

DEVELOPMENT ASSESSMENT REPORT – DA267/18 – PROPOSED WASTE OR RESOURCE MANAGEMENT FACILITY (RESOURCE RECOVERY FACILITY & WASTE OR RESOURCE TRANSFER STATION) – LOT 1 DP 947828 – 68 GEORDIE STREET LITHGOW NSW 2790

1. PROPOSAL

Council is in receipt of a Development Application DA267/18 from Lithgow City Council for a proposed waste or resource management facility (WRMF) (resource recovery facility & waste or resource transfer station) on land known as Lot 1 DP 947828, 68 Geordie Street LITHGOW NSW 2790.

Lot 1 DP 947828 (approximately 17.38m²) currently contains the Lithgow Sewage Treatment Plant (STP), associated infrastructure and ancillary buildings. The land is adjoined by the Lithgow Solid Waste Depot (SWD) located on Lot 44 DP 751655, Lot 1 DP 190934 and Lot 1 DP 630638. The proposed development will be located between the STP on the northern side of the lot and evaporation/overflow ponds located on the southern portion of the lot.

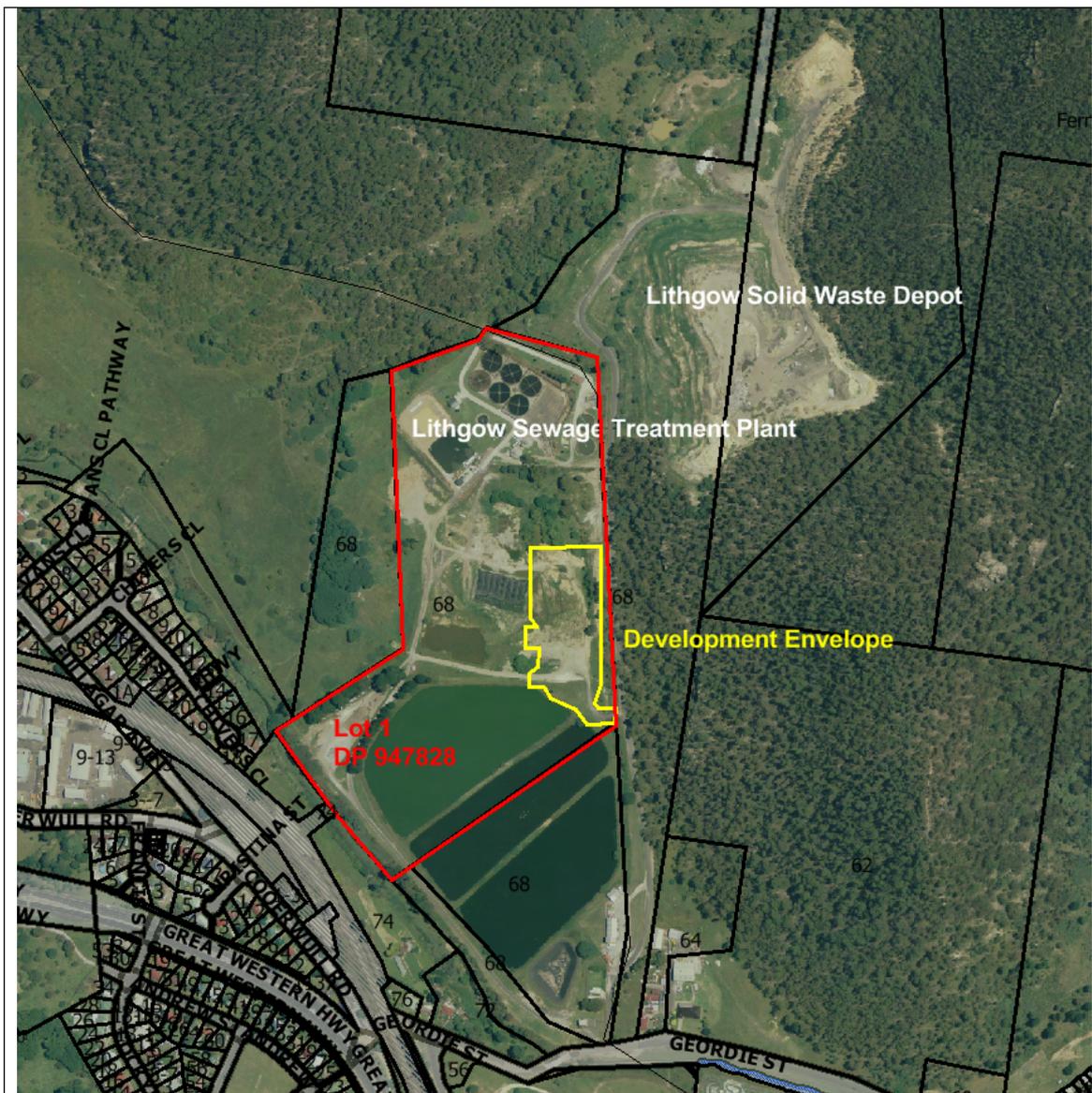


Figure 1 – Lot 1 DP 947828 – Development to be Located between Sewage Treatment Plan (North) and Overflow/Evaporation Ponds (South) – Access off Geordie Street

The proposed waste or resource management facility (WRMF) (approximately 2.37 hectares) will be used as a waste drop off zone for general vehicles, larger bulk waste delivery vehicles and commercial vehicles, with an estimated 18,500 tonnes of waste to be processed through the facility per year. The development will be constructed/established in two stages, as detailed below:

Stage 1

- A large stockpile area (approximately 4225m²) on the northern side of the development envelope, which will consist of: a tyre stockpile, metal stockpile, timber (logs and stumps) stockpile, green waste stockpile, untreated timber stockpile, brick and concrete stockpile, residual waste stockpile, C & D sorting stockpile and treated timber stockpile.
- A Community Recycling Centre (CRC) building (approximately 300m²).
- A roofed drop off area containing six skip bins for different categories of waste (approximately 363.8m²).
- An office/gatehouse building (approximately 80m²).
- An indoor reuse building (approximately 463m²) and adjacent outdoor reuse area (approximately 100m²).
- A stormwater management dam and associated diversion drains.
- An internal "one-way" loop road for all vehicles and trucks which is to be connected to a new access which will be constructed over the eastern boundary of Lot 1 DP 947828 from a privately-owned Council Road known as Up Road, which extends north from Geordie Street.
- Onsite carparking.

Stage 2

- A depot and workshop building (approximately 280m²).

All vehicles will enter the site via the proposed access to be constructed from Up Road. The loads will then be inspected and monitored at the proposed office/gatehouse before being permitted into the facility for unloading.

The drop off area will be roofed and vehicles may reverse-up to the six skip bins to deposit their general waste. The bins will be arranged to encourage customers to separate their recoverable materials (e.g. paper, cardboard and scrap metal) with the remaining being deposited into the residual waste bins.

Non-recyclable wastes would be transferred to landfill located on the adjoining Lithgow Waste Depot Site, at a minimum of once per day or more frequently if required. Recyclable wastes will be collected and transferred to recycling facilities as appropriate. Wastes that are hazardous to the environment or public health (such as batteries, oils, paints, gas bottles, fire extinguishers, smoke detectors and fluoro tubes and globes) will be collected and temporarily stored within the proposed CRC building. They will then be removed by the NSW Environment Protection Authority (EPA) for appropriate recycling or disposal.

The Indoor Reuse Building and Outdoor Reuse Area will be used for the separation of reusable goods and material for free collection by the public (such as furniture, mattresses and polystyrene). Sensitive items will be held in a bunded storage area.

Some wastes, such as concrete, will be also be processed (crushed) onsite prior to their later transfer and disposal as appropriate.

The WRMF will operate between the following hours by a maximum of three staff:

Mondays to Sundays (Australian Eastern Standard Time)	8:00am to 5:00pm
Mondays to Sundays (Australian Eastern Daylight Savings Time)	8:00am to 6:00pm
Christmas Day	Closed

Fencing will be installed around the WRMF to restrict public access to unsafe or other operational areas of the site.

A network of earthen embankments and catch-drains will also be installed to ensure that surface water is kept separate from leachate.



Figure 2 – Lot 1 DP 947828 – Partial Site Plan – Proposed Waste or Resource Management Facility (Resource Recovery Facility & Waste or Resource Transfer Station)

2. SUMMARY

To assess and recommend determination of DA267/18 with recommendation for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 1 DP 947828
Property Address : Sewerage Treatment Works Geordie Street Lithgow NSW
2790

4. ZONING: The land is zoned SP2 Infrastructure (Purpose – Sewerage System) in accordance with Council's current planning instrument, being Lithgow Local Environmental Plan (LEP) 2014.

5. PERMISSIBILITY: The development being a waste or resource management facility including a resource recovery facility and waste or resource transfer station (as defined below) is permitted with consent on land zoned SP2 Infrastructure under Clause 121 of *State Environmental Planning Policy (Infrastructure) 2007* (SEPP 2007), which states:

State Environmental Planning Policy (Infrastructure) 2007:

Division 23 Waste or resource management facilities ***120 Definitions***

In this Division:

prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU1 Primary Production,*
- (b) RU2 Rural Landscape,*
- (c) IN1 General Industrial,*
- (d) IN3 Heavy Industrial,*
- (e) SP1 Special Activities,*
- (f) SP2 Infrastructure.*

resource recovery facility, waste disposal facility, waste or resource management facility and waste or resource transfer station have the same meanings as in the Standard Instrument.

121 Development permitted with consent

(1) Development for the purpose of waste or resource management facilities, other than development referred to in subclause (2), may be carried out by any person with consent on land in a prescribed zone.

Standard Instrument (Local Environmental Plans) Order 2006

waste or resource management facility means any of the following:

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

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.

Note. Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

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

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

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Policy 7.5 Notification of Development Applications

Council Policy 7.5 is applicable to all land within the Lithgow Local Government Area (LGA). The development of a waste or resource management facility (resource recovery facility and waste or resource transfer station) is not exempt from requiring notification under the Policy. Therefore, the development was notified to surrounding landowners and placed on public display for a period of 14 days, during which time one objection was received. Reasoning for the objection was not provided.

Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land

Council Policy 7.6 is applicable to the proposed development as the application has been lodged by Council for development on Council-owned land. In accordance with Clause 1 of Policy 7.6, the application is required to be referred to the Ordinary Meeting of Council for determination.

7.6 Development Applications By Councillors And Staff Or On Council Owned Land

Objective:

To provide a transparent protocol for the determination of development applications lodged by councillors, staff and relatives thereof or development applications for development on Council owned land.

Policy:

- 1. That, subject to the exemptions in Part 2 of this Policy, any development application lodged where the applicant is a Councillor or a member of staff, or where a Councillor or member of staff is the owner of the land to which the application relates, or where the development application on Council owned land, that such an application be referred to Council for consideration and determination.*

5.2 FINANCIAL IMPLICATIONS

Section 94A (Section 7.12) Development Contributions Plan 2015

Council's Section 94A (Section 7.12) Development Contributions Plan 2015 is applicable to all land within the Lithgow Local Government Area and prescribes the following types of development as exempt from requiring payment of the levy:

C7 Are there any exemptions to the levy?

Other development exempted from the levy

The following types of development or components of development will also be exempted from a levy under this Plan:

a) Development by or on behalf of Lithgow City Council;

The application has been lodged by Lithgow City Council. Accordingly, no Section 94A Development Contributions are required to be paid as part of this application.

5.3 LEGAL IMPLICATIONS

Contaminated Land Management Act 1997 No 140

The land has not been registered as a contaminated site under the *Contaminated Land Management Act 1997*. Therefore, there are no further implications of this act on the proposed development.

Environmentally Hazardous Chemicals Act 1985 No 14

The application was referred to the NSW EPA for assessment, from which no concerns were raised in regard to the management of environmentally hazardous chemicals, subject to general terms of approval. Therefore, it is considered the development does not conflict with this Act.

Environmental Protection and Biodiversity Conservation Act 1991 (Cth)

A Flora and Fauna Assessment Report was submitted with the Development Application, which determined that the proposal will not place a significant impact on any Federally listed threatened species or endangered ecological community, subject to the following conditions of consent:

1. A Soil and Water Management Plan (SWMP) must be prepared by a suitably qualified person and submitted to Council's satisfaction, prior to the issue of any Construction Certificate and must include the following measures at a minimum:
 - a) Installation of erosion and sedimentation control measures prior to construction in accordance with the Blue Book (Landcom 2004).
 - b) Regular inspection of erosion and sedimentation control measures, particularly following rainfall events, to ensure their ongoing functionality.
 - c) Stockpiles to be established and managed in accordance with industry standard measures for stockpiles and erosion control.

2. A Vegetation Management Plan (VMP) must be prepared and submitted to Council's satisfaction, prior to the issue of a Construction Certificate to: ensure the development complies with the aims and objectives of the document *Planning for Bushfire Protection 2006*; to mitigate impacts on native vegetation adjoining the proposal footprint and; clearly identify measures for the management of all vegetation assets on site. The VMP must include:
 - a) Delineation and protection of exclusion zones around native vegetation to be retained, particularly *Bursaria spinosa* host plants for Purple Copper Butterfly.
 - b) A suitably qualified ecologist is to be engaged to visit the site prior to any clearing works to clearly demarcate vegetation protection areas and conduct a pre-clearing survey report.
 - c) A map which clearly shows vegetation clearing boundaries and exclusion/no-go zones.

- d) Communication with construction personnel of the conservation value of surrounding habitats and their responsibilities with regards to protecting these habitats during construction.
 - e) Hygiene procedures to prevent the introduction and spread of pathogens such as Phytophthora and Myrtle Rust in areas of native vegetation. These would include exclusion zones around retained areas of native vegetation and/or provision of machine and footwear wash-down stations for all equipment and personnel working in areas of native vegetation.
 - f) A weed management plan, including a description of:
 - (i) Communication with construction personnel with regards to their responsibility to abide by all procedures in the plan.
 - (ii) Type and location of weeds of concern (including noxious weeds) within the proposal disturbance footprint.
 - (iii) Sensitive native vegetation and waterways within or adjacent to the proposal disturbance footprint.
 - (iv) Measures to prevent the spread of weeds, including hygiene procedures for equipment, footwear and clothing.
 - (v) Proposed weed control methods and targeted areas to be implemented during construction and following completion of the construction phase
 - (vi) Weed disposal protocols.
 - g) Ongoing management and maintenance procedures for bushfire protection measures, including fuel loads in the asset protection zone (APZ).
 - h) Identification of native landscaping including species which are fire tolerant.
3. In order to minimise the potential impacts of the proposal on biodiversity, the following mitigation measures must be implemented during construction to minimise impacts on fauna:
- a) A suitably qualified ecologist is to be engaged to visit the site prior to any clearing works to clearly demarcate vegetation protection areas, identify potential host plants for the Purple Copper Butterfly and conduct a pre-clearing survey report. A pre-clearing survey must be undertaken within the Purple Copper Butterfly activity period to ensure detection if present (Sept – Feb). Survey method must be appropriate to season and conditions (i.e. diurnal during flight season and nocturnal during larvae emergence season).
 - b) Clearing of mature trees must be minimised where possible. Any habitat trees to be felled must be marked prior to clearing of vegetation. The removal of habitat trees is to be undertaken in accordance with a hollow-bearing / nest supporting tree removal management protocol plan set out, and must involve the presence of a qualified ecologist or wildlife expert experienced in the rescue of fauna during clearing activities.
 - c) Protocols to prevent introduction or spread of Chytrid fungus must be implemented following NSW Office of Environment and Heritage's *Hygiene Protocol for the Control of Disease in Frogs* (DECCW 2008).
 - d) Annual, seasonally appropriate monitoring of the Purple Copper Butterfly population to ensure local persistence despite the proximity of industry operations.

Therefore, a referral to the Minister is not warranted.

Biodiversity Conservation Act 2016

Section 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) prescribes the circumstances in which the Biodiversity Offset Scheme (BOS) is required to be applied to development.

Biodiversity Conservation Act 2016

7.2 Development or activity “likely to significantly affect threatened species”

(1) For the purposes of this Part, development or an activity is likely to significantly affect threatened species if:

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- (c) it is carried out in a declared area of outstanding biodiversity value.

A Flora and Fauna Assessment (prepared by J Dessman C/- EnviroFact Pty Ltd, dated 28 February 2018) was submitted with the application which identified that the development is not likely to significantly affect threatened species or ecological communities, or their habitats, according to the test of significance in Section 7.3 of the BC Act, subject to the above listed conditions of consent.

Therefore, the BOS is not applicable to the development under Clause 7.2(1)(a) of the BC Act.

Further, for the purpose of Section 7.2(1)(b) of the BC Act, Clause 7.1 of the *Biodiversity Conservation Regulation 2017* (BC Regulation 2017), defines the BOS thresholds, as below:

Biodiversity Conservation Regulation 2017

7.1 Biodiversity offsets scheme threshold (section 7.4)

(1) Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of Part 7 of the Act if it is or involves:

- (a) the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or
- (b) the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.

Clause 7.2 of the BC Regulation 2017, declares that where the following areas of clearing are exceeded the BOS will be applicable:

Biodiversity Conservation Regulation 2017

7.2 Clearing of area of land that exceeds threshold

(1) Clearing of **native** vegetation is declared by this clause to exceed the biodiversity offsets scheme threshold if the area proposed to be cleared is the area set out in Column 2 of the Table to this clause opposite the minimum lot size applicable to the land to be cleared in Column 1 of that Table.

(2) The minimum lot size applicable to any land being cleared is as follows:

- (a) if an environmental planning instrument under the Environmental Planning and Assessment Act 1979 prescribes a standard minimum lot size in relation to the land on which the proposed development is to be carried out—that minimum lot size,
- (b) in any other case—the actual size of the allotment of land on which the proposed development is to be carried out.

For the purposes of paragraph (a), the standard minimum lot size is the minimum lot size that applies to development generally on the land, and not any different minimum lot size that applies to particular development or in particular circumstances.

Table

Column 1	Column 2
Minimum lot size of land	Area of clearing
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more

There is no Minimum Lot Size (MLS) applicable to the land under LEP 2014, however, the actual size of the allotment is 17.38 hectares. The total area of **native** vegetation to be cleared or potentially disturbed by the proposed development is approximately 0.10 hectares which is below the 0.5 hectare threshold prescribed under Clause 7.2 of the BC Regulation. Therefore, the BOS is not applicable to the development under Clause 7.1(1)(a) of the BC Regulation.

Further, the proposed clearing is not to be undertaken on land included on the Biodiversity Values Map under Clause 7.1(1)(b) of the BC Regulation (see Figure 3). Therefore, the BOS is not applicable to the development under Section 7.2(b) of the BC Act.

