

AMENDED ITEM



Item No: 2.2
Title: DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13580277

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Report Purpose

A development application has been received for part demolition of an existing shed awning, additions to existing shed, and use of part of the land for log processing works on Lot 2 DP 852821, No. 62 Lillicrapps Road, Mangrove Mountain.

The development application is required to be reported to Council for the following reasons:

1. The application has been called to Council by Mayor Smith and Councillor Greenaway; and
2. In accordance with Council's adopted *Policy for Determining Development Applications subject to Significant Public Objections* any application receiving 15 or more submissions is to be reported to Council. The application received 15 submissions including 1 petition of 16 signatures objecting to the proposal.

The development application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Timber with Veins Pty Ltd
Owner	Majic Property Custodian Pty Ltd
Application No	DA 54377/2018
Description of Land	Lot 2 DP 852821, 62 Lillicrapps Road, Mangrove Mountain
Proposed Development	Part demolition of an existing shed awning, additions to existing shed, and use of part of the land for log processing works
Site Area	2.81 hectares
Zoning	RU1 Primary Production
Existing Use	Dwelling house.
Employment Generation	Yes
Estimated Value	\$50,000

Recommendation

- 1 That Council grant a time limited consent for 18months subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.**
- 2 That Council advise those who made written submissions of its decision.**

Precis:

Proposed Development	Part demolition of an existing shed awning, additions to existing shed, and use of part of the land for log processing works.
Permissibility and Zoning	The subject site is zoned RU1 Primary Production under the provisions of <i>Gosford Local Environmental Plan 2014</i> . The proposed works to the existing shed and use of part of the land for log processing works is permissible in the zone with the consent of the Council.
Relevant Planning Legislation Instruments and Controls	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i> • <i>Environmental Planning and Assessment Regulations 2000 (EP&A Regulations)</i> • <i>Local Government Act 1993 (LGA)</i> • <i>Biodiversity Conservation Act 2016 (BC Act)</i> • <i>Environment Protection and Biodiversity Conservation Act 1999 (EP&BC Act)</i> • <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017 (Biodiversity Conservation Regulation)</i> • <i>Rural Fires Act 1997 (RF Act 1997)</i> • <i>Water Management Act 2000 (Water Management Act)</i> • <i>Water Act 1912 (Water Act)</i> • <i>State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)</i> • <i>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</i> • <i>Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (SREP 8)</i> • <i>Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997) (SREP 20)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Gosford Development Control Plan 2013 (GDGP 2013)</i> • <i>Central Coast Regional Plan 2036 (CCRP)</i>

Current Use	Dwelling house.
Integrated Development	No
Submissions	15 submissions (including 1 petition with 16 signatures)

Variations to Policies

Nil

Background

The application seeks to make various alterations to an existing shed (remove part of an awning and minor additions) in order to establish a timber milling business which processes recycled timber power poles. In summary, power poles which have been removed from use in the electricity network are proposed to be brought to the site, sawn and trimmed for re-sale for the purposes such as agricultural fencing material and for the manufacture of recycled timber products. It is noted that the owner commenced such a use without prior development consent and has ceased all activities on the site. A summary of events is provided below:

Council received a number of complaints on 23 February 2018 relating to the importation of waste products (timber power poles) to the site and noise from processing of the poles from a sawmill operating on the subject site. Council's Compliance and Environmental Health Officers investigated the complaint and issued a letter regarding alleged noise pollution on 27 March 2018.

Following this, on 4 April 2018, Council's Compliance and Environmental Health Officers met the owner on site and discussed concerns in relation to the operation of a sawmill without consent, storage of timber on site, and noise impacts on neighbouring properties.

A direction to take preventative action was issued by Council's Compliance and Environmental Health Officers on 19 July 2018. This direction highlighted a number of issues that related to the operation of the site for log processing works, and noted that the subject development application (DA54377/2018) was lodged and under assessment by Council staff, however it was reasonably suspected that the subject land is being used as a waste facility as defined in the *Protection of the Environment Operations Act 1997* ("the Act"), that the subject land does not have consent from Council to operate as a waste facility, and that the activities at the subject land are being undertaken in an environmental unsatisfactory manner as defined in the Act.

As such, the applicant was issued with a series of directions to cease receiving waste timbers on site, to cease processing timbers on site, to install temporary sediment and erosion controls on site, and to remove all processed waste timber offcuts and sawdust to a site that can lawfully receive it OR store within an area/container that provides adequate cover during wet weather.

The Site

The site is commonly known as No. 62 Lillicrapps Road, Mangrove Mountain and is legally known as Lot 2 in Deposited Plan No 852821. The total area of the land holding is 28,100 m² (2.81 hectares). (refer figure 1).

The site is located 500 metres east of the intersection of Lillicrapps Road and Wisemans Ferry Road and has a frontage of 156m to Lillicrapps Road to the north. The remaining boundaries measure 202m along the eastern boundary, 131m along the southern boundary, and 205m along the western boundary. There is a maximum fall of 14.81m across the site when measured from the eastern to western boundary.

Currently, the site contains a single residential dwelling with pool, and the detached machinery shed that is the subject of this application. At the time of reporting, several timber stockpiles (old power poles) are located on site adjacent to the shed.

There is a watercourse known as Ironbark Creek running along the entire western boundary (200m). A small dam/weir is located toward the northern boundary of the subject site and used by multiple land holders for watering purposes. Ironbark Creek is lined with vegetation mapped as E25 – Hawkesbury Peppermint Apple Forest.



Figure 1 - Aerial photograph of the site 62 Lillicrapps Road, Mangrove Mountain

The subject site is zoned RU1 Primary Production under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014), (refer to Figure 2).



Figure 2 - Zoning of the site (edged in black) and adjoining properties

Surrounding Development

The subject site is surrounded by rural properties, with a variety of agri-business activities, including poultry farming, orchards and open pasture/grazing land (refer to figure 3).

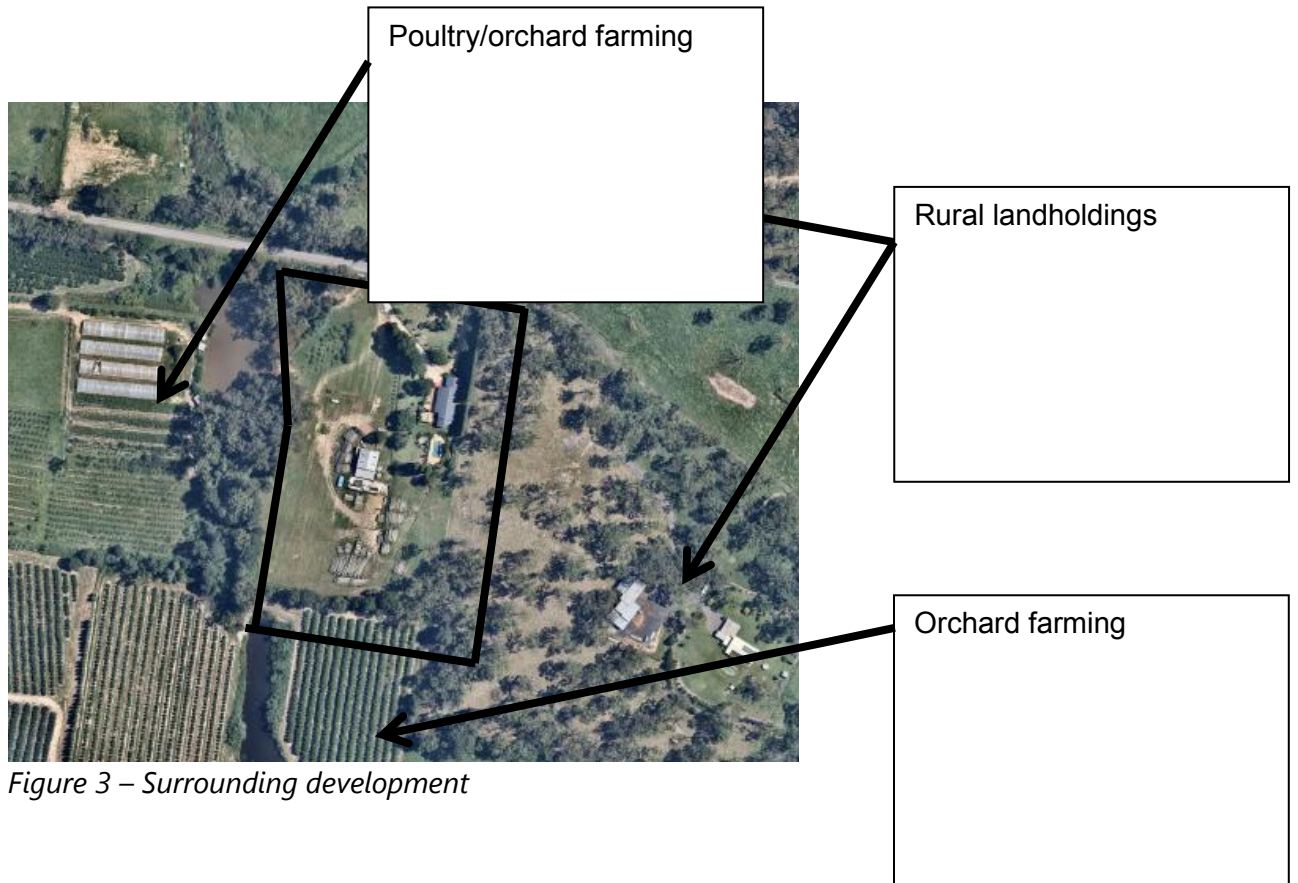


Figure 3 – Surrounding development

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To the north is the roadway of Lillicrapps Road and beyond that is privately held land of low scale rural residential use. The property to the east, No. 70 Lillicrapps Road, is fenced to several paddocks and appears to be mainly used for hobby farming with a residential property located 200m from the subject site. The property to the south, No. 2729 Wisemans Ferry Road, is actively farmed orchards, and the property to the west, No. 10 Lillicrapps Road, has a range of uses, primarily poultry and orchards.

The Proposed Development

Development Application No. 54377/2018 seeks approval for the following:

- Part demolition of an existing shed awning;
- Additions to existing shed; and
- Use of part of the land for log processing works.

The applicant seeks to offer an alternative re-use option for discarded power poles that would otherwise be destined for landfill. The proposal aims to bring discarded timber power poles to site for milling and trimming into useable timber. The recycled timber can then be on sold for purposes such as agricultural fencing, or use in recycled timber furniture manufacture.

A Statement of Environmental Effects (SEE) and Environmental Management Plan (EMP) have been submitted in support of the application and provide an estimated production level of less than 6000m³ per year. The with the EMP stating that between 5m³ and 15m³ would be processed per week.

Proposed works are indicated in figures 4, 5, and 6. The works do not relate to the existing dwelling on the site. In summary, the application proposes:

An untreated timber materials storage area (1,900m² in area) to the west of the existing shed, surrounded by a proposed vehicular access road with drainage swales leading to a sediment detention basin in the south west corner of the site. The access road would link with the existing entry to the property, mid-way along the front boundary. A second timber storage area for treated timber is proposed to be located to the immediate south of the shed..(refer figure 4).

The Statement of Environmental Effects (SEE) states that:

The proposal is seeking Council approval to demolish the existing awning at the rear of the shed and construct additions to the machinery shed which is located towards the centre of the property. The owner proposes to relocate his existing timber processing yard from its current location in Glenorie to the subject property. The proposal will involve milling and processing recycled timber for re-use in building projects.

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Grey weathered timber will be stored on site and then milled to order and transported to specific locations or to the business' timber yard to Galston. A high volume of the timber is used by the owner who is also a builder."

The concrete slab that will form the floor of the proposed shed additions has been constructed on site, and is the subject of a separate Building Information Certificate application (BIC).

A total of eight (8) staff will be employed, with three to four (3-4) being on site at any given time with the following proposed hours of operation:

Weekdays: 7:30am to 2:30pm

Saturdays: 8:00am – 12 noon

Sundays: Closed

There will be approximately 2 deliveries per day by heavy rigid vehicle in addition to staff movements. Material will be moved by a diesel forklift. The main loading area is proposed to be located at the northern façade of the timber mill shed at approximately the middle of site.

