



New South Wales Government
Independent Planning Commission

Kariong Sand and Soil Supplies Facility SSD 8660

Statement of Reasons for Decision

Dianne Leeson (Chair)
Peter Cochrane

16 December 2021

Kariong Sand and Soil Supplies Facility SSD 8660 Final Report ©
State of New South Wales through the Independent Planning Commission 2021

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EXECUTIVE SUMMARY

Davis Earthmoving and Quarrying Pty Ltd has sought development consent for the construction and operation of the Kariong Sand and Soil Supplies Facility, a resource recovery and building products and landscaping supplies facility in the Central Coast Council Local Government Area.

The Site is located within the Somersby Industrial Park at 90 Gindurra Road, Somersby, and covers 10.8 hectares (ha) of land. The proposed development footprint within the Site is 6.05 ha. The Site is bordered by Gindurra Road to the north, rural residences fronting Acacia Road and Debenham Road South to the east, Kangoo Road to the south, and 76 Gindurra Road to the west.

The development involves an increase in throughput of the facility over three development stages. Stage 1 of operations would have a throughput limit of 100,000 tpa, increasing to 150,000 tpa for Stage 2 and up to 200,000 tpa for Stage 3. The development also includes upgrades to Gindurra Road near the proposed site access, vegetation removal, two weighbridges, acoustic barriers, construction of storage bunkers, buildings for waste receipt, crushing and mulching activities, hardstand areas, and internal roads.

The development has a capital investment value of \$14,866,000 and is expected to generate five jobs during construction and 20 operational jobs.

A whole-of-government assessment finalised by the Department of Planning, Industry and Environment in October this year concluded that the impacts of the proposal “can be mitigated and managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent”. The Independent Planning Commission is the consent authority because the Department received more than 50 unique public objections in response to the exhibition of this state significant development application.

Commissioners Dianne Leeson (Panel Chair) and Peter Cochrane were appointed to constitute the Commission in making the final decision.

As part of its determination process, the Panel met with representatives of the Applicant and the Department; and conducted both an in-person and a virtual site inspection. Commissioners Leeson and Cochrane also toured the surrounding area accompanied by residents from neighbouring properties.

The community raised concerns in submissions to the Commission about air quality, noise, vibration, traffic and the suitability of the Site. The Commission also received submissions in support of the Application, citing its socio-economic benefits and the positive environmental impacts of recycling and the diversion of waste from landfill.

Key issues which are the subject of findings in this Statement of Reasons include: air quality, noise, vibration, traffic, water and the suitability of the Site. After careful consideration of all the material, and having taken into account the community’s views, the Commission has determined that development consent should be granted for the Application, subject to conditions, because it:

- is permissible with consent in the zone;
- is located within the Somersby Industrial Park, a strategically designated employment area where various industrial uses can be accommodated;
- is consistent with the strategic planning directions of State and local planning policies;
- will contribute to the State’s waste recovery performance in meeting waste reduction targets and is consistent with the orderly economic use and development of land;
- would generate social and economic benefits including the provision of 20 operational

- jobs for the local area and a direct CIV of \$14,866,000;
- the impacts of the development can be mitigated and managed to ensure an acceptable level of environmental performance;
 - involves the staged increase in construction and demolition waste recovery and requires performance verification prior to commencement of subsequent operational stages as an additional safeguard in mitigating environmental impacts; and
 - is in accordance with the Objects of the *Environmental Planning & Assessment Act 1979* and is consistent with the Ecologically Sustainable Development Principles because it would achieve an appropriate balance between the relevant environmental, economic and social considerations.

The Commission acknowledged that the Application may result in an incremental increase in air quality, noise, vibration, traffic and amenity impacts but ultimately concluded it was a suitable development for the Site and would deliver local and regional economic benefits and, as such, was in the public interest and should proceed.

It has imposed strict conditions on its development consent which seek to prevent, minimise and/or offset adverse impacts and ensure ongoing monitoring and appropriate management of the Site.

The Commission's reasons for approval of the Application are set out in this Statement of Reasons for Decision.

CONTENTS

EXECUTIVE SUMMARY	i
1 INTRODUCTION	1
2 SITE AND LOCATION	1
3 BACKGROUND	3
3.1 Amended Application	3
3.2 The Application	4
4 THE COMMISSION'S CONSIDERATION	5
4.1 The Department's Assessment Report.....	5
4.2 Mandatory Considerations	6
4.3 Statutory Context	9
4.4 The Commission's Meetings	9
4.5 Public Comments	9
4.6 Council Comments.....	9
4.7 Material Considered by the Commission.....	10
4.8 Additional Considerations.....	10
5 COMMUNITY PARTICIPATION & PUBLIC SUBMISSIONS	10
5.1 Community Group Attendance at the Site Inspection and Locality Tour	10
5.2 Public Meeting.....	11
5.3 Public Submissions	11
6 KEY ISSUES	15
6.1 Air Quality.....	15
6.2 Noise.....	18
6.3 Vibration.....	20
6.4 Traffic and Access.....	22
6.5 Water.....	24
6.6 Other Issues.....	25
7 THE COMMISSION'S FINDINGS AND DETERMINATION	29

DEFINED TERMS

ABBREVIATION	DEFINITION
Applicant	Davis Earthmoving and Quarrying Pty Ltd
Application	State Significant Development Application 8660
AQIA	Air Quality Impact Assessment
BCD	Biodiversity and Conservation Division, DPIE
BPLS	Building products and landscape supplies
C&D	Construction and demolition
CIV	Capital investment value
CNML	Construction Noise Management Levels
Commission	Independent Planning Commission of NSW
Council	Central Coast Council
DCP	Development Control Plan
Department	Department of Planning, Industry and Environment
Department's AR	Department's Assessment Report dated October 2021
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GLEP 2014	<i>Gosford Local Environmental Plan 2014</i>
ICNG	Interim Construction Noise Guideline
LEP	Local Environmental Plan
LGA	Local Government Area
Mandatory Considerations	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
Material	The material set out in section 4.7
Minister	Minister for Planning and Public Spaces and Minister for Transport and Roads
NVIA	Noise and Vibration Impact Assessment
PNTLs	Project Noise Trigger Levels
Project	Kariong Sand and Soil Supplies Facility
RCS	Respirable crystalline silica
Regulations	<i>Environmental Planning and Assessment Regulations 2000</i>
RFS	NSW Rural Fire Service
RRF	Resource Recovery Facility
RSA	Road Safety Audit
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SIP	Somersby Industrial Park
Site	Lot 4 in DP 227279
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TAS	Todoroski Air Sciences
TfNSW	Transport for NSW
TIA	Traffic Impact Assessment
WMS	Water Management System

1 INTRODUCTION

1. On 5 October 2021, the NSW Department of Planning, Industry and Environment (**Department**) referred a state significant development (**SSD**) application (**Application**) from Davis Earthmoving and Quarrying Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination. The Application seeks approval for the Kariong Sand and Soil Supplies Facility (the **Project**) located at 90 Gindurra Road, Somersby, within the Central Coast Council (**Council**) Local Government Area (**LGA**) under s 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
2. The Commission is the consent authority in respect of the Application under section 4.5(a) of the EP&A Act and clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SEPP SRD**). This is because:
 - the Application constitutes state significant development under section 4.36 of the EP&A Act as the Application involves development for the purposes of a resource recovery facility (**RRF**) that handles more than 100,000 tonnes per annum (**tpa**) of waste, which meets the criteria in clause 23(3), Schedule 1 of SEPP SRD; and
 - the Department received more than 50 unique public submissions by way of objection.
3. Professor Mary O’Kane AC, Chair of the Commission, nominated Diane Leeson (Chair), and Peter Cochrane to constitute the Commission determining the Application.

2 SITE AND LOCATION

4. The Department’s Assessment Report (**Department’s AR**), dated October 2021, states that the site is legally described as Lot 4 in DP 227279 (the **Site**) and comprises approximately 10.8 hectares (ha) of IN1 General Industrial zoned land located in Somersby, 4 kilometres (km) west of Gosford and 70 km north of Sydney.
5. The Site is located within the Somersby Industrial Park (**SIP**), a strategically identified employment area, with approximately 300 ha of industrial zoned land, which is the largest industrial zoned area in the Central Coast region (AR para. 1.3.2).
6. The Site is predominately surrounded by IN1 General Industrial and RU1 Primary Production zoned lands. Notable land uses in the vicinity include undeveloped bushland, rural residences, the SIP, Gosford Quarry, Mount Penang Parklands, Frank Baxter Juvenile Justice Centre and Central Coast Riding for the Disabled Centre (AR para. 1.4.1).
7. The Site and surrounding land uses are illustrated in Figure 1 below.

Figure 1 – The Site and Surrounding Land Uses (Source: Department's AR)

