

## COUNCIL ASSESSMENT REPORT

### NORTHERN REGIONAL PLANNING PANEL

|   |   |
|---|---|
| <b>PANEL REFERENCE &amp; DA NUMBER</b>    | PPSNTH-151 (DA2022/0152)  |
| <b>PROPOSAL</b>                           | Resource Recovery Facility (processing up to 99,000 tonnes per annum of building demolition and solid organic materials)  |
| <b>ADDRESS</b>                            | Lot 2 DP 1058903 [255 Orchard Road, Mountain View NSW 2460]   |
| <b>APPLICANT</b>                          | State Road Quarry Products Pty Ltd  |
| <b>OWNER</b>                              | Markenzo Pty Ltd  |
| <b>DA LODGEMENT DATE</b>                  | 4 March 2022  |
| <b>APPLICATION TYPE</b>                   | Development Application – Integrated (NSW EPA) and Designated Development   |
| <b>REGIONALLY SIGNIFICANT CRITERIA</b>    | Section 2.19(1) and Clause 7(c) of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Particular designated development being waste management facilities or works that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45; a waste management facility that will process more than 30,000 tonnes per year of waste.   |
| <b>CIV</b>                                | \$1,040,913.75 (excluding GST)  |
| <b>CLAUSE 4.6 REQUESTS</b>                | NA  |
| <b>KEY SEPP/LEP</b>                       | <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resources and Energy) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>Clarence Valley Local Environmental Plan 2011;</i></li> <li>• <i>Rural Zones development Control Plan</i></li> </ul> |
| <b>TOTAL &amp; UNIQUE SUBMISSIONS KEY</b> | Four (4)  |

|  |            |  |
|--|------------|--|
| <b>ISSUES SUBMISSIONS</b>                            | <b>IN</b>  | <ul style="list-style-type: none"> <li>• MEG-GSNSW - The Proponent should ensure that no current or future extractive resources are sterilised by the proposal. MEG requests that the proponent be required to provide this annual production data for the extractive operations site as a condition of any new or amended development consent.</li> <li>• Noise generation</li> <li>• Traffic access onto Orchard Road and Summerland Way &amp; traffic control</li> <li>• Air Quality, air borne contaminants and dust</li> <li>• Vibration</li> <li>• Noise from cement recycling on site</li> </ul>  |
| <b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>         | <b>FOR</b> | <ul style="list-style-type: none"> <li>• Environmental Impact Statement</li> <li>• Secretary's Environmental Assessment Requirements (Sears)</li> <li>• Design Plans</li> <li>• List of Approvals and licences</li> <li>• Water Assessment Report</li> <li>• Traffic Impact Assessment</li> <li>• Air Quality Assessment</li> <li>• Noise &amp; Vibration Impact Assessment</li> <li>• Biodiversity Assessment Report</li> <li>• Aboriginal &amp; Historic Archaeological Impact Assessment Report</li> <li>• Geological and Contamination Assessment</li> <li>• Bushfire Hazard Assessment</li> <li>• Stakeholder Engagement Survey</li> <li>• Waste Management Report</li> <li>• Development Consent</li> <li>• Environmental Protection Licence</li> <li>• Environmental Protection Variation</li> <li>• Pollution Incident Response Management Plan</li> </ul> <p><u>Supplementary</u></p> <ul style="list-style-type: none"> <li>• InSitu Advisory Response 1/7/22 – Leachate Management System, Water Management System,</li> <li>• SECA Solution – Intersection Strategic Concept Design response to TfNSW24/6/2022</li> <li>• SECA Solution Response to TfNSW</li> <li>• Waves Consulting – Addendum Report #1 19/04/2022</li> </ul> |
| <b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b> |            | NA   |
| <b>RECOMMENDATION</b>                                |            | Approval   |
| <b>DRAFT CONDITIONS TO APPLICANT</b>                 |            | YES  |
| <b>SCHEDULED MEETING DATE</b>                        |            | 12 December 2022   |
| <b>PLAN VERSION</b>                                  |            | 5 December 2022 Version No. A  |
| <b>PREPARED BY</b>                                   |            | Pat Ridgway, Senior Development Planner  |

**EXECUTIVE SUMMARY**

DA2022/0152 was lodged on 4 March 2022 for a Resource Recovery Facility (RRF) processing up to 99,000 tonnes per annum of building demolition and solid organic materials.

The subject site is 1.9 kilometres north-west of the intersection between Orchard Road and Summerland Way in Mountain View on Lot 2 DP1058903. The proposed development site location is situated on the same lot as an existing quarry, known as 'Tucker's Quarry'. The quarry operates under a current Environmental Protection Licence of the NSW Environmental Protection Authority.

Access to the site is provided via Orchard Road and T-intersection with Summerland Way which is a State road under the control of Transport for NSW. The application has been referred to Transport for NSW to consider the adequacy of the intersection and to the NSW Environmental Protection Authority as Integrated Development. The NSW Environmental Protection Authority will be the authority that regulates the environmental compliance with an Environmental Protection Authority Licence.

Orchard Road is a local road and Council staff are recommending that the road be upgraded to meet the traffic impacts from the development and protect the amenity of residents that use the road. Transport for NSW has set design requirements that are to be met by the development to service the intersection with Summerland Way. The applicant will need to enter into a Works Authorisation Deed (WAD) in regard to the recommended intersection improvements.

