

# REGIONAL PLANNING PANEL (Hunter Central Coast)

## Planning Report

<b>JRPP No</b>	PPSHCC-30
<b>DA Number</b>	DA/914/2019
<b>Local Government Area</b>	Central Coast Council
<b>Proposed Development</b>	Construction and use of the site for a Waste Transfer Station and ancillary works
<b>Street Address</b>	5 Mooramba Avenue, Tuggerah, Lot 90 DP.4008
<b>Date lodged</b>	25 September 2019
<b>Applicant</b>	All Town Skips c/- ADW Johnson
<b>Architect:</b>	Thomas Building Design
<b>Number of Submissions:</b>	No submissions
<b>Estimated value:</b>	CIV \$943,223
<b>Regional Development Criteria</b>	Designated Development for waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.
<b>List of All Relevant s4.15(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy No.55 – Remediation of Land</i></li> <li>• <i>State Environmental Planning Policy No. 33 - Hazardous and Offensive Development</i></li> <li>• <i>State Environmental Planning Policy 64 - Advertising and Signage</i></li> <li>• <i>State Environmental Planning Policy (State and Regional Development) 2011</i></li> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007</i></li> <li>• <i>Wyong Local Environmental Plan 2013</i></li> <li>• <i>Wyong Shire Development Control Plan 2013</i> <ul style="list-style-type: none"> <li>- <i>Chapter 1.2 Notification of Development Proposals</i></li> <li>- <i>Chapter</i></li> <li>- <i>Chapter 2.11 - Parking and Access</i></li> <li>- <i>Chapter 3.1 Site Waste Management</i></li> <li>- <i>Chapter</i></li> </ul> </li> </ul>

List all documents submitted with this report for the panel's consideration	<b>Attachment 1 - Numerical Compliance Table</b> <b>Attachment 2 - Draft recommended conditions</b> <b>Attachment 3 - Plans</b>
Recommendation	<b>Conditional Approval</b>
Report by	<b>Salli Pendergast – Section Manager Development Assessment North</b>

# CENTRAL COAST COUNCIL

## Development Assessment

### Waste Transfer Station and ancillary works

DA/914/2019

Author: Salli Pendergast

#### SUMMARY

A development application has been received for designated development for a Waste Transfer Station and ancillary works at 5 Mooramba Avenue Tuggerah. The application has been assessed having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements.

<b>Applicant</b>	All Town Skips c/- ADW Johnson
<b>Owner</b>	Mr M M Harrison
<b>Application No</b>	DA/914/2019
<b>Description of Land</b>	5 Mooramba Avenue, Tuggerah, Lot 90 DP.4008
<b>Proposed Development</b>	Waste Transfer Station and ancillary works
<b>Site Area</b>	4047m <sup>2</sup>
<b>Zoning</b>	IN2 Light Industrial
<b>Existing Use</b>	Unauthorised waste transfer station operation
<b>Employment Generation</b>	Up to 15 full time staff
<b>Value of Works</b>	\$943,223

#### RECOMMENDATION

- 1** *That Council grant consent to DA/914/2019 at 5 Mooramba Avenue, Tuggerah, for a Waste Transfer Station and ancillary works subject to the conditions provided in the Attachment.*
- 2.** *That Council advise those who made written submissions of Council's decision.*

#### INTRODUCTION

##### The Site

The site is located at the southern end of Mooramba Avenue which is currently an unsealed and no-through street. The site adjoins Council owned land to the south (which is a buffer to the nearby Tuggerah Sewage Treatment Plant). To the west of the site are bulky good uses along Bryant Drive and to the north are predominantly light industrial activities. There are also dwelling houses located within the vicinity of the site along Lake Road. There is sensitive vegetation on the adjoining Council land containing *Melauca bioconvexa*. An unauthorized waste transfer station is currently in operation on the site. The site is identified as bushfire prone land, is flood affected by the Probable Maximum Flood (PMF) and is potentially impacted by odour from the nearby sewerage treatment works.



Above: Aerial view of site

### The Proposed Development

The development application seeks consent for the construction and use of the site for a Waste Transfer Station and ancillary works which is identified as designated development under Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

The works under the application will take place in 3 stages and include:

- Construction of a new material shed consisting of precast concrete panels to a height of 3 metres with spandek wall sheeting above, a steel framed roof structure with metal roofing. Enclosure of the existing awning to extend the size of the proposed shed. The total size of the material shed will be 460.53m<sup>2</sup> (which consists of 15.3m x 30.1m in area and with a height of 10.36m)
- Construction of a single storey site office and amenities building (64.5m<sup>2</sup>) with a verandah consisting of face brick and feature stone cladding with trimdek roof sheeting.
- Two bunded hardstand washdown areas (76.5m<sup>2</sup> x 2) located at each either end of the shed.
- Small storage shed (48.6m<sup>2</sup>) in north-west (rear) corner (8.7m x 5.7m and 6.6m in height) for storage of operational equipment
- A weighbridge installed adjacent to the site office and entry
- Concrete hardstand areas, parking, driveways, and pathways
- Landscaping and fencing around boundaries (2.1m black palisade security fence)
- Other associated site works including filling (to the flood levels), and drainage works with a stormwater management system to treat and manage all surface water

The development will take place over three construction phases:

- Stage 1 – Awning extension and enclosure to create the material shed, storage shed, site office and amenities, bunded washdown areas, access driveways, informal

unsurfaced parking area, concrete hardstand forward of the awning, stormwater infrastructure, security fencing and gates, and landscaping.

- Stage 2 – pavement works (2 coat seal along southern side of shed and rear of material shed) and sealed car parking areas at rear of site.
- Stage 3 – pavement (2 coat seal to remainder of areas) and installation of a weighbridge

The waste transfer station is proposed to recycle up to 6000 tonnes of waste per annum with up to 19 tonnes per day. The waste will be predominantly general solid (non-putrescible) domestic and building waste. No liquids, hazardous, dangerous or general solid waste (putrescible) is to be accepted on the site. All sorting/storage will be undertaken in the enclosed material shed.

The operation will involve:

- 5 vehicles delivering and collecting skip bins from the site
- An excavator and bobcat for loading and unloading trucks
- Storage of skip bins on site
- Sorting of skip bins by 3 employees in material shed
- Temporary storage of waste and recyclable material on site prior to collection and
- Collection of sorted waste from the site for recycling or disposal to land fill.

The operation will be carried out 6 days a week. The proposal is anticipated to generate up to 15 full-time staff plus the commissioning of various contractors. At maximum production there will be up to 150 truck movements per day. A total of 11 parking spaces (including 1 accessible space) will be provided. There are 6 trucks which deliver and collect skip bins, 1 excavator and 1 bobcat. All trucks and plant will be stored on the site when not in operation. No fuel will be stored on site and no maintenance of vehicles or plant is to be undertaken on site. The hours of operation for the proposed facility are:

**Monday – Friday:**

6:00am – 5:00pm (Materials Recovery Facility operations)

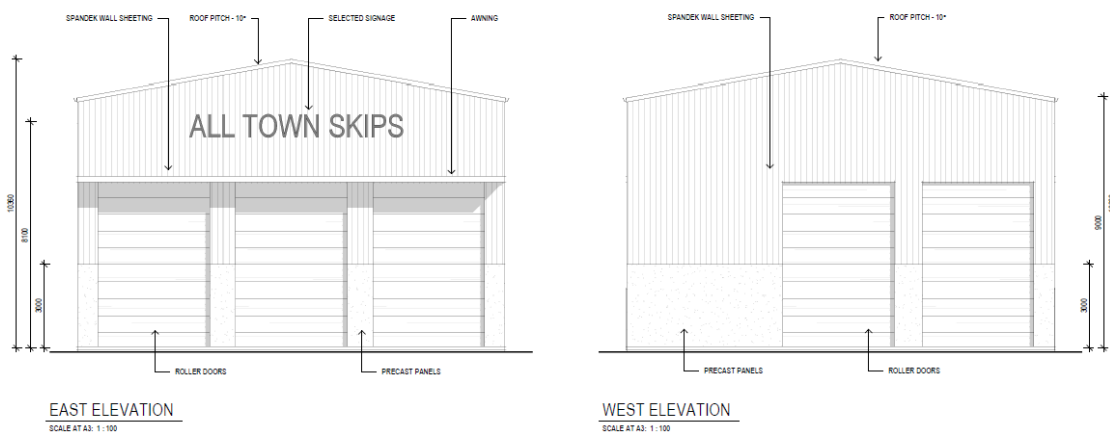
6:00am – 5:30pm (Staff and truck movements only)

**Saturday:**

6:00am – 3:00pm (Materials Recovery Facility)

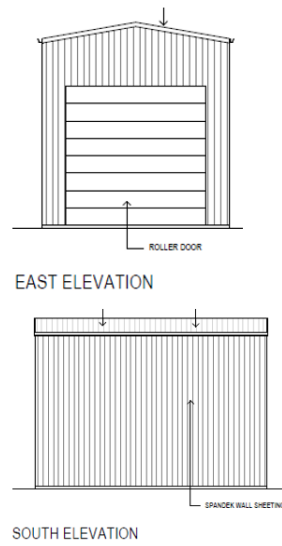
6:00am – 4:00pm (Staff and truck movements only)

No works on Sundays or Public Holidays.

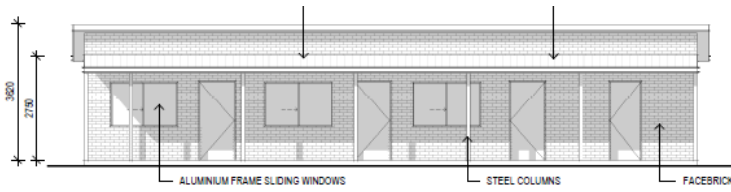


**Above: Proposed sorting shed including awning enclosure**

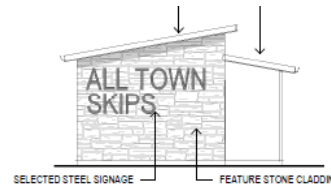




Above: Existing awning to be enclosed (Left) and proposed small storage shed (right)