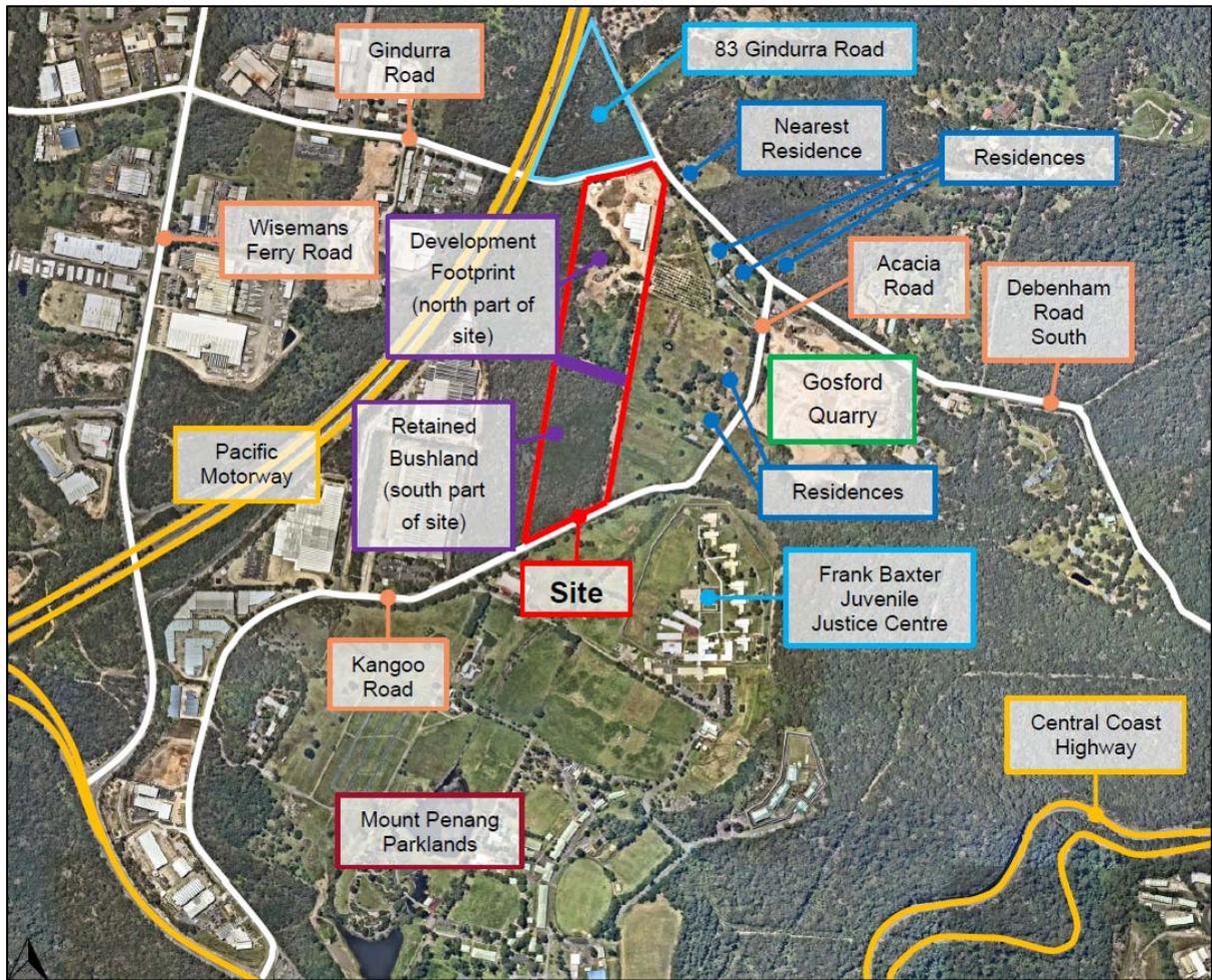
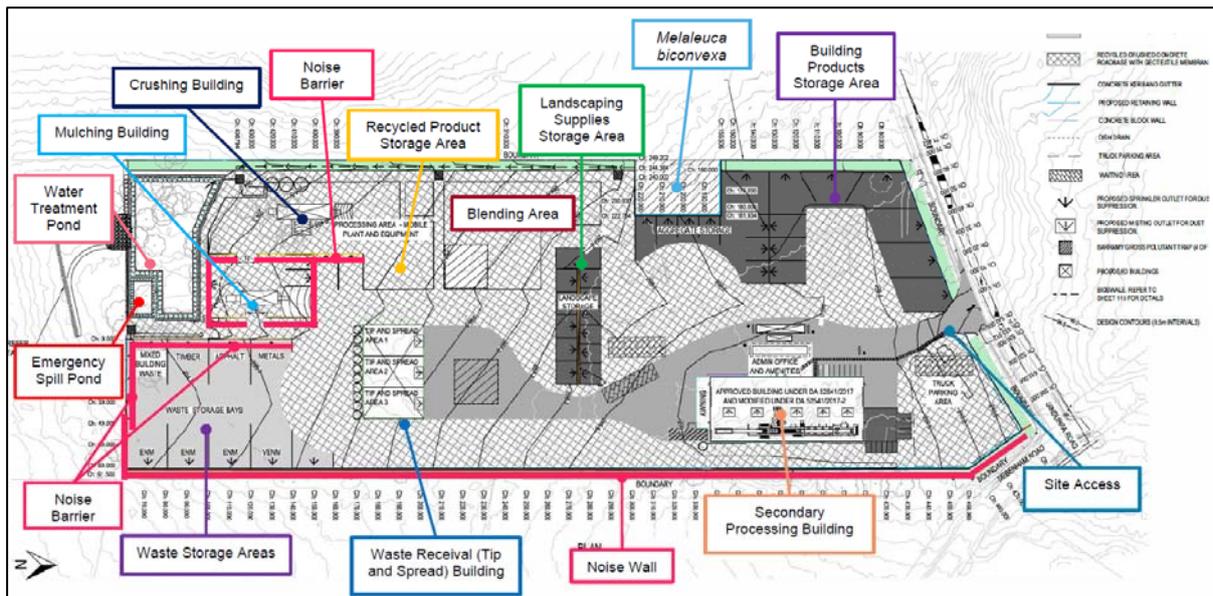


Figure 2 – Proposed Site Plan (development footprint) (Source: Department's AR)



3 BACKGROUND

8. Activities at the Site have previously been approved under two development consents (AR para. 1.5.1):
 - *DA 15377/1991 approved by the former Gosford City Council on 28 February 1992 for a sand and metal recycling facility (now lapsed)*
 - *DA 52541/2017 and subsequent modifications approved by Council (as described below) for a warehouse building.*
9. Council issued development consent DA 52541/2017 on 17 November 2017 for a warehouse building with offices, staff amenities, and a driveway located in the northern part of the Site. The Commission notes that this consent has been modified on two occasions. Modification 1 approved an increase in building length and height, enclosure of an awning, addition of an awning to the southern end of the building, and additional car parking spaces. Modification 2 approved a new washdown bay to the south of the warehouse building, extension of the external awning to cover the new washdown bay, and construction of retaining walls along the northern and eastern site boundary (AR para. 1.5.2).

83 Gindurra Road, Somersby (DA 59244/2020)

10. To the north of the Site is 83 Gindurra Road, Somersby. On 8 April 2021, DA 59244/2020 was approved by the Central Coast Local Planning Panel at 83 Gindurra Road, Somersby for a warehouse and distribution facility with associated earthworks and car parking. Access to 83 Gindurra Road for heavy and light vehicles will be provided via Gindurra Road (to the west of the Site access) and via Debenham Road South.

3.1 Amended Application

11. The Commission notes that following exhibition of the original EIS for the Application, dated 15 January 2019 (**Original EIS**) and ongoing consultation with the Department and government agencies, the Applicant sought to amend the development to address the concerns raised. The Applicant submitted an amended EIS, dated 5 August 2020 (**Amended EIS**).
12. A summary of the amendments made to the Application is set out in Table 1 of the Department's AR. The amendments included:
 - the staged increase in construction and demolition (**C&D**) waste (described in paragraph 14 below);
 - a reduction in hours of operation from 24 hours, 7 days a week to 7am to 6pm, Monday to Saturday, including:
 - waste deliveries: 7 am to 6pm, Monday to Saturday;
 - waste processing; 8 am to 5 pm, Monday to Friday; and
 - landscaping products sale: 7 am to 6pm, Monday to Saturday.
 - a revised stormwater management system;
 - the installation of dust suppression, misting and firefighting systems;
 - waste receipt enclosed in a three-sided building;
 - crushing and mulching areas located in enclosed buildings; and
 - revised site access arrangements.
13. The Commission has agreed to the Applicant's request to amend the Application and the Department's AR was prepared on the basis of the Amended EIS.

3.2 The Application

14. The main components of the Application as amended are described in Table 1 below and illustrated in Figure 2 above. Table 2 of the Department's AR describes the Application as the construction and operation of a RRF with a building products and landscaping supplies (**BPLS**) business. The RRF would initially receive and process up to 100,000 tpa (**Stage 1**) of C&D waste, increasing to 150,000 tpa (**Stage 2**) and then to 200,000 tpa at full capacity (**Stage 3**).

Table 1 – Main Components of the Application (Source: Department's AR)

Aspect	Description
Site Area and Development Footprint	<ul style="list-style-type: none"> Total Site area: approximately 10.8 ha Development footprint: approximately 6.05 ha (56% of total site area) in the northern portion of the Site
Maximum annual receipt of materials	<ul style="list-style-type: none"> RRF (receiving mixed and source-separated C&D waste) <ul style="list-style-type: none"> Stage 1: 100,000 tpa Stage 2: 150,000 tpa Stage 3: 200,000 tpa <p><i>Note: Progression to stages 2 and 3 would be contingent on environmental performance criteria being met once operation commences.</i></p> BPLS Facility (selling building products and landscaping supplies such as aggregates, sands, soils, and mulches directly to commercial customers) <ul style="list-style-type: none"> the BPLS Facility would receive up to 10,000 tpa (all stages) of mulches, gravels, sand, and specialist soils from third-party suppliers to blend with recovered materials from the RRF to create custom-made products for sale
Site Storage	<ul style="list-style-type: none"> Up to 40,000 tonnes of processed and unprocessed material at any one time
Earthworks and Civil Works	<ul style="list-style-type: none"> Vegetation clearing, legacy stockpile removal, and bulk earthworks Installation of hardstand and surfaces of crushed concrete sealed with geomembranes Installation of water management infrastructure Construction of Waste Reveal (Tip and Spread) Building, Crushing Building, Mulching Building, waste storage bays, landscape supplies and aggregate storage bays
Plant and Equipment	<ul style="list-style-type: none"> Front-end loaders and excavators Crushers, grinders, mulchers, and shredders Water trucks Trommel screens Waste processing equipment installed within the secondary processing building, including telehandler, conveyors, stackers, magnet, air blower and chopper
Ancillary Structures	<ul style="list-style-type: none"> Two weighbridges (one inbound, one outbound) Boom gates and traffic lights Dust suppression system for onsite roads and stockpiles Misting systems in Tip & Spread Building and Secondary Processing Building Firefighting water system Sewers and drainage Noise walls (see Figure 12) parallel to and 5 m away from the eastern site boundary at various heights (2 m, 4 m, and 5 m in the northern, middle and southern sections respectively) <ul style="list-style-type: none"> Around the waste reveal and storage areas and the primary processing area (3 m high)

Operational Traffic	164 vehicle trips (in and out) per day comprising: <ul style="list-style-type: none"> • 20 operational staff vehicle trips • 144 heavy vehicle trips: <ul style="list-style-type: none"> ○ 12 t tippers (10 m in length): 77 trips ○ 32 t truck and dog/semi-trailers (up to 19 m in length): 41 trips ○ 40 t B-Doubles (up to 26 m in length): 14 trips ○ delivery of building and landscaping products sourced from third-party suppliers (19 m semi-trailers): 12 trips.
Road and Intersection Works	<ul style="list-style-type: none"> • a new 60 m right-turn lane on Gindurra Road for vehicles turning into the site • line marked medians on Gindurra Road on either side of the site entrance for a distance of approximately 60 m (west) and 25 m (east) • dual lane access (one inbound lane, one outbound lane) on the internal driveway • erection of a 'No Right Turn' sign at site exit
Stormwater and Leachate Management System	<ul style="list-style-type: none"> • division of the operational area into six sub-catchments • rainwater tanks • bioswale • six gross pollutant traps (GPT) • stormwater treatment plant • emergency spill pond • water treatment pond • level spreader
Landscaping	<ul style="list-style-type: none"> • Landscaping with a mix of tree and shrub planting along the Gindurra Road frontage • Preserving an existing vulnerable <i>Melaleuca biconvexa</i> plant community near the western boundary, irrigated by recycled stormwater
Construction Timeframe	3 months
Hours of Operation	7 am to 6 pm, Monday to Saturday, including: <ul style="list-style-type: none"> • waste deliveries: 7 am to 6 pm, Monday to Saturday • waste processing: 8 am to 5 pm, Monday to Friday • landscaping products sale: 7 am to 6 pm, Monday to Saturday
Employment	<p>Construction</p> <ul style="list-style-type: none"> • five construction-related jobs <p>Operation:</p> <ul style="list-style-type: none"> • 20 employees when the RRF is operating at full capacity (200,000 tpa), including truck drivers
Capital Investment Value (CIV)	\$14,866,000

4 THE COMMISSION'S CONSIDERATION

4.1 The Department's Assessment Report

15. The Department's AR was prepared to set out the Planning Secretary's whole-of-government assessment of the Application. As part of this assessment, the Planning Secretary, through the Department, considered amendments to the Application with regard to the relevant statutory obligations, supplementary information provided by the Application, public submissions and submissions by Government agencies.