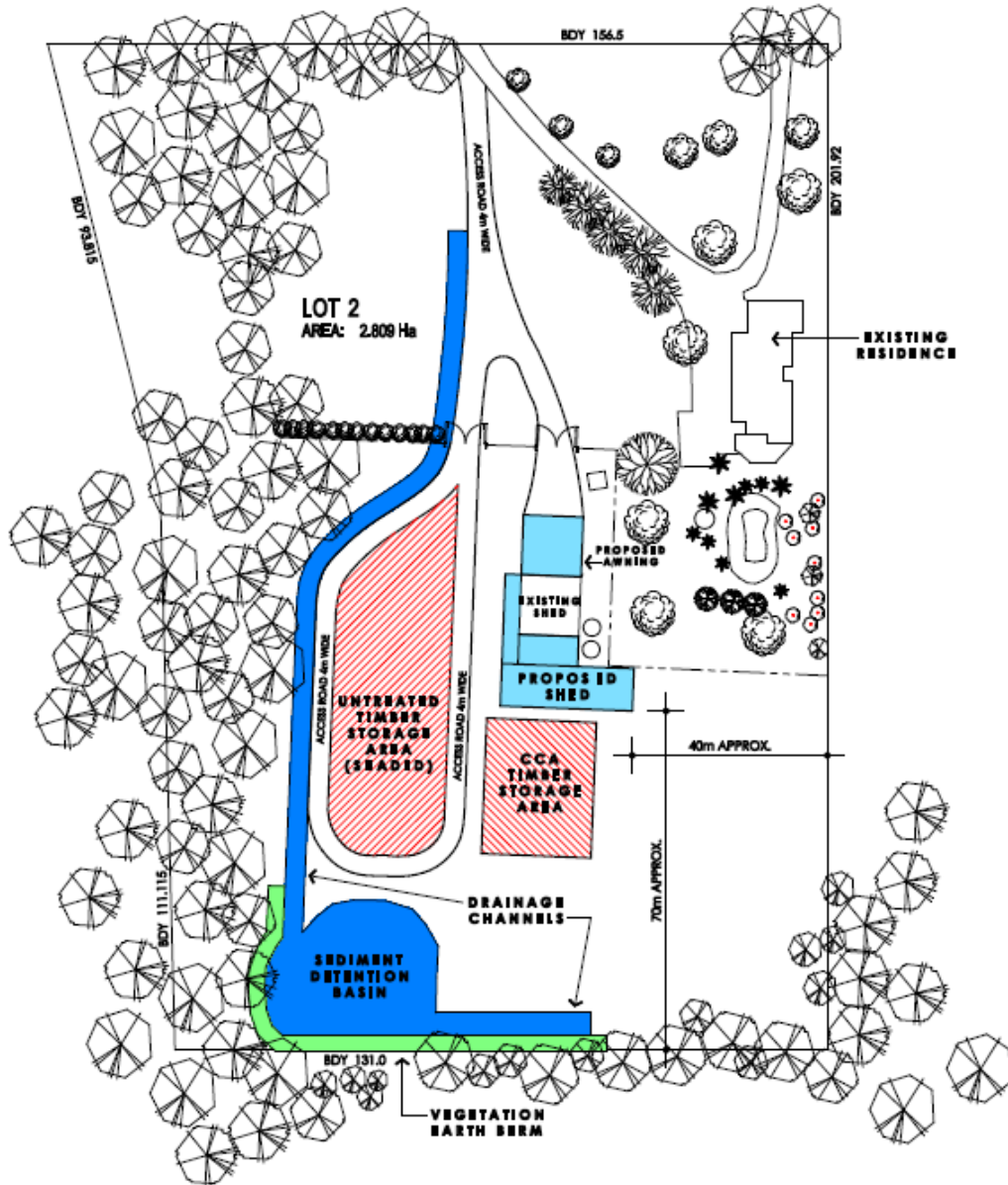
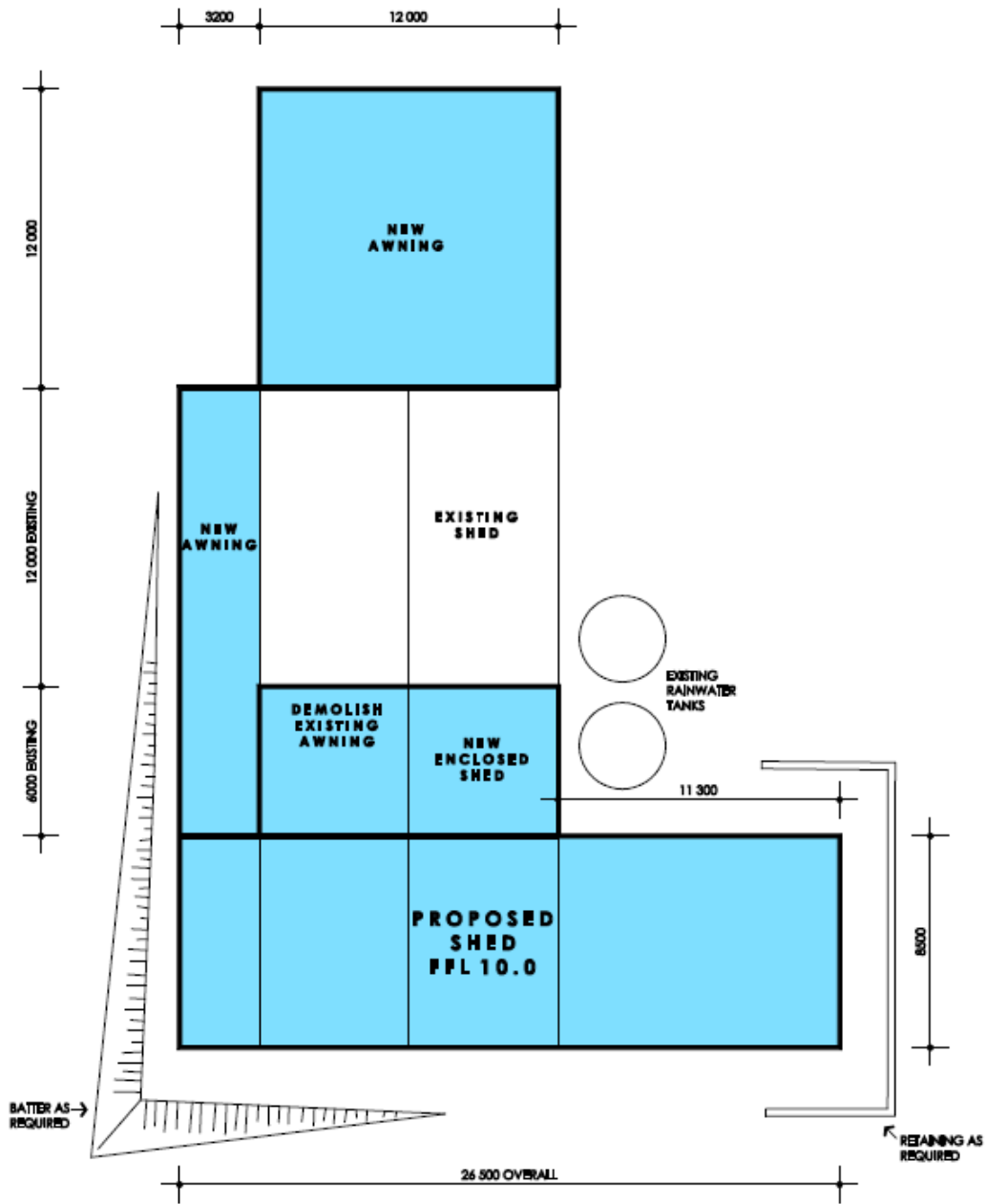


Figure 4 – Proposed site plan



 **FLOOR PLAN**
SCALE 1:200 @ A3

Figure 5 – Proposed shed plan

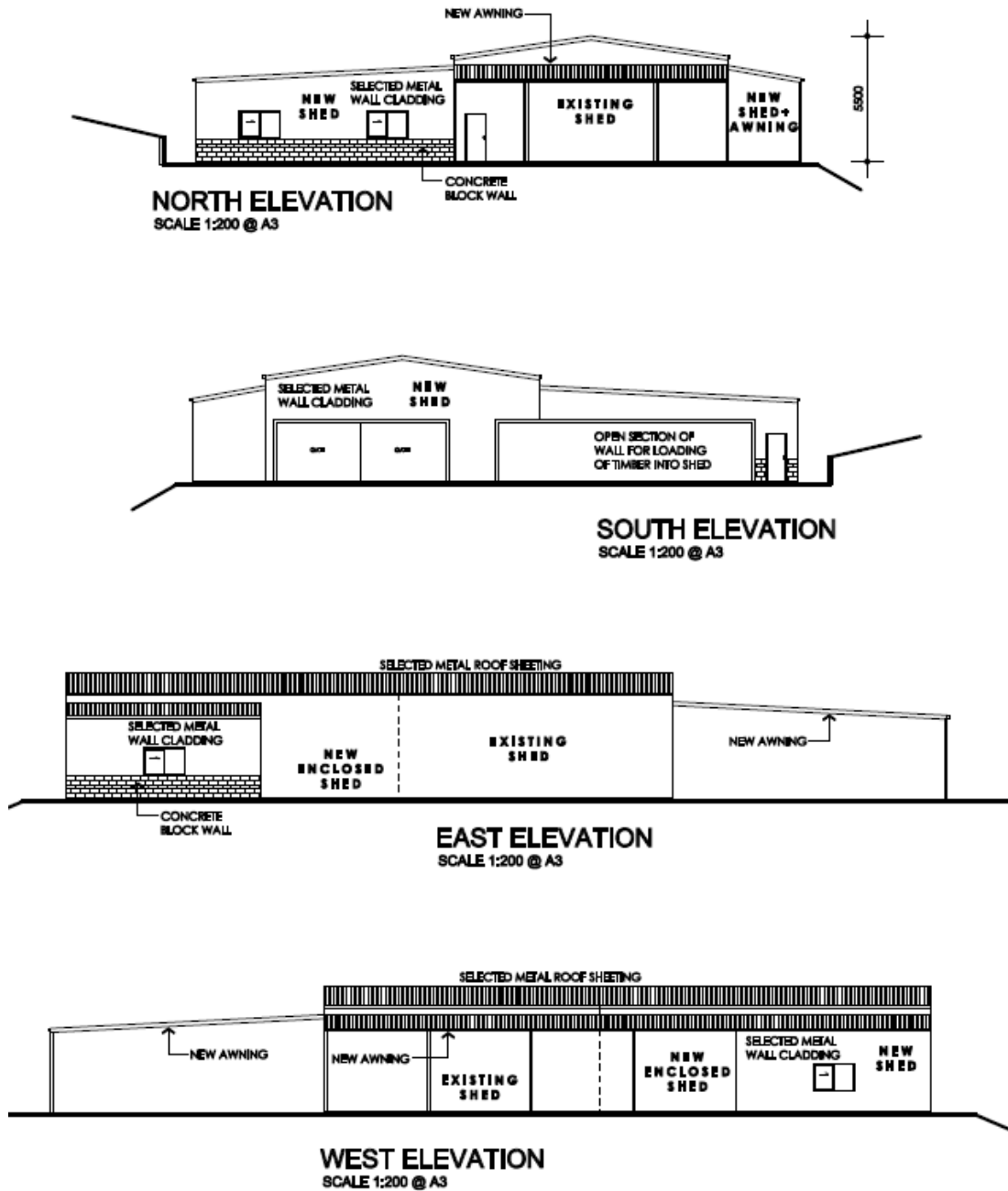


Figure 6 – Proposed shed elevations

Following lodgement of the application and preliminary assessment, the application was amended (28 February 2019) to indicate a new access roadway in order to facilitate the construction of a sediment detention basin in response to discussions with Council staff.

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The sediment detention basin is to be located to the south west corner of the site, and has been designed to capture any potential sediment caused by the usage of mobile equipment, and in accordance with Con Note SD 6-4 of the *Managing Urban Stormwater: Soils and construction* guidelines (4th edition), commonly known as the Blue Book, published by Lancom, 2004.

The sediment basin would stop any disturbed soil and potential contaminants from the treated timber from entering Ironbark Creek. It is recommended that the two drainage channels and a sediment detention basin are constructed prior to the commencement of log processing works on site, in order to capture sediment run-off for both construction and operational phases, (see **Condition 4.4**).

History

Council's records show that the following applications were previously lodged on this site:

- Combined Application No. CA 363/1997 for a Machinery Shed, approved on 18 December 1997.
- Complying Development Certificate for the construction of a pool having been determined on 15 December 2000.

No other applications of relevance are contained in Council records.

Section 4.15(1)(d) of the EP&A Act: Submissions

Public Consultation

The Development Application was notified in accordance with Chapter 7.3 - Notification of Development Proposals of Gosford Development Control Plan 2013 (GDGP 2013) from 31 May 2018 to 15 June 2018.

A total of 15 submissions, including one from the Mangrove Mountain District Community Group, were received objecting to the proposal. Two objectors live within 500m of the subject site and have objected to the use of the site primarily based on noise issues.

Those issues associated with key issues have been addressed in the report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

A summary of the submissions is detailed below.

- *Water contamination. Particular concerns included:*
 - *The proposal is at odds with the Water Management Act as the logs are stacked within 40m of a waterway.*

- Toxic chemicals from the stockpile of logs will leach into the ground and Ironbark Creek, which feeds into Mangrove Creek and the Hawkesbury River.
- Recycled power poles may contain arsenic, creosote etc. Waterways are used to locally irrigate crops some of which are for human consumption
- Proposal unacceptable under SEPP 55.

Comment:

Council's Environmental Health officer has assessed the application and has no objection to the proposal provided that the timber poles would be stored off the ground on timber gluts in a storage area located more than 60 m away from the nearest edge of the creek bank. Timber shall be stacked clear of the ground to avoid an increase in moisture content as a result of contact and to lessen any possibility of leaching of substances to the ground, as per NSW Office of Environment and Heritage (NSW OEH) *Protocols for recycling redundant utility poles and bridge timbers in New South Wales* (the protocols), published July 2011.

In addition, the inclusion of a sediment detention basin and erosion/sediment control materials will further reduce the risk of contamination of the waterway. The sediment detention basin has been designed in accordance with the requirements of the *Blue Book (Managing Urban Stormwater: Soils and Construction, Landcom, 2004)*, with calculations made for the site indicating a detention volume of 923m³ being required (including a 5% safety factor for peak events). It is not anticipated that the basin would spill under anticipated loads.

It is important to note that the primary function of the sediment detention basin is to capture any soils disturbed through the use of heavy vehicles on site, and not as a chemical capture basin. As stated within the Environmental Advice Report, prepared by Emma Hansma of Benbow Environmental and dated 10 December 2018, "it is not anticipated that CCA and tannins are likely to leach from the wood stored on site. An erosion and sediment control basin is considered a good solution to contain sediment from tracked areas on the site."

This is in accordance with the protocols published by NSW OEH, which require operators to avoid allowing an increase in moisture content of poles stored on site, which could lead to an increased possibility of leaching of substances to the ground. Power poles stored correctly on site; off the ground on timber gluts, are unlikely to leach any substance in any volume more than the same pole has insitu over the lifetime of the pole.

A proposed condition of consent (see **Condition 6.14**) requires that the applicant provide to Council a Water Quality Monitoring Report which has analysed the waterway and sediment detention basin for all potential contaminants of concern, including but not limited to lead, organochlorides, pesticides, arsenic, chromium and copper undertaken at 3 intervals; one month after the commencement of operations, again at three months after the commencement of operations, and again at six months after operation begins and after a moderate rainfall event has been recommended should approval be granted. The testing at six months, after a moderate rainfall event has been specified as this will give the best opportunity for any sign of leached contaminants to make their way to the basin.