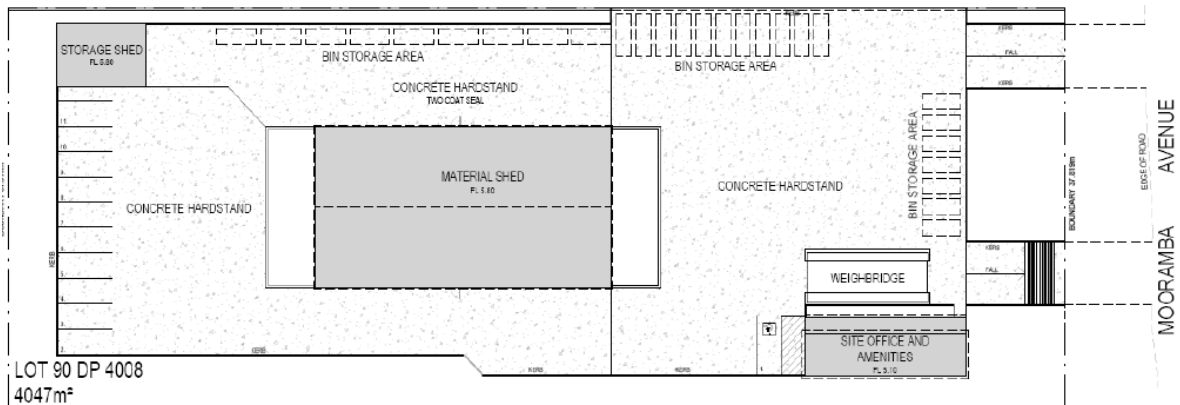


NORTH ELEVATION

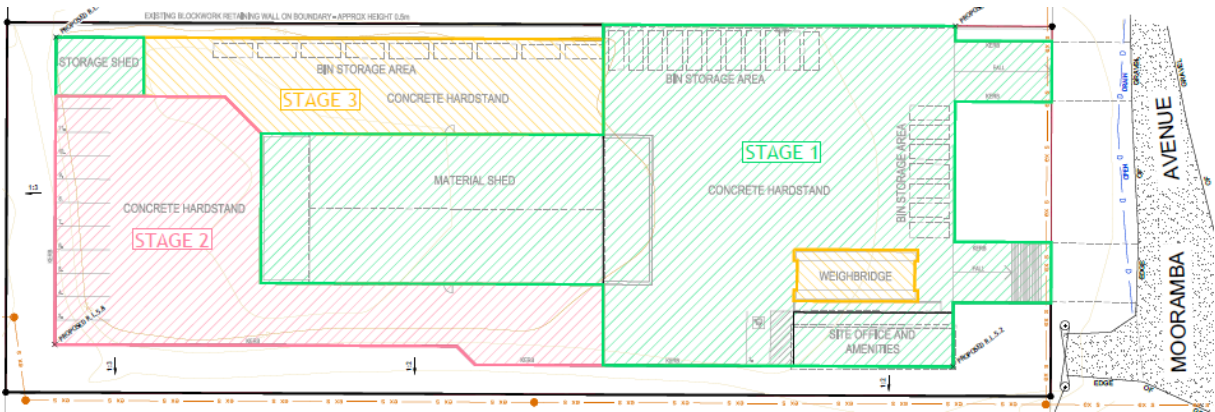


EAST ELEVATION

Above: Office and amenities building



Above: Site Plan



Above: Staging plan for the site

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Waste processing and sorting will take place within the material shed located at the centre of the site. An awning currently exists on the site and it is proposed to extend and enclose the awning to create the material shed over a concrete hardstand concrete slab surrounded by bunding on all sides. The site will have two access points with the primary access via the southern driveway. All access and egress will be in a forward direction for all vehicles. Access to the site will be prohibited outside operational hours.

The waste to be accepted at the site includes building and demolition waste (soils and fines, concrete and aggregates, bricks, scrap metal and timber); vegetation and soils; excavated natural materials; reclaimed asphalt pavement and non-putrescible other domestic waste. No special waste, liquid waste, hazardous waste, general solid waste (putrescible), or similar will be accepted. No recycling of chemicals and lubricants is proposed and there will be no disposal of waste on the site.

Prior to entering the site, usually at the point of collection, all waste will be screened for potentially hazardous materials. Vehicles entering the site will drive into the enclosed shed. Within the storage shed, vehicles will be directed to hand sorting or dumping areas within the open area of the shed, depending on the size and nature of the load. Waste will be sorted using a five-bin system by hand or using a bobcat. All sorting will be undertaken within the material shed. Sorted waste will be stored in skip bins or managed stockpiles within the sorting shed until collection.

Approximately 75-85% of the materials processed will be transported for recycling at appropriate recycling facilities. Any non-recyclable material will be transported to a suitably licensed landfill. No maintenance of heavy vehicles or plant will occur on the site.

Although the site is currently being used for the purpose of a Skip Bin Hire Business, the purpose of the current DA is to allow for the lawful use of the land and to develop the land in an orderly manner that complies with the planning controls for the site.

## **VARIATIONS TO POLICIES**

<b>Clause</b>	3.2 Calculation of carparking spaces
<b>Standard</b>	1 space per 200m <sup>2</sup> of site area for a materials recycling depot
<b>DCP</b>	Chapter 2.11 – Parking and Access
<b>Departure basis</b>	52% as 11 spaces provided (based on Traffic Impact Assessment) and 21 required under DCP

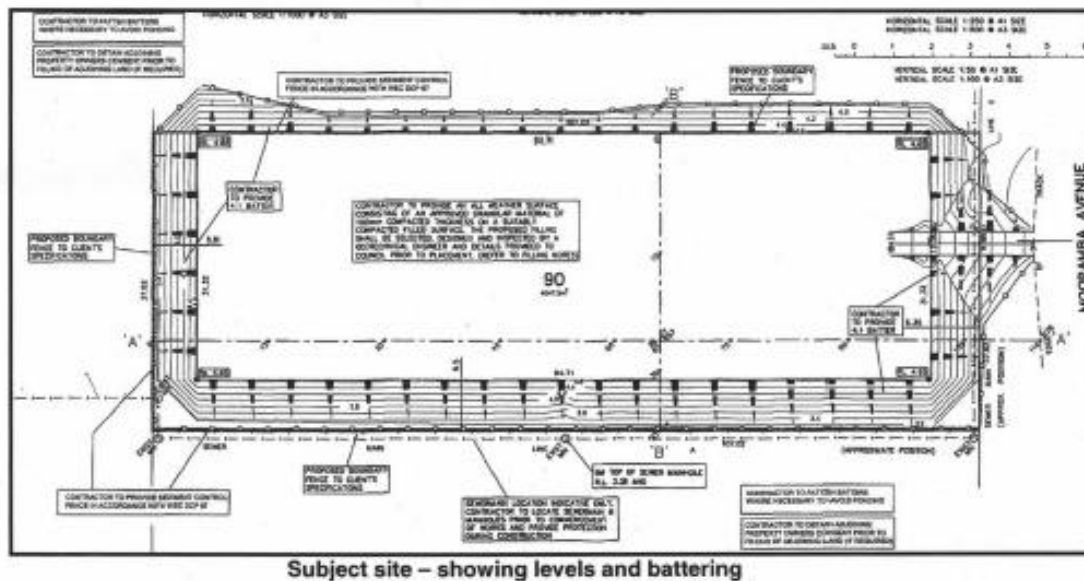
The proposed variation is discussed in further detail below.

## **HISTORY**

- Secretary's Environmental Assessment Requirements (SEARs) were issued by the NSW Department of Planning and Environment on 17 December 2015 and further updated SEARS were issued 19 September 2017.
- Development Consent No. DA/266/2007 was granted 27 June 2007 as a deferred commencement consent for filling of the lot.
- Development Consent No. DA/1366/2010 was granted on 29 April 2011 for lot filling of the site (by around 1.8m). The filling was carried out using concrete, soil, brick and

tiles. The consent did not specify the fill material to be used and the material complied with the requirements specified for recovered aggregate, as per the EPA waste recovery exemption. In this regard, it is noted that Council's *Civil Works Specification* permits imported fill to comprise of VENM (clean top soil), ENM or resource recovery material that has an EPA exemption.

- Council forwarded correspondence (show cause letter) dated 7 February 2018 to the owners of the property in relation to the unlawful land use for a Skip Bin Hire Business and erection of an unauthorised awning. Council initiated enforcement action for illegal land use relating to a Skip Bin Hire Business. The lodgment of the current DA is a result of this action.



Above: Earthworks plans

## INTERNAL CONSULTATION

The application has been referred within Council to:

- Senior Development Engineer
- Ecologist
- Contributions Officer
- Senior Environmental Health Officer (Environmental Protection)
- Unit Manager - Water Services and Design
- Traffic and Transport Engineer

The issues raised in the referral process are discussed in the report and where relevant reflected in the conditions of consent.

## ECOLOGICALLY SUSTAINABLE PRINCIPLES



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

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 proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

## **Climate Change**

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

## **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's plans, policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are discussed for Council's information.

### ***Environmental Planning and Assessment Regulation***

The proposal constitutes Designated Development pursuant to Clause 4(1) and Schedule 3, Clause 32 Waste Management Facilities or Works of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). Although the proposed volumes of waste to be processed are below the relevant thresholds, the site triggers the locational criteria under Clause 32(1)(d).

## **THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES**

### **a) Wyong Local Environmental Plan 2013**

#### Permissibility

The subject site is zoned IN2 Light Industrial under Wyong Local Environmental Plan (WLEP) 2013 and within the IN2 zone a 'waste transfer station' is not specified as 'development that is prohibited' under 'item 4' of the IN2 land use table and therefore under 'item 3' is permissible development within the zone with consent (i.e. being any other development not specified in item 2 or 4).

The following definitions under WLEP are relevant to the proposal and read:

waste or resource management facility means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,

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(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 transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.*

*Note.*

*Waste or resource transfer stations are a type of waste or resource management facility—see the definition of that term in this Dictionary*

In accordance with Clause 2.3 of WLEP, the proposal is consistent with the IN2 zone objectives which read as follows:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*

The proposal has been assessed against the IN2 zone objectives in accordance with Clause 2.3(2) of WLEP and is found to be consistent with the objectives for the zone. In this regard, the proposal is an activity compatible with surrounding light industrial activities that will create employment opportunities (with potential 15 staff). The proposal is compatible with the protection of industrial land for ongoing industrial activities.

#### Height and FSR

There is no maximum building height or floor space ratio that applies to the proposed development of the site under WLEP.

#### Acid Sulfate Soils

Clause 7.1 requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified as Class 3 and Class 4 on the Acid Sulphate Soils (ASS) Planning Map and no works are proposed more than 1 metre below the natural ground surface or by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

A geotechnical report was prepared for the proposal which assessed the likelihood of ASS on the site and the implications for the proposal. The site is within an area of high probability of ASS which are expected between 1-3m below natural ground level. The site has been historically filled under an earlier consent and the development of the site is to be further filled in parts under the proposal. The buildings on the site consist of sheds and a small single storey office with an existing awning already erected without consent. The extent of any excavation works will generally be limited and in this regard, it is anticipated the development may require excavations less than 0.5m for road pavements and building slabs.

However, there will be retaining walls which include some excavation to a depth below natural ground surface. An acid sulphate soils management plan has been provided for the

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proposal in accordance with the requirements of the clause and the recommended conditions will ensure the development is carried out in accordance with the prepared plan.

#### Flood Planning

Clause 7.2 applies to land identified as flood planning land under Council's maps. The site is no longer affected by the flood planning level but is affected by the Probable Maximum Flood (PMF).

#### Floodplain Risk Management

Clause 7.3 applies to the land identified as above the flood planning level (1% AEP) but below the Probable Maximum Flood (PMF) event under Council's maps. The site is affected by the PMF. Consent must not be granted to land identified by this clause for *certain specified purposes* under the clause unless the consent authority is satisfied that the development will not (in flood events exceeding the flood planning level), affect the safe occupation of, and evacuation from, the land. The proposed development is not identified as one of the certain purposes so specified under the clause.

#### Essential Services

Clause 7.9 requires that services that are essential for the development are available or that adequate arrangements have been made to make them available when required prior to consent being granted. These services include water supply, electricity supply, sewage management and disposal, stormwater drainage or on-site conservation and suitable road access.

##### Road access

Access to the site is via Mooramba Avenue. It is noted that Mooramba Avenue is currently not sealed, a roadworks contribution for the construction of this road is included under the Wyong District Development Contributions Plan and this contribution applies to the development of the site. Payment of contributions has been included under the recommended conditions of consent.