16. The Department's AR (page x) states:

Overall, the Department's assessment concludes the development would:

- contribute to the State's waste recovery performance in the C&D waste sector
- provide a total of 20 operational jobs in the Central Coast LGA

- *be consistent with the strategic objectives of the Central Coast Regional Plan to deliver employment generating development in Somersby Industrial Park, close to key transport links*
 - *not have a significant impact on the local environment subject to implementation of the recommended conditions.*
17. The Department concluded (AR para. 7.1.10):

...the impacts of the development are acceptable and can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department concludes the development is in the public interest and is approvable and recommends the Commission accepts the amended application.

4.2 Mandatory Considerations

18. In determining this Application, the Commission is required by section 4.15(1) of the EP&A Act to take into consideration such of the following matters as are of relevance to the development that is the subject of the Application (**mandatory considerations**):
- the provisions of:
 - any environmental planning instrument;
 - any proposed instrument that is or has been the subject of public consultation under the EP&A Act and that has been notified to the Commission (unless the Planning Secretary has notified the Commission that the making of the proposed instrument has been deferred indefinitely or has not been approved);
 - any development control plan;
 - any planning agreement that has been entered into under s 7.4 of the EP&A Act, and any draft planning agreement that a developer has offered to enter into under s 7.4;
 - the *Environmental Planning and Assessment Regulations 2000* (**Regulations**) to the extent that they prescribe matters for the purposes of s 4.15(1) of the EP&A Act;
 - that apply to the land to which the Application relates;
 - the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
 - the suitability of the site for the development;
 - submissions made in accordance with the EP&A Act and Regulations; and
 - the public interest.
19. In accordance with s 4.15(1), the Commission has considered the mandatory considerations. They are addressed in the following sections.
20. The mandatory considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that any of the material (see section 4.7 below) does not fall within the mandatory considerations, the Commission has considered that material where it is permitted to do so, having regard to the subject matter, scope and purpose of the EP&A Act.

Table 2 - Mandatory Considerations

Mandatory Considerations	Commission's Comments
Relevant EPIs	<p>Per Appendix C of the Department's AR, relevant EPIs include:</p> <ul style="list-style-type: none"> • <i>SRD SEPP</i> • <i>State Environmental Planning Policy (Infrastructure) 2007;</i> • <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;</i> • <i>State Environmental Planning Policy No. 55 – Remediation of Land;</i> • <i>Draft State Environmental Planning Policy (Remediation of Land);</i> • <i>Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River;</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014);</i> and • Somersby Industrial Park Plan of Management. <p>The Commission agrees with the Department's assessment of EPIs set out in Appendix C of the Department's AR and therefore adopts the Department's assessment.</p>
Relevant DCPs	<p>Development Control Plans (DCP) do not apply to SSD under clause 11 of the SRD SEPP. Nonetheless, DCPs are not prohibited considerations and the Department has considered the relevant provisions of the Gosford DCP 2013 in its assessment of the development in Section 6 of the Department's AR. The Commission was assisted by the Department's assessment and agrees with the Department's AR insofar as it considers the Gosford DCP 2013.</p>
Likely Impacts of the Development	<p>The likely impacts of the Application have been considered in section 5 below.</p>
Suitability of the Site for Development	<p>The Commission has considered the suitability of the Site. The Commission finds that the Site is suitable for the following reasons:</p> <ul style="list-style-type: none"> • the Site is zoned IN1 General Industrial and the Application is permissible with consent at the Site (see paragraph 21 below); • the Site has been previously disturbed and has a history of C&D waste processing; • the Site is located within the Somersby Industrial Park, a strategically designated employment area where various industrial uses can be accommodated; • the use of the Site as a RRF and BPLS business will contribute to the State's performance in meeting the waste reduction targets set out in the Waste Avoidance and Sustainable Material Strategy 2041; • the Application is consistent with the orderly economic use and development of land; and • impacts on surrounding land uses have been minimised and are capable of being further mitigated through conditions of consent.
Objects of the EP&A Act	<p>In this determination, the Commission has carefully considered the Objects of the EP&A Act. The Commission agrees with the Department's assessment of the Application against the Objects of the EP&A Act provided in Table 5 of the Department's AR, which finds that the Application is consistent with those Objects.</p> <p>The Commission finds the Application has been assessed with the relevant EPIs and is capable of complying with the required mitigation measures to achieve consistency with the Objects of the EP&A Act.</p>
Ecologically Sustainable Development	<p>The Commission agrees with the Department's assessment of the Application under the ESD principles and finds that the precautionary and inter-generational equity principles have been applied via a thorough and rigorous assessment of the potential environmental impacts on the Application. The Commission has considered the principles of ESD in its determination as set out below:</p>

	<p>(a) <i>The precautionary principle</i></p> <p>The Commission finds that the precautionary principle has been appropriately applied through the application of mitigation and management measures set out in the Amended EIS and supplementary material, the Department's AR and the recommended conditions of consent.</p> <p>The Commission is of the view that the staged increase in C&D waste must be contingent on environmental performance criteria being met once operation commences. As an additional safeguard, the Commission has therefore imposed conditions of consent which require performance verification prior to commencement of subsequent operational stages as set out in this report.</p> <p>(b) <i>inter-generational equity</i></p> <p>The Commission has considered inter-generational equity in its assessment of the potential impacts of the Application, including by imposing conditions requiring the staged increase in throughput and by seeking to mitigate and manage any ongoing operational environmental impacts of the Application.</p> <p>(c) <i>conservation of biological diversity and ecological integrity</i></p> <p>The Commission acknowledges that the Application requires the removal of native vegetation and fauna habitat. The Commission is of the view that the biodiversity impacts of the Application would be minor and adequately offset by the purchase and retirement of ecosystem and species credits. The Commission finds that the Application has been designed to avoid, mitigate and manage biodiversity as far as practicable.</p> <p>(d) <i>improved valuation, pricing and incentive mechanisms</i></p> <p>The Commission finds that on balance and when weighed against the impacts, the Application would generate net positive social and economic benefit for the local area, Central Coast and to NSW.</p> <p>The Commission finds the Application promotes ESD and is consistent with the precautionary and inter-generational principles subject to the imposed conditions.</p>
<p>The Public Interest</p>	<p>The Commission has considered whether the Application is in the public interest in making its determination. The Commission has weighed up the benefits of the Application against the impacts and the proposed minimisation and mitigation measures to reduce impacts.</p> <p>The Commission finds that the Application would contribute to the State's waste recovery performance in the C&D waste sector. The Commission also finds that the Application would generate social and economic benefits including the provision of total of 20 operational jobs for the local area and a direct CIV of \$14,866,000. The increase in C&D waste recovery requires performance verification prior to commencement of subsequent operational stages and the Commission is of the view that this is an additional safeguard in further mitigating environmental impacts.</p> <p>The Commission finds that on balance, and when weighed against the objects of the EP&A Act, the principles of ESD and the benefits of the Application, the impacts of the Application are acceptable and can be appropriately managed and mitigated through the conditions of consent imposed by the Commission.</p> <p>For the reasons above, the Commission finds the Application to be in the public interest.</p>

4.3 Statutory Context

4.3.1 Permissibility

21. The Site is zoned IN1 General Industrial under the GLEP 2014. Development for the purposes of a waste management facility is permissible with consent within the IN1 zone and the Application is therefore permissible with consent.

4.3.2 Integrated and other NSW Approvals

22. As per section 4.4 of the Department's AR, the Department has consulted with the relevant Government agencies responsible for providing integrated and other approvals. The Commission acknowledges that the Applicant may also require other approvals which are not integrated into the SSD process including but not limited to an Environment Protection Licence (**EPL**) issued by the Environment Protection Authority (**EPA**) and a section 138 approval for carrying out works on Gindurra Road issued by Council under the *Roads Act 1993* (AR para. 4.4.1).

4.4 The Commission's Meetings

23. As part of its determination, the Commission met with various persons as set out in Table 3. All meeting and site inspection notes were made available on the Commission's website.

Table 3 – Commission's Meetings

Meeting	Date of Meeting	Transcript/Notes Available on
Virtual Site Inspection	25 October 2021	29 October 2021
Department	1 November 2021	4 November 2021
Applicant	1 November 2021	4 November 2021
Public Meeting	9 November 2021	10 November 2021
Site Inspection	10 November 2021	12 November 2021
Locality Tour	10 November 2021	12 November 2021

4.5 Public Comments

24. Section 5 of this report sets out the matters raised in the submissions made to, and considered by, the Commission. Consideration has been given to these submissions in the Commission's assessment of the Application as set out in the Key Issues section of this report (see section 6). For the reasons set out in this Statement of Reasons, the Commission considers that the matters raised in submissions do not preclude the grant of development consent and that the matters raised in submissions can be satisfactorily addressed by the conditions of consent imposed by the Commission.

4.6 Council Comments

25. Council declined the Commission's invitation to meet and discuss Council's views on the Application and the Department's AR and recommended conditions of consent. The Commission notes that during the Department's assessment process Council provided advice to the Department on 20 May 2019, 24 September 2020 and 9 February 2021.
26. Council, in its advice reference above, recommended that the Department consider specific conditions in relation to traffic, roadworks, access, stormwater treatment, biodiversity and contamination. The Commission has given consideration to these matters in section 6 of this report.

4.7 Material Considered by the Commission

27. In this determination, the Commission has carefully considered the following material (**Material**):
- the Applicant's Original EIS (including RTS and supplementary information), dated 15 January 2019;
 - all government agency advice and all public submissions on the Original EIS made to the Department;
 - the Applicant's Amended EIS (including RTS and supplementary information), dated 5 August 2020;
 - all government agency advice and all public submissions on the Amended EIS made to the Department;
 - the Department's AR, dated 28 September 2021;
 - the Department's Recommended Development Consent, dated 28 September 2021;
 - comments and presentation material at the meetings with the Department and Applicant as referenced in Table 3 above;
 - all written comments received by the Commission up until 5pm, 16 November 2021;
 - the Applicant's clarification on material transfer arrangements, dated 16 November 2021;
 - the Department's response to the Public Meeting question on notice, dated 16 November 2021;
 - the Department's response to the Commission, dated 2 December 2021 (**Additional Material**); and
 - all written comments on the Additional Material received by the Commission between 3 December 2021 up until 5pm, 10 December 2021.