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In addition, it is suggested that, if approved, a time limited development consent should be issued for a period of 18 months. At that time, the applicant will have to re-apply to Council to extend the operations and the results of previous water sampling regime can be considered as part of that process.

In response to the concerns raised in regards to *SEPP55 – Remediation of Land*, it is considered that as the previous use of the site was historically orchards, there is no requirement for remediation work prior to the use of the land for the proposed use.

Proposal at odds with Gosford LEP 2014:

- *Prohibited use under the Gosford LEP 2014 as materials are not derived from the surrounding districts.*
- *Proposal does not satisfy the zone objectives.*
- *More appropriate in the Somersby Industrial Area.*

Comment:

The applicant has submitted letters from four (4) individual telegraph pole suppliers indicating that the poles supplied to the proposed sawmill are principally derived from the surrounding districts of the Local Government Area (LGA). This would render the proposed use as permissible as per the definitions within GLEP 2014. Further detail of the definition of 'principally derived from the local area' is found on later in this report.

The proposed use of the land is not considered to be in conflict with the objectives of the RU1 zone, as detailed within the section on GLEP 2014 within this report.

Whether the proposed use of the site would be more appropriate for land within Somersby Industrial Area is not a consideration for the assessment of this application.

- *Noise Impacts:*
 - *Noise will have health effects on residents.*
 - *Acoustic Report is deficient as it failed to identify some of the residential receivers and urban standards were used as opposed to rural standards.*
 - *Mitigation measures needed in conditions if DA approved.*
 - *It is questioned whether the proposal so close to dwellings, especially the dwelling on subject site, is an issue regarding noise.*

Comment:

An acoustic report has been prepared to support the application by an appropriately qualified consultant generally in accordance with the Noise Policy for Industry (NSW EPA, 2017). Council's Environmental Health team have reviewed the acoustic report (prepared by Acoustic Logic, dated 29 June 2018) and have subsequently conducted their own preliminary calculations and are satisfied with the results provided which indicate that the site is

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compliant with all sensitive receptors within the vicinity of the development, in accordance with the Noise Policy for Industry (NSW EPA, 2017).

The closest sensitive receptors are residential dwellings 200m to the east and 400m to the south-west of the site, (refer figure 7).

The report identified that the noise level from the proposed use will be compliant at all sensitive receptors provided that the following recommendations are complied with;

- Site should not be used before 7am or after 6pm. (which is consistent with the proposed trading hours);
- No more than one truck movement in any 15 minute period (be it inbound or outbound);
- No more than one diesel forklift to be used on the site at any given time;
- Trucks and forklifts are to switch off engines during idling; and
- No truck movements prior to 7am or after 6pm.

Council is therefore satisfied that the acoustic impacts are within the acceptable limits as specified by Noise Policy for Industry (NSW EPA, 2017), and that the proposed usage of the site is compliant with relevant noise controls if conducted in a manner as detailed within the matters discussed above. Should the application be approved, appropriate conditions of consent are recommended to ensure compliance.

In addition, it is recommended that **Condition 6.7** be included as part of any approval that requires an acoustic assessment be undertaken 1 month post the operation of the sawmill, and that any complaints or adverse noise levels recorded be reported to Council compliance team for follow up.

Further, it is suggested that, if approved, a time limited development consent should be issued for a period of 18 months. At that time, the applicant will have to re-apply to Council to extend the operations and the results of previous noise assessment can be considered as part of that process.



Figure 7 – Acoustic Assessment map indicating noise measurement locations.

- Council process in regard to the assessment of this DA?

Comment:

Correct process has been followed in the assessment of this application. Appropriate referrals and additional information requests have been made to ensure an accurate assessment of the application can be made.

- The DA as lodged is inadequate as:
 - The plans do not show dam and creek along western edge.
 - Waste management not addressed in the DA, including a containment plan for dust and sawdust.

Comment:

The DA as lodged was considered to provide insufficient information for the assessment to progress. Additional information was sought from the applicant to address these concerns, and subsequently the assessment could continue. The creek and dam, and any impacts upon them caused by the proposed works have been addressed.

The proposed approach to waste management has been detailed by the applicant, with Council's Environmental Health team and Waste Services team both raising no objection to the proposed use of the site subject to the inclusion of appropriate conditions.

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Given the potential for treatment of poles, conditions are proposed requiring any power pole offcuts and sawdust with the potential to contain Copper Chrome Arsenic (CCA) are to be disposed of at a licensed waste facility, with records kept for a period of 5 years and provided to Council upon request, and that the burning of potential CCA material waste is not permitted.

- *The Hills Shire Council refused DA 1727/2016/HA) recently (September 2016) for same operation.*

Comment:

Council is assessing the proposed development in accordance with relevant statutory planning instruments. Whilst there is comparison between the use proposed under DA1727/2016/HA and the use proposed on this site, a number of key factors that led to the refusal by The Hills Shire Council are not present on this site. The refusal issued by The Hills Shire Council cited the following key grounds for refusal:

- There was unauthorised clearing of native vegetation and significant disturbance and degradation of the biodiversity values of the site, including the removal of endangered native fauna habitat.
 - No clearing of vegetation is proposed to be, or has been, carried out on this site.
- The proposal was considered unsatisfactory in regard to the requirements of Development Control Plan Part B Section 1 – Rural in relation to ensuring that acoustic impacts will not be created.
 - The applicant has provided adequate acoustic assessment in relation to the proposed use of the site that has been considered by Council's Environmental Health Unit. **Condition 6.7**, which requires an acoustic assessment be undertaken by an accredited acoustic consultant 1 month after occupation has been recommended for inclusion should a consent be issued.
- The applicant had not adequately addressed acoustic, environmental management, and waste management impacts of the site.
 - Adequate environmental, acoustic, and waste management reports addressing the requirements of Council's planning controls have been submitted by the applicant and considered as part of the assessment of this application.

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Whilst the proposed use is essentially the same on both this site and that of the site refused within The Hills Shire Council, this site is considered to be suitable for the proposed use as detailed throughout this report. As such, the assessment of the DA1727/2016/HA undertaken by the Hills Shire Council is not relevant to this DA. The applicant advised that no appeal was made in respect to the decision by The Hills Shire Council and that their efforts were redirected to seek a more suitable site for their operations.

- *Impact on visual amenity from surrounding properties.*

Comment:

The subject site is a former orchard, with a single residential dwelling and an existing machinery shed that is the subject of this application. The site is not highly visible from public areas, with a limited number of dwellings able to view the shed directly.

The proposed works include partial demolition of the existing shed, with additions to other aspects of the shed including a large awning to the eastern elevation, and a narrow awning to the northern elevation, and an additional attached shed and smaller awning to the western elevation. The proposed additions to the shed are all at a lower height than the existing ridgeline of the shed, and will be of a complimentary material to the existing shed.

Materials storage would be contained within the access road loop, and CCA treated materials upslope of the access road loop, to the south (rear) of the shed. The poles would be stored until such time they are needed to be milled, with a varying amount on site at any given time due to the necessity to purchase when they become available. The location of the storage, being downslope of the shed for one area and behind the shed for the other is such that no material adverse impacts on the rural setting of the site would result from the land use.

Nevertheless, **Condition 5.7** has been included should the application be approved that requires minimum 45 litre pot size trees to be planted along the "vegetated earth berm", no more than 2m apart and capable of attaining a height of at least 5 metres at maturity. This tree planting will act as an additional screening between the proposed land use and surrounding properties.

It is considered that the proposed works would be of a minimal impact to the visual amenity of any adjoining property, or when viewed from the public domain and is broadly consistent with agricultural pursuits undertaken in the locality, including the presence of poultry sheds, machinery sheds, and associated infrastructure.

- *Proposed hours of operation unacceptable in the rural residential environment.*

Comment:

The proposed hours of operation are 7.30am – 2.30pm Monday to Friday, and 8am – 12pm Saturday. There will be no trade on Sundays. Further, the acoustic report requires that there

be no truck movements prior to 7am or after 6pm which is consistent with the business hours proposed.

It is considered that the hours of operation proposed are appropriate for the RU1 Primary Production zone and would not be inconsistent with anticipated rural use of nearby lands for agri-business, orchards, poultry or similar purposes.

- *Fire risk. The submitted bushfire report does not take into account the fire hazard posed by the sawdust and stockpile of logs.*

Comment:

The Bushfire Threat and Protection Assessment prepared by Clarke Dowdle & Associates, dated March 2018, submitted with the application assessed the fire danger associated with the proposed development.

The proposed development involves the establishment of a Log Processing Works facility and is identified as a Class 8 building as per the Building Code of Australia. As such the development is not legally subject to Planning for Bushfire Protection (PBP) or Section 4.14 of the Environmental Planning and Assessment Act, however the PBP states;

"The BCA does not provide for any bush fire specific performance requirements and as such AS 3959 does not apply as a set of 'deemed to satisfy' provisions. The general fire safety construction provisions are taken as acceptable solutions, but the aim and objectives of PBP apply in relation to other matters such as access, water and services, emergency planning and landscaping/vegetation management"

The threat from stockpiled materials is considered under heading 4.4 of the report, which states:

"The proposed material storage area and shade structure have both been assumed to store flammable materials (timber) and therefore provide the potential for a large, stationary radiant heat source if ignited. Both storage areas adjoin the existing shed and proposed awnings and do not adjoin any habitable buildings. The closest habitable building is greater than 50m from these areas within the site. Beyond that, no dwellings are located within 100m.

Based upon these factors, if this storage did ignite, there would be sufficient distance between the stationary fire and any dwelling so that flame contact could not occur. Increased radiant heat levels to the dwelling would occur, however, the distance between, would be such that radiant heat levels would not be excessive (>50m from a stationary radiant heat source). It is also acknowledged that an increased chance of burning debris (embers) could occur and recommendations for increased ember protection to the existing dwelling within the site will be recommended."

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The Bushfire Report considered the threat from stockpiled timber and the use of the shed, has based its findings with these threats included, and is supported.

- *The proposed scale of the operation (being less than 6,000m³ of production) is not likely accurate. The proposal should be for designated development which includes a requirement for an Environmental Impact Statement.*

Comment:

Council is required to assess the DA on the submitted information, which includes a proposed capacity being less than 6,000m³. Both the Statement of Environmental Effects and the Environmental Management Plan submitted for the DA include a consistent proposed projected production level of less than 6000m³ per year, with the EMP stating that between 5m³ and 15m³ would be processed per week. Notwithstanding this, the capacity to process timber has a threshold of 50,000m³ per year before the activity is declared to be a scheduled activity, as per clause 43(2)(b) of Schedule 1 of the *Protection of the Environment Operations Act 1997*, which reads:

43 Wood or timber milling or processing

- (1) *This clause applies to **wood or timber milling or processing**, meaning the sawing, machining, milling, chipping, pulping or compressing of timber or wood (otherwise than at a joinery, builders' supply yard or home improvement centre).*
- (2) *The activity to which this clause applies is declared to be a scheduled activity if:*
 - (a) *in the case of an activity that burns waste (otherwise than as fuel), it has a capacity to process more than 6,000 cubic metres of timber (or timber products) per year, or*
 - (b) *in any other case, it has a capacity to process more than 50,000 cubic metres of timber (or timber products) per year."*

Relevant conditions of consent are proposed to limit the use of the site to that stated within the Statement of Environmental Effects and Environmental Management Plan (ie 6,000m³ per annum).

- *The proposal will have a negative impact on the roads and it will become hazardous for everyone. Lillicrapps road is not suitable for large trucks and the intersection with Wisemans Ferry Road will be dangerous.*

Comment:

Council Engineering Officers have assessed the application and liaised with Council's Tree Assessment Officer to support the proposed works subject to a number of roadside works at the corner of Lillicrapps Road and Wisemans Ferry Road, as follows:

- *For Wisemans Ferry Road direction north of Lillicrapps Road intersection remove the vegetation currently growing within the road reserve on the eastern side of Wisemans Ferry*

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Road and trim branches from the trees that are currently overhanging into the road from the adjacent property.

- Install Advance Road Name signs (G1-207) and trucks (W5-22) in Wiseman Ferry Road on both sides of Lillicrapps Road accordance with the RMS Guide Signs Manual.
- For Wisemans Ferry Road direction south of Lillicrapps Road, cut back the batter and remove vegetation from road reserve under power wires (mostly Wattle to 3m high).

In addition, it is noted that No. 10 and No. 11 Lillicrapps road had operational poultry sheds up until recent times, and that these sheds generated a number of truck and vehicle movements that are no longer occurring.

It is reasonable to expect that the limited truck and vehicle movements generated from the proposed use of the subject site would not create any new hazards on the road network.

Public Authority Consultation / Approvals

There were no public authorities required to be consulted in relation to the proposal.

Internal Consultation

The application was referred to the following internal officers and the following comments have been provided:

- *Ecologist*

Comment

Council's Ecologist has reviewed the application and supports the proposal subject to conditions requiring compliance with the submitted revised Environmental Management Plan, prepared by Benbow Environmental, and dated 10 December 2018, in particular the storage of contaminated timber and the proposed detention basin.

The ecological impact of the proposed development was assessed in accordance with sections 5A and 79c of the EP&A Act and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The DA was lodged on 05 May 2018 and therefore impacts to biodiversity values are assessed in accordance with the former planning provisions (i.e. section 5A of the EP&A Act), pursuant to the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. Council's Ecologist has no objection to the proposal subject to certain conditions being included within any consent granted.

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

- *Environmental Health*

Comment

Supported, with conditions, including the imposition of a **condition 6.14** for water monitoring to occur Three (3) months after the commencement of operations after a moderate rainfall event, and eighteen (18) months post operation begins on site.

Whilst noting that contamination is unlikely, should the Water Quality Monitoring Report return positive results for any potential contaminants of concern, including but not limited to arsenic, chromium and copper, Council's Environmental Health Unit will undertake enforcement and compliance action under Council Policy for compliance and enforcement in accordance with the Protection of the Environment operations Act 1997.