##### Electricity

There is currently no connection to electricity supply for the site, however the proposal includes alternative energy arrangements for electricity supply. The proposal includes the installation of 32 solar panels with 30kW battery storage for the proposal in addition to the 6 panels currently installed on the unauthorised awning. The solar panels will be installed on the roof of the material shed which is an optimal solar orientation. The system will create approximately 55kWh of power per day on average and can be extended should a future need arise. The use of renewable energy will result in environmental benefits, through a reduction in the use of fossil fuel energy and is considered an appropriate servicing arrangement for the site.

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### Water and Sewer

The site is not currently serviced for water, however, water service is available for the new proposed development from Mooramba Avenue (100mm PVC). Council's existing system is adequate to provide water supply to the proposed development.

The site is currently not connected into Council's sewer network. Existing gravity sewer line "A" is along the southern side of the property boundary of proposed development site. Sufficient capacity exists in Council's sewerage network for the proposed development.

Any proposed adjustments to Council's water and sewerage assets will require a detailed design to be prepared by the applicant. The proposed development is located outside the Zone of Influence (ZOI) of both the sewer and water mains servicing the area. The 306 Notice of Requirements issued under the *Water Management Act 2000* will outline the required civil works and relevant connection requirements to ensure these services are available for the development.

### Stormwater Drainage

The applicant submitted stormwater drainage plans which seek to direct stormwater to Mooramba Avenue via a hydro-dynamic separation chamber. An on-site stormwater detention and drainage system will be required to maintain existing flows to the existing adjoining Endangered Ecological Community (EEC). The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20- and 100-year average reoccurrence interval (ARI) design storms.

It is considered that satisfactory arrangements can be made for the provision of necessary utility services required to service the development in accordance with Clause 7.9 subject to recommended conditions and Council requirements.

### **Draft Central Coast Local Environmental Plan 2018**

Draft Central Coast Local Environmental Plan has been exhibited and has been considered under the assessment of the application. There is no change to the zoning of the site or significant change to other relevant statutory matters as they apply to the proposal under the draft LEP, that require specific discussion in relation to the proposal.

### **b) Relevant SEPPs**

#### State Environmental Planning Policy 55 – Remediation of Land

Under the provisions of State Environmental Planning Policy (SEPP) 55 – Remediation of Land, contamination and remediation are to be considered in the determination of a development application. Clause 7(1) of State Environmental Planning Policy 55 requires that the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if contaminated, that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development proposed to be carried out. The site in its current state is appropriate and suitable for the intended land use.

A preliminary site investigation (contamination assessment) was carried out for the site which included 12 test pits across the site. Fill material at varying depths across the site were sampled and analyzed and the results indicated no contamination. The sampling data and

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methodology are generally in accordance with the National Protection (assessment of Site Contamination) Measure 1999 as amended 2013, National Environment Protection Council (NEPC 2013). The conclusion of the investigation showed an absence of potential contamination and gross contamination on the subject site.

#### State Environmental Planning Policy 64 - Advertising and Signage

The provisions of State Environmental Planning Policy No.64 - Advertising and Signage apply to the proposal. The proposed development seeks approval for new identification signage associated with the business.

Under Clause 6 of the SEPP, the signage would be considered as 'business identification signs' and as such, Part 3 of the SEPP does not apply to the development. Business identification signage is defined under Clause 4 of the SEPP as:

*'business identification sign' means a sign:*

*(a) that indicates:*

*(i) the name of the person, and*

*(ii) the business carried on by the person,*

*at the premises or place at which the sign is displayed, and*

*(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,*

*but that does not include any advertising relating to a person who does not carry on business at the premises or place.*

The signage is considered consistent with the objectives of the policy and satisfy the assessment criteria outlined under Schedule 1 of the instrument in accordance with Clause 8 of the SEPP. The signage is considered reasonable and compatible with the existing and future visual character of the area. The signage is not located within an environmentally sensitive area and does not dominate or visually clutter the streetscape

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

The proposed development has been assessed to ascertain whether SEPP 33 applies using the criteria outlined in NSW Planning's 'Applying SEPP 33' (2011) which identifies which developments must be assessed under SEPP 33. In this regard, it is noted that the development does not require a licence from OEHL or any other public authority to operate. The proposal does not cause any omissions which would result in a significant level of offence. The proposed development does not meet the definition of hazardous industry or offensive industry under SEPP No. 33 - Hazardous and Offensive Development and as described in Applying SEPP 33.

#### State Environmental Planning Policy (Infrastructure) 2007

Division 23 of SEPP (Infrastructure) 2007 relates to waste or resource management facilities. Under the SEPP (Clause 121), the proposed use as a waste or resource transfer station is permissible with consent in the IN2 light Industrial Zone.

Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 identifies traffic generating development as development specified Schedule 3 of the SEPP which includes *waste or resource management facilities* (in Column 1 of the table) of any size or capacity (in Column 2) where the site has a frontage to a road (generally). A traffic Impact Assessment has been prepared for the proposal and supporting information were

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referred through to the NSW Roads and Maritime Authority (RMS) for comment. The RMS advised *Roads and Maritime has reviewed the information provided and raises no objection to the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.*

*State Environmental Planning Policy (State and Regional Development) 2011*

The proposal constitutes regionally significant development under Schedule 7 clause 7(c) of SEPP (State and Regional Development) 2011 as it is for designated development for *waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000*. As such, the determining authority for the development application is the Regional Planning Panel (RPP).

**c) Relevant DCPs**

**Wyong Development Control Plan 2013 (DCP)**

*DCP Chapter 2.12 – Industrial Development*

DCP Chapter 2.12 applies to the development of the site and a table of compliance with the relevant controls is attached to this report. The proposed development complies with the DCP controls for FSR, setbacks, site coverage, landscaped frontage, loading arrangements, design and appearance of buildings, waste management, retaining walls and earthworks, design for safety, security fencing noise generation, air quality, contamination and other matters.

A minimum 5 metre landscape front setback (excepting access) is required for the development under Clause 2.3a and a landscaped setback of double this (10m) has been provided. Accessible parking, building access and internal facilities have been provided within the development and the accessible parking space is positioned within a convenient distance to the office entry.

*DCP Chapter 2.11 – Parking and Access*

The DCP requires parking for the development to be provided in accordance with the table below.

Land use	Requirement
Material Recycling Depot	1 space per 200m <sup>2</sup> of site area
Service Requirements	Service area is to be of adequate size for appropriate trucks

The DCP requires 20.235 spaces for the site area of 4047m<sup>2</sup>. The proposal includes the provision of 11 parking spaces and a service area suitable for the size and number of trucks associated with the operations. The proposal also includes one accessible parking space provided in accordance with the DCP in a location next to the office and amenities building. The provision of 11 spaces rather than 21 spaces represents a variation of 52% from the DCP requirements.

In accordance with Clause 2.3 a Traffic Impact Assessment was provided for the proposal as the development is identified as traffic generating development. The Traffic Impact Assessment is more specific to the proposal and as such assessed in more the detail the



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specific nature of the use on the site and identified that 10 spaces were warranted for the proposed development. This was on the basis that all 12-15 employees drive to work (including 6 employees in work trucks) and the minimal number of visitors expected to attend the site. The objective for the provision of car parking in accordance with Table 1 under the DCP is as follows:

*To ensure that adequate off street parking is provided for new development.*

The proposal is considered consistent with the objectives of the DCP Chapter for parking provision, despite the variation to the rate under Table 1. This is because the Traffic Impact Assessment has calculated the demand for parking generated by the proposal in a more specific manner which has considered the staffing and visitor numbers that generate the parking demand on the site at peak times. Additionally, there is sufficient area within the site to accommodate informal overflow parking in a manner which will not result in any unmanageable conflicts.

#### DCP Chapter 2.6 - Signage

The application seeks approval for signage including business identification signs located on the buildings. The signage states the name of the business and is located on the site office and on the material shed. The proposed signage relates to use of the land on which it is located. The proposed sign is consistent with the DCP objectives under Clause 1.1 as follows:

- *To encourage high quality signage that is properly designed, located and maintained*
- *To allow for the provision of signage that is compatible with the desired amenity and visual character of an area*
- *To provide for the effective communication of information in suitable locations*

The proposal is not a type of signage identified under Clause 3 as not being permitted.

#### DCP Chapter 3.1 Site Waste Management

In accordance with DCP Chapter 3.1, the applicant submitted a Waste Management Plan for the development outlining the waste disposal, re-use and recycling (on and off site) for the construction and operational stages of the development. A condition has been included requiring the development to be carried out in accordance with the submitted management plan.

#### DCP Chapter 6.14 – Tuggerah Precinct

The subject site is not included within the mapped areas to which DCP Chapter 6.14 applies. In this regard, the adjoining sites to the north and west are both included within Area C1 but the subject site has not been included. Notwithstanding this, the proposal has been assessed against the DCP controls that are relevant to the adjoining sites to the west and north.

The controls include setbacks, FSR, site coverage, access and parking, built form, landscaping, roofscape, and signage. The proposal is considered generally consistent with these controls. The development will not be readily visible from Bryant Drive or Wyong Road. The proposed landscaping is an appropriate scale for the development and the buildings do not dominate the skyline.

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**d) Any planning agreement**

There are no planning agreements related to the site or proposal that require further discussion.

**e) Relevant Regulations**

There are no matters under the regulations relevant to the proposal that require specific discussion.

**f) Coastal Zone Management Plan**

The site is not affected by coastal hazards or by an adopted Coastal Zone Management Plan.

**THE LIKELY IMPACTS OF THE DEVELOPMENT**

**a) Built Environment**

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of DCP compliance.

Noise

A Noise and Vibration Assessment report has been prepared for the proposal which assessed the noise and vibration impacts during construction and operation including road traffic noise. Council's relevant specialist officer has reviewed the acoustic report and concurs with the assessment and the results from the predictive modelling specified in the report. The predictive modelling assumed the worst-case scenario for the operational activities. The nominated worst-case scenario noise emissions from the project were predicted to comply with the project specific noise criteria at each potentially effected receiver. It is noted that the proposed land use has been operating on the site for at least 5 years, Council has not received any noise concerns relating to its current operation. The proposal will result in the enclosure of the current operations within the shed. It is anticipated that the impacts on the surrounding environment will be minimal as a majority of the activities are undertaken within the enclosure and are consistent with the zoning and surrounding land uses.

Stormwater and drainage

A stormwater management system is proposed to manage surface water quality and quantity. The proposal seeks to direct stormwater to Mooramba Avenue via a hydro-dynamic separation device. The device will capture any sediments, soils and grease and any other gross pollutants that may be generated on the site. The material shed will include a raised permanently bunded perimeter. All wash down areas will be directed to the pit and pipe stormwater network and to the device. Downpipes from roof water structures will be directed into a pipe network and treated by the Hydrodynamic Separation device which will treat and mitigate pollutants before the stormwater leaves the site.

An on-site stormwater detention and drainage system is required to maintain existing flows to the existing adjoining EEC. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the

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5, 20- and 100-year average reoccurrence interval (ARI) design storms. The Water Cycle Management Plan Report has been revised by the applicant to include an OSD tank to ensure the post developed peak flows are attenuated back to pre-developed levels. The OSD will capture and detain flows generated by the entire development and to ensure there are no adverse impacts on downstream properties and stormwater infrastructure, the stormwater system will be designed to ensure that the post-development peak flows leaving the site are less than the existing peak flows for the 5, 20 and 100 year ARI design storm events.

