. The subject site is located within the Somersby Industrial Park, a master planned industrial estate, with direct access to the M1 Pacific Motorway. The proposed development will not adversely affect adjoining properties.
- b. Landscaping is proposed in conjunction with the proposal at the Vere Place and Chivers Road frontage, as well as the southern boundary. The proposal also incorporates sufficient area for vehicular access, parking and manoeuvring.
- c. It will be conditioned that the external materials of construction associated with the proposal compliment the natural environment and be of non -reflective material, as stipulated by condition 2.12.

The proposal therefore satisfies the building objectives specified by Gosford Development Control Plan 2013 (GDCP 2013) Chapter 3.11 Industrial Development.

ii. Setback from Boundaries

In relation to Setback from Boundaries, clause 3.11.5.2 of GDCP 2013 Chapter 3.11 Industrial Development prescribes the following criteria (summarized):

- a. *Building set backs from frontage boundaries shall not be less than the following:*

<i>Main and Arterial Roads</i>	-	<i>20 meters</i>
<i>Collector Roads</i>	-	<i>15 meters</i>
<i>Access Roads</i>	-	<i>10 meters</i>
<i>Manns Road- West Gosford</i>	-	<i>18 meters</i>
- b. *On corner lots where one of the roads is a main, arterial or collector road (or a named road referred to above); the set back to that road will be as specified above.*
The set back to the other road shall be not less than 5 metres.
- c. *Side and rear boundaries shall observe the following minimum set-back requirements:*

<i>Lots 2500m² to 4000m²</i>	-	<i>3m</i>
<i>Lots greater in area than 4000m²</i>	-	<i>5m</i>

The subject site is located at the corner of Vere Place and Chivers Road and both roads in question are classified as access roads. The setback from boundaries requirement relates to buildings and the proposal satisfies the requirement of clause 3.11.5.2 of GDCP 2013 Chapter 3.11 Industrial Development.

In this instance the proposal provides for two (2) buildings, being the waste sorting and tipping area located approximately mid-point of the allotment and the office and amenities building having frontage to Chivers Place.

The waste sorting and tipping area proposes a minimum setback of approximately 23.2m and approximately 22m respectively, to Vere Place and Chivers Road and a setback of 24.8m and 14m respectively, to southern and western property boundary. The office and amenities building proposes a setback of approximately 5.4m to Chivers Road.

The proposal complies with the 10m and 5m minimum set back requirement, prescribed by clause 3.11.5.2 of GDCP 2013 Chapter 3.11 Industrial Development.

iii. Building Height

There is presently no height limit prescribed for Industrial type developments within the Somersby Industrial Estate, by Gosford Development Control Plan 2013 (GDCP 2013) Chapter 3.11 Industrial Development, other than specified height principles.

In relation to building height clause 3.11.5.3 of GDCP 2013 Chapter 3.11 Industrial Development prescribes the following principles:

A maximum requirement is not prescribed, however the following principles are to be followed in the design and location of buildings within the site:

- a. The privacy and amenity of any adjoining residential areas is to be maintained and protected.*
- b. The overshadowing of adjoining properties is to be minimised, with special attention to employee amenity or recreation areas.*
- c. The building(s) should not project above the skyline and detract from the natural landscape when viewed from a distance*

Given the nature of the use which incorporates storage bays and associated single storey structures (office, lunch room, amenities, waste tipping and sorting area), the proposal is of low visual impact. Accordingly, the height associated with the proposal has been assessed and found to be satisfactory.

iv. Outdoor Storage Areas

In relation to Outdoor Storage Areas, clause 3.11.6.2 of Gosford Development Control Plan 2013 (GDCP 2013) Chapter 3.11 Industrial Development prescribes the following objectives:

- a. Where the proposed use of the site shall require open areas for the storage of goods or materials, adequate provision is to be included in the design layout of the site and should not encroach on carparking areas, driveways or landscaped areas. These areas are required to be screened from view from any road or other public area. Where the use of the proposed development is not known, outdoor storage area(s) shall be provided.*
- b. Screen fences should be of materials compatible with or which compliment the materials, colours, textures, etc of the materials used in the buildings on the site.*

When the screening is visible from roads etc, the materials should be in relation to those used for the front facade of the building

The nature of the proposal is reliant on the use of outdoor storage areas and the storage and waste management implications associated with the proposal has been assessed by Council's

Waste Management Officer and found to be satisfactory subject to conditions, as outlined in the planning report.

In addition, provision of perimeter landscaping as proposed will assist in reducing the visual implications associated with the proposal. The proposal therefore satisfies the outdoor storage areas objectives specified by GDCP 2013 Chapter 3.11 Industrial Development.

v. Parking and Loading

In relation to Parking and Loading, clause 3.11.7.1 of GDCP 2013 Chapter 3.11 Industrial Development, prescribes the following objectives:

- a. To ensure that sufficient provision is made for parking of employees, visitors and company vehicles on site to prevent congestion in adjoining streets.*
- b. To provide adequate provision for the manoeuvring and access for all vehicles serving and using the site to ensure adequate traffic safety on adjoining streets and an appropriate level of amenity to all developments*

The parking, loading and traffic implications associated with the proposal has been assessed by Council's Traffic and Transport Engineer and found to be satisfactory, as outlined in the planning report.

vi. Landscaping

In relation to landscaping, clause 3.11.8.3 of GDCP 2013 Chapter 3.11 Industrial Development, prescribes the following objectives (summarized):

- a. All set back and carparking areas are to be landscaped and maintained in accordance with sound landscaping principles.*
- b. The design of all buildings, car parks, storage areas, access, and other features such as open drains shall be integrated with the landscape proposals. Trees should be incorporated wherever possible. In open car parks they should be so spaced that at least 50% of the area of car parking spaces will be under the canopy of the trees when they reach maturity.*
- c. Landscaping must be provided across the frontage of a site having a minimum depth of five (5) metres except in the case of corner allotments where the secondary street frontage shall have a minimum depth of two (2) metres.*

The proposed development provides for a landscape area approximately 8.7m wide and variable to the Vere Place frontage, as well as a landscape area approximately 5.4m wide and

variable to the Chivers Road frontage and is generally consistent with the landscaping objectives.

In addition, landscaping approximately 6.8m wide is also proposed along the southern property boundary. The proposed landscaping generally consists of native groundcovers and shrubs, as detailed in figure 11 of the submitted concept landscape plan.

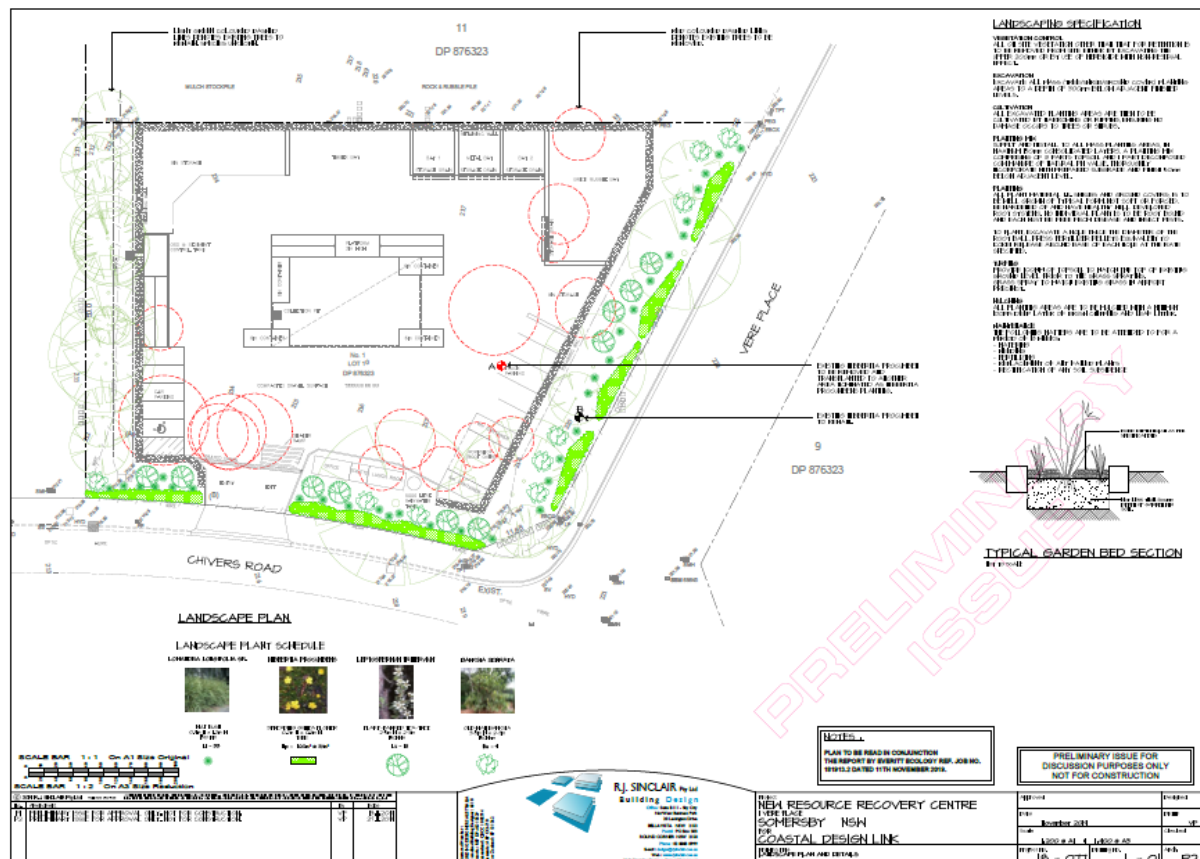


Figure 11 –Landscape Concept Plan

To ensure that the streetscape is not adversely impacted and to reduce the visual implications associated with the proposal, a suitable condition of consent has been imposed requiring the submission of a detailed final landscaping plan which also incorporates street tree planting. The plan is to provide details of the species proposed, including height and spread at maturity of the plant species proposed, with details being submitted with the Construction Certificate, as outlined by condition 2.13.