- *Engineering*

Comment

Supported, with conditions. Sediment detention basin to be constructed in accordance with Con Note SD 6-4 of the Blue Book. (**Condition 4.10 and 4.13**).

- *Traffic/ Transport*

Comment

Supported, with conditions, including the imposition of a condition requiring the removal of shrubs and branches, as well as swale works at the corner of Lillicrapps road and Wisemans Ferry Road.

- *Waste Services (Garbage)*

Comment

Supported, with conditions.

- *Tree Assessment Officer*

Comment

Supported, with conditions.

Ecologically Sustainable Principles:

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 proposes to incorporate an additional stormwater detention basin with drainage swales to further reduce any adverse impacts on the site. The works will retain vegetation where possible and are unlikely to have any significant adverse impacts on the environment. Further, the proposed works 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.

Further, the proposal presents an opportunity to recycle redundant power poles whilst producing very little waste.

Advice from Companies that have been supplying the power poles to Timber with Veins is that before the arrangement was in place, many redundant power poles would be taken to landfill sites, and that the option presented to re-use and recycle such products minimises bulk waste (refer **Attachment 5**).

As such, the operation now has a number of environmental/recycling benefits such as:

- The treated timber off cuts are stored on-site and supplied to rural farms for reuse as fencing, borders etc;
- The clean sawdust and shavings are stored on-site and supplied to rural farms for reuse as animal bedding and mulch;
- The recycled timber reduces the pressures on harvesting hardwood and old growth forests;
- The recycled timber is reused for high quality timber products;
- The service life of the timber is extended through its reuse in other products;
- The carbon contained within the recycled timber is stored for the life of the new product; and
- Recycling the poles reduces the amount of landfill being generated.

All sawdust created is transferred by ducting to separate covered skip bins (one for contaminated sawdust and one for natural sawdust) (**Condition 6.17**), and disposed of at a licensed waste facility (**Condition 6.18**).

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

Assessment:

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

Section 4.15(1)(a)(i) of the EP&A Act: Provisions of Relevant Instruments/Plans/Policies

Biodiversity Conservation (Savings and Transitional) Regulation 2017

The NSW Government has established transitional arrangements related to biodiversity assessment for the various categories of development consent or approval that are underway or have already been made. From 25 February 2018, any new application for development consent or modification to an approved development under Part 4 of the *Environmental Planning & Assessment Act 1979* (not including state significant development) is subject to the biodiversity assessment requirements of the *Biodiversity Conservation Act 2016* (BC Act) and the *Biodiversity Offsets Scheme*, and transitional arrangements no longer apply.

Council's Ecologist has assessed the ecological impact of the proposed development in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EP&BC Act). The development application was lodged prior to 24 November 2018 and therefore, impacts to biodiversity values have been assessed in accordance with the former planning provisions pursuant to the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*. The proposed development is supported by Council's Ecologist subject to the imposition of conditions.

Rural Fires Act 1997 (Rural Fires Act)

The site is identified as "bushfire prone land" on Council's bushfire maps, (refer to figure 8). Having regard to Section 4.14 of the EP & A Act, the proposed development is required to address the requirements of the Rural Fires Act and the document *Planning for Bushfire Protection*, published 2006, by the New South Wales Rural Fire Service.

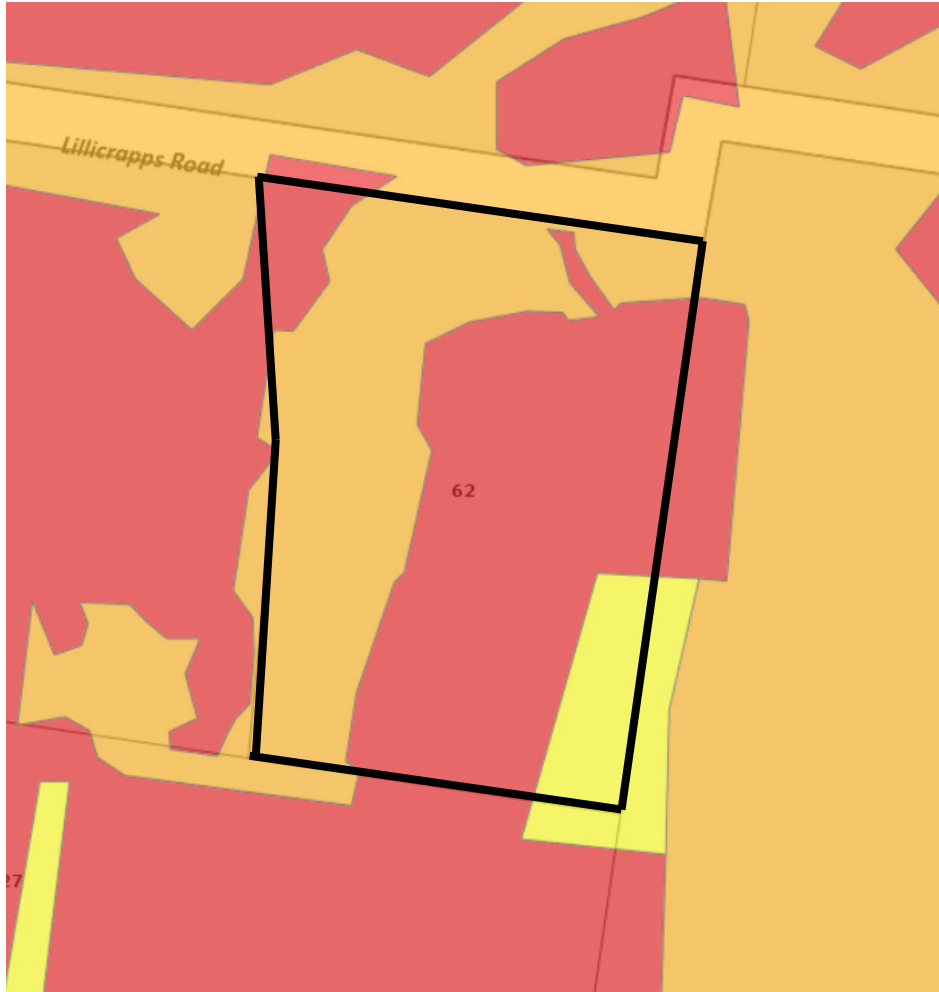


Figure 8 – Bushfire prone land (subject site edged in black)

A Bushfire Assessment Report, prepared by Clarke Dowdle & Associates, dated 26 March 2018, accompanies the development application. There has been adequate assessment to demonstrate a consideration of the requirements of s 63 (2) of the *Rural Fires Act 1997* including what practicable steps will be taken to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, the Development Site.

In order to ensure compliance with the recommendations contained within this report, **Conditions 2.8, 5.6 and 6.26** are recommended for imposition.

Water Management Act 2000

The site is not within a Water Supply Catchment Area, however approval to construct and use a sediment detention basin to capture rainwater runoff may require a water management works approval under Section 90 of the Water Management Act. However, the applicant did not seek an integrated approval under Section 90 of the Water Management Act.

Integrated development provisions are facilitative and the consent authority can determine a development application even though the provisions of Section 4.46 of the *Environmental Planning and Assessment Act 1979* have not been followed. This position was established in *Maule v Liporoni & Anor* [2002] NSW LEC 25. The development application can be approved without requiring referral to DPI Water prior to determination. In order to ensure the relevant statutory requirements are met, **Conditions 1.4 and 2.10** are recommended for imposition.

The site is not connected to Council's water or sewer infrastructure, however the residence on site benefits from an approval to operate an On-Site Sewage Management system (OSSM). As the owner of the business will reside on site within the residence, the toilet facilities available to the dwelling will be made available to employees as required. An ongoing **Condition 6.28** has been included to ensure ongoing access to the toilet facilities is available to all staff.

State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)

The provisions of SEPP Coastal Management require Council to consider the aims and objectives of the SEPP when determining a development application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning & Environment. The subject property falls outside of the mapped coastal management areas.

State Environmental Planning Policy No. 33 – Hazardous or Offensive Development (SEPP 33)

Clause 11 of SEPP 33 applies to any proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'. The planning guidelines applicable to SEPP 33 do not identify the proposed development as a potentially hazardous industry. Clause 13 of SEPP 33 identifies matters for consideration consent authorities must consider for those developments identified as potentially offensive industry.

Clause 11 of SEPP 33 applies to any proposals, which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'. In order to form a view as to whether or not SEPP 33 would apply to a particular development application, Clause 13 of SEPP 33, identifies matters for consideration consent authorities must consider for those developments identifies as potentially offensive industry:

- (a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*

Applying SEPP 33, published by the Department of Planning, dated January 2011, does not identify the proposed development as a potentially hazardous industry. However, the processing of timber is identified within Appendix 3 of the abovementioned planning guidelines as potentially offensive in terms of possible impacts associated with air and water.

In deciding if a proposal is 'potentially offensive industry' consent authorities have to determine whether, in the absence of safeguards, the proposal would emit a polluting discharge which would cause a significant level of offence. These matters are further addressed below.

(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and

No public authority was required to be consulted in the consideration of the subject development application as the volumes of timber proposed to be processed each week (up to 15m³) fall below the thresholds that would require an Environmental Protection License from the NSW Environmental Protection Authority (EPA).

Approval to construct and use a sediment detention basin to capture rainwater runoff may require a water management works approval under Section 90 of the Water Management Act. However, the applicant did not seek an integrated approval under Section 90 of the Water Management Act, as discussed earlier within this report.

(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and

Applying SEPP 33, published by the Department of Planning, dated January 2011, does not identify the proposed development as a potentially hazardous industry, and therefore this provision is not relevant.

(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and

The applicant owns no other suitable land in the region, and there are no other businesses providing the service proposed. Therefore there are no viable alternatives in the region to accommodate the proposed development.

(e) any likely future use of the land surrounding the development.

Having regard to the matters for consideration contained within Clause 13(2) of SEPP Mining, it is concluded the draft Environmental Management Plan (EMP) accompanying the development application appropriately identifies the relevant risks associated with the operation of the log processing works, and proposes acceptable mitigating measures to address these risks to the environment and adjoining properties.

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

Having regard to the likely future use of land surrounding the site, it is not considered the proposed development will significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic. - Council Officers are satisfied SEPP 33 does not apply in this instance, in that the proposal cannot be defined as an offensive industry.

It is concluded the development is neither hazardous nor offensive (and hence permissible as a rural industry).

State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)

The provisions of SEPP 44 require Council to consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Part 2 of the SEPP when determining a development application greater than 1 hectare.

Council is satisfied that the site is not located in a potential or core Koala habitat area, and there is no need for a plan of management. The relevant matters have been considered in the assessment of this development application in accordance with Clause 17 of SEPP 44. In this regard, no further objection is made.

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Under Clause 7 of SEPP 55, it must be considered as to whether the land is contaminated, and if so, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The site has been used for agriculture and rural industry purposes. The nature of the use will not be altered. As a result the proposal is considered satisfactory under the provisions of SEPP 55.

Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (SREP 8)

SREP 8 aims to provide environmental protection for the Central Coast plateau areas and provide a basis for evaluating competing land uses. The subject land is not identified as a resource of regional significance, however, is contained within the area identified for SREP 8.

The subject land is not identified as a resource of regional significance, however, is contained within the area identified for SREP 8 (refer to Figure 9) and identified on the NSW Government SEED mapping program as containing class 4 - Moderate to severe limitations land and soil.

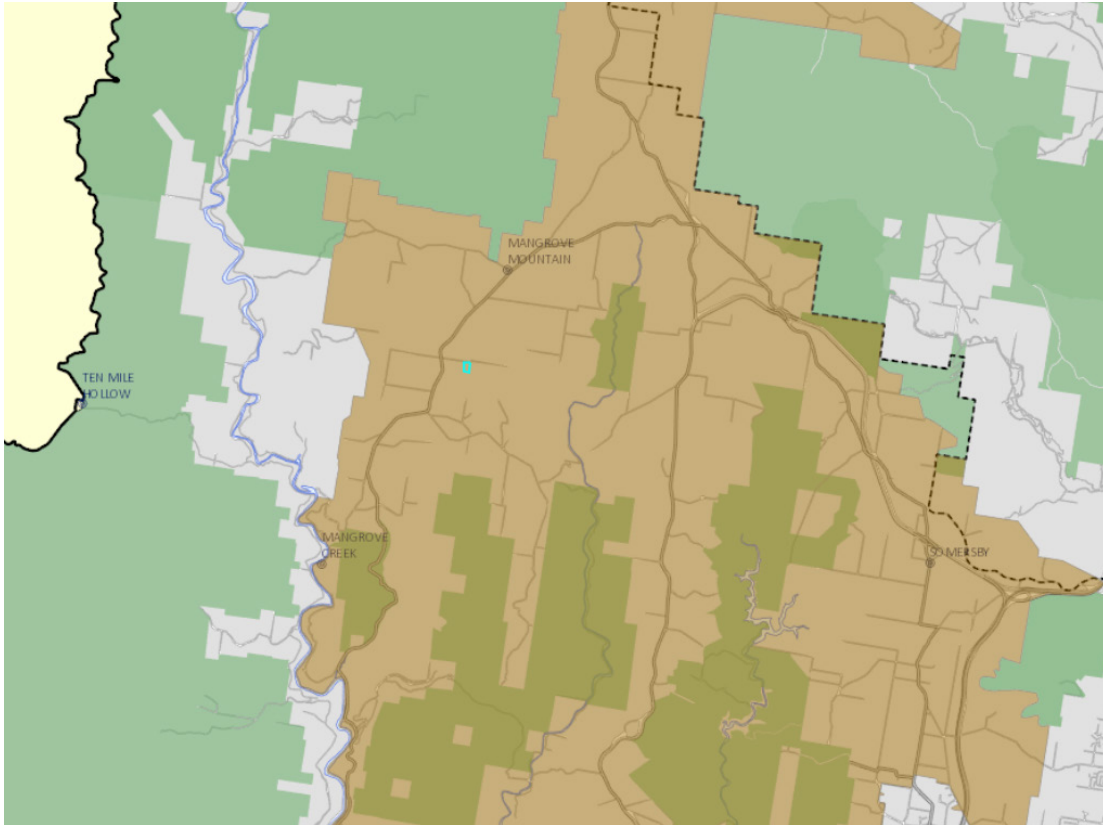


Figure 9 – SREP 8 mapping, site indicated with blue outline

The general aims of this plan are contained within Clause 2 of the SREP 8, wherein those aims relevant to the proposed development application are addressed below:

- (a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,*

As detailed throughout this report, the environmental impacts associated with the development application have been found to be minimal. If the operation of the proposed log processing facility on site ceased, the subject site will be able to be restored to the equivalent or better than original condition. It is not envisaged that the development would preclude future broad-acre agricultural or livestock activities.