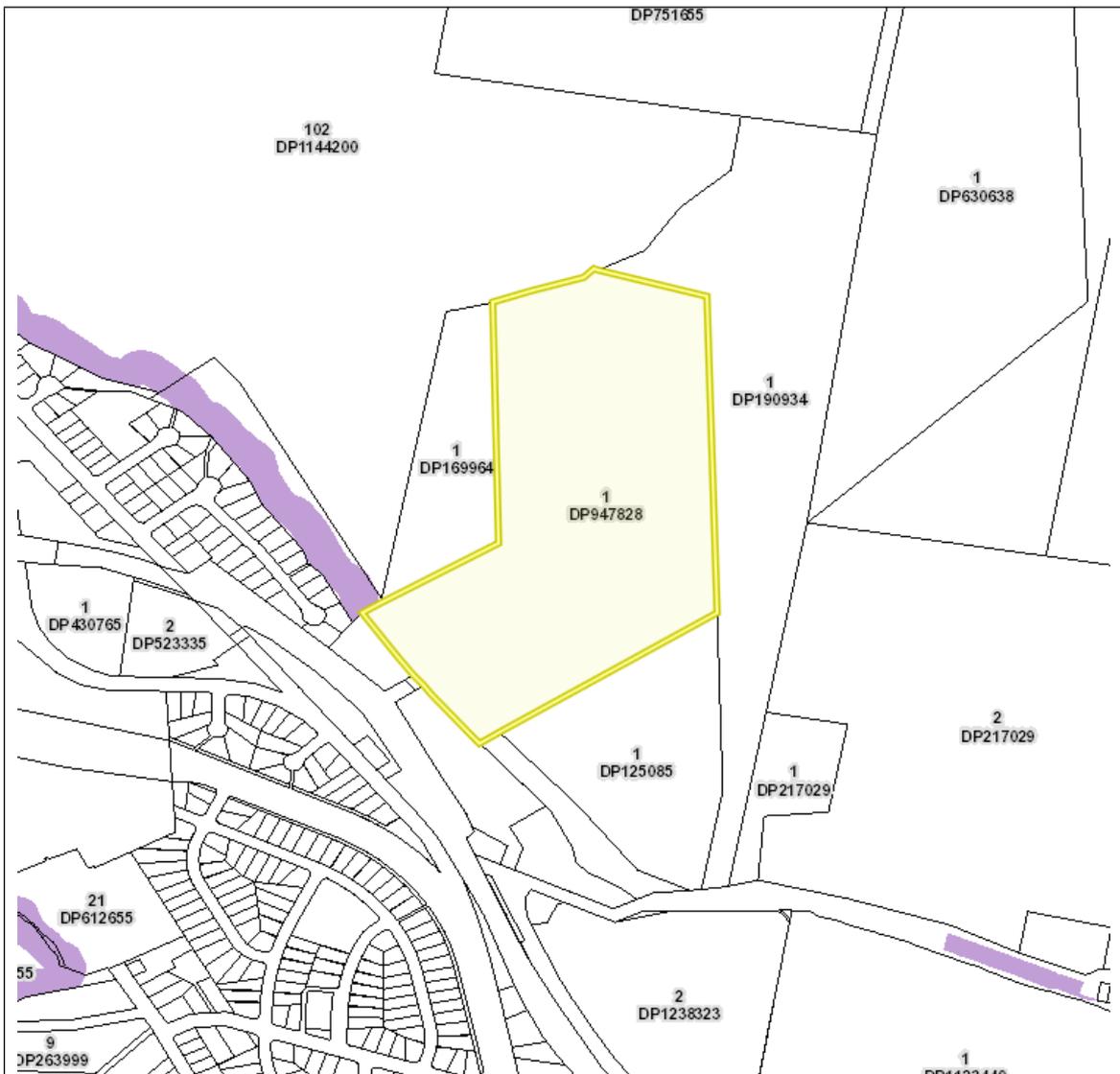


Figure 3 – Lot 1 DP 947828 – No Inclusion of Biodiversity Value – Biodiversity Values Map – 10/04/19

Lastly, the proposed development is not proposed to be carried out in a declared area of outstanding biodiversity value under Section 7.2(c) of the BC Act.

Local Government Act 1993

The application has been submitted with a Section 68 application for connection to Council's water and sewerage supply. This proposal has been assessed by Council's Water & Wastewater Officer and all conditions of the Section 68 Approval must be complied with prior to the release of the Occupation Certificate. This includes a package pump station for sewer to be pumped back to the mains system onsite and has been found to be suitable subject to conditions of consent.

Mine Subsidence Compensation Act 1961

The development is considered to be integrated under this Act (via Section 91 of the *Environmental Planning and Assessment Act 1979* (EP&A Act)). Accordingly the approval of Subsidence Advisory NSW had been sought and is addressed later in this report. Therefore, the proposal will comply with the provisions of this Act.

Biosecurity Act 2015

To ensure compliance with this Act the following condition of consent will be imposed:

1. Prior to the issue of an Occupation Certificate, Council is to be provided with a report from Upper Macquarie County Council indicating:
 - a) Noxious plants are under adequate management; or
 - b) Noxious plant management has been undertaken and adequate control measures are in place; or
 - c) Noxious plants are not a concern for the property.

Protection of the Environment Operations Act 1997

Environmental Protection Licence (EPL) No. 6004 currently applies to Lot 1 DP 947828, Lot 1 DP 190934, Lot 1 DP 630638 and Lot 44 DP 751655 for waste disposal (application to land) at any capacity, which is a Scheduled Activity under Schedule 1 Clause 39 of the *Protection of the Environment Operations Act (POEO) 1997* (as below). Accordingly, the application was referred to the NSW EPA for assessment, from which it was determined that a variation to EPL No. 6004 is required and that the development may be approved, subject to General Terms of Approval. Therefore, it is considered the development will satisfy the requirements of the POEO Act 1997.

Rural Fires Act 1997

The development is not integrated under the *Rural Fires Act 1997* (via Section 91 of the EP&A Act). However, comments were sought from the NSW Rural Fire Service under Section 4.14 of the EP & A Act and are addressed under Section 5.3.6 and 5.3.8 of this report.

Water Management Act 2000

The proposed development will be located less than 40 metres from the existing evaporation/overflow ponds. However, in accordance with Section 41 of the *Water Management (General) Regulation 2018*, a public authority is exempt from requiring a controlled activity approval. As Council is both the landowner and applicant, a controlled activity approval is not required to be sought under this Act.

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the (EP&A Act). These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow Local Environmental Plan 2014

LEP 2014 – Compliance Check		
Clause		Compliance
Land Use table	SP2 Infrastructure	Yes.
5.10	Heritage conservation	Yes, subject to conditions.
7.1	Earthworks	Yes, subject to conditions.
7.2	Flood Planning	Yes, subject to conditions.
7.4	Terrestrial biodiversity	Yes, subject to conditions.
7.5	Groundwater vulnerability	Yes, subject to conditions.
7.6	Riparian land and watercourses	Yes, subject to conditions.
7.7	Sensitive lands	Yes, subject to conditions.
7.8	Development within a designated buffer area	Yes, subject to conditions.
7.10	Essential Services	Yes.

Comment: The proposed waste or resource management facility (resource recovery facility & waste or resource transfer station) is permitted with consent on land zoned SP2 Infrastructure under SEPP 2007.

5.10 “Heritage conservation” – The land is not identified as a Local or State Heritage Item, although, there are many heritage items located in the surrounding area, from which the proposed WRMF may be visible, as described below:

Item Name	Listing	Lot & DP	Address	Distance from Development Site
Methven House	Local	Lot 54 DP 605861	Evans Close Lithgow NSW 2790	Approximately 600 metres.
Bowenfels Station Masters Residence	State	Lot 1 DP 1088726	1-3 Coerwull Road Lithgow NSW 2790	Approximately 410 metres.
Bowenfels Railway Station	State	Lot 2999 DP 1195998	Railway Cottage 1A Fullagar Avenue Lithgow NSW 2790	Approximately 390 metres.
Showground Grandstand and Buildings	Local	Lot 1 DP 1123449	Tony Luchetti Sports Centre Geordie Street Lithgow NSW 2790	Approximately 440 metres.

However, the proposed development will be screened with vegetation and the buildings have been designed to be in keeping with the surrounding industrial developments, STP and SWD, so as to reduce any additional visual impact of the site on surrounding heritage items. The stockpiles will also be located behind (on the northern side of) the proposed buildings so as to reduce their visibility. The development has also been suitably sited amongst existing offensive developments and within an existing facilities buffer zone, so as to avoid the additional social and environmental impacts that could be created if it were to be located elsewhere.

The development will be located a minimum of approximately 390 metres from any heritage item and will not directly impact any existing heritage curtilage. The land is not known to be sited on any archaeological deposits, however the following condition of consent will be implemented to ensure that any items uncovered during construction or operation are suitably conserved and managed:

1. This approval does not allow the removal of any archaeological relics. If relics are discovered, work must cease in the affected area and written notification must be provided to the NSW Office of Environment & Heritage (OEH) and Lithgow City Council's Development Department. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area. Contact the Heritage Division on 9873 8500 or heritagemailbox@environment.nsw.gov.au.
2. If any Aboriginal objects are discovered on the site, excavation or disturbance is to cease and the NSW Office of Environment & Heritage (OEH) and Lithgow City Council's Development Department is to be informed in writing. More information is available at <http://www.environment.nsw.gov.au/licences/ACHregulation.htm> or contact the Environment Line on 131 555.
3. Anything done pursuant to Conditions numbered XX and XX must be specified, supervised and carried out by people with knowledge, skills and experience appropriate to the work.

Therefore, given the distance of the proposed development from surrounding heritage items, the desirable siting of the proposal within existing offensive developments and measures proposed to reduce the visibility of the site, the proposal will not place any adverse impact on Local or State Heritage Conservation, subject to conditions of consent.

7.1 Earthworks - The proposed development will require earthworks for construction of the buildings, access, stormwater management dam and diversion drains and the establishment of stockpiles. No waste disposal via landfill will be undertaken on the site and any non-recyclable waste will be transported to the adjoining Lithgow SWD. The development site is relatively level and contains some fill which was previously deposited there during the expansion of the adjoining Lithgow STP. Treated sludge has also been deposited onsite from the STP for drying, prior to later disposal at the Lithgow SWD. During a site inspection with the applicant on Friday 2 November 2018 it was indicated that the existing fill onsite will be levelled out prior to the commencement of works or any additional fill being imported. Conditions of consent will be implemented to ensure that adequate erosion and sedimentation controls are implemented prior to the commencement of works and that all earthworks are retained within the boundary of Lot 1 DP 947828. The application has been referred to Water NSW for assessment from which it was determined that subject to conditions of consent, suitable stormwater management system will be implemented to ensure no adverse impact is placed on water quality. Therefore, subject to conditions of consent, the development will not significantly disrupt or place detrimental effect on the: drainage patterns, soil stability, likely future use of the land (suitable for infrastructure), the amenity of adjoining properties, any relics, waterway, drinking water catchment or environmentally sensitive area.

7.2 Flood planning - The land is partially identified as "Flood planning area" (FPA) on the Flood Planning Map. The following components of the development will be located within the flood extent:

- Green Waste Stockpile – Overland Flow Area.
- C & D Stockpile – Overland Flow Area.
- Timber Stockpile – Overland Flow Area.
- Community Recycling Centre Building – Overland Flow Area.
- Metal Stockpile – Overland Flow Area.

- Tyre Stockpile – Overland Flow Area.
- Depot & Workshop Building – Overland Flow Area.
- Stormwater management dam – Flood Planning Area.
- Office/Gatehouse – Flood Planning Area.
- Rainwater tank – Flood Planning Area.
- Southern end of the re-use building – Flood Planning Area.
- Southern end of the roofed drop off area (containing six skip bins) – Flood Planning Area.
- Southern portion of the internal access loop road – Flood Planning Area.

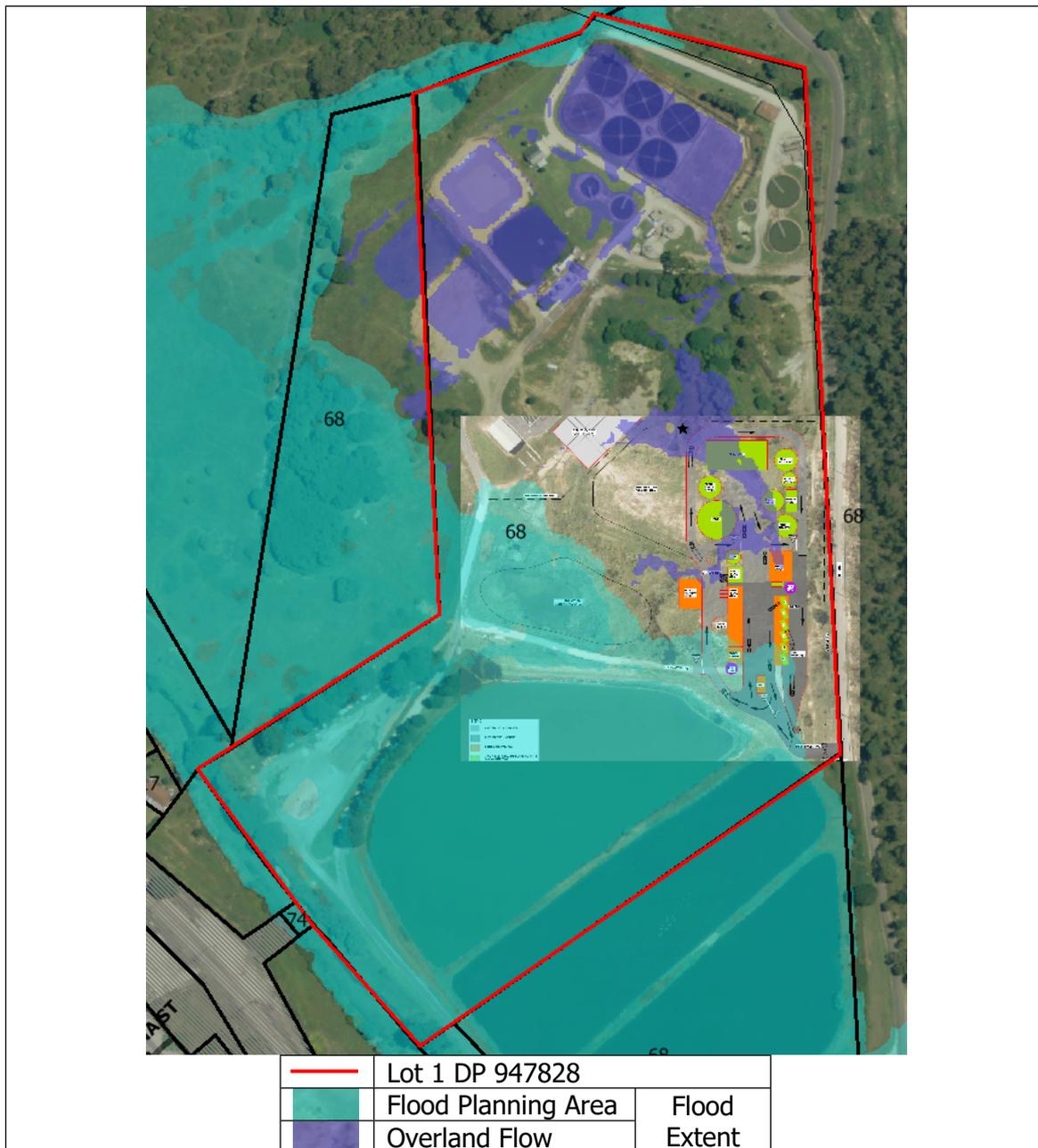


Figure 4 – Lot 1 DP 947828 – Located within Flood Extent – Flood Planning Area and Overland Flow

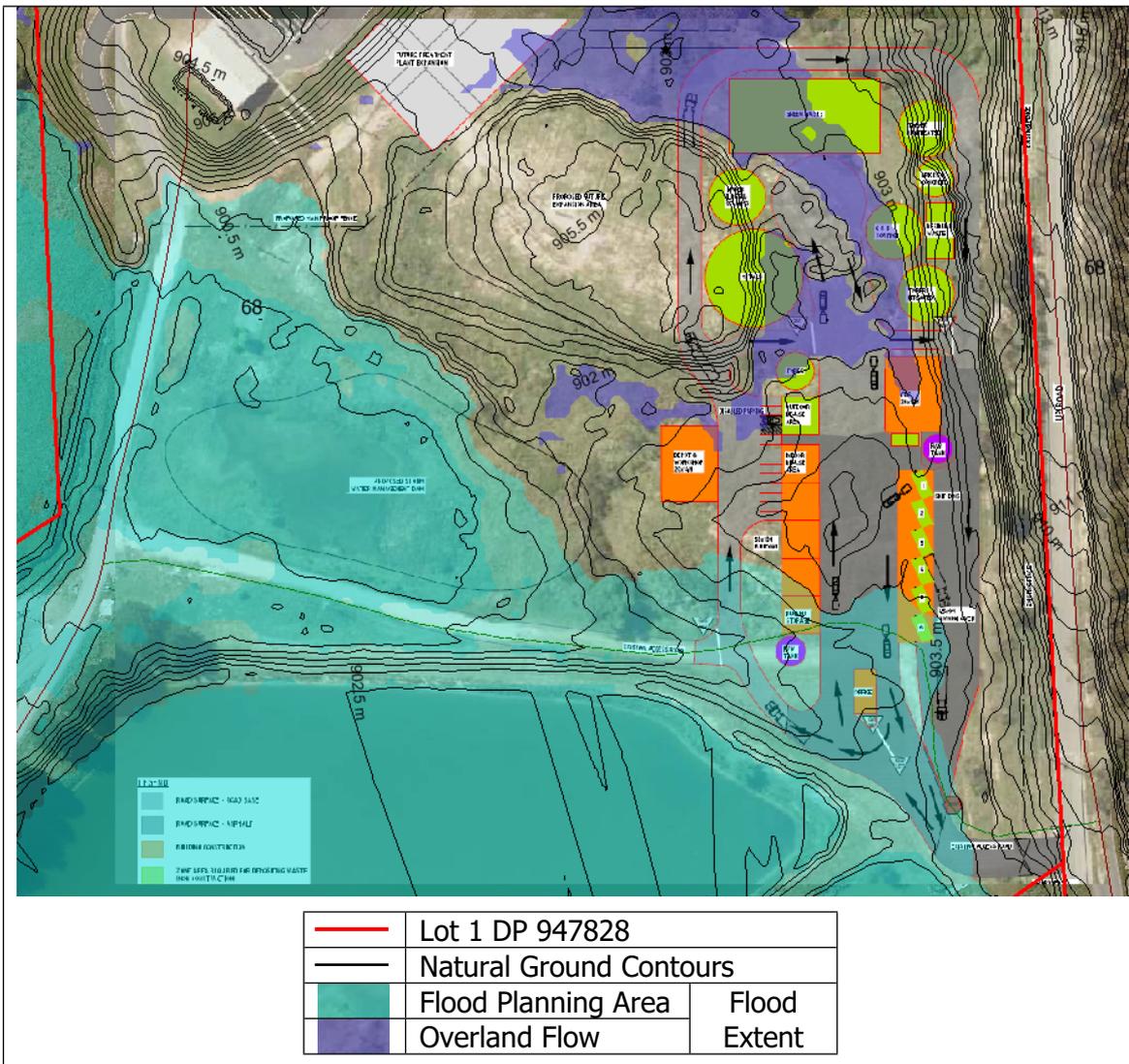
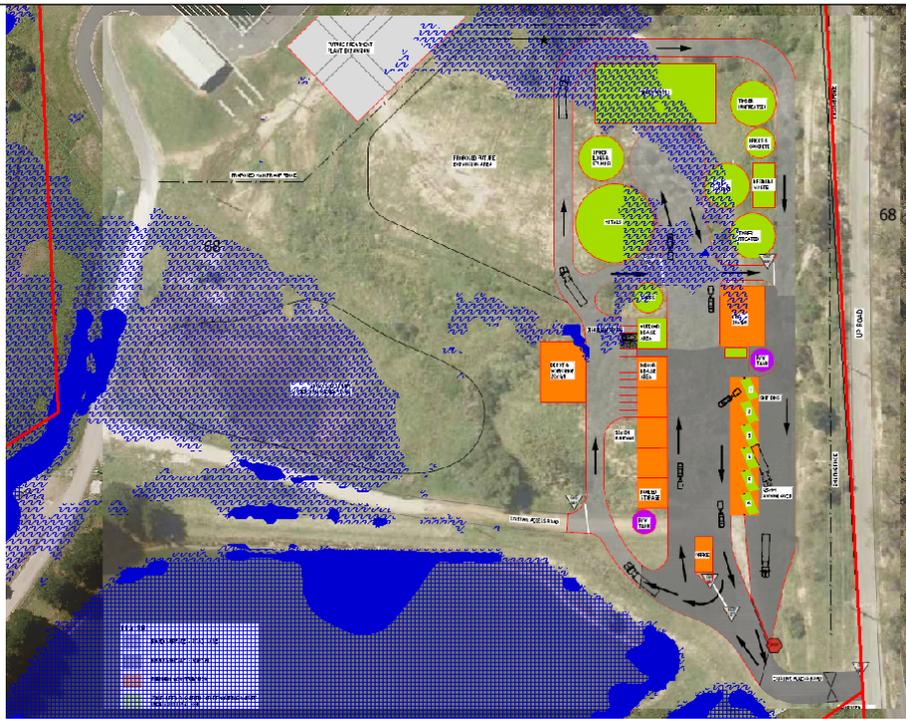