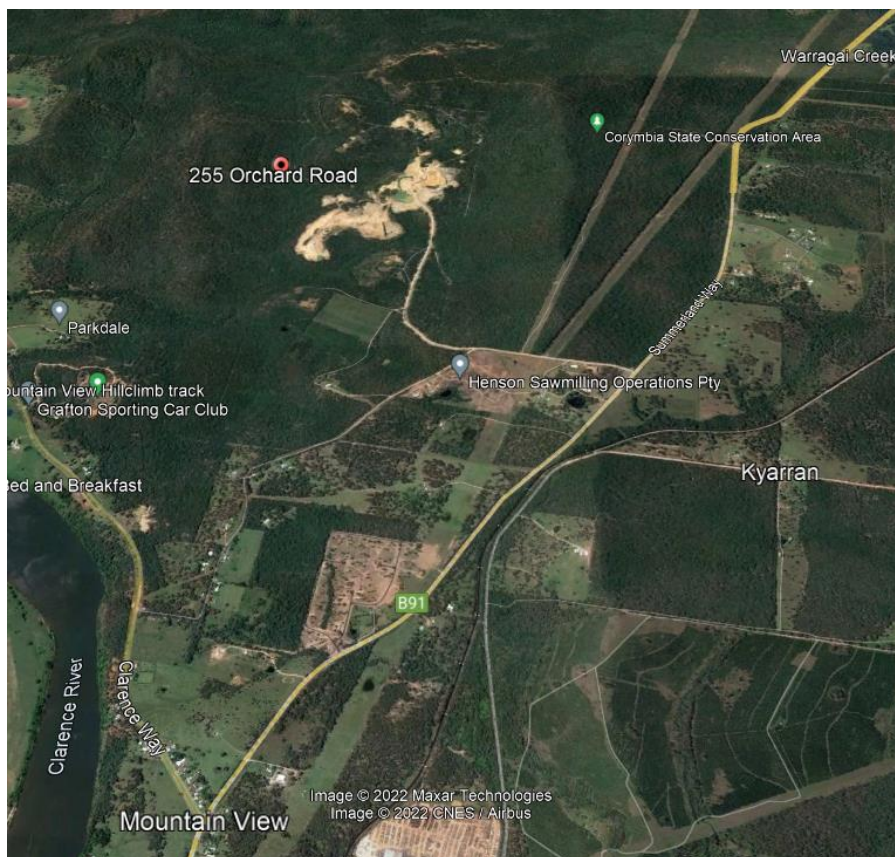
The proposal was notified in accordance with the Council's Community Participation Plan from 10 March 2022 until 8 April 2022. A total of 4 unique submissions were received, comprising 1 objection and 3 submissions raising concerns over noise generation, traffic access and control, air quality impacts and vibration impacts.

The EPA requested further information which was provided by the applicant and subsequently the EPA have issued their General Terms of Approval in a letter dated 25 August 2022 (Notice no. 1621829) subject to conditions, which are included in the draft conditions attached to this report.

The hours of operations are to be restricted to 7:00am to 6:00pm, Monday to Friday, and 8:00am to 1:00pm on Saturdays to preserve rural amenity. It is proposed that issues raised in the submissions can be suitably resolved through conditions of consent and through the Environmental Protection Licence requirements of the Environmental Protection Authority.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and having regard to the proposal, with the adoption of satisfactory environmental safeguards to mitigate land use conflict with the land uses the application is recommended for approval, subject to recommended conditions.

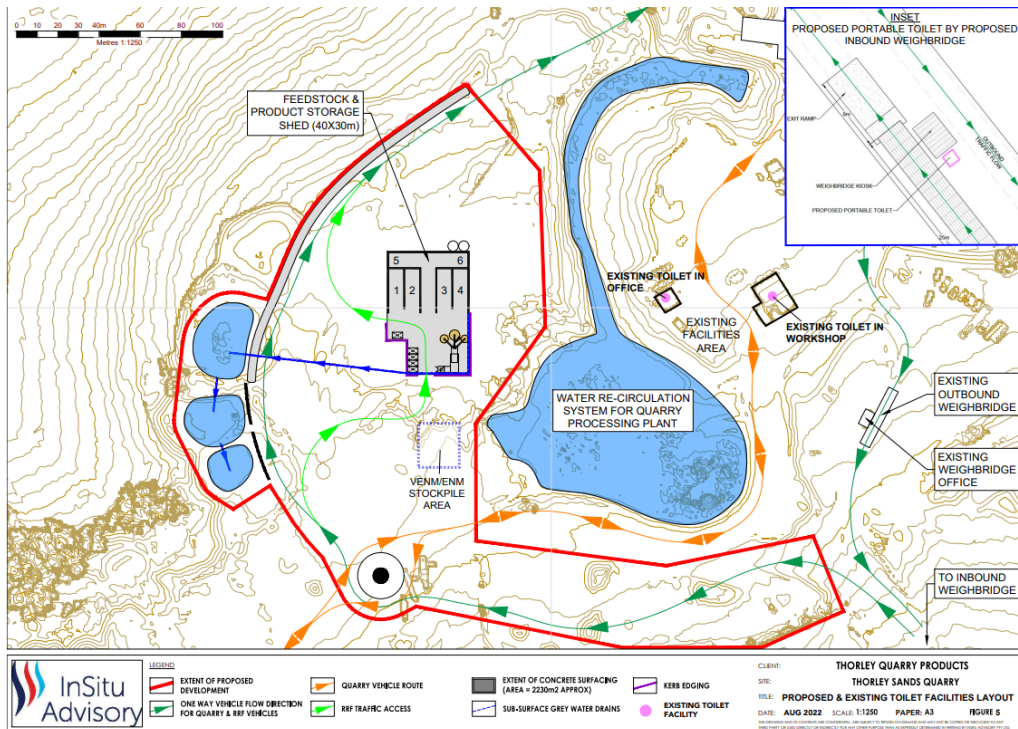
## 1.1 The Locality



**Figure 1 – Location Plan**



**Figure 2 – Aerial view**



**Figure 3- Site Plan**

## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

The applicant has submitted an Environmental Impact Statement (EIS) for the development proposal to establish a Resource Recovery Facility (RRF). The EIS addresses relevant details to describe the site and proposal, and to identify and assess the potential impacts and statutory requirements.

The RRF will accept up to 99,000 tonnes per annum and will process a waste stream comprised of construction and demolition (C&D) waste and soils to produce recycled materials for sale and re-use to commercial and public consumers. The EIS has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and Schedule 2 of the Environmental Planning and Assessment Regulation 2021. It addresses the Department of Planning and Environment Secretary's Environmental Assessment Requirements (SEARs) as issued on 12 March 2021 and referenced as SEAR ID 1541.