4.8 Additional Considerations

28. In determining this application, the Commission has also considered:
- *NSW Noise Policy for Industry (NPfI)*;
 - *Interim Construction Noise Guideline (ICNG)*;
 - *NSW Road Noise Policy (RNP)*;
 - *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016) (Approved Methods)*;
 - *NSW Rural Fire Services (RFS) Planning for Bushfire Protection 2019 (PBP 2019)*;
 - *NSW Biodiversity Offsets Policy for Major Projects (Biodiversity Offsets Policy)*; and
 - *Environmental Noise Management Assessing Vibration: a technical guideline*

5 COMMUNITY PARTICIPATION & PUBLIC SUBMISSIONS

5.1 Community Group Attendance at the Site Inspection and Locality Tour

29. On 12 November 2021, the Commission conducted an inspection of the Site. A representative of the Kariang Progress Association and the owner of an adjoining property attended the site inspection as observers. Site inspection notes, including photographs and maps were made available on the Commission's website.

30. On 12 November 2021, the Commission conducted a locality tour of adjacent properties. Eight owners of adjoining properties and two consultants attended the locality tour. Locality tour notes, including photographs and maps were made available on the Commission's website.

5.2 Public Meeting

31. The Commission conducted a Public Meeting on 9 November 2021. The Public Meeting was held electronically with registered speakers presenting to the Commission Panel via telephone or video conference. The Public Meeting was streamed live on the Commission's website. Presentations made at the Public Meeting have been considered by the Commission as submissions and are referenced below in section 5.3.
32. The Commission heard from the Department, the Applicant, various community group representatives and individual community members. In total, 14 speakers presented to the Commission during the Public Meeting.

5.3 Public Submissions

33. The Department publicly exhibited the Application twice (Original EIS and Amended EIS), receiving submissions from the public and government agencies, including Council. Submissions to the Department have been considered by the Commission in its determination of the Application.
34. As part of the Commission's consideration of the Application, all persons were offered the opportunity to make written submissions to the Commission until 5pm, Tuesday 16 November 2021. The Commission received a total of 165 written submissions on the Application, with 150 submissions supporting the Application and six submissions commenting on the Application. Nine submissions were received objecting to the Application, including one submission from a group of adjoining residents which was accompanied by expert reports on air quality and vibration.
35. A geographic analysis of the public submissions identified that submissions in support of the Application were both local to the Site and from the broader community, with support for the Application received both from broader NSW and interstate. Objections to the Application were generally localised to nearby residences and businesses.
36. A thematic analysis categorised submissions into four themes: socio-economic, environmental, strategic and health and well-being. The Commission notes that 46 submissions received stated that they were in support of the Application and did not provide a comment. One submission received was an objection but also did not provide comment. Figure 3 and Figure 4 illustrate the key topics raised in submissions in support and in objection to the Application, respectively.

Figure 3 - Thematic analysis of submissions supporting the Application

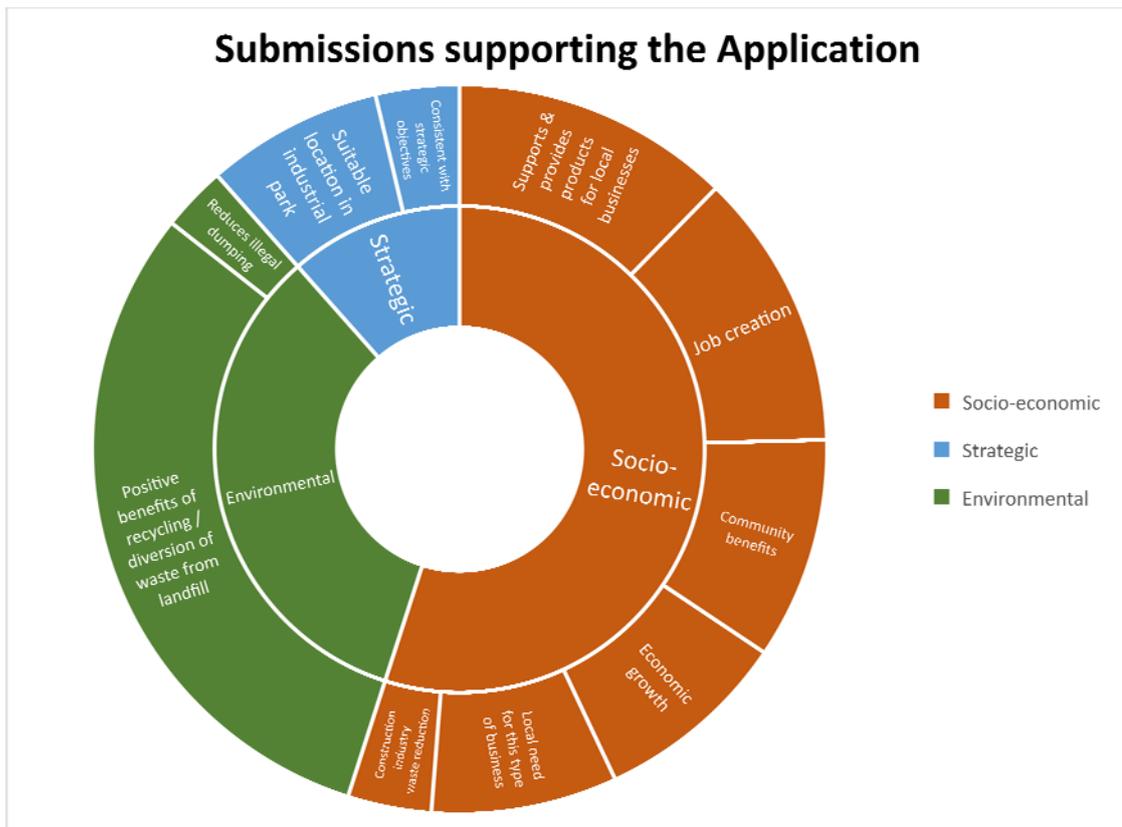
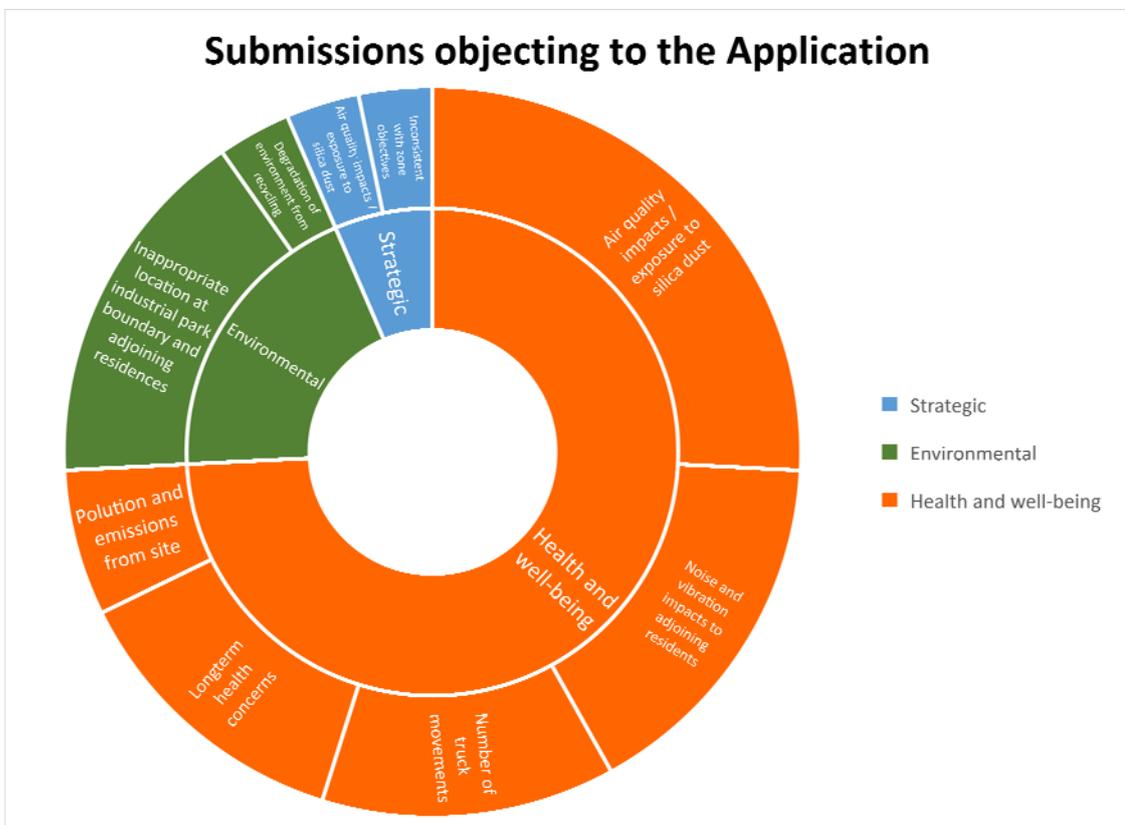


Figure 4 - Thematic analysis of submissions objecting to the Application



37. Submissions in support of the Application commented on the socio-economic and environmental benefits of the Project, with 75 submissions citing the positive environmental impacts of recycling and the diversion of waste from landfill.
38. Submissions objecting to the Application raised environmental and health and well-being issues with the proposal, including the location of the Site and amenity impacts such as air quality, noise and vibration and the number of truck movements proposed.

5.3.1 Public Comments

Site Location

39. The Commission received submissions which stated that the location of the Site is inappropriate for the proposed RRF, being on the boundary of the SIP and adjoining residential properties. It was put to the Commission that there was a lack of alternative sites considered by the Applicant and that the Application fails to meet the planning principles established in *Seaside Property Developments Pty Ltd v Wyong Shire Council* [2004] NSWLEC 117.
40. Submissions to the Commission in support of the Application highlighted the need for a RRF and BPLS in the locality, with businesses stating that they currently need to travel to Sydney for similar facilities. Submissions were also supportive of the Application and were of the view that it was suitability located within an industrial area.

Air Quality

41. Submissions to the Commission raised concern with the impact the RRF would have on air quality within the locality for both adjoining residents and workers. Nearby residents noted that some submissions raised concern in regard to the emission of silica dust during crushing activities.
42. The Commission notes the previous air quality assessments submitted by the community during the Department's assessment of the Application. In addition to this, residents submitted an Air Quality Issues Report dated 15 November 2021, prepared by Todoroski Air Sciences (**TAS**) to the Commission which outlines and responds to previous air quality assessments and reviews. The Air Quality Issues Report raised concerns with the uncertainty of meteorology affecting results, the appropriateness of the design of the facility, and the potential underestimation of impacts.

Noise and Vibration

43. The Commission heard from speakers at the Public Meeting who raised concerns regarding the potential vibration impacts of the Project on their properties. Submissions raised concern regarding noise and vibration impacts of the Application in both the construction and operational phase of the development, citing examples of previous times they had felt vibration at their homes during previous construction at the Site. A Vibration Trial Report prepared by Douglas Partners was provided to the Commission as part of a written submission made on behalf of adjoining neighbours.

