

# AMENDED REPORT



**Item No:** 2.2  
**Title:** DA 51743/2017 - 222 Grants Road Somersby  
**Department:** Environment and Planning

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9 July 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13259295

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**Executive:** Scott Cox, Director Environment and Planning

## Summary

A development application has been received for a controlled composting facility at No. 222 Grants Road, Somersby. 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* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Piccolo Pty Ltd
<b>Owner</b>	C Sammut
<b>Application No</b>	51743/2017
<b>Description of Land</b>	Lot: 1 DP: 344356, 222 Grants Road Somersby
<b>Proposed Development</b>	Integrated Composting Facility
<b>Site Area</b>	133,900m <sup>2</sup>
<b>Zoning</b>	RU1 Primary Production
<b>Existing Use</b>	Cattle Grazing
<b>Employment Generation</b>	Yes
<b>Estimated Value</b>	\$86,850.00

## Recommendation

- 1** *That Council grant consent subject to the conditions detailed in Attachment 1 of this 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:**

<b>Proposed Development</b>	Integrated Composting Facility
<b>Permissibility and Zoning</b>	The subject site is zoned RU1 Primary Production under <i>Gosford Local Environmental Plan 2014</i> . The proposed development is defined as a <i>rural industry, which is permissible in the zone with consent of Council.</i>
<b>Relevant Planning Legislation Instruments and Controls</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979 (EP &amp; A Act)</i></li> <li>• <i>Environmental Planning and Assessment Regulations 2000 (EP &amp; A Regulations)</i></li> <li>• <i>Local Government Act 1993 (LGA)</i></li> <li>• <i>Protection of the Environment Operations Act 1997 – (POEO Act)</i></li> <li>• <i>Protection of the Environment (General) Regulation 2009 (POE General Reg)</i></li> <li>• <i>Protection of the Environment (Waste) Regulation 2014 (POE Waste Reg)</i></li> <li>• <i>Protection of the Environment Administration Act 1991 (POE Administration Act)</i></li> <li>• <i>Roads Act 1997 (Roads Act)</i></li> <li>• <i>Rural Fires Act 1997 (RF Act 1997)</i></li> <li>• <i>Water Management Act 2000 (Water Management Act)</i></li> <li>• <i>Water Act 1912 (Water Act)</i></li> <li>• <i>Biosecurity Act 2015 (Biosecurity Act)</i></li> <li>• <i>Dams Safety Act 1978 (DSA 1978)</i></li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)</i></li> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)</i></li> <li>• <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP Mining)</i></li> <li>• <i>State Environmental Planning Policy No 33 - Hazardous and Offensive Development (SEPP 33)</i></li> <li>• <i>State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)</i></li> <li>• <i>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</i></li> <li>• <i>Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (SREP 8)</i></li> <li>• <i>Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997) (SREP 20)</i></li> <li>• <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i></li> <li>• <i>Gosford Development Control Plan 2013 (GDGP 2013)</i></li> </ul>
<b>Current Use</b>	Cattle grazing
<b>Integrated Development</b>	Yes
<b>Submissions</b>	57 submissions received during the notification period

## Variations to Policies

Nil

## The Site

The site is commonly known as No. 222 Grants Road, Somersby and is legally described as Lot 1 DP: 344356. The site is located on the Somersby Plateau, approximately 8.5 km north-west of the Gosford CBD. The site is located on the western side of Grants Road, has a frontage of 106m and an overall site area of 133,900m<sup>2</sup>. The site is irregular in shape with vehicular access to the site provided from No. 210 Grants Road, Somersby.

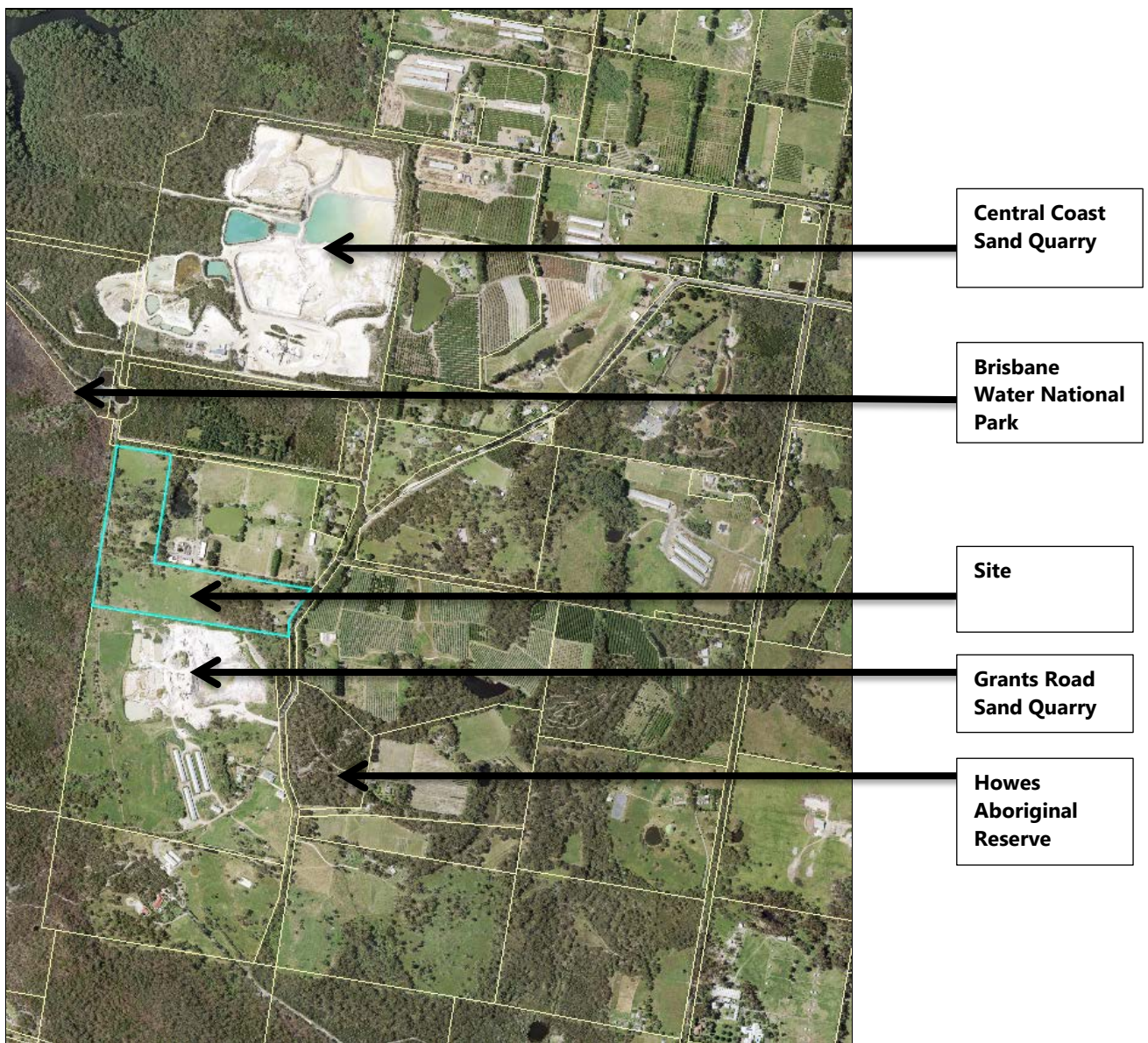
The site is currently vacant and is used for cattle grazing. Part of the property was previously used as a Council operated quarry for the extraction of gravel. The quarrying activities are evidenced by the presence of a depression in the north-east portion of the property near to Grants Road. The property has a general slope from east to west. A large proportion of the property is cleared with some scattered trees and pasture grasses. A more densely vegetated area is present in the central east of the site and similarly a smaller patch in the north-east corner adjacent to the western boundary. Thick weed cover is present in the foot print of the proposed development area. Refer to Figure 1.



**Figure 1 – Aerial photograph of the site and adjoining properties (site shown highlighted in blue)**

### Surrounding Development

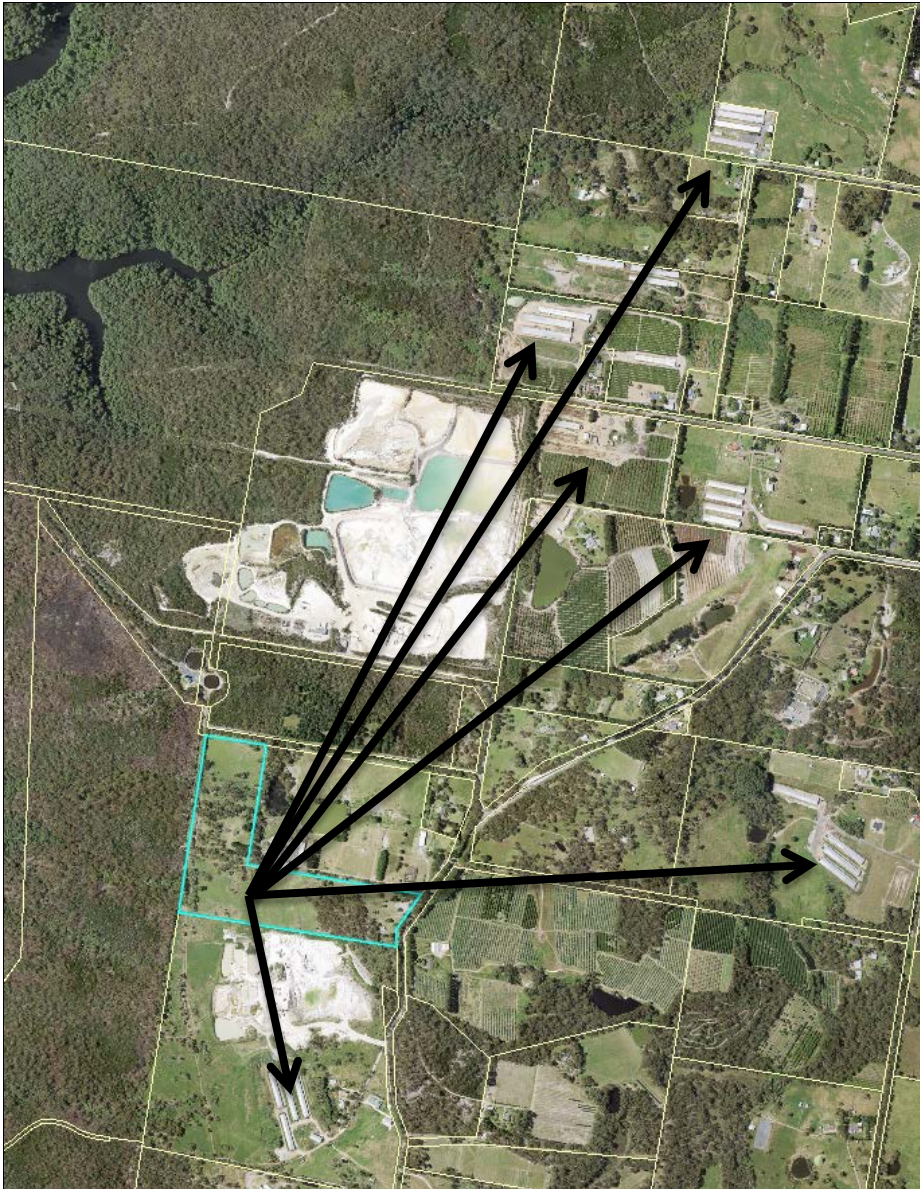
The property to the north of the site at No. 210 Grants Road, Somersby is currently used for cattle and horse grazing (including horse agistment) with sheds and workshops being used for storage and private use. Further to the north of the site at No. 24 Reservoir Road, Somersby is the Central Coast Sand Quarry. North-west of the subject site are two above-ground water storage tanks and a shed owned by Central Coast Council (Lot 1 DP 592068 & Lot 1 DP 714153). Adjacent and parallel to the southern property boundary located at No. 270 Grants Road, Somersby is an earthen bund associated with the Grants Road Sand Quarry, with the quarry pit beyond. Immediately east is Grants Road. To the south-east is the Howes Aboriginal Reserve, a protected area which contains engravings. Adjoining the western boundary of the site is an easement for water supply pipeline and Brisbane Water National Park containing the Great North Walk. Refer to Figure 2.



**Figure 2 – Aerial photograph of the site and adjoining properties (site shown highlighted in blue)**

At the time of lodgment, six (6) poultry farms were operating in the locality, at distances of between 400m and 1.6km from the site as detailed in Figure 3.

To date, the poultry operations located within the Grants Road Sand Quarry, 400m from the site have ceased. On 25 July 2014, the Minister of Planning by delegation approved development consent MP 08 0173 on Lot 1 DP 358717, 270 Grants Road Somersby for the extension of the existing quarry. Furthermore, one of the poultry operations located 1.3km from the site has changed ownership and is now associated with the Central Coast Sand Quarry and its enlargement. On 1<sup>st</sup> August 2014 the Minister of Planning by delegation approved development consent MP 08 0173 for the continued extraction and processing operations at the existing quarry for up to 30 years.



**Figure 3 – Aerial photograph of the site and poultry farms (site shown highlighted in blue)**

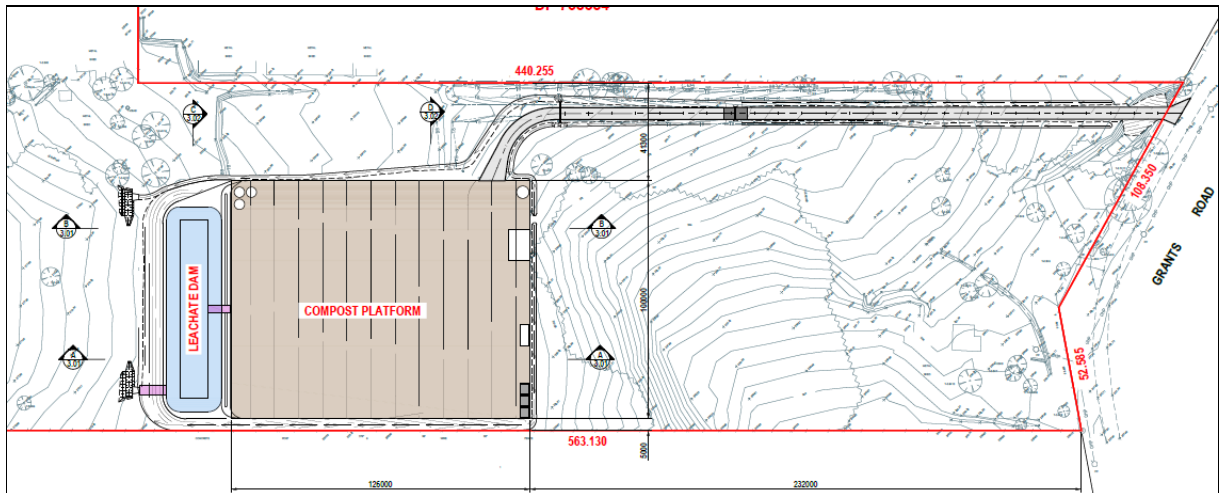
### The Proposed Development

Development Application No. 51743/2017 seeks to establish a controlled open windrow composting facility at the property located at No. 222 Grants Road, Somersby, including the following:

- The receipt and composting of organic waste sourced from commercial and industrial waste streams. At capacity operation, the site will be able to process up to 5,000 tonnes per annum of organic waste, resulting in approximately 3000 tonnes per annum of saleable material. The end-product, a humified soil conditioner, will be used for agricultural and horticultural purposes.
- The organic materials will be composted via an open windrow, aerobic system, and vermiculture on a compacted pad with dimensions of approximately 120m x 90m. At capacity, the site will have 10 windrows of 100m in length, each being approx. 2.5m wide and 1.4m high. The most southern windrow will be the static vermiculture windrow. Refer to Figure 4.
- The proposed composting facility will be positioned on an engineered platform. The composting platform will be constructed on a geosynthetic clay liner creating an impermeable base layer which will be overlain with crushed sandstone. The sandstone layer will be separated from the clay layer by a geotextile fabric.
- A leachate collection system is proposed to manage potential runoff from input material storage areas and the active working pad. The proposed leachate collection system for managing potential runoff from input material storage areas and the active working pad includes a 4.8 ML leachate dam. Composting is a water intensive process, as the moisture content of the windrows must be maintained within a narrow range to maintain the efficiency of the composting process. The operation of the facility utilises recycled water which will be pumped from the proposed 4.8 ML leachate dam to 3 x 30,000 litre water tanks and subsequently used for irrigation of the compost windrows. A 46,000 litre tank will be available for clean water and fire-fighting purposes.
- A site office to accommodate one full time employee is proposed.
- A shed to store equipment and machinery is proposed.
- The receival area will be positioned in the south east corner for ease of access for incoming trucks and operational use.
- As the site is not serviced by sewer, a composting toilet will be provided for staff and any visitors.
- Entry to the operational area is via a 5 metre wide access driveway from Grants Road.
- The proposed operational area is a largely cleared paddock. The earthworks will involve minor cut and fill.
- Once established, the site will be operational 5 days per week, Monday to Friday, between the hours of 7 am and 5 pm. Deliveries of incoming material, and transport of final product will occur only on these 5 weekdays. To maintain the integrity of the process, windrows must be turned every day by use of a slow speed tractor (200m per hr). Therefore, on weekends, at full capacity, the site will operate for 2 hours in the morning.

Please note, a comprehensive project description is provided at Attachment 3.

On 8 June 2017, in order to address concerns made by the Environmental Protection Authority (EPA) during the assessment process, the size of the leachate dam was increased from 2.4ML to 4.8ML. On 12 October 2017 and 14 December 2017, additional air and odour assessment information was provided for the consideration of the EPA, and the General Terms of Approval (GTA's) were then issued. In accordance with Chapter 7.3 of Gosford Development Control Plan 2013 (Notification of Proposals Amended Prior to Determination), this amendment/ additional information did not require re- advertisement or re-notification as there was no change to the location, footprint and envelope of the dam from the original notification.



**Figure 4 - Proposed Site Plan**

#### **s. 4.15 (1)(d) of the EP & A Act: Consultation**

##### 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 March 2017 until 14 April 2017.

Following confirmation that the proposal was integrated development, the notification period was extended from 14 April 2017 until 15 May 2017 in accordance with Division 7 Public participation – other advertised development of the *Environmental Planning and Assessment Regulation 2000* (Clauses 86-91). A total of 57 submissions were received.

In accordance with Council's adopted *Policy for Determining Development Applications Subject to Significant Public Objections*, the development application is referred to Council for determination as more than 50 submissions were received in relation to the proposal.

The issues raised in the submissions are discussed below:-

***Impacts upon a first order water course protected under the Water Management Act 2000 – it is located within the subject property and flows within a westerly direction into the adjoining Brisbane Waters National Park.***

Comment:

Water feature maps were obtained from New South Wales Department of Primary Industries - Water (DPI – Water) and submitted with the development application, wherein a first order stream was identified in the south western corner of the site. A subsequent detailed land survey undertaken by the applicant, and supporting the development application, confirmed no drainage features were present at the site in this location. In addition, Council's Environment Officer confirmed no evidence of a natural waterbody, wetland, coastal dune field or environmentally sensitive area existed on site.

The input of data into Council mapping is obtained from DPI Water. Therefore, Council mapping also inaccurately indicates the location of the first order stream, identified in Figure 5.

The location of natural waterbodies can only be altered when DPI Water undertakes a review. In order to assist any further reviews undertaken by DPI Water, correspondence was forwarded to DPI Water advising that Council had conducted their own independent site inspection, wherein the mapped drainage feature on site did not correspond with observed ground conditions.



***Figure 5 - Creeks in proximity to the location of the proposed works***



***Failure of the applicant to acknowledge potential impacts to flora and fauna on the site.***Comment:

The development application was referred to Council's Environment Officer who provided the following comments: -

*The vegetation on site is mapped as disturbed however it consists of scattered remnant and regrowth natives, dominated by Scribbly Gums. Surrounding vegetation communities include E29 Hawkesbury Banksia Scrub Woodland, E26 Exposed Hawkesbury Woodland and patches of E54 Sandstone Hanging Swamp (Coastal Upland Swamp Endangered Ecological Community).*

*A small number of Scribbly Gums require removal on the eastern edge of the composting pad. The trees in this area were not observed to contain hollows and were outliers from the larger stand of eastern vegetation. As such, no objection is raised to their removal and the proposal is not considered likely to have a significant impact upon threatened species, populations, endangered ecological communities or their habitats.*

A buffer zone of 176m will be provided between the proposed leachate dam and western site boundary, beyond which is the Great North Walk. The operational pad is further setback from the western site boundary, providing a buffer zone of 235m. Existing vegetation remaining on site will screen the proposed development from this viewpoint and no additional vegetation is considered warranted in this instance.

***An environmental protection licence will be sought to extend the parameters for composting in excess of 200 tonnes of putrescible organics. What are the terms of this licence?***Comment:

The matter is integrated development in accordance with Section 4.46 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Integrated development is defined as 'development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent' and requires additional approvals under the provisions of select state statutory planning legislation.

The environmental protection licence to be sought from the Environmental Protection Authority (EPA) is for a maximum capacity of 5,000 tonnes per year of organic material. Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) lists scheduled activities for which an environmental protection licence is required. Clause 12 (1) of Schedule 1 defines composting as the aerobic or anaerobic biological conversion of organics into humus-like products. Clause 12 (2) (a) of Schedule 1 in the POEO Act states that composting is a scheduled activity if:

*'where it takes place inside the regulated area, or takes place outside the regulated area but receives organics from inside the regulated area (whether or not it also receives organics from outside the regulated area):*

*(i) it has on site at any time more than 200 tonnes of organics received from off site, or*

*(ii) it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics'*

The subject site is located within the regulated area and is therefore subject to the provisions of part (a) as described above. At capacity, the facility would process up to 5,000 tonnes of organics, wherein it will contain more than 200 tonnes of organics received from off site at any one time.

Based on the categorisation of organic material, and subject to availability, it is anticipated at full capacity, the following quantities of organic material from all three categories will be sourced (exceeding the parameters identified in part (a) (i) above): -

<b>Input Categories</b>	<b>Expected Material</b>	<b>Anticipated Quantity (tpa)</b>
<b>Category 1</b>		
a) Garden and landscaping organics	Arborist mulch, clay	1,000
b) Untreated timber: sawdust, shavings	Sawdust	500
c) Natural organic fibrous organics: seed hulls/ husks	Straw	500
d) Processed fibrous organics: paper, cardboard	Paper sludge	500
<b>Category 2</b>		
a) Other natural or processed vegetable organics: vegetables, fruit and seeds, processing sludge's and wastes, brewery and distillery wastes, food processing wastes.	Fruit and vegetable organics, processing sludge's, food processing wastes	1000
b) Manures: animal manure and mixtures of manure and biodegradable animal bedding organics	Chicken litter	1000
<b>Category 3</b>		
a) Meat, fish and fatty foods, carcasses and parts of carcasses, blood, bone	Food waste including plate scrapings	500
<b>TOTAL</b>		<b>5,000 tonnes p/a</b>

**Figure 6 – Categories of materials**

It is acknowledged that the proposed composting facility will not operate at full capacity upon establishment. However, the proposed facility will be constructed to accommodate the processing of up to 5,000 tonnes of organics per annum, including in excess of 200 tonnes of organics on the site at any one time.

In view of the above, the EPA has advised that an environmental protection licence is required prior to the construction of the facility. The applicant will then be required to apply to vary the environmental protection licence once construction is completed to the satisfaction of the EPA, and prior to carrying out the scheduled activities. In order to ensure compliance, **Condition 1.3** is recommended for imposition.

The requirements contained within the General Terms of Approval (Notice No.: 1551020) (GTA) issued by the EPA are found within **Attachment 1 – Proposed Consent Conditions**.

***Concerns are raised that emissions from the facility will harm the environment.***

Comment:

Management techniques proposed to mitigate potential environmental issues associated with the operation of the proposed composting facility are outlined in the draft Environmental Management Plan (EMP) supporting the proposal:

- Section 4 of the draft EMP identifies performance measures to ensure issues associated with odour and dust are addressed in ongoing operational processes and management.
- Section 5 of the draft EMP identifies performance measures to ensure issues associated with incoming organics are addressed in ongoing operational processes and management.
- Section 6 of the draft EMP identifies performance measures to ensure noise generated by ongoing operational processes is adequately managed and monitored.
- Section 7 of the draft EMP identifies performance measures to ensure issues associated with litter, weed population, pest and vermin, site security and fire prevention are addressed in ongoing operational processes and management.

In order to ensure compliance with the management practices proposed in the draft EMP, **Condition 2.10** will require a final EMP for the site operations to be submitted to Council for approval prior to the issuing of any Construction Certificate. Furthermore, this Environmental Plan must be implemented in operation as required by **Condition 6.3**.

In issuing the GTA's, the EPA provided Council with conditions intended for the environmental protection licence, further to those identified in the draft EMP. Conditions intended for the environmental protection licence relate to odour; covering of waste; dust; erosion and sediment control; leachate management; working surfaces; stormwater management; emergency response; and monitoring, recording and reporting conditions.

The above-mentioned requirements contained within the GTA issued by the EPA are found within **Attachment 1 – Proposed Consent Conditions**.

**Concern is raised with the potential for contamination of ground water to bore water sites, including bore for town water supply, Mooney Mooney Dam and Somersby Falls.**

Comment:

Mitigation measures such as the use of impermeable liners under the composting pad and leachate dam will prevent seepage of leachate into the surrounding soil. Bore log records published by the NSW Office of Water indicate aquifers in the vicinity of the site occur at depths in excess of 16 m below the surface. The Water Cycle Management Plan supporting the development, prepared by ACOR Consultants, dated 31 July 2017, confirms the operational pad construction and leachate control measures proposed will mitigate the risk of contamination of groundwater.

The Water Cycle Management Plan supporting the development, prepared by ACOR Consultants, dated 31 July 2017, states the following: -

*The existing groundwater system is anticipated to lie below the underside of the engineered fill platform. In this regard, we refer to the absence of any record of water encountered at less than 16.8 m depth during drilling in bore records published by NSW Office of Water.*

*The proposed excavation for the platform and leachate dam will be limited to the upper layers of the soil profile which we anticipate will not be impacted by groundwater. Water infiltration into the engineered platform will be removed by a series of subsoil drainage systems which will convey flows to the leachate dam. Notwithstanding, the engineered fill platform supporting the composting operations and the leachate dam will include appropriate impermeable liners which will prevent the migration of contaminated water into the underlying soils and groundwater.*

*During the excavation and construction process, regular monitoring of the excavation works should be conducted and the presence of any groundwater should be noted. If groundwater is detected during excavation, then mechanisms to monitor groundwater levels and quality during the construction and operation of the compost facility should be developed and implemented.*

*Based on the foregoing, we are of the view that the risk posed to groundwater from the operation of the facility is minimal due to the depth of aquifers and the use of impermeable liners for the compost pad and leachate dam. Should shallow groundwater be detected during excavation works, monitoring mechanisms should be put in place to detect changes in groundwater quality, which may be attributable to leachate.*

Council's Development Engineer reviewed this information supporting the development application and has raised no further objection.

In addition, the site is not located within the drinking water catchment of Mooney Dam. It is situated within the catchment area of lower Mooney Mooney Creek. This catchment is lower and therefore does not influence the drinking water catchment. Stormwater runoff from the access road will be collected and treated in the swale drain, level spreader and across the grass buffer over the rear of the site.

***Aboriginal Heritage – There are multiple sites located in close proximity to the proposed facility and the area is undisturbed and rich in Aboriginal Cultural Heritage.***

Comment:

The proposal included an Aboriginal Heritage Due Diligence Assessment. This assessment reviewed archaeological studies from the surrounding area, which identified Aboriginal sites/objects nearby, including a rock engraving at the neighbouring quarry site, located at No. 270 Grants Road, Somersby.

A site inspection was also undertaken by the applicants Environmental Consultant to identify any features on the site likely to host Aboriginal objects/sites. The Due Diligence Assessment concluded that *'in accordance with the Due Diligence Code of Practice, as there are no known Aboriginal objects on the Property and the Site is considered disturbed, further assessment is not required.'*

Council's Environment Officer supports the above-mentioned conclusion and **Condition 4.3** is recommended for imposition to ensure any unexpected finds are handled appropriately.

***Concern that leachate control is inadequate and that water pollution will be caused.***

Comment:

Council's Development Engineer has confirmed that the proposed development meets the requirements of the Environmental Protection Authorities *'Composting and Related Organics Processing Facilities Guidelines 2004'*, in particular Section 5 Part '4. Leachate storage system'. Notwithstanding, in issuing the GTA, the EPA provided Council with conditions intended for the environmental protection licence specifically having regard to the leachate dam.

The operation of the facility utilises recycled water, which will be pumped from the proposed 4.8 ML leachate dam to the three (3) proposed 30,000 Litre water tanks and subsequently used for irrigation of the compost windrows. The runoff from the proposed composting pad will be collected and treated in the proposed leachate dam. As the site does not discharge to the street drainage system, and concentrated runoff will be collected by the leachate dam, there will be no directly connected impervious areas.

With regard to potential contamination of groundwater, the Water Cycle Management Plan, prepared by ACOR Consultants, dated 31 July 2017, states the following: -

*'The proposed leachate dam has sufficient capacity to collect and treat contaminated stormwater runoff resulting from shorter duration storm events up to the 100 Year ARI design storm event. In this regard the prescribed pollutant removal targets will be achieved for Phosphorous, Nitrogen Total Suspended Solids and Gross Pollutants. As a consequence, there will be no adverse impact on water quality within the catchment as a result of the proposed compost facility.'*

With regard to potential overflows from the leachate dam, the Water Cycle Management Plan, prepared by ACOR Consultants, dated 31 July 2017, states the following: -

*'Only overflows from the proposed leachate dam and clean stormwater diverted around the composting pad will be discharged in such a manner as to eventually drain to surface water bodies. Prior to entering Mooney Mooney Creek, the overflow from the leachate dam will flow over a large grassed area and through bushland, dispersing the flow and further removing nutrients before reaching the creek system. The proposed leachate dam has an overflow spillway which has been designed to safely pass the 100 year ARI storm event. Overflows from the proposed leachate dam are expected to be minor and infrequent due to the high water demand of the composting process.'*

Further to the considerations provided above, the development application must have contingency measures in place, should irrigation become unviable for any reason. **Condition 2.18** is recommended requiring the provision of an alarm system and pump (remote from a power source) on the leachate dam transfer pipework in order to ensure the proposed leachate dam does not overflow.