- (b) To encourage the use of land having a high agricultural capability for that purpose and, as much as possible to direct development for non-agricultural purposes to land of lesser agricultural capability.*

The land and soil is mapped to contain moderate to severe limitations on the NSW Government Land capability mapping dataset.

A visual assessment of the subject site ascertained the soil profile is typically clay heavy soil with bedrock typically occurring at shallow depths, with exposed bedrock observed to the south west area of the site.

Although the subject site is likely not capable of high agricultural capacity, the proposed development will support the agricultural industry through the provision of treated timber palings and posts for stock yard fencing.

(c) to protect regionally significant mining resources and extractive materials from sterilization

The subject site is a potential resource in a transition area (refer to Figure 10). However, no objection is made in that potential resource areas surrounding the site will not be left isolated by the proposed development

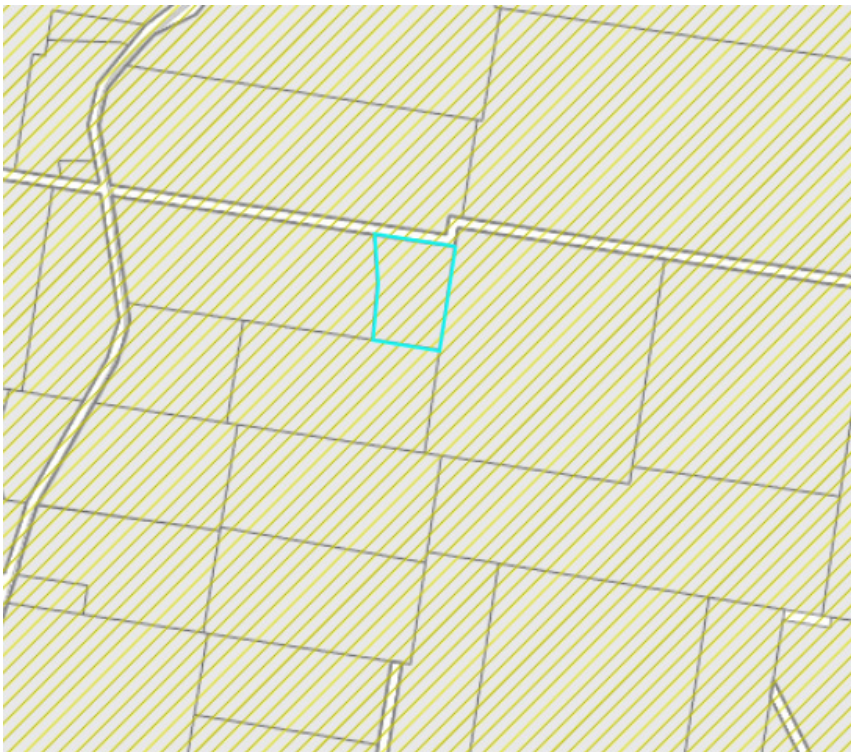


Figure 10 – - Mineral Resource Audit 2014 Plan

(d) to protect the natural ecosystems of the region and (h) to maintain opportunities for wildlife movement across the region

The proposed development application incorporates satisfactory drainage and erosion control, would not result in the removal of any vegetation on site, and will not have any significant adverse impacts on the environment. The proposed development will not decrease environmental quality for future generations.

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

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

Clause 6 of the SREP 8 (Prime Agricultural Land) specifies those provisions that must be considered where Council is considering granting development consent to the carrying out of development on prime agricultural land:

(1) A person shall not:

- (a) erect a building on prime agricultural land,*
- (b) construct a dam on prime agricultural land, or*
- (c) subdivide prime agricultural land, except with the consent of the council.*

As required, development consent is sought to erect structures and a dam on prime agricultural land.

(2)(b): A council shall not consent to an application to carry out development on or with respect to prime agricultural land unless the council is satisfied that the carrying out of the development would not adversely affect the present or future use of other prime agricultural land for the purposes of agriculture.

The proposed development will not affect the present or future use of other prime agricultural land for the purposes of agriculture, as conditioned.

(5): A council shall not consent to the carrying out of development on prime agricultural land for a purpose other than a purpose of agriculture unless it is satisfied that no other land to which this plan applies, not being prime agricultural land, could provide a viable or workable alternative site for the carrying out of the development.

Although the subject site is not capable of high agricultural capacity, the proposed development is a form of rural industry and will support the agricultural industry through the provision of treated timber palings and posts for the local agricultural sector.

No objection is made as the potential resource areas surrounding the site will not be left isolated by the proposed development. Further, the proposed development will support the agricultural industry through the provision of treated timber palings and posts for the local agricultural sector, and helps reduce the demand on public land fill sites by manufacturing a use out of redundant power poles. The proposal is consistent with the requirements of SREPP 8.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997) (SREP 20)

SREP 20 applies to land which falls within the catchment of the Hawkesbury-Nepean River. This planning instrument requires Council to consider the general planning considerations outlined in Clause 5 and specific planning policies and recommended strategies of Clause 6 prior to granting consent to a development application. The site is not located within a drinking water catchment. In this regard, no further objection is made.

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

Central Coast Regional Plan 2036

The subject site is included in the Central Coast Regional Plan 2036 as 'Natural Asset, Productive Land and Rural Lifestyle' and is located in lands west of the M1 Motorway, (refer to figure 9).

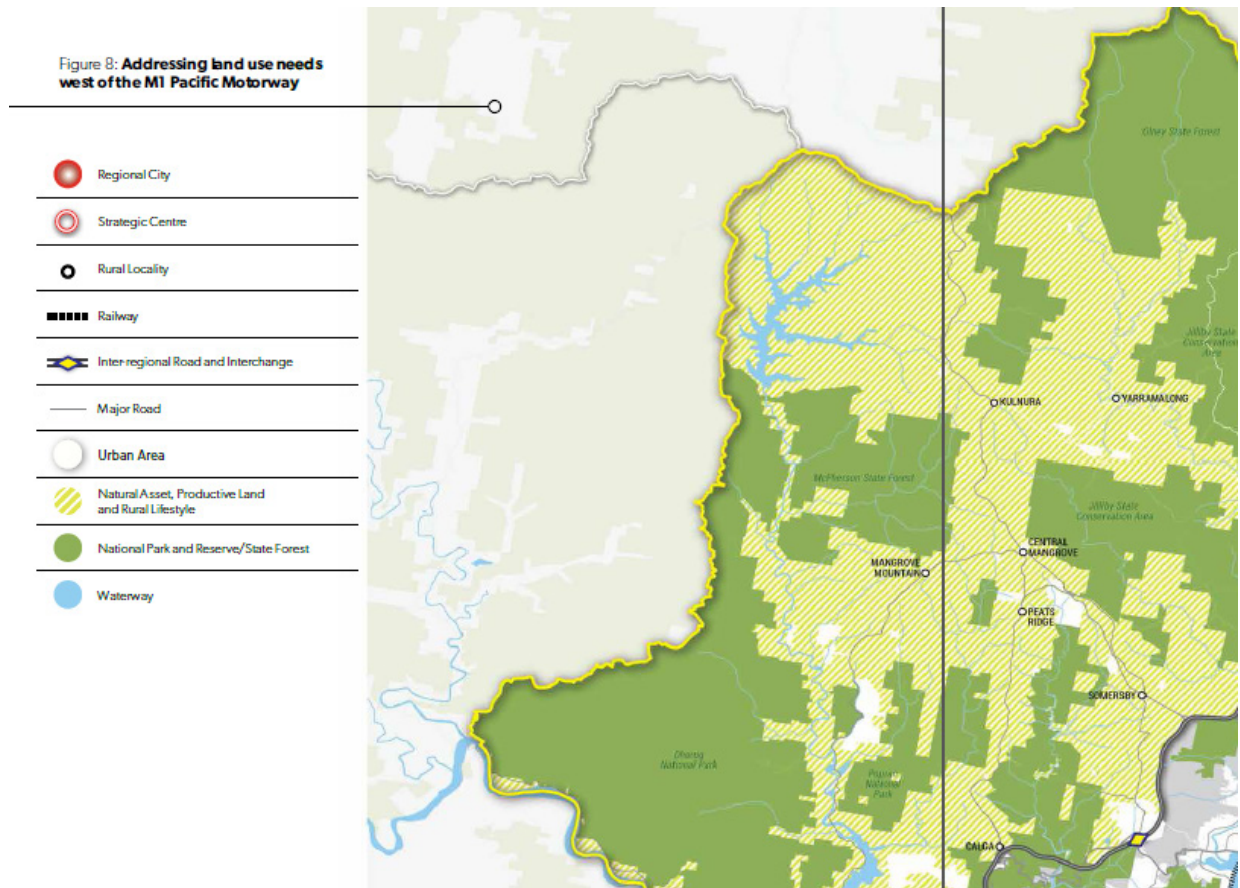


Figure 11 - Central Coast Regional Plan 2036

An assessment of all relevant provisions of the Central Coast Regional Plan 2036 has been carried out to ensure the consent authorities own assessment of the compatibility of the proposed development with the surrounding environment is complete.

The proposed use of the site is consistent with all relevant Directions under the *Central Coast Regional Plan 2036* and upon approval, the proposed use of the land would be considered a niche commercial activity that complements and promotes a stronger agricultural sector. The proposed use, carried out in accordance with Council's Environmental Health officer comments and conditions will not adversely impact the surface drinking water catchment of the Mountains area.

Gosford Local Environmental Plan 2014

Zoning & Permissibility

The subject site is zoned RU1 Primary Production under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014). Development for the purposes of *Sawmill or log processing works* are classified as a type of rural industry and are permissible within the RU1 Primary Production zone. Consideration of the proposal has been provided with regard to the objectives of the control contained within cl. 2.3(2) of GLEP 2014:

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

The proposed use of the site would not limit or degrade the natural environment of the site, nor would it sterilise future use of the site.

- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

The proposed use of the site for *Sawmill or log processing works* is a diversified use of a site that has traditionally been utilised as an orchard.

- *To minimise the fragmentation and alienation of resource lands.*

The small footprint of the proposed works to the site would not result in the alienation or fragmentation of resource lands.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed use of the site would not give rise to conflict between any adjoining land uses within adjoining zones, insomuch as the proposed use would not limit the development opportunities or current use of any adjoining property, and would not cause impact to adjoining properties by way of excessive noise or vibration as defined by EPA guidelines.

- *To ensure that development is compatible with the desired future character within the zone.*

The proposed development is considered to be consistent with the desired future character of the zone.

- *To protect biodiversity, water catchments, water quality, soil conditions and important ecosystems, such as streams (and associated riparian areas), sedgeland, estuaries and wetlands, from inappropriate development and land management practices.*

The applicant has demonstrated appropriate land management strategies through the *Environmental Management Plan* prepared by Benbow Environmental dated August 2018 and the *Environmental Advice Report* prepared by Benbow Environmental dated December 2018 to ensure biodiversity, water catchments, water quality, soil conditions and important ecosystems, such as streams (and associated riparian areas), sedgeland, estuaries and wetlands are protected.

- *To ensure that the plateau remains free from land uses that may sterilise sustainable primary production and natural resource use and to minimise potential incompatible land uses.*

The use of the site for the purposes proposed would not sterilise sustainable primary production or the use of natural resources, and would not increase the potential for incompatible land uses.

The following uses are permissible with consent:

*Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Dwelling houses; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Garden centres; Home-based child care; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Roads; Roadside stalls; **Rural industries**; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water storage facilities.*

In GLEP 2014, *Rural industries* are defined as:

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- agricultural produce industries,*
- livestock processing industries,*
- composting facilities and works (including the production of mushroom substrate),*
- sawmill or log processing works,*
- stock and sale yards,*
- the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.*

Note.

Rural industries are not a type of industry—see the definition of that term in this Dictionary.

Further, *sawmill or log processing works* are defined in the GLEP 2014 as:

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note.

Sawmill or log processing works are a type of rural industry—see the definition of that term in this Dictionary.

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

The SEE notes that the proposed development processes recycled timber, which is trucked into the site, milled, and then transported to clients directly or to building sites.

The applicant has provided letters from four separate suppliers indicating that the bulk of telegraph poles, or logs, brought to site originate from the local area, thus meeting the “*principally derived from surrounding districts*” component of the description.

To clarify permissibility legal advice was sought which confirmed that the term ‘*principally derived from surrounding districts*’ can be interpreted to mean the supplies should be sourced from an area which extends an indeterminate distance into neighbouring regions, or Local Government Areas, but not to the outermost limits of those neighbouring regions. Due to the absence of a specific definition of the phrase, it is considered that the descriptions of the source areas in the letters from suppliers are consistent with the term “surrounding districts”, (refer **Attachment 3**).

Accordingly, the proposed works are correctly defined as “*sawmill or log processing works*”, within the definition of *rural industry*, and are permissible with consent on the subject land. Further, the proposed use of the land is compatible with the desired future rural character of the locality in that it will encourage diversity in primary industry enterprises and systems appropriate for the area.

7.1 Acid Sulfate Soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of GLEP 2014 have been considered. The site contains Class 5 Acid Sulfate Soils. It is unlikely that any disturbance of acid sulfate soils would result from the proposed works to the site.