The overall scope of the proposal includes:

- Road network and site approach road suitability;
- New inbound weighbridge and kiosk;
- Traffic movement within the site boundary, including details of ongoing quarrying and product exporting operations;
- Traffic management system including a new roundabout, concise and visible signage for both construction and residential visitors, designated one-way traffic system;
- Quarantine area with elevated platform for inspection of unsuitable / unacceptable loads;
- Sealed/paved recyclables feedstock laydown area adjacent to the proposed RRF processing area;
- Processing area and workspace requirements;
- Covered processed recyclables stockpiling areas for export and onward sale/reuse;

- Segregated covered residual waste storage and load out bins;
- Covered feedstock & product storage shed (1,200m<sup>2</sup>);
- Concrete surfacing (2,230m<sup>2</sup> approx.) with appropriate grade to the east to allow for stormwater management/capture;
- Kerb edging around the concrete surface to retain run-off and to divert to catch pits, piped to the retention ponds;
- Vehicle soil run-off bund/barrier;
- Leachate management, including stormwater run-off collection ponds fed by subsurface piping;
- Shared amenities and office facilities for staff and visitors;
- Environmental controls including dust suppression, noise mitigation etc; and
- Existing outbound weighbridge.

The storage shed will be situated on the northern section of the concrete slab and will have six (6) concrete three-sided, push wall bays. The concrete push walls/dividers will be positioned to allow site plant access for storage/loading of the two rear bays. The sheds will be utilised to store both C&D feedstock entering the site and processed recycled stockpiles.

As described, the typical expected C&D waste stream and soils to be received at the RRF are Soils (VENM, ENM, CT1 etc) 60,000T; 'Heavy' C&D waste (brick and concrete etc) 25,000T; 'Light' C&D waste (timber, plastic, metals etc) 6,000T; and Residual waste 8,000T; Totalling 99,000 tonnes per annum.

Waste entering the site which cannot be recycled or recovered will bypass the majority of processing activities and be collected as residual waste during early processing. The residual waste will be collected, transported and disposed of at the Grafton Regional Landfill.

The applicant submits that the facility will divert valuable resources from general landfill.

Council's Coordinator of Council's Waste and Sustainability has provided the following comments:

*The fundamental goal of the 'Waste & Sustainability' section of Council is to recover resources from landfill.*

*The proposed development appears consistent with this goal however it should be noted that there will likely be significant impacts on the Grafton Regional Landfill.*

*The average quantity of building and demolition waste received at the Grafton Regional Landfill on an annual basis is as follows:*

- C & D waste 9,845 t pa (20% of all waste) - Net revenue \$1,302,296 does not include GST or waste levy
- Concrete 2,067 t pa Net revenue \$96,777 does not include GST or waste levy
- Soils 3149 t pa Net revenue \$147,436 does not include GST or waste levy
- Total: 15,061 t pa (33% of all waste)

*Concrete is crushed and used on the landfill for roads and tipping hardstands and is therefore a valuable resource for the landfill operation. Soil is utilised for cover. From the EIS it is estimated that approximately 8,000 t pa of residual waste from the proposed RRF will be disposed of at the Grafton Regional Landfill which will offset some of the waste that can be expected to be diverted from landfill to the RRF.*

*Provided the proposed development complies with all environmental standards the development should have a positive resource recovery outcome.*

**Table 1: Development Data**

| Control                     | Proposal   |
|-----------------------------|--|
| Site area                   | The proposed development site location is situated within the existing quarry footprint of approximately 35Ha. Lot 2 is 342.3ha in area. |
| GFA                         | ~4ha   |
| FSR<br>(retail/residential) | NA   |
| Clause 4.6 Requests         | No   |
| Max Height                  | 14m  |

The resource recovery operating area will be a half open system situated on a concrete surface with separate storage shed, processing area and unloading/loading area with selected operating equipment to accommodate the waste type entering the site. The open concrete pad will have a slight fall towards the sub-surface drains on the east. It will also have kerb edging around the open edges to channel runoff into the drains. Small sections of the concrete slab to the south will not have kerb edging to facilitate vehicles entering the processing area. The processing area will be located on the open concrete area to the south, while the storage shed will be located to the north.

The operation will separate materials by stockpiles when diverted from the conveyor belt, before being stored within the storage shed in individual bays. The unloading/loading area will be positioned near the RRF entrance and within proximity of the operating equipment. Covered bins will be located on the western edge to accommodate for residual waste and recyclables. Recyclables and residual waste covered skips/bins will be emptied (and replaced) by hook lift or similar trucks that will reverse up to the western edge of the bins, keeping off of the RRF concrete processing and trafficked area.

## 2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 16 September 2021 to discuss the proposal and Council's general requirements.

### Existing Quarry

The quarry is currently owned and operated by State Road Quarry Products (SRQP), a subsidiary of State Road Constructions Pty Ltd. SRQP seek approval for Resource Recovery Facility (RRF) at the site to run alongside the existing quarrying operation. The proposed RRF shall operate alongside an existing quarrying operation within the SRQP sand and sandstone quarry.

The proposed site has an active quarry that extracts ridge sand and gravel deposits to produce principally sand and some aggregate products whilst a hard rock quarry operation, through a process of crushing and screening, produces multiple sized rock products. Quarrying works are located within defined areas across the site, with current surface extraction concentrating on the southern end of the exposed sand and gravel deposits. The quarry was approved under Development Consent (DA16/95) issued by Copmanhurst Shire Council on 18 July 1995. The quarrying operation operates under a current Environment Protection Licence #20042 (the EPL). The EPL authorises the carrying out of scheduled Extractive Activities (to extract, process, or store) up to 100,000 to 500,000 tonnes annual capacity. Notwithstanding this, the

scale of the land-based extractive activity authorised under this licence must not exceed the maximum annual extraction limits specified in DA16/95, as amended.

The annual extraction limits for each quarry product are 182,000 tonnes per annum of Sandstone; 52,000 tonnes per annum of Gravel; 6,800 tonnes per annum Hard Rock; and 22,000 tonnes per annum of Sand. This is a total of 302,800 tonnes per year based on a density factor of 2.6 tonnes per cubic metre.