A conditional requirement for the ongoing maintenance and monitoring of the proposed hydro-dynamic separation device is recommended so that the approved device operates at its optimum efficiency rate and in the event of any change in ownership will ensure minimal impact to the surrounding environment and waterways will occur.

#### Access, traffic and parking

The site is accessed via Mooramba Avenue, which is an unsealed, no through road. Mooramba Avenue adjoins Lake Road which is a two-way sealed road adjoining sports fields on the northern side. The site has good access to major distributor and sub-arterial roads. There is an existing bus service (Red Bus Services) along Bryant Drive and Tuggerah Railway Station is located approximately 800m west of the site. There are no designated on or off-road cycle ways near the development. The proposed site access has been designed to cater for a maximum 19 metre articulated vehicle to use the site.

The Traffic Impact Assessment (TIA) concluded 10 spaces were required for the development based on 12-15 employees who all drive to work (6 in the company trucks) and minimal visitors to the site. There are 11 spaces to be provided on the site to cater for the operation. The TIA also noted that there is sufficient room on site to accommodate overflow car parks for peak periods and sufficient area to cater for 3 or 4 heavy vehicles to enter and stand on the site whilst loading/unloading and then exit in a forward direction. The parking has been designed to comply with *AS28090. 1-2004 Parking Facilities – Off street car parking*.

It is noted that the operation on the site includes:

- *All Town Skip assorted waste skip delivery / collection trucks – 6 on-site;*
- *Private sorted waste collection / disposal trucks – 3 independent operators;*
- *Employees will arrive in the morning peak hour and leave in evening peak hour;*
- *During the morning peak hour, a maximum of 6 skip trucks will leave the site;*
- *During the evening peak hour, a maximum of 6 skip trucks will return to the site;*
- *1/3 of the waste collection trucks (in and out movements) will occur in any peak hour*

A Traffic Impact Assessment (TIA) was prepared for the proposal which identifies that the proposal will include a maximum of 150 vehicle movements per day, with an estimated 17 trips per peak hour (average traffic generation). In the AM peak this will result in 10 inbound movements and 7 outbound movements while in the PM peak this will be 6 inbound movements and 11 outbound movements. The proposed development is likely to generate the following maximum additional traffic on the local road network based on the trip distributions:

- Wyong Road – 10 vtpm in the AM peak and 13 vtpm in the PM peak traffic periods.
- Bryant Drive, Lake Road and Mooramba – 17 vtpm in the AM and PM peak traffic periods.

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The assessment assumed all trips were via Mooramba Avenue, Lake Road and Bryant Drive and concluded that the local road network, subject to suitable intersection controls being in place, has sufficient spare capacity to cater for the proposed development. The assessment reviewed the level of service of surrounding roads and concluded that the roads are operating within their technical capacities and have scope to cater for the additional traffic generated by the new development. The proposed development will not adversely impact on the operation of the local and state road network.

Further information was provided by the traffic consultant in consideration of the cumulative impacts of traffic in the area. This was particularly in consideration of the nearby Tuggerah Sporting Complex and other recent developments proposed in Bryant Drive. In this regard, it was noted that *the traffic from this development is already on the road network as this development only seeks approval for the land use currently undertaken on site as well as improvements to the site conditions.* Additionally, that *the percentage of traffic generated by this development is insignificant compared to the traffic volumes generated by both the Tuggerah Sporting Complex and the proposed Tuggerah Large Format Retail Complex and Mariners Site developments.*

Upgrading of Mooramba Avenue is identified in Council's contributions plan and these works will service this and the adjoining development sites. The site is currently serviced via unformed vehicle access crossings fronting Mooramba Avenue. The development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's *Civil Works Specification Design Guidelines 2018*. The proposal seeks a formalised vehicle access arrangement for the site. Conditions have been recommended requiring the provision of new and upgraded driveway crossings.

#### Context and setting and public domain

The proposal will not adversely impact on the character and amenity of the locality and streetscape. The scale, form, and character of the development is industrial and is considered acceptable within the locality given the light industrial zoning of the adjoining site along the street. The design and appearance of the development includes landscaped setbacks to all boundaries. The office building is single storey in scale and of masonry construction. The shed will be visually screened by the landscaped boundaries. All waste will be contained within the material shed and not externally visible from the street or surrounding properties.

A visual impact assessment was prepared for the proposal which examined the potential visibility of the development and the characteristics of the landscape between and surrounding various vantage points and receptors around the site. The report noted that the aesthetic of the surrounding area consists primarily of industrial buildings and vegetation.

The report acknowledged that although view of the upper sections of the buildings are expected to be visible from various locations including public vantage points, this impact is not considered to be significant as a result of:

- Partial visual screening by existing vegetation, infrastructure and local topography;
- Extent of the proposed development (small disturbance footprint);
- Distance between the development and receptors (over 200m); and
- The existing industrial landscape.

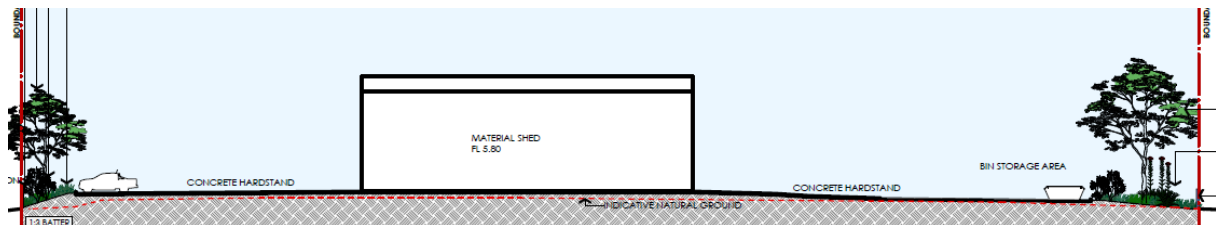
The report recommended mitigation measures would lessen the potential visual impact of the development by either reducing the visual prominence/visual contrast between the visible

portions of the buildings and the surrounding landscape, or by screening direct views toward the development site where possible. To mitigate potential visual impacts the following measures are recommended:

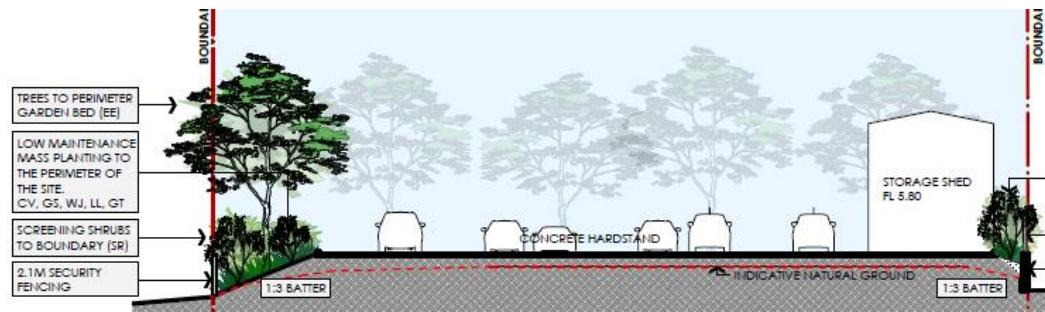
- During the design phase, review materials and colour finishes (i.e. non-reflective) for selected components to reduce the visual impact of the buildings where possible;
- During construction, minimise tree removal where possible;
- During construction, position lights to avoid light spill beyond the site;
- During operations, use sensor lights at night, rather than continuous night time lighting; and
- Undertake tree screening planting in accordance with the Landscaping Plan and maintain over the life of the development.

This Visual Impact Assessment concludes that the development will have an overall low visual effect on the assessed residential receptors and public viewing locations surrounding the development site. With the implementation of the proposed mitigation measures, the visual impact of the development is considered to be minimal.

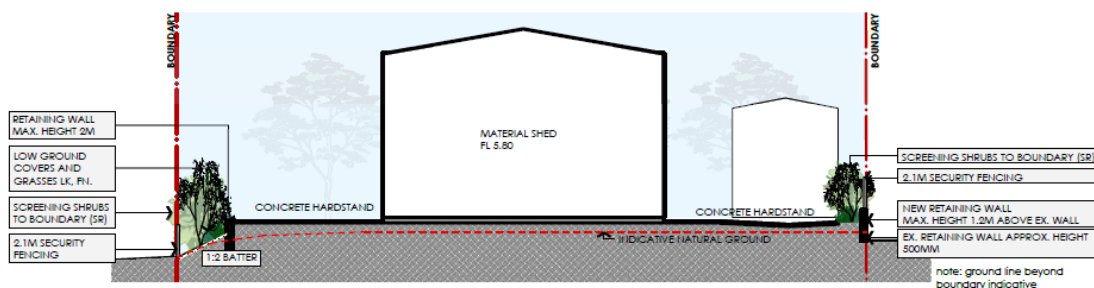
Additionally, plans in section have been provided by the applicant to demonstrate the landscaped boundary transition proposed for the development.



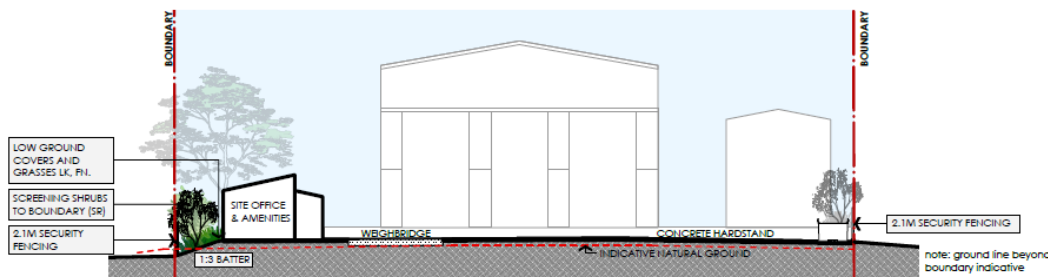
**Above: Section west-east (front to rear) through the site**



**Above: Section north-south near the rear (western end) of the site**



**Above: Section north-south generally around midway of the site**



***Above: Section north-south near the front (eastern end) of the site***

### Earthworks

The earlier consent for filling (under DA/1366/2010) established the required fill levels for the land in relation to flooding which were a minimum finished surface level of 5.1m AHD at the eastern end of the site and 4.75m AHD at the western end of the site. The existing surface levels for the site are 5.24m AHD at the north-western corner, 5.26m AHD at the south-western corner, 3.7m AHD at the north-eastern corner, and 3.5m AHD at the south eastern corner. In this regard, the western corners of the site will not require any fill work, however, the eastern corners of the lot will require additional clean fill to approximately 1.4m-1.7m to comply with the levels required under the earlier consent and to allow for a consistent platform for the site. The revised proposal details retaining structures along each boundary as well as landscape fill batters.

A retaining wall is proposed along the full length of the northern boundary (1.2m above the existing 0.5m wall) with landscaping on the high side of the retaining wall for the rear half of the boundary. Along the western side of the site, a 1:3 landscaped batter is proposed. A 1:3 landscaped batter is also proposed along the southern boundary with a partial retaining wall (maximum height of 2m) proposed to the southern boundary with a 1:2 batter adjoining the wall.