Figure 5 – Lot 1 DP 947828 – Development Envelope Located within Flood Extent – Flood Planning Area and Overland Flow

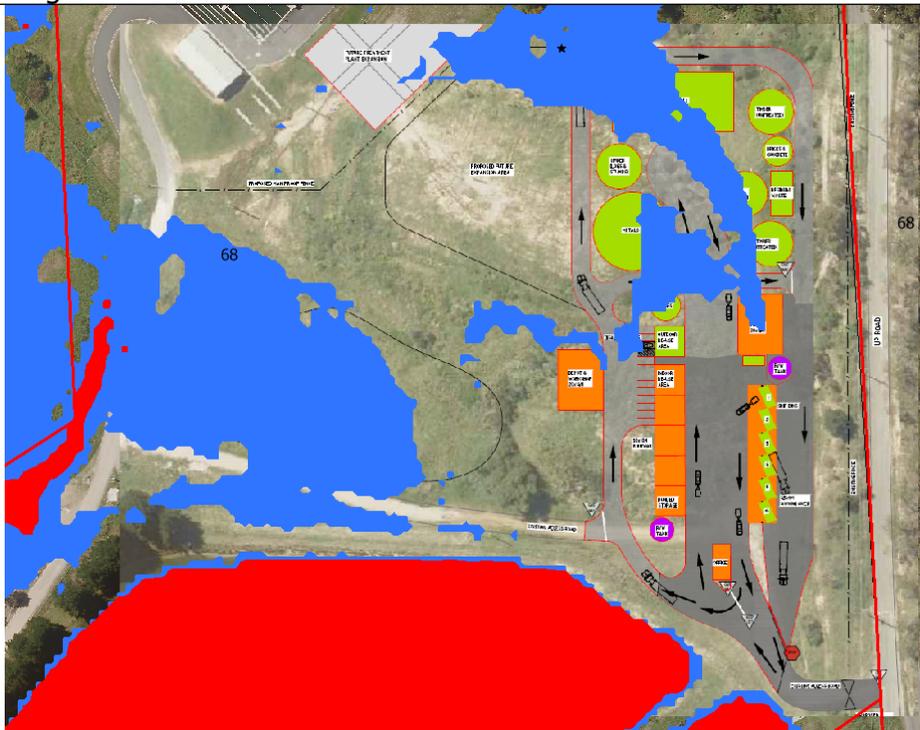
Within the vicinity of the development, the maximum 1 in 100 year Flood Height is 903.1 AHD and the minimum is 902.0 AHD. The natural ground level within proximity of the development and within the flood extent ranges between 902 AHD and 903 AHD. Accordingly, the proposal will be minimally impacted by flooding, particularly overland flow.

Further, no component of the development will be located within the Floodway or Flood Storage Area or on High Hazard Land.



	Lot 1 DP 947828
	Flood Fringe
	Floodway
	Flood Storage

Figure 6 – Lot 1 DP 947828 – Development Envelope Located outside Floodway and Flood Storage Area



	Lot 1 DP 947828
	Low Hazard
	High Hazard

Figure 7 – Lot 1 DP 947828 – Development Envelope Located outside High and Low Hazard Areas

Therefore, subject to the below conditions of consent the development will be compatible with the flood hazard of the land; is not expected to adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties; incorporates appropriate measures to manage risk to life from flood; will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses; and is not likely to result in unsustainable economic and social costs.

1. During construction and operation, all waste and equipment must be suitably stored or stockpiled outside of the Flood Extent and within the boundaries of Lot 1 DP 947828, as identified on the Flood Planning Map in attached Schedule C.
2. The following components of the development are to be constructed to a **minimum** Finished Floor Level of 903.6 AHD, being at least 0.5 metres above the 1 in 100 year flood height of 903.1 AHD:
 - a) The Office/Gatehouse.
 - b) The Roofed Drop-off Area (containing six skip bins).
 - c) The Re-use Building.
3. Natural ground levels within the Flood Planning Area (FPA) of Lot 1 DP 947828 (as indicated on the Flood Planning Map in attached Schedule C), must not be **increased** by more than 100mm, with the exception of any fill required to construct the proposed Office/Gatehouse, Roofed Drop-off Area (containing six skip bins) and Re-use Building.
4. The incoming main commercial power service equipment, including all metering equipment should be located above the 1 in 100 year flood height of 903.6 AHD. Means must be made available to easily disconnect any building/structure from the main power supply.
5. All wiring, power outlets, switches etc. must be located above the 1 in 100 year flood height of 903.6 AHD where achievable. Any electrical wiring installed below the 1 in 100 year flood height must be suitable for continuous submergence in water and contain no fibrous components. Only submersible type splices may be used below the 1 in 100 year flood height. All conduits located below the 1 in 100 year flood height must be installed in such a way that they are self-draining if subjected to flooding.
6. All equipment installed below or partially below the 1 in 100 year flood height of 903.6 AHD must be capable of disconnection by single plug and socket assembly.
7. Should any electrical device and/or part of the wiring be flooded, it must be thoroughly cleaned or replaced and checked by an electrical contractor prior to reconnection.
8. Heating systems using gas or oil as a fuel must have a manually operated valve located in the fuel supply line to enable fuel cut-off.
9. The heating equipment and fuel storage tanks must be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage

tanks must be vented to an elevation of 600mm above the 1 in 100 year flood height of 903.6 AHD.

10. All ductwork located above the 1 in 100 year flood height of 903.6 AHD must be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water tight wall or floor below the 1 in 100 year flood height, the ductwork must be protected by a closure assembly operated from above the 1 in 100 year flood height.

7.4 Terrestrial biodiversity - The land is identified as "Biodiversity" on the Environmentally Sensitive Areas – Biodiversity Overlay Map, from which the following attributes apply:

Map Unit	Vegetation Class	Overclear	Landscape	High Conservation Value
11 Tableland Gully Snow Gum – Ribbon Gum Montane Grassy Forest	Tableland Clay Grassy Woodland	<30% remaining	Sydney Basin Western Escarpment	<30% remaining

However, the proposed development will be located outside of the area identified as "Biodiversity" and a Flora and Fauna Assessment was submitted with the application which determined that, subject to conditions of consent (as addressed under section 5.3 of this report), the proposal will not place any adverse impact on the: condition, ecological value and significance of the flora and fauna on the land; importance of the vegetation on the land to the habitat and survival of native fauna; biodiversity structure, function and composition of the land; and habitat elements providing connectivity on the land.

7.5 Groundwater vulnerability - Further, the land is identified as "Groundwater Vulnerable" on the Environmentally Sensitive Areas – Water Overlay Map. The application was referred to Water NSW for assessment, from which it was determined the development will have a neutral or beneficial effect on water quality, subject to conditions of consent (see section 5.3.8 of this report). Additionally, the following conditions of consent will be implemented to ensure that all wastewater generated from the development is appropriately managed:

1. All wastewater produced from the Waste or Resource Management Facility (Resource Recovery Facility & Waste or Resource Transfer Station) must be appropriately managed, treated and disposed of in accordance with the *Protection of the Environment Operations Act 1997*. This may include one or more of the following actions:
 - a) Pumping the wastewater up to the existing landfill site to go back into the current leachate management system, in accordance with the existing Environmental Protection Licence and other conditions within this consent.
2. The fundamental approach to stormwater management must follow the operations listed below:
 - a) Maintain undisturbed and rehabilitated/revegetated area as filters for sediment.
 - b) Minimise disturbed areas on the site.

- c) Require regular cleaning and removal of litter from around the site.
- d) Cover waste left overnight at the facility or stored onsite during windy periods.
- e) Implement spill containment procedures and ensure appropriate training of staff and availability of equipment and materials for spill clean-up.
- f) Storage of household hazardous waste, lead acid batteries, and liquid wastes in bunded and covered areas.
- g) Maintain all surface water management facilities in good operating condition this includes periodic cleaning and maintenance.
- h) Comply with all surface water management regulations, licence conditions and conditions of development consent.

Therefore, subject to conditions, the development will be appropriately managed to minimise groundwater contamination and impacts on groundwater dependent ecosystems, including any cumulative impacts.

7.6 Riparian land and watercourse - The land is within 40 metres of the top of the bank (measured horizontally) of land identified as "Watercourse" on the Environmentally Sensitive Areas – Water Overlay Map. However, the proposed development will be located approximately 309 metres from Farmers Creek, no riparian vegetation is proposed to be cleared, no water extraction will be undertaken, suitable stormwater management works will be established and no structures will be constructed within the riparian buffer. Subject to conditions of consent, the development is not likely to have any adverse impact on the following:

- The water quality and flows within the watercourse.
- Aquatic and riparian species, habitats and ecosystems of the watercourse.
- The stability of the bed and banks of the watercourse.
- The free passage of fish and other aquatic organisms within or along the watercourse.
- Any future rehabilitation of the watercourse and riparian areas.

7.7 Sensitive lands - Lot 1 DP 947828 is also identified as "Sensitive Land Areas" on the Environmentally Sensitive Areas – Land Overlay Map, which is subject to "severe to extreme sheet or rill erosion (greater than 25 tonne/ha/year)". However, the following conditions of consent will be implemented to ensure that disturbed soil is stabilised with groundcover and that suitable erosion and sedimentation controls are implemented prior to the commencement of works:

1. Lot 1 DP 947828 is identified as being subject to "severe to extreme sheet or rill erosion" on the Environmentally Sensitive Areas – Land Overlay Map under *Lithgow Local Environmental Plan 2014*. Accordingly, groundcover must be established over all disturbed land/soil, prior to the issue of any Occupation Certificate.
2. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
 - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
 - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled

concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

Therefore, subject to conditions of consent, the proposed development is not expected to place any adverse impact on land subject to high erosion potential.

7.8 Development within a designated buffer area - The land is identified as "Facilities Buffer Zone" on the Facilities Buffer Zone Map. The proposed WRMF will be suitably located amongst existing noise and emission generating developments of a similar nature, including the Lithgow STP and SWD, in order to reduce the likely impacts of the proposal on other non-compatible land uses (such as residential) had it been located elsewhere. Accordingly, the adjoining developments are not expected to place any adverse impact on the proposal by way of noise, odour and other emissions. The proposal has been referred to Council's Water and Sewer Officer and Environment Officers, from which no concerns or objections were raised in relation to the impact of the proposal on the existing operating environment of the area.

7.10 Essential services - The WRMF will retain connections to electricity services, an onsite stormwater management system and Council's water supply and sewerage reticulation networks. The following condition of consent will be implemented to ensure that legal and practical access is provided to Lot 1 DP 947828:

1. Prior to the issue of any Occupation Certificate, one of the following actions must be undertaken to ensure that legal access is provided to the development:
 - a) Lot 1 DP 947828, Lot 1 DP 125085 and Lot 1 DP 190934 must be consolidated into one lot.
- OR
- b) An easement for a Right of Carriageway (ROW) must be established over the approved access located on Lot 1 DP 125085 and Lot 1 DP 190934 to benefit Lot 1 DP 947828.

Council wrote to the applicant advising of the need to establish legal access to Lot 1 DP 947828 and written agreement was provided for a condition of consent to be implemented, to ensure this is achieved.

State Environmental Planning Policy No 33—Hazardous and Offensive Development

SEPP 33 – Compliance Check		
Clause		Compliance
3	Definitions of "potentially hazardous industry" and "potentially offensive industry"	NA
4	Other definitions	NA
7	New definitions of "hazardous industry" and "offensive industry"	NA

Comment: The development being a waste or resource management facility (resource recovery facility & waste or resource transfer station) is defined separately to an industry under LEP 2014 (as below) and therefore, SEPP No. 33 does not apply to this development. Any potentially hazardous and offensive waste will be secured and removed by the NSW EPA and the development will be subject to EPL No. 6004.

waste or resource management facility means any of the following:

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

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.

Note. Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

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

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

industry means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note. Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

State Environmental Planning Policy 44 – Koala Habitat Protection

SEPP 44 – Compliance Check	
Clause	Compliance
3 Aims, objectives etc	Yes.
4 Definitions	Yes.
5 Land to which this Policy applies	Yes.
6 Land to which this Part applies	Yes.
7 Step 1—Is the land potential koala habitat?	Yes.
8 Step 2—Is the land core koala habitat?	Yes, subject to conditions.
9 Step 3—Can development consent be granted in relation to core koala habitat?	NA.

Comment: SEPP 44 is applicable to Lot 1 DP 947828 as it is located within the Lithgow Local Government Area and retains an area greater than 1 hectare. A *Flora and Fauna Assessment* was submitted with the Development Application which identified that Potential Koala Habitat (as defined below) occurs as secondary feed trees along the edge of the study area:

potential koala habitat means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

However, the report also determined that the land is **not** identified as Core Koala Habitat (as defined below) under Clause 8 of the SEPP as the Potential Koala Habitat would not be directly impacted by the development and no evidence of Koalas were observed during the survey.

core koala habitat means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.

Therefore, a Plan of Management is not required to be produced under Clause 9 and the development may be approved subject to conditions under Clause 8 of SEPP 44.

State Environmental Planning Policy No 55—Remediation of Land

SEPP 55 – Compliance Check	
Clause	Compliance
7 Contamination and remediation to be considered in determining development application	Yes.
17 Guidelines and notices: all remediation work	NA.

Comment: Lot 1 DP 947828 currently contains the Lithgow Sewage Treatment Plant (STP) and is adjoined by the Lithgow Solid Waste Depot (SWD) to the north-east on Lot 44 DP 751655, Lot 1 DP 190934 and Lot 1 DP 630638. The development site also contains fill material which was deposited during the previous expansion of the STP and treated sludge which is deposited from the STP for drying, prior to later disposal at the SWD. Accordingly, the site is likely to be contaminated from fill material, sludge and runoff/leachate from the adjoining developments. Clause 7 of SEPP 55 prescribes that the following be taken into consideration in determining a Development Application:

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, 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, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

- (a) land that is within an investigation area,
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

The proposed development includes a waste or resource management facility which will be used for the drop-off, processing, stockpiling and transfer of recyclable, non-recyclable and hazardous waste. As the development does not involve a change of use of the land to a more sensitive land use (such as residential, educational, recreational etc.) it is considered that the land will be suitable in its contaminated state for the purpose for which the development is proposed to be carried out, in accordance with Clause 7(1) of SEPP 55. No contamination reports are required to be prepared for the proposed development in accordance with Clauses 7(2), (3) and (4) of SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 – Compliance Check		
Clause		Compliance
Division 23 Waste or resource management facilities		
121	Development permitted with consent	Yes.
123	Determination of development applications	NA.
Schedule 3	Traffic generating development to be referred to the RTA	Yes.

Comment: The land is zoned SP2 Infrastructure, in which the development of a waste or resource management facility is permitted with consent under Clauses 120 and 121 of SEPP 2007.

The development does not involve the construction, operation or maintenance of a landfill for the disposal of waste. No landfilling will be undertaken on Lot 1 DP 947828 and all waste deposited at the site will be transferred elsewhere for appropriate disposal. Therefore, Clause 123 of SEPP 2007 (as below) is not applicable to the development.

123 Determination of development applications

(1) In determining a development application for development for the purpose of the construction, operation or maintenance of a landfill for the disposal of waste, including putrescible waste, the consent authority must take the following matters into consideration:

- (a) whether there is a suitable level of recovery of waste, such as by using alternative waste treatment or the composting of food and garden waste, so that the amount of waste is minimised before it is placed in the landfill, and
- (b) whether the development:
 - (i) adopts best practice landfill design and operation, and
 - (ii) reduces the long term impacts of the disposal of waste, such as greenhouse gas emissions or the offsite impact of odours, by maximising landfill gas capture and energy recovery, and
- (c) if the development relates to a new or expanded landfill:
 - (i) whether the land on which the development is located is degraded land such as a disused mine site, and
 - (ii) whether the development is located so as to avoid land use conflicts, including whether it is consistent with any regional planning strategies or locational principles included in the publication *EIS Guideline: Landfilling* (Department of Planning, 1996), as in force from time to time, and
- (d) whether transport links to the landfill are optimised to reduce the environmental and social impacts associated with transporting waste to the landfill.

(2) In this clause:

putrescible waste means general solid waste (putrescible) within the meaning of clause 49 of Schedule 1 to the *Protection of the Environment Operations Act 1997*.

Protection of the Environment Operations Act 1997 No 156

Schedule 1 Scheduled activities

Part 3 Definitions

Division 1 Waste classifications

49 Definitions of waste classifications

(1) In this Schedule:

general solid waste (putrescible) means waste (other than special waste, hazardous waste, restricted solid waste or liquid waste) that includes any of the following:

- (a) household waste containing putrescible organics,
- (b) waste from litter bins collected by or on behalf of local councils,
- (c) manure and nightsoil,
- (d) disposable nappies, incontinence pads or sanitary napkins,
- (e) food waste,
- (f) animal waste,
- (g) grit or screenings from sewage treatment systems that have been dewatered so that the grit or screenings do not contain free liquids,
- (h) anything that is classified as general solid waste (putrescible) pursuant to an EPA Gazettal notice,
- (i) anything that is classified as general solid waste (putrescible) pursuant to the Waste Classification Guidelines,
- (j) a mixture of anything referred to in paragraphs (a)–(i).

It should be noted however, that the intention of the WRMF is to encourage responsible waste disposal and recycling through providing a pleasant, approachable and accessible facility where the public can deposit waste away from the often offensive and discouraging environment of a landfill site. Additionally, the facility will be located in close proximity of the Lithgow SWD and will be constructed on degraded land previously used in association with the surrounding sewage treatment plant and landfill sites.

A Community Recycling Centre and Re-use Building will also be constructed and all putrescible waste will be disposed of at the adjacent SWD at least once per day, or more-often as necessary. Therefore, the development will: encourage an increase in waste recovery reducing the amount sent to landfill; provide an appropriate use for degraded land located away from residential receptors and within an existing facility buffer zone; and provide optimised transport links to the adjoining landfill which will minimise the environmental and social impacts of transporting waste.

A waste or resource management facility is identified as a Traffic-generating Development under Schedule 3 of SEPP 2007. Accordingly, the application was referred to the NSW Roads and Maritime Services (RMS) for assessment, from which it was determined that the proposal will not result in any increase in traffic volumes in the area, as the development will substitute previous visits to the Lithgow SWD. Therefore, no concerns were raised in regard to traffic generation and car parking.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check		
	Clause	Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes, subject to conditions of consent.
11	Development that needs concurrence of the Chief Executive	Yes, subject to conditions of consent.

Comment: The application was required to be assessed using the Neutral or Beneficial Effect on Water Quality Assessment Tool. Given the development did not satisfy this assessment, concurrence was sought and granted by Water NSW (see section 5.3.8 of this report). Therefore, the development is considered to comply with the requirements of this SEPP subject to conditions of consent.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

5.3.3 Any Development Control Plan

Nil.

5.3.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?

Nil.

5.3.5 Any matters prescribed by the regulations that apply to the land

The development has been forwarded to Council’s Building Officer for assessment under appropriate regulations. It is considered that as a result of this assessment the development will comply with the provisions of the regulations subject to conditions of consent.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Services: The development will have connections to Council's reticulated water and reticulated sewer services. Additionally, there is access to electricity and telecommunication services nearby. Therefore, it is considered that the proposal will be adequately serviced.