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

Draft Central Coast Local Environmental Plan 2018

Following a review of the *Draft Central Coast Local Environmental Plan 2018* (Draft CCLEP 2018) which finished exhibition on 27 February 2019, the zoning of the subject site remains RU1 Primary Production, where *Sawmill or log processing works are classified as a type of rural industry* and remain permissible uses with the obtainment of development consent.

Section 4.15(1)(a)(iii) of the EP&A Act: Provisions of any Development Control Plan

Gosford Development Control Plan 2013

An assessment of the proposed development against the relevant chapters of Gosford Development GDCP 2013 is provided in a Compliance Table under **Attachment 4**. The proposed works are consistent with the relevant chapters of GDCP 2013.

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

a) Built Environment

The proposed built form is considered acceptable in the context of the site. The proposed works are consistent with the uses envisaged for the rural zone.

b) Natural Environment

The proposal is satisfactory in relation to impacts on the natural environment as identified throughout this report.

c) Economic Impacts

The proposed development will contribute to the supply of employment opportunities within the local area. In addition, the log processing works will provide a recycled timber building product that can be sold to the building industry.

d) Social Impacts

It is not anticipated that any social impacts will arise from the approval of the proposed works, including the use of part of the land for log processing works.

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

A review of Council's records has identified the following constraints:

- This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of GLEP 2014 have been considered. The site contains Class 5 Acid Sulfate Soils. It is unlikely that any disturbance of acid sulfate soils would result from the proposed works to the site.
- Bushfire: The subject site is mapped as being bushfire affected. The development application was accompanied by a bushfire assessment report addressing the requirements of the *Rural Fires Act 1997* and the document *Planning for Bushfire Protection*, published in 2006 by the New South Wales Rural Fire Service. A Bushfire Assessment Report, prepared by Clarke Dowdle & Associates, dated 26 March 2018, accompanies the development application. In order to ensure compliance with the recommendations contained within this report, **Conditions 2.8, 5.6 and 6.26** are recommended for imposition.
- On-Site Sewer Management (OSSM): As previously discussed the proposed use will not impact upon the drinking water catchment area of Mangrove Weir and as such is considered to be suitable for the site.

- Access and Transport: Council's Traffic & Transport Engineer has raised no objections to the proposal provided compliance with a series of recommendations regarding site lines at the corner of Lillicrapps Road and Wisemans Ferry Road are implemented, as detailed within **Condition 2.4**. No road upgrades are required for the proposed use of the site, with road pavement width in the vicinity of the proposed access to the site being 6m wide and in very good condition.

There are no other constraints that would render the site unsuitable for the development of the site.

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

The proposed use of the site for *Sawmill or log processing works* is a diversified use of a site that has traditionally been utilised as an orchard, and is supported by ecological reports that have demonstrated appropriate land management strategies to ensure biodiversity, water catchments, water quality, soil conditions and important ecosystems, such as streams (and associated riparian areas), sedgeland, estuaries and wetlands are protected.

Further, the proposal presents an opportunity to recycle redundant power poles whilst producing very little waste. Advice from Companies that have been supplying the power poles to Timber with Veins is that before the arrangement was in place, many redundant power poles would be taken to landfill sites, and that the option presented to re-use and recycle such products minimises bulk waste.

In view of the considerations above and throughout this report, the approval of the application is considered to be in the public interest.

Other Matters for Consideration

Building Information Certificate

The Building Information Certificate (BIC) application that relates to the existing concrete slab is under assessment by Council's Building Surveyor. The BIC will only be approved if development consent for the use of the site and additions to the shed is granted.

The BIC application will assess the existing built form under the provisions of Division 6.7 of the EP&A Act. The assessment criteria for a building information certificate is clearly defined by the EP&A Act and provides that Council must issue the building information certificate where no discernible reason exists to issue an order for demolition, alteration, addition or rebuilding.

Development Contribution Plan

The site is not subject to the provisions of any Section 7.11 development contribution plan. Therefore, no contributions are applicable.

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

Water and Sewer Contributions

The proposed development is not subject to Water and Sewer Contributions.

Conclusion

The Development Application has been assessed against the heads of consideration of s4.15 of the EP&A Act and all other relevant instruments and polices and, on balance, the proposed development is considered reasonable and therefore it is recommended that Council grant development consent approval to DA 54377/2018.

Attachments

1	Draft Conditions of Approval	D13619696
2	Development Plans	D13590444
3	Attachment - DA 54377-2018 - 62 Lillicrapps Road, Mangrove Mountain	D13632067
4	GDCP 2013 Compliance Table	D13643942

ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

1.. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plan

Drawing	Description	Sheets	Issue	Date
A01	Overall Site Plan	1	E	26.02.19
A02	Floor Plan	1	D	23.04.18
A03	Elevations	1	D	23.04.18

Supporting Documentation

ECM No.	Title	Date
26429334	Environmental Advice Report	December 2018
26134534	Environmental Management Plan	August 2018
25830439	Statement of Environmental Effects	April 2018
26098789	Acoustic Report	29 June 2018
25831544	Waste Management Plan	04 April 2018
25830455	Bushfire Assessment Report	26 March 2018

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. No approval is given to remove any vegetation within Lot.
- 1.4. Obtain all relevant approvals from the New South Wales Department of Primary Industries - Water in accordance with the *Water Management Act 2000*.
- 1.5. This consent is for an eighteen (18) month period only and accordingly the development must cease at the expiration of eighteen (18) months from the date of determination of this consent.

Any extension of the approved use beyond eighteen (18) months will require the prior submission and approval of an application under section 4.55 of the *Environmental Planning and Assessment Act, 1979*. In considering any application for the extension of this consent, Council would have regard for relevant matters under the *Environmental Planning and Assessment Act 1979*, including any submissions received during the period.

Note: Any application to modify this condition should be submitted to Council three (3) months prior to the date the consent will lapse.

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.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

Site investigation for the preparation of the construction; and / or

- a) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent; and
 - b) Demolition.
- 2.3 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.
 - 2.4 Submit an application to Council under section 138 of the *Roads Act 1993* for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's *Civil Design Guide, Construction Specifications and Standard Drawings* and Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a) Trimming back of the existing road batter and removal of vegetation from within the eastern side of the road reserve in Wisemans Ferry Road on the southern side of the Wisemans Ferry Road / Lillicrapps Road intersection, as required to improve sight distance for a vehicle with its nose positioned stopped at the "Stop" hold line in Lillicrapps Road to achieve a clear sight line to the bend in Wisemans Ferry Road to the south of this intersection.
- b) Removal of vegetation currently growing within the road reserve on the eastern side of Wisemans Ferry Road north of the Wisemans Ferry Road / Lillicrapps Road intersection and trimming of the tree branches that are currently overhanging into the road reserve from the adjacent property (Lot 58 DP 755253 i.e. No 11 Lillicrapps Road), to improve sight distance for a vehicle with its nose positioned stopped at the "Stop" hold line in Lillicrapps Road to achieve a clear sight line to the bend in Wisemans Ferry Road to the north of this intersection.

- c) Advance Road Name signs (G1-207) in Wisemans Ferry Road on each approach to Lillicrapps Road & FairyMeade Road Intersection in accordance with RMS and relevant Australian Standards.
- d) "Truck" warning signs (W5-22) in Wisemans Ferry Road on each approach to Lillicrapps Road / Fairymeade Road in accordance with RMS and relevant Australian Standards.
- e) Vehicle crossing to the site in Lillicrapps Road to be upgraded to a heavy duty flexible pavement (constructed of a minimum 250mm thick road base sealed with a two coat seal) and with a width that would accommodate the swept turn paths of the largest vehicle to utilise the development.

The Roads Act application must be approved by Council prior to commencing works in the road reserve.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Service Centre on (02) 4325 8222.

- 2.5. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development. The dilapidation report may be updated with the approval of the Principal Certifying Authority prior to the commencement of works.
- 2.6. Submit an application to Council under Section 305 of the *Water Management Act 2000* to obtain a Section 307 Certificate of Compliance. The *Application for a 307 Certificate under Section 305 Water Management Act 2000* form can be found on Council's website www.centralcoast.nsw.gov.au. Early application is recommended.

A Section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

- 2.7. The Due Diligence Process will be carried out in line with the *National Parks and Wildlife Act 1974* for Aboriginal Heritage.
- 2.8. Submit evidence demonstrating compliance with all fire management planning measures identified in the Bushfire Assessment Report, prepared by Conacher Consulting, dated September 2017.
- 2.9. No construction work is to take place upon the concrete slab existing at the rear, western edge of the Council approved shed until such time that a Building Information Certificate has been issued certifying the suitability of the concrete slab for the intended loads and use.

- 2.10 Obtain all relevant approvals from the New South Wales Department of Primary Industries - Water in accordance with the Water Management Act 2000.

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifying Authority for the building work:

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.

- a) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.3. 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.
- 3.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au

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

This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)

- 3.5. Obtain a Construction Certificate for the construction works within the private property.

4.. DURING WORKS

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

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

7.00am and 5.00pm Monday to Saturday

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

- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- All excavation or disturbance of the area must stop immediately in that area, and
 - 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. Implement appropriate erosion and sediment control measures and undertake works in accordance with the *Environmental Advice Report* prepared by Benbow Environmental dated December 2018 and the 'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004).
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)

- 4.7. All excavated material removed from the site must be classified in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility and receipts of the disposal must be kept on site.
- 4.8. Implement dust suppression measures on-site during land clearing to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.

- 4.9 Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by P. Bowditch, dated 4 April 2018.
- 4.10 Implement all soil and water management control measures and undertake works in accordance with the Timbers with Veins Environmental Advice Report, prepared by Benbow Environmental, dated 10 December 2018. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).
- 4.11 Immediately notify Council of any new information which comes to light during works which has the potential to alter previous conclusions about site contamination.
- 4.12 Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.13 Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.14 Conduct all works in accordance with the Timbers With Veins Environmental Advice Report, prepared by Benbow Environmental, dated 10 December 2018.
- 4.15. It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit. If during works suspected Aboriginal heritage items (stone tool artefacts, shell middens, axe grinding groves, pigment or engraved rock art, burials or scar trees) are identified, works will cease and OEH (131555) will be contacted.
- 4.16. It is an offence under the *Biodiversity Conservation Act 2016* to harm protected native wildlife. If during works fauna is displaced, it must not be harmed. If required, works will cease and fauna will be transferred to the nearest veterinary hospital and Councils Ecologist will be notified within 24hrs.

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.
- 5.2 Complete works within the road reserve in accordance with the approval under the *Roads Act 1993*. The works must be completed in accordance with Council's *Civil Design Guide, Construction Specifications and Standard Drawings* and Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013. Documentary evidence for the acceptance of such works must be obtained from the Roads Authority.

- 5.3 Rectify to the satisfaction of the Council any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the developer's expense.
- 5.4 Complete the engineering works required within the development site in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 5.5 Implement vegetation management activities in accordance with the Vegetation Management Plan (VMP) approved under this consent. Submit a final VMP certification report, prepared by the engaged Ecologist and forwarded to Council for review and approval.
- 5.6 Implement all fire management planning measures as identified in the identified in the Bushfire Assessment Report, prepared by Conacher Consulting, dated September 2017.
- 5.7 Screen planting, planted on the southern boundary along the entire area marked as "vegetated Earth Berm" on site plan A01, dated 26.02.2019 is to be completed with minimum 45l pot size native plants capable of attaining a mature height in excess of 5m. The maximum distance between trees is to be 2m, measured east to west. The trees are to be maintained in good health until maturity.

6.. ONGOING OPERATION

- 6.1 Operate and manage the site in accordance with the *DA Acoustic Assessment* prepared by Acoustic Logic dated 29 June 2018. Ensure all recommendations in the *DA Acoustic Assessment* are complied with.
- 6.2 The development must not cause offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
- 6.3 The development must not cause water pollution as defined in the *Protection of the Environment Operations Act 1997*.
- 6.4 The operation and management of the site must be undertaken in accordance with the *Environmental Management Plan* prepared by Benbow Environmental dated August 2018 and the *Environmental Advice Report* prepared by Benbow Environmental dated December 2018.
- 6.5 No more than one truck movement in any 15 minute period (be it inbound or outbound).
- 6.6 No more than one forklift is permitted to be operating at any one time.
- 6.7 An acoustic assessment including a review of operational noise emissions from the log processing works shall be undertaken by an accredited Acoustic Consultant one (1) month after occupation in order to compare operational noise levels to the predicted noise levels

- (i.e. during peak usage periods, peak arrival and departure times and when the forklift, generator, truck and saw are in use) and identify any areas where further noise mitigation measures **will be required**. A copy of the Report shall be submitted to the satisfaction of Council's Environmental Health Officer within fourteen (14) days of the review being undertaken.
- 6.8 All above ground storage's of hazardous materials, oils, chemicals or fertilisers must be bunded. The bund is to be made from an impervious material and must be covered and large enough to hold the contents of the largest container plus 10%.
- 6.9 Copper chrome arsenic treated power pole, non-treated power pole, and general timber processing is restricted to a maximum of 15 cubic metres per week.
- 6.10 Copper chrome arsenic treated power pole, non-treated power pole, and general timber processing is restricted to a maximum of 780 cubic metres combined total per year.
- 6.11 Do not store more than 500 cubic metres of copper chrome arsenic treated power poles onsite at any time.
- 6.12 Storage of copper chrome arsenic treated power poles are restricted to the locations depicted in the approved site plan dated 26 February 2019 prepared by CEO architectural cad design and presentation.
- 6.13 Hours of operation are restricted to the following;
- Weekdays: 7:30am to 2:30pm
Saturdays: 8:00am to 12pm
Sundays: Closed
- 6.14 One (1) month, three (3) months, and six (6) months after operation begins provide to Council a Water Quality Monitoring Report, for all potential contaminants of concern, including but not limited to arsenic, chromium, copper lead, organochlorides and pesticides. Sample sites are to include the onsite sediment retention dam and Ironbark creek (upstream and downstream of site).
- 6.15 Processing and milling of copper chrome arsenic treated power poles is only permitted within an enclosed area.
- 6.16 Copper chrome arsenic treated power poles are to be stored off the ground and at a distance greater than 60 metres from the top of the bank of Ironbark Creek.
- 6.17 Copper chrome arsenic treated power pole offcuts and sawdust must be stored in an enclosed area or container separate to non-treated sawdust and offcuts.