Gosford Development Control Plan 2013 - Chapter 6.6 Preservation of Trees or Vegetation

As previously advised by Council's Tree Preservation Officer:

"Trees that are shown to be removed consist of mostly younger age class natives such as Angophora costata and Silver Ash growing from areas of past disturbance.

Trees that are currently located along north, south and eastern boundaries are shown for retention and are not expected to be adversely impacted by the proposal."

This aspect of tree removal associated with the development is considered acceptable, given the current IN1 General Industrial zone associated with the subject site under *Gosford Local Environmental Plan 2014* (GLEP 2014) and the landscaping that is proposed.

Gosford Development Control Plan 2013 - Chapter 6.7 Water Cycle Management

A Water Cycle Management Report and plans, and Erosion Sedimentation Control Plan have been submitted and reviewed by Council's Senior Development Engineer. Drainage connection is required to Council's stormwater system located within the public road.

No objections are raised by Council's Senior Development Engineer, subject to conditions.

Gosford Development Control Plan 2013 - Chapter 7.1 Car Parking

Chapter 7.1 of Gosford Development Control Plan 2013 (GDGP 2013) identifies specific requirements for parking. Car parking requirements for industrial development as follows:

- 1 space per 100m² of industrial floor space
- 1 space per 300m² for warehouse/bulk stores/self-storage units
- 1 space per 40m² for ancillary office space
- 1 space per 30m² for ancillary retail

The majority of the site associated with the development is proposed to be open or not enclosed by buildings, other than the building associated with the office, lunch room, toilets and awning over the proposed waste tipping and sorting area. The combined floor area associated with the office, lunch room, toilets amounts to approximately 30m².

The proposed facility will employ five (5) full time staff during its regular hours of operation. In addition to the full- time on-site staff, the facility will utilise extensive contracting with vehicle drivers to enable the collection, delivery and dispatch of waste materials both into and out of the subject site.

In relation to on site car parking spaces, the proposal incorporates six (6) vehicular parking spaces in the south-eastern corner of the site, including one(1) disabled car parking space. In addition, the proposal also provides for five (5) heavy vehicle parking spaces on the north-eastern portion of the site. These heavy vehicle truck parking bays will be in addition to, and separate from, the loading and unloading areas present in the central portion of the site. Details and location of these facilities are depicted in site layout plan depicted in Figure 2 of the planning report.

In relation to on -site parking and manoeuvrability, Council's Traffic and Transport Engineer has provided the following comments (summarized):

"On-site parking and manoeuvrability should comply with Australian Standard AS2890.1-2004 Parking facilities – Off-street car parking and Gosford City

Council's DCP (2013) requirements. Parking supply rates listed in the DCP are however not considered relevant to the development as a Resource Recovery Facility. The peak parking demand for the development is generated by the employee traffic plus likely visitor demand.

With only a maximum of 5 full time employees and minimal visitors at the site it is considered the provision of 6 on-site car spaces would be appropriate for the site noting however there is also sufficient room on-site to accommodate a couple of overflow car parks. The development plans currently show a total of 5 on-site car spaces and 4 on-site truck spaces. A review of the plans indicates that the car parking layout could comply with the requirements for private parking

contained within Australian Standard AS2890.1-2004 Parking Facilities – Off-street car parking.

Heavy vehicles visiting the site are only likely to stand within the site to wait to be unloaded or loaded. Based on the likely production outputs provided by the client there would be a requirement on site to cater for 3 to 4 heavy vehicles to stand while waiting to be unloaded or loaded. Sufficient room within the site exists for heavy vehicles to enter the site stand and wait to be unloaded or loaded then exit the site in a forward direction."

Given the above, it is considered that the on – site vehicular car parking provisions associated with the proposal is considered satisfactory.

Gosford Development Control Plan 2013 - Chapter 7.2 Waste Management

The proposal has been assessed in accordance with the provisions of the former Gosford City Council Waste Management requirements. Conditions of consent are recommended for the ongoing waste management storage and servicing.

The submitted Waste Management Plan has been assessed by Council's Waste Management Officer and found to be satisfactory, subject to conditions.

s. 4.15(1)(b) of the EP&A Act: Likely Impacts of the Development

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The likely impacts of the development are addressed below:

Built Environment

The subject site is zoned IN1 General Industrial under GLEP 2014 and is located within an existing industrial setting.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the zone objectives and GDCP 2013 compliance. The potential impacts are considered reasonable.

The proposed built form is considered acceptable in the context of the site.

Natural Environment

The site is within a generally established industrial area. It is not considered that the development will result in unacceptable impacts on the natural environment.

The proposed development is not considered to have any adverse impacts on scenic quality, or the streetscape of the immediate locality, given the setbacks that are proposed and the landscaping that is proposed.

There will be no significant impact upon the natural environment as a result of the proposal.

Context and Setting

The site is located within an existing IN1 General Industrial zone under GLEP 2014 and is generally surrounded by developments of an industrial nature. The impacts of the proposal have been considered in the assessment of the application.

The industrial nature of the proposal is consistent with the desired future character of the area and the zone objectives.

Economic Impacts

The proposed development will have some economic impacts, given the modest additional local employment opportunities that are proposed to be created. The proposal is considered to meet the aims of the *Central Coast Structure Plan 2036* and facilitates economic development that will lead to additional local employment opportunities on the Central Coast and reduce the percentage of employed persons who travel outside the region each day for work.

Social Impacts

This additional local employment opportunities created as a result of the proposal, whilst modest in terms of numbers will nevertheless support local business and services in the immediate locality and possibly and patronage of business within the city core and fringes.

s. 4.15 (1)(c) of the EP&A Act: Suitability of the Site for the Development

The site is zoned IN1 Industrial General which permits a range of industrial uses. The development is considered to be in accordance with the desired future character of the area as envisaged by the GDCP 2013. The site is not impacted by constraints and as such the site is considered suitable for this type of development.

s. 4.15 (1)(d) of the EP&A Act: Any Submission Made in Accordance with this Act or Regulations

Section 4.15 (1)(d) of the EP&A Act requires consideration of any submissions received during notification of the proposal.

Public Submissions

The application has been notified on two (2) separate occasions in accordance with Chapter 7.3 of Gosford Development Control Plan 2013 (GDGP 2013) - Notification of Development Proposals as follows:

- Due to an administrative error, the application was incorrectly notified during the initial notification period between 11 January 2018 to 12 February 2018. No public submissions were received during this notification period; and
- The second notification period was between 18 April 2019 and 20 May 2019. As a result of this notification period, eight (8) submissions were received.

The issues have been addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the *Environmental Planning and Assessment Act 1979* and as set out below.

- ***Strongly object to this proposal as it is less than 500 metres from our family property. On advice from St Vincents Hospital I have to stay away from dust , smoke etc***

Comment: The subject site is zoned IN1 General Industrial under *Gosford Local Environmental Plan 2014* (GLEP 2014) and is located within the Somersby Industrial Park. The proposal is permissible with development consent. Dust mitigation measures, as outlined in the Operational Plan of Management (OPM), has been reviewed by Council's Environmental Health Officer and found to be satisfactory.

- ***They will not have any materials containing asbestos but what about the silicosis in concrete.***

Comment: The applicant has provided written confirmation to Council that no concrete crushing is proposed and a suitable contained in the recommendation to that effect, as outlined by condition 6.2.

- ***The large pile of concrete that was on the virgin land has already been crushed on weekends without using the proper precautions.***

Comment: No evidence has been submitted to substantiate this claim. Council's Education & Compliance Section has however advised that the subject site has been investigated regarding the dumping of domestic garbage within the road reserve fronting the subject site. This issue has been resolved and the subject site is presently fenced and secure.

- ***The applicant previously unsuccessfully applied to Council for a concrete crushing operation at 9 Vere Place, Somersby (DA 50310/2016). I believe that DA 53515/2017 is a***

further attempt, without actually declaring the intention, to establish a concrete crushing operation at 1 Vere Place, Somersby.

Comment: DA50310/2016 was for a Concrete Crushing Facility at No 9 Vere Place Somersby and was refused by Council under delegated authority on 31 March 2017. The site subject of the current application (DA 53515/2017), is located at No. 1 Vere Place Somersby.

- ***Waste processing will generate significant dust, noise and traffic concerns.***

Comment: The issues associated with dust, noise and traffic have been addressed by the applicant through the various technical reports that accompany the development application. These reports, including the Operational Plan of Management have been assessed by Council and found to be satisfactory subject to conditions. Furthermore, Transport for NSW (TfNSW) has raised no objections to the proposal.