Context and Setting: The proposed development will be located between the Lithgow STP and SWD, within an established rural, residential and industrial area. The development has been designed to be in keeping with the existing STP located on the land and the surrounding industrial developments. Accordingly, the proposal is not expected to significantly further decrease the visual amenity of the area. However, the following proposed measures will be implemented to reduce potential unsightliness:

- All putrescible waste will be taken to landfill at the end of each working day to reduce unsightliness and wind-blown litter.
- To minimise the visual impact of the development on the surrounding residential land uses and control wind-blown litter, a basic vegetation screening zone has been proposed around the proposed fenceline. Existing trees on the western and south-western boundaries of Council owned land will be maintained, and fast growing native trees and shrubs will be planted around the development site.
- To assist in trapping any wind-blown litter from the facility, man-proof fencing will be installed around the development.
- Stockpiles (such as green-waste, scrap steel, whitegoods and demolition waste) will be contained within a set footprint and will be regularly processed and/or removed from the site.

Therefore, subject to the following conditions of consent, the development will not place any additional impact on the context and setting:

1. To minimise the visual impact of the development on the surrounding residential land uses and control wind-blown litter, landscape screening must be established entirely along the proposed fenceline of the development envelope.

A Landscaping Plan must be prepared and submitted to Council's satisfaction, prior to the issue of any Construction Certificate, and must include:

- a) The location of all landscape screening in relation to the approved development.
 - b) The name of each species to be used.
 - c) The maturity height of each species to be used (must be a height minimum of 5 metres).
 - d) Only species that are non-deciduous, frost tolerant and drought tolerant.
 - e) Only species that are endemic to the local area.
 - f) Demonstrated compliance with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*.
2. All fencing and landscaping must be established in accordance with approved plans and documentation and the Landscaping Plan referred to in Condition XX, prior to the issue of any Occupation Certificate.

3. All fencing and landscaping must be maintained and replaced in perpetuity, in accordance with approved plans and documentation and the Landscaping Plan referred to in Condition XX.

Access/traffic: Access to the site is proposed off Geordie Street and over the existing private road, known as Up Road, located on adjoining Lot 1 DP 125805 and Lot 1 DP 190934. The following condition of consent will be implemented (as agreed to by the applicant), to ensure that legal access is provided to the proposed development:

1. Prior to the issue of any Occupation Certificate, one of the following actions must be undertaken to ensure that legal access is provided to the development:
 - a) Lot 1 DP 947828, Lot 1 DP 125085 and Lot 1 DP 190934 must be consolidated into one lot.

OR

 - b) An easement for a Right of Carriageway (ROW) must be established over the approved access located on Lot 1 DP 125085 and Lot 1 DP 190934 to benefit Lot 1 DP 947828.

The application was referred to Council's Engineering Officer, from which it was determined that access has been adequately designed for the development.

The application was also referred to the NSW Roads and Maritime Services (RMS) as it is a Traffic Generating Development under Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007*. The RMS determined that the proposal will not result in any increase in traffic volumes in the area, as the development will substitute previous visits to the Lithgow SWD. Therefore, no concerns were raised in regard to traffic generation and car parking. Accordingly, guidance has been taken from the *RMS Guide to Traffic Generating Developments 2002* where possible and other DCPs relating to development in neighbouring Local Government Areas, to determine whether sufficient onsite car parking has been provided, as outlined in the table below:

Development Component	Adaptable Car Parking Rates	Car Parking Required	Comment
Depot & Workshop	<u>Depot</u> 1 space per employee plus truck parking as Required (Bathurst Regional Council DCP 2014).	3 staff = 3 Car Parks	Depot/Workshop not provided for in <i>RMS Guide to Traffic Generating Developments 2002</i> . Guidance taken from <i>Bathurst Regional Council Development Control Plan 2015</i> .
Outdoor & Indoor Reuse Area and Community Recycling Centre	<u>Resource Recovery Facilities</u> 1 space per 80m ² display area plus 1 space per 40m ² ancillary office space (Blue Mountains DCP 2015).	GFA (Display Area) = 900m ² 900/80 = 11.25 Car Parks	Waste or Resource Management Facilities not provided for in <i>RMS Guide to Traffic Generating Developments 2002</i> . Guidance taken from <i>Blue Mountains Development Control Plan 2015</i> .
Six Skip Bins	--	2 Spaces per Skip	2 Spaces per Skip Bin have

		Bin have been provided = 12 Car Parks	been proposed (see Figure 8). This is considered efficient for both car and truck use.
Office	Office and Commercial Unrestrained situation: 1 space per 40m ² GFA (RMS Guide to Traffic Generating Developments 2002).	GFA (Office) = 28m ² 28/40 = 0.7 Car Parks	Office Premises provided for in <i>RMS Guide to Traffic Generating Developments 2002</i> .
Nine Stockpiles	--	Sufficient Truck Space provided for Loading and Unloading at Each Stockpile.	Most stockpiles are accessible by trucks from two sides (see Figure 8). This is considered efficient.
Total		26.95 car parks	

A total of twenty-seven (27) car parks are required for the proposed development and a total of twenty-four (24) car parking spaces have been proposed. However, it is considered that sufficient space is available in front of the proposed reuse building for an additional three car parking spaces to be established (see Figure 8). Accordingly, subject to the following condition of consent, it is considered that sufficient car parking will be available to accommodate all traffic visiting the development:

1. Three (3) additional car parking spaces are to be constructed on the western side of the approved reuse building, as amended in red by Council on the approved Resource Recovery Centre Plan (prepared by Geolyse, Project No. 218001, Revision No. G, Sheet C003 dated 17/1/19). The total number of car parking spaces to be provided on the western side of the approved reuse building is fifteen (15).



Figure 8 – Car and Truck Parking Configuration

Heritage: The land is not identified as a Local or State Heritage Item, however, there are many heritage items located in the surrounding area, from which the proposed WRMF may be visible, as described below:

Item Name	Listing	Lot & DP	Address	Distance from Development Site
Methven House	Local	Lot 54 DP 605861	Evans Close Lithgow NSW 2790	Approximately 600 metres.
Bowenfels Station Masters Residence	State	Lot 1 DP 1088726	1-3 Coerwull Road Lithgow NSW 2790	Approximately 410 metres.
Bowenfels Railway Station	State	Lot 2999 DP 1195998	Railway Cottage 1A Fullagar Avenue Lithgow NSW 2790	Approximately 390 metres.
Showground Grandstand and Buildings	Local	Lot 1 DP 1123449	Tony Luchetti Sports Centre Geordie Street Lithgow NSW 2790	Approximately 440 metres.

However, the proposed development will be screened with vegetation and the buildings have been designed to be in keeping with the surrounding industrial developments, STP and SWD, so as to reduce any additional visual impact of the site on surrounding heritage items. The stockpiles will also be located behind (on the northern side of) the proposed buildings so as to reduce their visibility. The development has also been suitably sited amongst existing offensive developments and within an existing facilities buffer zone, so as to avoid the additional social and environmental impacts that could be created if it were to be located elsewhere. The development will be located a minimum of approximately 390 metres from any heritage item and will not directly impact any existing heritage curtilage. The land is not known to be sited on any archaeological deposits, however conditions of consent will be implemented to ensure that any items uncovered during construction or operation are suitably conserved and managed.

Therefore, given the distance of the proposed development from surrounding heritage items, the desirable siting of the proposal within existing offensive developments and measures proposed to reduce the visibility of the site, the proposal will not place any adverse impact on Local or State Heritage Conservation, subject to conditions of consent.

Flora and Fauna: As addressed under Section 5.3 of this report, a Flora and Fauna Assessment Report was submitted with the Development Application, which determined that the proposal will not place a significant impact on any Federally listed threatened species or endangered ecological community, subject to recommendations which have been adopted as conditions of consent.

Social and Economic Impact: As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other similar development in the locality, it is expected to have minimal social and economic impact.

Soils: The land currently contains the Lithgow Sewage Treatment Plant (STP) and is adjoined by the Lithgow SWD. The development site also contains fill material which was deposited during the previous expansion of the STP and treated sludge which is

deposited from the STP for drying, prior to later disposal at the SWD. Accordingly, the site is likely to be contaminated from fill material, sludge and runoff/leachate from the adjoining developments. Clause 7 of SEPP 55 prescribes that the following be taken into consideration in determining a Development Application:

However, the proposed development includes a waste or resource management facility and therefore, does not involve a change of use of the land to a more sensitive land use (such as residential, educational, recreational etc.). Accordingly, it is considered that the land will be suitable in its contaminated state for the purpose for which the development is proposed to be carried out, in accordance with Clause 7(1) of SEPP 55.

Further, during a site inspection with the applicant on Friday 2 November 2018 it was indicated that the existing fill onsite will be levelled out prior to the commencement of works or any additional fill being imported. Conditions of consent will be implemented to ensure that adequate erosion and sedimentation controls are implemented prior to the commencement of works, and that all earthworks are retained within the boundary of Lot 1 DP 947828. The application has been referred to Water NSW for assessment from which it was determined that subject to conditions of consent suitable stormwater management system will be implemented to ensure no adverse impact is placed on water quality. Therefore, subject to conditions of consent, the development will not significantly disrupt or place detrimental effect on the: drainage patterns, soil stability, likely future use of the land (suitable for infrastructure), the amenity of adjoining properties, any relics, waterway, drinking water catchment or environmentally sensitive area.

Water: The proposed development has been assessed by Water NSW as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011*, from which concurrence was granted subject to conditions of consent, as addressed under Section 5.3.8 of this report. Additionally conditions of consent will be implemented to ensure that any stormwater runoff is appropriately managed and therefore, with appropriate conditions of consent it is considered that the development will have minimal impact on water.

Air and Microclimate: The proposed development will be located between the existing STP and SWD which have related air quality impacts that are mitigated through dust suppression techniques. The following measures have been proposed to reduce or control dust emissions from the proposed WRMF:

- Assess wind direction before commencing activities that may cause off-site impacts.
- Roads will be sealed or compacted with road base to reduce dust emissions.
- Disturbed areas of earth to be minimised by scheduling construction activities to minimise dust entrainment.
- If required, water and dust suppression surfactants to be applied to suppress dust.
- Ensure speed limits on internal access roads are adhered to.
- Limit idling time where possible.

- Maintain plant and machinery in accordance with the manufacturer's specifications and the *Protection of the Environment Operation (Clean Air) Regulation 2010*.
- Any complaints received would be documented and investigated, and options for modifying procedures in order to avoid recurrence would be considered.

The following conditions of consent will be implemented to ensure the abovementioned dust mitigation measures are implemented:

1. All conditions of any Environmental Protection Licence relating to the operation of the Waste or Resource Management Facility on Lot 1 DP 947828 are to be complied with at all times.
2. Wind direction must be assessed prior to commencing activities that may cause dust impacts to occur off-site.
3. Water and dust suppression surfactants must be applied to suppress dust emissions.
4. Speed limits must be enforced on all internal roads providing access to the Waste or Resource Management Facility.
5. Skips and pits that receive putrescible waste must be cleaned daily when in use and a disinfectant should be used regularly. Wastewater from cleaning activities must be treated as leachate.
6. Care must be taken to ensure that potentially reactive materials are not stored together or in close proximity.

Waste: The purpose of the proposed WRMF is to allow waste to be deposited in an area that is non-offensive and easily accessible to the public, ultimately improving waste management, disposal and reuse practices within the local Lithgow area. The public will sort and deposit their waste into six skip bins for different waste categories, the waste is then stockpiled onsite by staff and transferred to the adjoining SWD for disposal. A Community Recycling Centre has also been proposed for the drop-off of problem waste (such as batteries, oils, paints, gas bottles, fire extinguishers, smoke detectors and fluoro globes), which will be regularly collected by the NSW EPA and an indoor reuse building will be used for the separation of reusable goods and material (such as furniture, mattresses and polystyrene) for free collection by the public.

The following mitigation measures have been proposed to control waste and reduce the potential impacts of odour, vermin and litter:

- All putrescible waste will be taken to landfill at the end of each working day to reduce odour, unsightliness, vermin and wind-blown litter. In the event of a system failure (e.g. machinery breakdown), other measures such as covering the bins and utilising spray humidification systems will be implemented.
- Other waste is not likely to be odour-generating but would be stockpiled and removed for disposal as necessary.
- Undertake regular monitoring of pest issues and take actions as appropriate.

- To reduce visual and wind-blown litter impacts, stockpiles (such as green-waste, scrap steel, whitegoods and demolition waste) will be contained within a set footprint and will be regularly processed and/or removed from the site.

The following conditions of consent will be implemented to ensure all waste onsite is appropriately managed:

1. All wind-blown litter must be collected and cleared regularly from within the site and outside the site boundary. Litter entrapment devices must be regularly cleaned.
2. Customers entering and leaving the site must be required to cover all loads.
3. Throughout operations, all efforts must be taken to minimise the risks associated with the management of liquid wastes, hazardous wastes, and dangerous goods. Operational procedures to minimise these risks include:
 - a) Training of staff in appropriate management practices including:
 - (i) Identification and isolation of hazardous materials.
 - (ii) Loading, unloading and storage.
 - (iii) Spill containment procedures.
 - (iv) Emergency procedures.
 - (v) Use of personal protective equipment.
 - b) Removal of household hazardous waste and dangerous goods from site (by a licenced contractor) for appropriate disposal/recycling as soon as practicable.
 - c) Provide spill kits adjacent to storage areas for household hazardous waste and dangerous goods (including lead acid batteries).
 - d) Ensure spill kits stored onsite are appropriate for management of the likely spills to be encountered.
 - e) Provide a safety shower and/or eyewash facilities in accordance with the *Code of Practice for Storage and Handling of Dangerous Goods* (WorkCoverNSW, 2005) where workers may come into contact with corrosive or toxic substances wherever possible.
 - f) Establish procedures for safe storage, spill containment, materials handling and emergency response. Procedures should be documented in the Site Operations Manual or site specific OH&S and risk management plan.
 - g) Display prominent signs regarding the handling of hazardous wastes and prohibition of behaviours such as smoking.
 - h) Maintain current Material Safety Data Sheets on-site for any hazardous substances or dangerous goods commonly received, stored or used on-site.
4. Materials that may pose a risk to the environment (such as waste oil containers, batteries, oils, paints, gas bottles, fire extinguishers, smoke detectors, liquid wastes and fluoro tubes and globes) must be stored in roofed, bunded areas so

that any leaks and spills will be contained. Where possible site staff should be responsible for decanting any waste oils into the waste oil collection tank (if provided).

Containers of oil that are too large to decant into the oil collection tank must be stored in a bunded area or on spill trays as per EPA guidelines.

5. All putrescible waste must be taken to landfill for disposal at the end of each working day, or more-often as necessary, to reduce odour, unsightliness, vermin and wind-blown litter. In the event of a system failure (e.g. machinery breakdown), other measures such as covering the bins and utilising spray humidification systems must be implemented.
6. All buildings used for the containment and/or management of waste must be well ventilated.
7. Lids or covers must be placed over bins when they are not in use, and regularly inspected to ensure they are not damaged.

Natural Hazards:

The land is partially identified as **flood** prone and the following components of the development will be located within the flood extent:

- Green Waste Stockpile – Overland Flow Area.
- C & D Stockpile – Overland Flow Area.
- Timber Stockpile – Overland Flow Area.
- Community Recycling Centre Building – Overland Flow Area.
- Metal Stockpile – Overland Flow Area.
- Tyre Stockpile – Overland Flow Area.
- Depot & Workshop Building – Overland Flow Area.
- Stormwater management dam – Flood Planning Area.
- Office/Gatehouse – Flood Planning Area.
- Rainwater tank – Flood Planning Area.
- Southern end of the re-use building – Flood Planning Area.
- Southern end of the roofed drop off area (containing six skip bins) – Flood Planning Area.
- Southern portion of the internal access loop road – Flood Planning Area.

Within the vicinity of the development, the maximum 1 in 100 year Flood Height is 903.1 AHD and the minimum is 902.0 AHD. The natural ground level within proximity of the development and within the flood extent ranges between 902 AHD and 903 AHD. Accordingly, the proposal will be minimally impacted by flooding and no component of the development will be located within the Floodway or Flood Storage Area or on High Hazard Land.

Therefore, subject to conditions of consent (as addressed under Section 5.3.1 of this report) the development will be compatible with the flood hazard of the land; is not expected to adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties; incorporates appropriate measures to manage risk to life from flood; will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses; and is not likely to result in unsustainable economic and social costs.

The land is also identified as **bushfire** prone and was referred to the NSW Rural Fire Service (RFS) for comment under Section 4.14 of the EP&A Act, as it was unclear as to whether or not the proposed development would comply with the requirements of *Planning for Bushfire Protection 2006* (PFBP 2006).

4.14 Consultation and development consent—certain bush fire prone land
(cf previous s 79BA)

(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3 (2)) unless the consent authority:

(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled *Planning for Bush Fire Protection* prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or

(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

(1A) If the consent authority is satisfied that the development does not conform to the relevant specifications and requirements, the consent authority may, despite subsection (1), grant consent to the carrying out of the development but only if it has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.

Comments were received from the NSW RFS on 26 April 2019, which recommended consent, subject to the following conditions of consent:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas shall comply with section 4.1.3 of '*Planning for Bush Fire Protection 2006*'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. An Emergency /Evacuation Plan shall be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan'.

Recommended conditions 2 and 3 are deemed reasonable. However, Council considers condition 1 to be onerous, as Lot 1 DP 947828 retains an area of approximately 17.38 hectares, which extends beyond the envelope of this development and includes identified areas of habitat pertaining to threatened Fauna species, including:

- Yellow-bellied Sheathtail Bat (*Saccolaimus Flaviventrous*).
- Greater Broad-nosed Bat (*Scoteanax Rueppelli*).
- Purple Copper Butterfly (*Paralucia Spiniferia*).

Under Section 4.3.6 of PFBP 2006, developments that are not residential/rural subdivisions, special fire protection purposes and residential infill, should satisfy the aims and objectives under Section 1.1 of PFBP 2006, as below:

Aim and Objectives of PBP.

All development on Bush Fire Prone Land must satisfy the aim and objectives of PBP. The aim of PBP is to use the NSW development assessment system to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment.

More specifically, the objectives are to:

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

As an alternative to Condition 1 recommended by the NSW RFS, Council considers that the following conditions of consent could also be implemented to ensure the development complies with the objectives of PFBP 2006:

1. At the commencement of building works and in perpetuity, an area of not less than 50 metres surrounding the buildings, waste deposition areas/piles and access road must be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.

Note: This requirement adopts the recommendation of Section 5.18.1 of the *Statement of Environmental Effects* (prepared by Geolyse, dated October 2018) and targets Objectives (i), (ii), (iii), (iv) & (v) of PFBP 2006.

2. The access road is to be built to a minimum width of 6.5 metres with a carrying capacity of 28 tonnes gross vehicle mass.

Note: This requirement adopts the recommendation of Section 5.18.1 of the *Statement of Environmental Effects* (prepared by Geolyse, dated October 2018) and targets Objective (iv) of PFBP 2006. This recommendation may be subject to change, based on further assessment by Council Engineers and the NSW Roads and Maritime Services (RMS).

3. Portable fire extinguishers must be installed in accordance with AS 2444 – 2004.

Note: This requirement adopts the recommendation of Section 5.18.1 of the *Statement of Environmental Effects* (prepared by Geolyse, dated October 2018) and targets Objective (i) of PFBP 2006. This recommendation may be subject to change, based on further assessment by Council's Building Officer.

4. Overhead electrical transmission lines are to be installed with short pole spacing and no part of a tree is to be closer to a power line than the distance set out in the specifications of *Vegetation Safety Clearances* issued by Energy Australia – NS179 – 2002.

Note: This requirement adopts the recommendation of Section 5.18.1 of the *Statement of Environmental Effects* (prepared by Geolyse, dated October 2018) and targets Objectives (i) and (vi) of PFBP 2006. This recommendation may be subject to change, based on further assessment by Electricity authorities.