Traffic

44. Concerns were raised in written submissions and in presentations at the Public Meeting regarding the impact of truck movements from the Site. Concerns were also raised regarding the cumulative traffic impacts of the Project and the approved industrial warehouses at 83 Gindurra Road (DA59244/2020), directly opposite the Site to the north.

Recycling and Waste Management

45. A large proportion of submissions to the Commission in support of the Application highlighted the positive environmental benefits of recycling and the diversion of waste from landfill. Submissions commented on the Application's positive contribution to the C&D industry and the key role recycling will play in the future.

Economic Benefits

46. The Commission received a number of submissions from businesses stating that the RFF and BPLS would provide support and products for their local businesses.
47. Job creation and economic growth was a key theme in submissions to the Commission, with 30 submissions raising the benefit of local job creation and 21 submissions raising the benefit of economic growth within the locality. One submitter highlighted the benefits of the proposal, stating: *"I work in the industry. This facility will bring jobs to families and friends that I know in the Central Coast. And will bring business to local companies that I know in the area."*

Conditions of Consent

48. A written submission made on behalf of adjoining neighbours stated that the Application fails to meet the minimum standards required for such developments, fails to ameliorate the impacts to adjoining properties and that the recommended conditions of consent do not satisfactorily negate these impacts. The submission stated that if the Commission is of a mind to approve the Application, consideration should be given to additional conditions relating to:
 - publishing of real-time meteorological data;
 - requirement for wheel washing;
 - amended hours of construction and operation;
 - notification to adjoining landowners regarding work outside of hours;
 - requirement for dilapidation reports and installation of vibration monitoring;
 - reduced noise limits for adjacent residential properties;
 - sealing of the development area; and
 - bushfire risk and storage of dangerous goods.

5.3.2 Public Comment on Additional Material

49. The Commission wrote to the Department on 19 November 2021 seeking a response on matters raised in the public meeting and in submissions to the Commission relating to vibration, air quality, compliance with the Regulation and suggested conditions of consent. The Department provided a response to the Commission, dated 2 December 2021 (**Additional Material**).
50. The Commission considered that it would be assisted by public comment on the Additional Material provided to the Commission. In accordance with the Commission's 'Additional Material' policy, the Commission re-opened public comments on this Additional Material between Friday 3 December 2021 and 5pm on Friday 10 December 2021.
51. The Commission received a total of nine submissions on the Additional Material. A summary of these submissions is provided below. The public submissions referred to below are not an exhaustive report of the submissions considered by the Commission.

Public Comment on Additional Material

52. Submissions received by the Commission raised concerns regarding proximity of the development to residential properties and impacts on residents and wildlife. Concerns were also raised regarding the management of incoming waste.

53. Submissions received by the Commission stated that the Application would be of benefit to the local community by providing employment opportunities. Submissions also noted the environmental benefits of the recycling activities proposed at the Site.
54. A submission received by the Commission was of the view that the Vibration Trial Report was flawed because the location of the testing was not representative of the concrete crushing plant location. The submission supported the Department's assessment of vibration and air quality impacts and proposed environmental management requirements.
55. Submissions received by the Commission raised concerns regarding the Department's response to the TAS Air Quality Issues Report (see paragraph 42 above). The submissions were of the view that there still remains significant uncertainty in the meteorological aspects of the assessment and that there was a lack of reliable baseline on which air quality modelling has taken place. A submission maintained its objection that there were fundamental flaws in the facility design and that it did not adhere to best practice.
56. The Applicant provided a submission, dated 10 December 2021. The Applicant agreed to the suggested amended conditions of consent provide by the Department, however, requested that the Commission consider alternate wording for the condition require wheel washing so that it was not a requirement for trucks entering the Site.

6 KEY ISSUES

6.1 Air Quality

57. The Commission notes that the Application would result in the acceptance and processing of C&D waste which has the potential to generate air quality impacts as a result of dust and particulate matter emissions. The Commission notes that the RRF would initially receive and process up to 100,000 tpa of C&D waste (Stage 1), increasing to 150,000 tpa (Stage 2) and then to 200,000 tpa at full capacity (Stage 3). The Commission acknowledges that there were community concerns raised during exhibition and in submissions to the Commission regarding the impacts of the Application on air quality and amenity.
58. Following advice from the EPA and public submissions on the Original EIS the Applicant submitted an amended Air Quality Impact Assessment (**AQIA**) dated 30 June 2020 (**Amended AQIA**) and based on the changes made to the Application set out in the Amended EIS. In response to issues raised by the EPA, the TAS AQIA review, the Department and public submissions, the Application was further revised to "*enclose crushing and mulching activities, enclose conveyors and bunkers with thick rubber curtains and equip the crushing and mulching buildings with misting systems. Construction of a three-sided roofed waste receipt building was also included*" (AR para 6.1.12). The Applicant undertook an assessment of these design amendments in an AQIA addendum, dated 10 December 2020 (**AQIA Addendum**).
59. The Commission notes that the Amended AQIA dispersion modelling showed that annually, cumulative TSP, PM₁₀, PM_{2.5} and dust deposition levels would be below the relevant criteria at all receivers. The Commission also notes that the AQIA Addendum found the predicted maximum 24-hour incremental and cumulative PM₁₀ and PM_{2.5} concentrations would comply with the relevant criteria at all receivers. The Environment Protection Authority (**EPA**), in its advice to the Department dated 5 February 2021 (**EPA Final Advice**), acknowledged that the revised modelling predicts compliance with the EPA's impact assessment criteria for TSP, PM₁₀ and PM_{2.5} notwithstanding some significant incremental impacts are still predicted at some nearby receptors.

60. In response to concerns raised, the Amended AQIA and AQIA Addendum assessed the potential respirable crystalline silica (**RCS**) dust impacts. The Department's AR states: "*given both incremental and cumulative RCS levels at all receivers would be well below the 3 µg/m³ criterion (adopted from the Victorian EPA), the AQIA Addendum concluded the development would not have an adverse silica dust impact*" (AR para. 6.1.23, AQIA Addendum Table B5).
61. The Commission notes that there were concerns raised in submissions to the Department and to the Commission regarding the relevance and use of meteorological data from the Gosford automatic weather station (**AWS**) in the Applicant's air quality assessments. The Applicant's Amended AQIA acknowledged that the approach using observational data from Gosford AWS did not provide a site specific meteorological dataset, however, it considered that the use of observations from Gosford AWS was appropriate. The Amended AQIA notes that the Amended EIS proposed to install a meteorological monitoring station and that this data can be used to monitor wind conditions and assess impacts.
62. In response to the Department's request for additional information, the Applicant submitted an Air Quality Assessment RTS dated 15 February 2021 (**AQA RtS**). The EPA in its Final Advice stated that the AQA RtS adequately addressed the remaining air quality issues. The EPA noted that there were uncertainties in relation to the meteorological modelling undertaken, however was of the view that this uncertainty could be addressed through conditions of consent. The EPA recommended conditions of consent requiring an Air Quality Management Plan (**AQMP**) and an ambient air monitoring strategy. The EPA acknowledged the Applicant's commitment to install a meteorological monitoring station at the Site and recommended a condition of consent to this effect (EPA Final Advice pg 3).
63. The Commission notes that to ensure air quality impacts had been robustly considered, the Department engaged an independent air quality expert to undertake a further, independent review of the Applicant's various AQIAs and the TAS AQIA reviews commissioned by the members of the public. EMM Consulting undertook an Independent Technical Review, dated 17 May 2021. The Independent Technical Review concluded on pg 16: "*the proposed design changes, reduced throughput, and inclusion of onsite real-time air quality and meteorological monitoring at the Facility is sufficient to address any remaining uncertainty in the assessment*".
64. The Department reviewed the TAS Air Quality Issues Report and noted that the concerns raised in the Air Quality Issues Report had been previously raised by TAS (see paragraph 42 above). The Department concluded that the recommended conditions of consent are robust and address the potential for modelling uncertainties or underestimation of impacts (Department's response to the Commission, dated 2 December 2021).

65. The Commission notes that air quality, including silica dust generation, was one of the key issues raised by the public during exhibition and in submissions to the Commission. The Commission acknowledges that there will be an incremental increase in air quality impacts as a result of dust generated by the Application, however, the Commission agrees with the EPA and Department and finds that the Application would comply with the EPA's impact assessment criteria for TSP, PM₁₀ and PM_{2.5}. The Commission is also satisfied that the incremental and cumulative RCS levels at all receivers would be below the 3 µg/m³ criterion adopted from the Victorian EPA. The Commission is of the view that in the absence of a NSW standard, the Victorian EPA criterion is appropriate. The Commission finds that the predicted air quality impacts do not require the refusal of the Application and are capable of being mitigated and managed appropriately through the imposition of conditions described below. The Commission acknowledges that there were contrasting views in relation to the accuracy of the Applicant's assessment in submissions to the Commission and in comments made by the public on the Additional Material, however the Commission agrees with the Independent Technical Review that the Applicant had undertaken a robust air quality assessment.
66. The Commission agrees with the Department that, subject to the development changes referred to at paragraph 58, the conditions imposed by the Commission and the mitigation measures they provide for, the operational air impacts on surrounding receivers can be mitigated and managed to ensure compliance with relevant criteria. To ensure that dust impacts on surrounding receivers are minimised as far as practicable, the Commission has imposed Conditions B3 and B4 which require the Applicant take all reasonable steps to minimise dust generated during all works for both construction and operation.
67. The Commission notes that a written submission suggested that a condition be imposed requiring wheel washing for heavy vehicles. The Commission has imposed Condition B4 which states that the Applicant must ensure that trucks associated with the development do not track dirt onto public roads. The Commission is of the view that this condition is appropriate in ensuring that dust impacts on the road network and surrounding receivers as a result of truck movements are minimised as far as practicable.
68. The Commission is of the view that the staged acceptance and processing of C&D waste by the Applicant at the Site (referenced in paragraph 57 above) will provide opportunities to validate and improve the Application's environmental performance. The Commission has therefore imposed Conditions A6 to A8 which set out the requirements for the staged increase in throughput.
69. As recommended by the EPA, and to address the meteorological uncertainties referenced in paragraph 61 above, the Commission has imposed Condition B1 which requires the Applicant to install a suitable meteorological station on the Site in consultation with the EPA. The Commission is of the view that an on-site meteorological station would provide site-specific meteorological data for data validation and address any uncertainties relating to the use of the meteorological data from Gosford AWS in any subsequent modelling. A written submission suggested that a new condition be added to require the data from the on-site meteorological station to be published in real time to allow community access. The Commission agrees with the Department's response in the Additional Material and has not imposed this requirement.