The quarry processing area includes a rock crusher, screens, conveyors and a sand washing plant, used to separate silt from the sand resource. Surface water management / tailings dams (from the sand washing process) are located within the centre of the operation and close to the eastern site boundary. The sand and gravel products are transported to local markets via an unsealed internal site haul road, onto Orchard Road and then Summerland Way. Summerland Way is a main arterial road that connects Grafton to regional areas in the north and is a state classified road.

The development application was lodged on 4 March 2022. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 2: Chronology of the DA**

| Date             | Event  |
|------------------|--|
| 4 March 2022     | Da lodged  |
| 10 March 2022    | Exhibition of the application for 28 days until 8 April 2022             |
| 11 March 2022    | DA referred to external agencies   |
| 8 April 2022     | EPA response and request for information – noise and vibration           |
| 11 April 2022    | TfNSW response and request for information – intersection design         |
| 13 April         | EPA response and request for information – water and leachate management |
| 20 July 2022     | Panel briefing   |
| 25 August 2022   | EPA General Terms of Approval  |
| 11 November 2022 | Applicant response to TfNSW - intersection design                        |

### 3. STATUTORY CONSIDERATIONS

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When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*

- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
  - (c) the suitability of the site for the development,
  - (d) any submissions made in accordance with this Act or the regulations,
  - (e) the public interest.

These matters are further considered below.

It is noted that the proposal is considered to be Integrated Development and Designated Development.

### 3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

#### (a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Clarence Valley Local Environmental Plan 2011

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable Environmental Planning Instruments**

| EPI  | Matters for Consideration<br>(Brief summary)   | Comply<br>(Y/N) |
|--|--|-----------------|
| State Environmental Planning Policy (Biodiversity & Conservation) 2021 | Chapter 3: Koala Habitat Protection 2020<br>Chapter 4: Koala Habitat Protection 2021 | Y<br>Y          |

|   |   |   |
|---|---|---|
| State Environmental Planning Policy (Planning Systems) 2021             | <b>Chapter 2: State and Regional Development</b><br>Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 7(c) of Schedule 6.   | Y |
| State Environmental Planning Policy (Primary Production) 2021           | <b>Chapter 2: Primary Production and rural development</b><br><b>Chapter 3: Central Coast Plateau Areas</b>   | Y |
| SEPP (Resilience & Hazards)   | <b>Chapter 4: Remediation of Land</b><br><b>Section 4.6</b> - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.   | Y |
| State Environmental Planning Policy (Resources and Energy) 2021         | <b>Chapter 2: Mining, petroleum production and extractive industries</b><br><b>Chapter 3: Extractive industries in Sydney Area</b>  | Y |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | <b>Chapter 2: Infrastructure</b><br><b>Section 2.121(4)</b> - Traffic-generating development<br><b>Clause 2.153</b> provides that a resource recovery facility may be carried out with consent on land in a "prescribed zone", the RU2 Rural Landscape zone is a prescribed zone. | Y |
| Proposed Instruments  | No compliance issues identified.  | N |
| LEP   | Clause 2.3 – Permissibility and zone objectives   | Y |
| DCP   | Rural Zones DCP   | Y |

Consideration of the relevant SEPPs is outlined below.

#### State Environmental Planning Policy (Planning System) 2021

State Environmental Planning Policy (Planning System) 2021 applies to the proposal as it identifies if development is regionally significant development. Section 2.19(1) and Clause 7(c) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* declares the proposal regionally significant development as: Particular designated development being waste management facilities or works that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45; 'a waste management facility that will process more than 30,000 tonnes per year of waste.'

Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

#### State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 3, clauses 3.1 to 3.9 applies to the proposal and were considered in the assessment. The proposed development is located within the RU2 Rural Landscape

The applicant provided an evaluation of the potential impacts for the proposed development site and is conducted as part of the ecological impact assessment which forms part of the Biodiversity Development Assessment Report. A test of significance under the Biodiversity Conservation Act 2016 and the Environmental Protection and Biodiversity Conservation Act 1990 (commonwealth) concludes that there will be no significant impact on threatened species or result in the extinction of a local population.

Council is satisfied that the site of the development does not constitute potential koala habitat, nor as a result, does it constitute core koala habitat. The proposal is consistent with this Policy.

#### State Environmental Planning Policy (Primary Production) 2021

The aims of this SEPP are to:

- identify and protect State significant agricultural lands and to determine whether development of such lands are compatible with agriculture uses and would result in a public benefit.
- Allow for circumstances under which emergency livestock activities can occur.
- Regulate sustainable aquaculture

The EIS provided information in relation to the SEPP and submits that the proposal would not impact on any additional land currently managed for agriculture and the proposal would not be incompatible with continued agricultural land use of the site.

Council is satisfied that the site of the development does not constitute State significant impacts on agricultural land, that the operation of the RRF will not limit or inhibit any existing or future agricultural operations on the adjacent lands and will not deny any significant public benefit in consenting to the proposed development. Having regard to the proposal, with the adoption of satisfactory environmental safeguards to mitigate land use conflict with the land uses and limitations on the hours of operation the proposal is considered consistent with the Policy, the application is recommended for approval.

#### State Environmental Planning Policy (Resilience and Hazards) 2021

Hazardous and Offensive Development Application Guidelines list waste industries as potentially offensive development. Hazardous and offensive industries, and potentially hazardous and offensive industries, relate to industries that, without the implementation of appropriate impact minimisation measures, would, or potentially would, pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. The quantities of dangerous goods proposed to be onsite do not trigger the thresholds listed in the Policy and, consequently, does not define the proposal as a 'potentially hazardous industry' or 'hazardous storage establishment'.

This SEPP requires that the consent authority is satisfied that the site is either suitable for the proposed use in its current state, or, can be made suitable after remediation. The site is located within the footprint of the existing quarry operations and the land has been significantly altered from its natural state, after carrying out the initial evaluation there is sufficient information demonstrating that the land is suitable for the proposed use in accordance with the Policy. No further investigation is required.