***Limited information has been provided regarding incoming organics, particularly ratios, source, inspection for contamination at source, transport, monitoring of limits, and fees for dumping.***

Comment:

Documentation has been provided regarding the operation of the proposal, wherein the following is confirmed:

- Relevant details of all incoming organics received and processed will be monitored and recorded by source, type, load and volume to ensure the environmental protection licence requirements are met. In issuing the GTA, the EPA provided Council with conditions intended for the environmental protection licence, wherein monitoring, recording and reporting conditions will be imposed.
- Management practices, in accordance with the draft EMP will include inspection of all loads prior to and during unloading, with operational staff present at all times. Any highly contaminated loads will not be allowed to unload, or if discovered during unloading, will be re-loaded and rejected from site.

- As the market for the end product cannot accept any level of contamination, contamination will be closely monitored and tight controls implemented to ensure only quality input materials are received. As a result, contamination is considered as a low environmental risk.
- Only commercial food waste from selected sources will be accepted for this process.
- Gate fees and source are commercial-in-confidence. Material will not be 'dumped' as the facility will not be open to public or uncontracted inputs.

The quality and content of the documentation provided is acceptable and can enable development consent to be issued.

***Concern is raised with the proposed handling of Category 3 material.***

Comment:

Category 3 inputs include meat, fish and fatty foods, carcasses and parts of carcasses, blood, and bone. The draft EMP supporting the proposal confirms that Category 3 material will be incorporated into the windrows within 2 hours of being received. Where inputs cannot be incorporated into the windrows within 2 hours, they will be covered either by 15cm thick layer of cured compost, a tarp, or placed in a washable, organic acid-resistant, moisture and vermin-proof bin.

In addition, Council's Environment Officer has recommended **Condition 6.6** is imposed requiring any Category 3 waste materials received on site be immediately incorporated into the composting materials, as has the EPA in issuing the GTA.

***Concern is raised with how the proposal will operate in unfavourable weather conditions.***

Comment:

Section 4.5 of the draft EMP identifies that weather conditions associated with dust generation will be monitored, with the application of dust suppression measures, if required.

Furthermore, evidence has been provided confirming the proposed leachate dam has sufficient capacity to collect and treat contaminated stormwater runoff resulting from shorter duration storm events up to the 100 Year ARI design storm event.

The Air and Odour Impact Assessment, supporting the development, prepared by Synergetics, dated 12 October 2017, modelled the impacts of the proposed facility under the assumption that the site is operating at maximum capacity and impacts have been assessed using worst-case (100th percentile) model results.

All emissions were modelled using 12 months of site-representative meteorological data sourced from the nearest Bureau of Meteorology (BoM) monitoring station, located at Mangrove Mountain Airport (12.5 km north northwest of the proposed site). Solar irradiance data, from 1 January 2014 to 31 December 2014, was sourced from the nearest BoM solar monitoring station located at Wagga. The Air and Odour Impact Assessment concluded all air and odour emission will remain below the relevant assessment criteria at all on-site and off-site sensitive receptors. On 14 December 2017, additional air and odour assessment information was provided for the consideration of the EPA, wherein the General Terms of Approval (GTA's) were then issued.

In view of the above, it is considered the development has been designed to operate in unfavourable weather conditions.

***The composting process should be strictly limited to Category 1 inputs so as to limit any adverse impacts to the environment and neighbouring properties.***

Comment:

The industry categorisation system of organic material is based on three categories. High quality compost requires a nutrient balance and the proposed composting facility requires a correct mix of inputs and cannot be achieved with Category 1 material alone. Substantive information has been provided and reviewed by Council officers and the EPA, wherein it is concluded the proposal will not adversely impact the environment and neighbouring properties through the use of Category 1 – 3 inputs.

In order to ensure the correct mix of organic material is maintained, relevant details of all incoming organics received and processed will be monitored and recorded by source, type, load and volume. A running total will be kept in a log available on-site, and reported monthly to the EPA, to ensure volume limits are not exceeded and the environmental protection licence compliance requirements are being met.

***Concern is raised regarding the likelihood of fire and spontaneous combustion.***

Comment:

In accordance with Section 4.14 of the EP & A Act, the proposed development is required to address the requirements of the *Rural Fires Act 1997* (RF Act 1997) and the document *Planning for Bushfire Protection*, published 2006, by the New South Wales Rural Fire Service. Sub-Section 63 (2) of the RF Act 1997 provides that it is the duty of an owner or occupier of land to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, that land. Furthermore, the establishment of a compost processing facility requires the preparation of a fire management strategy in accordance with Environmental Guidelines – Composting and Related Organics Processing Facilities, published 2004, by the Department of Environmental and Conservation (NSW).



In accordance with the abovementioned requirements, a Fire Management Plan, prepared by Wildblue Global Consulting, dated 8 March 2017, accompanied the development application. Given the proposed development seeks approval for a rural industry that does not propose any additional residential uses, the development application is bound to address the following key aims and objectives of *Planning for Bushfire Protection 2006*:

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

It is concluded the size of the proposed composting piles combined with control of the composting process, confirmed via the imposition of **Condition 2.11, 5.12 and 5.13** will contribute to reducing the likelihood of spontaneous combustion, and no further objection is raised. It is also noted, the proposed development is not defined as a Special Fire Protection Purpose and is not integrated development in accordance with Section 100B of the RF Act 1997. In view of the above there is no requirement to obtain a Bushfire Safety Authority from the NSW Rural Fire Service.

***The management of transport, number of trucks from the facility, is not stated in supporting documentation. Concern is raised with the additional traffic associated with the proposed facility.***

Comment:

The proposed composting facility has been assessed with appropriate specialist traffic input to confirm that it will not result in any adverse impact to the local road system.

The supply of inputs and outputs will be monitored by contractual arrangements based on process needs and limited by the environmental protection licence.

Furthermore, the Traffic Impact Assessment, prepared by SECA Solution, dated 22 March 2017, identified the following traffic movements associated with the proposed development:

**Inbound Product:** *Up to 5,000 tonnes of inbound product will be delivered each year, equating to 20 tonnes of inbound product entering the site each day. Depending on the type of product being delivered (arborist mulch, straw, sawdust, commercial food waste etc) and the size of the trucks used, this will require between 1-4 trucks entering the site each day (2-8 two way movements).*

**Outbound Product:** *Approximately 3,000 tonnes of compost will be produced from the site each year. Outbound product will be delivered using a combination of 10 tonne and 20 tonne tipper trucks. Depending on size of the trucks required, this will require between 3-6 trucks accessing the site each week, or typically one or two trucks per day (2 two way movements).*

**Staff:** *Only one full-time staff member will be employed at the site, requiring one light vehicle entering/exiting the site each day.*

*Allowing for the above, the peak movement would occur on days when there are four deliveries of inbound product together with the delivery of compost. This would result in a worst case of 6 trucks and one light vehicle inbound and outbound per day.*

The Traffic and Parking Report also confirms the existing state of Grants Road is satisfactory to support the development as proposed.

Council's Traffic and Transport Engineer has reviewed the Traffic Impact Assessment, prepared by SECA Solution, dated 22 March 2017, and supports the proposal.

**Concern is raised with regard to the noise impact associated with the transport of material from the site.**

Comment:

With regard to noise associated with the transport of material from the site at the completion of the composting process, the following is proposed:

- The end outgoing material will be loaded onto trucks by a telehandler. The time taken for material to be loaded will be a maximum of one hour.
- At capacity, it is anticipated 12 tonne of outputs leaving the site per day (combinations could include 1x12 tonne or 3x4 tonne vehicles).

- The Noise Impact Assessment, prepared by Wildblue Global Consulting, reviewed the total receipts and outgoing trucks (average of either 2 large (15-20 tonne) or 7 small (4-6 tonne) truck movements per day, or a combination of these (e.g. 1x12 tonne+ 2x7 tonne + 2x3 tonne). These truck movements were concluded to represent a minor noise impact that is negligible with regard to existing traffic volumes and the everyday operation of a rural industry.

In view of the above, it is considered adequate information has been provided so as to ensure that there is minimal noise impact associated with the transport of organic product at the completion of the composting process.

***Unacceptable amenity impact to surrounding properties and the community in general regarding the traffic associated with the transporting of waste into the area.***

Comment:

The proposal seeks to reduce the proliferation of waste generated within the Central Coast region, and in order to operate a composting facility, the waste needs to be transported to the site. This is an outcome that is unavoidable, however, the impacts associated with the transport of inputs are considered manageable for the following reasons:

- Access to the site will be provided via a new driveway from Grants Road. This driveway will enable vehicles to turn right into the site and left out of the site with no need for trucks to travel past the site access.
- The site layout allows for the entry and exit movements of articulated heavy vehicles to the site, which ensure that service vehicles can safely enter and circulate as required.
- All servicing requirements can be contained within the site with no external impacts.
- Sheet 6 and Sheet 7 in Attachment 2 (Turning Path Plans), prepared by ACOR Consultants Pty Ltd, dated 20 July 2017 demonstrate that an articulated heavy vehicle can access the site from Grants Road and circulate throughout the site as required.
- A gate will be provided along the access driveway but located away from the property boundary to ensure that there is sufficient space for a truck to turn into the site and hold at the control point without overhanging onto the roadway. In any instance, no vehicle queues are expected at the driveway entrance due to the minimal traffic flows along Grants Road.

***Concern is raised with regard to the proposed operating hours including the use of heavy machinery 7 days per week.***

Comment:

Once established, the site will be operational 5 days per week, Monday to Friday, between the hours of 7 am and 5 pm. Deliveries of incoming material, and transport of final product will occur only on these 5 weekdays.

However, to maintain the integrity of the process, windrows must be turned every day. Therefore, on weekends, at full capacity, this is expected to take 2 hours in the morning (between 8 am until Midday).

Machinery will comprise a tractor for approximately two (2) hours per day and a telehandler for approximately two (2) hours per day Monday to Friday, with an additional two (2) hours of the tractor on Saturday and Sunday. This is not considered 'heavy machinery' and is consistent with rural activity for which the site is zoned.

***Concern is raised with regard to the delivery of hazardous material & potential spillage.***

Comment:

With regard to the Planning Guidelines applicable to *State Environmental Planning Policy No. 33 – Hazardous or Offensive Development* (SEPP 33) the proposed development is not identified as a potentially hazardous industry.

***How will the proposed facility account for human error, accidents, machinery breakdown, environmental catastrophes, and power service interruptions with only 1 full time employee on site?***

Comment:

Procedural and operational manuals with adequate staff training are intended to mitigate any risk. Contingency plans and mitigation measures will also be assessed under the environmental protection licence application.

The applicant has identified that one employee is sufficient to manage the operation of the proposed facility. However, concern is raised that the proposed facility can lawfully operate with one employee in accordance with the *Work Health Safety Act 2011* and the *Work Health and Safety Regulation 2017*.

In this regard, **Condition 2.14 and 6.19** are recommended for imposition requiring the applicant to submit evidence demonstrating the proposed facility and its employee (s) are operating in accordance with the *Work Health Safety Act 2011* and the *Work Health and Safety Regulation 2017*.

***How will biosecurity be guaranteed? Concern is raised that the proposed facility is located in close proximity to poultry farms, which will result in an ongoing source of infection.***

Comment:

At the time of lodgment, six (6) poultry farms were operating in the locality, at distances of 400m, 1.2km, 1.3km, 1.3km, 1.4km and 1.6km from the site as detailed in Figure 3 of this report. However, to date, the poultry operations located 400m from the site have ceased. Furthermore, one of the poultry operations located 1.3km from the site has changed ownership and is associated with the Hanson quarry and its enlargement.

The draft EMP supporting the proposed facility includes biosecurity control measures, which are supported and considered acceptable by Council's Environment Officer in addressing biosecurity concerns associated with the proposal. These measures include:

- Covering of windrows with geotextile fleece at all times;
- Covering and quick turnaround of imported waste loads;
- Vermin control;
- Pasteurisation of incoming organics;
- Fencing of the composting pad to exclude foxes; and
- Compost windrows will reach a temperature that kills bacteria, pathogens and weed propagules.

In reviewing the biosecurity concerns associated with the proposed development, Council has also considered the provisions of Part 3, Section 22 of the *Biosecurity Act 2015* (Biosecurity Act), which relates to a General Biosecurity Duty. This applies to any person dealing with a Biosecurity matter (such as composting) and requires them to prevent, eliminate or minimise biosecurity risks. The General Biosecurity Duty requires any person dealing with a biosecurity matter to ensure, so far as is reasonable practicable, that the biosecurity risk is prevented. Council's Environment Officer has confirmed the control measures outlined within the draft EMP are sufficient and 'reasonably practicable' to prevent, eliminate or minimise the potential biosecurity risk of the development. Additionally, as an acknowledgement of submissions received, **Condition 2.10** is recommended for imposition requiring the final EMP to include additional biosecurity management actions, as necessary, having regard to Part 3, Section 22 of the Biosecurity Act, which relates to a General Biosecurity Duty.

***Putrescible wastes should be processed at a facility that poses low risk to residents or businesses.***

Comment:

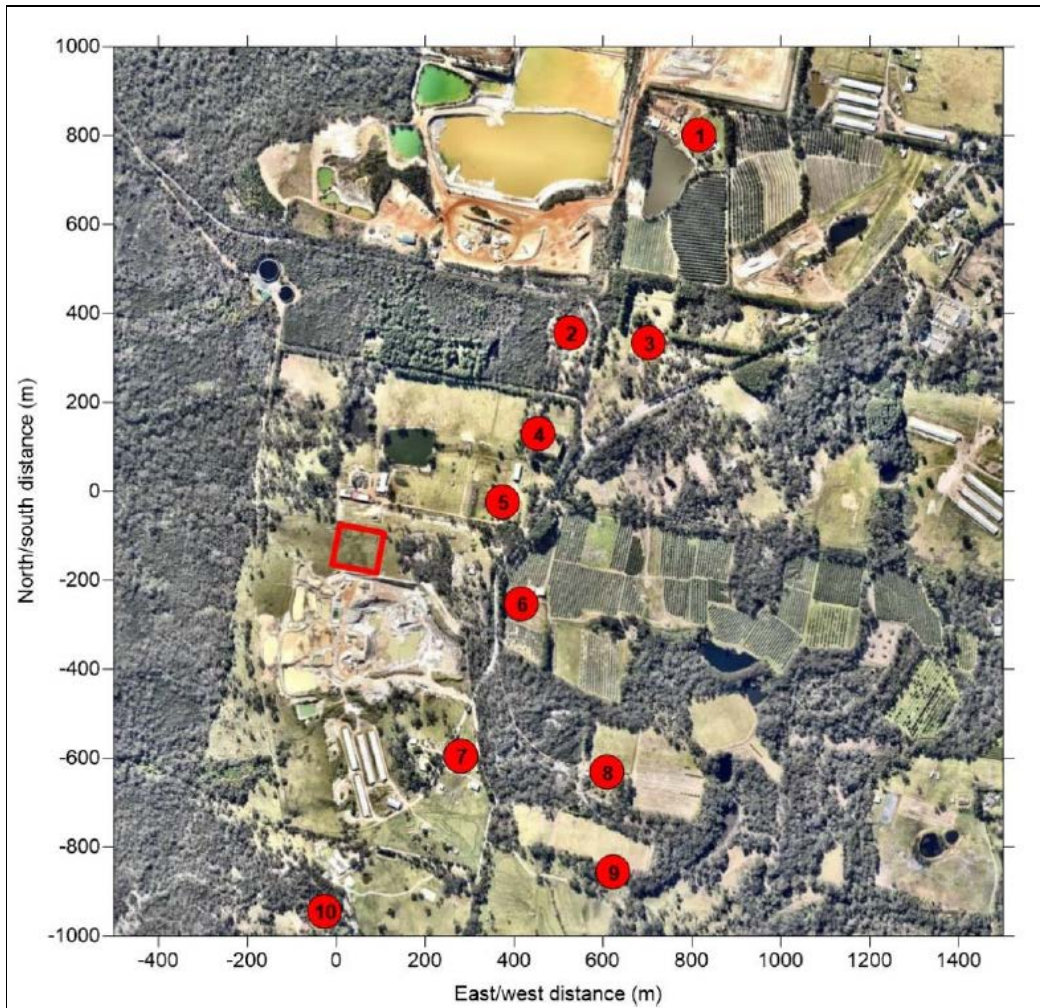
The RU1 Primary Production zoning of the land under GLEP 2014 permits the proposed development with the consent of Council, and the proposed composting facility is compatible with existing and approved uses of rural land in the immediate and surrounding vicinity. Furthermore, the impacts of the proposed development are considered reasonable given the proposed environmental management practices and mitigation measures proposed.

On 8 June 2017, in order to address concerns made by the Environmental Protection Authority (EPA) during the assessment process, the size of the leachate dam was increased from 2.4ML to 4.8ML. The Air and Odour Impact Assessment, supporting the development, prepared by Synergetics, dated 12 October 2017, modelled the impacts of the proposed facility under the assumption that the site is operating at maximum capacity, but with the originally proposed dam size of 2.4ML and not the amended dam size of 4.8 ML. On 14 December 2017, additional air and odour evidence was provided for the consideration of the EPA, wherein the GTA's were issued on 19 January 2018.

The EPA has advised the air and odour modelling identified in the Air and Odour Impact Assessment, prepared by Synergetics, dated 12 October 2017 can be relied upon in demonstrating the air and odour impacts associated with the development (refer to Figures 7 -10). For the proposed site, a Level 1 impact assessment has been conducted in accordance with *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*, prepared by the Environmental Protection Authority (NSW), dated November 2016. The two levels of impact assessment identified by the EPA include a Level 1 screening - level dispersion modelling technique using worst - case input data and Level 2 dispersion modelling technique using site - specific input data. The impact assessment levels are designed so that the impact estimates from Level 2 should be more accurate than Level 1 screening. For assessing odour impacts, a Level 1 assessment under *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* is equivalent to a Level 2 assessment under *Technical Framework - Assessment and management of odour from stationary sources in NSW*, prepared by the Air Policy Section of the Department of Environment and Conservation (NSW), dated November 2006.

Whilst the capacity of the dam was increased from 2.4ML to 4.8ML, the dams location, footprint and envelope was not altered to that of the 2.4ML dam. Furthermore, the dams surface area only increased by 20m<sup>2</sup>. All other parameters contributing to air and odour emissions associated with the proposed development and identified in the Air and Odour Impact Assessment, prepared by Synergetics, dated 12 October 2017, remain unchanged with regard to the volume and type of input material, location and size of the receivals bay area, number and size of windrows, and handling and operational procedures.

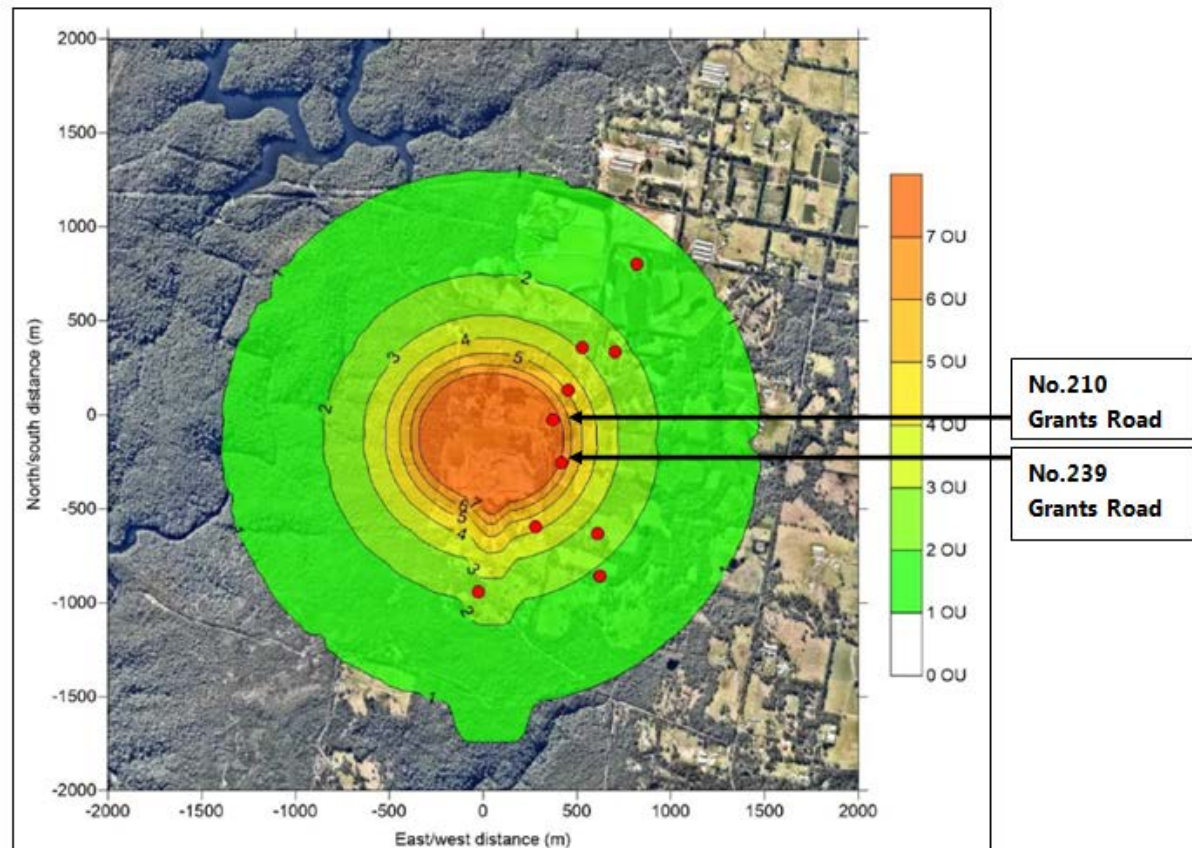
Residential dwellings within 1200m of the composting pad location were identified as potential sensitive receptor locations in the Air and Odour Impact Assessment, prepared by Synergetics, dated 12 October 2017. These sensitive receptor locations are shown in Figure 7. These sensitive receptor locations are shown in Figure 7. Receptor 5 (No.210 Grants Rd, Somersby) is the landowner's residence and has been treated as an on-site receptor for the purpose of the assessment undertaken.



**Figure 7 – Locations of sensitive receptors (marked by red circles) relative to the composting pad (marked by the red rectangle)**

Figure 8 identifies the contours of the 100<sup>th</sup> percentile peak odour concentration. The estimated odour emission rates for windrows are based on measurements taken at similar organic waste composting facilities in Australia and New Zealand. The data presented has been measured from windrows containing a combination of Category 1, Category 2 and Category 3 waste. As such, the data is considered to be representative of the windrows at the proposed facility, where odour emission rates will be higher during the early stages of the composting process and will decay across the ten week composting cycle.

As arrival of waste and removal of mature compost will both occur at frequent intervals, emission rates for the windrows have been estimated by averaging the expected weekly emissions over the ten week composting cycle. This estimated windrow emission rate has been applied to both the aerated windrows and static vermiculture windrows. In calculating total windrow emission rate, it has been assumed that there are ten 100m x 2.5m windrows on the composting pad, and it has been assumed that the facility is operating at maximum capacity and worst-case odour emissions have been generated using worst-case (100<sup>th</sup> percentile) model results.



**Figure 8 - Contours of 100<sup>th</sup> percentile peak odour concentration**

The number of odour units (OU) is the concentration of a sample divided by the odour threshold or the number of dilutions required for the sample to reach the threshold. This threshold is the numerical value equivalent to when 50% of a testing panel correctly detects an odour. For complex mixtures of odours, odour is specified in  $\text{OU}/\text{m}^3$  (odour units per cubic metre) as a nose-response-time average.

The appropriate criterion for a single affected residence is deemed to be a concentration of odour equal to seven times the theoretical minimum necessary to produce an olfactory sensation. In lower populated areas, such as the subject site, acceptable odour is defined as 7 odour units (7 OU). For residential receptors more densely populated areas, in which there will be a greater range of sensitivities to odour (and a higher number of more sensitive individuals), acceptable odour is defined as 2 odour units (2 OU).

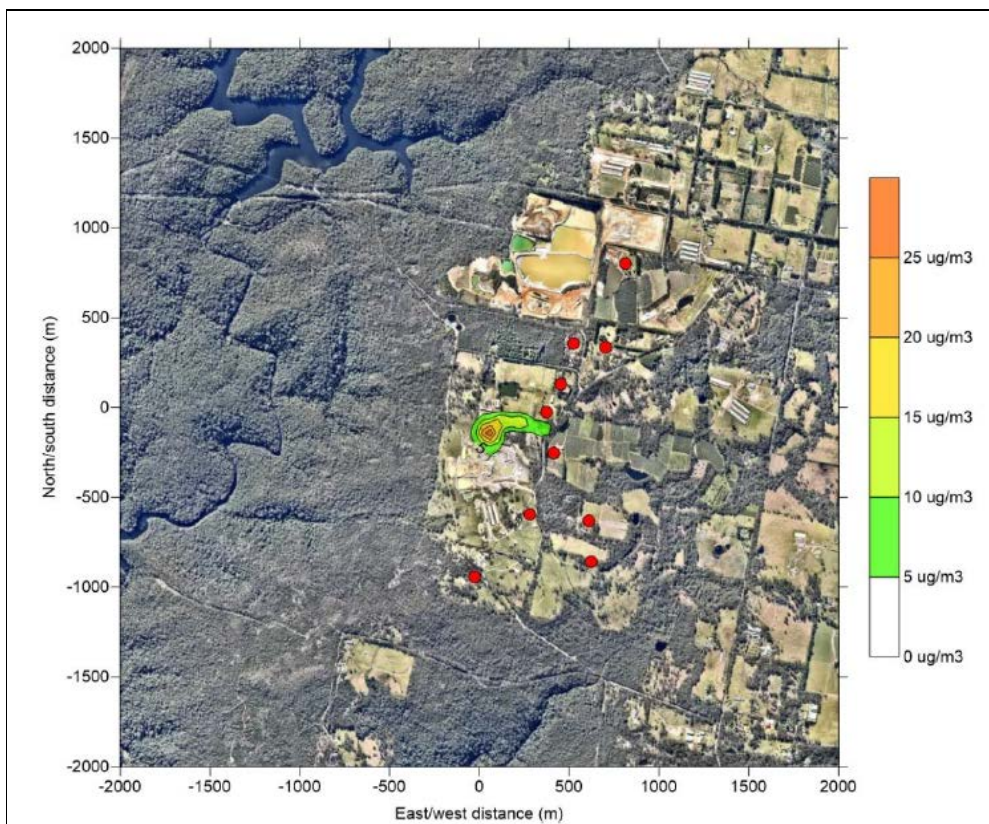
The Air and Odour Impact Assessment, supporting the development, prepared by Synergetics, dated 12 October 2017, concluded the 100<sup>th</sup> percentile odour concentrations associated with the proposal are expected to remain below the assessment criteria, being 7 OU, at all off-site sensitive receptors, including No. 239 Grants Road, Somersby (sensitive receptor No.6 in Figure 7 of this report). Sensitive receptor No.5 (No.210 Grants Rd, Somersby) is the landowner's residence and has been treated as an on-site receptor for the purpose of the assessment undertaken.



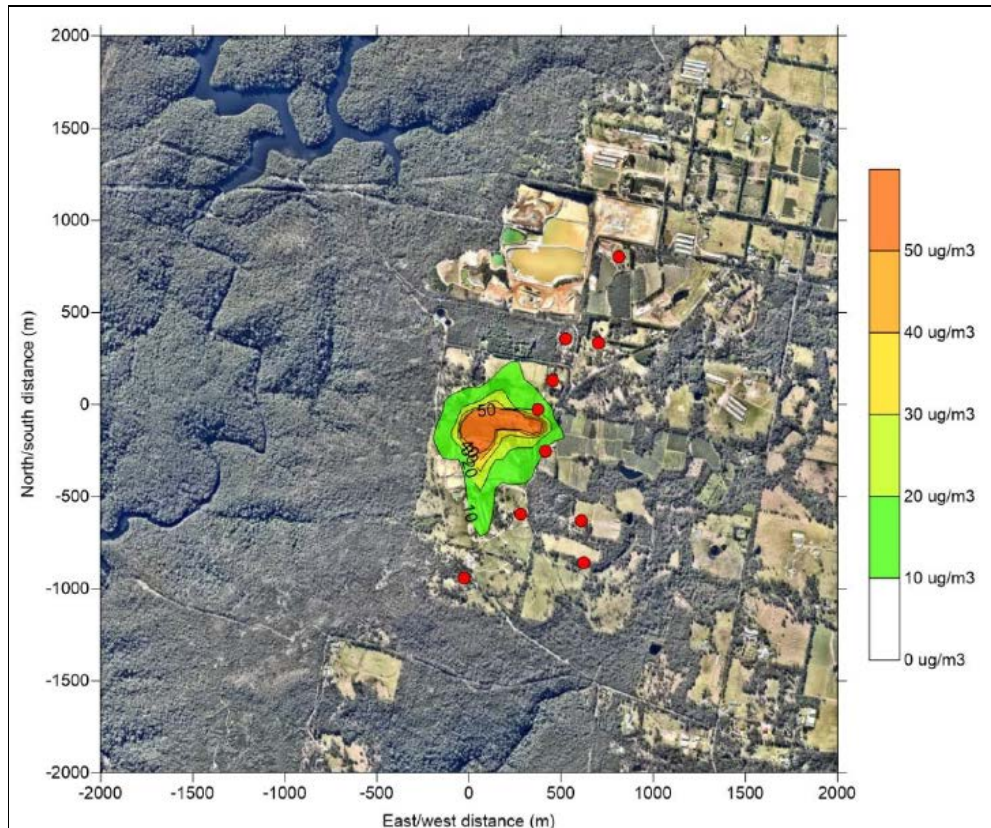
Figure 9 and 10 identifies the contours of 100<sup>th</sup> percentile 24-hour average particulate matter (PM) concentration. The Air and Odour Impact Assessment, prepared by Synergetics, dated 12 October 2017, concluded the 100<sup>th</sup> percentile particulate matter (PM) concentrations are expected to remain below the assessment criteria at all on-site and off-site sensitive receptors.