- 6.18 Copper chrome arsenic treated power pole offcuts and sawdust must be disposed of at a licenced waste facility. Records are to be kept for five years and provided to Council upon request.
- 6.19 Burning of copper chrome arsenic treated power poles, offcuts and sawdust or untreated timber offcuts and sawdust is not permitted.
- 6.20 Truck and forklifts movements are not permitted prior to 7am and after 6pm.
- 6.21 Trucks and forklifts are to switch off engines when not in motion.
- 6.22 Delivery and dispatch truck movements are restricted to two per day.
- 6.23 All vehicle movements are to be conducted on the designated access roads. The internal access road is to be constructed of road base and gravel materials.
- 6.24 A rumble grid/strip is to be installed and maintained at the entry/exit to the site.
- 6.25 Only copper chrome arsenic treated power poles and non-treated power poles are to be imported to the site. No other waste items as defined in the *Protection of Operations Act 1997* are to be imported to or stored on site.
- 6.26 The landscape areas, curtilage or hard standing areas within the development are to be maintained as an Inner Protection Area (IPA) in accordance with the standards described in within *Planning for Bush Fire Protection Guidelines 2006 (NSW)*.
- 6.27 Comply with all commitments as detailed in the Waste Management Plan signed by P. Bowditch, dated 4 April 2018.
- 6.28 Access to the toilet facilities located within the residential dwelling on site is to be made available to staff working within the shed whenever required for the lifetime of the development.

PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

ADVISORY NOTES

- The inspection fee for works associated with approvals under the *Roads Act 1977* is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit.
 - 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 or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or

assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

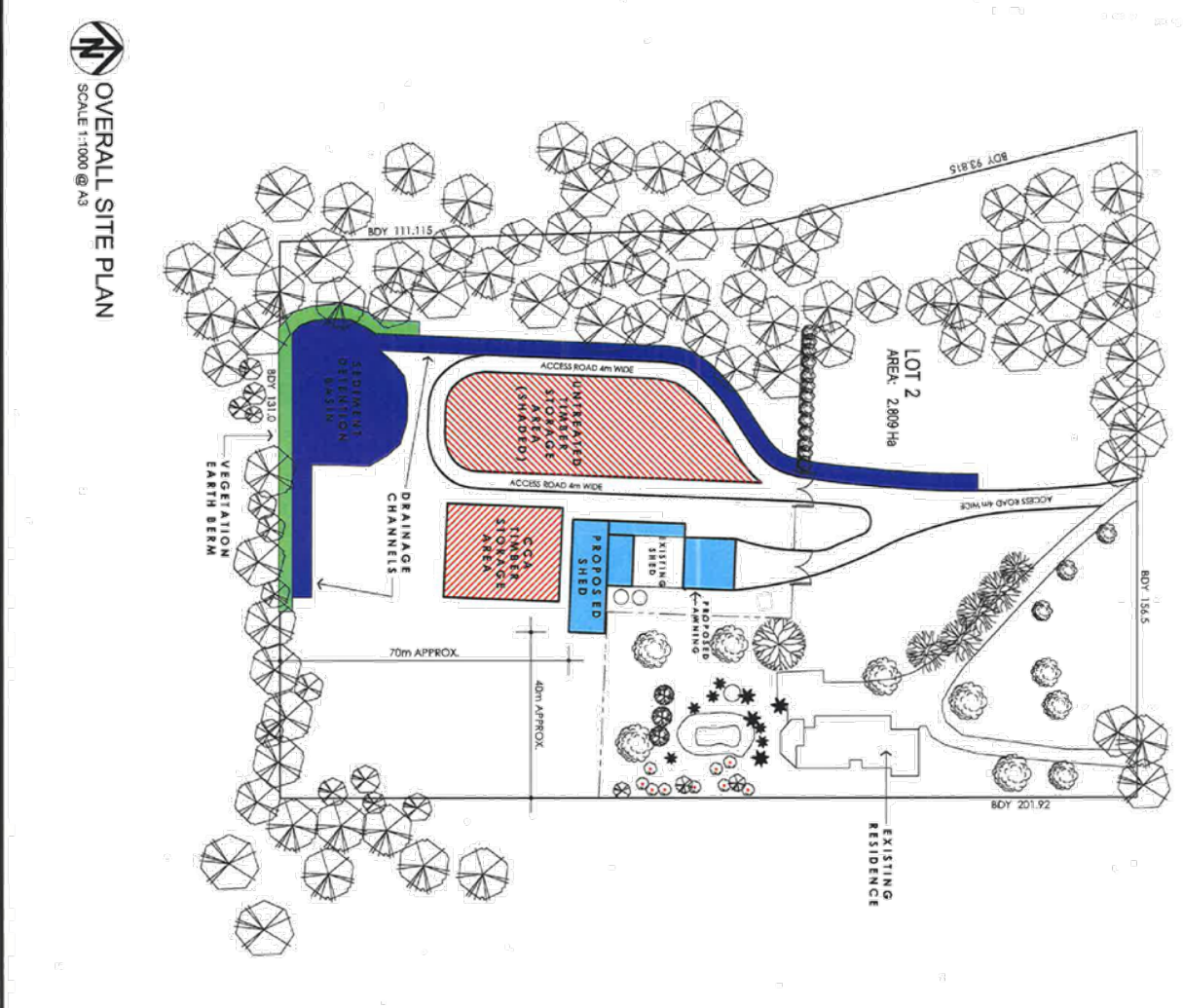
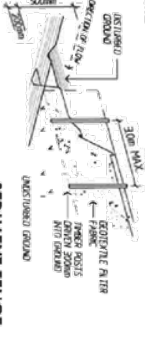
- *Telecommunications Act 1997* (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au
- This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)

SITE INVESTIGATION
 - SITE INVESTIGATION OF SERVICES HAS NOT BEEN UNDERTAKEN FOR THIS SITE PLAN.
 - SERVICES SHOWN HEREON MAY HAVE BEEN LOCATED BY FIELD SURVEY OR VISIBLE SURFACE FEATURES.
 - THIS PLAN SHOULD NOT BE USED FOR CRITICAL DESIGN DIMENSIONS IN RELATION TO EXISTING STRUCTURES AND SERVICES.
 - CORROBORATION OF CRITICAL POSITIONS SHOULD BE OBTAINED WITH ON-SITE INVESTIGATION.
 - PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, ALL AUTHORITIES SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL -NEGLECTING TO OAL, 1100 BEFORE DIGGING OR EXCAVATING CAN LEAD TO WORKERS AND THE GENERAL PUBLIC. IT CAN ALSO LEAD TO MANY PERSONAL INJURIES.

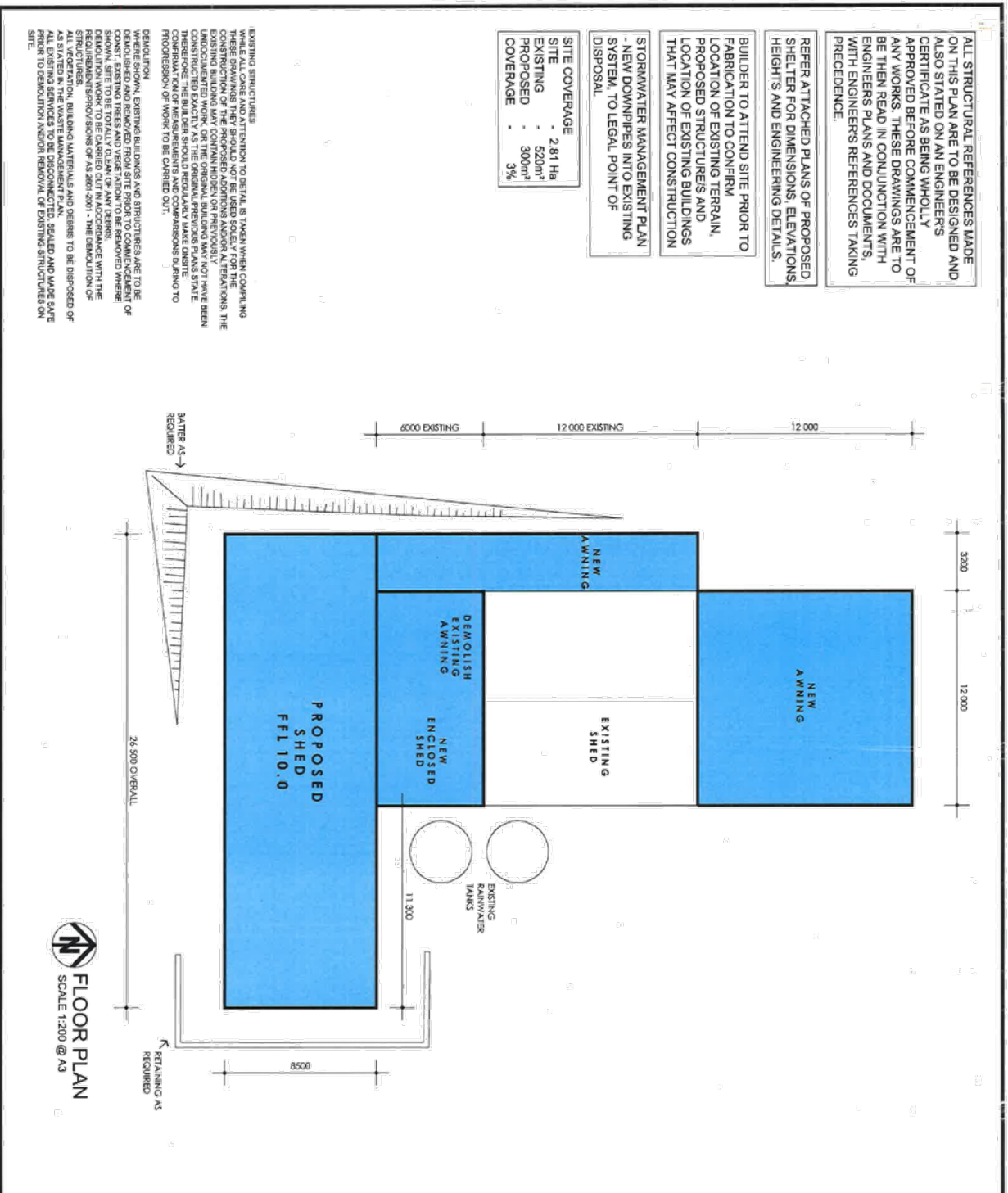
EXISTING STRUCTURES
 - EXISTING STRUCTURES TO BE DETAIL AS TAKES WHEN COMPLAINT THESE DRAWINGS THEY SHOULD NOT BE USED SOLELY FOR THE CONSTRUCTION OF THE PROPOSED ADDITIONS AND/OR ALTERATIONS. THE EXISTING BUILDING MAY CONTAIN MOISTURE OR PESTICIDES WHICH HAVE NOT BEEN DETECTED BY VISUAL INSPECTION.
 - CONSTRUCTION SHOULD EXACTLY AS THE ORIGINAL PREVIOUS PLANS STATE THEREFORE THE BUILDER SHOULD REGULARLY MAKE ON-SITE CORROBORATION OF MEASUREMENTS AND COMPARISONS DURING TO PROGRESS OF WORK TO BE CARRIED OUT.

DEMOLITION
 - DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES ARE TO BE DEMOLISHED AND REMOVED FROM SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION. EXISTING TREES AND VEGETATION TO BE REMOVED WHERE SHOWN. SITE TO BE TOTALLY CLEAN OF ANY DEBRIS.
 - DEMOLITION TO BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS PROVISIONS OF AS 2901:2001 - THE DEMOLITION OF STRUCTURES.
 - ALL VEGETATION, BUILDING MATERIALS AND DEBRIS TO BE DISPOSED OF AT AN APPROVED LOCATION.
 - ALL EXISTING SERVICES TO BE DISCONNECTED, SEALED AND MADE SAFE PRIOR TO DEMOLITION AND/OR REMOVAL OF EXISTING STRUCTURES ON-SITE.

SEDIMENT CONTROL MEASURES
 - ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL, TO BE INSTALLED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 - ALL DAMAGE WORKING SHALL BE CONSTRUCTED AND ESTABLISHED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
 - ALL EXISTING AND NEW CONSTRUCTION SHALL BE INSTALLED TO BE TOTALLY CLEAN OF ANY DEBRIS.
 - ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A 60% FULL OF SOIL MATERIALS, INCLUDING THE RELEVANT WORKING AREAS COMPLETED.
 - ALL DISTRIBUTED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKING ARE COMPLETED.
 - ALL SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM EXISTING AND PROPOSED CONSTRUCTION.
 - ALL STOCKPILES SHALL BE PROTECTED BY STRENGTHENING A FILTER FABRIC (PROPER OR APPROVED EQUIVALENT) BETWEEN POST AT 1.5m CENTRES. FABRIC SHALL BE BURIED 190mm ABOVE ITS LOWER EDGE.