Having regard to the above it is considered that the site is suitable for the proposed development

#### State Environmental Planning Policy (Resources and Energy) 2021

Clause 2.17 requires the consent authority to consider whether or not the proposed extractive industry is compatibility with other land uses in the vicinity of the proposed development site.

Clause 2.19 applies to development applications for development on land that, immediately before the application determination, in the vicinity of an existing mine, petroleum production facility or extractive industry or identified as being the location of State or Regionally significant resources of minerals, petroleum or extractive materials or identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.

Clause 2.20 requires the consent authority to consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including impacts on surface and groundwater resources, impacts on threatened species and biodiversity and the minimisation of greenhouse gases.

Clause 2.21 requires the consent authority to consider the efficiency of the development in terms of resource recovery and whether or not the consent should be issued subject to conditions aimed at optimizing the efficiency of resource recovery and the reuse or recycling of material. This clause also allows the consent authority to refuse to give consent if it is not satisfied that the development will be carried out in such a way as to optimize the efficient recovery of extractive materials and to minimise the creation of waste in association with the extraction process.

Clause 2.22 requires the consent authority to consider whether or not the consent should be issued subject to conditions that require that some or all of the transport of materials in connection with the development is not to be by public roads, that limits or preclude truck movements that occur on roads in residential areas or near schools and that a code of conduct relating to transport of materials on public roads be prepared and implemented.

Clause 2.23 requires the consent authority to consider whether or not the consent should be issued subject to conditions to ensure rehabilitation of land. In particular, whether conditions that require the preparation of a rehabilitation plan, that ensure waste generated at the site is dealt with appropriately, that require any soil contamination resulting from the development be remediated in accordance with the relevant guidelines and to require steps to be taken to ensure that the state of the land during rehabilitation and at the completion of rehabilitation, is not jeopardizing public safety.

While this development does not seek to amend the existing quarry operations on the site the application was referred to NSW Department of Regional NSW – Mining, Exploration & Geoscience (MEG). MEG raised no concerns or issues to raise with the proposed Resource Recovery Facility and supports the recycling of C&D material and soil and the re-purposing of part of the quarry site for the facility and advised that the Proponent should ensure that no current or future extractive resources are sterilised by the proposal.

With the implementation of the proposed mitigation and management measures, it is considered that the proposed development impacts can be suitably managed. Management and mitigation measures for each of the elements comprising a potential social impact (eg. Noise, traffic, visual amenity and air quality) have been addressed in their relevant sections of the EIS.

The application has been referred to Transport for NSW for consideration. A draft condition in regard to the rehabilitation of the site following its cessation is proposed

## State Environmental Planning Policy (Transport and Infrastructure) 2021

The application was referred to Transport for NSW seeking comment in accordance with Section 2.121 and Schedule 3 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

TfNSW provided comments for Council to consider in its determination of the matter. These were referred to the applicant with a request for a response to the matters raised. Council's Development Engineer has provided an assessment and comments included below.

The main road through the locality is Summerland Way which provides a major road connection in the area linking Grafton to the south and Casino to the north. In the vicinity of the subject site the Summerland Way operates under the posted speed limit of 100 km/hr and provides a single lane of travel in both directions.

Orchard Road connects with Summerland Way via a simple T-intersection, with Summerland Way being the priority road. Orchard Road is a local road, providing a short length of sealed road at its connection with Summerland Way and then the balance of the road is an unsealed gravel road. It allows for 2-way traffic movements and connects through to Clarence Way. It provides access to the subject site, the Henson Sawmilling operations site and less than 10 rural residential dwellings. Whilst it provides for through traffic movements, it carries very low traffic flows and does not encourage through use by local traffic. The intersection of Summerland Way and Orchard Road is a simple give way controlled intersection.



*Photo 1 – view to left for a driver exiting Orchard Road onto Summerland Way.*

### **Figure 4 – intersection photograph**

The project site area will allow all vehicles to enter and exit the site in a forward direction. The site currently operates as a quarry and allows for the circulation of large trucks across the site. The internal traffic movements and operations are controlled with a specific on-site management plan which includes a Drivers Code of Conduct for internal and external traffic movements. Existing access arrangements will be utilised.

No external stormwater infrastructure/controls are required for the development. The submitted Rhelm report details the proposed internal sediment basins, stormwater quality monitoring requirements and proposed stormwater infrastructure to convey flows, based on DRAINS and MUSIC models for the site. The proposed stormwater controls are designed to the 100 AEP event, and state compliance with NRDC engineering standards.

The received referral from TfNSW states that a revised Traffic Impact Assessment (TIA) would be required to demonstrate sufficient capacity of the Orchard Rd/Summerland Way intersection in accordance with Austroads warrants for turn treatments. The applicant's response, provided by SECA Solution addresses the items raised and nominates 'the potential to extend the sealed portion of Orchard Road as part of this project.'

**Orchard Road Upgrade Requirements** – The existing intersection of the Orchard Rd/Summerland Way is sealed to approximately 50m west along Orchard Road. This length is not effective in removing sediment from exiting vehicles, resulting in material being tracked onto Summerland Way. This can present as a safety hazard during wet weather, both for decelerating vehicles exiting Orchard Road and through traffic along Summerland Way.

Following a site inspection and consultation with Civil Services, the sealed pavement on Orchard Road is to be extended approximately 180m, from the existing seal on the intersection approach to the crest of the hill at the frontage of Lot 431 DP 830174. Any necessary swale drainage works along the northern side of the road shall also be upgraded to improve localized stormwater flows. These works will require a Public Works Certificate and shall be completed prior to the issue of an Occupation Certificate. Any works within the Summerland Way corridor will require a Works Authorisation Deed (WAD) with TfNSW.

**Orchard Road/Summerland Way Intersection Upgrade Requirements-** TfNSW require intersection upgrade works under a WAD. Evidence that a WAD has been entered will be required prior to issue of the Building Construction Certificate and shall be completed prior to issue of the Occupation Certificate.