Particulate matter, also known as particle pollution or PM, is a term that describes extremely small solid particles and liquid droplets suspended in air. The size of particles affects their potential to cause health problems:

- PM10 (particles with a diameter of 10 micrometres or less).
- PM2.5 (particles with a diameter of 2.5 micrometres or less).



**Figure 9 – Contours of 100<sup>th</sup> percentile 24 hour PM 2.5 concentration.**



**Figure 10 – Contours of 100<sup>th</sup> percentile 24 hour PM 10 concentration.**

The Air and Odour Impact Assessment, prepared by Synergetics, dated 12 October 2017, concluded the 100<sup>th</sup> percentile PM concentrations are expected to remain below the assessment criteria at all on-site and off-site sensitive receptors and the 100<sup>th</sup> percentile odour concentrations are expected to remain below the assessment criteria at all off-site sensitive receptors.

The subject development application is supported by Council Officers and the EPA. As the GTA's have been issued by the EPA (as the Appropriate Regulatory Authority) it is concluded that all odour criteria have been satisfactorily met.

***The proposed open windrow method proposed exposes the composting piles to wind and birds.***

Comment:

Once the windrow piles are established, the material is wetted and turned under geotextile fabric liners - minimising any potential pathogen transmission associated with adverse weather conditions. Furthermore, these geotextile covers will also prevent vermin (birds/other animals) from accessing the composting piles.

Section 7.3 of the draft EMP identifies performance measures to ensure issues associated with pest and vermin are addressed in ongoing operational processes and management, including the following:

- The operational envelope will be fully fenced to prevent foxes from entering.
- The design of the pad will not allow for any hollows for water to pool.
- A concrete receivals area with a bunded wash-down apron will be connected to the leachate collection system. Material in these bays will be protected from rain water by covering with tarps where appropriate.
- Dependent on the nature of the material, inputs that cannot be incorporated within 2 hours will be covered either by 15cm thick layer of cured compost, a tarp, or placed in a washable, organic acid-resistant, moisture and vermin-proof bin.

***Unacceptable noise impact due to increase in truck movements, transportation of material and also with the operation itself which must operate 7 days a week.***

Comment:

A Noise Impact Assessment, prepared by Wildblue Global Consulting, dated 11 March 2017, identified the following factors as contributing to the anticipated noise generation per day associated with the proposed development:

- Receivals and outgoing trucks (average of either 2 large (15-20 tonne) or 7 small (4-6 tonne) truck movements per day, or a combination of these (e.g. 1x12 tonne+ 2x7 tonne + 2x3 tonne);
- Positioning of material into windrows with telehandler (approximately 1 hour total);
- Windrow turning 2 hours per morning by use of a slow speed tractor (200m per hour); and
- Loading of 12 tonnes finished product (compost) into trucks with telehandler (approximately 1 hour total).

The following properties in Grants Road were identified as sensitive receptors in the Noise Impact Assessment prepared by Wildblue Global Consulting, dated 11 March 2017:

- No. 210 Grants Road, Somersby;
- No. 239 Grants Road, Somersby;
- and, No. 270 Grants Road, Somersby.

All three of these closest residential receptors are located in excess of 250m from the proposed operational composting pad location, and it was concluded that no significant noise impacts would occur to these three sensitive receptors.

The documentation provided concluded the use of farm-type machinery for 4 hours per day (2 of them at very low speeds) during weekday operations (Monday - Friday) is not inconsistent with the rural zoning of the property. Furthermore, during the weekend, 2 hours of windrow turning will occur with the use of a slow speed tractor between 8am and Midday, wherein the proposed weekend operations will not significantly add to the overall noise level of the area.

Figure 11 identifies the noise mitigation measures proposed during construction and operation, which has been sourced from Section 6 of the Noise Impact Assessment, prepared by Wildblue Global Consulting, dated 11 March 2017:-

Factor	Management or Control Measure	When does this apply?
Scheduling	Limit construction to standard construction hours of: <ul style="list-style-type: none"> <li>Monday to Friday 7 am to 6 pm</li> <li>Saturday 8 am to 1 pm</li> <li>No work on Sundays or public holidays</li> </ul>	Construction
Maintenance	Plant, equipment and machinery are to be serviced and maintained according to, as a minimum, the manufacturer specification. Where manufacturer requirements are not available then industry best practice maintenance will be applied.	All times
Control	Where possible equipment will be procured with Original Equipment Manufacturer mufflers installed. Additional noise attenuation of fixed and mobile plant will be considered.	Operation
Management	The following site management measures will be implemented: <ul style="list-style-type: none"> <li>only necessary power to complete the tasks will be used;</li> <li>avoid concurrent use of noisiest plant/equipment, where practicable</li> <li>care will be taken not to drop materials such as rock, to cause peak noise events, including materials from a height into a truck. Site personnel should be directed as part of an off-site training regime to place material rather than drop it;</li> <li>machines that are used intermittently shall be shut down in the intervening periods between works or throttled down to a minimum; and</li> <li>worksite induction training, educating staff, will be implemented.</li> </ul>	All times
Consultation	Continue consultation and notification with the nearby residents to ensure they are informed of upcoming works. Initial face to face consultation has already commenced with these residents to introduce them to the project and to understand any concerns or queries they may have.	Ongoing
Monitoring	Regular noise checks will be undertaken during construction and operation.	Ongoing

**Figure 11 - Noise Mitigation Measures**

Council's Environmental Health Officer reviewed the documentation provided and advised the mitigating measures proposed to manage noise generated by the premises are sufficient. In view of the above, it is considered adequate information has been provided so as to ensure that there is minimal noise impact associated with the transport of organic product at the completion of the composting process.

**Concern is raised that the proposed facility will disadvantage residents in the area.**

Comment:

The impacts of the proposed development have been considered and shown to be contained largely within the subject site. Furthermore, the development application is supported by Council Officers and the EPA, concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

***The applicant contends that based on the premise of favourable meteorological conditions the amenity of the neighbourhood will not be significantly impacted. Two points need to be made here; non-favourable weather conditions should be the benchmark for impacts and there is no definition of what "significant" means. This leaves any neighbour complaints open to dismissal because of a lack of definition.***

Comment:

'Significant' in this context can be taken so as to refer to problematic to the point of highly unpleasant in terms of any adverse impact to adjoining residential properties or unacceptable environmental impact.

As detailed throughout this report, the associated impacts with operating the proposed composting facility have been adequately addressed with appropriate mitigating measures in place. Council Officers and the EPA have concluded that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic. If however, concern is raised by a resident, then Council staff and the EPA will investigate as will be required by the EPA in issuing an environmental protection licence.

***What is the process for addressing complaints associated with offensive odours; particulate emissions; vermin attraction and land pollution? Does the process for addressing complaints rely on neighbour complaints or lack thereof? Who assesses these complaints? What formal complaint process will be established? Why should neighbours be burdened with having to make complaint in order for performance to be assessed?***

Comment:

Council Officers are satisfied that there are a number of measures in place to address complaints received by members of the public as a result of the operation of the proposed facility. Similarly, Council Officers are satisfied there will be adequate systems and procedures in place to deal with all types of incidences that may occur at the premises, which will limit any adverse impact to the environment.

In accordance with Section 4.46 (1A) of the EP &A Act, the EPA has determined that it is able to issue an environmental protection licence for the proposal subject to a number of conditions. In issuing the GTA, the EPA provided Council with conditions intended for the environmental protection licence, which will require compliance with the following: -

- The provision of a telephone complaints line for the purposes of receiving any complaints from member of the public in relation to activities conducted at the premises or by the vehicle or mobile plant. If however, concern is raised by a resident, then Council staff and the EPA will investigate as will be required by the EPA in issuing an environmental protection licence.
- The proponent must prepare and implement an Air Quality and Odour Management Plan for the site. For all odour emission at the site, the Air Quality and Odour Management Plan must include, but is not limited to complaint management and reporting procedures.
- The licensee must prepare, maintain and implement as necessary a Pollution Incident Response Plan for the premises, which must document systems and procedures to deal with all types of incidences that may occur at the premises and which are likely to cause harm to the environment.
- The Licensee is required to notify the EPA immediately in the event of the event of a fire or suspected fire at the premises.
- The monitoring and recording of pollution complaints which must be produced to any authorised officer of the EPA.
- The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident.

The above-mentioned requirements of the GTA issued by the EPA are found within **Attachment A – Proposed Development Consent Conditions.**

***The subject site immediately backs onto the Great North Walk. Concern is raised that the emission of offensive odour will occur beyond the boundaries of the site which will affect users of the public pathway and neighbouring properties.***

Comment:

A buffer zone of 176m will be provided between the proposed leachate dam and western site boundary, beyond which is the Great North Walk. The operational pad is further setback from the western site boundary, providing a buffer zone of 235m.

The area occupied by the Great North Walk within Brisbane Water National Park will remain unaffected by the proposed development. No vegetation is proposed for removal in the southwestern corner of the site and it is considered an acceptable separation buffer is achieved so as to ensure the operation of the proposed facility will not create adverse amenity or environmental impacts to the users of the Great North Walk.

In issuing the GTA, the EPA has confirmed conditions intended for the environmental protection licence. With regard to operating conditions relating to odour, the following requirements will be attached to any environmental protection licence issued for the subject proposal: -

- The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.
- The proponent must prepare and implement an Air Quality and Odour Management Plan for the site, which must be implemented prior to the commencement of the operation of the facility.
- All animal waste transported to the premises is to be in sealed containers and be incorporated into the composting immediately.

***The proposed facility will decrease the value of land in the surrounding area.***

Comment:

This concern is speculation and is not a matter for consideration under Section 4.15 of the EP & A Act. In addition, there is no evidence to substantiate this claim.

***The subject site is zoned RU1, wherein this zoning conflicts with two RE1 Public recreational parcels located within a few hundred metres.***

Comment:

The assessment contained within this report concludes that the proposed development will not result in unreasonable impacts upon surrounding land, including the two parcels of RE1 Public Recreation zoned land (or the users of that land) located 105m southeast of the site.

The development application is supported Council Officers and the EPA, concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

***The potential environmental impacts to the residential receptor located at No. 200 Grants Road has been omitted from consideration in documentation supporting the proposal.***

Comment:

Although located further than the nearest receptor to the north, No. 200 Grants Road, Somersby is approximately 396m from the closest corner of the proposed composting pad to the dwelling on that property. The proposed composting pad is located in excess of 250m from No. 200 Grants Road, Somersby.

Therefore, having regard to the environmental parameters for consideration in accordance with cl.13(b)(vi) of Schedule 3 of the EP & A Regulation, the environmental impacts associated with the proposed composting pad to No. 200 Grants Road, Somersby are not required to be documented.

Notwithstanding the above, the Air and Odour Impact Assessment, supporting the development, prepared by Synergetics, dated 12 October 2017, modelled the impacts of the proposed facility under the assumption that the site is operating at maximum capacity. Residential dwellings within 1200m of the composting pad location were identified as potential sensitive receptor locations, including No. 200 Grants Road, Somersby. The EPA reviewed this documentation prior to issuing GTAs.

Whilst the Noise Impact Assessment, prepared by Wildblue Global Consulting, dated 11 March 2017 did not identify No. 200 Grants Road, Somersby as a sensitive receptor, No. 210 Grants Road, Somersby; No. 239 Grants Road, Somersby; and, No. 270 Grants Road, Somersby were identified as sensitive receptors. The Noise Impact Assessment prepared by Wildblue Global Consulting, dated 11 March 2017, concluded that no significant noise impacts would occur to these three sensitive receptors, which are located closer to the site than No. 200 Grants Road, Somersby.

The construction of a new driveway/crossover forms part of the proposal, wherein this driveway is within 250m of nearby dwellings located at No. 200, No. 210 and No. 239 Grants Road, Somersby. In accordance with cl.13(b)(vi) of Schedule 3 of the EP & A Regulation, the consent authority must consider if the construction of a new driveway/crossover (associated with the proposed composting facility) will likely have a significant impact on the amenity of the neighbourhood (from impacts including noise, visual impacts, air pollution, vermin or traffic).

Further consideration with regard to the environmental impacts associated with the construction of the new driveway/crossover is provided in **Attachment 5**, wherein it is concluded that the access driveway will have a minimal impact to the abovementioned residential receptors in accordance with cl.13(b)(vi) of Schedule 3 of the EP & A Regulation.

***The proposed facility must not be another waste dumping ground in Somersby.***

Comment:

Development Application No. 51743/2017 seeks to establish a controlled open windrow composting facility at the property located at No. 222 Grants Road, Somersby. The RU1 Primary Production zoning of the land under GLEP 2014 permits the proposed development with the consent of Council. The proposed use is defined as a 'rural industry' within GLEP 2014 as follows:-



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

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

In addition, Division 23 (Waste or Resource Management Facilities) in *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure) identifies that development for the purposes of waste or resource management facilities may be carried out with consent on land in a prescribed zone. The subject site is located in a prescribed zone and is defined as a resource recovery facility. Therefore, the proposal is also permissible pursuant to cl. 121 (1) of *SEPP (Infrastructure) 2007*.

The Standard Instrument defines a resource recovery facility as:

*'resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration'.*

Pursuant to cl.123 within Division 23 of SEPP Infrastructure, the consent authority must take additional matters into consideration when determining a development application for development for the purposes of the construction, operation or maintenance of a landfill for the disposal of waste. The subject proposal is a resource recovery facility and not a waste disposal facility. In this regard, it is considered that the provisions contained within Clause 123 of SEPP Infrastructure do not apply.

***The proposed facility will adversely impact the beauty of area.***

Comment:

Visual impact from Grants Road will be limited as the pad is setback 330m from Grants Road and screened by existing vegetation.

The proposed on-site structures will include one machinery shed with a height of 4.2m, and a site shed with a height of 2.5m. The subject site does not have a maximum height of buildings, however, the single storey height of these structures, are considered acceptable.

There will be no large stockpiling as material will be placed into windrows immediately upon receipt.

The works involve negligible built form, and will not involve the removal of screening vegetation or natural features such that it would impact upon the general amenity of the locality.

#### Public Authority Consultation

- Environmental Protection Authority (EPA)

The EPA reviewed the information provided and has determined it is able to issue an Environmental Protection Licence for the proposal, in accordance with Section 4.46 (1A) of the EP & A Act.

- Office of Environment & Heritage (NSW National Parks & Wildlife Service) (OEH)

The issues raised by OEH in relation to the proposal are discussed below:-

- *What mitigation measures will be in place to prevent contaminated water overflowing from the leachate dam during periods of heavy rainfall? If contaminated water overflows the leachate dam and approaches Brisbane Water National Park (BWNP), how will contamination be prevented from entering BWNP? Will there be regular water quality monitoring/ testing downstream?*

#### Comment:

The proposed leachate collection system for managing potential runoff from input material storage areas and the active working pad is provided by a 4.8 ML leachate dam. The proposal as originally submitted to Council proposed a 2.4ML leachate dam. In order to address potential overflow in periods of heavy rainfall, the size of the dam was doubled. In issuing the General Terms of Approval (Notice No.: 1551020) (GTA) the EPA provided Council with conditions intended for the environmental protection licence, which will require compliance with the safe operation and maintenance of the leachate dam. No further objection is made in this regard.

- *What are the proposed monitoring procedures for offensive odours? What are the mitigation measures to prevent excess levels of offensive odours being released?*

#### Comment:

In issuing the GTAs, the EPA issued Council with conditions intended for the environmental protection licence. In particular, the proponent must prepare and implement an Air Quality and Odour Management Plan for the site. For all odour emission at the site, the Air Quality and Odour Management Plan must include, but is not limited to complaint management and reporting procedures (as previously detailed).

- *Will the development comply with the all EPA policies, procedures and standards?*

Comment:

In accordance with s. 4.46 (1A) of the EP&A Act, the EPA has determined that it is able to issue an environmental protection licence for the proposal subject to a number of conditions.

- *Will the security of the fenced site be regularly inspected to ensure neither foxes nor wild dogs gain access? If wild dogs and foxes are reported within the site or numbers increase in the landscape adjacent, can you provide assurance that the developer will work closely with the Local Land Services to implement an appropriate management program.*

Comment:

In issuing the GTAs, the EPA provided Council with conditions intended for the environmental protection licence, which will require compliance with mitigation measures associated with such matters as controlling vermin.

- Darkinjung Local Aboriginal Land Council

The issues raised by Darkinjung Local Aboriginal Land Council in relation to the proposal are discussed below:-

- *An Aboriginal Cultural Heritage Site Survey must be carried out before any type of construction and or land clearing works are carried out within the area.*

Comment:

The proposal included an Aboriginal Heritage Due Diligence Assessment. This assessment reviewed archaeological studies from the surrounding area, which identified Aboriginal sites/objects nearby, including a rock engraving at the neighbouring quarry site located at No. 270 Grants Road, Somersby.

A site inspection was also undertaken by the applicants Environmental Consultant to identify any features on the site likely to host Aboriginal objects/sites. The Due Diligence Assessment supporting the proposal concluded that *"in accordance with the Due Diligence Code of Practice, as there are no known Aboriginal objects on the Property and the Site is considered disturbed, further assessment is not required"*. Council's Environment Officer supports this conclusion and **Condition 4.3** is recommended for imposition to ensure any unexpected finds are handled appropriately.

- New South Wales Dam Safety Committee (Dam Safety Committee)

The proposed development was referred to the Dam Safety Committee to determine whether the dam/s shall be declared as prescribed dams for the purpose of ongoing monitoring and management. "Prescribed" dams are those listed in Schedule 1 of the *Dams Safety Act 1978*. The Dams Safety Committee (DSC) can require owners of prescribed dams to do things to ensure the safety of their dams, in accordance with the Dams Safety Act 1978.

The Dam Safety Committee has advised that the proposed leachate dam and any other dam structures that may be required on site shall be referred to the Dam Safety Committee prior to the release of any Construction Certificate. The imposition of **Condition 2.8** will enable the Dam Safety Committee to determine whether the dam/s shall be declared as Prescribed Dams for the purpose of ongoing monitoring and management.

- New South Wales Road and Maritime Services (RMS)

RMS reviewed the proposed development and raised no objection to the proposed development, subject to Council's consideration of the following:

- *Council to ensure Grants Road can accommodate the vehicle types to be used on site as noted in the Traffic Impact Statement (10 and 20 tonne tipper trucks).*
- *Inbound and outbound product tonnage does not exceed the yearly tonnage as noted in the Traffic Impact Statement (up to 5000 tonnes of inbound product, approximately 3000 tonnes of outbound product).*

Comment:

The above-mentioned issues were reviewed by Council's Traffic and Transport Engineer, concurred with and no further objection was raised.

- New South Wales Department of Primary Industries (DPI)

Comments from DPI, dated 25 May 2017, identified the organic wastes processed on site would constitute biosecurity matter as defined under the *Biosecurity Act 2015* (Biosecurity Act), wherein the presence of biosecurity matter triggers a General Biosecurity Duty.

A General Biosecurity Duty requires that any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised (Part 3, Section 22 of the Biosecurity Act).

DPI recommended a site-specific assessment of biosecurity risks focussing on bioaerosols, using locally available meteorological data be undertaken to determine the risks with the proposal. DPI also suggested that due to the level of uncertainty with regard to bioaerosol and pathogen dispersal from the proposed site, it may be prudent to select a site that is located further from intensive livestock operations. Alternatively, the proponent could undertake bioaerosol emission and dispersal modelling to determine the risks posed by the transport of unprocessed waste to the site and the subsequent handling of the material at the site, and to propose mitigation measures to reduce the risk of pathogen dispersion to nearby poultry farms.

Comment:

On 1 June 2017, Council received information from the applicant in response to the issues raised by DPI. The applicants response addressed the following:

- Legality concerning the disposal and use of poultry waste (litter and carcasses) guidelines associated with the disposal and use of poultry waste;
- Acknowledgement of biosecurity priority within the poultry industry; and
- Current practice on the Central Coast Plateau in relation to the use and disposal of poultry waste.

The additional information received at Council on 1 June 2017 was referred for information to DPI and EPA. Further comments from DPI, dated 29 June 2017, recommended the following: -

- *Due to the level of uncertainty with regard to bioaerosol and pathogen dispersal from the proposed site, another site is selected that is located further from existing poultry enterprises, or*
- *Develop a biosecurity risk assessment, coordinated by a recognised poultry and biosecurity expert, together with a Risk Management Plan. We suggest Animal Health Australia may be a source for information concerning suitably qualified experts.*

On 19 July 2017, the Council's Assessing Officer and Council's Environment Officer forwarded correspondence to DPI, seeking further clarification regarding the advice provided by DPI, dated 29 June 2017. DPI is not a concurrence authority for the development application. DPI is an advisory authority in this instance. To date, Council has not received a formal response from DPI. Notwithstanding, DPI's advice is adhered to via the imposition of **Condition 2.10**.

Council has considered the provisions of Part 3, Section 22 of the Biosecurity Act, which relates to a General Biosecurity Duty. This applies to any person dealing with a Biosecurity matter (such as composting) and requires them to prevent, eliminate or minimise biosecurity risks. The legislation does not specify how this requirement is to be achieved in relation to development applications nor does it require the preparation of a Biosecurity Risk Assessment Report.

The General Biosecurity Duty does require any person dealing with a biosecurity matter to ensure, so far as is reasonable practicable, that the biosecurity risk is prevented. Council's Environment Officer has confirmed the control measures outlined within the draft EMP are sufficient and 'reasonably practicable' to prevent, eliminate or minimise the potential biosecurity risk of the development. Additionally, as an acknowledgement of submissions received, **Condition 2.10** is recommended for imposition requiring the final EMP to include additional biosecurity management actions, as necessary, having regard to s.22 of the *Biosecurity Act 2015*.

Despite the above additional requirement, the draft EMP supporting the proposed facility already includes biosecurity control measures, which are considered acceptable by Council's Environment Officer in addressing biosecurity concerns associated with the proposal. These biosecurity measures include:

- Covering of windrows with geotextile fleece at all times;
- Covering and quick turnaround of imported waste loads;
- Vermin control;
- Pasteurisation of incoming organics;
- Fencing of the composting pad to exclude foxes; and
- Compost windrows will reach a temperature that kills bacteria, pathogens and weed propagules.

The advice provided by DPI has been appropriately reviewed wherein it is concluded that no further information is required at this stage in accordance with s. 22 of the Biosecurity Act.

#### Internal Consultation

The development application was referred to the following internal officers for comment:

- Development Engineer

The development application has been assessed by Council's Development Engineer in relation to access, drainage and water/sewer and no objection was raised subject to recommended conditions.

- Traffic and Transport Planner

The development application has been assessed by Council's Traffic and Transport Planner, wherein no objection was raised subject to recommended conditions.

- Environment Officer

The development application has been assessed by Council's Environment Officer, wherein no objection was raised subject to recommended conditions.

- Environmental Health Officer

The development application has been assessed by Council's Environmental Health Officer, wherein no objection was raised subject to recommended conditions.

- Environmental Health Officer (OSSM)

The development application has been assessed by Council's Environmental Health Officer (OSSM), wherein no objection was raised subject to recommended conditions.

- Waste Services (Garbage)

The development application has been assessed by Council's Waste Services Division wherein no objection was raised subject to recommended conditions.

- Water and Sewer

The development application has been assessed by Council's Water and Sewer Division wherein no objection was raised subject to recommended 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 the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Furthermore, the proposed facility will divert waste from landfill in accordance with the NSW Environment Protection Authority's, Waste and Resource Recovery Strategy 2014–21.

#### **Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the development 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 for the matters for consideration detailed in Section 4.15 of the EP & A Act and other statutory requirements, the assessment has identified the following key issues, which are elaborated upon for Council's information.

**s. 4.15 (1)(a)(i) of the EP & A Act: Provisions of Relevant Instruments/ Plans/ Policies:***Environmental Planning and Assessment Regulation 2000*

Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP & A Regulation) identifies developments, which are designated development. The subject development application is supported by Council Officers and the EPA, concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

With regard to the environmental parameters for consideration in accordance with cl.13 of Schedule 3 of the EP & A Regulation, a detailed response is provided in **Attachment 5**. It is concluded the proposed development is not designated in accordance with Clause 13 of Schedule 3 of the EP & A Regulation.

*Rural Fires Act 1997*

The site is identified as "bushfire prone land" on Council's bushfire maps. Refer to Figure 12. 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 1997* (RF Act 1997) and the document *Planning for Bushfire Protection*, published 2006, by the New South Wales Rural Fire Service.

The establishment of a compost processing facility also requires the preparation of a fire management strategy in accordance with *Environmental Guidelines – Composting and Related Organics Processing Facilities*, published 2004, by the Department of Environmental and Conservation (NSW).





**Figure 12 - Bushfire prone land**

A Fire Management Plan, prepared by Wildblue Global Consulting, dated 8 March 2017, accompanies the development application. In order to ensure compliance with the recommendations contained within the Fire Management Plan, **Condition 2.11, 5.12 and 5.13** are recommended for imposition.

Water Management Act 2000 (Water Management Act)

In order to protect legitimate water users and the environment, the Department of Primary Industries Water (DPI Water) monitors and enforces compliance with the *Water Management Act 2000* (the Water Management Act) and the *Water Act 1912* (the Water Act). The Water Act is being progressively repealed and replaced by the Water Management Act.

Approval to construct and use a dam to capture and store rainwater runoff and to use captured water 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 1.6 and 2.17** are recommended for imposition.

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 (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP Mining)

Clause 13 of SEPP Mining requires a consent authority to consider the compatibility of the proposed development with mining, petroleum production and extractive industries in proximity to the site.

With regard to the environmental parameters for consideration in accordance with Clause 13 of SEPP Mining, a detailed response is provided in **Attachment 6**. Having regard to the matters for consideration contained within Clause 13(2) of SEPP Mining, it is concluded the draft EMP accompanying the development application appropriately identifies the relevant risks associated with the operation of the facility, and proposes acceptable mitigating measures to address these risks to the environment and adjoining properties.

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

The development application has been assessed against the requirements of SEPP Infrastructure. Division 23 (Waste or Resource Management Facilities) identifies that development for the purposes of waste or resource management facilities may be carried out with consent on land in a prescribed zone. The subject site is located in a prescribed zone and is defined as a resource recovery facility.

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. However, the processing of waste, is identified within Appendix 3 of these guidelines, as potentially offensive in terms of possible impacts associated with air and water.

Clause 13 of SEPP 33 identifies matters for consideration consent authorities must consider for those developments identified as potentially offensive industry. With regard to the environmental parameters for consideration in accordance with Clause 13 of SEPP 33, a detailed response is provided in **Attachment 7**.

Council Officers are satisfied there are adequate safeguards to ensure emissions from the facility can be controlled to a level at which they are not significant. It is concluded the development is neither hazardous nor offensive (and hence permissible as a rural industry). Furthermore, the proposed site and its intended use will be regulated by the EPA, wherein, sufficient information has been provided about the nature of potential contamination to enable the EPA to issue GTA.

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 the SEPP. In this regard, no further objection is made.

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

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 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.

In reference to the Planning Guidelines applicable to SEPP 55, waste storage and treatment activities are identified as activities that may cause contamination. However, in this instance, the works do not comprise a hazardous use, and the proposal will not use chemicals listed under any comparable land uses/industries within Appendix A of these Planning Guidelines.

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

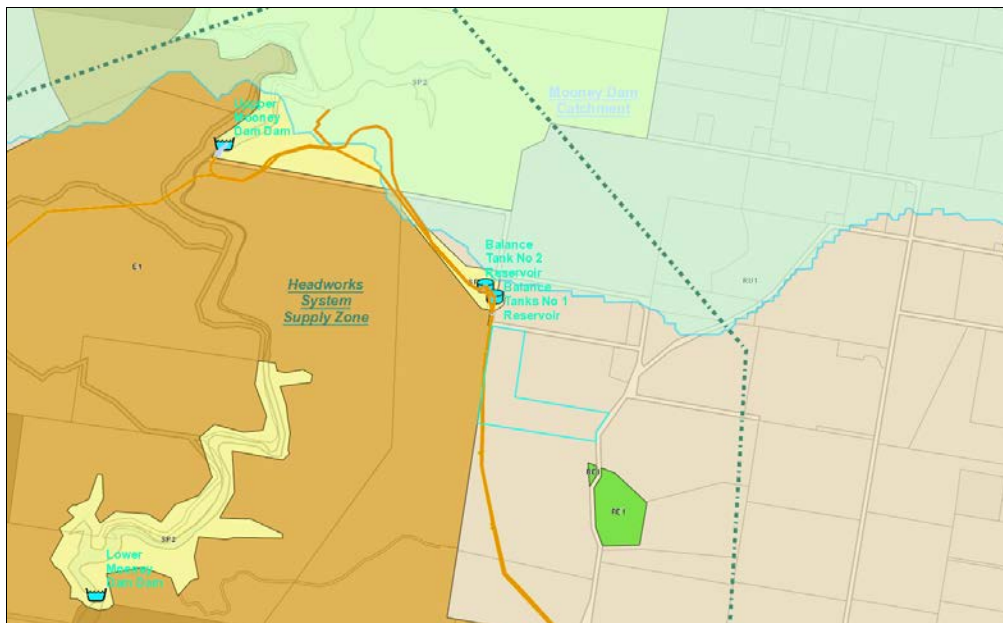
SREP 8 aims to provide environmental protection for the Central Coast plateau areas and provide a basis for evaluating competing land uses. The subject land is not identified as a resource of regional significance, however, is contained within the area identified for SREP 8.

Having regard to the matters for consideration contained within Clause 2 of SREP 8, a detailed response is provided in **Attachment 8**.

It is concluded no objection is made in that potential resource areas surrounding the site will not be left isolated by the proposed development and the proposed development will support the agricultural industry through the provision of high-grade compost for the local agricultural industry concurrently reducing transport miles that waste material is required to travel to landfill.