70. The Commission is of the view that the staged increase in C&D waste accepted and processed at the Site must be contingent on environmental performance criteria being met once operation commences and has therefore imposed Conditions B10 and B11. Condition B10 requires the Applicant to undertake post-commissioning air monitoring. This requires the Applicant to prepare and submit a Post-commissioning Air Monitoring Report (**PAMR**) in consultation with the EPA to the satisfaction of the Planning Secretary within three months of the commencement of Stage 1, Stage 2 and Stage 3 operations. The PAMR must verify the Application's output against the air quality criteria, outline management and mitigation measures to address any exceedances of the criteria and provide a description of contingency measures.
71. Condition B11 imposed by the Commission requires the Applicant to prepare and submit an Air Quality Modelling Report (**AQMR**) to the satisfaction of the Planning Secretary prior to commencing every Stage of operations after Stage 1. The AQMR must verify the actual air quality impacts of the current Stage are within the predicted air quality impacts of that Stage and identify all management and mitigation measures to address any exceedances of predicted air quality impacts. The AQMR must be prepared by a suitably qualified and experienced person in consultation with the EPA. The AQMR must be prepared to the satisfaction of the Planning Secretary. The Commission notes that submissions to the Commission on the Additional Material maintained concerns regarding the uncertainty in the meteorological aspects of the assessment and the reliability of baseline data on which air quality modelling has taken place. As stated in paragraph 65 above, the Commission finds that the Applicant had undertaken a robust air quality assessment. To further address the community concerns the Commission has imposed Condition B11(b) which states that AQMR must include air quality modelling using air quality monitoring results provided in the meteorological data recorded by the on-site meteorological station.
72. To ensure that air quality impacts are managed during construction the Commission has imposed Conditions B6 and B7 which require the Applicant to prepare and submit a Construction Air Quality Management Plan (**CAQMP**) to the satisfaction of the Planning Secretary. As part of the CAQMP, the Applicant must identify control measures for each emission source, detail contingency measures and provide details of the Applicant's complaints register and response procedures.
73. The Commission agrees with the Department regarding the Applicant's commitment to mitigate operational air quality impacts and ensure air quality risks are minimised. To give effect to this commitment, in line with the EPA's recommendations, the Commission has imposed Condition B8 which requires the Applicant to prepare and submit an Operational Air Quality Management Plan (**OAQMP**) to the satisfaction of the Planning Secretary. The OAQMP must include details of the Applicant's air quality control and contingency measures in consultation with the community and must include an ambient air quality monitoring strategy.

6.2 Noise

Operational Noise

74. Following submissions from the EPA, Department and public on the Original EIS, the Applicant submitted an amended Noise and Vibration Impact Assessment (**Amended NVIA**) dated 3 July 2020. The Amended NVIA identified the primary operational noise sources as heavy vehicles moving to, from and within the Site, the use of front-end loaders, crushing and grinding of C&D waste, and noise emissions from plant and equipment (AR para. 6.2.5). Following exhibition of the Amended EIS, the Applicant made further amendments to reduce noise impacts and assessed these changes in a NVIA addendum, dated 23 July 2021 (**NVIA Addendum**).

75. The Applicant proposed the following measures to mitigate noise impacts (AR Table 1, para 6.2.3 and 6.2.14):
- reduced operating hours, from 24 hours, 7 days a week to 7 am to 6 pm, Monday to Saturday, including:
 - waste deliveries: 7 am to 6 pm, Monday to Saturday
 - waste processing: 8 am to 5 pm, Monday to Friday
 - landscaping products sale: 7 am to 6 pm, Monday to Saturday
 - enclosure of high noise generating activities;
 - construction of a noise wall along the eastern boundary of the Site; and
 - installation of noise barriers in the processing areas.
76. The Amended NVIA and NVIA Addendum used background noise data and receiver characterisations to develop Project Noise Trigger Levels (**PNTLs**) for the nearby receivers based on the amenity criteria. Page 43 of the Applicant's NVIA Addendum states the Application satisfies the PNTL criteria during all time periods provided that noise mitigation measures are included. Table 9 in the Department's AR set out the PNTLs for each type of receiver. The Commission notes receiver 242 Debenham Rd South is the only property which equals the criteria and that noise levels at all other locations were below the PNTL criteria (AR para. 6.2.13).
77. The Commission agrees with the Department's assessment and the EPA's advice dated 5 February 2021, that the revised mitigation measures are appropriate to mitigate noise impacts. The Commission is of the view that the operational noise impacts of the Application are capable of being managed and mitigated through conditions of consent to satisfy the PNTLs. The Commission has therefore imposed Condition B13 which requires the Applicant to comply with the reduced operating hours proposed by the Applicant and described in paragraph 75 above. A submission to the Commission suggested a condition further reducing hours of operation to reduce noise and amenity impacts on neighbouring properties. The Department's response in the Additional Material stated that the proposed operation hours fall within the 'day' hours as defined in the NPfl and did not recommend limiting the proposed hours of operation. The Commission agrees with the Department above and is of the view that the operational hours set out on Condition B13 are appropriate. The Commission has also imposed Condition B26 which requires the Applicant to construct the noise wall prior to the commencement of operation to ensure that operational noise impacts on surrounding receivers are mitigated as far as practicable.
78. To ensure that noise impacts generated by the Application do not exceed the predicted levels, the Commission has imposed Condition B25 which requires the Applicant to ensure that the Application complies with the noise limits and does not exceed the PNTLs at any receivers. A submission to the Commission suggested a condition reducing the noise limits for rural residential receivers to 43dB. The Commission agrees with the Department in the Additional Material and is satisfied that noise limits have been set in accordance with the NPfl and are not required to be reduced further. Condition B29 imposed by the Commission requires the Applicant to undertake post-commissioning noise monitoring which includes verification of the operational noise against the noise limits specified in Condition B25. If actual noise impacts exceed the PNTLs, additional mitigation measures would be required to be implemented under Condition B29 until actual noise levels meet the PNTL criteria at all receivers.

79. As described in paragraphs 57 and 68 above, Conditions A6 to A8 limit the Application's initial waste throughput to 100,000 tpa with further increases to 150,000 tpa and 200,000 being contingent on environmental performance criteria being met. The Commission agrees with the Department that additional noise modelling verification should be undertaken prior to each staged increase in throughput as it will provide the opportunity for additional contingency measures to be implemented or alterations to onsite operational practices to ensure noise levels are consistent with the predictions and comply with the relevant criteria. The Commission has therefore imposed Condition B30 which gives effect to this requirement. The Commission has also imposed Conditions B27 and B28 which require the Applicant to prepare and implement an Operational Noise and Vibration Management Plan (**ONVMP**). The ONVMP must set out measures for achieving the operational noise limits referenced in paragraph 78 above and measures to be implemented to manage high noise generating works in close proximity to sensitive receivers. The ONVMP must include evidence of consultation with nearby sensitive receivers and a complaints management system that would be implemented for the duration of the development.

Construction Noise

80. The Commission notes that construction works would be undertaken in accordance with the ICNG and would occur during standard working hours: 7am-6pm Monday to Friday and 8am-1pm on Saturdays with no construction works on Sundays or public holidays (NVIA Addendum pg 35). According to Table 10 of the Department's AR, construction works would take 3 months with key noise sources including heavy vehicle movements and construction plant and equipment.
81. The Applicant's NVIA Addendum predicted worst-case noise levels (all plant and equipment working simultaneously at full power) would exceed the ICNG Construction Noise Management Levels (**CNMLs**) of up to 12 dB(A) at the closest residential receivers on Acacia Road and Debenham Road South (NVIA Addendum pg 40, AR Table 10).
82. The Commission agrees with the Department that construction noise impacts would be of short duration and are capable of being minimised through the implementation of mitigation measures. The Commission is of the view that the development should be constructed to achieve the CNMLs and has therefore imposed Condition B15 which gives effect to this requirement. Condition B15 also requires the Applicant to implement all feasible and reasonable noise mitigation measures should construction activities exceed the CNMLs.
83. The Commission has also imposed Conditions B23 and B24 which require the Applicant to prepare and implement a Construction Noise and Vibration Management Plan (**CNVMP**). The CNVMP must set out measures for achieving the CNMLs, describe the measures to be implemented to manage high noise and vibration generating works in close proximity to sensitive receivers (including contingency measures), include strategies that have been developed with the community for managing high noise and vibration generating works, and undertaken community consultation in developing these strategies.

6.3 Vibration

84. The Applicant's Noise and Vibration Impact Assessment dated 23 July 2021 (**NVIA**), included an assessment of the vibration impacts of the Application. The NVIA stated that all residential receivers are located much further away than the safe working distances and concluded that the potential for vibration impacts due to construction or operation is effectively nil. The NVIA concluded that the Application is compliant with respect to noise and vibration impacts and is therefore suitable for construction and operation.

85. Concerns were raised at the Public Meeting and in written submissions made to the Commission regarding the construction and operation impacts of vibration on surrounding properties. The Commission also heard from a speaker at the Public Meeting involved in the construction of the existing works at the Site who stated that there were off-site vibration impacts. To address these impacts, a static rolling system replaced an earlier vibration rolling system which according to the speaker addressed the vibration issues.
86. A submission made to the Commission included a Vibration Trial Report, dated 16 November 2021, which sets out the results of a vibration trial carried out adjacent to the Site on 13 November 2021. Concerns were also raised in the submission regarding the impacts of vibration on the mental health and well-being of surrounding residents. The Vibration Trial Report stated that a building that will eventually house a concrete crushing plant has recently been constructed at the Site. The testing of ground-borne vibrations across neighbouring properties was undertaken on this basis and is set out in the report. The Vibration Trial Report showed exceedances of the maximum human comfort acceptable vibration values for continuous vibration at distances less than 100m from the source. A submission to the Commission also suggested conditions requiring a dilapidation report for surrounding residents where any damage that has been caused by the Project is to be repaired at the Applicant's cost.
87. The Commission wrote to the Department on 22 November 2021 seeking further assessment from the Department on the vibration impacts of both the construction and operational stages of the Project, giving consideration to the Vibration Trial Report referenced above and the submissions made during the Public Meeting.
88. The Department in its response to the Commission noted that the vibration trial locations undertaken as part of the Vibration Trial Report were not representative of the concrete crushing plant location, which is in the south-western corner of the Site, approximately 140m from the eastern Site boundary and greater than 300m from the nearest residence.
89. The Department in its response to the Commission, stated that the vibratory roller used in the Vibration Trial is a vibration intensive plant used during construction works and is not representative of the concrete crushing plant. The Department concluded that as the concrete crusher would have lower vibration levels than the vibratory roller and would be located greater than 100m from the nearest residence, the operation of the development would likely result in low vibration impacts on residential receivers.
90. The Department recognised the concerns of the public regarding the potential vibration impacts of the Project and recommended additional conditions to ensure that operations are managed to mitigate vibration impacts on residential receivers.
91. The Commission agrees with the Department in paragraph 88 above that the concrete crushing plant will not be located in the existing building on Site and is proposed to be located in the south-west area of the development footprint as illustrated in Figure 2 and as per the Civil Plans, dated 7 April 2020 submitted as Appendix E to the Amended EIS. The Commission also notes the Department's advice that the concrete crushing plant will also have lower vibration levels than the vibratory roller used in the Vibration Trial.
92. The Commission agrees with the Department that the operational vibration impacts on residential receivers are low and capable of being minimised and further mitigated through conditions of consent.