5. A Vegetation Management Plan (VMP) must be prepared and submitted to Council's satisfaction, prior to the issue of a Construction Certificate to: ensure the development complies with the aims and objectives of the document *Planning for Bushfire Protection 2006*; to mitigate impacts on native vegetation adjoining the proposal footprint and; clearly identify measures for the management of all vegetation assets on site. The VMP must include:

- a) Delineation and protection of exclusion zones around native vegetation to be retained, particularly *Bursaria spinosa* host plants for Purple Copper Butterfly.
- b) A suitably qualified ecologist is to be engaged to visit the site prior to any clearing works to clearly demarcate vegetation protection areas and conduct a pre-clearing survey report.
- c) A map which clearly shows vegetation clearing boundaries and exclusion/no-go zones.
- d) Communication with construction personnel of the conservation value of surrounding habitats and their responsibilities with regards to protecting these habitats during construction.
- e) Hygiene procedures to prevent the introduction and spread of pathogens such as *Phytophthora* and Myrtle Rust in areas of native vegetation. These would include exclusion zones around retained areas of native

vegetation and/or provision of machine and footwear wash-down stations for all equipment and personnel working in areas of native vegetation.

- f) A weed management plan, including a description of:
 - (i) Communication with construction personnel with regards to their responsibility to abide by all procedures in the plan.
 - (ii) Type and location of weeds of concern (including noxious weeds) within the proposal disturbance footprint.
 - (iii) Sensitive native vegetation and waterways within or adjacent to the proposal disturbance footprint.
 - (iv) Measures to prevent the spread of weeds, including hygiene procedures for equipment, footwear and clothing.
 - (v) Proposed weed control methods and targeted areas to be implemented during construction and following completion of the construction phase.
 - (vi) Weed disposal protocols.
- g) Ongoing management and maintenance procedures for bushfire protection measures, including fuel loads in the asset protection zone (APZ).
- h) Identification of native landscaping including species which are fire tolerant.

Note: This requirement adopts the recommendation of 5.12.3 of the *Statement of Environmental Effects* (prepared by Geolyse, dated October 2018) and targets Objectives (i), (ii), (iii), (iv) & (v) of PFBP 2006.

- 6. Water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Note: This requirement is a recommended condition of consent by the NSW RFS and targets Objectives (i), & (vi) of PFBP 2006. The intent of measures of the NSW RFS is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building

- 7. An Emergency /Evacuation Plan shall be prepared consistent with the NSW Rural Fire Service document *Guidelines for the Preparation of Emergency/Evacuation plan* and must be submitted to Council prior to the issue of an Occupation Certificate.

Note: This requirement is a recommended condition of consent by the NSW RFS and targets Objectives (i), & (iv) of PFBP 2006. The intent of measures of the NSW RFS is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- 8. A 20,000 litre non-combustible water storage tank shall be provided with a gate valve and a 65mm Storz fitting, prior to the issue of an Occupation Certificate. The gate ball valve, pipes and tank penetration must be adequate for full 50mm inner diameter water flow through the Storz fitting and must be metal rather than plastic.

Note: This requirement targets Objectives (i), & (vi) of PFBP 2006.

Further, the application was referred to Council's Building Officer for assessment, from which it was determined that:

"The application would not have required referral where Council could be satisfied that the development met the aims and objectives of PBP2006. The aims and objectives of PBP2006 are contained within Chapter 1 Clause 1.2.1.

In this regard, the comments made by NSW RFS would be generally acceptable with the exception of their first condition that required the entire property to be maintained as an inner protection area. The entire property in this instance would encumber Council's STP and settling ponds. It is considered more reasonable to require an APZ of only 50m around the development to the North, West and South, and to the property boundary to the East. This would be to a standard that is similar to a dwelling located on grassland which would result in a Bushfire attack level of BAL LOW. "

Therefore, subject to conditions of consent, the development will incorporate appropriate bushfire protection measures as discussed.

Noise and Vibration: There are no nearby sources of noise or vibration that would detrimentally impact the proposal. The noise generated by the proposed WRMF should be consistent with the existing noise levels emitted by the surrounding STP and SWD and suitable mitigation measures have been proposed to reduce and control any noise emissions, as below:

- The development has been located as far away from surrounding residential land uses as practically possible and adjacent existing noise generating facilities.
- All machinery will be managed and maintained to ensure it is operated efficiently and in accordance with the manufacturer's specifications.
- Vegetation screening will be established around the perimeter.
- The construction and operation of the facility will only be carried out during the following hours:

Operation hours:

Mondays to Sundays (Australian Eastern Standard Time)	8:00am to 5:00pm
Mondays to Sundays (Australian Eastern Daylight Savings Time)	8:00am to 6:00pm
Christmas Day	Closed

Construction hours:

Mondays to Fridays	7:00am to 6:00pm
Saturdays	8:00am to 1:00pm
Sundays and Public Holidays	No work

- Comply with the relevant Environmental Protection Licence conditions (EPL No. 6004) relating to noise limits at the premises, which are currently detailed as below:

- L4.2 Noise from the premises must not exceed:
- An L_{Aeq} (15 minute) noise emission criteria of 45 dB(A) during the operating hours stipulated by condition L4.1 at any noise sensitive receiver (land use) as defined by the NSW Industrial noise Policy (EPA, 2000/2001).
- L4.3 To determine compliance with condition L4.2, noise from the premises is to be measured at the most affected point within the sensitive receiver boundary, or at the most affected point within 30 metres of the sensitive receiver boundary where the residence/building is more than 30 metres from the sensitive receiver boundary.
- L4.4 To determine compliance with condition L4.2, the modification factors in Section 4 of the NSW Industrial Noise Policy (EPA, 2000/2001) must be applied, as appropriate, to the noise levels measured by any noise monitoring equipment.
- L4.5 The noise limits stipulated by condition L4.2 apply under all meteorological conditions except for the following:
- wind speeds greater than 3 metres per second at ground level; and
 - temperature inversions as outlined in Section 5 of the NSW Industrial Noise Policy (EPA, 2000/2001).

The following conditions of consent will be implemented to minimise and control any noise related impacts associated with the development:

1. All conditions of any Environmental Protection Licence relating to the operation of the Waste or Resource Management Facility on Lot 1 DP 947828 are to be complied with at all times.
2. All vehicles accessing the Waste or Resource Management Facility must use the designated access roadways located on the eastern side of the site. Instructional signage must be installed to this effect.
3. All plant and machinery must be managed and maintained to ensure it is in proper working order, in accordance with the manufacturer's specifications.
4. All operations associated with the approved Waste or Resource Management Facility must only occur during the following hours:

Mondays to Sundays during Australian Eastern Standard Time	8:00am to 5:00pm
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Mondays to Sundays during Australian Eastern Daylight Savings Time	8:00am to 6:00pm
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25 December (Christmas Day)	Closed
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5. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

Adjoining Landuse: The land is adjoined by vacant rural land to the north, west and east, the Lithgow SWD to the north-east (Lot 1 DP 190934), industrial land uses to the south-east and residential landuse to the south-east, south and west. The nature and design of the proposed WRMF will be consistent with the surrounding industrial land uses (including the STP and SWD) and will be located approximately 355 metres from the nearest residential development at Lot 39 DP 262221 (17 Chivers Close Lithgow NSW 2790).

The development will be in keeping with the existing industrial nature of the site and is not expected to significantly further decrease the amenity of the area. As addressed above, suitable measures have been proposed and conditions of consent will be implemented to reduce the potential impacts of odour, vermin, litter, dust, noise and unsightliness on the adjoining residential land uses.

Other Land Resources: The development will not impact on the value of the land in terms of agricultural potential or mining as it is zoned SP2 Infrastructure and already contains the Lithgow Sewage Treatment Plant.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for public infrastructure pursuits such as a sewerage treatment plant and waste facility with the size and nature of the development to be consistent with those in the surrounding area.

The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding amenity. Therefore, the site is considered to be suitable for the proposed development.

5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to Water NSW, Rural Fire Service, Mine Subsidence Board, Endeavour Energy, NSW Environment Protection Authority (EPA), Council's Building Officer, Council's Water & Wastewater Officer, Council's Environmental Officer and Council's Engineers for commenting with recommendations detailed below. The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with one submission received which is summarised below.

NSW ENVIRONMENT PROTECTION AUTHORITY

26 November 2018

I refer to the development application DA267/18 and accompanying information provided for the proposed construction and operation of a Resource Recovery Centre at the Lithgow Solid Waste Facility (EPL 6004) received by the Environment Protection Authority (EPA) on 30 October 2018.

The EPA notes that the land which the RRC will occupy is included on two environment protection licences held by Lithgow City Council (Council), being EPL 6004 for the Lithgow solid waste facility and EPL 236 for the Lithgow sewage treatment plant. As variations to the conditions of EPL 6004 (and EPL 236) are required, the EPA therefore considers that the Application to be Integrated Development within the meaning of division 4.8 of the *Environmental Planning and Assessment Act 1979*.

EPA has reviewed the information provided and determined that it is able to issue a variation to EPL 6004 for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain this licence variation.

It should be noted that the EPA Central West region has adopted more streamlined GTA's to;

- avoid conflicts with development approvals;
- to limit the need for ongoing modifications to development approvals for small matters that are the responsibility of the EPA; and
- to provide the EPA with greater flexibility regarding site specific environmental conditions to be placed on any environment protection licence.

The general terms of approval for this proposal are provided at **Attachment A**. If Lithgow City Council grants development consent for this proposal these conditions should be incorporated into the consent. As set out in **Attachment A**, should consent be granted the EPA requires:

- map(s) that clearly shows the boundaries of the EPL 6004 premises;
- a construction environmental management plan for the RRC, including a detailed construction soil and water management plan;
- a detailed soil and water management plan for post-construction operation of the premises.

The EPA has also provided at **Attachment B** for Councils reference, more specific conditions that are present on EPL 6004. However these conditions should not be included in the consent document, unless deemed necessary for Council's own specific purposes.

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

In assessing the proposal the EPA has also identified a number of issues that Lithgow City Council may wish to consider in its overall assessment of the application. The EPA notes that the SoEE references the *Community Recycling Centres: Operations and management handbook* (NSW EPA, 2017), however the EPA would also like to draw Council's attention to the *Handbook for Design and Operation of Rural and Regional Transfer Stations* (NSW Department of Environment and Conservation, 2006) and the *Guide to Best Practice at Resource Recovery Centres* (Sustainability Victoria, 2009). Many of the design considerations in this guidance material have not been explicitly addressed in the SoEE, for example, site layout relative to topography and prevailing weather conditions, visual screens/buffers, stockpile limits and management of by-catch/ unacceptable wastes. The SoEE also refers to two contradictory methods for receiving waste (push pit, skip bins) and the purpose of the re-use shed shown in sheet C005 is not clear.

If you have any questions, or wish to discuss this matter further please contact Alex McGuirk by telephoning 6333 3807.

Attachment A
EPA GENERAL TERMS OF APPROVAL
RECOMMENDED CONDITION OF DEVELOPMENT CONSENT

Premises or Plant to which this Licence Applies

1. The premises is defined by the most recent premises map(s) held on EPA Electronic File EF13/2776 and approved in writing by the EPA.

Information Supplied to the EPA

2. Except as expressly provided by these General Terms of Approval, construction works and activities must be carried out in accordance with the proposal contained in:
 - a) The development application DA267/18 and Statement of Environmental Effects (SoEE) submitted to the Environment Protection Authority on 30 October 2018; and
 - b) All additional documents supplied to the EPA in relation to the development.

LIMIT CONDITIONS

Pollution of Waters

3. Except as may be expressly provide 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 connection with the carrying out of the development.

Waste

4. 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 or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

Hours of Operation

5. Construction activities must only be undertaken during standard construction hours, being between 7am to 6pm Mondays to Fridays and 8am to 1pm Saturday. This condition does not apply to the delivery of material outside these hours, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the NSW Environment Protection Authority (EPA) and affected residents as soon as possible, or within a reasonable period in the case of emergency.

The licensee must ensure that all feasible and reasonable noise and vibration mitigation and management measures are implemented during construction in accordance with the *Interim Construction Noise Guideline* (NSW Department of Environment and Climate Change, 2009).

The hours of operation may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating Conditions

6. The licensee must take all reasonable steps to prevent public access from the resource recovery centre to the landfill.

Odour

7. The *Protection of the Environment Operations Act 1997* states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with condition specifically directed at minimising the odours are permitted.

Dust

8. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Stormwater/Sediment Control – Construction Phase

9. A Construction Environmental Management Plan (CEMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise pollution during construction activities. The CEMP must include a SWMP management plan as required by the condition below and submitted to the EPA prior to the commencement of construction activities (including clearing and grubbing).

A construction *Soil and Water Management Plan* (SWMP) must be prepared by a certified erosion and sediment control professional (CPESC or equivalent) and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP must be prepared consistent with the "Blue Book" *Managing Urban Stormwater: Soils and Construction* Volumes 1, 2A, 2B and 2C.

Stormwater/Sediment Control – Operation Phase

10. An operational *Soil and Water Management Plan* (SWMP) must be prepared for the premises by a certified erosion and sediment control professional (CPESC or equivalent) and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or

waters following the completion of construction activities. The SWMP must be prepared consistent with the "Blue Book" *Managing Urban Stormwater: Soils and Construction* Volumes 1, 2A, 2B and 2C and submitted to the EPA prior to construction activities.

Attachment B

EPA SPECIFIC LICENCE CONDITIONS

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Monitoring records

The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

All records required to be kept by the 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: 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.

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.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. 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.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

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.

Deadline for Annual Return

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').

Licensee must retain copy of Annual Return

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.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

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 Environment 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:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. 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:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. 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
- d. 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;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. 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.

Planning comment: The abovementioned conditions of consent have been adopted as advised. Additionally, as recommended, the *Handbook for Design and Operation of Rural and Regional Transfer Stations* (NSW Department of Environment and Conservation, 2006) and the *Guide to Best Practice at Resource Recovery Centres* (Sustainability Victoria, 2009) have been taken into consideration in the assessment of this development application. The applicant has also clarified that that proposed reuse shed is to be used for the separation of reusable goods and material for free collection by the public (such as furniture, mattresses and polystyrene).

WATER NSW

Water NSW considered the following documents in the assessment of the application:

- Statement of Environmental Effects (dated 10 October 2018), Site Plan (dated 6 March 2019), correspondence letter (ref: 218001_LET_002B.docx, dated 2 April 2019), Stormwater Concept Plan (dated 6 March 2019), and Water Cycle Management Study (dated December 2018) incorporating MUSIC Stormwater Quality Modelling all prepared by Geolyse Pty Ltd.
- Laboratory test results for dam water (dated December 2018) and soil (dated 23 January 2019) both prepared by ALS Environmental, and
- Email from Council dated 9 May 2019 specifying leachate management options.

The application proposes to stage the development as follows:

- Stage 1- Construction of main resource recovery centre facilities, including earthworks, hardstands, stockpile areas and main transfer station shed, gatehouse, community recycling centre and the re-use areas
- Stage 2- Construction of the depot and workshop

Water NSW notes that the soil and water in the existing dam that would be used for the proposed stormwater management is not chemically or biologically contaminated and it is no longer a concern to be transformed into a stormwater management dam.

Based on the site inspection and the information provided, Water NSW has assessed that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

Water NSW concurs with Council granting consent to the application subject to the following conditions. This advice replaces Water NSW previous concurrence advice to Council provided on 7 May 2019.

If, after receipt of this letter, revisions are made to any of the DA plans, Council does not need to refer the plans to Water NSW if the revisions would have no impact on water quality. Council is requested to amend the relevant Water NSW condition/s to reference the revised plans and notify the assessing officer by email.

General

1. The site layout, staging and works shall be as specified in the Statement of Environmental Effects (dated 10 October 2018) and shown on the Site Plan (Project No. 218001, Sheet No. C003, Rev. H, dated 06/03/19) both prepared by Geolyse Pty Ltd. No revised site layout, staging or external works that will have any impacts on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

Fill Works

2. The fill works shall be undertaken as per the correspondence letter (ref: 218001_LET_002B.docx, dated 2 April 2019) prepared by Geolyse Pty Ltd. A plan for detailed fill works shall be prepared prior to Council issue a Construction Certificate and be to satisfaction to Council.
3. Any imported fill material used on the site shall comply with NSW Environment Protection Authority's Guidelines on Resource Recovery Orders and Exemptions 2004 (for the Land Application of Waste Material as Fill).

Reason for Conditions 2 & 3 – To ensure that the works are undertaken and the disturbed site is left in a condition so as to achieve a sustainable neutral or beneficial effect on water quality over the longer term.

Stormwater Management

4. All stormwater treatment and management measures, as relevant to each stage of the development, as specified in the Water Cycle Management Study (dated October 2018) and the Stormwater Concept Plan (Project No. 218001, Sheet No. C004, Rev. H, dated 06/03/19) both prepared by Geolyse Pty Ltd shall be incorporated in the final stormwater management plan. The Plan shall be prepared in consultation with Water NSW and shall incorporate:
 - detailed design and cross-sections of stormwater treatment and management measures, and
 - consideration of the suitability of location, specifically of the proposed bioretention basin.
5. The final stormwater management plan shall be implemented.
6. No variation to stormwater treatment or management shall be permitted without prior agreement of Water NSW.
7. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Reason for Conditions 4 to 7 - To maximise stormwater collection, treatment and reuse, and minimise the impact of runoff on receiving waters, and to provide offsets so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term

Leachate Management

8. The collected leachate shall be managed, treated and disposed of as specified in the email from Council, dated 9 May 2019.

Reason for Condition 8 – To ensure the storage and handling of all wastes and oils and the treatment of leachates is undertaken in a manner that reduces the risk of spills and prevents pollution on the site, so as to ensure a sustainable neutral or beneficial impact on water quality over the longer term.

Operational Environmental Management Plan

9. An Operational Environmental Management Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The Plan shall be prepared prior to the issuance of an Occupation Certificate for each stage. The Plan shall:
 - include details about the location, description and nature of stormwater and leachate management structures
 - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater and leachate management structures, including the frequency of such activities
 - identify the persons responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
 - include checklists for recording inspections and maintenance activities.
10. All stormwater and leachate treatment measures shall be monitored, maintained and managed in accordance with the Operational Environmental Management Plan.

Reason for Conditions 9 & 10 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact (NorBE) on water quality, particularly during wet weather, over the longer term.

Construction Activities

11. A Soil and Water Management Plan shall be prepared for all works, for each stage of the development, required for the proposed development by a person with knowledge and experience in the preparation of such plans. The Plan shall:
 - meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
 - be prepared prior to issuance of a Construction Certificate and to the satisfaction of Council, and
 - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.

12. The Soil and Water Management Plan shall be implemented, and effective erosion and sediment controls shall be installed prior to any construction activity for each stage. The construction site shall be regularly inspected, monitored and maintained until works have been completed and groundcover established.

Reason for Conditions 11 & 12 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

Under Clause 11 of the SEPP, Council must provide Water NSW with a copy of its determination of the application within 10 days of the determination.

Planning comment: The proposed conditions of consent will be implemented if approved. In relation to condition of consent numbered 8 above the email stated the following:

The applicant has indicated that there are three options in relation to managing leachate from the development, including one or more of the following:

1. *Pumping the wastewater up to the existing landfill site to go back into the current leachate management system, in accordance with the existing Environmental Protection Licence.*
2. *Seeking a Trade Waste Approval from NSW Department of Primary Industries to pump the wastewater to be processed through the Sewage Treatment Plant.*
3. *Install a first flush system, to filter-out highly polluted water and dispose the remaining wastewater into the stormwater system.*

Discussion of the 4 July 2019 with applicant and Council staff decided that Option 1 to pump the leachate back to the existing landfill was the preferred option in the first instance. Conditions of consent from Council's water & wastewater officer are reflective of this decision and will comply with Water NSW's requirements.