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 the drinking water catchment of Mooney Dam. It is situated within the catchment area of lower Mooney Mooney Creek. This catchment is lower and therefore does not influence the drinking water catchment (Figure 13).



**Figure 13 - Mooney Dam Catchment**

**Gosford Local Environmental Plan 2014 (GLEP 2014)**

GLEP 2014 was considered during assessment of this development application. There are no variations to development standards in relation to the proposed development.

Zoning and Permissibility

The subject site is zoned RU1 Primary Production under GLEP 2014. The proposed use is defined as a 'rural industry' within GLEP 2014 and is permitted with the consent of Council. The objectives for the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that development is compatible with the desired future character within 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.*
- *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.*

In this instance, it is considered that the proposal is consistent with the stated objectives of the zone and consistent with the principles of Ecologically Sustainable Development as specified within Clause 8A (2)(d) of the *Local Government Act 1993* (LGA).

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

No draft Environmental Planning Instruments apply to this development application.

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

***Gosford Development Control Plan 2013 (GDGP 2013)***

*Chapter 2.1: Character*

The subject site is located in Somersby 3 (Agricultural Plateau & Hillside), wherein the existing character identifies these areas were substantially cleared of their original vegetation to accommodate a variety of rural activities that originally included traditional horticulture and live stocking. The establishment of a bona fide agricultural land use (composting) ensures an ongoing and productive rural landscape in accordance with the desired character of the area.

*Chapter 2.2: Scenic Quality*

The subject site's landscape unit is identified as Geographic Unit No. 10 – Plateau Area. The proposal satisfies the development objectives for this area in that:

- The location of the operational pad will result in minimal tree removal;
- The composting pad on site will be setback 370m from Grants Road and screened by retained vegetation;

- A buffer zone of 176m will be provided between the proposed leachate dam and western site boundary, beyond which is the Great North Walk located within Brisbane Water National Park. The operational pad is further setback from the western site boundary, providing a buffer zone of 235m. Existing vegetation remaining on site will screen the proposed development from this viewpoint.

It is concluded the visibility of the operational pad will be limited from public points of perception, thereby not detracting from the scenic quality of the area.

#### Chapter 3.7: Advertising Signage

The applicant intends to erect a sign advertising the composting facility, which would be erected at the front of the Property, affixed to the existing fence and intended to be visible from Grants Road. No plan details were provided regarding the above-mentioned signage and it is assumed the applicant will erect any business identification signage in accordance with the parameters of exempt development contained within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Alternatively, a further Development Application may be required.

#### Chapter 6.3: Erosion and Sediment Control

The erosion and sediment control measures proposed are considered satisfactory. Compliance will be endorsed via conditions.

#### Chapter 6.4: Geotechnical Requirements

The subject site is not located in an identified landslip area.

#### Chapter 6.5: On-site Effluent and Greywater Disposal

An On – Site Sewerage Management Waste Water Report, prepared by Wildblue Global Consulting, dated 17 March 2017 accompanies the development application. The recommendations within this report are supported by Council's Environmental Health Officer subject to the imposition of conditions requiring compliance.

#### Chapter 6.6: Preservation of Trees or Vegetation

Council's Environment Officer has confirmed the proposed development will require the removal of small number of Scribbly Gums on the eastern edge of the composting pad. The trees in this area were not observed to contain hollows and were outliers from the larger stand of eastern vegetation. As such, no objection is raised to their removal and the proposal is not considered to have a significant impact upon threatened species, populations, endangered ecological communities or their habitats.

### Chapter 6.7: Water Cycle Management

The runoff from the proposed composting pad will be collected and treated in the proposed 4.8 ML leachate dam. The proposed leachate dam has been sized in accordance with the prescribed requirements of 'Section 5 - Minimum Design Requirements for the Protection of Waters' (DEC NSW 2004). In addition, Council's Development Engineer has confirmed the proposed development is compliant with the Environmental Protection Authorities 'Composting and Related Organics Processing Facilities Guidelines 2004', in particular Section 5 Part '4. Leachate storage system'. Accordingly, the proposed leachate dam meets the intent of the prescriptive requirements of the GDCP 2013 Clause 6.7.7.3.

### Chapter 7.1: Car Parking

Whilst a designated car parking area has not been shown on the architectural plans, given the size of the site, there is adequate area to accommodate on-site car parking. **Condition 2.13** is recommended for imposition ensuring a car parking area accommodating at least three vehicles is provided onsite, near to the site office and receivals area.

### Chapter 7.2: Waste Management

The Waste Management Plan accompanying the development application is supported by Council's Waste Services Division (Garbage), subject to the imposition of conditions requiring compliance.

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

### Built Environment

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

### Natural Environment

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

- The facility will accept material currently going to landfill (food waste), thereby reducing landfill space.
- Value-adding waste by processing it into high-grade compost for the local agricultural industry concurrently reducing transport miles that waste material travels to landfill.
- The high-grade end product proposed can reduce the amount of chemical fertilisers and pesticides used in the area.

### Economic Impacts

The establishment of a bona fide agricultural land use (composting) ensures an ongoing and productive rural landscape.

### Social Impacts

On 23 Oct 2016, the Minister for Environment approved a NSW Environment Trust - *Waste Less, Recycle More* Grant, as it applies to the proposed composting facility. The Waste Less, Recycle More Initiative is funded through the waste levy and is the largest waste and recycling funding program in Australia. Waste Less, Recycle More programs will: -

- Encourage local communities to think differently about waste avoidance, recycling, littering and illegal dumping.
- Deliver conveniently located, value-for-money waste infrastructure to make it easier for households and business to do the right thing.
- Drive innovative regulatory approaches to protect the environment and support investment in new waste programs.

Therefore, although community consultation has led to a large number of submissions, the overall purpose of the development will have a benefit socially to the broader community.

### **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:

- Bushfire – The subject site is mapped as being bushfire affected. In this regard the development application was accompanied by an appropriate 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. The establishment of a compost processing facility also requires the preparation of a fire management strategy in accordance with Environmental Guidelines – Composting and Related Organics Processing Facilities, published 2004, by the Department of Environmental and Conservation (NSW). A Fire Management Plan, prepared by Wildblue Global Consulting, dated 8 March 2017, accompanies the development application. In order to ensure compliance with the recommendations contained within the Fire Management Plan, **Condition 2.11, 5.12 and 5.13** are recommended for imposition.

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



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

The NSW Environment Protection Authority's *Waste and Resource Recovery Strategy 2014–21* sets targets for the diversion of waste from landfill, increasing from 63% in 2014/15 to 75% by 2021. To achieve these targets, significant investment is required to develop the infrastructure needed to process the increased volume of waste forecast to be generated across the state. This strategy has been developed to assist councils and waste industry participants to understand the expected increase in waste streams and to plan to ensure sufficient infrastructure capacity is available to process the projected volumes.

The EPA ran a series of 10 consultation workshops and webinars across NSW from September to November 2017. The 10 week consultation period closed on Monday 20 November 2017. The EPA is now reviewing consultation submissions and will publish the finalised strategy in early 2018.

In view of the above considerations, the proposed facility is considered to be in the public interest.

**Other Matters for Consideration***Development Contribution Plan*

The site is not subject to the provisions of any Section 94 development contribution plan. Therefore, no contributions are applicable.

*Water and Sewer Contributions*

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

**Conclusion:**

This development application has been assessed under the heads of consideration of Section 4.15 of the EP & A Act and all relevant instruments and policies.

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. The development application is supported by Council Officers and the EPA, concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic. Furthermore, it is concluded that the proposed development will complement the locality and meet the desired future character of the area.

The proposed facility will also divert waste from landfill in accordance with the NSW Environment Protection Authority's, Waste and Resource Recovery Strategy 2014–21 and the Waste Less, Recycle More Initiative which is funded through the waste levy and is the largest waste and recycling funding program in Australia. The EPA is leading the initiative, with some grant programs being delivered by the NSW Environment Trust. On 23 October 2016, the Minister for Environment, approved a *Waste Less, Recycle More* Grant, as it applies to the proposed composting facility.

Accordingly, the development application is recommended for approval in accordance with Section 4.16 of the EP & A Act.

### **Attachments**

<b>1</b>	Draft Conditions of Consent	D13259451
<b>2</b>	Development Plans	D13197334
<b>3</b>	Environmental Planning and Assessment Regulation 2000 (2)	D13239578
<b>4</b>	Comprehensive Project Description	D13197362
<b>5</b>	SEPP Mining(2)	D13239581
<b>6</b>	SEPP 33 (2)	D13239583
<b>7</b>	SREP 8 (2)	D13239584

# Attachment 1- Proposed Conditions of Consent

## 1. PARAMETERS OF THIS CONSENT

### 1.1. Approved Plans and Supporting Documents

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

#### Architectural Plans (Prepared by ACOR Consultants)

Drawing	Description	Sheets	Issue	Date
C1.01	Notes	1	J	20/07/2017
C2.01	Site Plan	2	J	20/07/2017
C3.01	General Arrangement Sheet 1	3	J	20/07/2017
C3.02	General Arrangement Sheet 2	4	J	20/07/2017
C3.03	General Arrangement Sheet 3	5	J	20/07/2017
C4.01	Turning Path Plan Sheet 1	6	J	20/07/2017
C4.02	Turning Path Plan Sheet 2	7	J	20/07/2017
C5.01	Erosion & Sediment Control Plan	8	J	20/07/2017
C5.02	Erosion & Sediment Control Details	9	J	20/07/2017
C6.01	Pavement Details	10	J	20/07/2017
C7.01	Leachate Dam and Leachate Swale Drain Details	11	J	20/07/2017
C8.01	Access Road Long Section - Sheet 1	12	J	20/07/2017
C8.02	Access Road Long Section - Sheet 2	13	J	20/07/2017
C8.03	Access Road Cross Sections - Sheet 1	14	J	20/07/2017
C8.04	Access Road Cross Sections - Sheet 2	15	J	20/07/2017
C8.05	Access Road Cross Sections - Sheet 3	16	J	20/07/2017
C8.06	Access Road Cross Sections - Sheet 4	17	J	20/07/2017
C9.01	Pad Sections Sheet 1	18	J	20/07/2017
C9.02	Pad Sections Sheet 2	19	J	20/07/2017

### Supporting Documentation

ECM Document No.	Title	Date
24185972	Fire Management Plan	08/03/2017
24185912	Traffic Impact Assessment	22/03/2017
24185913	On -Site Sewage Management – Wastewater Report	17/03/2017
24185914	Aboriginal Heritage Due Diligence Assessment	03/02/2017
24926377	Air Quality Impact Assessment Revision B	Undated
24185971	Noise Impact Assessment	11/03/2017
24185973	Erosion & Sediment Control Plan	15/03/2017
24185975	Compliance Certificate for Building Design	27/02/2017
24185976	Waste Management Plan	20/02/2017
24185979	Survey	21/12/2016
24830893	Water Cycle Management Plan (Version 6)	31/07/2017
24185964	Draft Environmental Management Plan	22/03/2017
24186456	Statement of Environmental Effects	22/03/2017
24559040	Addenda Statement of Environmental Effects	Undated
25119877	Air Quality and Odour Impact Assessment	12/10/2017
25392244	Response to EPA - Odour	13/12/2017
24523950	Response to Bio Security	31/5/2017

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with the General Terms of Approval from the Environmental Protection Authority attached as Schedule 1 of this consent.

Note: An environmental protection licence is required prior to the construction of the facility. Once the construction of the facility is completed to the satisfaction of the Environmental Protection Authority, the applicant must apply to vary the environmental protection licence prior to carrying out the scheduled activities.

- 1.4. Waste type/ material permitted to be accepted for composting on site includes: -
  - a. Garden waste;
  - b. Food waste;
  - c. Wood waste but not including treated or engineered timber;
  - d. Manure;
  - e. Animal Waste; and
  - f. Paper or cardboard.
- 1.5. The maximum amount of waste permitted to be received at the premises per year is 5000 tonnes.

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

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
  - a) Site investigation for the preparation of the construction, and / or
  - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - c) Demolition
- 2.3. 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 Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Tapered heavy-duty vehicle crossing that has a width of 13m (minimum) at the edge of bitumen, 5.5m (minimum) at the boundary and constructed with a 40mm thick asphaltic concrete seal on a flexible pavement designed by a geotechnical engineer.
- b. Trimming/and/or removal of vegetation at the property access to Grants Road to achieve desirable sight distance requirement of AS2890 of 97m in both directions.
- c. All redundant vehicular crossings are to be removed and footway formation reinstated.
- d. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

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 Services on (02) 4325 8222.

- 2.4. Submit a pavement report prepared by a practising Geotechnical Engineer for works within a public road reserve. This report must be submitted with the Roads Act application and approved by Council under the Roads Act, 1993.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

<b>Name of Roadway</b>	<b>Traffic Loading (ESAs)</b>
Tapered heavy-duty vehicle crossing	2,000,000

- 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.
- 2.6. Pay a security deposit of \$3,780 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.7. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the Water Management Act 2000. Conditions and contributions may apply to the Section 307 Certificate.

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

- 2.8. Submit design details of the following engineering works within private property:
- Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: Parking Facilities for the geometric designs, and industry Standards for pavement designs.
  - Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
  - On-site stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
  - Comply with any requirements imposed by the NSW Dam Safety Committee following their assessment of the proposed dam/s.
  - Disposal of all stormwater from impervious areas within the site via a suitably located level spreader/s.

- f. Diversion drains and level spreaders, generally in accordance with the plans prepared by ACOR Consultants (CC) project number GO160914 drawing numbers D3.01 (issue J).

These design details and any associated reports must be included in the construction certificate.

- 2.9. Proposed dam/s for the treatment of leachate, and/or the purposes of onsite stormwater detention, nutrient control and stormwater retention shall be referred to the NSW Dam Safety Committee to determine whether they shall be prescribed dams.
- 2.10. Submit to Council, and obtain approval for, a final Environmental Management Plan (EMP) for the site operations.

The final EMP must include the following biosecurity management actions, having regard to Part 3, Section 22 of *The Biosecurity Act 2015*:

- a. A biosecurity risk assessment, coordinated by a recognised poultry and biosecurity expert, together with a Risk Management Plan.
- 2.11. Submit evidence demonstrating compliance with all fire management planning measures as identified in the Fire Management Plan– 3 Pallettes Composing – 222 Grants Rd SOMERSBY – Prepared by Wildblue GLOBAL Consulting – Dated 8/3/2017.
  - 2.12. 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.
  - 2.13. Provide a car parking area onsite so as to accommodate at least three vehicles. This car parking area is to be located in close proximity to the site office and receivals area. Design details must be included in the construction certificate.
  - 2.14. Submit evidence demonstrating the proposed facility and its employee (s) are operating in accordance with the *Work Health Safety Act 2011* and the *Work Health and Safety Regulation 2017*.
  - 2.15. Submit amendments to the approved plans to the accredited certifier pursuant to Clause 139 of the Environmental Planning Regulation 2000: Applications for construction certificates that must detail:
    - b. The proposed on-site structures will include a machinery shed with a maximum height of 4.2m, and a site shed with a maximum height of 2.5m.

- 2.16. Submit an application to Council under the provisions of Section 68 of the Local Government Act 1993 for a permit to install an on-site sewage management system. The system must be designed in accordance with the geotechnical report / waste water report dated 17 March 2017 and prepared by Wildblue Global Consulting. The Section 68 application can be found on Council's website at [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au)
- 2.17. Obtain all relevant approvals from the New South Wales Department of Primary Industries - Water in accordance with the Water Management Act 2000.
- 2.18. An alarm system and pump (remote from a power source) must be provided to the leachate dam transfer pipework in order to ensure the proposed leachate dam does not overflow.

### 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:
  - a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b. Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.3. 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](http://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. Submit to Council details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed haulage routes to and from the site. Details are to be accompanied by a dilapidation report for the road carriageway and kerbs from the site to the intersection of Grants Road and Wisemans Ferry Road. Approval of these details must be obtained from Council. Updated details must be provided during construction if details change.

#### 4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

7.00am and 5.00pm Monday to Saturday

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

- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
  - a) All excavation or disturbance of the area must stop immediately in that area, and
  - b) The Office of Environment 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 and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

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

- 4.7. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the Roads Act 1993.
- 4.8. 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.
- 4.9. 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.
- 4.10. Do not place filling or debris within any watercourse or drain.
- 4.11. The working surfaces including the composting pad and material storage areas must be:
  - a. Bunded and graded sufficiently to prevent both run-on and run-off of surface water.
  - b. Designed and constructed from an inert low-permeability material such as compacted clay, modified soil, asphalt or concrete over a compacted base able to support the load of material on it and the load of any machinery used in the composting facility.
  - c. Able to support all structures, machinery and vehicles as applicable and allow access.
- 4.12. Line and/or seal the base of the leachate storage dam to prevent percolation of waste water into the underlying substrate and groundwater.
- 4.13. Implement the approved Environmental Management Plan.
- 4.14. Compliance with all commitments detailed within the Waste Management Plan dated 20 February 2017 by E. Blik.
- 4.15. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.

- 4.16. Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity. Non-provenance specific material is prohibited.
- 4.17. No soils to be imported to the subject site except for Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*.
- 4.18. Implement dust suppression measures on-site during bulk earthworks 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*.

## 5. PRIOR TO ISSUE OF ANY OCCUPATION

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.

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

- 5.3. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.4. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.5. Rectify 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 applicant's expense.
- 5.6. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.7. Amend the Deposited Plan (DP) to:
  - Include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
    - a. Create a 'Restriction as to User' over all lots containing an on-site stormwater detention system and/or a nutrient/pollution facility restricting any alteration

to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

And

- Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
  - b. To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
    - i. The facility will remain in place and fully operational.
    - ii. The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
    - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
    - iv. Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

- 5.8. Implement all air quality mitigating measures and recommendations as identified in the Air Quality Impact Assessment – 3Pallaettes Composting Facility – 222 Grants Rd SOMERSBY - Prepared by Wildblue GLOBAL Consulting 3/3/2017.
- 5.9. Implement all noise mitigating measures and recommendations as identified in the Noise Impact Assessment – 3Pallaettes Composting Facility – 222 Grants Rd SOMERSBY – Prepared by Wildblue GLOBAL Consulting 11/3/2017.
- 5.10. Implement all mitigating measures as identified in the Statement of Environmental Effects; Satisfying Environmental Objectives – 3 Pallaettes Composting – 222 Grants Rd SOMERSBY – Prepared by Wildblue GLOBAL Consulting – Dated 22/3/2017.
- 5.11. Obtain an Approval to Operate the on-site sewage management system from Council.
- 5.12. Implement all fire management planning measures as identified in the Fire Management Plan– 3 Pallaettes Composting – 222 Grants Rd SOMERSBY – Prepared by Wildblue GLOBAL Consulting – Dated 8/3/2017.
- 5.13. Create in accordance with the requirements of *Planning for Bush Fire Protection 2006*, an Asset Protection Zone (APZ) for the area on site as detailed in the Fire Management Plan– 3 Pallaettes Composting – 222 Grants Rd SOMERSBY – Prepared by Wildblue GLOBAL Consulting – Dated 8/3/2017. All trees and shrubs must be maintained in this area in such a manner that the vegetation is not continuous either horizontally or vertically.

## 6. ONGOING OPERATION

- 6.1. Maintain the on-site stormwater detention facility in accordance with the operation and maintenance plan.
- 6.2. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.3. Implement the approved Environmental Management Plan. Update the plan as required by Council, the NSW Environment Protection Authority or in response to changes in legislation or industry best practice. Keep a copy of the Environmental Management Plan on site.
- 6.4. The leachate storage dam must have monitoring equipment installed (and maintained) to measure water levels with an alarm to notify the site operator when approaching storage capacity. Discharge from the leachate storage dam is not permitted.
- 6.5. Provide Council's Environment Officer with electronic copies of all management plans required by the Environment Protection Authority as part of the Environmental Protection Licence. This may include a Leachate Management Plan, Erosion and Sediment Control Plan, Odour Management Plan and Pollution Incident Response Management Plan.
- 6.6. Do not store un-composted Category 3 waste materials on site including meat, fish, fatty foods, carcasses, parts of carcasses, blood and bone. Any Category 3 waste materials must be immediately incorporated into the composting material.
- 6.7. Exclude pests and vermin from the composting facility via site fencing, baiting or other lawful methods. Exclude native birds from the leachate dam.
- 6.8. The hours of operation for the activity are to be as follows:
  - i. Monday to Friday 7:00am to 5:00pm
  - ii. Saturday 8:00am to 12:00pm
  - iii. A maximum of 2 hours work is permitted between 8am and 12pm on Sundays and on Public Holidays
- 6.9. Waste generated by the activities of the development to be separated into mixed and recyclable sealed waste storage containers.
- 6.10. No waste, waste material or waste packaging to be placed or stored outside of sealed waste storage containers.
- 6.11. Waste servicing to be undertaken at such intervals to ensure adequate storage is available at all times.

- 6.12. Do not give to offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
- 6.13. Do not give rise to offensive odour as defined in the *Protection of the Environment Operations Act 1997*.
- 6.14. Do not give rise to air pollution as defined in the *Protection of the Environment Operations Act 1997*.
- 6.15. Do not store goods, equipment, packaging material or machinery exposed outside the building so as to be visible from any public road or thoroughfare.
- 6.16. Do not erect advertising sign(s) on or in conjunction with the use and / or development without development consent unless the advertisement is exempt development or otherwise permitted without development consent.
- 6.17. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.18. Implement the required Asset Protection Zone for the area on site between the composting pad and the National Park. The Asset Protection Zone must be fuel managed so as to maintain fuel loadings as detailed within *Planning for Bush Fire Protection Guidelines 2006 (NSW)*.
- 6.19. Ensure the proposed facility is operating in accordance with the *Work Health Safety Act 2011* and the *Work Health and Safety Regulation 2017*.
- 6.20. Comply with all Environmental Protection License requirements set by the NSW Environmental Protection Authority for the activity.

## 7. PENALTIES

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

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

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

### Warnings as to Potential Maximum Penalties

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

**ADVISORY NOTES**

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
  - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
  - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
  - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
  - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
  - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's 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](http://www.centralcoast.nsw.gov.au)

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

- 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.
- The operation of all mechanical plant equipment and machinery must not give rise to offensive noise as defined in the Protection of the Environment Operation Act 1997.
- The operation of the composting facility must not give rise to water pollution as defined in the Protection of the Environment Operation Act 1997.



## Schedule 1 - General Terms of Approval (Environmental Protection Authority)

Protection of the Environment Operations Act 1997

# General Terms of Approval - Issued



Notice No: 1551020

The General Manager  
P.O. Box 21  
GOSFORD NSW 2250

Attention: Antonia Stuart

Notice Number 1551020  
File Number EF17/7416  
Date 19-Jan-2018

**Re: Development Application 51743/2017 - Construct and operate composting facility - 222 Grants Road, Somersby**

**Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979**

I refer to the development application and accompanying information provided for the DA 51743/2017 received by the Environment Protection Authority (EPA) on 27 March 2017.

The EPA has reviewed the information provided and has determined that it is able to issue an Environment Protection Licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain an environment protection licence for scheduled development work prior to construction of the facility and then apply to vary the licence once construction is completed to the satisfaction of the EPA, prior to carrying on scheduled activities (i.e. composting).

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

- Activity: Composting
- Waste Type / materials permitted to be accepted for composting:
  - Garden waste
  - Food waste
  - Wood waste but not including treated or engineered timber
  - Manure
  - Animal waste
  - Paper or cardboard
- Maximum amount of waste permitted to be received at the premises per year:
  - 5000 tonnes
- Hours of Operation:

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1551020

7:00am to 5:00pm Monday to Friday

8:00am to 12:00pm Saturday

A maximum of 2 hours work is permitted between 8am and 12pm on Sundays and Public Holidays

These general terms relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

I also draw your attention to **Attachment A** and **Attachment B**, which **should not** be included as conditions of consent but are conditions intended for the environment protection licence for this proposal. Attachment A includes conditions specific to this DA 51743/2017 and attachment B includes mandatory conditions for all EPA licences.


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

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

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

If you have any questions, or wish to discuss this matter further please contact Tristan Hinchcliffe on 02 4908 6896.

Yours sincerely

 19/1/2018

Steven James

Unit Head Waste Compliance - Hunter

Waste & Resource Recovery

(by Delegation)

Protection of the Environment Operations Act 1997

# General Terms of Approval - Issued



Notice No: 1551020

## Attachment A - General Terms of Approval - Specific licence conditions for DA 51743/2017

### Administrative Conditions

#### Information supplied to the EPA

- Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
  - the development application DA 51743/2017 submitted to Central Coast Council on 22 March 2017.
  - "Statement of Environmental Effects, 3Pallettes Composting - 222 Grants Road Somersby, Prepared by Wildblue Global and dated 22 March 2017 and subsequent amendments; and
  - all additional documents supplied to the EPA in relation to the development, including correspondence from Wildblue Global dated 9 June 2016.

### Limit Conditions

#### Pollution of waters

- Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in and in connection with the carrying out of the development.
- No leachate is permitted to be discharged from the premises.

#### Waste

- The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing, or disposal, except the wastes and activities expressly referred to in the table below.
- The storage of waste permitted to be received at the premises is subject to the limits or conditions, if any, referred to in the column titled "Other Limits" in the table below.
- This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	General Solid Waste (non-putrescible)	Garden Waste, as defined in Schedule 1 of the POEO Act, in force from time to time	Composting	NA
NA	General Solid Waste (non-putrescible)	Wood waste, as defined in Schedule 1 of the POEO Act, in force from time to time	Composting	treated or engineered timber is not permitted to be accepted at the premises
NA	General Solid Waste (non-putrescible)	Paper and cardboard waste	Composting	NA
NA	General Solid Waste (putrescible)	Food Waste, as defined in the EPA's Waste Classification Guidelines	Composting	NA
NA	General Solid Waste (putrescible)	Manure, as defined in the EPA's Waste Classification Guidelines	Composting	NA
NA	General Solid Waste (putrescible)	Animal waste, as defined in the EPA's Waste Classification Guidelines	Composting	NA

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1551020

- The total amount of waste referred to in the table above must not exceed 5,000 tonnes received from offsite per year.
- The total amount of waste to be stored at the premises must not exceed (TBD) tonnes at any one time.
- Treated or engineered timber is not permitted to be accepted at the premises.
- The delivery of waste to the Premises is prohibited on Sundays and Public Holidays.
- All stockpiles of waste at the premises are to be covered at all times.

### Hours of operation

- Activities at the premises may only be carried on between:
  - 7:00am to 5:00pm Monday to Friday
  - 8:00am to 12:00pm Saturday
  - A maximum of 2 hours work is permitted between 8am and 12pm on Sundays and Public Holidays

### Construction work hours of operation

- Construction work at the premises may only be carried on between:
  - 7:00am to 5:00pm Monday to Friday
  - 8:00am to 12:00pm Saturday
  - No work is permitted on Sundays or Public Holidays

### Operating Conditions

#### Odour

- The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.
 

Note: Section 129 of the *Protection of the Environment Operations Act 1997* provides that the licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.
- No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the *Protection of the Environment Operations Act 1997*.
- The proponent must prepare and implement Air Quality and Odour Management Plan (OMP) for the Site. For all odour emissions at the site the OMP must include, but is not limited to:
  - Key performance indicator(s);
  - Monitoring method(s);
  - Location, frequency and duration of monitoring;
  - Record keeping;
  - Response mechanisms;
  - Compliance reporting; and
  - Complaints management and reporting

The Air Quality and Odour Management Plan must be implemented prior to the commencement of the operation of the facility.

- All animal waste transported to the premises is to be in sealed containers and be incorporated into the composting process immediately.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1551020

### **Covering of Waste**

- All waste at the premises undergoing the composting process or stockpiled prior to composting is to be covered at all times.

### **Dust**

- All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emissions of air pollutants from the premises.
- The licensee must ensure that no material, including sediment or oil is tracked from the premises.
- Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

### **Erosion and Sediment Control - Construction Phase**

- An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to prevent soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements outlined in *Managing Urban Stormwater: Soils and Construction* (known as the "Blue Book" published by NSW Government - Landcom)

### **Leachate Management**

- Prior to the acceptance of any waste at the facility, the proponent is required to develop a Leachate Management Plan in accordance with the requirements outlined within the EPA's *"Composting and Related Organics Processing Facilities Guidelines 2004"*. The Leachate Management Plan is required to be submitted to the EPA and to the satisfaction of the EPA.
- The compost maturation pad, operational areas where waste is stored/received, and vehicle washdown area are to be minimised and drain to a leachate storage dam/s.
- The leachate dam/s are to be designed and constructed in accordance with the EPA's *Composting and Related Organics Processing Facilities Guidelines 2004* to the EPA's approval prior to construction.
- Prior to the acceptance of any waste a Certified Quality Assurance report shall be submitted to the EPA to verify all leachate barriers, liners and leachate dam/s have been built to approved design specifications.
- All leachate must be contained on site.
- The Applicant must not cause or permit any leachate to pool at the premises (except within designated leachate storage dams/sump).
- Leachate must not be permitted to mix with stormwater or any stormwater infrastructure.

### **Working Surfaces**

- Prior to the issue of an Environment Protection Licence for scheduled development work at the Premises the proponent is required to demonstrate to the EPA that all working surfaces within the premises (including waste receipt area, waste storage area, composting area and vehicle washdown area), are designed and constructed to be compliance with the EPA's *"Composting and Related Organics Processing Facilities Guidelines 2004"* with a leachate barrier/liner.

### **Stormwater Management**

- Prior to the acceptance of any waste at the facility, the proponent is required to develop a Stormwater Management Plan in accordance with the requirements outlined within;
  - a. The EPA's *Composting and Related Organics Processing Facilities Guidelines 2004*; and
  - b. *Managing Urban Stormwater, Soils and Construction* (Landcom 2004); and
  - c. *Managing Urban Stormwater, Soils and Construction, Volume 2E Mines and Quarries* (DECC 2008).
- The Stormwater Management Plan is required to be submitted to the EPA and to the satisfaction of the EPA prior to the acceptance of any waste at the premises.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1551020

- Any sediment or stormwater basins associated with the composting activity must be located within the proposed operational area i.e. on site.