- ***This proposal has the potential to negatively impact on this environmentally sensitive area.***

Comment: The proposal has been assessed by Council's Senior Ecologist who has advised that no objections are raised to the proposal, subject to conditions. Refer Ecology comments.

- ***This waste processing activity is not permitted in this zoning.***

Comment: The site is zoned IN1 General Industrial under *Gosford Local Environmental Plan 2014* (GLEP 2014) and is located within the Somersby Industrial Park. In terms of land use definition, the proposal is defined as a 'waste or resource management facility' under the Gosford Local Environmental Plan 2014) and is permissible with development consent.

- ***An investigation needs to be conducted into the activities on properties in Vere Place and adjoining lands as it appears that unauthorised activities are being conducted with regards to waste processing.***

Comment: No evidence has been submitted to substantiate this claim. Council's Education & Compliance Section has however advised that there appears to be building materials that has been allegedly disposed of at No 13 Vere Place and is unrelated to the subject site. This will be subject to further investigation by Council's Education & Compliance Section and has been actioned.

- ***It is an inappropriate use of a limited and valuable resource, Waste processing essentially sterilises the land for future and adjoining businesses.***

Comment: The industrial nature of the proposal can be accommodated within the IN1 General Industrial zone.

- ***It is potentially an environmental, public health and safety risk for nearby residents, and for workers in the nearby businesses and local agricultural areas.***

Comment: The environmental impacts associated with the proposal has been assessed by the Environmental Protection Authority (EPA), Council's Senior Environmental Officer and

Environmental Health Officer and found to be satisfactory, subject to compliance with the conditions contained in the recommendation.

- ***There is a proliferation of small, so-called 'Resource Recovery Facilities', which are essentially dumping grounds for waste from undetermined sources, with low prospects of real recycling.***

Comment: The recycling of materials contributes positively to the environment and should be encouraged. Notwithstanding the above, Council conducts a merit-based assessment on each development application, it receives and determines.

- ***This application is similar to three other proposals that were submitted to the Department of Planning, Major Projects for State Significant Development approval. Two of these located nearby to 1 Vere Place involve 700,000 tonnes of waste to be processed annually.***

Comment: The current development application does not process the level of tonnage referenced and is therefore not required to be referred to the Major projects Team in the Department of Planning.

- ***Once such a facility is approved, there is little oversight of activities. No-one measures waste coming in and out, and no-one monitors truck traffic.***

Comment: The proposal will be required to be licenced with the Environmental Protection Authority (EPA) and will be required to install a weighbridge for monitoring purposes.

- ***There is a designated water course running south through both 1 and 2 Vere Place which may have been illegally filled in.***

Comment: The application was referred to the NSW DPI formerly NSW Office of Water now NRAR for assessment and comment and the Department has by correspondence dated 26 March 2018 advised Council that a "controlled activity approval is not required and no further assessment by this agency is necessary."

- ***The amount of heavy truck traffic from the combined proposed recycling activities in the immediate area is significant and will assuredly impact on traffic flow in the area.***

Comment: The proposal is accompanied by a Traffic Report which has been reviewed by Transport for NSW (TfNSW) and Council's Traffic and Development Engineer and found to be satisfactory.

- ***Council has ignored the operation of several concrete crushing activities being carried out for several years in the immediate area, so is in no position to assess how much dust and noise has been created to the detriment of local residents and the general environment. There are no dust and noise abatement measures specified for the proposed development.***

Comment: No evidence has been submitted to substantiate this claim. Dust and noise abatement measures are addressed in the Environmental Impact Statement and the Operational Plan of Management.

- ***I refute the claim in the Executive Summary of the applicant's Environmental Impact Statement (EIS) that "This proposed development is considered consistent with the current industrial zoning of the precinct"***

Comment: The opinion of the author of the submission is noted. However, Council's technical assessment staff have conducted an independent assessment of the proposal and the Regional Planning Panel (RPP) is the determining authority in relation the application.

- ***This site is far too small to accommodate all the proposed activities with no storage or throughput plans. The proponent has not identified market demand for its products, but perhaps hopes to benefit from taking waste,***

Comment: The subject site has a site area of 4,036.0m² and the plans submitted with the application demonstrates that the proposal can be accommodated satisfactorily with the subject site. Furthermore, the proposal complies with the required set back to boundaries requirement, prescribed by clause 3.11.5.2 of Gosford Development Control Plan 2013 (GDCP 2013) Chapter 3.11 Industrial Development.

- ***This development application seeks to gain Council approval for the establishment of a resource transfer facility not a recycling business, which in simple terms is a waste processing plant to be installed on the subject site.***

Comment: The proposal and all supporting documents submitted with the application identifies the proposal as a proposed Resource Recovery Facility.

- ***There is no requirement on the applicant to either limit the volume of waste cited in the EIS, nor to limit the number of trucks servicing the site. A simple S96 application could allow a increase with minimal oversite.***

Comment: The Environmental Protection Authority (EPA) has stipulated that the maximum amount of waste that is permitted to be received at the premises per year is restricted to 12,000 tonnes and this requirement has included a condition of consent, as outlined by condition 6.1.

- ***This assessment details how the proposed development will continue to operate in keeping with standards imposed various statutory bodies and will thereby result in no significant environmental or social impacts for the surrounding area (the applicant has already said this, this claim is disputed as there are no guarantees that these will or can be met).***

Comment: The conditions of consent contained in the Recommendation will form the terms of the development consent, should consent be granted. Any breach of the conditions of consent (if this were to occur), would constitute a breach of the *Environmental Planning and Assessment (EPA) Act 1979* and will be dealt with accordingly, depending on the nature of the breach.

-
- ***The proposed operation for an open -air facility with no plan to contain dust, noise and odour is totally unacceptable from an environmental and public health perspective.***

Comment: The Environmental Impact Statement (EIS) states that an on -site sprinkler system will be implemented and relocatable hessian bunding barriers for each of the storage areas will be used, in addition to the proposal dust mitigation and noise measures outlined in the Operational Plan of Management (OPM), which has been reviewed by Council's Environmental Health Officer and found to be satisfactory.

- ***If the DA was to be approved there would be nothing to prevent the applicant from receiving increased amounts of waste or for trucks going both ways to operate daily within the hours of operation.***

Comment: The proposal will be required to be licenced with the Environmental Protection Authority (EPA) and will be required to install a weighbridge for monitoring purposes. Furthermore, the Environmental Protection Authority (EPA) has stipulated that the maximum amount of waste that is permitted to be received at the premises per year is restricted to 12,000 tonnes and this requirement has included a condition of consent

- ***Although this submission mentions recycling it seems to omit where the final recycling will be sent to or if it will be used in a positive non polluting way.***

Comment: An Operational Plan of Management has been prepared for the proposed development and contains information pertaining to the management and mitigation of dust and traffic issues (including the origin and destination of waste streams), along with details of the receipt, sorting, separation and management of the various administrative concerns processes. The Operational Plan of Management have been assessed by Council and found to be satisfactory, subject to conditions.

- ***The area was to be clean industrial to attract these types of industries this will have the opposite effect not to mention local house & farm prices will plummet.***

Comment: The subject site is zoned IN1 General Industrial under *Gosford Local Environmental Plan 2014* (GLEP 2014) and is located within the Somersby Industrial Park. The proposal is permissible with development consent. The statement regarding devaluation of properties has not been substantiated by any factual evidence.

- ***Why are the DA dates 2017 advertised 2019?***

Comment – Due to an administrative error, the application was incorrectly notified during the initial notification period between 11 January 2018 to 12 February 2018, with no submissions received. The second and correct notification period was between 18 April 2019 to 20 May 2019.

- ***The proposal details document that many tons of waste will not be used but sent to landfill.***

Comment: Materials that cannot be recycled or deemed not suitable for recycling will have to be disposed of in an appropriate manner or be sent to an approved waste disposal site.

-
- ***The Mountain area becomes a waste dumping precinct rather than a national park showpiece. It is an inappropriate use of industrial zoned land intended to attract new business***

Comment: The subject site is zoned IN1 General Industrial under *Gosford Local Environmental Plan 2014* (GLEP 2014) and is located within the Somersby Industrial Park. The location of the subject site is considered appropriate, given the industrial nature of the proposal and the proximity of the subject site to the M1 Pacific Motorway

- ***This and the other developments will result in hundreds of heavy trucks visiting SIP daily and using Gindurra Road to import and export waste.***

Comment: The proposal is accompanied by a Traffic Report which has been reviewed by Council's Traffic and Development Engineer and found to be satisfactory.

- ***Waste processing operations will create significant noise which will impact on local residents in and on the fringe of this area.***

Comment: The issues associated with noise have been addressed by the applicant through the various technical reports that accompany the development application. These reports, including the Operational Plan of Management have been assessed by Council and found to be satisfactory subject to conditions,

- ***The Somersby Industrial Park (SIP) sits in an environmentally sensitive area as it is in the catchment of several waterways. An open-air operation such as the one proposed at 1 Vere Place, Somersby, could not guarantee that this environmentally sensitive area would not be contaminated by the activity at this site.***

Comment: NSW DPI formerly NSW Office of Water now NRAR, has by correspondence dated 26 March 2018 advised Council that a "controlled activity approval is not required and no further assessment by this agency is necessary."