	
<p>CLIENT TIMBER WITH VEINS</p>	
<p>PROJECT PROPOSED RURAL INDUSTRY DEVELOPMENT</p>	
<p>LOCATION LOT 2 - DP 852821 62 LILLICRAPPS ROAD MANGROVE MOUNTAIN</p>	
<p>GENERAL NOTES: Revised/updates/ date, preference, or set scale template. If IN/OUT, A/E/C. Contributor responsible to check and verify all information prior to heading and all report any discrepancy or omission. Revised/updates/ date, preference, or set scale template. If IN/OUT, A/E/C. How can they be used to plan or additional or otherwise items or services to be used or not used. The location or context of the site should be clearly indicated by C/D or the project name on the map in conjunction with the relevant client/owner contact. The contract should reference one these drawings in order reading but not limited to: Prelims, Prelims, approvals, enclosures, additional costs and work by owner/builder. All work to be carried out in a robust manner, and in accordance with local codes, the BCA, Australian Standards and any relevant authority requirements. All concrete and structural details to engineer's specification. Engineer details and specifications that reference over these drawings should be clearly indicated by C/D or the relevant project name on the map in conjunction with the relevant client/owner contact. Revised/updates/ date, preference, or set scale template. If IN/OUT, A/E/C.</p>	
<p>SHEET NO. A01</p>	<p>JOB NO. C2748</p>
<p>SHEET TITLE SITE LOCALITY / ANALYSIS</p>	
<p>REV. NO. 0</p>	<p>DATE 20/02/19</p>
<p>REV. NO. 1</p>	<p>DATE 20/02/19</p>
<p>REV. NO. 2</p>	<p>DATE 20/02/19</p>
<p>REV. NO. 3</p>	<p>DATE 20/02/19</p>
<p>REV. NO. 4</p>	<p>DATE 20/02/19</p>
<p>REV. NO. 5</p>	<p>DATE 20/02/19</p>
<p>REV. NO. 6</p>	<p>DATE 20/02/19</p>
<p>REV. NO. 7</p>	<p>DATE 20/02/19</p>
<p>REV. NO. 8</p>	<p>DATE 20/02/19</p>
<p>REV. NO. 9</p>	<p>DATE 20/02/19</p>
<p>REV. NO. 10</p>	<p>DATE 20/02/19</p>



EXISTING STRUCTURES
 DRAWING ATTENTION TO DETAIL IS TAKEN WHEN COMPARING THESE DRAWINGS THEY SHOULD NOT BE USED SOLELY FOR THE CONSTRUCTION OF THE PROPOSED ADDITIONS AND/OR ALTERATIONS. THE WORK SHOWN ON THIS DRAWING IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE EXISTING STRUCTURES CONSTRUCTED EXACTLY AS THE ORIGINAL PREVIOUS PLANS STATE THEREFORE THE BUILDER SHOULD REGULARLY MAKE VISUAL PROGRESSION OF WORK TO BE CARRIED OUT.

DEMOLITION
 ALL EXISTING BUILDINGS AND STRUCTURES ARE TO BE DEMOLISHED AND REMOVED FROM SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION. EXISTING TREES AND VEGETATION TO BE REMOVED WHERE SHOWN, SITE TO BE TOTALLY CLEAR OF ANY DEBRIS, RUBBER, WOOD AND OTHER MATERIALS. ALL EXISTING SERVICES WITHIN THE REQUIREMENT PROVISIONS OF AS 2001:2001 - THE DEMOLITION OF STRUCTURES.
 ALL VEGETATION, RUBBER MATERIALS AND DEBRIS TO BE DISPOSED OF AT A REGISTERED WASTE MANAGEMENT FACILITY. ALL EXISTING SERVICES TO BE DISCONNECTED, SEALED AND MADE SAFE PRIOR TO DEMOLITION AND/OR REMOVAL OF EXISTING STRUCTURES ON SITE.

SITE COVERAGE
 - 2.81 Ha
 EXISTING - 520m²
 PROPOSED - 300m²
 COVERAGE - 3%

STORMWATER MANAGEMENT PLAN
 - NEW DOWNPIPES INTO EXISTING SYSTEM, TO LEGAL POINT OF DISPOSAL.

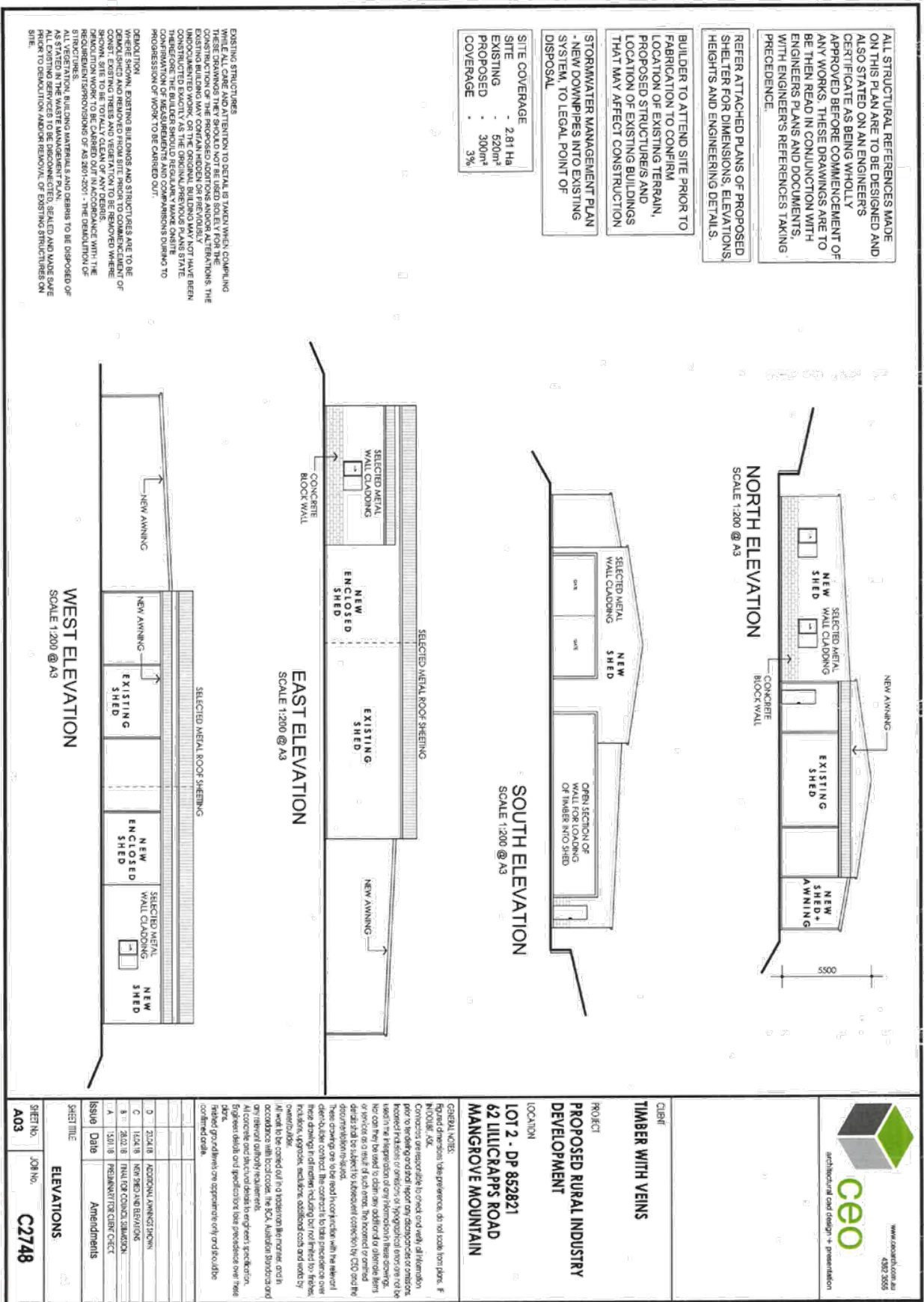
BUILDER TO ATTEND SITE PRIOR TO FABRICATION TO CONFIRM LOCATION OF EXISTING TERRAIN, PROPOSED STRUCTURES AND LOCATION OF EXISTING BUILDINGS THAT MAY AFFECT CONSTRUCTION

REFER ATTACHED PLANS OF PROPOSED SHELTER FOR DIMENSIONS, ELEVATIONS, HEIGHTS AND ENGINEERING DETAILS.

ALL STRUCTURAL REFERENCES MADE ON THIS PLAN ARE TO BE DESIGNED AND ALSO STATED ON AN ENGINEER'S CERTIFICATE AS BEING WHOLLY APPROVED BEFORE COMMENCEMENT OF ANY WORKS. THESE DRAWINGS ARE TO BE THEN READ IN CONJUNCTION WITH ENGINEERS PLANS AND DOCUMENTS WITH ENGINEERS REFERENCES TAKING PRECEDENCE.

FLOOR PLAN
 SCALE 1:200 @ A3

 <p>www.ceo.com.au 4382 3555</p> <p>architecture and design + presentation</p>																
<p>CLIENT TIMBER WITH VEINS</p>																
<p>PROJECT PROPOSED RURAL INDUSTRY DEVELOPMENT</p>																
<p>LOCATION LOT 2 - DP 852821 62 LILICRAPPS ROAD MANGROVE MOUNTAIN</p>																
<p>GENERAL NOTES: 1. Refer to project site plan for site boundaries, site area and site plan. If NOT SHOWN, ASK. 2. Construction is responsible to check and verify all information prior to tender and report any discrepancies or omissions. Requested information or omissions or discrepancies are not to be used for the preparation of any information in these drawings. However they be used to claim any additional or alternate items or services as a result of such errors. The engineer or architect details shall be subject to subsequent completion by CEO and the documents be revised. 3. All work to be carried out in accordance with the relevant standards and specifications. The contract is to be made in accordance with the conditions of contract including but not limited to: terms, conditions, exclusions, additional costs and work by owner/holder. 4. All work to be carried out in accordance with the relevant standards and specifications. The contract is to be made in accordance with the conditions of contract including but not limited to: terms, conditions, exclusions, additional costs and work by owner/holder. 5. All work to be carried out in accordance with the relevant standards and specifications. The contract is to be made in accordance with the conditions of contract including but not limited to: terms, conditions, exclusions, additional costs and work by owner/holder. 6. All work to be carried out in accordance with the relevant standards and specifications. The contract is to be made in accordance with the conditions of contract including but not limited to: terms, conditions, exclusions, additional costs and work by owner/holder. 7. All work to be carried out in accordance with the relevant standards and specifications. The contract is to be made in accordance with the conditions of contract including but not limited to: terms, conditions, exclusions, additional costs and work by owner/holder. 8. All work to be carried out in accordance with the relevant standards and specifications. The contract is to be made in accordance with the conditions of contract including but not limited to: terms, conditions, exclusions, additional costs and work by owner/holder. 9. All work to be carried out in accordance with the relevant standards and specifications. The contract is to be made in accordance with the conditions of contract including but not limited to: terms, conditions, exclusions, additional costs and work by owner/holder. 10. All work to be carried out in accordance with the relevant standards and specifications. The contract is to be made in accordance with the conditions of contract including but not limited to: terms, conditions, exclusions, additional costs and work by owner/holder.</p>																
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Attachment: Ordinary Meeting of Council 26 August 2019**Development Application No. 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed and Use of Part of Property for Log Processing Works**

Following Councillor site inspection (Thursday 01 August 2019) there were a number of specific questions that required supplementary information. The following additional information is provided in order to answer those questions asked by Councillors as part of the site inspection:

Approximate volume of finished timber stored in the attached photos.

The finished poles that were located on site at the time of the site inspection (refer figure 1) equate to approximately two (2) 11m power poles per wrapped pile. The poles have been sawn to remove treated timber and are finished square for future use. Note that these poles were milled off site.



Figure 1 – Finished poles stored on site at the time of the site inspection.

Would additional screen planting at the southern boundary be possible as a condition of consent?

A condition (5.7) has been recommended for inclusion should the application be granted approval that will require screen planting of native trees capable of attaining a mature height in excess of 5m.

Is there a calculation to work out how many cubic metres of timber there is per pole?

The applicant supplied relevant detail and explanation to show the approximate volume of timber per pole. A review of the detail reveals that a 10 metre pole yields approximately 1 cubic metre of timber (note that this is an estimate only and varies with pole diameter, age, species of timber etc).

The applicant has advised that the most common pole length to be processed will be between 9-12 metres.

How are the poles to be stored to maintain a safe working environment?

The poles will be stored in accordance with Safework NSW requirements. No specific legislation exists detailing how the poles should be stored on site, however general workplace safety legislation is to be adhered to.

Attachment 4: Gosford Development Control Plan 2013 Compliance Table

Development Control	Required	Proposed	Compliance
Chapter 2.1: Character	Desired character	<p>The subject site is located in Mangrove Mountain (agriculture and hillsides), wherein the desired character of the area is quoted in part below:-</p> <p><i>“These areas should remain productive rural landscapes that accommodate broad-hectare agricultural or livestock activities, together with a scattering of residential and small-scale tourist activities that do not interfere with the preferred primary-productive uses.</i></p> <p><i>Complement the existing informal landscape quality of buildings scattered across paddocks or slopes that are surrounded by trees. Locate all new buildings and works (other than roadside stalls) well back from road frontages, and vary both siting and form of adjacent structures in order to avoid the appearance of continuous walls of development or visually-dense clusters of buildings.”</i></p> <p>It is not considered that the proposed development will compromise the scenic nor environmental qualities of the area.</p>	Yes.
Chapter 2.2: Scenic Quality		The subject site is contained within the Plateau geographic unit, and the Kulnura – Somersby, landscape unit. It is not considered that the proposal will compromise the scenically distinctive qualities of the area.	Yes
Chapter 6.1: Acid Sulphate Soils		The subject site is mapped to contain Class 5 Acid Sulphate Soil. It is not considered that the proposal will cause any disturbance to Acid Sulphate Soils.	Yes
Chapter 6.3: Erosion Sedimentation Control	Appropriate measures	Appropriate erosion and sediment control measures are to be undertaken in accordance with the <i>Environmental Advice Report</i> prepared by Benbow Environmental. Submitted in support of this application.	Yes
Chapter 6.6: Preservation of Trees or Vegetation		No trees or vegetation are proposed to be removed or impacted upon as a result of this application. It is not considered that the proposed development will contravene this chapter.	Yes
Chapter 6.7: Water Cycle Management		Appropriate erosion and sediment control measures are to be undertaken in accordance with the <i>Environmental Advice Report</i> prepared by Benbow Environmental. Submitted in	Yes

Development Control	Required	Proposed	Compliance
		support of this application. It is considered that the implementation of these measures will adequately address this chapter.	
Chapter 7.2: Waste Management	Waste Management Plan (WMP) to be provided.	A WMP was provided and reviewed. Appropriate conditions are recommended ensuring compliance.	Yes