RURAL FIRE SERVICE

26 April 2019

I refer to your correspondence dated 4 April 2019 seeking advice regarding bush fire protection for the above Development Application in accordance with Clause 55(1) of the Environmental Planning and Assessment Regulation 2000.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under

critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. An Emergency /Evacuation Plan shall be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan'.

This letter is in response to a further assessment of the application submitted and supersedes our previous advice regarding bush fire protection dated 15 November 2018.

Should you wish to discuss this matter please contact Craig Casey on 1300 NSW RFS.

Planning comment: Recommended conditions 2 and 3 are deemed reasonable. However, Condition 1 is considered to be too onerous, as Lot 1 DP 947828 retains an area of approximately 17.38 hectares, which extends beyond the envelope of this development and includes identified areas of habitat pertaining to threatened Fauna species, including:

- Yellow-bellied Sheathtail Bat (*Saccolaimus Flaviventrous*).
- Greater Broad-nosed Bat (*Scoteanax Rueppelli*).
- Purple Copper Butterfly (*Paralucia Spinifera*).

Under Section 4.3.6 of PFBP 2006, developments that are not residential/rural subdivisions, special fire protection purposes and residential infill, should satisfy the aims and objectives under Section 1.1 of PFBP 2006. Therefore, as an alternative to recommended Condition 1, other conditions of consent will be implemented (as addressed under section 5.3.6 of this report) to ensure the development complies with the objectives of PFBP 2006.

ROADS AND MARITIME SERVICES

21 November 2018

Thank you for your letter dated 30 October 2018 referring DA267/18 to Roads and Maritime Services for comment. I note DA267/18 has been referred to Roads and Maritime pursuant to section 104 of *State Environmental Planning Policy (Infrastructure) 2007*.

The documentation submitted in support of the development has been reviewed and it is noted the proposal includes:

- Main resource recovery shed comprising a small vehicle waste transfer station and household recyclables drop off area.
- Community recycling centre.
- Stockpile area for green waste, clean fill, construction and demolition waste, bulk waste (including hazardous waste).
- Depot/workshop.
- Construction of a sealed access driveway and hardstand area.
- Vehicular access from Up Road (private road within the site) linking to Geordie Street (local road).
- Separation of heavy and light vehicles.
- Operation hours in accordance with current approved EPL 6004.
- Projection by 2036 up to 340 light vehicles will access the site per day.

Roads and Maritime makes the following submissions for Council's consideration:

1. For the construction and operation of the facility, a traffic impact study needs to be prepared in accordance with the methodology set out in Section 2 of the *RTA's Guide to Traffic Generating Developments* and including:
 - a) Hours and days of construction and operation for each stage of the project and how proposed operations will interact with other road users.
 - b) Road transport volumes and vehicle types broken down into travel routes and peak hours for construction and operation of the project. Volumes are to include input and output related traffic generation (e.g. deliveries, maintenance, services and waste removal) and impacts of related traffic generation on public roads. The traffic study is to address internal traffic movements and parking facilities.
 - c) Any over-size and over-mass vehicles and loads expected for the construction and operation of the project.
 - d) Temporary and permanent staff numbers (including employees and contractors) during construction and operation of the project.
 - e) Impact of generated traffic and measures employed to ensure efficiency and safety on the public road network during construction and operation of the project.
 - f) Any mitigating measures required to address expected traffic generation.
2. Access treatments are to be identified and be in accordance with *Austrroads Guide to Road Design* including safe intersection sight distance.

Please forward a copy of Council's determination of DA267/18 to Roads and Maritime at the same time it is sent to the applicant. Should you require further information, please contact the undersigned on 02 6861 1453.

21 March 2019

We have reviewed the comments from Geolyse. Based on the description of activities and traffic generation provided in the email, we are satisfied that a detailed traffic study is not required.

18 April 2019

Thank you for your letter dated 4 April 2019 requesting comments on a modification to the Lithgow Resource Management Facility. We note that the modification will not change the existing approved use, vehicular access, or a demonstrable increase in traffic volumes.

Roads and Maritime Services makes no submission for this application. Should you require further information please contact Fiona Francis on 02 6861 1459.

Planning comment: The proposed development will not result in any adverse change in current traffic behaviour. No objections or conditions were provided from the NSW Roads and Maritime Services.

NSW Subsidence Advisory

6 November 2018

Subsidence Advisory NSW advises that your application has been approved. Please find attached documentation.



10 January 2019

Subsidence Advisory NSW advises that your application has been reviewed, and I advise that this property is not undermined and SANSW do not require any conditions to be placed on the proposed construction.

- Padmount substation no. 27494 and associated 11,000 volt / 11 kV high voltage underground cables.
- Pole mounted substations no.s 14218 and 16545.
- Low voltage, 11 kV high voltage and 66,000 volt / 66 kV high voltage overhead power lines.
- The site is in proximity of Endeavour Energy's Bowenfels Field Service Centre (FSC) at 9-13 Coerwull Road, Lithgow (Lots 2 & 4 DP 523335 and Lot 1 DP 704756).

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts/132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines/cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point/point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

Endeavour Energy's Bowenfels FSC services most areas within the network west of the Blue Mountains. While this FSC has a relatively small number of staff (30 -35), the workforce has a wide mixture of skills and responsibilities. The staff based there include field-based distribution and transmission mains, administration, mechanics, design office, a project manager and some inspection-related functions. As an adjoining or nearby owners and occupiers, whilst not necessarily opposed to the proposed development, Endeavour Energy does have concerns and observations regarding the air quality and to a lesser degree the noise impacts.

Endeavour Energy has noted the following in the Statement of Environmental Effects.

Table 4.2 – Consideration of clause 32(d)(vi) of Schedule 3 of the EP&A Reg

Impact	Response
Air Quality Impacts	<p><u>Odour Impacts</u> It is estimated that approximately 134 tonnes per week of putrescible and mixed domestic waste would be disposed of in the new RRC, rising to approximately 170 tonnes in 100 years. All putrescible waste material would be tipped into a residual waste skip bin at the RRC.</p> <p>Staff would ensure that all residual waste skip bins are taken to landfill at the end of each working day. This would significantly reduce the risk of odour, windblown litter and vermin on the site.</p> <p>In the event of a failure of the system (e.g. the hook-lift truck breaks down), Council would take action to minimise the risks to amenity to the surrounding area using appropriate actions such as covering the bin, the use of spray-type humidification system or other suitable odour-quelling process.</p> <p>No odour impacts from the storage of inert waste material are expected. Although the stockpiles would be regularly removed, the frequency would be depending on the waste type.</p> <p><u>Dust Impacts</u> The impact of dust from the site is expected to be negligible as it is proposed that all trafficable areas in the development would be either sealed with asphalt or have road base applied.</p> <p><u>Fumes & Smoke</u> There would be no processes undertaken on site that would involve the production of fumes or smoke.</p>
Noise Impacts	<p>Council would take all practicable measures to minimise noise emission arising from the operations of the RRC site. These measures include maintaining plant machinery in efficient working order, locating all internal access roads as far as practicable from nearby dwellings, vegetation screening the perimeter to abate any noise emissions, and operation during specific daytime working hours.</p> <p>The new RRC is likely to have minimal impact to current noise levels. Mechanical noise on the site would be from:</p> <ul style="list-style-type: none"> • Plant – currently a wheeled loader or similar and a hook-lift truck. To be used to maintain stockpiles of inert waste. <p>Hours of operation of the facility would also be limited to daylight hours to minimise impacts on any residential properties adjacent to the site.</p> <p>Existing limits via EPL 6004 in terms of noise would be adhered to – refer Section 5.17.</p>

In regards to Endeavour Energy's role as an electricity supply authority, subject to the following recommendations and comments Endeavour Energy has no objection to the Development Application.

Network Capacity / Connection

Endeavour Energy has noted that the Statement of Environmental Effects does not appear to address in detail if the electricity services are available and adequate for the proposed development.

5.5 SERVICING

The existing electricity supply that services the STP and SWF would be augmented for the proposed RRC.

The availability of electricity supply to a site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby/surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a substation may require a substation to facilitate the development and from which the spare capacity is made available to subsequent nearby development. Older/above ground areas of the network utilising pole mounted substations (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) have comparatively limited capacity of 25 kilovolt amperes (kVA) up to a maximum of 400 kVA where as a newer padmount substation (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) can accommodate loads from 315 kVA up to 1,500 kVA (typically 500 kVA) ie. there is a significant variation in the number and type of premises able to be connected to a substation.

Applicants should not automatically assume that the presence of existing electricity infrastructure or nearby similar development means that adequate supply is immediately available to facilitate their proposed development. Depending on the number and type of plant and equipment requiring electricity supply, the existing local network may not be able to service the proposed development and an extension and/or augmentation of the existing network could be required. However the extent of the work required to the local network cannot be determined until a detailed assessment is completed as part of an application for connection of load. Endeavour Energy's preference is to alert proponents/applicants (and Council) of the potential matters that may arise as a result in changes of use to existing premises.

In due course the applicant for the future proposed development of the site may need to submit an application for connection of additional load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/> .

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation. The ASP scheme is administered by NSW Planning & Environment and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works> .

Earthing

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

Easement Management / Network Access

The following is a summary of the usual/main terms of Endeavour Energy's electrical easements requiring that the land owner:

- Not install or permit to be installed any services or structures within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

Endeavour Energy's preference is for no activities or encroachments to occur within its easement areas. Most activities are prohibited within the padmount substation easement area. However, if any proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load) will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on direct telephone 9853 7139 or alternately email Jeffrey.Smith@endeavourenergy.com.au or Easements@endeavourenergy.com.au .

Please find attached for the applicant's reference copies of Endeavour Energy's:

- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
- General Restrictions for Overhead Power Lines.
- Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.

It is imperative that the access to the existing electrical infrastructure on and in proximity of the site be maintained at all times. To ensure that supply electricity is available to the community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.

Prudent Avoidance

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be

done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts/132 kV). In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances.

Endeavour Energy believes that likewise Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development. Even with less sensitive non-residential development, Endeavour Energy believes that a policy of prudent avoidance should be considered.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know, January 2016' which can also be accessed via the Energy networks Australia website at <https://www.energynetworks.com.au/electric-and-magnetic-fields> and provides the following advice:

Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.
The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt/132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

Dial Before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the ***Dial Before You Dig 1100*** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This must be obtained by the applicant not only to identify the location of any underground electrical or other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

Public Safety

As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Attached is Endeavour Energy's public safety training resources, which were developed to help general public/workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>.

Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

I appreciate that not all the foregoing issues may be directly relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents/applicants of the potential matters that may arise should development within closer proximity of the existing and/or proposed electricity infrastructure required to facilitate the proposed development on or in the vicinity of the site occur.

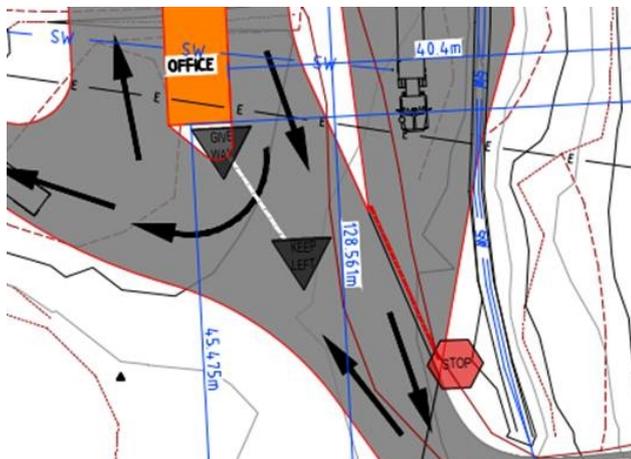
Could you please pass on a copy of this submission and the attached resources to the applicant and the complex owners/managers? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. Due to the high number of development application/planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to property.development@endeavourenergy.com.au is preferred.

Planning comment: As addressed under Section 5.3.6 this report, the proposed development is not expected to adversely increase in air quality and noise impacts, subject to conditions of consent. Additionally, the operations of the site will be regulated by the NSW EPA and Council. The abovementioned comments have been adopted as conditions of consent and advisory notes where necessary. The proposed Office will encroach onto one of the electricity easements and accordingly, further clarification was sought from Endeavour Energy (as below).

11 April 2019

I refer to the Council's below email of 10 April 2019 regarding the amended plans for Development Application DA267/18 at Sewerage Treatment Works Geordie Street LITHGOW NSW 2790 (Lot 1 DP 947828) for 'Waste or Resource Management Facility (Resource Recovery Facility & Waste or Resource Transfer Station)'.

The following extract of the Civil & Structural Development Application Plans appears to confirm Council's advice in its email that 'Council suspects that the proposed Office may be located directly beneath the powerline easement which dissects the middle of the site, running West to East'.



The easements over the site benefitting Endeavour Energy should be shown on Civil & Structural Development Application Plans.

As indicated in Endeavour Energy's previous submission to Council of 4 December 2018, services or structures are not to be installed in the easement. The following extracts of the attached copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' are relevant to the Development Application.

5.14 Encroachments on overhead line easements

5.14.2 Prohibited activities/encroachments

The following activities/encroachments listed below are prohibited within all Endeavour Energy easements and will not be approved:

- Construction of habitable buildings (permanent or temporary)
- Construction of garages or large sheds, whether permanent or temporary, or any other structure which may allow safety clearances to be breached.

Annexure 5 – Encroachment reference guide

Allowed – An activity which is allowed within an easement, but must still adhere to the minimum safety requirements within the easement stated in the document.
Prohibited – An activity that must not be performed under any circumstances within the easement.
Controlled – an activity which is allowed only if it meets both the minimum safety requirements for that types of easement with additional controls which are specified in the corresponding clause. Approval from Endeavour Energy is required for any controlled activity.

Category	Encroachment	Overhead			
		Allowed	Prohibited	Controlled	Clause
Buildings/ Structures	Buildings (habitable)		✓		
	Tents – Commercial or Recreational		✓		
	Shade Cloths / Umbrellas			✓	
	Minor structures (clothesline, playground equipment, non metallic fences and bbqs)			✓	5.14.4.1
	Garages, large sheds and shipping containers (habitable)		✓		
	Non-habitable buildings (Carports and metallic sheds), and shipping containers (uninhabited)			✓	5.14.4.2
	Flag pole / weather vane		✓		
Other	Objects which may hinder access		✓		
	Storage of combustible/flammable/corrosive material		✓		
	Storage of non-combustible, non-flammable, or non-corrosive material	✓			
	Rainwater tanks			✓	5.14.4.10
	Detention basins			✓	5.14.4.11
	Earth works – reducing cover or filling			✓	5.14.4.12
	Permanent surfaces (asphalt, concrete etc)	✓			
	Different surfaces (bluemetal, woodchips)	✓			
	New Roads			✓	
	Concrete driveways			✓	5.14.4.13
Installation of Utility services – telecoms, water, LV elec, sewerage			✓	5.14.4.14	

Accordingly Endeavour Energy objects to the proposed Office being in the easement. As previously advised for any proposed activities within the easement contact must first be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on direct telephone 9853 7139 or alternately email Jeffrey.Smith@endeavourenergy.com.au or Easements@endeavourenergy.com.au .

Please note however that this does not imply or indicate the granting of permission to any or all of the proposed activities within the easement.

Endeavour Energy's previous recommendations and comments provided remain valid.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above or in the attachments in relation to the various matters. Due to the high number of development application/planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to property.development@endeavourenergy.com.au is preferred.

12 April 2019

I refer to the Council's below email of 11 April 2019 regarding the amended plans for Development Application DA267/18 at Sewerage Treatment Works Geordie Street LITHGOW NSW 2790 (Lot 1 DP 947828) for 'Waste or Resource Management Facility (Resource Recovery Facility & Waste or Resource Transfer Station)'.

All parts of the proposed Office must be outside of the easement ie. porches, verandahs, awnings, pergolas, balconies, architectural features as well as the eaves and gutters or any type of projections from external walls such as for services etc. must not encroach the easement area and this applies regardless of the Council's allowable building setbacks etc. under its development controls. On this basis Endeavour Energy would have no objection to the proposed Office.

Planning comment: As a result of these comments the applicant contacted Endeavour Energy to work through the issue. The main issue remaining was as follows:

18 June 2019

As per Endeavour Energy's regulations the placement of driveways throughout the easement area requires a centre line profile to be done. This is needed to be assessed for conductor height suitability and a critical safety requirement.

Planning comment: The applicant then requested that Endeavour Energy allow for the Development Application to be approved subject to a condition of consent being implemented that requires subsequent assessment and approval of Endeavour Energy prior to the Construction Certificate release. The following response was provided:

19 June 2019

Endeavour Energy has No Objection to the following questions raised"

- Can you please confirm that the survey and subsequent assessment by Endeavour Energy can be a condition of Development Consent requiring Endeavour Energy approval prior to the issue of a Construction Certificate (i.e. prior to works commencing)?
- Could you please also confirm whether the location of the office building now meets Endeavour Energy requirements?

Planning comment: As a result of the above comments the following condition of consent will be included if the proposal is to be approved:

- That a survey be submitted for assessment by Endeavour Energy for the placement of driveways within Endeavour Energy's easement. Subsequent approval is to be obtained from Endeavour Energy prior to the issue of a Construction Certificate.

COUNCIL'S BUILDING OFFICER

It is now understood that the Development Consent will require leachate to be disposed of to the existing leachate disposal system that serves the Waste Disposal Facility. Therefore no leachate will be conveyed to Council's reticulated sewer system.

The proposed package pump station will therefore only serve the office and accept domestic grade wastewater.

Accordingly, the conditions outlined within my memo dated 15 May 2019 will need to be revised as follows:

Requirements Prior to the Issue of a Construction Certificate

1. Prior to issue of any Construction Certificate, a Section 68 application for installation of the proposed sewage ejection pump station, and to carry out sanitary plumbing and drainage work is to be submitted to Council for consideration. Such application is to be accompanied by the following details prepared by a practising Hydraulic Engineer:
 - a) Details of the sewage ejection pump station including expected wastewater loads, capacity, make, mode, pump specifications, high level audio and visual alarm details, etc.;
 - b) Details of the proposed sanitary drainage serving the office complying with AS3500. Details are to include a proposed drainage layout plan, pipe material, pipe diameter, pump line diameter and material, point of connection specifications, etc.
 - c) Details of proposed sanitary plumbing (i.e. water service plumbing) complying with AS3500 including a proposed water service layout plan, pipe diameter, pipe material, backflow prevention details, etc.

General Requirements

2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Requirements Prior to Commencement of Work

3. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
 - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
 - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
4. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
 - c) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
 - d) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres. Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
5. Prior to commencement of any building works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container

must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.

6. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - b. Stating that unauthorised entry to the work site is prohibited and
 - c. Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

7. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

Requirements During Construction

8. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

9. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

10. Measures shall be implemented to minimize wind erosion and dust nuisance in accordance with the requirements of the manual – "Soils and Construction" (2004) (Bluebook).
11. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

Requirements Prior to Use

12. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
13. The occupation certificate shall not be issued until Council as the certifying authority for water and sewer inspections has undertaken and approved the final installation of all plumbing and drainage fixtures and the Certificate of Compliance has been supplied by the licensed installer.
14. Upon completion of the building and prior to issue of an Occupation Certificate, those essential fire safety measures services listed in the Fire Safety Schedule must be certified by a competent person, engaged by the owner. Certification is to be submitted to Council stating that the essential fire and other safety measures have been installed and comply with the relevant standard specified below.

Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:

- (i) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance standard and are still operable; and

- (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

Advisory Notes:

AN1. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Trenches complete with reinforcing and prior to filling with concrete.
- c) Internal drainage carried out by licensed plumber prior to covering
- d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
- e) Slab base if no piers required and prior to placement of the membrane.
- f) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- g) Framing when external wall and roof cladding is in place and prior to internal linings.
- h) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- i) Wet area flashing prior to tiling or covering.
- j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- k) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections.

AN2. Structural details for each building prepared by a Structural Engineer are to be submitted to the Principal Certifying Authority in conjunction with the Construction Certificate application.