- ***Debenham and Gindurra Roads are one of only two access routes between West Gosford and the M1. In the event that a major accident closed Central Coast Highway at Kariong, how would this alternative route cope with the extra volume of traffic,***

Comment: Whilst major accidents are unavoidable, Transport for NSW (TfNSW) would implement a contraflow procedures, to deal with such an event.

- ***The site at which DA 53515/2017 is being proposed is in close proximity to two other very substantial waste processing proposals at 90 Gindurra Road and 83 Gindurra Road, Somersby, which are opposite each other.***

Comment: Council conducts a merit- based assessment on each development application, it receives and determines.

-
- ***The proposed use does not comply with any Permitted use with consent under the zoning. It could be construed to be an Environmental Facility, which is a Prohibited use under the zoning***

Comment: The site is zoned IN1 General Industrial under *Gosford Local Environmental Plan 2014* (GLEP 2014) and is located within the Somersby Industrial Park. In terms of land use definition, the proposal is defined as a 'waste or resource management facility' under the Gosford Local Environmental Plan 2014) and is permissible with development consent.

- ***The WMP fails to provide details of any reuse/recycling for the stored, sorted and managed waste materials received at the site.***

Comment: An Operational Plan of Management has been prepared for the proposed development and contains information pertaining to the origin and destination of waste streams, along with details of the receipt, sorting, separation and management of the various administrative concerns processes. The Operational Plan of Management have been assessed by Council and found to be satisfactory, subject to conditions.

- ***The hours of operation in this Report are different to those claimed by the applicant. The applicant claims operating hours of 7am to 5pm on weekdays only with no work occurring on the weekend***

Comment: The applicant has clarified this anomaly and has provided written correspondence to Council, confirming that the hours of operation associated with the proposal is from 7.00am to 5.00pm, Monday to Friday. This requirement has been conditioned accordingly and will also be subject to any requirements stipulated the Environmental Protection Authority, as outlined by condition 6.3.

- ***This DA was submitted in December 2017 and it has taken over 12 months for it to be placed on public exhibition as a Designated Development that requires an EIS. This suggests that concerns about the potential environmental effects of this type of development at this site,***

Comment – Due to an administrative error, the application was incorrectly notified during the initial notification period between 11 January 2018 to 12 February 2018. The second and correct notification period was between 18 April 2019 to 20 May 2019.

- ***The Request for Secretary's Environmental Assessment Requirements made to Water NSW is instrumental in identifying the following range of concerns raised by Water NSW about this site and development. MDA can find no evidence in the EIS of compliance with this requirement.***

Comment: NSW DPI Water (formerly NSW Office of Water), now Natural Resources Access Regulator (NRAR), has by correspondence dated 26 March 2018 advised Council that a

"controlled activity approval is not required and no further assessment by this agency is necessary."

Submissions from Public Authorities

The application was referred to the following State Government Agencies:

- NSW Environmental Protection Authority (EPA)
- NSW Natural Resources Access Regulator (NRAR) formerly DPI Water/NSW Office of Water
- NSW Planning & Environment -Secretary's Environmental Assessment Requirements (SEAR's)
- Transport for NSW (*TfNSW*)

Comments received from each are summarised and addressed below:

Environmental Protection Authority (EPA)

The application was referred to the NSW Environmental Protection Authority (EPA) for assessment and comment and the EPA has by correspondence dated 14 May 2018 advised that the Authority is prepared to issue a licence *in accordance with the Protection of the Environment Operations Act 1997 ("the POEO Act")* and General Terms of Approval (GTA's). The comments from the EPA are depicted in Attachment 7 and are summarised as follows:

"I refer to the development application and accompanying information provided for the proposed resource recovery facility received by the Environment Protection Authority (EPA) on 16 January 2018.

EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain a licence to carry out scheduled development work prior to commencing any construction under this proposal and prior to receiving any waste at the premises.

If Central Coast Council grants development consent for the proposal, the EPA recommends the following conditions should be incorporated into (not attached) to the consent.

- *Activity : Resource Recovery*
- *Waste Type / materials permitted to be accepted at the facility : Building and demolition waste that does not contain asbestos.*
- *Maximum amount of waste permitted to be received at the premises per year : 12,000 tonnes*
- *Hours of Operation : 7:00am to 5:00pm Monday to Friday*

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified

either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about

the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

I also draw your attention to Attachment A and Attachment B, which should not be included in the consent but are conditions intended for the environment protection licence for this proposal. Attachment A includes conditions specific to this DA 53515/2017 and Attachment B includes mandatory conditions for all EPA licences.

The applicant should be aware that as they wish to operate a waste facility, a waste levy liability, requirement to install a weighbridge and additional responsibilities may be applicable to the premises in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.

In addition to the conditions listed the EPA will require the applicant to prepare, test and implement a Pollution Incident Response Management Plan (PIRMP) in accordance with the Protection of the Environment Operations Act 1997 ("the POEO Act").

Before the EPA issues an environment protection licence, the EPA will assess whether the proposed licensee is a "fit and proper person" under the POEO Act. The proposed licensee will also be required to provide a financial assurance in the form of an unconditional, irrevocable bank guarantee before the licence is issued."

The comments from the EPA are noted and where appropriate have been included in the recommended conditions of consent, as outlined by condition 1.3, 2.2, 2.3, 6.1 and 6.3.

Department of Primary Industry (DPI) Water (formerly NSW Water Office of Water) now Natural Resources Access Regulator (NRAR)

The application was referred to the NSW DPI Water (formerly NSW Office of Water), now Natural Resources Access Regulator (NRAR), for assessment and comment and the Department has by correspondence dated 26 March 2018, provided the following comments (summarized):

"DPI Water (formerly the NSW Office of Water) has reviewed documents for the above development application and considers that, for the purposes of the Water

Management Act 2000 (WM Act), a controlled activity approval is not required and no further assessment by this agency is necessary."

In addition, a Senior Water Regulation Officer from the Department has also advised the applicant by e-mail dated 5 August 2016 that (summarised):

"Visual observation indicated no watercourse currently on site. Inspection of the downstream property indicated a watercourse with standing water and moderate flow. It is noted that this could be a result of recent rain. Visual assessment of surface contours indicated a broad undefined flow path which is heavily vegetated with mostly native vegetation. Vegetation included coral fern and rushes indicating some long term flow/water- logging.

I consider that a controlled activity approval would not be required for works proposed on Lot 10."

The comments from the NSW DPI (formerly NSW Office of Water and now NRAR) are noted and have been considered in the determination process.

Department of Planning Industry & Environment

The NSW Department of Planning Industry & Environment has by correspondence dated 17 January 2017, furnished the applicant with The Secretary's Environmental Assessment Requirements (SEARs), which is depicted in Attachment 8.

Transport for NSW (TfNSW)

The application was referred to Transport for NSW (TfNSW) for assessment and comment and TfNSW has by correspondence dated 13 May 2020 (refer attachment 9), advised that the Authority raises no objection to the proposal and has provided the following comments (summarized) :

"TfNSW Response & Requirements

TfNSW's primary interests are in the road network, traffic and broader TfNSW issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and TfNSW.

The Pacific Motorway (M1) is a classified State road and Chivers Road, Gindurra Road are local roads and Wisemans Ferry Road is a Regional road. Council is the roads authority for these roads and all other public roads in the area, in accordance with Section 7 of the Roads Act 1993.

TfNSW has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.

Advice to Council

TfNSW recommends that the following matters should be considered by Council in determining this development:

- TfNSW has no proposal that requires any part of the property.*

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW for record and / or action purposes."

The comments from TfNSW are noted and have been considered in the assessment process.

Internal Consultation

Ecology Comments

Council's Ecologist has raised no objections to the proposal and has provided the following comments by memo dated 12 December 2019:

"An Ecology Report was submitted by Everitt ecology (June 2019) that satisfactorily addresses Council's request for further information. The Ecology Report has identified that the subject site is unlikely to provide habitat for Prostanthera junonis and Darwinia glaucophylla and that the likelihood of Red-crowned Toadlet (Pseudophryne australis) and/or Giant Burrowing Frog (Heleioporus australicus) occurring is low. Council's Ecologist agrees with this conclusion.

The Ecology Report has identified that 0.21 ha of native vegetation would be directly impacted by the proposal. Whilst the report does not identify a native vegetation Plant Community Type (PCT), Council's Geocortex mapping identifies the native vegetation on the site as Red Bloodwood - Smooth-barked Apple - Scribbly Gum - Old Man Banksia heathy woodland on sandstone ranges of the Central Coast- PCT 1643.

This PCT does not align with any listed endangered ecological communities under the BC Act nor the EPBC Act. Two (2) Hibbertia procumbens plants listed as endangered under the BC Act were found on the site and were identified in the ecology report to be directly impacted by the proposal. Assessments of significance were conducted for the species and it was considered that the proposal is unlikely to have a significant impact and therefore, no further assessment is required.

Upon review of the revised plans, it appears that one individual of H. procumbens (plant B) can be retained within the retained patch of vegetation along the northern border along Vere Place, whilst the other individual (plant A, Figure 1) can be transplanted into retained native vegetation along Vere Place.