### Emergency Response

- The licensee must prepare, maintain and implement as necessary a Pollution Incident Response Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.
- The PIRMP must be tested annually at a minimum following a pollution incident. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

*Note: The licensee must develop their PIRMP in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (General) Regulations 2009.*

### Monitoring and Recording Conditions

#### Monitoring records

- The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- All records required to be kept by this licence must be:
  - in a legible form, or in a form that can readily be reduced to a legible form;
  - kept for at least 4 years after the monitoring or event to which they relate took place; and
  - produced in a legible form to any authorised officer of the EPA who asks to see them.
- The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
  - the date(s) on which the sample was taken;
  - the time(s) at which the sample was collected;
  - the point at which the sample was taken; and
  - the name of the person who collected the sample.

#### Requirement to monitor concentration of pollutants discharged

- The applicant must monitor pollutants using the sampling method and frequency as specified by the EPA.

*Note: A monitoring program will be negotiated with the proposed licensee once a licence application is received by the EPA.*

### Reporting Conditions

- The Licensee is required to notify the EPA immediately in the event of a fire or suspected fire at the Premises.

### Special Conditions

#### Financial Assurance

- The Environment Protection Licence for the premises will be subject to conditions requiring the proponent to provide a financial assurance (amount "to be determined") to the EPA in the form of an unconditional and irrevocable and on demand guarantee from from a bank, building society or credit union operating in Australia as "Authorised Deposit-taking Institution" under the Banking Act 1959.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1551020

### *Other*

- While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:
  - a) Clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
  - b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
  - c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA
- In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee (whether or not the premises continue to be used for the purposes to which the licence relates) must:
  - a) make all efforts to contain all firewater on the licensee's premises,
  - b) make all efforts to control air pollution from the licensee's premises,
  - c) make all efforts to contain any discharge, spill or run-off from the licensee's premises,
  - d) make all efforts to prevent flood water entering the licensee's premises,
  - e) remediate and rehabilitate any exposed areas of soil and/or waste,
  - f) lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of,
  - g) at the request of the EPA monitor groundwater beneath the licensee's premises and its potential to migrate from the licensee's premises,
  - h) at the request of the EPA monitor surface water leaving the licensee's premises; and
  - i) ensure the licensee's premises is secure.
- After the licensee's premises cease to be used for the purpose to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:
  - a) remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises; and
  - b) rehabilitate the site, including conducting an assessment of and if required remediation of any site contamination.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1551020

### Attachment B - General Terms of Approval

#### Operating conditions

##### *Activities must be carried out in a competent manner*

- Licensed activities must be carried out in a competent manner. This includes:
  - the processing, handling, movement and storage of materials and substances used to carry out the activity; and
  - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

##### *Fit and Proper Person*

The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in section 83 of that Act.

##### *Maintenance of plant and equipment*

- All plant and equipment installed at the premises or used in connection with the licensed activity:
  - must be maintained in a proper and efficient condition; and
  - must be operated in a proper and efficient manner.

#### Monitoring and recording conditions

##### *Recording of pollution complaints*

- The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- The record must include details of the following:
  - the date and time of the complaint;
  - the method by which the complaint was made;
  - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
  - the nature of the complaint;
  - the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
  - if no action was taken by the licensee, the reasons why no action was taken.
- The record of a complaint must be kept for at least 4 years after the complaint was made.
- The record must be produced to any authorised officer of the EPA who asks to see them.

##### *Telephone complaints line*

- The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- This condition does not apply until 3 months after this condition takes effect.



Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1551020

### Reporting conditions

#### Annual Returns

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
  - Statement of Compliance; and
  - Monitoring and Complaints Summary.
- A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.
- An Annual Return must be prepared in respect of each reporting, except as provided below:
  - Where this licence is transferred from the licensee to a new licensee:
    - a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
    - b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:
  - a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.
- The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.
- Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
  - the licensee holder; or
  - by a person approved in writing by the EPA to sign on behalf of the licensee holder.

#### Notification of environmental harm

*Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act*

- Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.
- The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

#### Written report

- Where an authorised officer of the EPA suspects on reasonable grounds that:
  - where this licence applies to premises, an event has occurred at the premises; or
  - where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
  - and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request. The request may require a report which includes any or all of the following information:
  - the cause, time and duration of the event;

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1551020

- the type, volume and concentration of every pollutant discharged as a result of the event;
  - the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
  - the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
  - any other relevant matters.
- The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

### General Conditions

#### *Copy of licence kept at the premises or on the vehicle or mobile plant*

- A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.
- The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

# PROPOSED COMPOSTING FACILITY

## No.222 GRANTS ROAD, SOMERSBY

### CONCEPT CIVIL ENGINEERING PLANS PLANS

**EXISTING SERVICES AND FEATURES**

- THE CONTRACTOR SHALL ALLOW FOR THE CAPPING OFF, EXCAVATION, REMOVAL AND DISPOSAL IF REQUIRED OF ALL EXISTING SERVICES IN AREAS AFFECTED BY WORKS WITHIN THE CONTRACT AREA, AS SHOWN ON THE DRAWINGS UNLESS DIRECTED OTHERWISE BY THE SUPERINTENDENT.
- CONTRACTOR SHALL CONSTRUCT TEMPORARY SERVICES TO MAINTAIN EXISTING SUPPLY TO BUILDINGS REMAINING IN OPERATION DURING WORKS TO THE SATISFACTION AND APPROVAL OF THE SUPERINTENDENT. ONCE DIVERSION IS COMPLETE AND COMMISSIONED THE CONTRACTOR SHALL REMOVE ALL SUCH TEMPORARY SERVICES AND MAKE GOOD TO THE SATISFACTION OF THE SUPERINTENDENT.
- INTERRUPTION TO SUPPLY OF EXISTING SERVICES SHALL BE DONE SO AS NOT TO CAUSE ANY INCONVENIENCE TO THE PRINCIPAL. CONTRACTOR TO GAIN APPROVAL OF SUPERINTENDENT FOR TIME OF INTERRUPTION.

**GENERAL NOTES**

- ORIGIN OF LEVELS - AUSTRALIAN HEIGHT DATUM (A.H.D.)
- CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO COMMENCEMENT OF WORK.  
  
ALL WORK IS TO BE UNDERTAKEN IN ACCORDANCE WITH THE DETAILS SHOWN ON THE DRAWINGS, THE CENTRAL COAST (GOSFORD CITY) COUNCIL SPECIFICATIONS AND THE DIRECTIONS OF THE SUPERINTENDENT.
- EXISTING SERVICES HAVE BEEN PLOTTED FROM SUPPLIED DATA AND AS SUCH THEIR ACCURACY CANNOT BE GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ESTABLISH THE LOCATION AND LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE SUPERINTENDENT. CLEARANCES SHALL BE OBTAINED FROM THE RELEVANT SERVICE AUTHORITY.
- WHERE NEW WORKS ABUT EXISTING THE CONTRACTOR SHALL ENSURE THAT A SMOOTH EVEN PROFILE, FREE FROM ABRUPT CHANGES IS OBTAINED.
- THE CONTRACTOR SHALL ARRANGE ALL SURVEY SETOUT TO BE CARRIED OUT BY A REGISTERED SURVEYOR.
- CARE IS TO BE TAKEN WHEN EXCAVATING NEAR EXISTING SERVICES. NO MECHANICAL EXCAVATIONS ARE TO BE UNDERTAKEN OVER COMMUNICATIONS OR ELECTRICAL SERVICES. HAND EXCAVATE IN THESE AREAS. EXCAVATION IN CLOSE PROXIMITY TO SERVICES TO BE CARRIED OUT IN ACCORDANCE WITH RELEVANT AUTHORITY REQUIREMENTS.
- ALL SERVICE TRENCHES UNDER VEHICULAR PAVEMENTS SHALL BE BACKFILLED WITH AN APPROVED NON-NATURAL GRANULAR MATERIAL AND COMPACTED TO 95% STANDARD MAXIMUM DRY DENSITY IN ACCORDANCE WITH AS 1289 5.1.1.
- CONTRACTOR TO OBTAIN ALL RELEVANT AUTHORITY APPROVALS.
- THE CONTRACTOR SHALL PROVIDE ALL TEMPORARY DIVERSION DRAINS AND MOUNDS TO ENSURE THAT AT ALL TIMES EXPOSED SURFACES ARE FREE DRAINING AND WHERE NECESSARY EXCAVATE SLUMPS AND PROVIDE PUMPING EQUIPMENT TO DRAIN EXPOSED AREAS.
- NO WORKS TO BE COMPLETED OUTSIDE DISTURBANCE BOUNDARY.

**SUBGRADE PREPARATION**

- REMOVE ALL TOPSOIL, VEGETABLE MATTER AND RUBBLE.
- PROOF ROLL NATURAL SURFACE.
- REMOVE ANY SOFT AREAS.
- PLACE APPROVED NON ORGANIC FILL WITH A MAXIMUM PARTICLE SIZE OF 75mm AND COMPACT IN 200mm MAX. THICK LAYERS. (U.N.O.)
- COMPACTION IS TO BE CARRIED OUT BY ROLLING EACH LAYER TO A MINIMUM DRY DENSITY RATIO OF 95% STANDARD COMPACTION (AS 1289 CLAUSE 5.1.1)
- COMPACTION SHALL BE CARRIED OUT WITH AN APPROPRIATE VIBRATING ROLLER WITH AT LEAST 10 TONNE STATIC WEIGHT.
- TESTING OF THE SUBGRADE SHALL BE CARRIED OUT BY AN APPROVED N.A.T.A. REGISTERED LABORATORY.

**ROADWORKS NOTES**

- ALL BASECOURSE AND SUB-BASECOURSE MATERIALS SHALL CONFORM WITH AUSTRALIAN ROAD RESEARCH BOARD 'SR41'
- ALL BASECOURSE MATERIALS SHALL BE COMPACTED TO ACHIEVE A MINIMUM OF 95% MODIFIED MAXIMUM DRY DENSITY AT OPTIMUM MOISTURE CONTENT OF +OR- 2% IN ACCORDANCE WITH AS1289 E1.1.
- ALL SUB-BASE MATERIALS SHALL BE COMPACTED TO ACHIEVE A MINIMUM OF 95% STANDARD MAXIMUM DRY DENSITY AT OPTIMUM MOISTURE CONTENT OF +OR- 2% IN ACCORDANCE WITH AS1289 E1.1.

**STORMWATER NOTES**

- ALL PIPES 300 DIA AND LARGER SHALL BE CLASS '3' APPROVED SPIGOT AND SOCKET FRP PIPES WITH RUBBER RING JOINTS. (U.N.O.)
- EQUIVALENT STRENGTH REINFORCED CONCRETE PIPES MAY BE USED.
- ALL PIPE JUNCTIONS UP TO AND INCLUDING 450 DIA. AND TAPERS SHALL BE VIA PURPOSE MADE FITTINGS.
- PRECAST PITS SHALL NOT BE USED IF NOT SPECIFIED UNLESS WRITTEN APPROVAL IS OBTAINED FROM THE DESIGNER.
- WHERE TRENCHES ARE IN ROCK, THE PIPE SHALL BE BEDDED ON A MIN. 75MM THICK BED OF 12MM BLUE METAL UNDER THE BARREL OF THE PIPE. THE PIPE COLLAR AT NO POINT SHALL BEAR ON THE ROCK. IN OTHER THAN ROCK, PIPES SHALL BE LAD ON A 75MM THICK SAND BED. IN ALL CASES BACKFILL THE TRENCH WITH SAND TO 200MM ABOVE THE PIPE. WHERE THE PIPE IS UNDER PAVEMENTS BACKFILL REMAINDER OF TRENCH WITH SAND OR APPROVED GRANULAR BACKFILL COMPACTED IN 150MM LAYERS TO 95% STANDARD MAX. DRY DENSITY.
- BEDDING SHALL BE (U.N.O.) TYPE H1, IN ACCORDANCE WITH CURRENT RELEVANT AUSTRALIAN STANDARDS.
- PROVIDE 3.0m LENGTH OF 160 DIA. SUBSOIL DRAINAGE PIPE WRAPPED IN FABRIC SOCK, AT UPSTREAM END OF EACH PIT WHERE THERE IS AN UPSTREAM STORMWATER LINE.

**COMPACTION NOTES**

- STRIP TOPSOIL TO EXPOSE NATURALLY OCCURRING MATERIAL AND STOCKPILE ON SITE.
- WHERE FILLING IS REQUIRED TO ACHIEVE DESIGN SUBGRADE PROOF ROLL EXPOSED NATURAL SURFACE WITH A MINIMUM OF TEN PASSES OF A VIBRATING ROLLER (MINIMUM STATIC WEIGHT OF 10 TONNES) IN THE PRESENCE OF GEOTECHNICAL ENGINEER.
- ALL SOFT, WET OR UNSUITABLE MATERIAL TO BE REMOVED AS DIRECTED BY THE GEOTECHNICAL ENGINEER AND REPLACED WITH APPROVED MATERIAL SATISFYING THE REQUIREMENTS LISTED BELOW.
- ALL FILL MATERIAL SHALL BE FROM A SOURCE APPROVED BY THE GEOTECHNICAL ENGINEER AND SHALL COMPLY WITH THE FOLLOWING :
  - FREE FROM ORGANIC, PERISHABLE AND CONTAMINATED MATTER
  - MAXIMUM PARTICLE SIZE 75MM
  - PLASTICITY INDEX BETWEEN 2% AND 15%
- ALL FILL MATERIAL SHALL BE PLACED IN MAXIMUM 200mm THICK LAYERS AND COMPACTED AT OPTIMUM MOISTURE CONTENT (+ OR - 2%) TO ACHIEVE A DRY DENSITY DETERMINED IN ACCORDANCE WITH AS 1289 E3.1 OF NOT LESS THAN THE FOLLOWING STANDARD MINIMUM DRY DENSITY IN ACCORDANCE WITH AS 1289 E1.1 :
 

LOCATION	STANDARD DRY DENSITY
UNDER BUILDING SLABS	95%
AREAS OF SERVICE TRENCHES	98%
EXTERNAL PAVED AREAS, ROADS AND CARPARKS	98%
LANDSCAPED AREAS	95%
WINDROWS AND GREENWASTE DROPOFF	95%
STORMWATER AND LEACHATE DAMS	98%
- THE CONTRACTOR SHALL PROGRAM THE EARTHWORKS OPERATION SO THAT THE WORKING AREAS ARE ADEQUATELY DRAINED DURING THE PERIOD OF CONSTRUCTION. THE SURFACE SHALL BE GRADED AND SEALED OFF TO REMOVE DEPRESSIONS, ROLLER MARKS AND SIMILAR WHICH WOULD ALLOW WATER TO POND AND PENETRATE THE UNDERLYING MATERIAL. ANY DAMAGE RESULTING FROM THE CONTRACTOR NOT OBSERVING THESE REQUIREMENTS SHALL BE RECTIFIED BY THE CONTRACTOR AT THEIR COST.
- TESTING OF THE SUBGRADE SHALL BE CARRIED OUT BY AN APPROVED NATA REGISTERED LABORATORY AT THE CONTRACTORS EXPENSE.
- ALL STRIPPING AND FILLING WORKS TO BE INSPECTED, TESTED AND CERTIFIED TO LEVEL 1 STANDARD AS PER AS3799 BY GEOTECH ENGINEER.

**REVEGETATION NOTES**

- ALL EXPOSED CUT / FILL BATTERS AND ALL DISTURBED SURFACES (EXCLUDING ROCK) SHALL BE TRIMMED IN ACCORDANCE WITH LMCC SPECIFICATIONS AND INCLUDE RESPREADING OF ALL TOPSOIL AS SHOWN ON DRAWINGS
- RESPREAD EXISTING MULCH BERM (CONSTRUCTED BY OTHERS) OVER RESPREAD TOPSOIL LAYER.
- SUPPLY AND APPLY HYDRO MULCH TO ALL DISTURBED AREAS (EXCEPT ROCK FACES) IN ACCORDANCE WITH LMCC SPECIFICATIONS
- MAINTENANCE REQUIRED FOR 6 WEEK ESTABLISHMENT PERIODS
- SUPPLY AND PLACE TURF (SPECIES TO BE APPROVED BY LMCC) TO GRASS LINED SWALE IMMEDIATELY UPON COMPLETION OF CONSTRUCTION AND WATER / MAINTAIN TO ACHIEVE ESTABLISHMENT

**GEOSYNTHETIC LINER NOTES**

- ALL GEOSYNTHETIC WORKS TO BE INSTALLED STRICTLY IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS, DETAILS AND INSTALLATION MANUALS.
- THE MANUFACTURES INSTALLATION DOCUMENTATION SHALL BE READ AND APPLIED AS A TECHNICAL SPECIFICATION.

**PRE-CAST PIT NOTES**

- ALL PITS ARE TO BE SPECIAL CUSTOM MADE TO COMPLY WITH ALL ASPECTS OF THE DETAILS FOR THE WORKS INCLUDING 'OBVIOUS WORKS' SO AS TO COMPLY IN ALL RESPECTS INCLUDING ALL CONTIGUOUS WORKS.
- NO RESPONSIBILITY FOR PROVISION OF ADEQUATE TOLERANCES OR OTHER ALLOWANCES FOR CONSTRUCTION DISCREPANCIES WILL BE ACCEPTED OR OTHERWISE ASSUMED BY ACOR CONSULTANTS PTY LTD AND ALL LIABILITY AND RESPONSIBILITY FOR FIT AND FORM SHALL REST WITH THE CONTRACTOR.
- NO COMPOSITE (IN-SITE WITH PRECAST) CONSTRUCTION WILL BE ALLOWED.
- ALL PITS AND GRATES/COVERS SHALL BE CERTIFIED UNDER AUSTRALIAN TESTING AND CERTIFICATION STANDARDS INCLUSIVE OF 'OBVIOUS WORKS' REQUIREMENTS.
- ALL PITS ARE TO BE FORMED AND CONSTRUCTED OF APPROPRIATE CONCRETE MIX WITH SUITABLE CONCRETE SLUMP AND STEEL REINFORCEMENT; NOTING PARTICULARLY THAT NO DRY MIX OR DRY-PRESSED CONCRETE FABRICATION WILL BE ACCEPTED AND DRY MIX OR DRY-PRESSED CONCRETE PITS ARE NOT TO BE INCLUDED IN THE WORKS.
- THE INTEGRITY OF THE DESIGN DETAILS OF ALL CONTIGUOUS WORKS SHALL BE MAINTAINED AND ANY ACT, ERROR OR OMISSION IN THE USE OF THE PROPOSED PRECAST PITS SHALL BE RECTIFIED SOLELY AT THE CONTRACTORS EXPENSE AND NO DESIGN AMENDMENTS WILL BE CONSIDERED IN ORDER TO ACCOMMODATE OR OTHERWISE INTEGRATE THE PROPOSED PRE-CAST PITS.
- THE CONTRACTOR ACCEPTS ALL RESPONSIBILITY FOR ANY ACT, ERROR OR OMISSION IN THE CONTIGUOUS WORKS DETAILS THAT WOULD OTHERWISE HAVE BEEN RECTIFIED WITH THE CONSTRUCTION OF THE SPECIFIED CAST IN-SITU PITS.

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J	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	20/07/14	CS	BK	None
J	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	20/09/14	CS	BK	
G	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	07/08/13	CS	BK	
F	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	18/03/14	CS	BK	
Issue	Description	Date	Drawn	Checked	Approved

**PICCOLO PTY. LTD**

**ACOR CONSULTANTS**

(28)629911 | MANAGEMENT | INFRASTRUCTURE | PLANNING | DEVELOPMENT CONSULTANTS

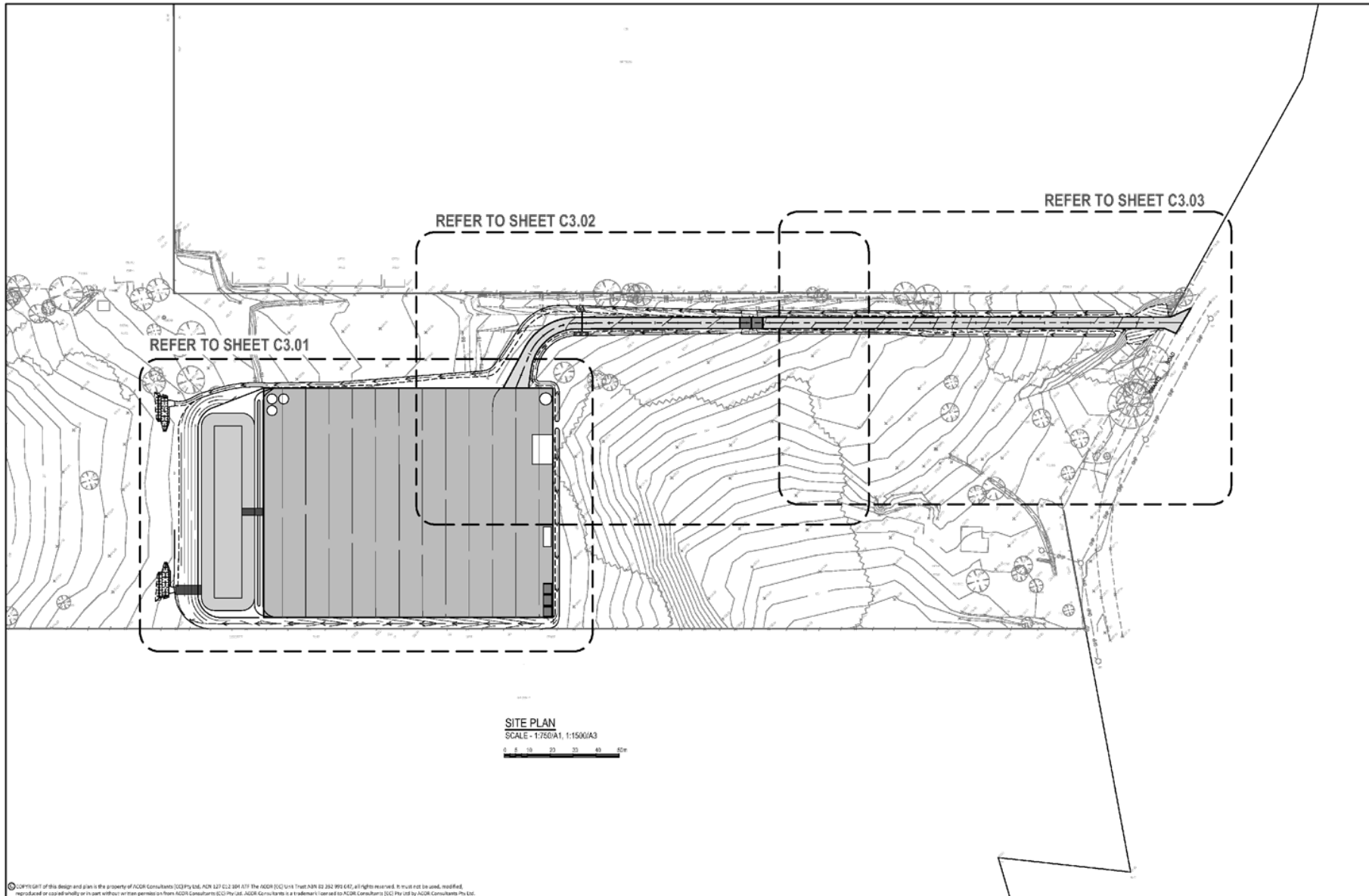
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**PROPOSED COMPOSTING FACILITY**  
No 222 GRANTS ROAD  
SOMERSBY

Drawing Title: **NOTES**

Drawn	Scale	AS NOTED	Rev	Issue
CSJ	AS SHOWN			
Checked				
BK	<b>GO160914</b>		<b>C.1.01</b>	<b>J</b>



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Rev	Description	Date	Drawn	Approved
J	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	22.07.15	CB	BK
I	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	22.08.15	CB	BK
G	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	07.08.17	CS	BK
F	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	18.05.17	CS	BK

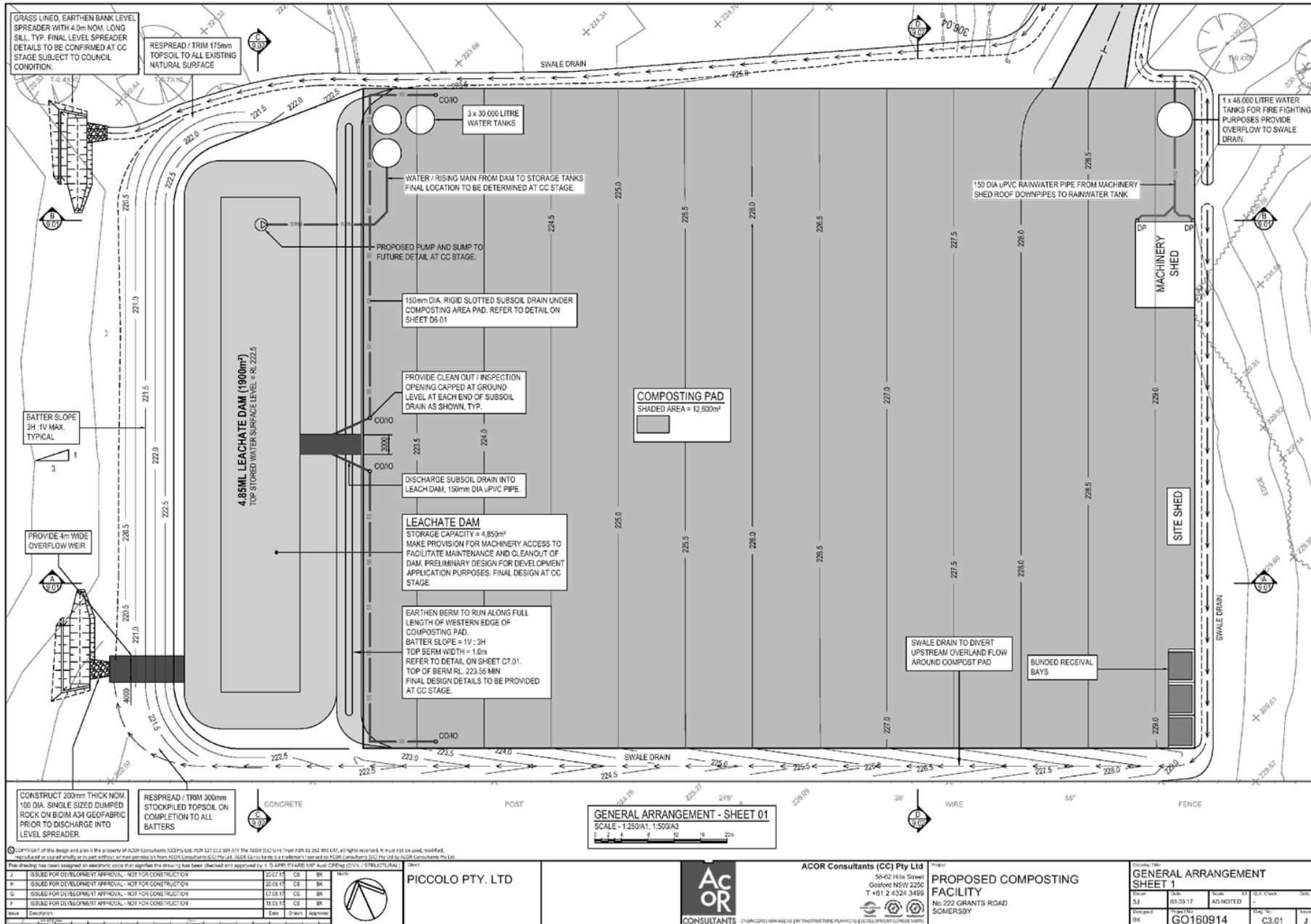
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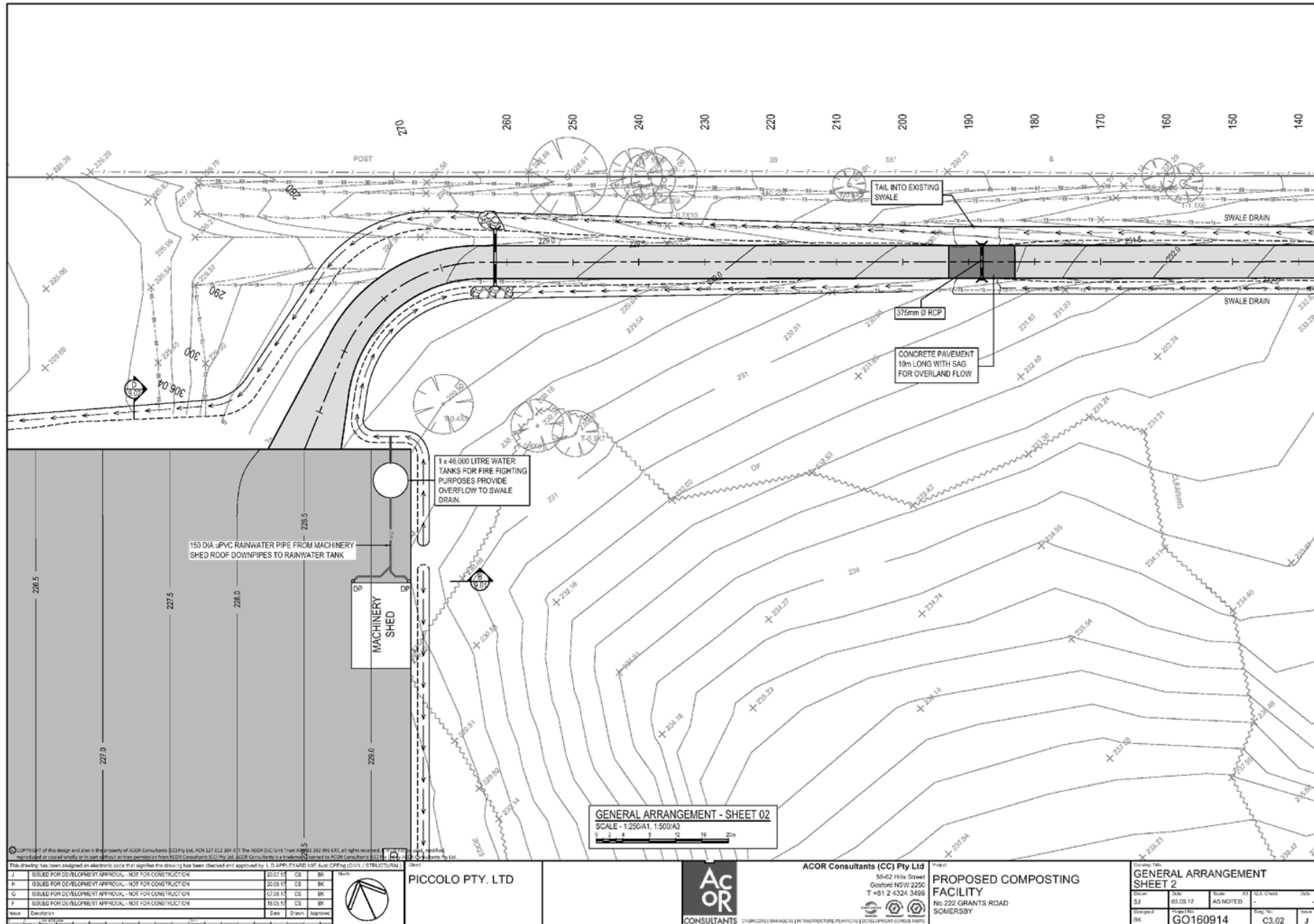