AN3. Plans submitted with the Construction Certificate must clearly outline the intended use of each structure and demonstrate compliance with the relevant provisions of the Building Code of Australia (Volume 1). Particular attention should be given to:

- a. Section E (Services and Equipment)
- b. Part D3 (Access for People with a Disability) - including accessible carparking, continuous accessible paths of travel, accessible sanitary facilities, circulation spaces, etc.

AN4. Prior to issue of the Construction Certificate, details of fire hose reels and fire hydrants (if applicable) complying with AS2419 and AS2441, including service locations, pipe layout, pipe material, pipe diameter, backflow prevention, booster assemblies, etc., are to be prepared by a Hydraulic Engineer and submitted to Council for consideration and approval.

Furthermore, it is noted that the application was referred to NSW RFS for comment. However, the application would not have required referral where Council could be satisfied that the development met the aims and objectives of PBP2006. The aims and objectives of PBP2006 are contained within Chapter 1 Clause 1.2.1.

In this regard, the comments made by NSW RFS would be generally acceptable with the exception of their first condition that required the entire property to be maintained as an inner protection area. The entire property in this instance would encumber Council's STP and settling ponds. It is considered more reasonable to require an APZ of only 50m around the development to the North, West and South, and to the property boundary to the East. This would be to a standard that is similar to a dwelling located on grassland which would result in a Bushfire attack level of BAL LOW.

Planning comment: The abovementioned conditions of consent have been adopted as advised and advice on Rural Fire Service requirements previously addressed in this report.

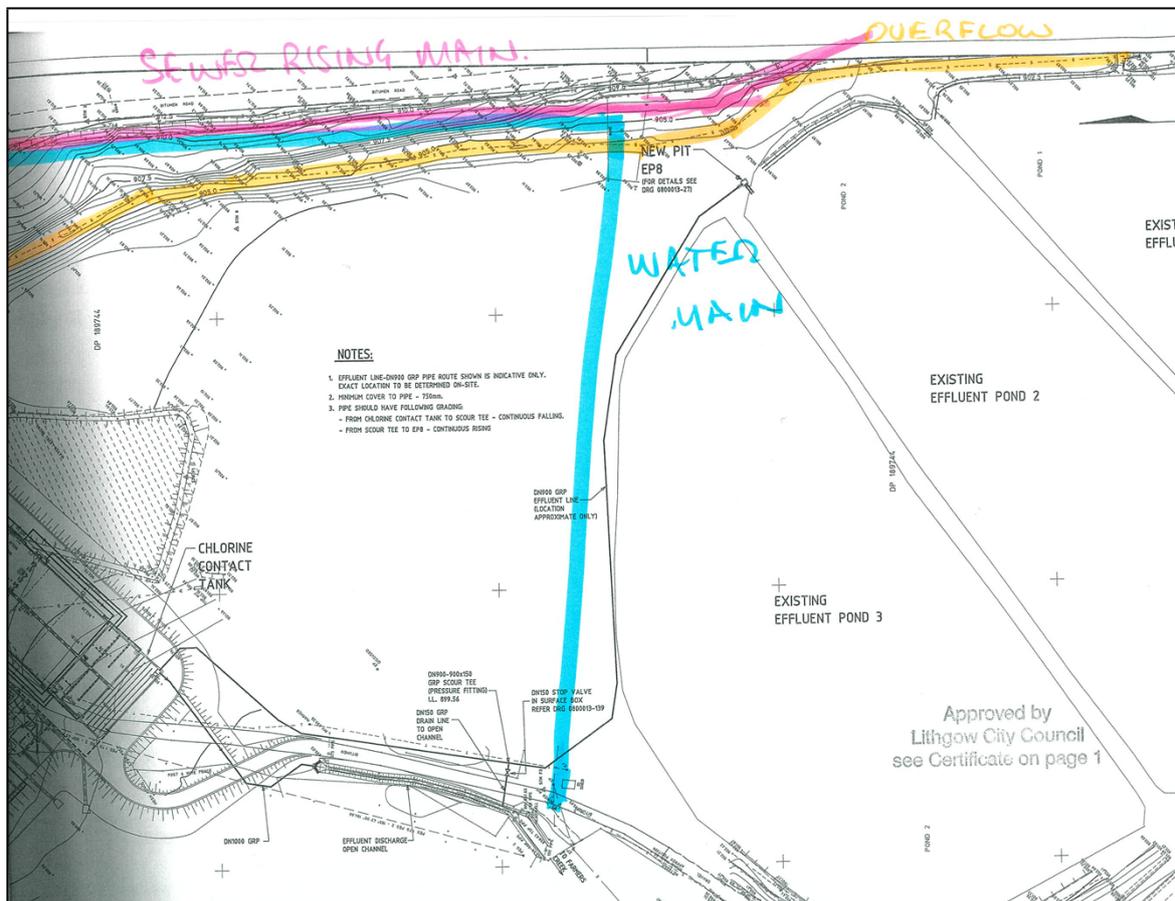
COUNCIL’S WATER & WASTEWATER OFFICER

I started these conditions but with further discussions with DB there seems to be some issues with services that are located in the area that may impede on the building envelope. The attached drawing has been passed on to Nigel for his information.

Not sure where we are heading with this as I think there may have to be some further investigations into locating services before we can finalise. Please contact DB or MT for updates.

Please find Water and Wastewater Conditions for the above development.

1. The applicant is to connect the private package pump station/ pressure sewer discharge rising main to a point determined by Council. The point of connection shall be provided to Councils reticulation system via a boundary box and the point of connection installed by Council plumbers.
2. Only sewage of a domestic nature is to discharge to Councils sewer system from the PPS/ pressure sewerage system. Any further connections to Councils sewer system that is not of a domestic nature will require a Trade Waste approval.
3. The applicant is to install a metered water supply to the facility located at the access gate and be in accordance with LCC Water Supply Policy 3.1.
4. The applicant is to provide a Containment Backflow Device at the property boundary and be in accordance with LCC Backflow Prevention Policy 3.4
5. The applicant is to install a spring fire hydrant at the entrance of the development and submit an assessment by a qualified Hydraulic Consultant or Fire Services Engineer.
6. Prior to the issue of any Occupation Certificate, compliance with the terms of S68168/18 Approval must be completed to the satisfaction of Councils Water & Wastewater Director. Council’s written approval must be obtained in this regard.



Planning comment: In relation to the existing services onsite that may be impacted by this development, further investigation was undertaken with the below comments provided by Council's Water & Wastewater Officer:

Provided they continue with the single domestic connection I have no issues, if they remove the leachate off site and then they will not require any trade waste application.

The applicant has information on crossing Council's mains at the driveway off the tip road to the site so that should be able to be addressed with the driveway design.

Further, additional comments in relation to condition 5 provided was amended on 6 September 2019 by Council's Water & Wastewater Director to below:

5. Prior to the issue of a Construction Certificate that a report be provided by a Hydraulic Engineer or Fire Services Technician on the fire fighting requirements of the site. Should there be a requirement for the installation of a fire hydrant/service then a water mains extension may be required.

COUNCIL'S ENGINEERING OFFICER

As the proposed access (via the tip access road) is on a neighbouring allotment, it is recommended that suitable legal access be provided to the development as a condition of consent. It is understood that a condition requiring either the formation of a Right of Carriageway or the consolidation of allotments will be placed on the consent to provide this legal access and this is supported by Infrastructure Services.

It is recommended that the following conditions be placed on the development consent:

- All parking spaces are to meet the requirements of AS2890.1 (for regular parking spots) and AS2890.6 (for disability parking spot).

Provided the development is undertaken as per the submitted plans and conditions imposed by WaterNSW are met, no further conditions are required from Infrastructure Services

ENVIRONMENTAL OFFICER

Reference is made to the Memo on the 4th April 2019 requesting comment on the above proposal. Following review of the above application I can advise that the Environment Department have no objection although, make the following comments.

Biodiversity

I have reviewed the above application and supporting Flora and Fauna Assessment

Report in regard to the proposed development.

It is noted that a Test of Significance prepared in accordance with 1.7 of the EPBC Act for the two species identified (Purple Copper Butterfly and microbats) concluded that the proposal is unlikely to result in a significant negative effect on the local populations. Furthermore, the proposal will not have an impact on any areas mapped as high biodiversity value on the Biodiversity Values Map, with no requirement to participate in the Biodiversity Offset Scheme.

All mitigation measures provided in the report should be conditioned to ensure minimal impact in regard to the flora and fauna values of the study area during construction.

Planning comment: No objections or concerns were raised by Council's Environmental Officers in regard to the proposed development. The recommendations of the Flora and Fauna Assessment Report will be adopted as conditions of consent.

PUBLIC SUBMISSIONS

We have received notice of DA267/18 lodged on 17/10/2018 regarding the development of a commercial waste or resource management facility on the land neighbouring our land.

We would like to lodge our objection to the development.

Following a telephone call with your office we request further information on the proposal including maps, design plans, expected vehicle activity, times of operation, noise levels, etc.

Planning comment: Some additional information was sent to the objector, as permitted by legislation, however, no further submissions were received. No reasoning was provided for the objection. In accordance with this assessment, the proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments and is not considered likely to have any significant negative impacts on the environment or the amenity of the locality, subject to conditions of consent.

5.3.9 The public interest

The development is for an improvement to Council's current waste management facility at Lithgow. This proposal will be at the cost of Council and therefore is of the public interest, however the proposal is included in Lithgow City Council's budget.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA267/18 is approved subject to conditions set out in Schedule A.

Report prepared by:

Supervisor:

Signed:.....

Signed:.....

Dated:.....

Dated:.....

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority) and General Terms of Approval (Integrated Approval Body)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

ADMINISTRATIVE CONDITIONS

1. The development must be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process, unless otherwise amended by the following conditions.
2. All conditions of any Environmental Protection Licence relating to the operation of the Waste or Resource Management Facility on Lot 1 DP 947828 are to be complied with at all times.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Biodiversity

4. A Soil and Water Management Plan (SWMP) must be prepared by a suitably qualified person and submitted to Council's satisfaction, prior to the issue of any Construction Certificate and must include the following measures at a minimum:
 - a) Installation of erosion and sedimentation control measures prior to construction in accordance with the Blue Book (Landcom 2004).
 - b) Regular inspection of erosion and sedimentation control measures, particularly following rainfall events, to ensure their ongoing functionality.
 - c) Stockpiles to be established and managed in accordance with industry standard measures for stockpiles and erosion control.
5. In order to minimise the potential impacts of the proposal on biodiversity, the following mitigation measures must be implemented during construction to minimise impacts on fauna:
 - a) A suitably qualified ecologist is to be engaged to visit the site prior to any clearing works to clearly demarcate vegetation protection areas, identify potential host plants for the Purple Copper Butterfly and conduct a pre-clearing survey report. A pre-clearing survey must be undertaken within the Purple Copper Butterfly activity period to ensure detection if present (Sept – Feb). Survey method must be appropriate to season and conditions (i.e. diurnal during flight season and nocturnal during larvae emergence season).
 - b) Clearing of mature trees must be minimised where possible. Any habitat trees to be felled must be marked prior to clearing of vegetation. The removal of habitat trees is to be undertaken in accordance with a hollow-bearing / nest supporting tree removal management protocol plan set out, and must involve the presence of a qualified ecologist or wildlife expert experienced in the rescue of fauna during clearing activities.
 - c) Protocols to prevent introduction or spread of Chytrid fungus must be implemented following NSW Office of Environment and Heritage's *Hygiene Protocol for the Control of Disease in Frogs* (DECCW 2008).
 - d) Annual, seasonally appropriate monitoring of the Purple Copper Butterfly population to ensure local persistence despite the proximity of industry operations.

Vegetation Management Plan (VMP)

6. A Vegetation Management Plan (VMP) must be prepared and submitted to Council's satisfaction, prior to the issue of a Construction Certificate to: ensure the development complies with the aims and objectives of the document *Planning for Bushfire Protection 2006*; to mitigate impacts on native vegetation adjoining the proposal footprint and; clearly identify measures for the management of all vegetation assets on site. The VMP must include:
- a) Delineation and protection of exclusion zones around native vegetation to be retained, particularly *Bursaria spinosa* host plants for Purple Copper Butterfly.
 - b) A suitably qualified ecologist is to be engaged to visit the site prior to any clearing works to clearly demarcate vegetation protection areas and conduct a pre-clearing survey report.
 - c) A map which clearly shows vegetation clearing boundaries and exclusion/no-go zones.
 - d) Communication with construction personnel of the conservation value of surrounding habitats and their responsibilities with regards to protecting these habitats during construction.
 - e) Hygiene procedures to prevent the introduction and spread of pathogens such as Phytophthora and Myrtle Rust in areas of native vegetation. These would include exclusion zones around retained areas of native vegetation and/or provision of machine and footwear wash-down stations for all equipment and personnel working in areas of native vegetation.
 - f) A weed management plan, including a description of:
 - (i) Communication with construction personnel with regards to their responsibility to abide by all procedures in the plan.
 - (ii) Type and location of weeds of concern (including noxious weeds) within the proposal disturbance footprint.
 - (iii) Sensitive native vegetation and waterways within or adjacent to the proposal disturbance footprint.
 - (iv) Measures to prevent the spread of weeds, including hygiene procedures for equipment, footwear and clothing.
 - (v) Proposed weed control methods and targeted areas to be implemented during construction and following completion of the construction phase
 - (vi) Weed disposal protocols
 - g) Ongoing management and maintenance procedures for bushfire protection measures, including fuel loads in the asset protection zone (APZ).
 - h) Identification of native landscaping including species which are fire tolerant.

Biosecurity

7. Prior to the issue of an Occupation Certificate, Council is to be provided with a report from Upper Macquarie County Council indicating:
- a) Noxious plants are under adequate management; or
 - b) Noxious plant management has been undertaken and adequate control measures are in place; or
 - c) Noxious plants are not a concern for the property.

Heritage Conservation

8. This approval does not allow the removal of any archaeological relics. If relics are discovered, work must cease in the affected area and written notification must be provided to the NSW Office of Environment & Heritage (OEH) and Lithgow City Council's Development Department. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area. Contact the Heritage Division on 9873 8500 or heritagemailbox@environment.nsw.gov.au.

9. If any Aboriginal objects are discovered on the site, excavation or disturbance is to cease and the NSW Office of Environment & Heritage (OEH) and Lithgow City Council's Development Department is to be informed in writing. More information is available at <http://www.environment.nsw.gov.au/licences/ACHregulation.htm> or contact the Environment Line on 131 555.
10. Anything done pursuant to Conditions numbered 8 and 9 must be specified, supervised and carried out by people with knowledge, skills and experience appropriate to the work.
11. Lot 1 DP 947828 is identified as being subject to "severe to extreme sheet or rill erosion" on the Environmentally Sensitive Areas – Land Overlay Map under *Lithgow Local Environmental Plan 2014*. Accordingly, groundcover must be established over all disturbed land/soil, prior to the issue of any Occupation Certificate.

Carparking

12. Three (3) additional car parking spaces are to be constructed on the western side of the approved reuse building, as amended in red by Council on the approved Resource Recovery Centre Plan (prepared by Geolyse, Project No. 218001, Revision No. G, Sheet C003 dated 17/1/19). The total number of car parking spaces to be provided on the western side of the reuse building is fifteen (15).

Flood Prone Land

13. During construction and operation, all waste and equipment must be suitably stored or stockpiled outside of the Flood Extent and within the boundaries of Lot 1 DP 947828, as identified on the Flood Planning Map in attached Schedule C.
14. The following components of the development are to be constructed to a **minimum** Finished Floor Level of 903.6 AHD, being at least 0.5 metres above the 1 in 100 year flood height of 903.1 AHD:
 - a) The Office/Gatehouse.
 - b) The Roofed Drop-off Area (containing six skip bins).
 - c) The Re-use Building.
15. Natural ground levels within the Flood Planning Area (FPA) of Lot 1 DP 947828 (as indicated on the Flood Planning Map in attached Schedule C), must not be **increased** by more than 100mm, with the exception of any fill required to construct the proposed Office/Gatehouse, Roofed Drop-off Area (containing six skip bins) and Re-use Building.
16. The incoming main commercial power service equipment, including all metering equipment should be located above the 1 in 100 year flood height of 903.6 AHD. Means must be made available to easily disconnect any building/structure from the main power supply.
17. All wiring, power outlets, switches etc. must be located above the 1 in 100 year flood height of 903.6 AHD where achievable. Any electrical wiring installed below the 1 in 100 year flood height must be suitable for continuous submergence in water and contain no fibrous components. Only submersible type splices may be used below the 1 in 100 year flood height. All conduits located below the 1 in 100 year flood height must be installed in such a way that they are self-draining if subjected to flooding.
18. All equipment installed below or partially below the 1 in 100 year flood height of 903.6 AHD must be capable of disconnection by single plug and socket assembly.

19. Should any electrical device and/or part of the wiring be flooded, it must be thoroughly cleaned or replaced and checked by an electrical contractor prior to reconnection.
20. Heating systems using gas or oil as a fuel must have a manually operated valve located in the fuel supply line to enable fuel cut-off.
21. The heating equipment and fuel storage tanks must be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks must be vented to an elevation of 600mm above the 1 in 100 year flood height of 903.6 AHD.
22. All ductwork located above the 1 in 100 year flood height of 903.6 AHD must be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water tight wall or floor below the 1 in 100 year flood height, the ductwork must be protected by a closure assembly operated from above the 1 in 100 year flood height.

Vehicular Access

23. Prior to the issue of any Occupation Certificate, one of the following actions must be undertaken to ensure that legal access is provided to the development:
 - a) Lot 1 DP 947828, Lot 1 DP 125085 and Lot 1 DP 190934 must be consolidated into one lot.
OR
 - b) An easement for a Right of Carriageway (ROW) must be established over the approved access located on Lot 1 DP 125085 and Lot 1 DP 190934 to benefit Lot 1 DP 947828.

Landscaping

24. To minimise the visual impact of the development on the surrounding residential land uses and control wind-blown litter, landscape screening must be established entirely along the proposed fenceline of the development envelope.

A Landscaping Plan must be prepared and submitted to Council's satisfaction, prior to the issue of any Construction Certificate, and must include:

- a) The location of all landscape screening in relation to the approved development.
 - b) The name of each species to be used.
 - c) The maturity height of each species to be used (must be a height minimum of 5 metres).
 - d) Only species that are non-deciduous, frost tolerant and drought tolerant.
 - e) Only species that are endemic to the local area.
 - f) Demonstrated compliance with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*.
25. All fencing and landscaping must be established in accordance with approved plans and documentation and the Landscaping Plan referred to in Condition 24, prior to the issue of any Occupation Certificate.
 26. All fencing and landscaping must be maintained and replaced in perpetuity, in accordance with approved plans and documentation and the Landscaping Plan referred to in Condition 24.

Stormwater Management

27. The fundamental approach to stormwater management must follow the operations listed below:
- a) Maintain undisturbed and rehabilitated/revegetated area as filters for sediment.
 - b) Minimise disturbed areas on the site.
 - c) Require regular cleaning and removal of litter from around the site.
 - d) Cover waste left overnight at the facility or stored onsite during windy periods.
 - e) Implement spill containment procedures and ensure appropriate training of staff and availability of equipment and materials for spill clean-up.
 - f) Storage of household hazardous waste, lead acid batteries, and liquid wastes in bunded and covered areas.
 - g) Maintain all surface water management facilities in good operating condition this includes periodic cleaning and maintenance.
 - h) Comply with all surface water management regulations, licence conditions and conditions of development consent.

Dust Mitigation Measures

28. All conditions of any Environmental Protection Licence relating to the operation of the Waste or Resource Management Facility on Lot 1 DP 947828 are to be complied with at all times.
29. Wind direction must be assessed prior to commencing activities that may cause dust impacts to occur off-site.
30. Water and dust suppression surfactants must be applied to suppress dust emissions.
31. Speed limits must be enforced on all internal roads providing access to the Waste or Resource Management Facility.
32. Care must be taken to ensure that potentially reactive materials are not stored together or in close proximity.