This retained patch of native vegetation will be subject to a Vegetation Management Plan (VMP). To ensure the persistence of the threatened flora species on the site, the VMP should include as a minimum, a 5 m perpendicular wide strip of native vegetation along the entire length of the subject property parallel to Vere Place.

The VMP area should also only be planted out with locally endemic species that comprise PCT – 1643 Red Bloodwood - Smooth-barked Apple - Scribbly Gum - Old Man Banksia heathy woodland on sandstone ranges of the Central Coast.

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 Senior Ecologist are noted and where appropriate have been included as recommended conditions of consent.

Engineering Comments

The proposal has been assessed by Council's Senior Development Assessment Engineer who has raised no objections to the proposal and has provided the following comments on 31 May 2018:

Introduction

This assessment has been undertaken in relation to the development engineering matters associated with a proposal for a materials recycling facility at Lot 10 DP 876323, also known as No 1 Vere Place, Somersby.

Road Works

The site is located at the intersection of Chivers Road & Vere Place. There is kerb & gutter and full road pavement across both road frontages of the site. No road works are required for this development.

Access

The development proposes a vehicular access crossing within the Chivers Road frontage of the site. The development originally proposed the use of B-Double trucks as part of its operation. In this regard it is noted with due reference to the RMS website, that Gindurra Road and Chivers Road are not identified as designated B-Double routes. Therefore, from an operational perspective the development could not utilise B-Double vehicles.

The 'Stormwater Concept Plan' prepared by Halcrow & Associates (Drawing No 15.01.049 Sheet DA.1 dated 30.3.15) that was submitted with the application indicates swept turning paths within the site for the AS2890.2:2002 8.8m Medium Rigid Vehicle.

The applicant has now advised in their correspondence dated 28/05/18 that the largest vehicle associated with any operational requirements for the proposed development will be the AS2890.2:2002 8.8m Medium Rigid Vehicle.

As per the above referenced plan by Halcrow & Associates, a heavy duty vehicle crossing will be required that has a width of 10.5m at the boundary and splayed to 12.5m at the kerb line to accommodate the swept turning paths of the AS2890.2:2002 8.8m Medium Rigid Vehicle entering and exiting the site.

Works within the road reserve will need to be approved under the Roads Act 1993. Internal access and parking arrangements will be conditioned to comply with AS2890.

Traffic

A Traffic Impact Assessment prepared by Intersect Traffic dated November 2017 was submitted with the application that concludes that the surrounding road network can

accommodate the additional traffic movements generated by the proposal. This assessment concurs with that report.

It is noted that while Wiseman's Ferry Road is already designated as a B-Double route by NSW RMS both Gindurra Road and Chivers Road are currently not designated B-Double routes. The applicant has advised that the use of B-Double vehicles is no longer proposed in conjunction with this development

Flooding

Council's records do not indicate that the site is affected by flooding.

Drainage

The site generally grades north to south. There is a drainage easement within the southern boundary of the site that benefits Lot 11 DP 876323 for the purposes of interallotment drainage. This drainage line then discharges to Council's piped drainage system in Chivers Road.

The development has the potential to increase stormwater runoff and nutrient/pollutants into downstream receiving waters. Therefore onsite detention & nutrient/pollution controls will be required in accordance with Council's Gosford DCP2013.

A Water Cycle Management Plan prepared by Halcrow & Associates (Report 1501049 dated 12/03/2015) was submitted with the application. This report addresses the requirements for onsite detention & nutrient/pollution controls and it is recommended that on-site detention & nutrient/pollution controls are provided generally in accordance with this report.

Water & Sewer

The application was referred to Council's Water Assessment Team who advised that the development will require a Section 307 Certificate under the Water Management

Act 2000, and that the development will need to comply with Council's Guide to Building Over or Near Council Sewer and Water Mains. These matters can be appropriately conditioned.

Conclusion & Recommendations

It is recommended that the engineering conditions provided are included in a development consent issued in relation to the proposed development."

The comments from Council's Senior Development Engineer are noted and where appropriate have been included as recommended conditions of consent.

Traffic and Transport Engineer Comments

The proposal has been assessed by Council's Traffic and Transport Engineer who has raised no objections to the proposal and has provided the following comments (summarized) by memo dated 3 December 2019:

"Introduction:

Intersect Traffic Pty Ltd (Intersect Traffic) has been engaged by Coastal Design Link on behalf of Alchere Pty Ltd to prepare a Traffic Impact Assessment for a proposed Resource Recovery Facility on Lot 10 DP 876323 – 1 Vere Place, Somersby. The proposed facility will have a maximum annual output of 12,000 tonnes of waste recovery involving the daily collection of waste from skip bins, sorting of waste on site and the removal of waste via twice weekly B-Double truck movements.

The site

The subject site is located on the south-west corner of the Chivers Road / Vere Place give way controlled T-intersection approximately 440 metres north of Gindurra Road. The site is approximately 1.3 km north of the Kariong interchange on the M1 Pacific Motorway and 4.8 km west of the Gosford CBD area.

The site has road frontages to Chivers Road and Vere Place with an existing vehicular access via Vere Place through an adjoining property (Lot 11 DP 876323 – 3 Vere Place). Vehicular access to the facility is proposed from Chivers Road via a new combined entry / exit industrial access crossing approximately 12 metres wide.

Table 1– Mid-block peak hour traffic volume data from manual count by NTPE (April 2015)

Road	Section	AM peak (vph)	PM peak (vph)
Wisemans Ferry Road	North of Somersby Falls Road	274	259
Wisemans Ferry Road	South of Somersby Falls Road	470	597
Gindurra Road	East of Wiseman's Ferry Road	267	358

Table 1 – Extract from Traffic Report

By traffic volumes on Chivers Road and Vere Place in the vicinity of the site will be less than on Gindurra Road, as depicted by table 1. The existing traffic volumes on the local road network adopted in this report are noting the 2015 counts have been projected to 2017 values using a 1.5 % per annum background traffic growth rate;

- Wiseman's Ferry Road – AM peak – 485 vtph, PM peak – 615 vtph;*
- Gindurra Road – AM peak – 275 vtph, PM peak – 370 vtph;*
- Chivers Road * - AM peak – 200 vtph, PM peak – 250 vtph; and*
- Vere Place * - AM peak – 50 vtph, PM peak 60 vtph.*

The new driveway and car park for the development will be accessed via a new combined entry/ exit access crossing 12 metres wide off Chivers Road. The requirements of Australian Standards AS 2890.1-2004 Parking Facilities – Off-street car parking the access to the development providing access to a user class 1 (employee long term) car parking facility of less than 25 car spaces fronting a local road is required to be a category 1 access (Table 3.1 of AS 2890.1-2004) appears to be met.

AS 2890.1-2004 specifies a category 1 access facility as a combined entry / exit between 3 and 5.5 metres wide. The development will be permitting truck and dog

combination being wider than required to allow satisfactory forward entry and exit movements.

The proposed access would comply with AS 2890.1-2004 Parking Facilities – Off-street car parking.

Approved B-Double Route

Wisemans Ferry Road is an approved B-Double Route. However Gindurra Road and Chivers Road are not currently approved B-double routes. The Applicant has now advised that B-Double trucks are no longer to be used.

Sight Lines

Pedestrian and vehicular sight lines from the access as required by AS2890.1-2004 is achievable through good design of the access i.e. low front fence lines and landscaping and can be conditioned on any consent. Vehicle sight distance from the accesses will be in excess of the Australian Standard requirement of 85 metres

Traffic Generation

The proposal involves the establishment of a Resource Recovery Facility on the site that collects

waste from skip bins in the Central Coast area from Pearl Beach to Lake Munmorah for sorting and removal to appropriate regional waste disposal or recycling facilities. Specifically, the details of the operations that will occur on site are as follows;

- Annual waste turnover of up to 12,000 tonnes;
- Operating hours – 6 am to 4.30 pm Monday to Friday,
- Four skip bin trucks (6.5 tonne GVM skip loader, 8 tonne GVM skip loader, 16 tonne GVM skip loader and 24 tonne GVM hook lift loader) and a 24 tonne GVM tipper truck will operate out of the site with a peak day involving each truck delivering / collecting 18 bins per day. Trucks will be parked on-site overnight;
- The operation will employ a total 8 staff with 3 full-time drivers, 1 casual driver, 2 yard staff and 2 office staff. With only 4 drivers a maximum of 4 trucks will operate from the site per day; and

AM and PM peak hour Traffic = employee traffic + deliveries (waste and product)
= 8 trips + 146 / 10.
= 8 + 14.6 trips per hour
= 22.6
SAY – 23 vtph

The proposed development is likely to generate the following additional traffic on the local road network based on the trip distributions;

- Wiseman's Ferry Road – 20 vtph in both the AM peak and PM peak traffic periods.

-
- Gindurra Road and Chivers Road – 23 vtpH in both the AM and PM peak traffic periods.

The main intersections impacted are Wiseman's Ferry Road / Gindurra Road roundabout and the Gindurra Road / Chivers Road give way controlled T intersection. From the analysis it can be concluded that the local road network has sufficient spare capacity to cater for the proposed development.