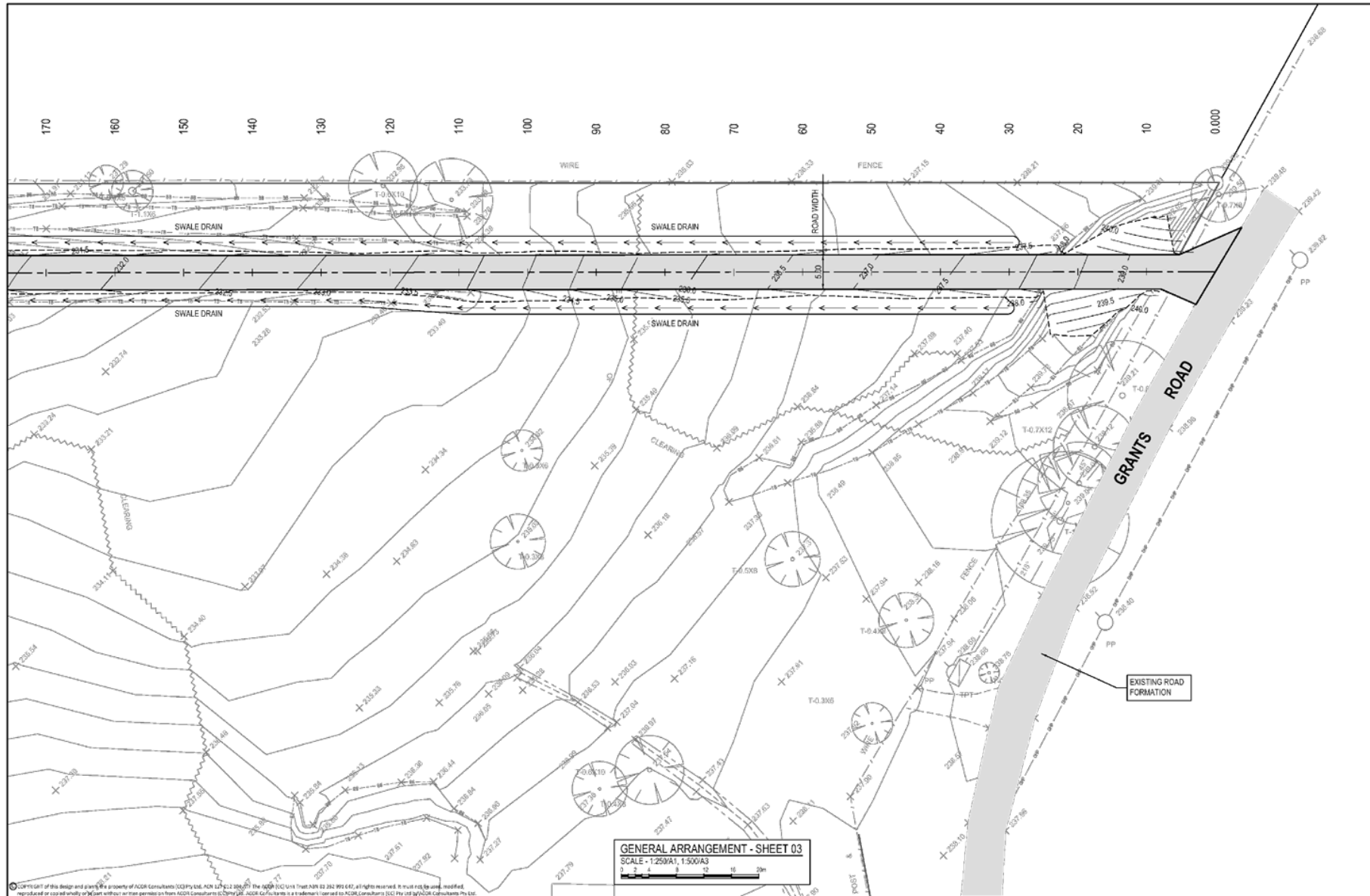
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**PROPOSED COMPOSTING FACILITY**  
 No 222 GRANTS ROAD  
 SCHMERSDYS

Drawing Title					
SITE PLAN					
Drawn	Scale	Scale	Rev	Rev	Rev
CS	AS NOTED				
Checked	Rev	Rev	Rev	Rev	Rev
BK	GO160914	C2.01			J



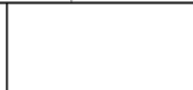




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J	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	22/07/18	CS	BK	
K	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	22/08/18	CS	BK	
L	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	07/08/17	CS	BK	
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Issue	Description	Date	Drawn	Approved	

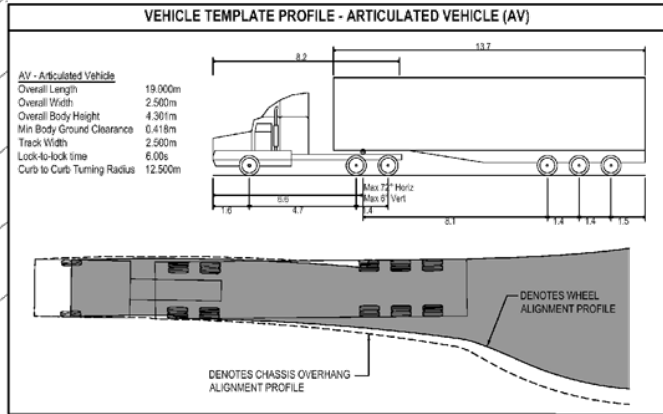
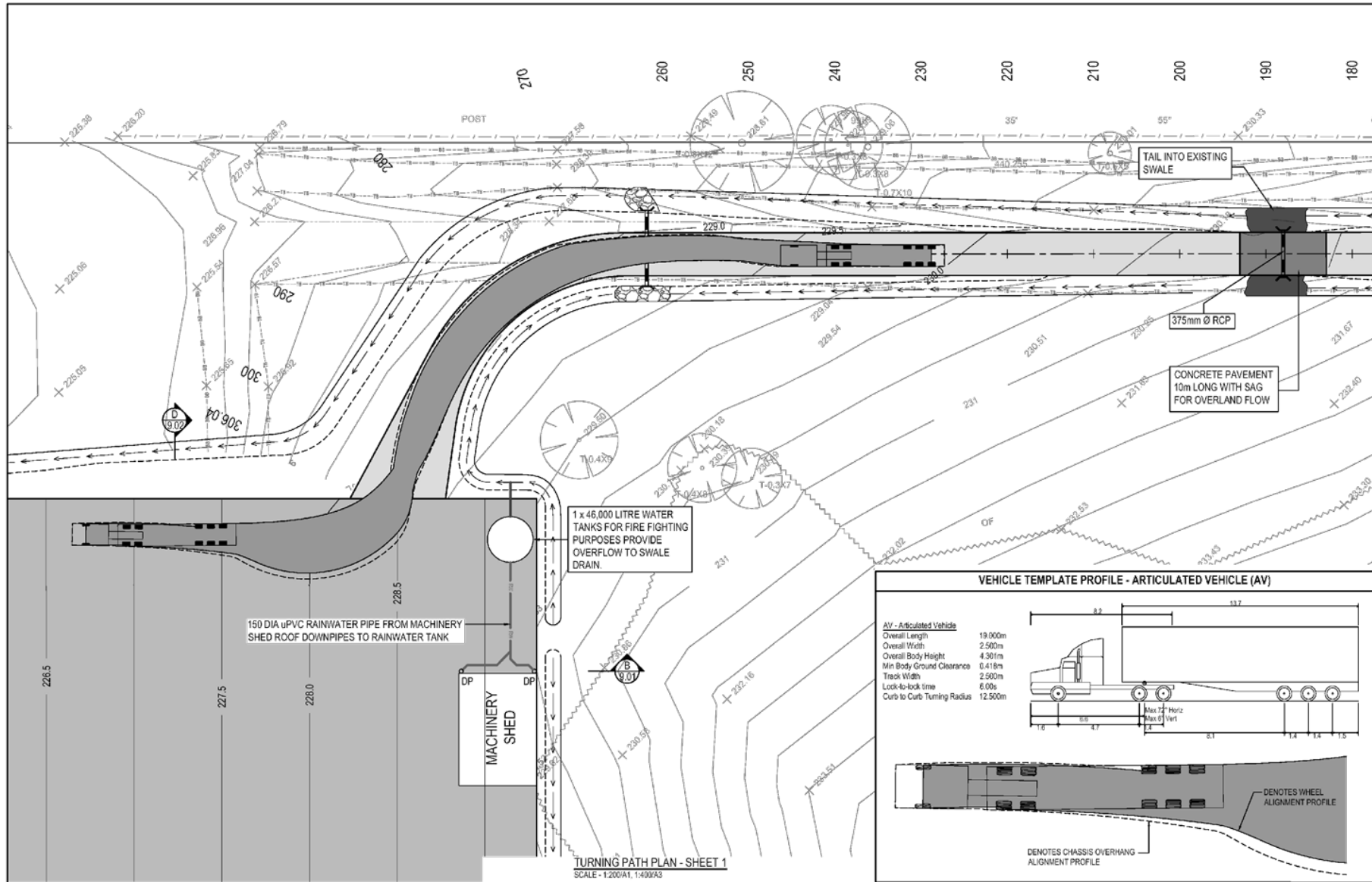
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Drawing Title: <b>GENERAL ARRANGEMENT SHEET 3</b>					
Drawn	Scale	Scale	Alt	U.S. Check	Sheet
SA	AS NOTED				
Revised	Project No.	Proj. No.	Rev. No.	Notes	
BK	GO160914	C3.03	J		



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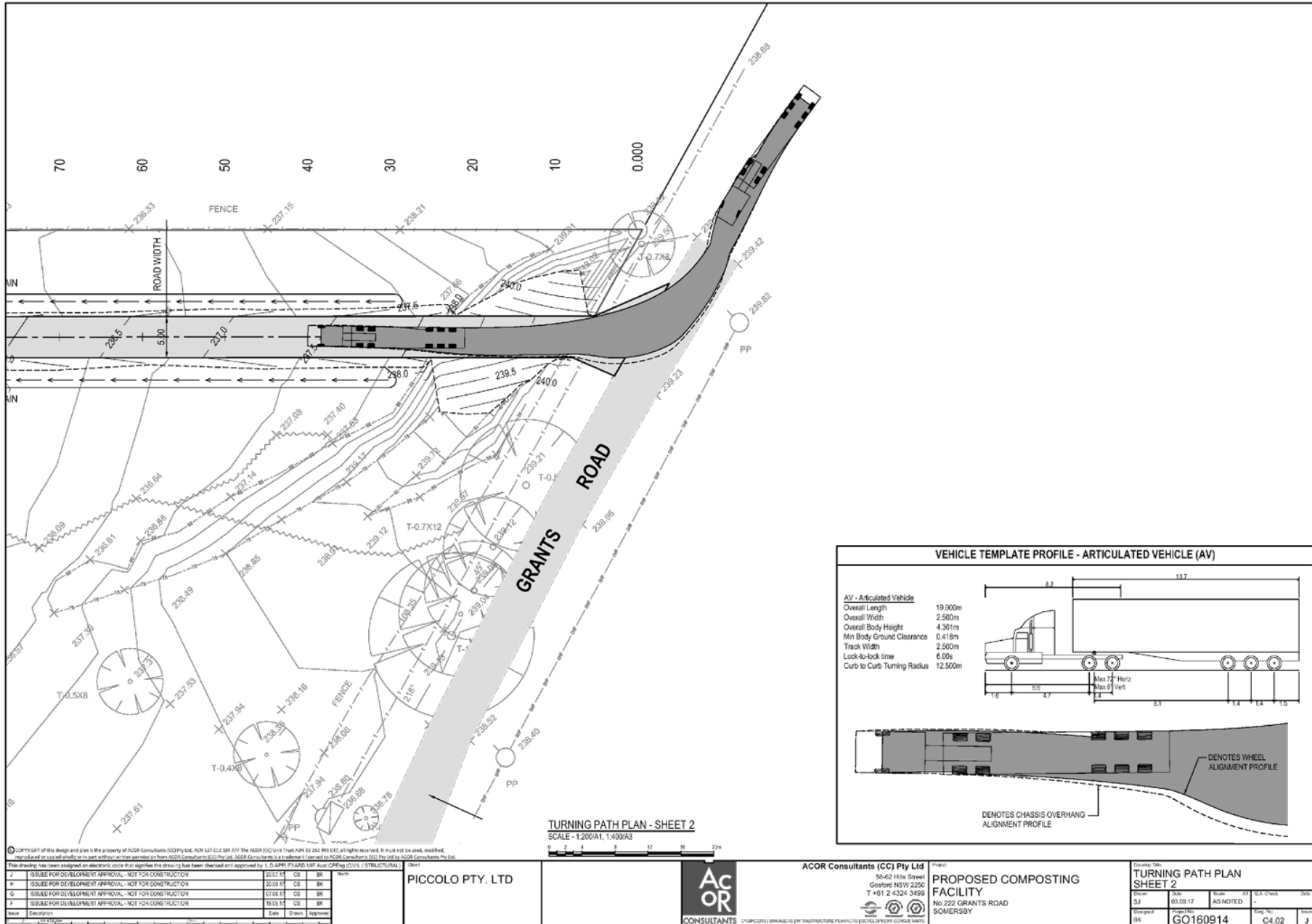
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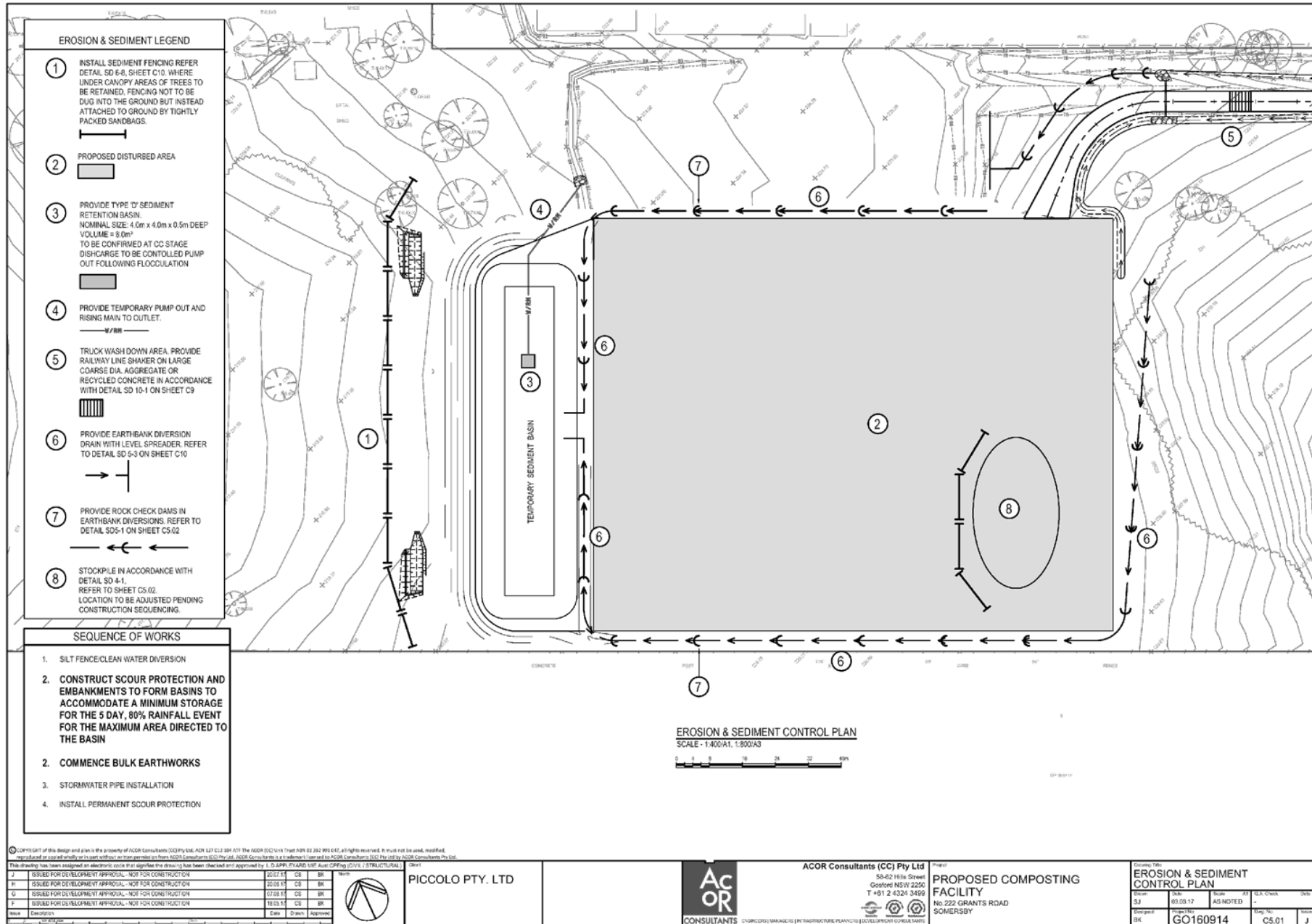
**PROPOSED COMPOSTING FACILITY**  
No 222 GRANTS ROAD  
SCHMERSDYS

Drawing Title: **TURNING PATH PLAN SHEET 1**

Drawn	Scale	AS NOTED	DATE
CS	AS NOTED		
Checked By:	Scale:	AS NOTED	DATE:
BK	GO160914	C4.01	J







**SOURCE:** MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION THIRD EDITION, AUGUST 1988, PRODUCED BY THE DEPARTMENT OF HOUSING

**CONSTRUCTION NOTES:**

- CONSTRUCT SEDIMENT FENCE AS CLOSE AS POSSIBLE TO PARALLEL TO THE CONTOUR OF THE SITE.
- DRIVE 1.5 METRE LONG 3" ANCHORS INTO GROUND, 3 METRES APART.
- DO A MINIMUM DEPTH TRENCH ALONG THE UPRIGHT LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
- BACKFILL TRENCH OVER BASE OF FABRIC.
- FOR SELF-SUPPORTING GEOTEXTILE TO UPSLOPE SIDE OF POSTS WITH WIRE TIES OR AS RECOMMENDED BY GEOTEXTILE MANUFACTURER.
- JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH A 100MM OVERLAP.

**SEDIMENT FENCE** SD 6-7

**SOURCE:** MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION THIRD EDITION, AUGUST 1988, PRODUCED BY THE DEPARTMENT OF HOUSING

**CONSTRUCTION NOTES:**

- CONSTRUCT ALONG GRADIENT AS SPECIFIED.
- AVOID HEAVY TREES AND SHRUBS IF POSSIBLE.
- DESIGN TO BE OF PARABOLIC OR TRIANGULAR CROSS SECTION AS OPPOSED TO V-SHAPED.
- EARTH BANKS TO BE ADEQUATELY COMPACTED IN ORDER TO PREVENT FAILURE.
- PERMANENT OR TEMPORARY STABILISATION OF EARTH BANK TO BE COMPLETED WITHIN 10 DAYS OF CONSTRUCTION.
- ALL OUTLETS FROM DISTURBED LANDS ARE TO FEED INTO A SEDIMENT BASIN OR SUMP.
- ESCHMANN-BUNDSCH COLLECTED FROM UNDISTURBED LANDS ON TO EITHER A STABILISED OR AN UNDISTURBED DISPOSAL SITE WITHIN THE SAME SUBSIDIARY AREA FROM WHICH THE WATER ORIGINATED.
- COMPACT WITH A SUITABLE IMPLEMENT IN SITUATION WHERE THEY ARE REQUIRED TO FUNCTION FOR MORE THAN FIVE DAYS.
- EARTH BANKS TO BE FREE OF PROJECTIONS OR OTHER IRREGULARITIES THAT WILL IMPEDE NORMAL FLOW.

**EARTHBANK (HIGH FLOWS)** SD 5-3

**SOURCE:** MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION THIRD EDITION, AUGUST 1988, PRODUCED BY THE DEPARTMENT OF HOUSING

**CONSTRUCTION NOTES:**

- LOCATE STOCKPILE AT LEAST 5 METRES FROM EXISTING VEGETATION, CONCENTRATED WATER FLOWS, ROADS AND HAZARDOUS AREAS.
- CONSTRUCT ON THE CONTOUR AT A LOW, FLAT, DRAINAGED HINDSLOPE.
- WHERE THERE IS SUFFICIENT AREA TOPSOIL STOCKPILES SHALL BE LESS THAN 2 METERS IN HEIGHT.
- RE-VEGETATE IN ACCORDANCE WITH THE SWAMP/SCOP.
- CONSTRUCT EARTHBANK (STANDARD DRAWING 6-2) ON THE UPSLOPE SIDE TO DIVERT RUN OFF AROUND THE STOCKPILE AND A SEDIMENT FENCE (STANDARD DRAWING 6-7), 1 TO 2 METRES DOWN SLOPE OF STOCKPILE.

**STOCKPILES** SD 4-1

**SOURCE:** MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION THIRD EDITION, AUGUST 1988, PRODUCED BY THE DEPARTMENT OF HOUSING

**CONSTRUCTION NOTES:**

- TRENCH STRUCTURE 200mm INTO GROUND SURFACE WHEREVER THE STRUCTURE CONTACTS THE GULLY BASE. FILL TRENCHES TO 100mm ABOVE GROUND SURFACE TO REDUCE RISK OF UNDERCUTTING.
- ENSURE HEIGHT OF SPILLWAY IS LESS THAN 1 METRE ABOVE THE GULLY FLOOR.
- SPACE CHECKS SO THE TOE OF THE UPSTREAM DAM IS LEVEL WITH THE SPILLWAY OF THE NEXT DOWNSTREAM DAM. DAM TO BE SPECIFIED ON SWAMP/SCOP.

**ROCK CHECK DAM** SD 5-1

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L	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	07.08.17	CS <td>BK</td> <td></td>	BK	
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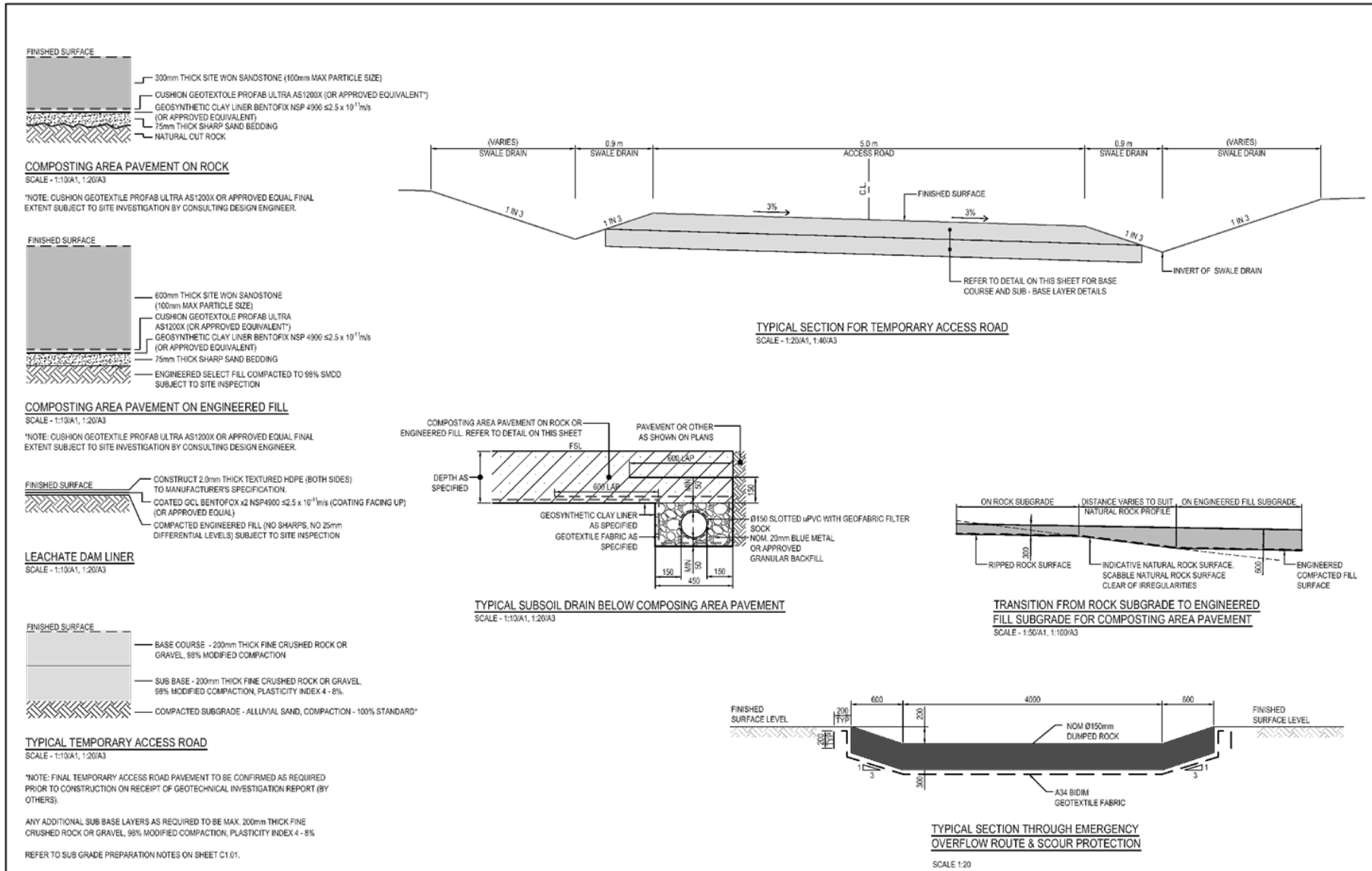
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EROSION & SEDIMENT CONTROL DETAILS					
Drawn	Scale	Scale	Alt	U.S.A. Check	Scale
CSJ	AS NOTED				
Designed	Checked	U.S.A. Check	Scale	Alt	Scale
BK	GO160914	C5.02			J