A geotechnical report was prepared for the proposal which addressed the geotechnical conditions of the site and the implications for the development including for the footings and foundations for buildings, pavement for heavy traffic loading, batter stability, soil suitability, groundwater conditions, subgrade conditions and drainage. The recommendations of the geotechnical report are to be adopted under recommended conditions.

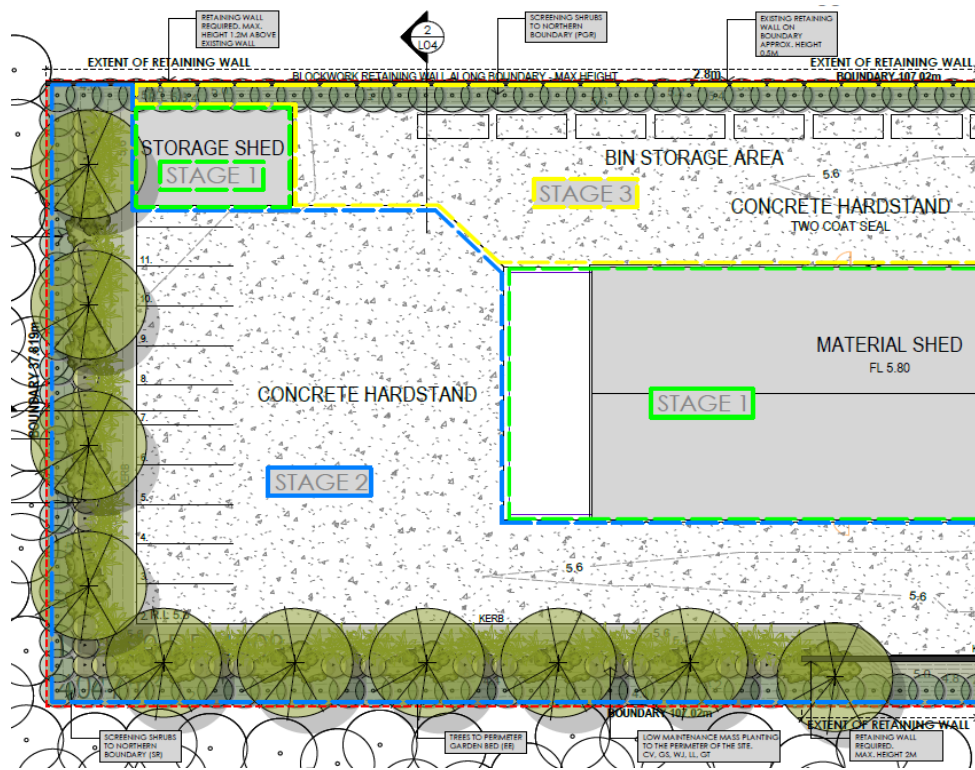
### Zone and boundary transitions

The northern boundary adjoins a site used for light industrial purposes which is zoned IN2. An extended retaining wall is proposed along the full length of the northern boundary with landscaping above for the rear half of the site. Along the western side of the site, a 1:3 landscaped batter is proposed which transitions to the vacant vegetated land zoned B5 to the west. A landscaped batter is proposed along the southern boundary with a partial retaining wall setback just under 3 metres from the boundary. This aims to create a more sensitive transition to the existing vegetation on Council owned land. The land adjoining the southern boundary is zoned SP2 Infrastructure. A landscaped batter is proposed at the frontage of the site. Landscaping within the front batter includes large trees and lower level planting. A 2.1 metre black palisade security fence is proposed to be provided around the perimeter of the site.

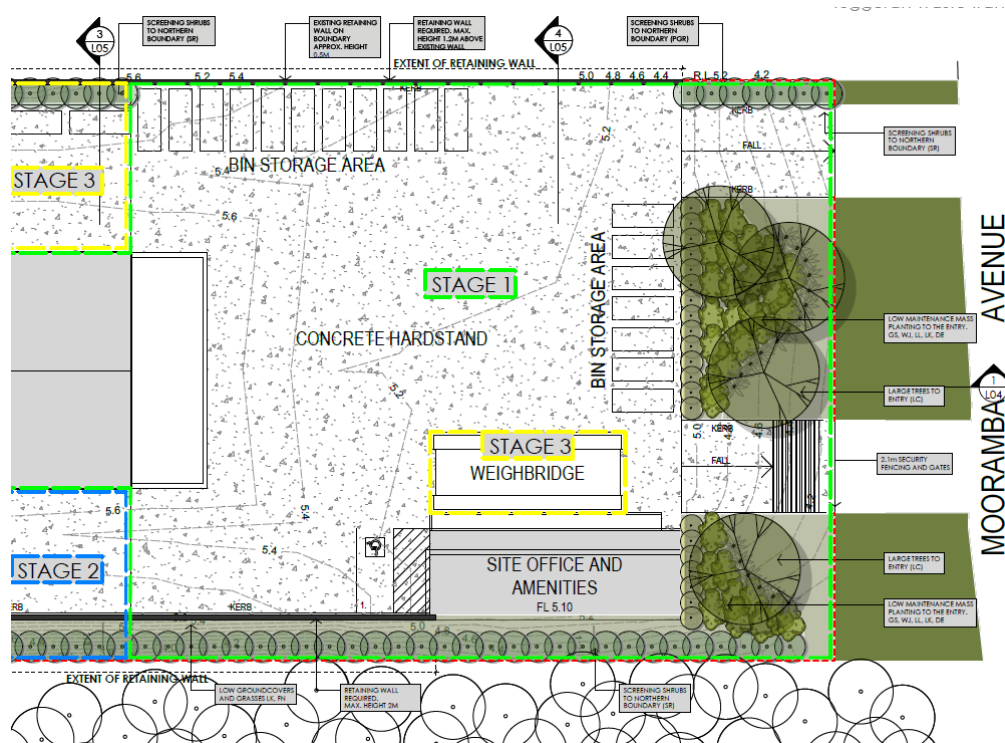
The front landscaped batter provides an appropriate transition to Mooramba Avenue and contributes to the streetscape in the locality. The sections of retaining walls combined with soft engineering measures will provide a satisfactory outcome to protect adjacent vegetation.



However, conditions will be recommended in relation to species selection for the landscaping to ensure weed control and ensure a suitable transition to surrounding lands in particular the site to the south. The landscaping along the boundary will comprise low maintenance mass planting with screening shrubs around the perimeter of the site to provide a visual buffer around the site and to minimise any adverse visual impacts of the development.



Above: Landscape Plan (western part of the site)



Above: Landscape Plan (eastern part of the site)

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### Aboriginal Cultural Heritage

Aboriginal Cultural Heritage has been considered in the assessment of the proposal and in the context of the document 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW'. An aboriginal due diligence assessment has been prepared for the proposal. The assessment indicates there is no identified risk of harm to Aboriginal objects and an Aboriginal Heritage Impact Permit (AHIP) is not required for the proposed activity.

A search of the Aboriginal Heritage Information Management System (AHIMS) identified 28 Aboriginal objects and one Aboriginal place within the broader searched area, however none within the project area. The site exhibits a high level of ground disturbance and a search of AHIMS identified no recorded Aboriginal objects or places within the project area and no Aboriginal objects or places were observed within the project area. The assessment demonstrates that reasonable and practicable measures were taken to prevent harm to an Aboriginal object or place. The assessment includes a number of recommendations to be adopted as part of the development. A condition will be recommended that works must cease if any evidence of aboriginal cultural heritage is discovered on the site during construction and the Office of Environment and Heritage must be advised.

### Air and microclimate

An air quality impact assessment was prepared for the proposal to identify and assess the risks associated with impacts of potential sources of air and odour emissions associated with the development and to identify mitigation measures to be adopted as part of the development. The potential sources of air emissions associated with the operation of the proposal include:

- particulate emissions from handling and sorting of waste
- products of fuel combustion (including particulates) from onsite vehicle movements
- particulate emissions from onsite vehicle movements (brake/tire wear emissions, dust from loose surface emissions)
- odour emissions from waste.

The proposal adopts a number of mitigation measures including:

- *sorting of all wastes within an enclosed shed*
- *paving of all indoor and outdoor areas within the Project Site*
- *accepting and processing of dry and non-putrescible and non hazardous waste only*
- *covering all skip bins when in use*
- *off-site transport of all sorted waste within three days of processing.*

Given the above, the potential for odour and dust emissions is expected to be very low.

However, the report identifies and recommends the following additional mitigation measures in order to control any residual impacts from on-site activities:

- *Maintain good housekeeping on all areas of the Project Site, including regular cleaning of all internal and external areas of the Project Site.*
- *Limit engine operating times to an absolute minimum. It is recommended that vehicles engines be turned off if the vehicle is going to be stopped for more than 60 seconds.*
- *Limit vehicle speeds at the Project Site. It is recommended that vehicle speeds be limited to 10 km/h to reduce the potential for wheel generated dust emissions.*

- 
- *Perform light hosing/sweeping of hardstand areas to suppress dust in dry and windy conditions.*
  - *Undertake routine maintenance of bobcat, excavator and trucks.*
  - *Investigate any complaint as soon as possible so that effective appraisal of the complaint can be carried out by subjective assessment.*
  - *Conduct staff awareness training to increase staff awareness of potential air quality and odour impacts which may be caused by the site activities during normal and abnormal circumstances.*

The report concludes that given the nature and scale of the operations proposed, and provided appropriate mitigation measures are implemented, the relevant air quality criteria identified in the assessment report are unlikely to be exceeded. Council's relevant environmental officer has reviewed the report and concurs with the findings. It is anticipated that the impacts on the surrounding environment will be minimal due to the distance between the proposal and residential areas. As a majority of the activities are undertaken within the enclosure it is anticipated that the proposed mitigation measures will resolve any future concerns.

### Waste Management

A Waste and Recycling Management Plan has been prepared for the waste generated from operational activities of the development, and waste to be received by the development for processing. Five major waste streams are proposed to be received. These include soils and fines, concrete and aggregates; scrap metals; green waste and general waste. The waste that is received by the facility will be sorted into the five waste streams and stored in their allocated storage areas. Each storage area will allow for a 10m<sup>3</sup> skip bin allocated specifically for each waste stream.

The proposed Waste Transfer Station will accept general solid waste (non-putrescible) as defined by the *EPA Waste Classification Guidelines – Part 1 Classifying Waste*. On average, it is anticipated that waste stored in skip bins will be collected daily by three heavy vehicles and stockpiled waste will be collected every two or three days. The collected waste will be taken for disposal or recycling at a site lawfully able to accept it. It is anticipated that 75-85% of sorted waste will be sent for recycling, with the four major waste streams, soils and fines, concrete and aggregates, scrap metals and green waste, sent for reuse or recycling. The maximum quantity of waste that will be stored on-site at any one time is 1,000 tonnes.

Waste storage areas are to be constructed in accordance with the requirements of the National Construction Code 2016 (NCC) ensuring impervious floors and ceilings, and fire safety and resistant provisions.

### Safety, security and crime prevention

The principles of Crime Prevention Through Environmental Design (CPTED) have been considered under the design of the proposed new development. The proposal incorporates a number of design considerations to discourage anti-social behaviour and minimise the opportunities for criminal activities:

- Improved casual surveillance opportunities on site and within the surrounding industrial estate. The vehicle entry also incorporates CCTV;
- A continued physical presence on the site;
- Lighting during night time operation. All lighting will be installed in accordance with relevant Australian Standards;
- Clear sightlines between public and private spaces;

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- The subject site is fenced, and when not attended, all entry points and openings will be securely locked;
  - Site fencing and new landscaping will delineate the site from surrounding publicly owned land. The physical spaces within the site have been designed such that they are able to be maintained so that the site will appear to be well kept and therefore deter crime.