#### Clarence Valley Local Environmental Plan 2011

The site is located within the RU2 Rural Landscape zone pursuant to Clause 2.3 of the Clarence Valley Local Environmental Plan 2011. Water or resource management facilities are permitted with consent within the RU2 zone being in a prescribed zone under Clause 2.152 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

The objectives of the zone are:

To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide land for less intensive agricultural production.
- To prevent dispersed rural settlement.
- To minimise conflict between land uses within the zone and with adjoining zones.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To ensure development is not adversely impacted by environmental hazards.

The proposed use does not impact on primary industry production, does not detract from the rural landscape in regard to existing approved uses on the land, does not increase the demand for public services or facilities and does not prevent the establishment of compatible land uses. Adverse impacts in regard to noise, dust and water quality will be subject to an environmental

protection licence and maintained to comply with industry standards. Consequently, the use is not inconsistent with the zone objectives.

Draft conditions of consent are proposed to mitigate the potential adverse impacts of the development.

## 7.2 - Earthworks

The existing quarry operates in accordance with the Environment Protection Licence issued by the EPA, with additional measures to be implemented with the RRF. The likely impacts on watercourses, drinking water catchments and environmental sensitive areas are minimal and can be adequately managed and or mitigated.

### **(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no relevant proposed instruments subject of public consultation under the EP&A Act, to the proposal

### **(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

#### Rural Zones Development Control Plan

There are no specific requirements for RRF under the Rural Zones DCP. The proposed development is not inconsistent with the objectives of the plan. Draft conditions of consent and Environmental Protection Licence requirements will mitigate impacts from erosion and sediment and water quality impacts.

Clarence Valley Council Contributions Plan 2011

This Contributions Plan has been considered and included the recommended draft consent conditions for S.7.12 contributions based on the value of the proposal.

### **(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

NA

### **(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. There are no matters being relevant to the proposal.

## **3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality have been considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The site has a current development approval for an extractive industry and the environmental impacts on the additional area has to be used been assessed as having minimal environmental impact. Suitable measures to protect the environment will be required. The adjoining lands that are of higher ecological significance will be protected from ongoing operation requirements through on-site management practices. The site is located in close

proximity to a major road, being Summerland Way and associated potential markets. There are no unreasonable conflicts with surrounding land uses anticipated to that already approved.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the context of the site and surrounds, in that the RRF will be located on a disturbed site, on an approved quarry site and there is an existing sawmill in close proximity.
- Access and traffic – has been discussed in this report and upgrades to the road network will be required.
- Water/air/soils impacts and contamination have been considered in the assessment.
- Flora and fauna impacts - The significance of the impact of the proposal on these BC Act listed species was assessed. The area surrounding the subject site is either known habitat or a priority management area for several of these species. Given the lack of future vegetation clearing, the absence of habitat trees, and that none of these species have been previously recorded within the subject site and were not identified during the site survey, it is unlikely that the proposal will have any significant impact on these threatened species or result in the extinction of a local population.
- Noise and vibration – The assessment under the EIS investigated the worst-case noise emissions associated with the construction and operation of the proposed development. The assessment has demonstrated that the predicted noise emissions from the site to the surrounding environment are low.
- Natural hazards – The site is mapped as being bushfire prone land and the development will meet the requirements of the NSW Rural Fire Service.
- Safety, security and crime prevention – The site is secured by a gate and there will be no access for the general public. Adequate security measures are in place.
- Social impact – The site is already impacted by the operation of the quarry. The proposal will not significantly increase the current social impacts on the surrounding lands.  
Economic impact – Operation of the proposed facility in accordance with the proposed management plans and mitigation measures. Employment of local workforce, trades and service personnel. Support of other local businesses.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

- The proposed location is considered to be suitable. The facility will join to the existing road network and improvements to service the development will be required. It is unlikely that the proposal will be impacted by any environmental hazards nor will have any significant impact on these threatened species or result in the extinction of a local population.

### **3.4 Section 4.15(1)(d) - Public Submissions**

From the exhibition of the application four (4) submissions were received. These submissions are considered in Section 5 of this report.

Concern has been raised by the in regard to noise, traffic, vibration and air quality impacts. The traffic impacts have been discussed above and the sealing of Orchard Road for 180m will be required as well as an improvement to the intersection design. Noise, vibration and air quality impacts have been assessed under detailed reports in line with the Environmental Protection Authority's requirements. The facility will be monitored under an Environmental

Protection Licence which place stringent controls on how the development will be managed at the construction phase and into the future.

### 3.5 Section 4.15(1)(e) - Public interest

The proposed development complies on planning grounds with the relevant legislation and local Council policies ensuring that the public interest is maintained and any potential impacts from the development can be minimised through the imposition of the recommended conditions of consent.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment and concurrence as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 4: Concurrence and Referrals to agencies**

| Agency   | Concurrence/<br>referral trigger            | Comments<br>(Issue, resolution, conditions) | Resolved |
|--|---|---|----------|
| <b>Referral/Consultation Agencies</b>  |   |   |          |
| Department Planning and Environment  | Notified – Designated Development           | Comments provided                           | Y        |
| Transport for NSW  | Impact on Classified Road                   | Recommendations provided                    | Y        |
| Department of Regional NSW – Mining, Exploration & Geoscience (MEG) – Geological Survey of NSW     | Existing quarry on site                     | Recommendations provided                    | Y        |
| <b>Integrated Development (S 4.46 of the EP&amp;A Act) (if none – N/A – to show consideration)</b> |   |   |          |
| Environmental Protection Authority   | Integrated Development – Scheduled Activity | General Terms of Approval Provided          | Y        |

### 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 5: Consideration of Council Referrals**

| Officer     | Comments   | Resolved |
|-------------|--|----------|
| Engineering | Traffic and stormwater impacts – to be completed | Y        |
| Building    | Conditions provided                              | Y        |
| Waste       | Comments provided                                | Y        |
| Environment | Comments provided                                | Y        |

## 5. KEY ISSUES

The Key issues have been addressed in the report being traffic, noise, vibration and air quality.

The traffic impacts have been discussed above and the sealing of a section of Orchard Road that services the development will be required as well as an improvement to the intersection design. Noise, vibration and air quality impacts have been assessed under detailed reports in line with the Environmental Protection Authority's requirements. The facility will be monitored under an Environmental Protection Licence which place stringent controls on how the development will be managed at the construction phase and into the future.