Road Network

At the time of inspection Central Coast Council had recently been upgraded Chivers Road providing kerb and gutter and longitudinal drainage as well as pavement strengthening from Gindurra Road to Debenham Road. I understood this work is part of Council's commitment to complete the original industrial estate road works.

Assuming that the desirable worst level of service (LoS) on the road network is LoS C then the two-way mid-block capacity of the road network based on these tables for the major roads are as follows;

- Wiseman's Ferry Road – 1,800 vtpH;
- Gindurra Road – 1,800 vtpH;
- Chivers Road – 1,800 vtpH;
- Vere Place – 1,800 vtpH;

I consider the current local road network has spare capacity to cater for additional development traffic.

Public Transport

Busways Gosford operates a limited public transport (bus) service to the area. Route 33 (Gosford - West Gosford – Somersby Industrial Area) service is provided along Gindurra Road near the site, with approximately 8 morning and 5 evening services provided on weekdays only.

Access to Route 32 (Gosford to Spencer via Mangrove Mountain and Somersby) by bus stops on Wiseman's Ferry Road near Gindurra Road (1 km from site) provides access to another 5 morning and afternoon weekday services as well as a single morning and afternoon services on a Saturday. No Sunday services are provided. These services run between the site and Gosford Railway Station / Gosford CBD as well as to Somersby, Mangrove Mountain and West Gosford. The nearest bus stops are currently located on Gindurra Road approximately 480 metres south of the site.

Parking

On-site parking and manoeuvrability should comply with Australian Standard AS2890.1-2004 Parking facilities – Off-street car parking and Gosford City Council's DCP (2013) requirements. Parking supply rates listed in the DCP are however not considered relevant to the development as a Resource Recovery Facility.

The peak parking demand for the development is generated by the employee traffic plus likely visitor demand.

With only a maximum of 5 employees and minimal visitors at the site it is considered the provision of 5 on-site car spaces would be appropriate for the site noting however there is also sufficient room on-site to accommodate a couple of overflow car parks.

The development plans currently show a total of 5 on-site car spaces and 4 on-site truck spaces. A review of the plans indicates that the car parking layout could comply with the requirements for private parking contained within Australian Standard AS2890.1-2004 Parking Facilities – Off-street car parking.

Heavy vehicles visiting the site are only likely to stand within the site to wait to be unloaded or loaded. Based on the likely production outputs provided by the client there would be a requirement on site to cater for 3 to 4 heavy vehicles to stand while waiting to be unloaded or loaded. Sufficient room within the site exists for heavy vehicles to enter the site stand and wait to be unloaded or loaded then exit the site in a forward direction.

Recommendation

This development is supported as the road network is considered to have the capacity to cater for any traffic impacts with minimal adverse impacts on the provision B-Double trucks are not utilised.

The comments from Council's Traffic and Transport Engineer are noted and has been considered in the determination process.

Water and Sewer Comments

Council's Technical Officer Water Assessment has raised no objections to the proposal and has provided the following comments by memo dated 20 December 2017:

"Water and sewer are available to the land. A Council water and sewer main are located within the road front adjoining to the land. The design plan appears the proposed retaining wall will be located within the zone of influence of the mains

Therefore, the developer shall provide engineering plans compliant with Councils Building Over and Adjacent to sewer Main Guidelines. A Section 307 certificate is required and Section 307 contributions shall apply for the development. In addition, trade waste application is required if the development propose to discharge the trade waste to council sewer main."

The comments from Council's Technical Officer Water Assessment are noted and where appropriate have been included as suitable conditions of consent, as outlined by recommended conditions 2.4 and 2.5.

Environmental Health Comments

Council's Environmental Health Officer has raised no objections to the proposal and has provided the following comments by memo dated 17 December 2018 (summarized) :

"Summary

The facility is to include the following:

- *Centralised waste tipping & sorting area (bunded).*
- *Bays for general waste, timber waste, metal waste, brick rubble & skip bin storage (bunded).*
- *An administration building containing offices, bathroom facilities & a lunch room.*
- *Roofed workshop facility.*
- *Light & heavy vehicle parking areas.*
- *OSD sediment & control tank*
- *Site encompassing retaining walls.*
- *Compacted gravel surface appropriate for vehicular travel on the site.*
- *Weighbridge 10m, designed for waste management facilities – no designated location within boundaries of site determined as yet.*

POEO Environmental Protection License

Under Schedule 1, Part 1, Clause 34 (b) of the POEO Act 1997 the proposed resource recovery facility requires an Environmental Protection Licence from the NSW EPA as it involves processing more than 6,000 tonnes of waste per year.

Environmental Management

The Environmental Health Team is generally satisfied with the Environmental Management Plan provided.

Soils and Construction

No fill intended to be imported on site. The Environmental Health team are generally satisfied with the Soil and Water Management Plan dated November 2018 and the Soil and Water Management Staging Plan dated 21 November 2018 prepared by prepared by Halcrow & Associates.

SEPP 55

The Environmental Health Team are generally satisfied that the report indicates that the site is not likely to be significantly contaminated and additional information is not required.

Noise

The proposal plans to operate from 7am to 5pm Monday to Friday. Noises associated with the development are earthworks during the construction phase, sorting and movement of material, truck movements and deliveries. It is proposed in the EIS that an additional 23 vehicle trips per hour during the AM and PM peak traffic periods.

The closest sensitive receptor (residential) is approximately 125 metres from the proposed development. The Acoustic Report prepared by PKA Consulting dated 21 November 2018 was generally prepared in accordance with the Noise Policy for Industry (NSW EPA, 2017).

The Amenity Criteria and not the intrusive criteria was used to assess noise impacts and this is deemed suitable as there is a lot of industrial activity surrounding the

sensitive receptor which would impact the background noise levels recorded. Recommendations are listed on page 11 to ensure acoustic compliance is achieved.

Water

Council records indicate that creek is located on the eastern boundary of the site. Documentation submitted indicates that an Officer from the Department of Water has inspected the premises and confirmed the nonexistence of the watercourse within the boundaries of the actual site. Hence a Controlled Activity Approval does not appear to be required. Water falling directly onto the site is proposed to be directed into the OSD sedimentation pond where particulate matter will be separated and water will be discharged via spillway into Council stormwater infrastructure. '

No processing of liquid wastes proposed for the site. The waste tipping and sorting area will be a bunded and covered area with a concrete slab base. The junction pit serving the bunded area will be valve controlled to provide for additional containment of spills. The remaining areas and storage bays are proposed to be compacted gravel surface.

A shaker ramp is proposed to be installed onsite Storage bins are to have a filter sock and grate permanently across the entry to bins to allow capture of sediments If washing of trucks or skip bins is proposed on site it is recommended that a covered bunded area be provided for this purpose with trade waste connection to sewer

Waste

Building and construction waste intended to be delivered and recovered by the facility has a pre-classification from the NSW Environment Protection Agency (EPA) as "General Solid Waste (Non-Putrescible)". This type of waste is further identified as "Building and demolition waste".

Following sorting waste will be stored in the following categories :

- *Recoverable Waste Mix" materials (i.e. further unsorted waste that has potentially recoverable material contained within it)*
- *Unrecoverable Waste Mix" (i.e. minimal residual waste consisting of unrecoverable materials such as treated timber)*
- *Untreated Timber*
- *Bricks and Concrete*
- *Metal Material*

The proposal does not intend to source or recover asbestos material, dangerous waste or waste that has been sourced from chemical works, mineral processing works, container reconditioning works or other waste treatment facilities. A company policy was provided to deal with unwanted potentially hazardous material including batteries, tires, gas bottles, asbestos etc. No processing of material is proposed to occur onsite.

Vibration

No major issues expected.

Air Quality

The major air quality issue expected from the development is the generation of dust. The EIS states that an onsite sprinkler system will be implemented and relocatable hessian bunding barriers for each of the waste material storage areas will be used.

Operational Management Plan (OMP)

Additional commentary from Environmental Health dated 9 December 2019, in relation to the OMP:

The Operational Management Plan (OMP), prepared by Central Design Link dated 12 November 2019, from the Environment and Public Health Team perspective is consistent with the approved Draft Environmental Management and Stormwater Management Plan, prepared by Larry Cook Consulting dated 12 August 2018.

The submission of the OMP does not alter the previous comments and suggested conditions made by EHO provided on 17 December 2018 (ECM Document No. 26454452).

Conclusion

The Environmental Health Team have no concerns with the proposal provided that the conditions of consent are adhered to."

The comments from Council's Environmental Health Officer are noted and where appropriate have been included as suitable conditions of consent, as outlined by recommended condition 2.2, 2.3, 4.7 and 6.4.

Waste Management Comments

Council's Waste Management Officer has raised no objections to the proposal and has provided the following comments by memo dated 24 August 2018:

"Subject to Council Environment Officers being satisfied that the EPA General Terms of Approval and license conditions for Notice No. 1564813, File No. EF 18/849 dated 14 May 2018 are fully addressed Waste Services are able to finalise the application."

The comments from Council's Waste Management Officer are noted and where appropriate have been included as suitable conditions of consent, as outlined by condition 4.11 and condition 6.6 to 6.9 inclusive.