### Environmental Management

An Environmental Incident Management Plan has been prepared to identify and manage potential pollution incidents. Potential incidents associated with the proposal may include:

- Issues relating to waste management; and
- Major issues relating to polluted surface water discharging from site

The plan includes reporting and notification requirements, post incident notification and clean up procedures, employee training programs (induction and refresher), employee roles and responsibilities and plan review. The plan is to be adopted as part of the operation of the development on the site.

### Unauthorised structures

There is an existing large awning structure installed on the site without approval located midway of the development. A structural assessment (from a qualified engineer at Thomas and Associated Consulting P/L) has been provided for the unauthorised structure which confirms the structural adequacy of the free-standing industrial canopy and that it is suitable for retention (provided two damaged end columns are replaced) for its conversion to part of a larger material shed proposed on the site.

As a result, the proposed development is satisfactory in terms of impacts on the built environment.

## b) Natural Environment

### Flora and Fauna

The site is largely cleared of native vegetation, with some vegetation remaining at the rear of the site and street front and along the boundaries. No native vegetation or fauna habitat features are proposed for removal as a result of the activity. While there are no direct impacts within the development area, there is the potential for indirect impacts to the adjacent Alluvial Floodplain Shrub Swamp Forest. This vegetation constitutes the *Swamp Sclerophyll Forest on coastal floodplains* EEC, contains a threatened flora species (*Melaleuca biconvexa*) and contains habitat for a range of threatened fauna species.

There is threatened species *Melaleuca biconvexa* trees on the boundary line to the south and west of the property. *Melaleuca biconvexa*, is listed as Vulnerable under both the *Biodiversity Conservation Act 2016* (BC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The receiving waters for stormwater include natural drainage lines and significant vegetation including floodplain Endangered Ecological Communities. A Flora and Fauna Assessment was provided for the proposal which has been assessed by Council's Ecologist.

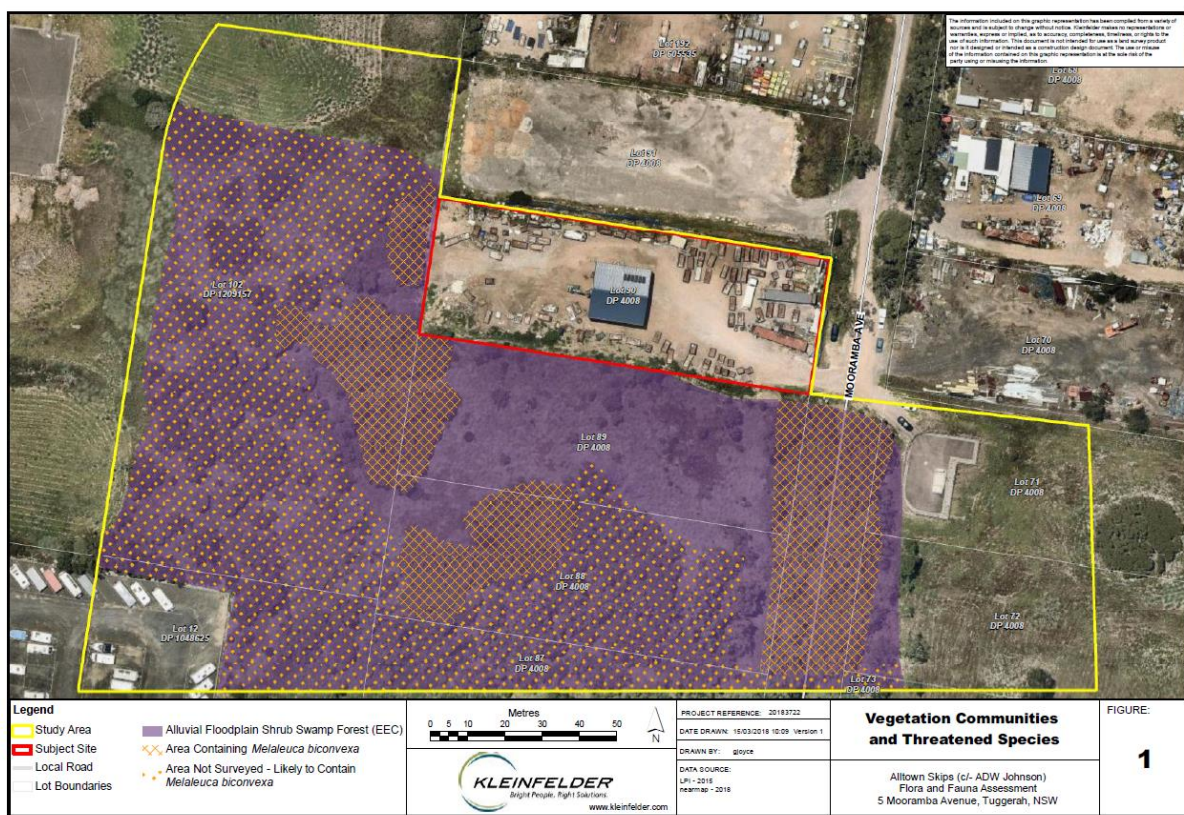
The SEAR's issued by the Department of Planning required the applicant to mitigate potential impacts to ground water dependent ecosystems. Given the sensitive nature of the



receiving environment and the specific requirement of the SEAR's, an on-site stormwater detention and drainage system is required to control the rate of runoff leaving the site. The detention system must be designed to attenuate post developed flow rates to pre-development flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms. The SEAR's also required a "description and appraisal of impact mitigation and monitoring measures" for groundwater dependent ecosystems.

### Sensitive Environments

The native vegetation adjoining the site to the south and west includes a population of the threatened tree species *Melaleuca biconvexa* and comprises Swamp Sclerophyll Forest Endangered Ecological Community listed under the NSW BC Act. As shown in the map below (Figure 1 taken from the Kleinfelder Flora and Fauna Assessment) there are *Melaleuca biconvexa* plants close to the property boundaries.



**Figure 1: Extract of map of vegetation communities and threatened species from Flora and Fauna assessment prepared by Kleinfelder.**

The Flora and Fauna Assessment (sections 4.1.3 and 5) include a range of mitigation measures that are required to be implemented to prevent impacts on adjoining vegetation communities and groundwater dependent ecosystems. Compliance with these measures will be included under recommended conditions.

Based on the Water Cycle Management Plan submitted, potential indirect impacts on the EEC as a result of changed water quality or hydrology are appropriately controlled. The Water Cycle Management Plan states that water quality to receiving environments is expected to be improved when compared to the current situation.

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The Water Cycle Management Plan recommends a Water Quality Monitoring Program to test downstream water at the following intervals to monitor the impact of the site on groundwater dependent ecosystems:

- One (1) groundwater test one week prior to construction of Stage 1;
- One (1) groundwater test during Stage 1 construction;
- One (1) groundwater test during Stage 2 construction;
- One (1) groundwater test during Stage 3 construction;
- One (1) groundwater test one week post construction of Stage 3;
- One (1) groundwater test six months post construction of Stage 3.

Compliance with this program will be included under the recommended conditions, with results and any corrective action to be reported to Council's Ecologist.

#### Boundary Treatments

The current Landscape Plans include some species for the batter plantings that can be invasive and not suitable to planting adjacent to the EEC. In this regard, exotic and/or invasive turf species specified in Terras (2019) should be avoided in areas adjoining EEC's. A condition is therefore recommended that a revised landscape plan be prepared that limits batter plantings to suitable native species found in the adjoining EEC be submitted to Council's Ecologist for approval prior to the issue of a Construction Certificate.

The area within the road reserve was removed from the NSW Biodiversity Values map by DPIE during the assessment period for this application. It is noted that the applicant proposes to protect and retain an existing *Eucalyptus tereticornis* (Forest Red Gum) tree located in the road reserve in front of the site that was previously within the area covered by the Biodiversity Values Map. An Arborist Assessment of the health of the tree has previously been requested but not provided. Instead, protection and retention of this tree will be included under recommended conditions.

#### General

The current proposal does not trigger the Biodiversity Offsets Scheme or require submission of a Biodiversity Development Assessment Report (BDAR).

Based on the field surveys, habitat assessments and impact assessments, Council's Ecologist concurs with the conclusion of the Flora and Fauna Assessment that the proposed development is not likely to have a significant impact on any threatened species, populations or ecological communities, or their habitats which are listed under the BC Act. The application is suitable for approval subject to recommended conditions.

#### Bushfire

The site is identified as bushfire prone land and mapped as vegetation buffer. Section 4.14 of the *Environmental Planning and Assessment Act 1979* requires the development to comply with any specifications and expressed requirements of *Planning for Bushfire Protection* (PBP). In this instance, the development on bushfire prone land is required to be consistent with the aims and objectives of PBP.



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The aim of PBP is *to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bushfire, while having due regard to development potential, on-site amenity and protection of the environment.*

The objectives of PBP are to:

- (i) afford occupants of any building adequate protection from exposure to a bush fire;*
- (ii) provide for a defensible space to be located around buildings;*
- (iii) provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;*
- (iv) ensure that safe operational access and egress for emergency service personnel and residents is available;*
- (v) provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and*
- (vi) ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bush fire-fighting).*

The development is considered to satisfy the aims and objectives of PBP. There is no significant slope associated with the site and vegetation. All buildings are non-habitable and will not increase any bushfire risk to human life. There is no flammable liquid stored on the site and the nature of the development will not increase any bushfire risk for surrounding properties.

## **THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The site located within a light industrial area that adjoins a recently introduced mixed use zone. The surrounding roads can accommodate the additional traffic movements and the site is considered a suitable context for the scale and type of development proposed.

The site is identified as bushfire prone land and is within an odour buffer to the nearby sewage treatment plant and this has been considered in the siting and design of the development. There are no significant site constraints or hazards that would render the location of the development as unsuitable. The site is suitable in its context having regard for the industrial nature, scale and type of development proposed. Subject to recommended conditions there is no existing vegetation adversely impacted directly or indirectly by the proposal. The proposal will not adversely impact on the character and amenity of the locality and streetscape. The scale, form, character and density of the development is acceptable within the locality. There are no constraints that would render the site unsuitable for development.

## **ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS**

### **Any submission from the public.**

The application was notified in accordance with the *Environmental Planning and Assessment Regulation 2000* provisions applying to Designated Development and under DCP 2013 – Chapter 1.2 Notification of Development Proposals with no submissions being received.

Additionally, the applicant undertook community consultation in the form of a letterbox drop on 17 June 2019 to properties within the vicinity of the site to invite feedback. All properties

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within 500 metres of the site were notified and no comments were received from any residents notified in this manner.

**Any submission from public authorities.**

NSW Roads and Maritime Services

The proposal is identified as Traffic Generating Development under Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. The application was referred to NSW Transport - Road and Maritime Services (RMS) for comment and no objection was raised in relation to *the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network*. Some further advice to note was provided and this has been given consideration in the drafting of any recommended conditions.

NSW Environment Protection Authority (EPA).

The application was referred to NSW EPA and for comment and no comment was made in relation to the proposal as the threshold limits in schedule 3 of the *Protection of the Environment Operations Act 1997* have not been exceeded for the proposal therefore an Environmental Protection Licence (EPL) is not required by the NSW Environment Protection Authority (EPA).