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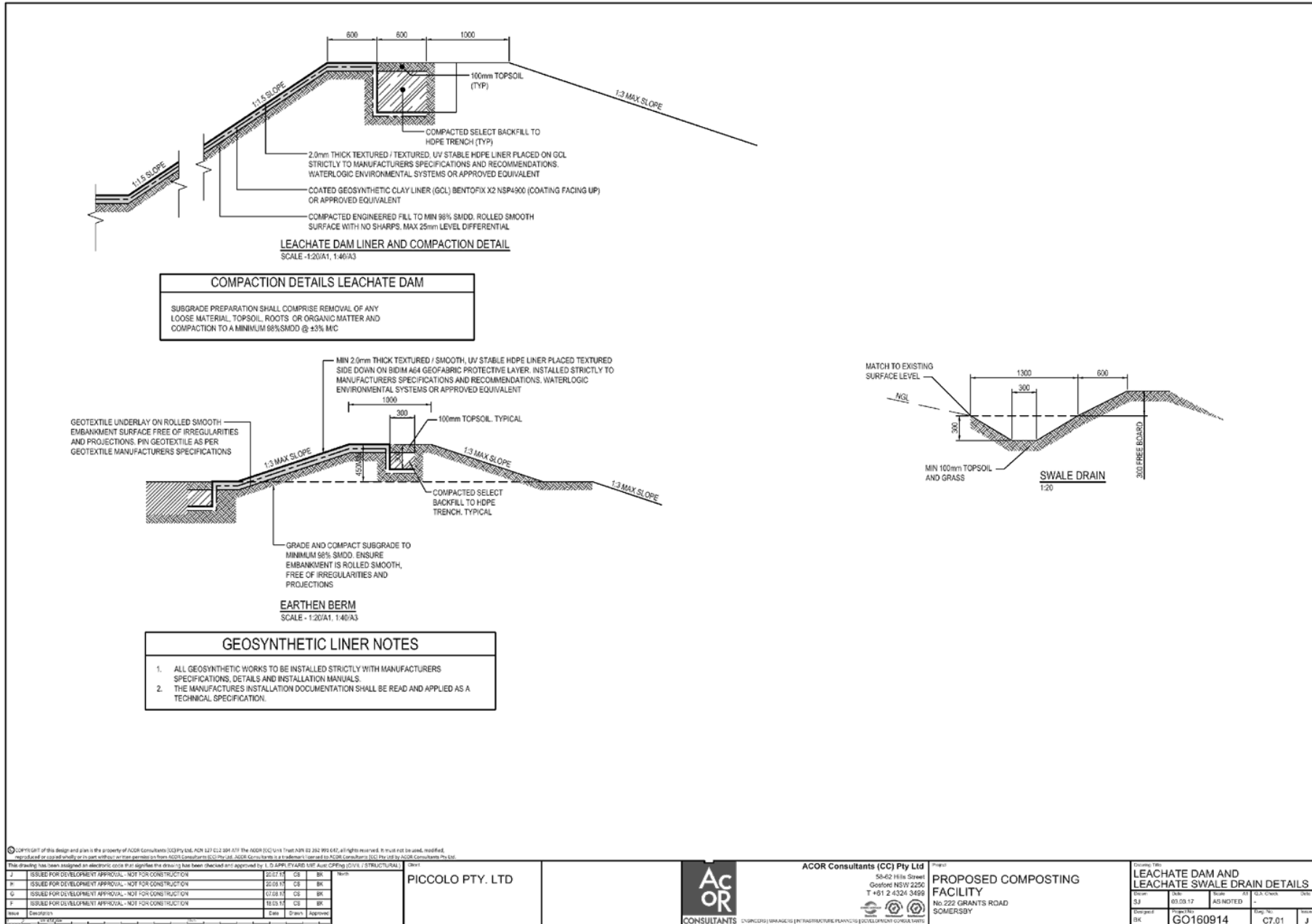
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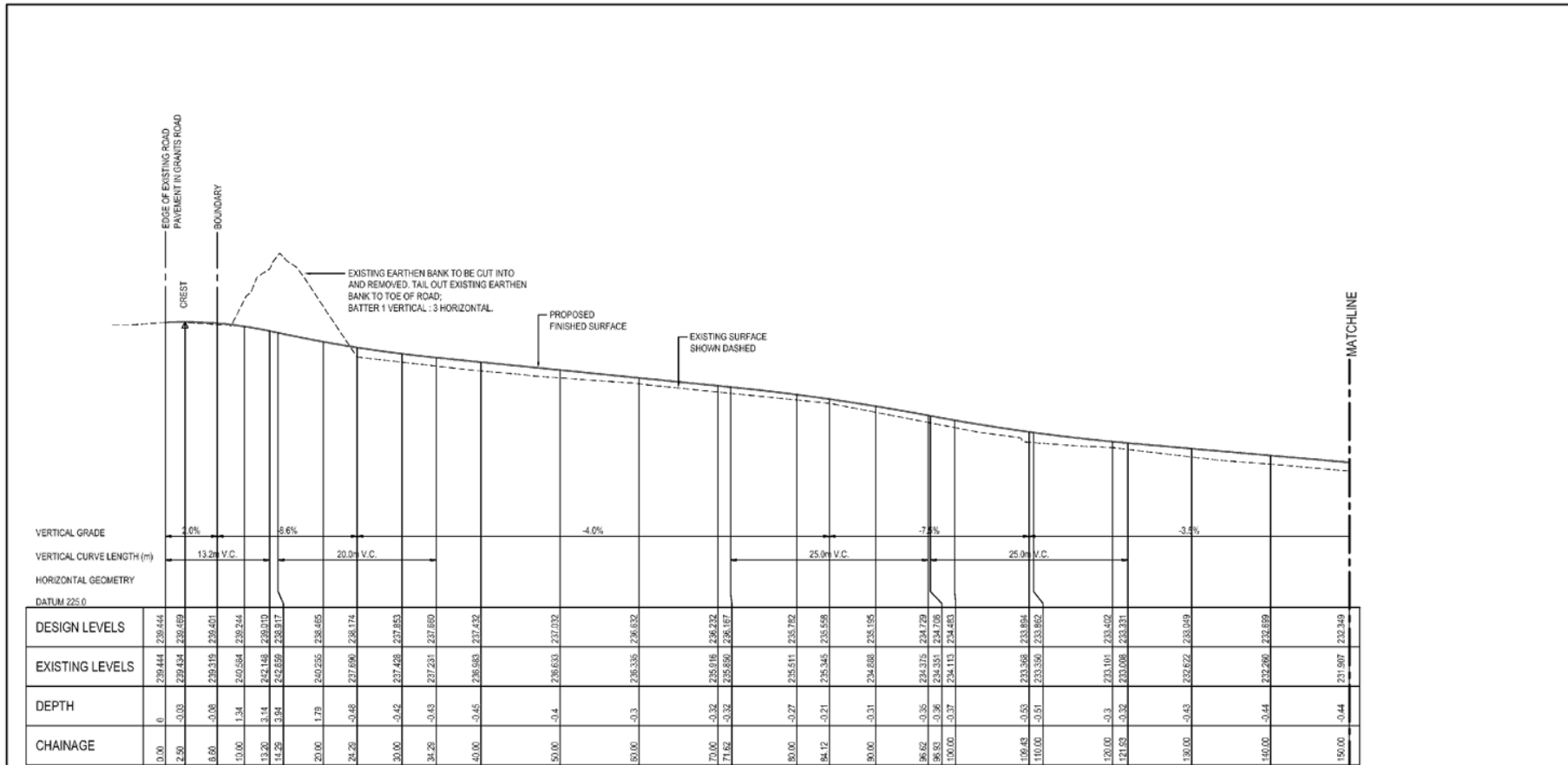


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Drawing Title: PAVEMENT DETAILS					
Drawn	Check	Scale	Alt	U.S.A. Check	Date
CSJ	MS	AS NOTED			
Revised By	Revised Date	Revised Scale	Revised Alt	Revised U.S.A. Check	Revised Date
BK					
Project No.	Scale	Sheet No.			
GO160914	C6.01	J			





ACCESS ROAD LONG SECTION - SHEET 1  
 HORIZONTAL SCALE - 1:2500/1, 1:500/3  
 VERTICAL SCALE - 1:100/1, 1:200/3

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I	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	22/09/17	CS	BK
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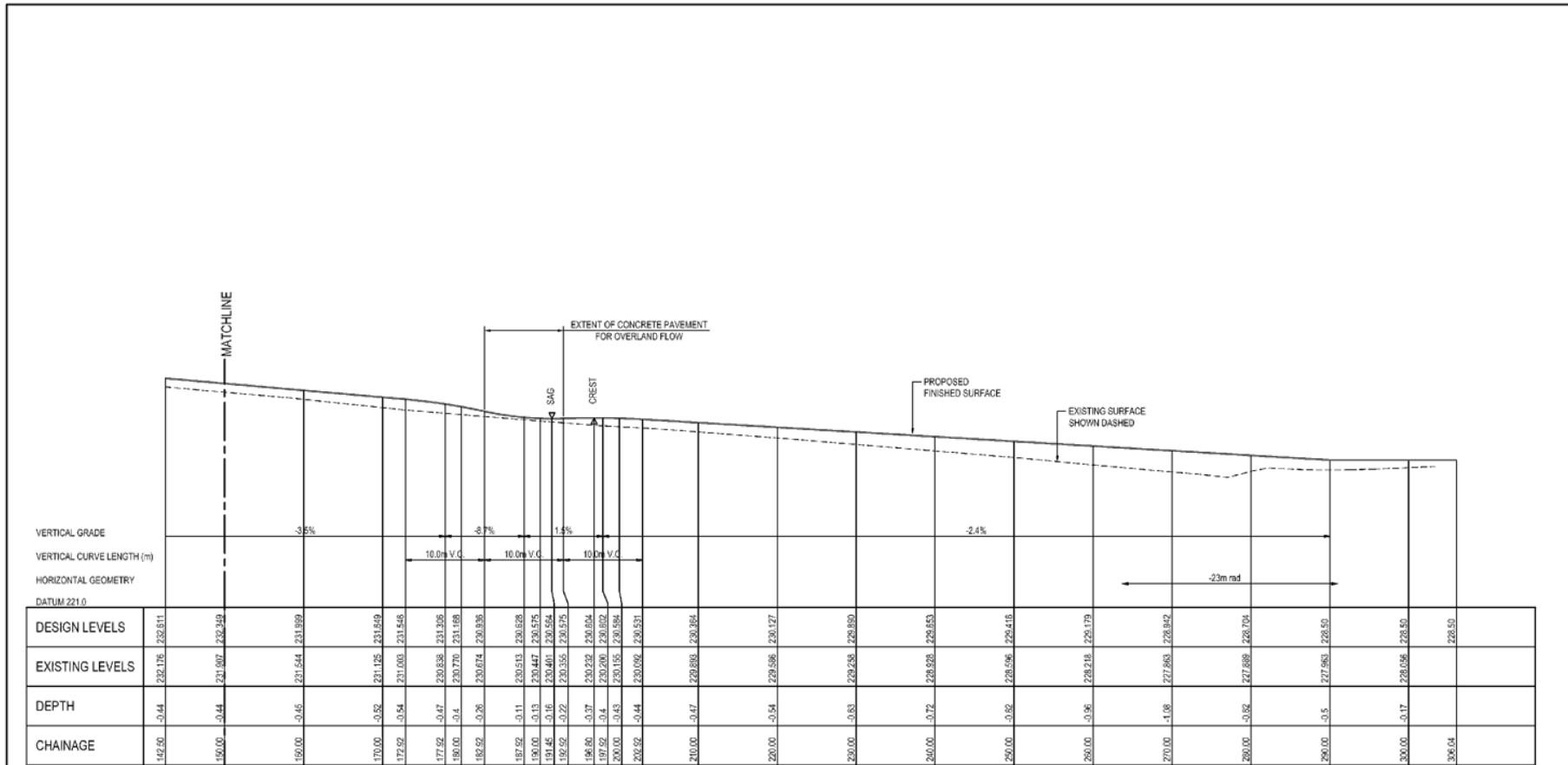
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Drawn	Scale	Rev	Date	Drawn
CS	AS NOTED	1	22/07/18	BK
Rev	Scale <td>Date <td>Drawn <td>Approved </td></td></td>	Date <td>Drawn <td>Approved </td></td>	Drawn <td>Approved </td>	Approved
BK	AS NOTED	22/07/18	CS	BK



ACCESS ROAD LONG SECTION - SHEET 2

HORIZONTAL SCALE - 1:250A1, 1:500A3  
 VERTICAL SCALE - 1:100A1, 1:200A3

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J	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	22/07/14	CS	BK
I	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	22/09/13	CS	BK
G	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	07/08/13	CS	BK
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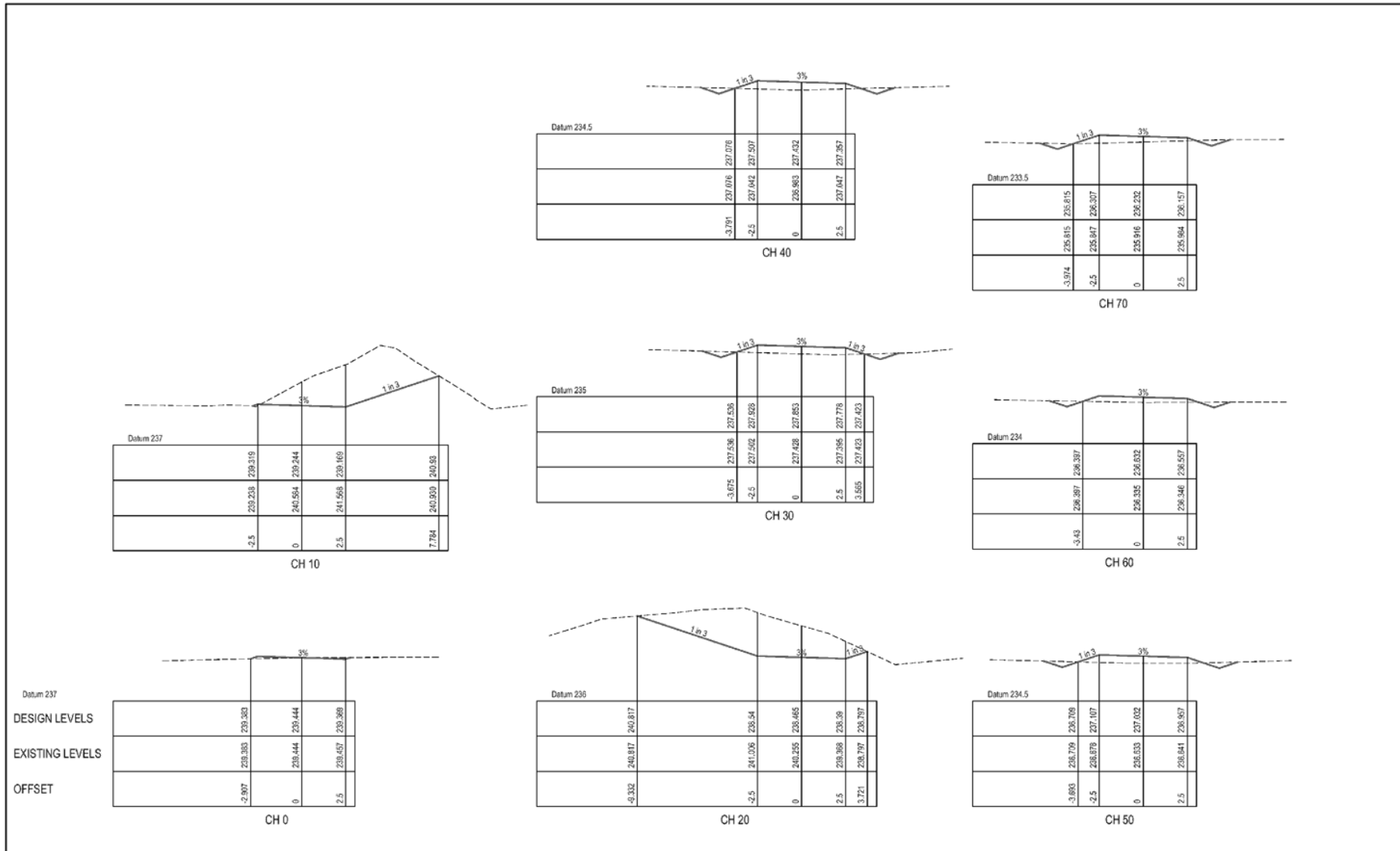


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Drawn	Scale	Rev	Date
CS	AS NOTED		
BK			

Project No: GO160914  
 Date: 22/07/14



ACCESS ROAD CROSS SECTIONS - SHEET 1  
 HORIZONTAL SCALE - 1:100(A1, 1:200(A3)  
 VERTICAL SCALE - 1:100(A1, 1:200(A3)

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I	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	22/08/17	CS	BK	
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Rev	Description	Date	Drawn	Approved	

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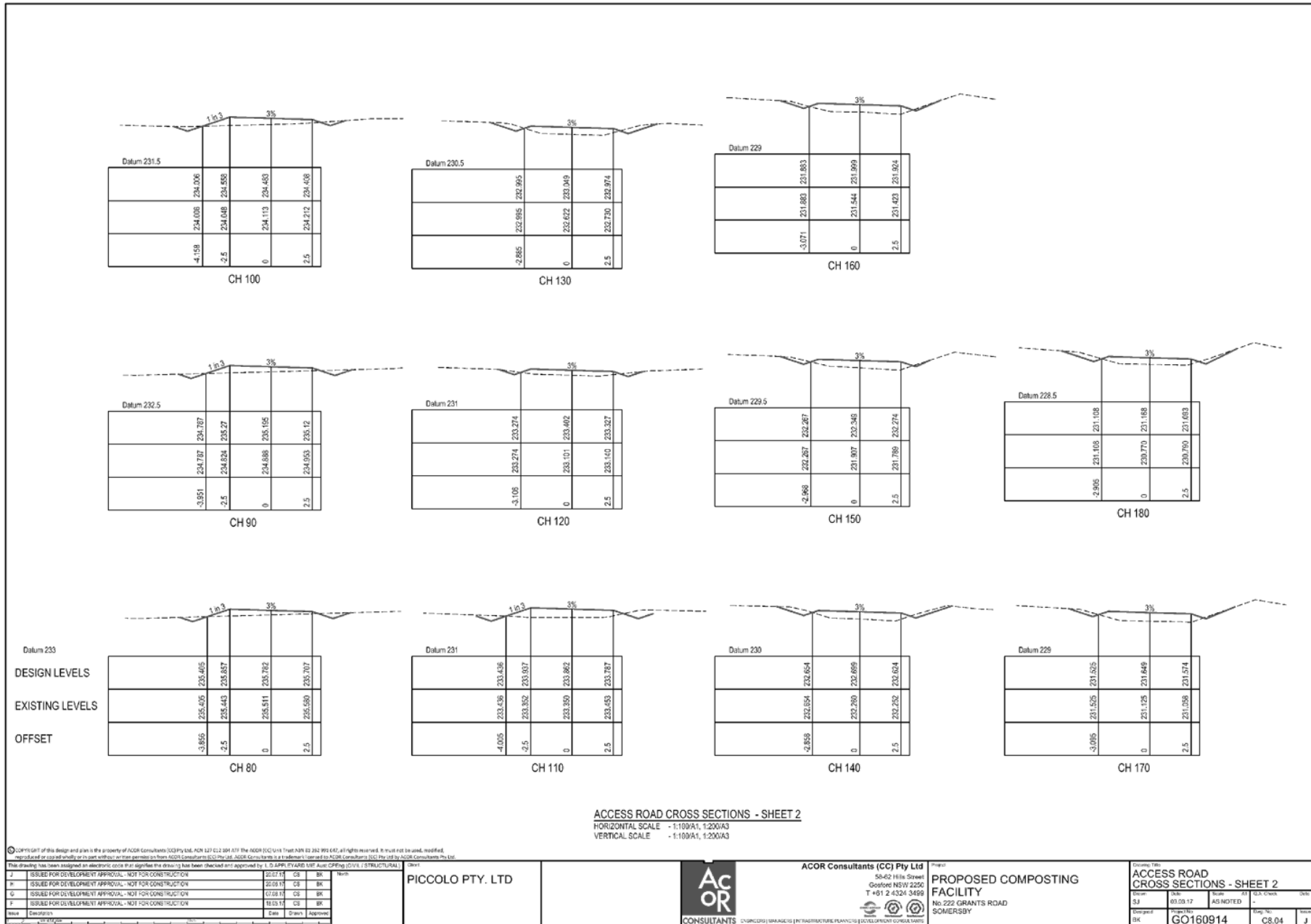


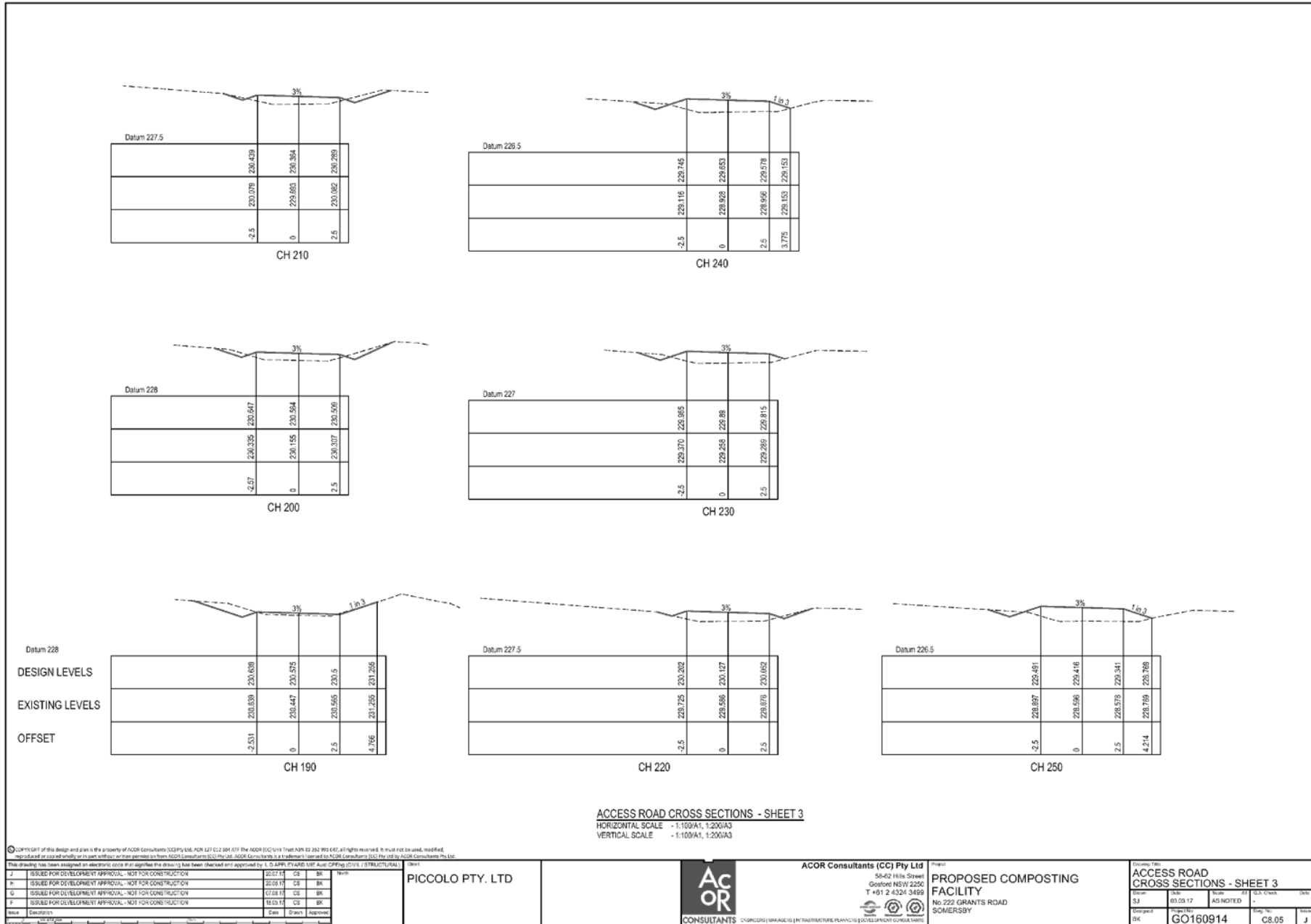
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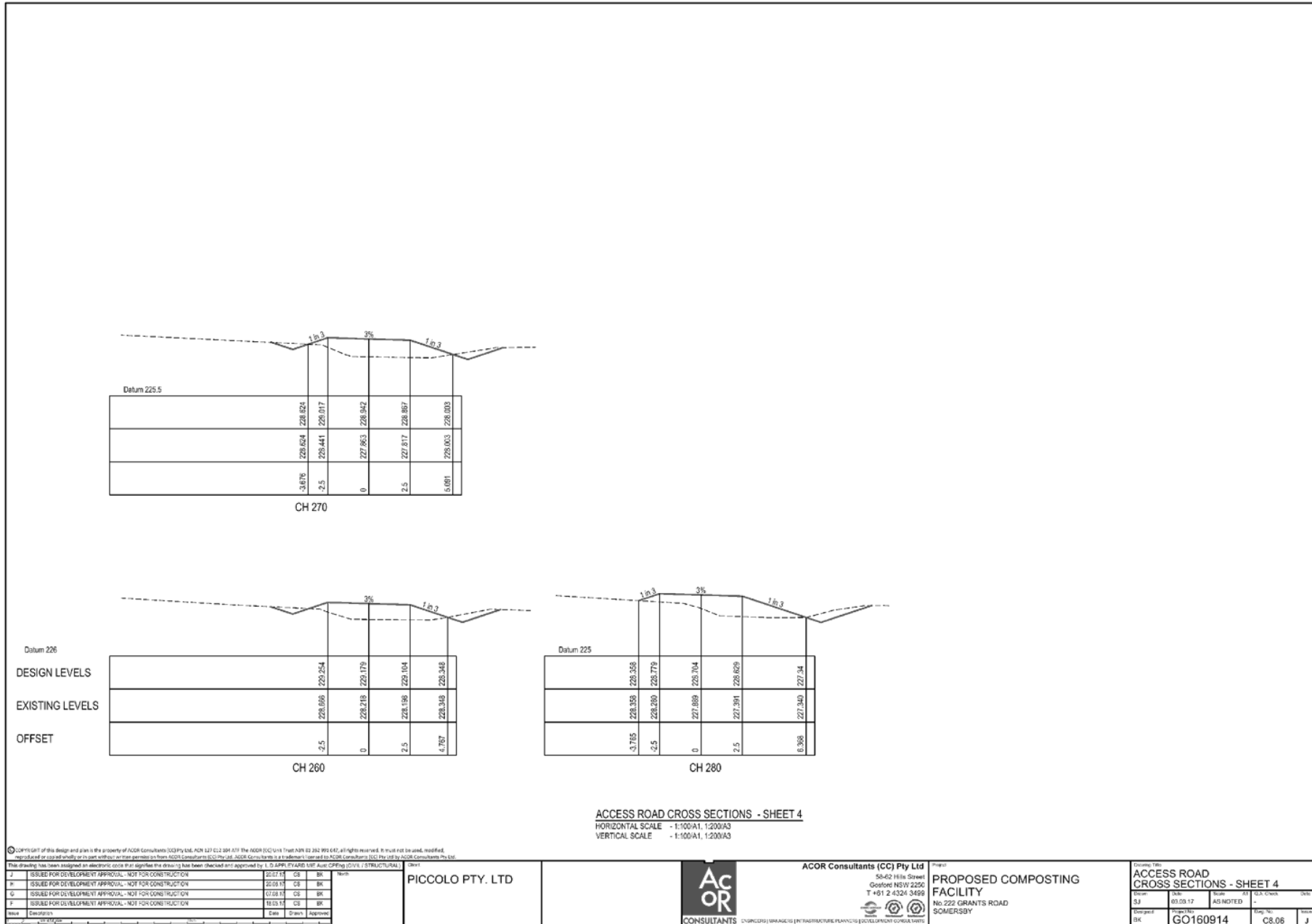
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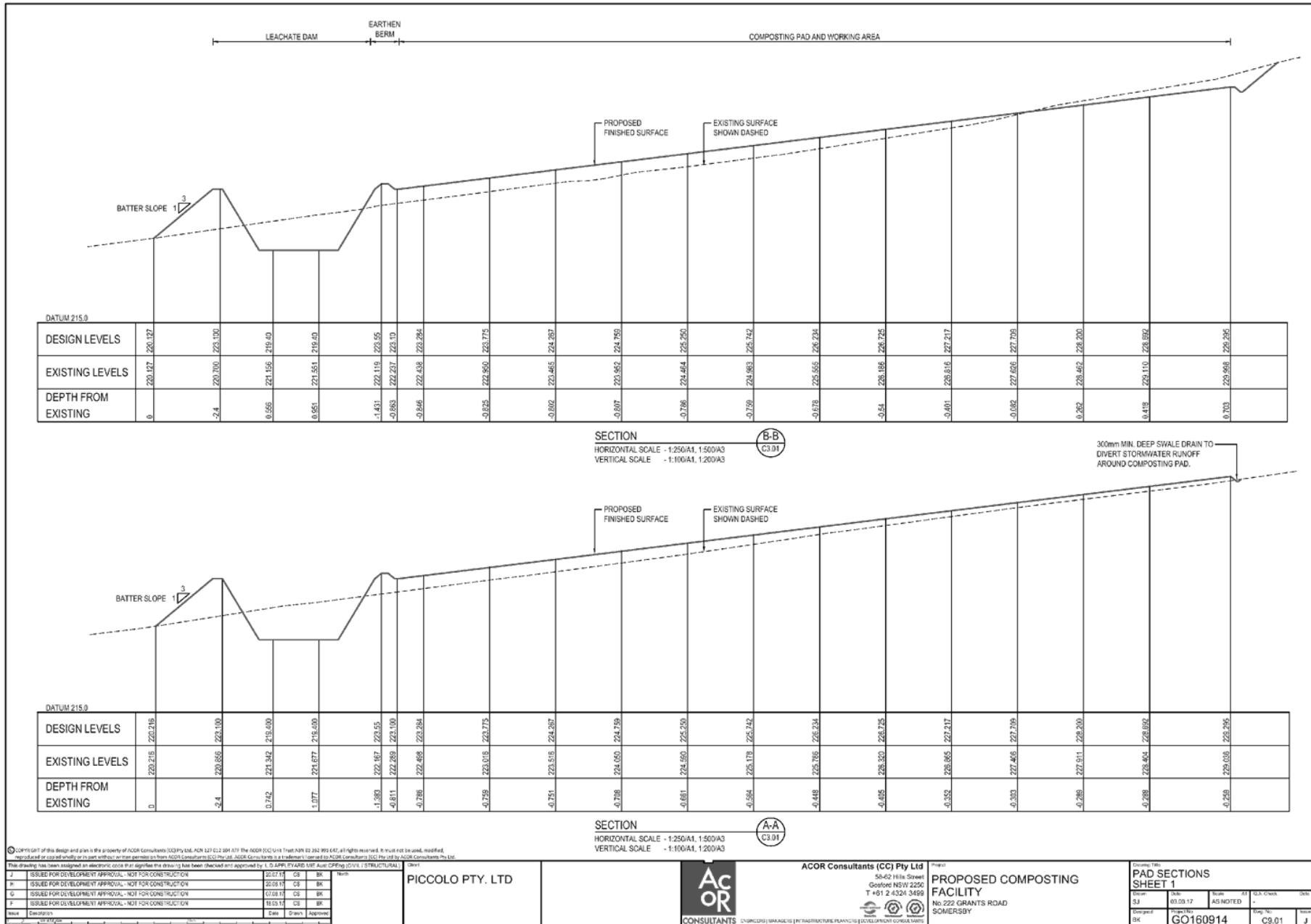
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Designed	Project No.	File No.	Sheet
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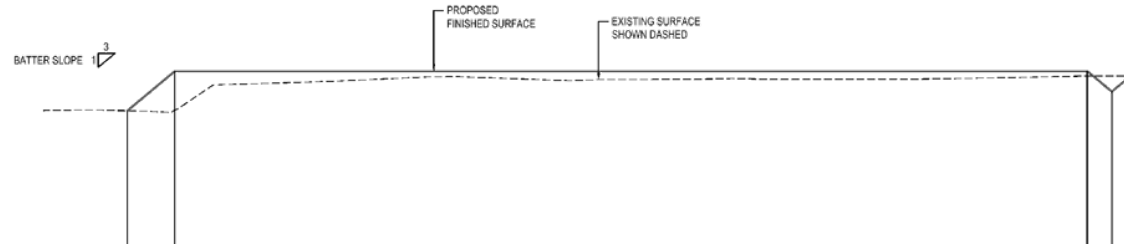
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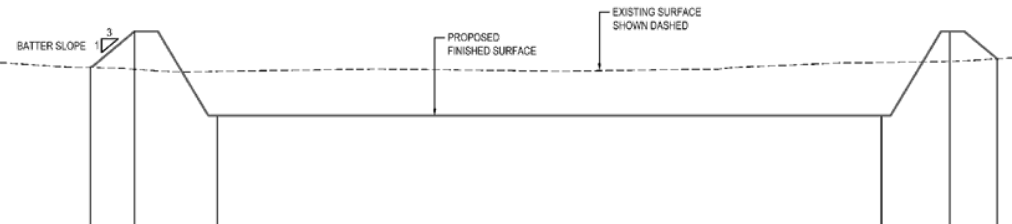
PROPOSED COMPOSTING FACILITY  
 No 222 GRANTS ROAD  
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Drawn	Scale	AS NOTED	Sheet
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Designed	Project No.	Rev. No.	Notes
BK	GO160914	C9.01	J



DATUM 219.0					
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EXISTING LEVELS	226.502	225.501		227.030	227.030
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SECTION D-D  
 HORIZONTAL SCALE - 1:250/A1, 1:500/A3  
 VERTICAL SCALE - 1:100/A1, 1:200/A3



DATUM 214.0					
DESIGN LEVELS	221.512	221.512	223.100	219.400	
EXISTING LEVELS	221.512	221.436		221.34	221.794
DEPTH FROM EXISTING	0	-1.084		0.740	1.134

SECTION C-C  
 HORIZONTAL SCALE - 1:250/A1, 1:500/A3  
 VERTICAL SCALE - 1:100/A1, 1:200/A3

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F	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	18/05/17	CS	BK

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Drawing Title: PAD SECTIONS SHEET 2					
Drawn	CS	Scale	AS NOTED	Rev	0
Checked	BK	Proj. No.	GO160914	Rev. No.	C9.02
Author	BK	Sheet No.	J		

**Attachment 4**

Environmental Planning and Assessment Regulation 2000

Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP & A Regulations) identifies developments, which are designated development.