Waste Management

33. All wind-blown litter must be collected and cleared regularly from within the site and outside the site boundary. Litter entrapment devices must be regularly cleaned.
34. Customers entering and leaving the site must be required to cover all loads.
35. Throughout operations, all efforts must be taken to minimise the risks associated with the management of liquid wastes, hazardous wastes, and dangerous goods. Operational procedures to minimise these risks include:
- a) Training of staff in appropriate management practices including:
 - (i) Identification and isolation of hazardous materials.
 - (ii) Loading, unloading and storage.
 - (iii) Spill containment procedures.
 - (iv) Emergency procedures.
 - (v) Use of personal protective equipment.
 - b) Removal of household hazardous waste and dangerous goods from site (by a licenced contractor) for appropriate disposal/recycling as soon as practicable.
 - c) Provide spill kits adjacent to storage areas for household hazardous waste and dangerous goods (including lead acid batteries).
 - d) Ensure spill kits stored onsite are appropriate for management of the likely spills to be encountered.

- e) Provide a safety shower and/or eyewash facilities in accordance with the *Code of Practice for Storage and Handling of Dangerous Goods* (WorkCoverNSW, 2005) where workers may come into contact with corrosive or toxic substances wherever possible.
 - f) Establish procedures for safe storage, spill containment, materials handling and emergency response. Procedures should be documented in the Site Operations Manual or site specific OH&S and risk management plan.
 - g) Display prominent signs regarding the handling of hazardous wastes and prohibition of behaviours such as smoking.
 - h) Maintain current Material Safety Data Sheets on-site for any hazardous substances or dangerous goods commonly received, stored or used on-site.
36. Materials that may pose a risk to the environment (such as waste oil containers, batteries, oils, paints, liquid wastes) must be stored in roofed, bunded areas so that any leaks and spills will be contained. Where possible site staff should be responsible for decanting any waste oils into the waste oil collection tank (if provided).

Containers of oil that are too large to decant into the oil collection tank must be stored in a bunded area or on spill trays as per EPA guidelines.

37. All putrescible waste must be taken to landfill for disposal at the end of each working day, or more-often as necessary, to reduce odour, unsightliness, vermin and wind-blown litter. In the event of a system failure (e.g. machinery breakdown), other measures such as covering the bins and utilising spray humidification systems must be implemented.
38. All buildings used for the containment and/or management of waste must be well ventilated.
39. Lids or covers must be placed over bins when they are not in use, and regularly inspected to ensure they are not damaged.
40. All lechate produced from the Waste or Resource Management Facility (Resource Recovery Facility & Waste or Resource Transfer Station) must be appropriately managed, treated and disposed of in accordance with the *Protection of the Environment Operations Act 1997*. This is to be undertaken by pumping the lechate up to the existing landfill site to go back into the current leachate management system, in accordance with the existing Environmental Protection Licence and other conditions within this consent.

Noise and Vibration

41. All vehicles accessing the Waste or Resource Management Facility must use the designated access roadways located on the eastern side of the site. Instructional signage must be installed to this effect.
42. All plant and machinery must be managed and maintained to ensure it is in proper working order, in accordance with the manufacturer's specifications.
43. All operations associated with the approved Waste or Resource Management Facility must only occur during the following hours:

Mondays to Sundays	7:00am to 7:00pm
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REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

44. Prior to issue of any Construction Certificate, a Section 68 application for installation of the proposed sewage ejection pump station, and to carry out sanitary plumbing and drainage work is to be submitted to Council for consideration. Such application is to be accompanied by the following details prepared by a practising Hydraulic Engineer:
- a) Details of the sewage ejection pump station including expected wastewater loads, capacity, make, mode, pump specifications, high level audio and visual alarm details, etc.;
 - b) Details of the proposed sanitary drainage serving the office complying with AS3500. Details are to include a proposed drainage layout plan, pipe material, pipe diameter, pump line diameter and material, point of connection specifications, etc.
 - c) Details of proposed sanitary plumbing (i.e. water service plumbing) complying with AS3500 including a proposed water service layout plan, pipe diameter, pipe material, backflow prevention details, etc.

REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK

45. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
- a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
 - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
 - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
46. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
- a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
 - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.
- Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
47. Prior to commencement of any building works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.
48. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
- a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - b) Stating that unauthorised entry to the work site is prohibited and
 - c) Showing the name, address and telephone number of the principle certifying authority for the work.
- The sign/s are to be maintained while the building work, subdivision work or demolition work is

being carried out, but must be removed when the work has been completed.

49. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

REQUIREMENTS DURING CONSTRUCTION

50. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
51. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work
52. Measures shall be implemented to minimize wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook).
53. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

REQUIREMENTS PRIOR TO USE

54. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
55. The occupation certificate shall not be issued until Council as the certifying authority for water and sewer inspections has undertaken and approved the final installation of all plumbing and drainage fixtures and the Certificate of Compliance has been supplied by the licensed installer.
56. Upon completion of the building and prior to issue of an Occupation Certificate, those essential fire safety measures services listed in the Fire Safety Schedule must be certified by a competent person, engaged by the owner. Certification is to be submitted to Council stating that the essential fire and other safety measures have been installed and comply with the relevant standard specified below.

Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:

- a) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and
- b) That the path of travel is clear of anything which would impede free passage of any person at any time.

ENGINEERING REQUIREMENTS

57. All parking spaces are to meet the requirements of AS2890.1 (for regular parking spots) and AS2890.6 (for disability parking spot).

BUSHFIRE PROTECTION MEASURES

Asset Protection Zones

58. At the commencement of building works and in perpetuity, an area of not less than 20 metres surrounding the buildings, waste deposition areas/piles and access road must be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.

Water and Utilities

59. Water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

60. An Emergency /Evacuation Plan shall be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan'.

Vehicular Access

61. The access road is to be built to a minimum width of 6.5 metres with a carrying capacity of 28 tonnes gross vehicle mass.

Fire Extinguishers

62. Portable fire extinguishers must be installed in accordance with AS 2444 – 2004.

Vegetation Safety Clearances

63. Overhead electrical transmission lines are to be installed with short pole spacing and no part of a tree is to be closer to a power line than the distance set out in the specifications of *Vegetation Safety Clearances* issued by Energy Australia – NS179 – 2002.

Water Supply

64. A minimum of 20,000 litres of water storage dedicated for fire fighting purposes shall be provided. Water storage must be within a non-combustible water storage tank(s) with a gate valve and a 65mm Storz fitting, and must be provided prior to the issue of an Occupation Certificate. The gate ball valve, pipes and tank penetration must be adequate for full 50mm inner diameter water flow through the Storz fitting and must be metal rather than plastic.

WATER & WASTEWATER REQUIREMENTS

65. The applicant is to connect the private package pump station/ pressure sewer discharge rising main to a point determined by Council. The point of connection shall be provided to Councils reticulation system via a boundary box and the point of connection installed by Council plumbers.
66. Only sewage of a domestic nature is to discharge to Councils sewer system from the PPS/ pressure sewerage system. Any further connections to Councils sewer system that is not of a

domestic nature will require a Trade Waste approval.

67. The applicant is to install a metered water supply to the facility located at the access gate and be in accordance with LCC Water Supply Policy 3.1.
68. The applicant is to provide a Containment Backflow Device at the property boundary and be in accordance with LCC Backflow Prevention Policy 3.4
69. Prior to the issue of a Construction Certificate that a report be provided by a Hydraulic Engineer or Fire Services Technician on the fire fighting requirements of the site. Should there be a requirement for the installation of a fire hydrant/service then a water mains extension may be required.
70. Prior to the issue of any Occupation Certificate, compliance with the terms of S68168/18 Approval must be completed to the satisfaction of Councils Water & Wastewater Director. Council's written approval must be obtained in this regard.

ENDEAVOUR ENERGY REQUIREMENTS

Requirement prior to Construction certificate

71. That a survey be submitted for assessment by Endeavour Energy for the placement of driveways within Endeavour Energy's easement. Subsequent approval is to be obtained from Endeavour Energy prior to the issue of a Construction Certificate.

Earthing

72. The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

Vegetation Management

73. The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems may be used. Larger trees must be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

Dial Before You Dig

74. Before commencing any underground activity the applicant is required to obtain advice from the ***Dial Before You Dig 1100*** service in accordance with the requirements of the *Electricity*

Supply Act 1995 (NSW) and associated Regulations. This must be obtained by the applicant not only to identify the location of any underground electrical or other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

NSW ENVIRONMENT PROTECTION AUTHORITY (EPA)

75. The development is to comply with General Terms of Approval as per Attachment A issued by the Environment Protection Authority NSW.

WATER NSW REQUIREMENTS

General

76. The site layout, staging and works shall be as specified in the Statement of Environmental Effects (dated 10 October 2018) and shown on the Site Plan (Project No. 218001, Sheet No. C003, Rev. H, dated 06/03/19) both prepared by Geolyse Pty Ltd. No revised site layout, staging or external works that will have any impacts on water quality, shall be permitted without the agreement of Water NSW.

Fill Works

77. The fill works shall be undertaken as per the correspondence letter (ref: 218001_LET_002B.docx, dated 2 April 2019) prepared by Geolyse Pty Ltd. A plan for detailed fill works shall be prepared prior to Council issue a Construction Certificate and be to satisfaction to Council.
78. Any imported fill material used on the site shall comply with NSW Environment Protection Authority's Guidelines on Resource Recovery Orders and Exemptions 2004 (for the Land Application of Waste Material as Fill).

Stormwater Management

79. All stormwater treatment and management measures, as relevant to each stage of the development, as specified in the Water Cycle Management Study (dated October 2018) and the Stormwater Concept Plan (Project No. 218001, Sheet No. C004, Rev. H, dated 06/03/19) both prepared by Geolyse Pty Ltd shall be incorporated in the final stormwater management plan. The Plan shall be prepared in consultation with Water NSW and shall incorporate:
- detailed design and cross-sections of stormwater treatment and management measures, and
 - consideration of the suitability of location, specifically of the proposed bioretention basin.
80. The final stormwater management plan shall be implemented.
81. No variation to stormwater treatment or management shall be permitted without prior agreement of Water NSW.
82. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Leachate Management

83. The collected leachate shall be managed, treated and disposed of as specified in the email from Council, dated 9 May 2019.

Operational Environmental Management Plan

84. An Operational Environmental Management Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The Plan shall be prepared prior to the issuance of an Occupation Certificate for each stage. The Plan shall:
- include details about the location, description and nature of stormwater and leachate management structures
 - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater and leachate management structures, including the frequency of such activities
 - identify the persons responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
 - include checklists for recording inspections and maintenance activities.
85. All stormwater and leachate treatment measures shall be monitored, maintained and managed in accordance with the Operational Environmental Management Plan.

Construction Activities

86. A Soil and Water Management Plan shall be prepared for all works, for each stage of the development, required for the proposed development by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
 - be prepared prior to issuance of a Construction Certificate and to the satisfaction of Council, and
 - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.
87. The Soil and Water Management Plan shall be implemented, and effective erosion and sediment controls shall be installed prior to any construction activity for each stage. The construction site shall be regularly inspected, monitored and maintained until works have been completed and groundcover established.

ADVISORY NOTES

Building Requirements

- AN1. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- a) Pier holes/pad footings before filling with concrete.
 - b) Trenches complete with reinforcing and prior to filling with concrete.
 - c) Internal drainage carried out by licensed plumber prior to covering
 - d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
 - e) Slab base if no piers required and prior to placement of the membrane.
 - f) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
 - g) Framing when external wall and roof cladding is in place and prior to internal linings.
 - h) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
 - i) Wet area flashing prior to tiling or covering.
 - j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - k) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections.

- AN2. Structural details for each building prepared by a Structural Engineer are to be submitted to the Principal Certifying Authority in conjunction with the Construction Certificate application.
- AN3. Plans submitted with the Construction Certificate must clearly outline the intended use of each structure and demonstrate compliance with the relevant provisions of the Building Code of Australia (Volume 1). Particular attention should be given to:
- a) Section E (Services and Equipment)
 - b) Part D3 (Access for People with a Disability) - including accessible carparking, continuous accessible paths of travel, accessible sanitary facilities, circulation spaces, etc.
- AN4. Prior to issue of the Construction Certificate, details of fire hose reels and fire hydrants (if applicable) complying with AS2419 and AS2441, including service locations, pipe layout, pipe material, pipe diameter, backflow prevention, booster assemblies, etc., are to be prepared by a Hydraulic Engineer and submitted to Council for consideration and approval.

Endeavour Energy Advice – Network Capacity/Connection

- AN5. In due course the applicant for the development may need to submit an application for connection of additional load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch; the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation. The ASP scheme is administered by NSW Planning & Environment and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

Endeavour Energy Advice – Prudent Avoidance

AN6. The electricity network is operational 24/7/365 (ie. all day, every day of the year). The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage (ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts/132 kV)). In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know, January 2016' which can also be accessed via the Energy networks Australia website at <https://www.energynetworks.com.au/electric-and-magnetic-fields> and provides the following advice:

Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.

The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt/132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

Endeavour Energy Advice – Public Safety

AN7. As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Attached is Endeavour Energy's public safety training resources, which were developed to help general public/workers to understand why they may be at risk and what they can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>.

Endeavour Energy Advice – Emergency Contact

AN8. In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

Attachment A
EPA GENERAL TERMS OF APPROVAL
RECOMMENDED CONDITION OF DEVELOPMENT CONSENT

Premises or Plant to which this Licence Applies

11. The premises is defined by the most recent premises map(s) held on EPA Electronic File EF13/2776 and approved in writing by the EPA.

Information Supplied to the EPA

12. Except as expressly provided by these General Terms of Approval, construction works and activities must be carried out in accordance with the proposal contained in:
 - c) The development application DA267/18 and Statement of Environmental Effects (SoEE) submitted to the Environment Protection Authority on 30 October 2018; and
 - d) All additional documents supplied to the EPA in relation to the development.

LIMIT CONDITIONS

Pollution of Waters

13. Except as may be expressly provide 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 connection with the carrying out of the development.

Waste

14. 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 or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

Hours of Operation

15. Construction activities must only be undertaken during standard construction hours, being between 7am to 6pm Mondays to Fridays and 8am to 1pm Saturday. This condition does not apply to the delivery of material outside these hours, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the NSW Environment Protection Authority (EPA) and affected residents as soon as possible, or within a reasonable period in the case of emergency.

The licensee must ensure that all feasible and reasonable noise and vibration mitigation and management measures are implemented during construction in accordance with the *Interim Construction Noise Guideline* (NSW Department of Environment and Climate Change, 2009).

The hours of operation may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating Conditions

16. The licensee must take all reasonable steps to prevent public access from the resource recovery centre to the landfill.

Odour

17. The *Protection of the Environment Operations Act 1997* states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with condition specifically directed at minimising the odours are permitted.

Dust

18. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Stormwater/Sediment Control – Construction Phase

19. A Construction Environmental Management Plan (CEMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise pollution during construction activities. The CEMP must include a SWMP management plan as required by the condition below and submitted to the EPA prior to the commencement of construction activities (including clearing and grubbing).

A construction *Soil and Water Management Plan* (SWMP) must be prepared by a certified erosion and sediment control professional (CPESC or equivalent) and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP must be prepared consistent with the "Blue Book" *Managing Urban Stormwater: Soils and Construction* Volumes 1, 2A, 2B and 2C.

Stormwater/Sediment Control – Operation Phase

20. An operational *Soil and Water Management Plan* (SWMP) must be prepared for the premises by a certified erosion and sediment control professional (CPESC or equivalent) and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters following the completion of construction activities. The SWMP must be prepared consistent with the "Blue Book" *Managing Urban Stormwater: Soils and Construction* Volumes 1, 2A, 2B and 2C and submitted to the EPA prior to construction activities.

Schedule C- Flood Extent

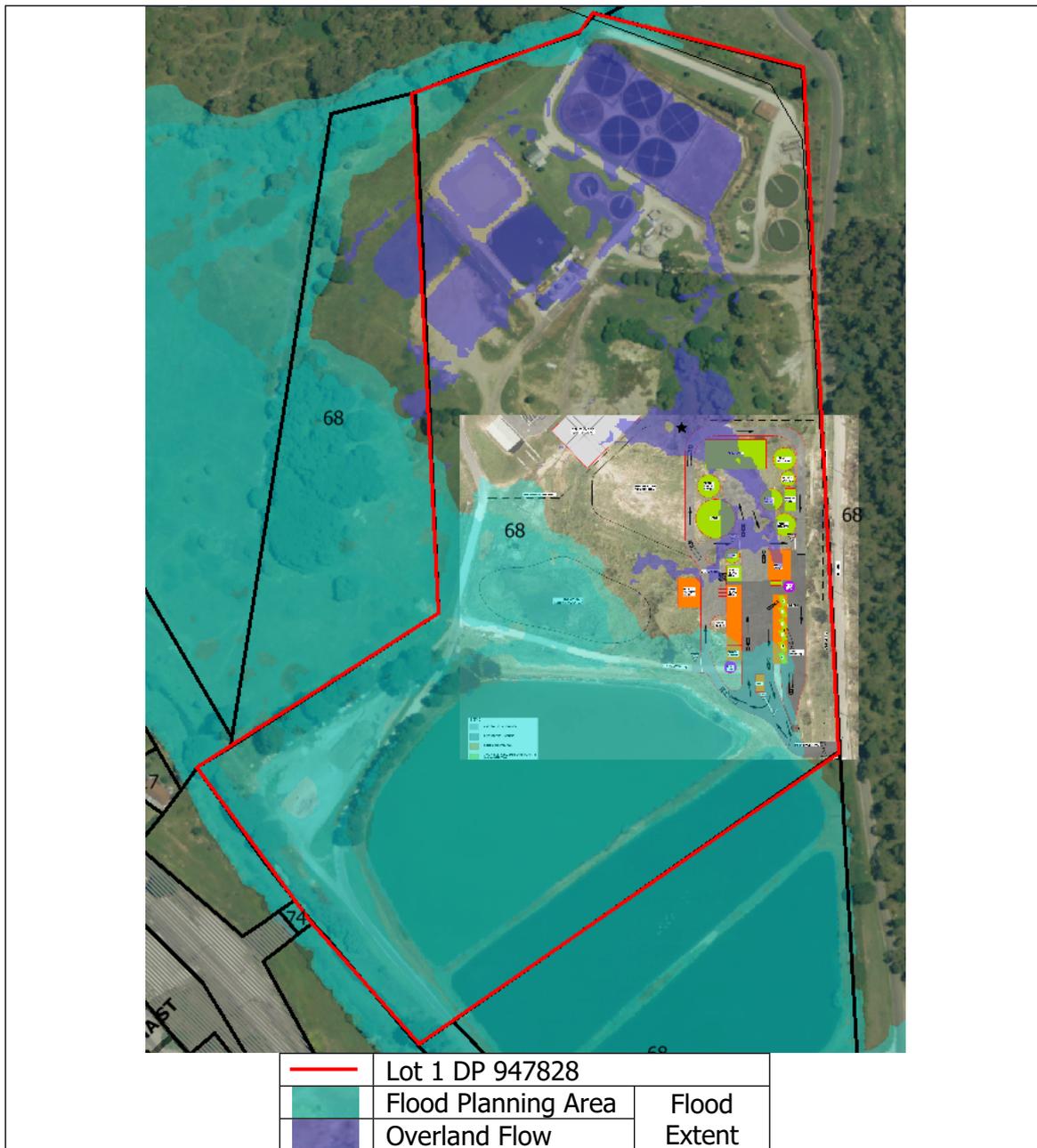


Figure 4 – Lot 1 DP 947828 – Located within Flood Extent – Flood Planning Area and Overland Flow