SEARS comments

As part of the SEAR's comments were sought and provided by NSW Department of Industry – Resource and Energy; NSW Department of Primary Industries – Water; NSW RMS; NSW Department of Planning and Environment – Division of Resources & Geosciences, Geological Survey of NSW (GSNSW).

**THE PUBLIC INTEREST (s4.15(1)(e)):**

**Any Federal, State and Local Government interests and community interests.**

There are no matters associated with the proposal that are contrary to the local or community interest. The proposal will create additional employment and business opportunities for the Central Coast Region and will increase opportunities for recycling waste and minimizing landfill.

**OTHER MATTERS FOR CONSIDERATION**

Section 7.11 Contributions Plans

The site is subject to contributions under Wyong District Development Contributions Plan No 1. This Plan identifies both roads and drainage contributions as being applicable to the site. The Section 7.11 contributions for drainage land and works (on a Net Developable Area (NDA) basis) have already been paid under the previous DA (DA/1366/2010) for filling of the land. Therefore, only the roads contribution is applied (being *Cobbs Area 123 Roads* and *Tuggerah Industrial Estate Stage 3 Roads*). The contributions are based on an NDA of 0.4047Ha.

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### Water and Sewer Contributions

The development will require a Section 307 Certificate under the *Water Management Act 2000* and a Section 306 will be issued concurrently with the consent for the development under the *Water Management Act 2000* (refer to WMA/1147/2019). The proposed development falls within the current Development Servicing Plan for the Northern region. There are no water and sewer contributions applicable to the development as the site retains an existing industrial credit of 1.1ET.

### Protection of the Environment Operations Act 1997 (POEO 1997)

The waste transfer station is proposed to recycle up to 6000 tonnes of waste per annum with up to 19 tonnes per day. The waste will be predominantly solid (non-putrescible) domestic and building waste. No liquids, hazardous, dangerous or general solid waste (putrescible) is to be accepted on the site. The premises will not operate as a scheduled waste facility under the POEO Act. The proposal does not require an environment protection licence as the thresholds under Schedule 1 of the POEO Act are not to be exceeded by the activity. *NSW Waste Avoidance and Resource Recovery Strategy 2014-21*

The NSW Waste Avoidance and Resource Recovery Strategy 2014-21 aims to reduce the environmental impact of waste and use resources more efficiently. The strategy presents a framework which is intended to avoid and reduce waste generation, increase the recovery and reuse of materials, divert more waste from landfill, manage problem wastes better, reduce litter and reduce illegal dumping. The proposed waste transfer station directly aligns with the aims of the strategy through facilitating the collection, sorting and recovery and recycling of waste.

## **CONCLUSION**

The application seeks approval for designated development comprising the construction of a waste transfer station and ancillary works on the site to process up to 6000 tonnes of general solid waste (non-putrescible) per annum.

The proposal includes a variation to the DCP requirements for parking provision (of 52% or 10 space shortfall). The proposal is considered consistent with the objectives of DCP Chapter 2.11 for on-site parking provision, despite the variation, as the Traffic Impact Assessment has calculated the demand for parking in a more specific manner for the proposal.

The proposal was advertised in accordance with the designated development provisions and no submissions were received. The site is in a suitable context for the nature, scale and type of development proposed. Appropriate measures to address potential environmental, amenity and safety impacts have been recommended as conditions of consent in order to mitigate any short-term negative impacts.

The proposal has been assessed using the matters for consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposal is recommended for approval subject to conditions.

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## **ATTACHMENTS**

***Attachment 1 – Compliance table***

***Attachment 2 – Draft Conditions***

## Development Statistics - Compliance Table

<b>Application No</b>	DA/914/2019
<b>Description of Land</b>	5 Mooramba Avenue, Tuggerah
<b>Proposed Development</b>	Waste Transfer Station including proposed construction of an office and amenities building, sheds, hardstand areas, parking and other associated works.

	Proposed	Required	Compliance
<b>Site Area</b>	4047m <sup>2</sup>	Existing	Existing
<b>FSR</b>	0.142:1	0.8:1 (maximum)	Yes
<b>Gross Floor Area</b>	574.62m <sup>2</sup>	3237m <sup>2</sup>	Yes
<b>Site Coverage</b>	14%	50 % (maximum)	Yes
<b>Building Setbacks</b>	-	-	Yes
- Front (street)	10m	10m min (other road)	
- North side	1.5m	Nil/BCA	
- West side	5m	Nil/BCA	
- South Rear	3m	Nil/BCA	
<b>Landscaped front setback</b>	10m (excepting driveways)	5m	Yes
<b>Parking</b>			
Materials recycling depot	11	20 spaces required based on 1/200m <sup>2</sup> site area	No, Traffic impact Assessment provided
Accessible parking	1	1	
Service requirements	Suitable area	Suitable area for use	
<b>Manoeuvring</b>	Satisfactory	Wholly on site, screened from street, separated from parking and pedestrian access	Complies
<b>Loading Area</b>	Satisfactory	Wholly on site, screened from street, separate from parking and pedestrian access	Complies
<b>Materials and finishes</b>	Masonry construction of office building at street front. Satisfactory landscape screening of sheds	Predominantly masonry construction, high quality, durable, natural colours	Satisfactory
<b>Built form</b>	Single storey office to street. Sheds visually screened from view with landscaping to all boundaries	Avoid large expanses of blank walls, articulation of facades	Satisfactory
<b>Height of masts, stacks, silos, distilling towers</b>	None Shed 10.36m	12m	Satisfactory
<b>Storage</b>	Satisfactory due to landscaped boundary screening	Screened from view from public places, behind front setback	Satisfactory
<b>Signage</b>	Signage on shed and office	1 freestanding sign per lot	Satisfactory

## 1. PARAMETERS OF THIS CONSENT

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

### **Architectural Plans:**

Description/Title	Drawing No	Rev	Date	Author
Coversheet index	A00	C	23.11.18	Thomas Building Design
Existing site plan	A01	C	23.11.18	Thomas Building Design
Site Plan – Stage 1	A02	C	23.11.18	Thomas Building Design
Site Plan – Stage 2	A03	C	23.11.18	Thomas Building Design
Site Plan – Stage 3	A04	C	23.11.18	Thomas Building Design
Material Shed Plan	A07	C	23.11.18	Thomas Building Design
Material Shed Section	A08	C	23.11.18	Thomas Building Design
Material Shed East and West elevations	A09	C	23.11.18	Thomas Building Design
Material Shed North elevation	A10	C	23.11.18	Thomas Building Design
Material Shed South elevation	A11	C	23.11.18	Thomas Building Design
Office Building, layout, sections and elevation	A12	C	23.11.18	Thomas Building Design
Storage shed – elevations, layout and section	A13	C	23.11.18	Thomas Building Design
Development Plan (staging)	REP-002	E	30.07.20	Adw johnson
Landscape Plan (site analysis)	L01	E	06.08.20	Terras landscape architects
Landscape Plan (concept plan 01)	L02	E	06.08.20	Terras landscape architects
Landscape Plan (concept plan 02)	L03	E	06.08.20	Terras landscape architects
Sections AA & BB	L04	E	06.08.20	Terras landscape

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				architects
Sections	L05	E	06.08.20	Terras landscape architects
Materials Palette	L04 & L05	E	06.08.20	Terras landscape architects
Site Regrade Plan	ESK-004	D	30.07.20	Adw johnson

### Supporting Documentation

Document	Title	Date
	Statement of Environmental Effects – ADW Johnson Issue B	20 September 2019
D13677452	Preliminary Site Investigation – Practical Environmental Solutions P/L	April 2015
D13677464	Noise and Vibration Impact Assessment – SLR Consulting Australia P/L Ref. 630.12299-R01 - v1.1	22 May 2019
D13677447	Air Quality Impact Assessment - SLR Consulting Australia P/L Ref. 603.12299-R04 – v1.0	30 April 2019
D13677481	Traffic and Parking Assessment (Traffic Impact Assessment)– Intersect Traffic P/L - Issue E	18 January 2019
D13677479	Structural Assessment –Thomas & Associates Consulting P/L - Ref 180361	9 July 2018
D13677485	Visual Impact Assessment SLR Consulting Australia P/L Ref.630.12299-R01 -v0.1	23 May 2019
D13677490	Water Cycle Management Plan and Waste water Management Report – ADW Johnson Ref 190110E– Issue B	13 March 2020
D13677487	Waste and Recycling Management Plan- SLR Consulting Australia P/L Ref. 630.12299-R01 0 v3.0	10 September 2019
D13677461	Environmental Incident Management Plan – SLR Consulting Australia P/L - Ref 630.12299-R01-v0.1	18 June 2019
D13677454	Flora and Fauna Assessment – Kleinfelder Australia P/L – Document No. NCA18R75053- v2.0	15 July 2019
D13677456	Report on Geotechnical Investigation - Cardno Ref. 82218109 v.1	17 August 2018
D1367744	Aboriginal Due Diligence Report – RPS Australia East P/L – 138556 -v1.1	14 January 2019
D14229848	Acid Sulphate Soils Management Plan – Cardno (NSW/ACT) P/L, Ref 82218109-003.1	6 October 2020



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- 1.2. Carry out all building works in accordance with the Building Code of Australia.
  - 1.3. Approval is granted for the development to be carried out in three stages in sequential order in accordance with the staging plan No. REP-002- E dated 30.07.20 prepared by ADW Johnson.

Landscaping is to be established as part of Stage 1 works prior to the release of the Occupation Certificate.

- 1.4. A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 1.6 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.

## 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 unless otherwise specified.
- 2.2 All Stages - 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.
- 2.3 Stage 1 -Submit a revised Landscape Plan for the batter plantings to Council's Ecologist for approval. The western and southern batters that adjoin native vegetation must be planted with native species representative of the Swamp Sclerophyll Forest Endangered Ecological Community located adjacent to the site, as listed in Appendix 2 of the "*Flora and Fauna Assessment- All Town Skips- 5 Mooramba Avenue, Tuggerah*", by Kleinfelder dated 15th July 2019. Exotic or invasive turf species are not to be used in batters adjoining native vegetation. Details of species selection, methodology, densities and scheduling must be included on the Plan.
- 2.4 Stage 1 - Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* pay to Council a total contribution amount of **\$31,298.58** that may require

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adjustment at the time of payment, in accordance with the Wyong District Development Contributions Plan with the applicable amounts as follows:

COBBS AREA 1/2/3 ROADS	\$ 3,011.78
TUGGERAH INDUSTRIAL STAGE 3 ROADS	\$ 28,286.80
<b>Total</b>	<b>\$ 31,298.58</b>

The contributions amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council on 1300 463 954 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or 49 Mann Street Gosford or on Council's website: [Development Contributions](#)

*'Section 7.11 contributions may be satisfied by the value of works as part of a "Works in Kind" agreement with Council. Works in kind to be carried out shall be agreed to by Council in writing prior to the payment of the contributions and issue of a construction certificate (related to the works in kind). All such agreements shall be in accordance with Council's policies.'*

- 2.5 Stage 1 - 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:

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- a) Construction of two (2) industrial/commercial vehicle access crossings including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing. A structural design to cater for anticipated loadings and detailing all concrete element must be provided. The design must consider the future upgrade of Mooramba Ave.
  - b) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
  - c) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve.
  - d) Removal of an existing street tree to accommodate upgraded driveway crossings.