The development application is supported by Council Officers and the Environmental Protection Authority (EPA), concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

With regard to the environmental parameters for consideration in accordance with Schedule 3, Clause 13 of the EP & A Regulations, a detailed response is provided below:

*Composting facilities or works (being works involving the controlled aerobic or anaerobic biological conversion of organic material into stable cured humus-like products, including bioconversion, biodigestion and vermiculture):*

*(a) that process more than 5,000 tonnes per year of organic materials, or*

Comment:

The development application is for the establishment of a composting facility with the capacity to process up to 5,000 tonnes of organics per annum. The volume of all incoming organics received and processed will be monitored and recorded by source, type, load, and volume.

Volume will be converted into tonnes, with a running total in a log, available on site at all times, with mandatory reporting to the EPA to ensure volume limits are not exceeded and compliance requirements met for the environmental protection licence.

*(b) that are located:*

*(i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or*

Comment:

Councils mapping indicates that the proposed composting area is located in excess of 100m of the dams located within No. 210 Grants Road, Somersby. The location of the operational area on site is setback 176m from the common boundary shared with an environmentally sensitive area, being Brisbane Water National Park.

*(ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or*

Comment:

The site is not located within an area considered to have a high watertable, highly permeable soils, acid sulphate, sodic or saline soils.

(iii) *within a drinking water catchment, or*

Comment:

The subject site is not located within a drinking water catchment area.

(iv) *within a catchment of an estuary where the entrance to the sea is intermittently open, or*

Comment:

The site is located within the Hawkesbury-Nepean River catchment. The Hawkesbury River, the nearest estuary to the site, is permanently open to the sea.

(v) *on a floodplain, or*

Comment:

The site is located on the Somersby Plateau and not on a flood plain.

(vi) *within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.*

Comment:

The operational site is not located within 500m of a residential zone.

The two nearest dwellings are located at No. 210 Grants Road, Somersby (approximately 254m to the north-east) and No. 239 Grants Road, Somersby (approximately 315m to the east) of the operational pad location. The dwelling located at No. 200 Grants Road, Somersby is located approximately 396m to the north east of the operational pad. All three of these dwellings are therefore located in excess of 250m from the proposed development and within an area zoned as RU1 – Primary Production within *Gosford Local Environmental Plan 2014* (GLEP 2014).

However, the construction of a new driveway/crossover forms part of the proposal, wherein this driveway is within 250m of nearby dwellings located at No. 200, No. 210 and No. 239 Grants Road, Somersby. Where composting facilities/works are located within 250m of a dwelling and the consent authority considers that the proposal will likely have a significant impact on the amenity of the neighbourhood (from impacts including noise, visual impacts, air pollution, vermin or traffic) then the development application is Designated Development. Further consideration with regard to this environmental parameter is provided below.

The nearest residential receptor to the new access is located at No. 210 Grants Road, Somersby. However, this dwelling is associated with the subject proposal. Notwithstanding, the amenity to this residential receptor, which is located approximately 40m north of the proposed driveway, has been considered in accordance with Clause 13(b)(vi). The residential receptor located at No. 239 Grants Road, Somersby is located approximately 155m to the south-east of the proposed driveway junction with Grants Road. The residential receptor located at No. 200 Grants Road, Somersby is located approximately 200m north of the proposed driveways junction with Grants Road. The

access driveway is considered to have a minimal impact to these three residential receptors in accordance with Clause 13(b)(vi) in that:

- Mitigating measures proposed are considered sufficient in managing odour (including moisture content, aerobic decomposing of organics and minimal handling of products).
- Mitigating measures proposed are considered sufficient in managing noise (including hours of operation, duration of machinery use per day and maintenance of vehicles).
- Mitigating measures proposed are considered sufficient in managing dust (including moisture content of windrows, covering of geotextile fabrics and times of day of windrow turning).

With regard to the traffic impacts associated with the proposed development, Council's Traffic and Transport Engineer provided the following advice: -

- Grants Road provides a local rural road with a sealed pavement in the order of 6m wide with an unsealed shoulder and a single lane of travel in each direction. It does not provide street lighting and there are no pedestrian or cycling facilities along its length, reflective of its rural nature.
- The current peak hour flows (8:15am to 9:15am) along Wisemans Ferry Road (north of Grants Road) were 174 vehicles during the morning peak, split between 78 northbound and 96 southbound. Traffic flows along Grants Road were significantly lower with 34 vehicles during the morning peak, split between 18 eastbound and 16 westbound.
- It is noted that a number of the vehicles observed along Grants Road were trucks associated with the existing quarry operations in this location.
- During the traffic survey, heavy vehicles represented 11% of the peak hour flows along Wisemans Ferry Road and 35% of the peak hour traffic along Grants Road.
- The submitted traffic impact assessment has determined that the proposed development will not have an adverse impact upon the surrounding road network.
- Accident data provided by New South Wales Road and Maritime Services indicates there have been two accidents recorded along the local roads in the locality of the site in the five (5) years from July 2011 to June 2016. Both accidents occurred at the intersection of Wisemans Ferry Road and Grants Road with one accident having speeding as a contributing factor. Neither accident involved heavy vehicles.
- No accidents have been recorded on Grants Road to the front of the subject site.
- Given the good road alignment and the low overall traffic flows along the local road it is considered that the road network provides an acceptable level of overall traffic safety.



- The available sight distances of 85m meets the minimum requirement, however a desirable sight distance requirement for Australian Standard 2890 of 97m could be achieved in both directions with trimming/and/or removal of vegetation.

In view of the above considerations, Council's Traffic and Transport Engineer concluded the engineering aspects to the proposal are satisfactory. However, a desirable sight distance of 97m can be achieved in both directions with trimming/and/or removal of vegetation at the proposed driveways junction with Grants Road. **Refer to Condition 2.3 (b).**

The visual impact associated with the proposed driveway is considered limited from the three residential receptors considered in accordance with this clause. Along the eastern boundary adjacent to Grants Road, an embankment visually screens the entrance from the northern aspect, and a raised and vegetated strip from the southern aspect. There is also significant tree cover along the roadside verge in both directions on the eastern side of Grants Road, including in front of the property at No. 239 Grants Road, Somersby.

Furthermore, neither the land owner/future landlord at No. 210 Grants Road, Somersby or residents at No. 239 Grants Road, Somersby submitted an objection about impacts to the amenity of the neighbourhood. The applicant contends detailed discussions were had with these neighbours, with No. 239 Grants Road, Somersby providing a written letter of endorsement accompanying the development application.

In view of the above considerations, it is concluded the proposed development is not designated in accordance with Clause 13 in Schedule 3 of the EP &A Regulations.

**Attachment 3 – Comprehensive Project Description**Project Description

- The project involves the receipt and composting of organic waste sourced from commercial and industrial waste streams (e.g. green arborist waste and source-separated commercial food waste). At capacity operation, the site will be able to process up to 5,000 tonnes per annum of organic waste, resulting in approximately 3000 tonnes per annum of saleable material. The end-product, a humified soil conditioner, will be used for agricultural and horticultural purposes.

Note A: The 40% process loss of material is due to heat and evaporation during the decomposition process.

At capacity, the composting process will accept approximately 100 tonnes per week of organic waste, control the process to reach pasteurisation and create a high quality soil conditioner. The process to produce fully mature compost from receipt of input to production of a saleable product using the controlled open window system takes approximately 10 weeks. At the end of 10 weeks, the product will be sold and moved off the pad to allow additional area on the pad to accept the next incoming 100 tonnes of organic waste.

- Relevant details of all incoming organics received and processed will be monitored and recorded by source, type, load and volume. Volume will be converted into tonnes, and a running total kept in a log available on-site, and reported monthly to the Environmental Protection Authority, to ensure volume limits are not exceeded and Environmental Protection License compliance requirements are being met. The industry categorization system of organic material is based on three categories. Subject to availability, it is anticipated the subject site will use organic material from all three categories.
- The organic materials will be composted via an open windrow, aerobic system, and vermiculture (where required). Green waste provides the necessary carbon input whereas the food waste provides the necessary nitrogen input to the composting process. Open windrow composting uses a controlled microbial process which transforms organic feedstocks through the aerobic breakdown in a controlled environment. Inputs are layered to form windrows, each with a base of approximately 2.5 metres in width and 1.4 metre in height. A tractor (fitted with a super creep gear) will drive along the windrow (approximately 200 metres per hour), pulling a windrow turner beside it - and over the pile. A windrow will be turned initially once per day during the break down phase (generally 2 weeks), then once every second day thereafter decreasing to a point where no turning is required during the maturation phase (approximately after week 8).

The ten-week process of composting requires the presence of water, as bacteria do not operate in dry conditions. Over the ten-week process of decomposition, approximately 100,000 litres of water per row will be required. Considering the annual rainfall of the area and expected run-off from the pad into the leachate dam, at certain times of the year, the volume supplied by the leachate dam is unlikely to be sufficient to deliver the amount of water required for the composting process. Therefore, the 46,000 Litre water tank will be utilised to store purchased water which has been trucked to the site, if required.

Note B: The windrow turner rotates in such a way as to turn, blend and aerate the compost from all directions (top down and bottom up, outside in and inside out). This ensures a thorough mixing of materials and aids in controlling temperature and oxygen levels.

Note C: The turner has spray jets. Applying water moistens the pile and speeds the process of decomposition. A water carrier, attached to the rear of the tractor, supplies the water.

Note D: The windrow piles will be covered with geotextile fleeces as to prevent moisture loss and moderate temperatures.

- Adjacent to the open windrows, the site will also have a covered static pile that will be used to process inputs that contain significant quantities of Category 3 inputs. This pile will employ vermiculture to process these inputs which are regarded as having the greatest potential environmental impact, related to Category 3 inputs such as odour and vermin. As vermiculture does not require turning of the biomass, and will be covered with a thick (minimum 150 mm) layer of cured compost, it is recognised in the 'Guidelines' to be without significant odour-emission problems.

Once Category 3 material has fully undergone breakdown through the process of vermiculture it will be incorporated into and processed via the open windrow system to reach pasteurisation.

#### PROPOSED WORKS

- A compacted pad with dimensions approximately 120m x 90m. The pad has been designed to allow adequate space (5 metres) between rows and 10 metres around the perimeter for machinery access and egress. The pad will be bunded around the lower perimeter and graded sufficiently to direct surface water run-off into the leachate collection system. The 3 degree slope and east-west orientation of the windrows will allow for free drainage of leachate to this system. Surface water run-on will be prevented by the raised elevation and the berms.
- A leachate collection system designed to manage potential runoff from input material storage areas and the active working pad. The proposed leachate collection system for managing potential runoff from input material storage areas and the active working pad is provided by a 4.8 ML leachate dam. Using a pump, surface water collected in the pond

will be recycled, stored in an aboveground storage tank as required and used for wetting the windrows.

Note E: In order to address concerns made by the Environmental Protection Authority during the assessment process, the size of the leachate dam was increased from 2.4 ML to 4.8ML, wherein the General Terms of Approval issued reflect this. In accordance with Section 7.3.2.10 (c) of Gosford Development Control Plan 2013 (Notification of Proposals Amended Prior to Determination), the amendments did not require re- advertisement or re-notification.

- Three 30,000 Litre water tanks will be used to store processed water (captured surface water from leachate collection system), which will be used to moisten windrows. A 46,000 L tank will be available for clean water and fire-fighting purposes.
- A site office to accommodate one full time employee is proposed.
- A shed to store equipment and machinery is proposed. Regular plant and machinery to be utilised on-site would include one tractor driving a windrow turner beside it and trailing a water carrier to moisten the pile and a telehandler for movement of material into piles and windrow formations, and loading of trucks. This machinery is not expected to be operating concurrently on a typical day.
- The receival area will be positioned in the south east corner for ease of access for incoming trucks and operational use. The receivals pad will be concreted and bunded. Any potential leachate coming from the receivals area will be captured as part of the leachate collection system.
- As the site is not serviced by sewer, a composting toilet will be provided for staff and any visitors.
- Entry to the operational area is via 5 metre wide access from Grants Road. As the gate will be set back of the road, the entry will allow for vehicles to move fully off the road safely before opening a gate. The gate will remain open during the hours of operation, preventing the need for drivers to stop/start their engines (reducing emissions), and reducing the work health and safety risks of drivers being removed from their vehicles. An access road from the property entry to the operational area, a distance of approximately 330 metres will be constructed.
- The proposed operational area is a largely cleared paddock. The earthworks will involve minor cut and fill. All spoil will be used on site. No material will be taken off site. Any additional material needed (ripped sandstone, clay and blue metal) will be certified VENM supplied by a licensed contractor.

### **HOURS OF OPERATION (CONSTRUCTION & ONGOING)**

- It is anticipated that construction of the site is to take 20 days of machinery work to do earthworks associated with construction of the pad, batters and leachate collection system. An additional 10 days will be required to fence and complete other site preparations such as construct shedding, site office, install tanks etc. During this construction phase, environment protection measures such as noise mitigation, dust control and erosion control will be employed.
- Once established, the site will be operational 5 days per week, Monday to Friday, between the hours of 7 am and 5 pm. Deliveries of incoming material, and transport of final product will occur only on these 5 weekdays. However, to maintain the integrity of the process, windrows must be turned every day. Therefore, on weekends, at full capacity, this is expected to take 2 hours in the morning (between 8 am until 10 am). The delivery of food and/or agricultural waste (i.e. putrescible waste) will be scheduled to minimise prolonged on-site storage and to maximise opportunities for that material to be incorporated directly into the windrows.

### **INTEGRATED DEVELOPMENT**

The matter is Integrated Development in accordance with Part 4, Division 5, Section 91 of the *Environmental Planning and Assessment Act 1979* wherein Integrated Development is defined as 'development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent' and requires additional approvals under the provisions of select state statutory planning legislation.

Schedule 1 of the Protection of the Environment Operations Act 1997 lists scheduled activities for which an environmental protection licence is required. Clause 12 of Schedule 1 defines composting as the aerobic or anaerobic biological conversion of organics into humus-like products. Clause 12 of Schedule 1 states that composting is considered a scheduled activity if:

- (a) *where it takes place inside the regulated area, or takes place outside the regulated area but receives organics from inside the regulated area (whether or not it also receives organics from outside the regulated area):*
  - (i) *it has on site at any time more than 200 tonnes of organics received from off site,*  
*or*
  - (ii) *it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics, or*
- (b) *where it takes place outside the regulated area and does not receive organics from inside the regulated area:*
  - (i) *it has on site at any time more than 2,000 tonnes of organics received from off site,*  
*or*

*(ii) it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics.*

The subject site is located within the regulated area and is therefore subject to the provisions of part a) as described above. At capacity, it is anticipated the facility would process up to 5,000 tonnes of organics, a proportion of which will be putrescible organics.

**Attachment 5**State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP Mining)

Clause 13 of SEPP Mining requires a consent authority to consider the compatibility of the proposed development with mining, petroleum production and extractive industries in proximity to the site in accordance with the following parameters: -

- (1) *This clause applies to an application for consent for development on land that is, immediately before the application is determined:*
- (a) *in the vicinity of an existing mine, petroleum production facility or extractive industry, or*

Comment:

Located directly south of the subject site at No. 270 Grants Road, Somersby is a sand quarry. Further afield to the north of the site at No. 24 Reservoir Road, Somersby is a further sand quarry. Having regard to the proximity of these sand quarries, Clause 13 is applicable in the consideration of the proposed development.

- (b) *identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or*

*Note. At the commencement of this Policy, no land was identified as referred to in paragraph (b).*

Comment:

Neither the subject site, nor those quarries in the immediate vicinity of the site are identified having regard to this Clause.

- (c) *identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.*

*Note. Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995) is an example of an environmental planning instrument that identifies land as containing significant deposits of extractive materials.*

Comment:

Neither the subject site, nor those quarries in the immediate vicinity of the site are identified having regard to this Clause.

(2) *Before determining an application to which this clause applies, the consent authority must:*

*(a) consider:*

*(i) the existing uses and approved uses of land in the vicinity of the development, and*

Comment:

The development application supported by Council Officers and the Environmental Protection Authority (EPA), concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic in accordance with Schedule 3, Clause 13 of the EP & A Regulations.

A hydrological investigation of both the site and the surrounding groundwater regime was conducted by ACOR consulting in accordance with the Environmental Impact Statement Practice Guideline: Composting and Related Facilities, dated 1996, and published by the Department of Urban Affairs and Planning. This investigation identified groundwater flow pathways for all aquifers on site, assessed the vulnerability of the underlying groundwater, and established whether systems to prevent groundwater pollution needed to be set up.

The above-mentioned supporting information forms the basis for ongoing management and assessment of water at the site, and is incorporated into the Water Cycle Management Plan, prepared by ACOR Consultants, dated 31 July 2017, supporting the proposal.

*(ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*

Comment:

The proposed development will not impede prospective future extractive industries.

*(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and*

Comment:

No significant impacts to existing mining operations in close proximity of the site are anticipated as part of the proposed development:

- Approximately 570m north of the proposed composting area is Central Coast Sand Quarry, located at No. 24 Reservoir Road, Somersby. On 1 August 2014 the Minister of Planning by delegation approved development consent MP 08 0173 for the land formally identified as Lot 33 DP 755246, Part Lot 118 DP 755246, and Part Lot 10 DP 1090880. The only valid approval for is the Minister's approval known as MP 08 0173, wherein consent was obtained for the following:



- Continued extraction and processing operations at the existing quarry for up to 30 years;
- An 8 hectare expansion to extract an additional 5 million tonnes of sand;
- Transporting product from the site via road; and
- Rehabilitation of the site.

The approval granted by the Minister covers the existing quarry operations as well as the area to which it is proposed to extend the quarry, wherein adequate performance measures remain in place to ensure compatibility with surrounding properties.

- Adjacent and parallel to the southern property boundary located at No. 270 Grants Road, Somersby is an earthen bund associated with the Grants Road Sand quarry, with the quarry pit beyond. Grants Road Sand Quarry has been in operation since 2002. On 25 July 2014, the Minister of Planning by delegation approved development consent MP 08 0173 on Lot 1 DP 358717, 270 Grants Road Somersby for the extension of the existing quarry. This recent approval permits the extension of the Grants Road Sand Quarry, including the extraction, processing and transporting by road of up to 250,000 tonnes of extractive material a year for a period of 30 years totalling 7,500,000 tonnes of sand product. The estimated total resource on site is estimated to be 9,433,000 tonnes. The existing quarry and quarry extension will incorporate approximately 20 hectares of the site. The approval granted by the Minister covers the existing quarry operations as well as the area to which it is proposed to extend the quarry, wherein adequate performance measures remain in place to ensure compatibility with surrounding properties.

*(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and*

Comment:

The zoning of the land permits the proposed development. Furthermore, the proposed composting facility is compatible with the rural locality and the approved uses of rural land in the immediate and surrounding vicinity. Furthermore, the proposal will provide a public benefit in term of resource recovery, which will not hinder, if sought, extraction and recovery on the site in the future.

*(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

Comment:

Environmental impact assessment for all future major projects with material impacts on the environment is required under the EP & A Act (including the projects identified in paragraph (2) (a) (iii)). This requirement also applies to future exploration projects that are likely to have a significant impact on the environment or incompatibility with surrounding uses.

The subject proposal is supported by a draft Environmental Management Plan (EMP), wherein the principle components of the draft EMP address water management, odour and dust management, incoming organics management, noise management and fire prevention.

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

**Attachment 6**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*'. 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*

Comment:

*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 waste, 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 need 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*

Comment:

The Environmental Protection Authority (EPA) reviewed the information provided and has determined it is able to issue an Environmental Protection Licence for the proposal, in accordance with Section 4.46 (1A) of the *Environmental Planning and Assessment Act* (EP & A Act).

- (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*

Comment:

*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*

Comment:

The applicant has confirmed there are no viable alternatives in the region to accommodate the proposed development.

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

Comment:

Located directly south of the subject site at No. 270 Grants Road, Somersby is a sand quarry. Further afield to the north of the site at No. 24 Reservoir Road, Somersby is a further sand quarry. In accordance with Clause 13 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (SEPP Mining), a detailed response with regard to the impact to affected properties in close proximity to the site is provided in **Attachment 5**.

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 facility, and proposes acceptable mitigating measures to address these risks to the environment and adjoining mining properties.

Whilst the subject site is located immediately adjacent to the Great North Walk, there is a buffer zone of approximately 150m from between the leachate dam and the western property boundary, beyond which is the Great North Walk, located within the Brisbane Water National Park. In issuing the GTA, the EPA has confirmed conditions intended for the environmental protection licence. With regard to operating conditions relating to odour, the following requirements will be attached to any environmental protection licence issued for the subject proposal:

- The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.
- The proponent must prepare and implement an Air Quality and Odour Management Plan for the site, which must be implemented prior to the commencement of the operation of the facility.
- All animal waste transported to the premises is to be in sealed containers and be incorporated into the composting immediately.

The two nearest dwellings are located at No. 210 Grants Road, Somersby (approximately 254m to the north-east) and No. 239 Grants Road, Somersby (approximately 315m to the east) of the operational pad location. The dwelling located at No. 200 Grants Road, Somersby is located approximately 396m to the north east of the operational pad. All three of these dwellings are therefore located in excess of 250m from the proposed development and within an area zoned as RU1 – Primary Production within *Gosford Local Environmental Plan 2014* (GLEP 2014). In accordance with Schedule 3, Clause 13 of the EP & A Regulations, a detailed response of associated impacts is provided in **Attachment 4**, wherein no objection is raised.

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.

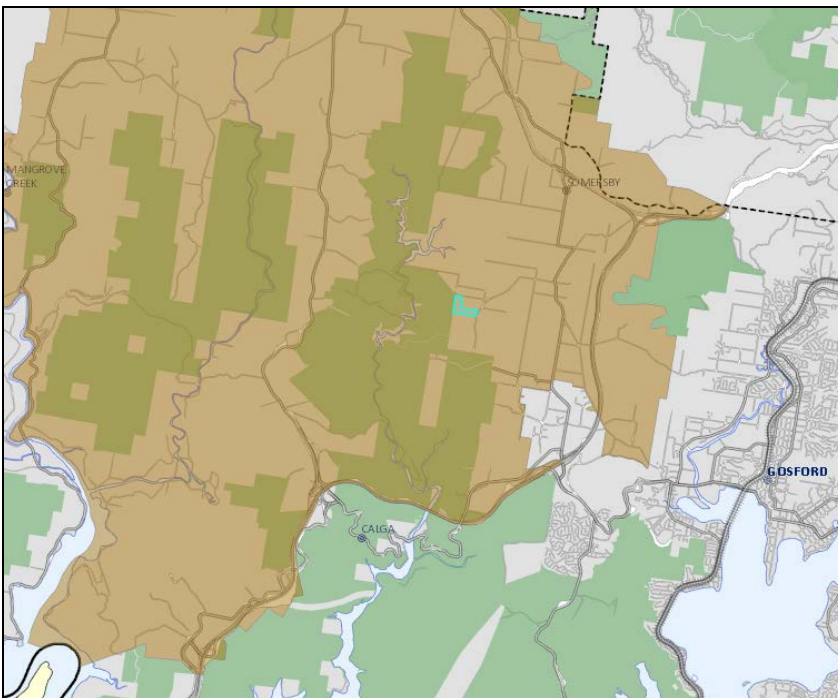
Council Officers are satisfied SEPP 33 does not apply in this instance, in that the proposal cannot be defined as an offensive industry. Council Officers are satisfied there are adequate safeguards to ensure emissions from the facility can be controlled to a level at which they are not significant.

It is concluded the development is neither hazardous nor offensive (and hence permissible as a rural industry). Furthermore, the proposed site and its intended use will be regulated by the EPA, wherein, sufficient information has been provided about the nature of potential contamination to enable the EPA to issue GTA.

**Attachment 7**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. SREP 8 seeks to encourage use of land of high agricultural capability for that purpose and as much as possible and direct development for non-agricultural purposes to land of lesser agricultural capability. SREP 8 also aims to protect regionally significant mining resources and extractive materials, enable development of extractive industries in specified locations, protect natural ecosystems and opportunities for wildlife movement and discourage rezoning that would permit rural-residential development.

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 1) and identified on the map marked "Classes of Agricultural Land on the Plateaux of New South Wales Central Coast" prepared by the Department of Agriculture as Class 4.



**Figure 1 - SREP 8**

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,*

Comment:

The environmental impacts associated with the development application as detailed throughout this report have been found to be minimal. In the event the operation of the proposed composting facility on site ceased, the subject site will be able to be restored to the equivalent or better than original condition. For these reasons, the development will not 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.*

Comment:

The "Classes of Agricultural Land on the Plateaux of New South Wales Central Coast" map prepared by the Department of Agriculture (Classes from '1' to '5') refer to depth of soil to solid rock. Class 1 refers to a depth of > 2 metre, Class '5' < 0.5 metre. Class '4', is defined as having 0.5 to 1.0 metre of soil, which is suitable for pastures only.

Supporting information indicates the subject site is underlain by Middle Triassic Hawkesbury Sandstone of the Sydney Basin. The Hawkesbury Sandstone comprises medium to very coarse grained quartz sandstone, minor laminated mudstone and siltstone lenses below which is the sedimentary rock of the Narrabeen Group.

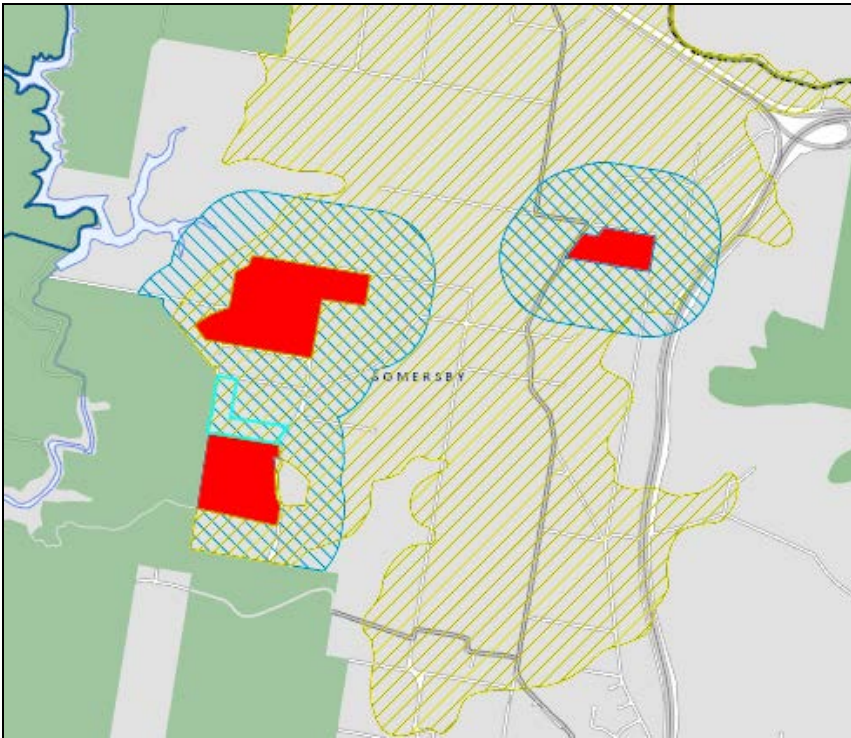
A visual assessment of the subject site ascertained the soil profile is typically gravelly sand with increasing clay component with depth in some parts, bedrock typically occurs at shallow depths (i.e. less than 2 metres below ground surface with bedrock exposed in some parts. Exposed bedrock was observed within the former quarry footprint in proximity to Grants Road.

Although the subject site is not capable of high agricultural capacity, the proposed development will support the agricultural industry through the provision of high-grade compost for the local agricultural industry concurrently reducing transport miles that waste material is required to travel to landfill. The high-grade end product proposed can also help reduce the amount of chemical fertilisers and pesticides used in the area.

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

Comment:

The subject site is a potential resource in a transition area (refer to Figure 2). However, no objection is made in that potential resource areas surrounding the site will not be left isolated by the proposed development.



**Figure 2- 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*

Comment:

The proposed development application incorporates satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible, will not have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to affect fluvial environments.

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.*

Comment:

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.*

Comment:

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.*

Comment:

Although the subject site is not capable of high agricultural capacity, the proposed development will support the agricultural industry through the provision of high-grade compost for the local agricultural industry concurrently reducing transport miles that waste material is required to travel to landfill. The high-grade end product proposed can also help reduce the amount of chemical fertilisers and pesticides used in the area.