The potential for dust, noise and vibration to impact on adjoining properties is an important consideration given the extent of demolition proposed and the demolition methods likely to be utilised. The application was accompanied by a Noise and Vibration which considered this issue.

Council has considered this report and following a detailed assessment by the Environment Protection Authority (EPA). Amendments as requested by the EPA are addressed in the EPA General Terms of Approval recommended conditions of consent, which is supported.

## 6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the environmental impacts as outlined in this report can be satisfactorily addressed through the recommended draft conditions at **Attachment A**.

## 7. RECOMMENDATION

That the Development Application PPSNTH-151 (DA2022/0152) for a Resource Recovery Facility at 255 Orchard Road Mountain View NSW 2460 be approved pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent/reasons for refusal
- Attachment B: General Terms of Approval from the Environment Protection Authority
- Attachment C: Architectural Plans

### Attachment A Draft schedule of Advices and Conditions

## Definitions

**NRDC** the current civil engineering standards in accordance with the relevant parts of the following guidelines

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)
- e Clarence Valley Council 'MUSIC' Guidelines (Draft)

AUS-SPEC documents can be obtained from a link under the 'Planning & Building' section of the Clarence Valley Council webpage.

For 'MUSIC' guidelines and policy documents contact Council's development engineer.

**WSUD** means Water Sensitive Urban Design

Clarence Valley Council Development Control Plans include Sustainable Water Controls which identify the measures required in the various land use zones. Council endorses the Queensland 'Water By Design - Healthy Waterways' reference and technical guidelines for the design and construction of WSUD drainage systems.

The **WSUD** documents may be accessed via the 'Water-By-Design' web-site.

### **Civil Works may include -**

- a Earthworks
- b Roadworks (including car parking and/or driveways)
- c Flood, Drainage works including **WSUD**
- d Structures

### **Code MDef05**

**TfNSW** means Transport for New South Wales

**WAD** means Works Authorisation Deed, an agreement with **TfNSW** for works to be carried out on roads managed by **TfNSW**.

**TCP** means Traffic Control Plan in accordance with the **TfNSW** 'Traffic Control at Worksites' Technical Manual.

**NorBE** means the control and mitigation of developed stormwater quality and flow-rate

quantity to achieve a neutral or beneficial outcome for post-development conditions when compared to pre-development conditions, in accordance with **NRDC**.

**PWC** means Public Works Certificate and includes Section 138 approval under the *Roads Act 1993* and Section 68 approval under the *Local Government Act 1993*.

### Advices

1. Council does not support the use of portable toilets for onsite wastewater management. Suggest installing an onsite wastewater management system at the inbound weighbridge or upgrade the existing onsite wastewater management system at the office or workshop to cater for additional load.
2. A **WAD** is required for the Summerland Way/Orchard Road intersection upgrade works and a **PWC** is required for pavement upgrade works to Orchard Road.
3. No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a has been issued by Council/TfNSW and/or accredited private certifier.

A private certifier who issues a **PWC** must forward a copy of the Certificate along with a copy of the approved plans to Council two days before work commences on the development.

4. Any activity to be carried out on any part of the road reservation requires the prior approval of Council/TfNSW under the NSW Roads Act 1993.
5. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.
6. The Earthworks Management Plan must include an initial site inspection report. This report should include:
  - a Inspection and verification of an appropriate preparation of the foundation for placement of fill, including the provision of surface drainage arrangements and a geotechnical assessment of factors that can influence the site. This is to be provided by a competent Geotechnical Authority.
  - b Certification that the land created by the development will be suitable for its intended purpose (e.g. residential, commercial or industrial buildings) including any parts of the land that will be left in its natural state or modified by the development.

- c Identify any problem areas on or adjacent to the development land (e.g. potential land slip areas, hanging swamps, very high water tables, salt affected land, highly eroded sites etc) and advise if engineering solutions, acceptable to Council, are available to enable structures to be built on the affected parts of the land.

Where relevant to the project, the following will also be required

- a Details on the selection of fill type(s), the source/s of the fill, including suitability for the intended use, its appropriate handling, placement and compaction, and the area of the development to be filled including depth to be filled. Fill imported to the site must be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997.
- b Any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of each fill type.
- c Measures proposed to prevent adverse impact to adjoining properties and to local drainage. Provision is to be made for the mitigation of and free passage of surface stormwater away from affected sites. These measures are to be acceptable to Council.
- d The acid sulfate status of the development land. Where the development is subject to acid sulfate soils, the appropriate treatment of the works shall be detailed in accordance with Council and the NSW Acid Sulfate Soil Management Advisory Committee requirements

The Earthworks Management Plan must :

- a Include details of how the works will comply with the Protection of the Environment Operations Act 1997.
- b Provide a concept for the full site as a minimum with details of the earthworks for a particular stage lodged with the construction certificate application for that stage.
- c Compatible with the works plans and the approved Stormwater Management Plan.

The following information will be required for earthworks undertaken:

- a Details of geotechnical laboratory and in situ (principally dry density assessment) testing for each fill type and specified volume of placed fill including records of the date and time of all testing, the source of material tested in the laboratory, and the spatial distribution and reduced level of in situ tests. The latter must be correlated with results from the laboratory testing of similar material.
- b Recorded dates of placement and survey data recording the aerial extent of fill and the reduced level prior to construction and at completion.
- c Certification of the completed earthworks (including cut, fill, earth retaining structures as far as the geotechnical aspects) that the work is suitable for the

intended use.

- d Certification that excavated materials have been reused or disposed of in accordance with the Protection of the Environment Operations Act 1997 and copies of receipts for disposal where relevant.

Should there be any change in the source of fill material from that previously approved for the development, the Principal Certifying Authority must be notified and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report to include any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of fill type. The Earthworks Management Plan to be amended accordingly.

### Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following plan(s) as amended in red, or where modified by any conditions of this consent.

| Plan  | Drawn by        | Dated     | Sheets        |
|-------|-----------------|-----------|---------------|
| Plans | InSitu Advisory | 15.7.2021 | Figures 1 -14 |

2. Compliance with the conditions and advice of the NSW Environmental Protection Authority as contained in the General Terms of Approval, dated 25/8/2022, (Notice No. 1621829) consisting of 13 pages at all times.

Prior to the commencement of site operations, an Environmental Protection Licence shall be obtained from the EPA.

3. Payment to Council of the contributions pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Clarence Valley Contributions Plan 2011:

|             |                      |
|-------------|----------------------|
| \$10,409.14 | GL S94ACVCOthResAcco |
|-------------|----------------------|

This amount is based on the following calculation

Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01

- b The value of development stated in the application was \$1,040,913.75

4. The facility is to operate in accordance with an approved Driver Code of Conduct and submitted to Council for approval prior to the commencement of operation of the facility. The Code of Conduct is to be reviewed on an annual basis.

5. All trucks carrying products to and from the site shall ensure their loads are fully covered by a suitable material to prevent spillage or dust falling from the truck.

6. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
7. The developer must design and construct all civil works, in accordance with **NRDC** and the approved Public Works Certificate. Civil construction works must be supervised by a suitably qualified and experienced engineer or registered surveyor who must certify the completed works prior to the release of the Occupation Certificate. The Council will hold a bond in accordance with Council's fees and charges for constructed public infrastructure works until such time as Council accept the works 'Off Maintenance'.
7. A **TCP** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the **TfNSW** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
8. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
  - a Stating that unauthorised entry to the work site is prohibited;
  - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
  - c Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign is to be removed when the work has been completed.

9. For any part of the site that comes under the jurisdiction of another Government department, a Controlled Activity approval (or similar approval) may be required. Any such approval must be obtained and provided to Council prior to issue of the Public Works Certificate.
10. The existing sealed pavement of Orchard Road shall be extended west, approximately in line with the crest at the frontage of Lot 431 DP 830174. Any necessary upgrades or reshaping of the roadside drainage in this area shall also be completed to protect the pavement from water ingress.

These works are to be completed under a Public Works Certificate and accepted by Council prior to the issue of the Occupation Certificate.

11. Preliminary road pavement design, in accordance with **NRDC**, must be submitted to Council as part of the Public Works Certificate approval. Final pavement design will

be subject to in-situ CBR tests. Bitumen spray-seal surfacing must be a 2 coat seal 14 mm / 7 mm. Details of the bitumen spray-seal designs are to be submitted to Council for approval prior to sealing.

40mm Asphaltic Concrete pavement, Stabilised pavement and concrete road pavement suitable for the intended design loadings may be used subject to submission of alternative designs for the approval of Council.

12. Prior to the release of a **Building Construction Certificate** for any stage, evidence is to be provided that a **WAD** has been entered into with **TfNSW**.
13. Evidence of Practical Completion as required by works associated with the **WAD** shall be provided to Council prior to issue of the **Occupation Certificate**.
14. All stormwater falling on the property is to be collected within the property and discharged in accordance with the Rhelm Water Assessment Report RR-01-1519-02, relevant parts of the applicable Clarence Valley Council Development Control Plans and **NRDC**.
15. In accordance with **NRDC** and prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all works subject to the Public Works Certificate approval.

Certification is to be provided by the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.

16. Prior to release of the Occupation Certificate, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development

All work is subject to a maintenance period of six (6) months from the date of Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended due to material or construction work compliance reasons or should the application for a Subdivision Certificate be delayed beyond the maintenance period. The maintenance period and bond amounts for WSUD components must be in accordance with the Council approved stormwater management plan.

All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons or if a Subdivision Certificate approval is delayed beyond the maintenance period.

At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with **NRDC**.

Where constructed works to become public infrastructure have been controlled by private certifier Council must attend the 'Off Maintenance' inspection. The documentation, compliance and performance of the constructed works must be in accordance with **NRDC** for Council to accept responsibility for the infrastructure.

17. Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council or accredited private certifier for assessment and approval prior to the issue of a Public Works Certificate.

The Earthworks Management Plan is to be prepared in accordance with Council's guidelines. The guidelines are listed in the Advices section of this Notice.

18. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an occupation certificate is issued or the development is accepted 'Off Maintenance'.
19. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
20. During dry weather, standard dust suppressions methods are to be used as often as it necessary to ensure that adjoining properties are not adversely affected by undue dust.
21. **Working/Construction Hours and Operational Hours** shall be limited to the following:

**7.00 am to 6.00 pm Monday to Friday**

**8.00 am to 1.00 pm Saturdays**

**No work permitted on Sundays and public holidays**

The builder and operator is responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

22. **Site Safety Management Building** equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.

23. All excavations and back filling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.
24. Adjoining Building Work - A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:
- a Preserve and protect the building from damage; and
  - b If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

The person who causes this excavation must, at least seven (7) days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to this owner of the proposed work. (Note: An adjoining allotment of land includes a public road and any other public place. A building includes a fence).

25. Toilet Facilities - are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
- a A standard flushing toilet, connected to a public sewer, or
  - b An approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

26. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- a Stating that unauthorised entry to the work site is prohibited, and
  - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
  - c Showing the name, address and telephone number of the principal certifying authority for the work, and

Any such sign is to be removed when the work has been completed.

27. Attention is directed to the NSW Heritage Act 1977 and the provisions in relation to the exposure of relics.
- a If a relic is suspected or there are reasonable grounds to suspect a relic in the ground, that is likely to be disturbed, damaged or destroyed by excavation; and/or,
  - b Any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation; those responsible for the discovery must notify nominated personnel who will in turn notify the Heritage Council of NSW or its delegate the Office of Environment and Heritage and Heritage NSW Heritage Branch and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied. (ss 139,146).

28. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the development application.

29. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.

The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.

30. **Mandatory Inspections** The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable mandatory inspections to be performed at the appropriate time:
31. No washing of vehicles or mechanical parts is to be carried out on site. The installation of a wash bay, parts washing station, or truck wheel wash bay will require consent f