Tree Preservation Officer's Comments

The application was referred to Council Tree Assessment Office who provided the following comments:

'The proposal nominates removal of existing trees within the area of works such as pavement and retaining walls. Trees shown to be removed consist of mostly younger age class natives such as Angophora costata and Silver Ash growing from areas of past disturbance.

Trees along North, South and eastern boundaries are shown for retention and not expected to be adversely impacted by the works, providing all care is taken. Offsite and Council trees are not impacted by the works."

The comments from Council's Tree Preservation Officer are noted and where appropriate have been included as suitable conditions of consent, as outlined by condition 3.9 and 4.11.

s. 4.15 (1)(e) of the EP&A Act: The Public Interest

The approval of the application is considered to be in the public interest. The development will provide additional industrial development to the Central Coast region and will generate additional employment. The proposed development is consistent with the zone and sympathetic to surrounding development.

Other Matters for Consideration

Ecologically Sustainable Principles

The proposed development is consistent with the relevant development objectives of the IN1 General Industrial zone. The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposed development is unlikely to significantly affect fluvial environments.

The proposal has been assessed having regard to ecologically sustainable development principles and is consistent with the principles.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of the assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts.

The proposed development is considered satisfactory in relation to climate change.

Development Contribution Plan

The site is not subject to the provisions of any section 7.11 and section 7.12 development contribution plan.

Planning Agreements

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

Political Donations

During assessment of the application there were no political donations were declared by the Applicant, Applicant's consultant, owner, objectors and/or residents

Conclusion

This application has been assessed under the heads of consideration of section 4.15 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 complement the locality, meet the desired future character of the area and it is consistent with the zone and zone objectives.

Accordingly, the application is recommended for approval pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

Attachments

1. Proposed Conditions of Consent
2. Site Plan and Stormwater Concept Plan prepared by Halcrow & Associates
3. Architectural Plans - Sorting Area and Workshop Awning Plan prepared by R. J. Sinclair
4. Site Office / Staff Building Floor Plan and Storage Area Plan prepared by R. J. Sinclair
5. Retaining Wall and Associated Cross Section Details prepared by R. J. Sinclair Pty. Ltd.
6. Landscape Plan prepared by R. J. Sinclair
7. General Terms of Approval – Environmental Protection Authority
8. The Secretary's Environmental Assessment Requirements (SEARs)
9. Transport for NSW (TfNSW)

ATTACHMENT 1

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.

Architectural Plans by: Halcrow & Associates and R.J. Sinclair

Drawing	Description	Sheets	Issue	Date
15.01.049	Site Plan – Halcrow & Associates	DA.1 of 4	-	30/03/2015
A-01	Sorting Area and Workshop Awning Plan - R. J. Sinclair	1	P1	10/08/2018
A -10	Site Office and Staff Building Floor Plan - R. J. Sinclair	1	P1	10/11/2019
A -20	Storage Area Plan - R. J. Sinclair	1	P1	11/11/2019

Supporting Documentation

Document	Title	Date
Unreferenced	Environmental Impact Statement prepared by L.D.A. Services – Planning & Development	13/12/2017
Appendix A	Waste Management Plan prepared by Rod Wall – Coastal Design Link	9/08/2018
L-01-Issue P2	Landscape Plan prepared by R.J. Sinclair Pty Ltd	27/11/2019
17/125- Issue D	Traffic Impact Assessment Report prepared by Intersect Pty Ltd	November 2017
1501049	Water Cycle Management Plan prepared by Halcrow & Associates Pty Ltd	12/03/2015
1501049	Soil & Water Management Plan prepared by Halcrow & Associates Pty Ltd	November 2018
DA.1 of 4	Stormwater Concept Plan prepared by Halcrow & Associates Pty Ltd	30/03/2015
DA. 4 of 4	Erosion & Sedimentation Control Plan Halcrow & Associates Pty Ltd	30/03/2015
B 173014	Bushfire Protection Assessment Report prepared by Australian Bushfire Protection Planners Pty. Ltd	1/08/2017
ECDM Doc. No:23673747	DPI Communication Letter prepared by A. Sutas-Senior Water Regulation Officer	5/08/2016

Ref :316145	Aboriginal Heritage Information Management System (AHIMS) prepared by Office of Environment & Heritage	04/12/2017
Ref: 5259	Weighbridge Design & Specifications prepared by AWS Scales & Weighing Systems	16/04/2015
16/14241 SEAR 1108	Secretary's Environmental Assessment Requirements (SEAR's) prepared by NSW Planning & Environment	17/01/2017
Notice No: 1564813	General Terms of Approval-Attachments A & B prepared by Environmental Protection Authority	14/05/2018
Unreferenced	Biodiversity Impact Assessment prepared by Environmental Assessment Pty Ltd	7/08/2018 Issue B
Ref No: 181913.1	Addendum to Biodiversity Impact Assessment prepared by Everitt Ecology	25/06/2019
Ref: 18090 -A	Soil Testing Report – In – Situ Soil prepared by Larry Cook Consulting Pty Ltd	30/07/2018
Ref: 18092 -A	Draft Environmental Management and Stormwater Management Plan prepared by Larry Cook Consulting Pty Ltd	12/08/2018
Ref: 11393 R01v1	DA Acoustic Report – Industrial Premises prepared by PKA Acoustic Consulting	21/11/2018
Unreferenced	Operational Plan of Management prepared by Coastal Design Link	12/11/2019
Project No. 18-077	Retaining Walls and Associated Cross Section Details prepared by R. J. Sinclair Pty. Ltd. (Drawing No. A-29 - A-32)	12/06/2020 & 28/05/2020

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with the General Terms of Approval from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
Environmental Protection Authority	General Terms of Approval	Notice No: 1564813	14/05/2018

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

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

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- 2.2 The development shall be undertaken in accordance with the requirements of the Environment Protection Authority, who have issued General Terms of Approval and comments dated 14 May 2018 (Notice No: 1564813), attached as a schedule of this consent.
- 2.3 Submit to the Principal Certifying Authority for approval a detailed design of the weighbridge in accordance with Protection of the Environment (Waste) Regulation 2014 and Waste Levy Guidelines (NSW EPA, 2018).
- 2.4 Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the Water Management Act 2000. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 Water Management Act 2000' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.

- 2.5 Submit engineering details prepared and certified by a practising structural engineer to the Council (Water Authority) for development constructed near or over the sewer main and/or adjacent to Council's water mains. The engineering details must comply with Council's guidelines for "Building Over or Near Council Sewer and Water Mains" and must be approved by Council. The submission of contractor's documentation and sewer inspection fees may apply. Subject to approval of the engineering plans the developer must contact Council's Water and Sewer Quality Inspector a minimum one week prior to commencement of any work involving building over / adjacent to sewer mains.
- 2.6 Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's *Civil Works Specifications*.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

- a) Heavy duty vehicle crossing that has a minimum width of 10.5m at the boundary and splayed to a width of 12.5m at the kerb line to accommodate the swept turning path of the AS2890.2 8.8m Medium Rigid Vehicle entering & exiting the site. The heavy duty vehicle crossing shall be constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.

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- b) Erosion & sedimentation control plan.

The section 138 Roads Act Works Approval must be issued by Council and all conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

- 2.7 Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.8 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
 - a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition of Australian Standard AS2890: Parking Facilities and other applicable Australian Standards.
 - b) Construction of a stormwater detention system. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013 and Council's *Civil Works Specifications*. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths.
 - c) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
 - d) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the Council's drainage system located in Chivers Road. The connection to the Council drainage system shall utilize the existing pipeline across the footway near the south-eastern corner of the site.

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- e) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

- 2.9 Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent to Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.
- 2.10 Identify trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species and ecological communities must also be marked on all plans.
- 2.11 Submit a Vegetation Management Plan to Councils Ecologist prior to the issue of a construction certificate for all areas of retained vegetation on LOT: 10 DP: 876323, 1 Vere Place Somersby. The Vegetation Management Plan must be prepared by a suitably qualified Ecologist in accordance with Wyong Shire Council: Flora and Fauna Survey Guidelines, 2016 and have duration of no less than 5 years. The Vegetation Management Plan must be prepared to Council's satisfaction for all areas of retained native vegetation on LOT: 10 DP: 876323, 1 Vere Place Somersby.

The Vegetation Management Plan must:

- Integrate with other relevant plans e.g. Landscape Plans or Erosion and Sediment Control Plans
- If relevant, integrate with NSW Department of Primary Industries: Water requirements.
- Recommend management actions to be undertaken during clearing, construction works and post construction.
- Clearly stage management actions to identify works required prior to commencement of construction works, during works, prior to subdivision certificate and ongoing.
- Include a protocol to prevent the transfer of weeds or pathogens onto or off the site.
- Include a protocol for transplanting individual specimen *Hibbertia procumbens* (Plant A, Figure 1 (Additional Ecology Report, Everitt Ecology, June 2019) into the retained native vegetation along the northern edge of the development fronting Vere Place.
- Detail ongoing reporting requirements.