93. For the reasons set out above, the Commission has imposed Condition B16 which states that vibration caused by construction and operation at any residence or structure outside the Site must be limited to the relevant standards for structural damage and human exposure. The Commission agrees with the Department in its response to the Commission and has imposed Conditions B17 and B18 which require the Applicant to offer and, if the offer is accepted, implement monitoring of vibration levels during construction and operation at all residential properties within 200m of the Site boundary.
94. As set out in paragraphs 79 and 83 above, the Commission has imposed Conditions requiring the Applicant to prepare and implement a CNVMP and ONVMP. As part of these management plans, the Applicant must describe procedures for not exceeding the relevant vibration criteria and values in the in the *Structural vibration - Effects of vibration on structures* and *Environmental Noise Management Assessing Vibration: a technical guideline*.
95. The Commission agrees with the proposal in the submission made on behalf of surrounding residents referenced in paragraph 86 above for a requirement for a dilapidation report and repair process. In the event that there are vibrational impacts on residential properties within the surrounding area the Commission has imposed Condition B21 which requires the Applicant to offer and prepare a pre-construction dilapidation report for all residential premises within 200m of the external boundary of the development. Condition B22 imposed by the Commission requires the Applicant to offer and prepare a dilapidation report post-construction and in operation for all residential premises within 200m of the external boundary of the Site. Any repairs required to residential premises as a result of the development and identified in the post-construction dilapidation report must be paid for in full by the Applicant.

6.4 Traffic and Access

96. The Commission notes that the Application consists of a staged increase in throughput and when operating at full capacity of 200,000 tpa will generate a total of 164 vehicle trips per day (82 in and 82 out) comprised of 20 operational staff vehicle trips and 144 heavy vehicle trips. The Application involves upgrades to Gindurra Road including the construction of medians and lane marking to create a new eastbound right-turn lane to accommodate vehicular access to the Site. The Site driveway consists of inbound and outbound lanes separated by a concrete median (AR para. 6.3.2). A 'No Right Turn' sign and kerbing is proposed to prevent a right hand turn onto Gindurra Road to restrict heavy vehicle use of Debenham Road South. Figure 13 of the Department's AR illustrates the proposed Site access arrangements.
97. The Applicant submitted an amended Traffic Impact Assessment (**TIA**), dated 6 July 2020 (**Amended TIA**) with the Amended EIS to assess the potential traffic impacts of the Application. The Amended TIA concluded that, allowing for the minor works summarised above, impacts on road traffic, access and safety were acceptable.
98. The Commission notes that concerns were raised by the public during exhibition and in submissions to the Commission regarding heavy vehicle usage of Debenham Road South and the impacts on the connecting road network. Residents provided a submission to the Department which included an independent review of the Amended TIA, prepared by Intersect Traffic, dated 22 September 2020 (**TIA Review**) which raised concern that there was not enough queuing space on-site and that the proposed signage on Gindurra Road would not be sufficient to prevent heavy vehicles using the road network to the east (i.e. Debenham Road South). Concerns were also raised regarding the accuracy of traffic data used for the assessment and that the cumulative impacts of other developments in the area, including 83 Gindurra Road, Somersby had not been considered.

99. The Commission notes that the Department, Council and TfNSW are satisfied with the Site access arrangements, subject to detailed design, and that the road network would not be adversely affected by operation of the development (AR para. 6.3.24). The Commission agrees within this finding and is of the view that the proposed Site access arrangements referenced in paragraph 96 above are sufficient in facilitating safe Site access and minimising traffic impacts on Debenham Road South and the road network to the east of the Site. For the reasons set out above, the Commission has imposed Condition B34 which states that the Applicant must design and install the Site access works to the satisfaction of Council. This condition also facilitates enforcement of the requirement not to use Debenham Road South. The Commission agrees with the Department that the addition of a 'No Left Turn' sign on Gindurra Road prohibiting westbound traffic on Gindurra Road turning left into the Site is appropriate in further restricting heavy vehicle usage of Debenham Road South and has formalised this requirement by imposing Condition B34(e).
100. The Commission acknowledges that concerns were raised regarding the cumulative traffic impacts of the Application and the redevelopment of 83 Gindurra Road, Somersby, which was approved by the Central Coast Local Planning Panel on 8 April 2021 (DA 59244/2020). The Commission notes that both TfNSW and Council were consulted as part of the assessment process and have not raised any significant concerns. As set out above, Condition B34 imposed by the Commission requires the Application's Site access works to be installed to the satisfaction of Council. The Commission also agrees with TfNSW's recommendation in its advice to the Department dated 21 March 2019 that a road safety audit (**RSA**) be undertaken. The Commission has therefore imposed Condition B33 which requires the Applicant to prepare an RSA to the satisfaction of TfNSW. The Commission is of the view that with these requirements in place and the mitigation measures set out below, the cumulative impacts of the Application and the redevelopment of 83 Gindurra Road are capable of being managed and through this process any additional safety measures will be able to identified and implemented if required.
101. The Commission has imposed Condition B37 which sets out specific operating conditions to ensure that operational traffic impacts are mitigated and managed as far as practicable. To address concerns regarding queuing impacts on Gindurra Road, the Commission has imposed Condition B37(e) which requires the Applicant to ensure that all vehicles are wholly contained on site before being required to stop to minimise the impacts of queuing on the public road network.
102. The Commission agrees with the Department's assessment that the operational traffic impacts of the development would be low, however, as a further safeguard a range of traffic conditions have been imposed to address community concern. The Commission has imposed Condition B36 which requires the preparation of an Operational Traffic Management Plan (**OTMP**) in consultation with Council and TfNSW to the satisfaction of the Planning Secretary. The OTMP must detail the measures that are to be implemented to ensure road safety and network efficiency, including heavy vehicle routes, access, and parking arrangements. The OTMP must include an Operational Driver Code of Conduct to manage and further minimise impacts and a Traffic Control Plan setting out on-site measures to mitigate the potential for on-site vehicle conflict. The Commission also notes that Gindurra Road, Debenham Road South, Acacia Road and Kangaroo Road are used by the local bus network. The Commission is of the view that the conditions referenced above are appropriate in ensuring road safety and network efficiency during construction and operation.

103. The Commission notes that the Applicant has agreed to undertake operational traffic impact verification prior to increasing processing capacity to Stage 2 and Stage 3. The Commission agrees with the Department's assessment (AR para. 6.3.23) and has imposed Condition B39 which requires the Applicant to prepare a Traffic Modelling Report to the satisfaction of the Planning Secretary prior to commencing Stage 2 operations and Stage 3 operations. Progression to Stages 2 and 3 would be contingent on environmental performance criteria being met.

6.5 Water

104. The Applicant has proposed a comprehensive Water Management System (**WMS**) designed to collect, treat, recycle, and reuse water within the Site. Based on the level of water contamination risk, treatment methods are proposed for the six sub-catchments to *“ensure effective separation of clean and contaminated water, maximise water recycling and reuse onsite, minimise discharge to the retained bushland, and meet the irrigation requirements for the retained Melaleuca biconvexa community”* (AR para. 6.4.4). The proposed WMS and sub-catchments are illustrated in Figure 16 of the Department's AR.
105. The Commission notes that the operational and storage areas within the Site will be hardstand, concrete pavement, bitumen or compacted crushed concrete lined with geomembrane with subsoil drainage to direct water to the WMS. Treatment utilises a range of water treatment devices such as filter sausages, gross pollutant traps, holding ponds (Water Quality Pond and Emergency Spill Pond), filtration devices and a bioswale (AR para. 6.4.5). Water for re-use on site would subsequently be treated via ultrafiltration, UV and chlorination in the Stormwater Treatment Plant to remove TSS, phosphorous, nitrogen, and heavy metals. Treated water in the Water Quality Pond would be available for firefighting water, use in dust suppression and to irrigate landscaped areas. Excess water from the Water Quality Pond would be released in the retained bushland within the Site to the south of the proposed development footprint (see Figure 1). The treated water is proposed to be released via a 50m wide level spreader designed as a shallow infiltration system to reduce water velocity, prevent erosion and act as a final treatment step (AR para. 6.4.5). In the event of very heavy rain, should the water level in the Water Quality pond rise above design capacity, the overflow would be discharged via the 50m wide level spreader. The discharge to bushland is estimated to occur three times per year, and at a velocity that will minimise downstream erosion of the preserved bushland (AR para 6.4.13).
106. The Applicant submitted a Water Cycle Impact Assessment and Soil Water Management Plan dated 23 June 2020 (**WCIA**). The WCIA included Model for Urban Stormwater Improvement Conceptualisation (**MUSIC**) modelling for pre and post development scenarios and concluded that the Site will exceed its best practice target and deliver water quality that is better than that currently discharged from the Site. In response to the issues raised during exhibition of the Amended EIS, the Applicant submitted a Supplementary WCIA, dated 7 December 2020 (**Supplementary WCIA**). The Supplementary WCIA noted that the Project had been amended to include fully enclosed buildings and bunkers around both the crusher and mulcher operations, resulting in an improvement to water quality from enclosure and containment of both the activity and the product storage.

107. The Commission acknowledges that the BCD, EPA and Council were satisfied with the WMS and recommended specific conditions in relation to water management. The Commission agrees with the Department's assessment that the proposed WMS would minimise water pollution risks during operation and is satisfied that the WMS would achieve a beneficial effect on water quality discharged from the Site and harvesting and reuse of water would reduce both the frequency and volume of runoff. The Commission agrees with the Department's assessment that the Applicant's WMS represents best practice in water quality and quantity management and potential impacts can be effectively mitigated. The Commission has therefore imposed Condition B45 which states that the Applicant must prepare an Operational Soil and Water Management Plan to the satisfaction of the Planning Secretary. The Commission has also imposed Condition B45(g) which requires the Applicant to detail the measures to be implemented to prevent the introduction of exotic flora propagules to the receiving bushland during water release. In order to validate the effectiveness of the proposed WMS, the Commission has imposed Condition B48 which requires the Applicant to prepare a Water Quality Modelling Report, using water monitoring data from the Post-Commissioning Water Monitoring Report, prior to increasing processing capacity from Stage 1 to Stage 2 and from Stage 2 to Stage 3.
108. To further ensure ongoing impacts are managed and mitigated, the Commission has imposed Condition B47 which requires the Applicant to prepare a Post-Commissioning Water Monitoring report that analyses compliance of treated water with ANZECC Guideline criteria for each stage of the Project. Condition B47 also requires the Applicant to provide an outline of management and mitigation measures to address any exceedances of the criteria specified and contingency measures in the event the management and mitigation measures are not effective in reducing water quality impacts.