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.

- 2.6 Stage 1 - 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.
- 2.7 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) Stages 1, 2 & 3 - Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
  - b) Stage 1 - Construction of a stormwater detention system catering for the ultimate design for the site. Design in accordance 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) Stage 1 - Construction of nutrient and pollution control measures (hydro-dynamic separation chamber) for the ultimate design for the site. A nutrient and pollution control report including an operation and maintenance plan must accompany the design

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- d) Stage 1 - Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility and nutrient and pollution control measures to the approved connection with Council's drainage system located in Mooramba Ave. A suitable device must be included to prevent floodwater backflowing into the internal system. The design must cater for the ultimate design for the site.
  - e) Stages 1, 2 & 3 - Construction of any 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.

- 2.8 Stages 1 & 2 - Design and construct all water and sewer work or works impacting on water and sewer assets to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Water Management Act Section 306 Letter of Requirements.

**Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

- 2.9 Stages 1, 2 and 3 - 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.
- 2.10 Stage 1 -Submit a dilapidation report to the Accredited Certifier and relevant adjoining property owners. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site. In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, submit evidence in writing demonstrating that all steps were taken to obtain access to the adjoining property(s).

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1 All conditions under this section must be met prior to the commencement of any works for each stage unless otherwise specified.
- 3.2 All Stages - No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

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- 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 All Stages - 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](http://www.centralcoast.nsw.gov.au)

3.4 All Stages - 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 All Stages - Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- diverting uncontaminated run-off around cleared or disturbed areas, and
- preventing the tracking of sediment by vehicles onto roads, and
- stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

3.6 All Stages - 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.

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**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.

- 3.7 All Stages - Prior to commencement of construction or site works, a Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication "Managing Urban Stormwater: Soils and Construction – Volume 1" (the Blue Book). Sediment control fencing must remain in place until such time as the site is landscaped or turf is established.

**Note:** 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.

- 3.8 Stage 1 - Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 3.9 Stages 1 and 2 - Engage a suitably qualified Ecologist to oversee the protection of the endangered ecological community and all *Melaleuca biconvexa* including the placement of a temporary fence and No Go signage along the edge of the development area prior to the commencement of any works. The ecologist must notify Council's Ecologist in writing of compliance with this condition.

No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced No-Go areas.

- 3.10 Stages 1, 2 and 3 - Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.11 Stages 1, 2 and 3 - Establish Tree Protection Zones (TPZ) around trees identified to be retained. The distance from retained trees to the boundary of the tree protection zones can be determined by the following extract from AS4970-2009: Protection of trees on development sites:  
"DETERMINING THE TPZ  
The radius of the TPZ is calculated for each tree by multiplying its DBH x 12.  
TPZ = DBH x 12  
DBH = trunk diameter measured at 1.4m above ground  
Radius is measured from the centre of the stem at ground level."

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Trees to be retained are to be protected by fencing and / or other accepted protection measures in accordance with *Australian Standard AS 4970-2009: Protection of Trees on Development Sites*. All required tree protection measures are to be maintained for the duration of construction works.

- 3.12 Stages 1, 2 and 3 - Where space does not permit fencing of the entire Tree Protection Zone, trunk armouring can be used and the ground is to be protected from compaction by rumble boards laid over a 100mm mulch layer. Trunk armour can consist of palings at least 1.5m high and spaced a minimum 100mm apart around each trunk. The palings are to be secured by wire around the outside of the palings (not nailed) in a way which does not harm the trees.
- 3.13 Stages 1, 2 and 3 - Protect street trees by installing protective fencing. Any street tree damaged during works must be immediately reported to Council, which may incur a compensation fee, rectifying and / or replaced with a tree of similar height and species at no cost to Council.
- 3.14 Stages 1, 2 and 3 - Implement the Water Quality Monitoring Program specified in the *"Water Cycle Management Plan & Wastewater Management Report Lot 90 DP 4008"*, by ADW Johnson, issue B dated 13th March 2020. Results and any corrective action recommended are to be reported to the property owner and Council's Ecologist after each monitoring event.
- 3.15 Stages 1, 2 and 3 - Implement the mitigation measures outlined in Section 4.1.3 and Section 5 of the *"Flora and Fauna Assessment- All Town Skips- 5 Mooramba Avenue, Tuggerah"*, by Kleinfelder dated 15th July 2019.

## 4. DURING WORKS

- 4.1 All conditions under this section must be met during works unless otherwise specified.
- 4.2 Stages 1, 2 & 3 - 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 All Stages - 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:



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- a) All excavation or disturbance of the area must stop immediately in that area, and
  - b) The Office of Environment and 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 All Stages - 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 All Stages - 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 All Stages - 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*. This condition only applies if no installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage).
- 4.7 All Stages - 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*.
- 4.8 All Stages - Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.9 All Stages - During construction works, all cut or fill is to be constructed in such a manner that surface water will not be permanently or temporarily diverted to adjoining land and so that natural drainage from adjoining land will not be obstructed or affected.
- 4.10 Stages 1, 2 & 3 - Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of any proposed services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.11 Stages 1, 2 & 3 - Maintain the temporary fence around the conservation area. The fence must be maintained for the duration of construction works.

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- 4.12 Stages 1, 2 & 3 - Implement the Water Quality Monitoring Program specified in the *"Water Cycle Management Plan & Wastewater Management Report Lot 90 DP 4008"*, by ADW Johnson, issue B dated 13th March 2020. Results and any corrective action recommended are to be reported to the property owner and Council's Ecologist after each monitoring event.
- 4.13 Stages 1, 2 & 3 - Implement the mitigation measures outlined in Section 4.1.3 and Section 5 of the *"Flora and Fauna Assessment- All Town Skips- 5 Mooramba Avenue, Tuggerah"*, by Kleinfelder dated 15th July 2019.
- 4.14 Stages 1, 2 & 3 - No storage of equipment or materials is permitted within the fenced Tree Protection Zones or No Go zones. No cement wasting or other pollutants must be allowed to enter the Tree Protection Zones or No Go zones. No roots are to be severed within an established Tree Protection Zone.
- 4.15 Stages 1, 2 & 3 - Damage to any part of a protected tree is to be reported to a certifying arborist for assessment and remediation.
- 4.16 Stages 1, and 2 - Carry out works in accordance with the approved Acid Sulfate Soils Management Plan.
- 4.17 Stages 1, 2 and 3 - Do not access the development site through the adjoining Council owned land unless approval for temporary access is obtained from Council as the Land Manager. A copy of the approval must be available for viewing on-site at all times during work.

## **5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE**

- 5.1 All conditions under this section must be met prior to the issue of any Occupation Certificate unless otherwise specified
- 5.2 Stage 1 - Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 5.3 Stages 1, 2 & 3 - Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3- *Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.4 Stage 1 - Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and

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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.

- 5.5 Stages 1 & 3 - 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.
- 5.6 Stages 1, 2 & 3 - Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.7 Stage 1 - Amend the Deposited Plan (DP) to:
- 1) 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:
    - 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.
  - 2) 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.

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- 5.8 Stages 1 & 2 - Obtain the Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Central Coast Council (North) as the Water Supply Authority, prior to issue of the Occupation Certificate. All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. 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 adopted fees and charges.
- 5.9 Stages 1, 2 and 3 - Prior to the issue of any Occupation Certificate a suitably qualified consultant who is currently practising in this field must provide the Principal Certifying Authority a "Compliance Certificate", which certifies that the design and installation of the stormwater treatment device has been successfully undertaken.
- 5.10 Stage 3 - Rectify to the satisfaction of Council any damage not shown in the dilapidation report submitted to Council before site works had commenced.
- 5.11 Stage 1 - To screen the northern side bin storage area, an attractive /decorative screening measure or fence shall be installed along the front half of the northern side boundary immediately adjoining the bin storage area (ie excluding the part of the boundary line that adjoins landscaping).
- 5.12 Stages 1, 2 and 3 - Provide the Principal Certifying Authority 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

- 6.1 The recommended mitigation measures specified in the Air quality Impact Assessment by SLR consulting must be complied with at all times.
- 6.2 For the purposes of preserving the amenity of neighbouring occupants and residents, hours of operation of the site is restricted to between:
- |                  |  |
|------------------|--|
| Monday – Friday: | 6:00am – 5:00pm (Materials Recovery Facility operations) |
|                  | 6:00am – 5:30pm (Staff and truck movements only)         |
| Saturday:        | 6:00am – 3:00pm (Materials Recovery Facility)            |
|                  | 6:00am – 4:00pm (Staff and truck movements only)         |
- No works on Sundays or Public Holidays.
- 6.3 The sorting of all wastes must be undertaken wholly within the enclosed shed

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- 6.4 All roles and responsibilities outlined in the Waste and Recycling Management Plan prepared by SLR consulting are to be complied with at all times.
  - 6.5 All recommended mitigation & monitoring measures specified in the ADW Johnson Pty Ltd: Water Cycle Management Plan & Wastewater Management Report are to be complied with at all times.
  - 6.6 Six months after the Occupation certificate has been issued a suitably qualified consultant who is currently practising in this field must provide Council with a "Compliance Certificate", which certifies that the stormwater treatment device is operating effectively and in accordance with the brands specifications and requirements.
  - 6.7 A monthly inspection and up to date log of the findings are required to be kept and undertaken for the approved stormwater separation device. Any maintenance or cleaning works undertaken on this device are also to be included in the log.
  - 6.8 All procedures outlined the Environmental Incident Management Plan prepared by SLR consulting are to be complied with at all times.
  - 6.9 The Waste Transfer Station must only accept and process dry and non-putrescible waste.
  - 6.10 All skip bins that contain waste and are not being sorted must be secured and covered.
  - 6.11 All sorted waste must be transported offsite within three days of processing.
  - 6.12 All waste generated on the premise shall be stored in a manner so that it does not pollute the environment.
  - 6.13 All waste generated on the premise shall be transport to a facility which is licensed to receive that material.
  - 6.14 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.
  - 6.15 Eleven (11) parking spaces are to be provided for the development in accordance with the plans. These are not to be used for external storage purposes but are to be available at all times for parking of vehicles.
  - 6.16 No sound amplification equipment, juke boxes or loudspeakers shall be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes (so as to be audible on adjoining public or private land)
  - 6.17 Loading and unloading of vehicles and the like to and from the premises must be carried out wholly within the site.

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- 6.18 The occupier shall take all necessary steps to ensure that no noise or other disturbance emanates from the premises which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood.
- 6.19 Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm.
- 6.20 Implement the Water Quality Monitoring Program specified in the "*Water Cycle Management Plan & Wastewater Management Report Lot 90 DP 4008*", by ADW Johnson, issue B dated 13th March 2020. Results and any corrective action recommended are to be reported to the property owner and Council's Ecologist after each monitoring event.
- 6.21 Implement the mitigation measures outlined in Section 4.1.3 and Section 5 of the "*Flora and Fauna Assessment- All Town Skips- 5 Mooramba Avenue, Tuggerah*", by Kleinfelder dated 15th July 2019.
- 6.22 Use external lighting that minimises overspill into retained vegetated areas. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.23 Erect and maintain screen fencing around any external bin storage areas which are visible external to the site.
- 6.24 Maintain the site landscaping for the life of the development.

## PENALTIES

- 1.5. 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.

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## 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
  - 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](http://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



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assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.