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- Be prepared by a suitably qualified and experienced restoration ecologist.
 - Be implemented for no less than five years.
 - Aiming to achieve the following outcomes by year 5 being:
 1. Less than 2% woody weed cover in any 1000m² of the subject site;
 2. Less than 20% exotic ground cover in any 1000m² of the subject site;
 3. If replanting is required, that replanted canopy species achieve a median height of no less than three metres;

Progress reports are to be submitted to Council's Ecologist by the 30th June each year for a minimum of 5 years after the commencement of works. Reports are to detail the progress of the works and any recommended additional actions, with a final report certifying completion of the Vegetation Management Plan at the end of the implementation period, or once the specific objectives of the plan have been met. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

The primary objective of the Plan is weed management, regeneration of the native vegetation and supplementary native plantings for the benefit of the local flora and fauna as well as habitat values, threats and ameliorative measures to ensure protection for threatened species.

- 2.12 Submit to the Principal Certifying Authority for approval, details of the external materials of construction associated with the sorting area awning, workshop awning and site office and staff building. Colour and texture of the external materials associated with the abovementioned structures are to be compatible with the colours, hues and texture of the surrounding natural environment. Roof cladding shall be non- reflective.
- 2.13 Submit to the Principal Certifying Authority for approval, a detailed final landscaping plan which also incorporates street tree planting, detailing the species proposed ,including height and spread at maturity. The landscaping plan is to also incorporate the requirements of condition number 3.8 of this development consent.
- 2.14 Submit a trade waste application for approval to Council as the Water and Sewer Authority in order to discharge liquid trade waste into the sewerage system. This form can be found on Council's website: www.centralcoast.nsw.gov.au

3. PRIOR TO COMMENCEMENT OF ANY WORKS

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

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- 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
- a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition approved by this consent.
- 3.3. Appoint a Principal Certifying Authority for the building work:
- a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b) Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website www.centralcoast.nsw.gov.au
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the principal certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
- 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au.

Contact Council prior to submitting these forms to confirm the relevant fees.

- 3.6. Submit a tree removal/retention survey plan to Council's Ecologist for approval. The Plan must include all trees proposed for removal or pruning inclusive of APZ, services (water, sewer and electricity) and any clearing associated with fence lines. All retained trees must include tree protection measures consistent with the Australian Standard AS4970-2009 Protection of Trees on Development Sites.

Trees to be retained/removed within the bush fire asset protection zone and driveway area are to be selected as per the following criteria:

Trees to be retained:

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- hollow bearing trees
 - larger healthy native trees with a long expected longevity.
 - trees containing nests or signs of fauna usage; and
 - trees growing in clusters

Trees that may be suitable for removal:

- damaged trees or trees with poor structural form
- non-natives
- small/regrowth trees; and
- trees that are likely to damage assets or infrastructure

The location of retained trees must be shown on all approved plans.

- 3.7. Erect a chain wire link security fence along the boundary of the area identified for vegetation retainment. A lockable access gate must be provided for maintenance purposes. The fence must be sign posted at intervals of no less than thirty (30) metres to identify the conservation value of the land and discourage access. The sign must read as follows:

“KEEP OUT”

This is an environmental protection area.

Fines will apply for offences which cause damage to this area, under the NSW Biodiversity Conservation Act 2016.

- 3.8. Engage a suitably qualified Ecologist to oversee and transplant the individual specimen *Hibbertia procumbens* (Plant A, Figure 1 (Additional Ecology Report, Everitt Ecology, June 2019) into the retained native vegetation along the northern edge of the development fronting Vere Place in accordance with the approved vegetation management plan prepared under condition number 2.11 of this consent.

- 3.9 Establish Tree Protection Zones (TPZ) around trees to be retained - Trees to be retained are to be protected by fencing in accordance with Australian Standard AS 49702009:

Protection of Trees on Development Sites.- Protective fencing is to be located no less than 2m from trees to be retained and must remain intact until construction is completed. Signpost fences around Tree Protection Zones to warn of its purpose.

- 3.10 Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or

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- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c) be a temporary chemical closet approved under the *Local Government Act 1993*.

3.11 Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

4. DURING WORKS

4.1. All conditions under this section must be met during works.

4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

- 7:00am and 5:00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately in that area, and
- b) The Office of Environment & Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground

disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

- 4.5. 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.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.7. Implement all soil and water management control measures and undertake works in accordance with the approved Soil and Water Management Plan dated November 2018 and the Soil and Water Management Staging Plan dated 21 November 2018 prepared by Halcrow & Associates. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).
- 4.8. Maintain permanent fence around the Vegetation Management Zone. All fenced conservation areas are to be clearly marked as a "No Go Area" on the fencing itself. No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced conservation area.
- 4.9. Undertake clearing in accordance with the approved tree removal/retention survey plan. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.
- 4.10. Reuse, recycle or dispose of all building materials during the construction phase of the development in accordance with the Waste Management Plan signed by R. Wall dated 9 August 2018.
- 4.11. Undertake the removal of trees as shown on the approved plan in a manner so as to prevent damage to those trees that are to be retained.
- 4.12. Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifying Authority.
- 4.13. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
 - 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
 - 5.3. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.
 - 5.4. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
 - 5.5. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
 - 5.6. Amend the Deposited Plan (DP) for lot 10 DP 876323 to:
 - i. Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
 - a. Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - ii. Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
 - a) To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - i. the facility will remain in place and fully operational.
 - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
 - iv. Council is indemnified against all claims of compensation caused by the facility.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

Submit to the Principal Certifier copies of registered title documents showing the restrictive and positive covenants.

- 5.7. Implement vegetation management activities in accordance with the Vegetation Management Plan.
- 5.8. Implement vegetation management activities in accordance with the Vegetation Management Plan prepared under Condition number of this consent.
- 5.9. Protect Vegetation/ Landscape/ Aboriginal Heritage Management Zone through establishing a Restriction on the Use of Land and Positive Covenant on the Title.

Positive Covenant

All bushland included for restoration and maintenance by a Vegetation Management Plan (VMP) approved by Council's ecologist must be established pursuant to Section 88B/88E of the Conveyancing Act 1919 (NSW).

- The weeds being continually suppressed and destroyed and the land to be maintained as an ecologically sensitive area, in line with the Council approved Vegetation Management Plan VMP).

Central Coast Council's "Standard Positive Covenant Vegetation Management Plan" Recital can be obtained by Contacting Council's Subdivision Certificate PCA Officer.

Restriction on the Use of Land

Protect Vegetation/ Landscape Management Zone through the establishment of a Restriction on the Use of Land pursuant to Section 88B/88E of the Conveyancing Act 1919 (NSW) on the title of the subject lot.

- No bushland is to be removed or modified, including for bushfire Asset protection purposes without the consent of Central Coast Council.
- The stockpiling of materials or equipment is prohibited.

- 5.10 Complete the landscaping works.
- 5.11 Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

6. ONGOING OPERATION

- 6.1 The maximum amount of building and demolition waste permitted to be received in conjunction with the facility is restricted to 12,000 tonnes per year and must not contain asbestos.

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- 6.2 No concrete crushing activities are to be undertaken on site in conjunction with the proposed development.
- 6.3 Restrict the hours of operation of the use to those times listed below:
- Monday to Friday - 7.00 am to 5.00 pm; or
 - Hours of operation as stipulated by the Environmental Protection Authority
- Any variation to these hours is subject to the prior consent of Council.
- 6.4 Comply with all Environmental Protection License requirements and conditions set by the NSW Environmental Protection Authority
- 6.5 Implement vegetation management activities in accordance with the vegetation management plan prepared under Condition number 2.11 of this consent.
- 6.6 Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.7 Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.8 Comply with all commitments as detailed in the Waste Management Plan signed by R. Wall, dated 9 August 2018.
- 6.9 Mixed and recyclables waste bins ancillary to the office/toilets/lunchroom to be stored out of public view at all times.
- 6.10 Do not store materials, waste matter or products outside the building or the approved storage area at any time.
- 6.11 Maintain the site landscaping for the life of the development.
- 6.12 Load and unload delivery vehicles wholly within the site. Delivery vehicles must enter and exit the site in a forward direction.
- 6.13 Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.14 Implement and comply with all recommendations in the acoustic report prepared by PKA Acoustic Consulting, dated 21 November 2018.
- 6.15 Implement and comply with all recommendations in the Bushfire Protection Assessment Report prepared by Australian Bushfire Protection Planners Pty Ltd, dated 1 August 2017.
- 6.16 Implement and comply with the requirements of the Operational Plan of Management, prepared by Coastal Design Link, dated 12 November 2019.

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- 6.17 Maintain the on-site stormwater detention facility in accordance with the operation and maintenance plan.
 - 6.18 Maintain the nutrient /pollution control facilities in accordance with the operation and maintenance plan.
 - 6.19 All vehicles associated with the operation of this site must enter and exit the site in a forward direction.
 - 6.20 The largest vehicle to be utilised for the operation of this development shall be restricted to the AS2890.2:2018 8.8m Medium Rigid Vehicle.

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.

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure

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- e) Central Coast Council in respect to the location of water, sewerage and drainage services.
 - 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.
 - 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.
 - Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment Policy*. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au
 - Ensure the proposed building or works comply with the requirements of the *Disability Discrimination Act*.

NOTE: The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. This development consent does not indicate nor confirm that the application complies with the requirements of the DDA.

- The inspection fee for works associated with approvals under the *Roads Act 1993* is calculated in accordance with Council's current fees and charges policy.

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- It is an offence under the *National Parks and Wildlife Act 1974* to knowingly disturb an Aboriginal artefact without consent.