6.6 Other Issues

Visual Impacts

109. The Applicant's Amended Visual Impact Assessment (**VIA**), dated 3 July 2020, recommended mitigation measures to achieve better visual integration and minimise impacts of the Application on the surrounding visual landscape. The Amended VIA concluded that with the implementation of the recommended mitigation measures, the Application could be undertaken whilst maintaining the core landscape character of the area and have a low visual impact on the surrounding visual landscape.
110. The Department, in Table 10 of the AR, states that the noise wall reduces from 5m to 2m on the north-eastern boundary. The Commission agrees with the Department that this reduces the Application's visual prominence. The Commission also agrees with the Department that the proposed landscaping along the boundary would reduce the visual impacts of the development over time and would provide screening for neighbouring properties.

111. The Commission finds that the visual impacts of the Application would be minor and are capable of being further mitigated through conditions of consent. The Commission is of the view that visual impacts on the closest rural-residential property would be adequately mitigated over time through the implementation of landscaping. The Commission has therefore imposed Condition B80 which requires the Applicant to prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site. The Commission agrees with the Department in the Additional Material and has imposed Condition B80(a) which requires the Applicant to consult with nearby sensitive receivers regarding the landscaping, screening and colour of the noise wall on the eastern boundary of the Site. Condition B81 requires the Applicant to maintain landscaping and vegetation on the Site in accordance with the submitted Landscape Management Plan for the life of the development. A submission to the Commission suggested a new condition requiring the Applicant to consult with adjoining landowners regarding the landscaping, screening and noise wall to reduce impacts on these properties.
112. The Commission is of the view that impacts associated with lighting can be appropriately managed through conditions of consent. The Commission agrees with the Department (AR Table 20) and has imposed Condition B82 which requires the Application to comply with the Australian Standard to control the obtrusive effects of outdoor lighting and to mount, screen and direct lighting in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Biodiversity

113. The Applicant submitted an Amended Biodiversity Assessment Report, dated 19 November 2019. The Commission notes that a total of 3.11 ha of native vegetation is proposed to be directly impacted by the Application. 4.1 ha of native vegetation within the southern section of the Site is not located within the development footprint and will be maintained as part of the Application. The results of the Applicant's Biodiversity Assessment concluded that 103 ecosystem 'BioBanking' ecosystem credits and 28 Eastern Pygmy-Possum species 'BioBanking' ecosystem credits must be retired in order to offset the impacts of the Application (Applicant's Amended BAR, pg. 12, 41 and 84).
114. The Commission agrees with the Department that the biodiversity impacts of the Application would be minor and adequately offset by the purchase and retirement of ecosystem and species credits. The Commission has imposed conditions of consent to ensure that impacts are minimised, managed and where required adequately offset. The Commission has imposed Condition B50 which requires the Applicant to purchase and retire credits to offset the removal of 3.11 ha of native vegetation at the Site.
115. BCD in its advice to the Department, dated 27 January 2021, recommended that the Applicant implement a vegetation monitoring program for *Melaleuca biconvexa* for a minimum of 10 years. The Commission notes that the Applicant is proposing to retain *Melaleuca biconvexa* as part of a buffer area illustrated in Table 16 of the Department's AR. The Commission agrees with the BCD as set out above and has imposed Conditions B53 and B54 which require the Applicant to prepare and implement a Biodiversity Management Plan. The Commission has imposed Condition B53(f) which requires the Applicant to include a Vegetation Monitoring Program for the retained *Melaleuca biconvexa* as part of the Biodiversity Management Plan.

116. DPI Agriculture in its advice to the Department dated 21 January 2021, stated that the movement of soil out of a Phylloxera Infested Zone is prohibited under the *Biosecurity Act 2015* and recommended the Applicant prepare a Biosecurity Management Plan to ensure materials are not received from the infested zone. The Commission agrees with DPI Agriculture and the Department and has imposed Condition B55 which requires the Applicant to prepare a Biosecurity Management Plan in consultation with DPI Agriculture to ensure that biodiversity risks from all weeds, pests and pathogens are appropriately managed.

Aboriginal Cultural Heritage

117. The Applicant submitted an Aboriginal Cultural Heritage Assessment (**ACHA**), dated 23 September 2020. The Commission notes that an archaeological field investigation of the Site and study area was undertaken and no previously unrecorded Aboriginal cultural heritage sites were identified during the field investigation, and no areas of (archaeological) sensitivity were identified. The ACHA also determined that the study area had been heavily disturbed and that there was low potential for Aboriginal sites or objects to remain.
118. Heritage NSW in its advice to the Department, dated 21 January 2021, recommended the preparation of an Aboriginal Cultural Heritage Management Plan (**ACHMP**), an Unexpected Finds Protocol and that further surveying of the southern half of the Project area be undertaken following surface removal of vegetation.
119. The Commission agrees with the Department in Table 10 of the AR, that with these measures in place, potential impacts on Aboriginal heritage would be appropriately managed. The Commission has therefore imposed Condition B57 which requires the Applicant to prepare an ACHMP as part of the CEMP for the Application. The Commission has also imposed Condition B59 which requires a Unexpected Finds Protocol to be implemented to ensure any potential or newly identified Aboriginal items of significance located within the Site are appropriately managed and mitigated as required. Further site surveying following vegetation removal is also required by Condition B61 imposed by the Commission.

Contamination

120. The Applicant submitted an amended Preliminary Site Investigation dated 21 July 2020 which identified unknown fill materials, asbestos-containing materials and potentially hazardous building materials as areas of concern.
121. The Commission agrees with the Department and finds that the Site would be made suitable for industrial use following removal of the identified contamination and has imposed conditions to ensure any unexpected finds would be identified and appropriately managed. The Commission has imposed Condition B76 which requires the Applicant to prepare an Unexpected Contamination and Finds Procedure as part of the CEMP to ensure that potentially contaminated material is appropriately managed. The Commission has also imposed Conditions B77 to B79 which set out specific requirements should asbestos be encountered during construction works. Condition B77 imposed by the Commission requires the Applicant to prepare an Asbestos Management Plan to the satisfaction of the Planning Secretary.

Bushfire Management

122. The Site is identified as bushfire prone land in accordance with the Gosford Bushfire Prone Map 2008. The Applicant submitted an Amended Bushfire Hazard Assessment dated 27 July 2020, prepared in accordance with the PBP 2019. The Commission notes that the RFS reviewed the Applicant's Amended Bushfire Hazard Assessment and recommended conditions regarding asset protection zone management, firefighting water supply, design of utilities, site access, and emergency and evacuation planning.

123. The Commission agrees with the Department in Table 10 of the AR that bushfire risk can be appropriately managed and has imposed Condition B65 which states that the Applicant must ensure the development complies with the relevant provisions of the PBP 2019 and implement the recommendations and development requirements set out in the Applicant's Amended Bushfire Hazard Assessment.

Analysis of Alternatives

124. The Commission received a written submission raising concern that the Applicant's EIS had not given consideration to an "*analysis of any feasible alternatives to the carrying out of the development, activity or infrastructure, having regard to its objectives, including the consequences of not carrying out the development, activity or infrastructure*" as required by Schedule 2, Part 3, Clause 7 of the Regulations.
125. The Commission agrees with the Department (pg 3, Additional Material) and is of the view that the Applicant's amended EIS has addressed the relevant requirements of Schedule 2, Part 3, Clause 7 of the Regulations as described. The Commission finds that no further analysis is required.

Development at Zone Interfaces

126. The Commission received a submission that raised concern that the Application fails to meet the Planning Principle contained in *Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117*. The case sets out a Planning Principle that relates to development at the interface of zone boundaries. The key finding is that development should take into account existing, or likely future, development in an adjoining different zone.
127. The Commission notes that in response to submissions and government agency advice, the Application has undergone design changes to further minimise and mitigate impacts on adjoining properties. As set out in Sections 6.1, 0, 6.3, 6.4 and 6.6 above, the Commission is of the view that air quality, noise, vibration, traffic and visual impacts on the surrounding properties (including adjacent zones) have been appropriately considered and comply with the relevant criteria where applicable. The Commission finds the amenity impacts to be acceptable, given the design changes proposed by the Applicant in the Amended EIS and the mitigation measures in the imposed conditions.

Community Engagement

128. In the Virtual Site Inspection, the Applicant advised that it was committed to setting up a Community Consultative Committee (**CCC**) to facilitate ongoing dialogue with the community as a part of its commitment to the responsible management of the Site. The Applicant stated that the CCC will involve local residents and community groups. The Commission acknowledges the Applicant's commitment to establishing a CCC and has made this a requirement under Condition A14 imposed by the Commission.

Sale of Waste and Landscaping Products

129. The Applicant in the Virtual Site Inspection stated that only commercial vehicles will utilise the Site, as well as only commercial contractors for product sales and that there will be no retail sale at all from the Site. The Commission acknowledges this commitment and has therefore imposed Condition A11 which states that the Applicant is permitted to receive construction and demolition waste and sell landscaping products to commercial contractors only and that retail sale must not be undertaken at the Site. The Commission finds that this Condition is appropriate to ensuring traffic and amenity impacts do not exceed those predicted in the Amended EIS and considered by the Commission in its determination.

7 THE COMMISSION'S FINDINGS AND DETERMINATION

130. The views of the community were expressed through public submissions and comments received (as part of exhibition and as part of the Commission's determination process), as well as in oral presentations to the Commission at the Public Meeting. The Commission carefully considered all of these views in making its decision.
131. The Commission has carefully considered the Material before it as set out in section 4.6 of this report. Based on its consideration of the Material, the Commission finds that the Application should be approved subject to conditions of consent for the following reasons:
- the Application is permissible with consent under the GLEP 2014 and the SRD SEPP;
 - the Site is located within the Somersby Industrial Park, a strategically designated employment area where various industrial uses can be accommodated;
 - the Application is consistent with the strategic planning directions of state and local planning policies;
 - the use of the Site as a RRF and BPLS business will contribute to the state's waste recovery performance in meeting waste reduction targets and is consistent with the orderly economic use and development of land;
 - the Application would generate social and economic benefits including the provision of 20 operational jobs for the local area and a direct CIV of \$14,866,000;
 - the staged increase in C&D waste recovery requires performance verification prior to commencement of subsequent operational stages as an additional safeguard in mitigating environmental impacts;
 - environmental impacts, including amenity impacts on surrounding land uses have been minimised and are capable of being further mitigated through conditions of consent;
 - the Application is in accordance with the Objects of the EP&A Act and is consistent with the ESD Principles because it would achieve an appropriate balance between the relevant environmental, economic and social considerations; and
 - the Application is in the public interest.
132. For the reasons set out in paragraph 131, the Commission has determined that the consent should be approved subject to conditions. These conditions are designed to:
- prevent, minimise and/or offset adverse environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - require regular monitoring and reporting; and
 - provide for the on-going environmental management of the development.
133. The reasons for the decision are given in this Statement of Reasons for Decision dated 16 December 2021.



Dianne Leeson (Chair)
Member of the Commission



Peter Cochrane
Member of the Commission