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Please Quote: DA/12/2024
Responsible Officer: Alexandra Allouche



Ghd Pty Ltd - Sydney
L15 133 Castlereagh St
SYDNEY NSW 2000

Notice of Determination of a Development Application
issued under the *Environmental Planning and Assessment Act 1979*
Sections 4.16, 4.17 and 4.18(1)(a)

Development Application No: DA/12/2024
Applicant: Ghd Pty Ltd - Sydney
Property Address: Lot 110 DP 755251, Lot 1 DP 126813, Lot 1 DP 654885
159 Nagari Road, WOY WOY NSW 2256
Proposal: Construction & Operation of Landfill Cell - Woy Woy Waste
Management Facility (Designated & Nominated Integrated) (RPP)
Determination: Approved
Determination Date: 06-Nov-2024

Date from which this consent operates

In accordance with Section 4.20 of the *Environmental Planning and Assessment Act 1979*, this consent becomes effective and operates from the date of this notice being 06-Nov-2024

Consent to lapse on 06-Nov-2029

Imposition of conditions

Subject to the provisions of Section 4.17 of the Act this Consent has been granted subject to conditions annexed to this consent.

Review of Determination

Subject to provisions of Sections 8.2, 8.3, 8.4 and 8.5 of the Act the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

Right of Appeal

Sections 8.7 and 8.10 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.



On behalf of the consent authority
David Farmer
Chief Executive Officer

Per:



Alexandra Allouche
Senior Development Planner
EMPLOYMENT AND URBAN RELEASE



1. PARAMETERS OF THIS CONSENT

Approved Plans and Supporting Documentation

- 1.1 **All stages.** Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Drawn By	Dated
12595244-C102	B	Existing Site Plan	GHD	17/11/23
12595244-C103	B	General Arrangement Plan	GHD	17/11/23
12595244-C104	B	Cell Subgrade Plan	GHD	17/11/23
12595244-C105	B	Earthworks Plan	GHD	17/11/23
12595244-C106	B	Passive Gas Collection System Plan	GHD	17/11/23
12595244-C107	B	Leachate Collection System Plan	GHD	17/11/23
12595244-C108	B	Surface Water Drainage Plan	GHD	17/11/23
12595244-C109	B	Leachate Transfer System Plan	GHD	17/11/23
12595244-C110	B	Final Landform Plan – Pre-settlement	GHD	17/11/23
12595244-C111	B	Final Landform Plan – Post-settlement	GHD	17/11/23
12595244-C112	B	Staging Plan – Stage 1	GHD	17/11/23
12595244-C113	B	Staging Plan – Stage 2	GHD	17/11/23
12595244-C114	B	Longitudinal Section	GHD	17/11/23

Technical Report	Version No.	Prepared by	Dated
Environmental Impact Statement	0	GHD	13 December 2023
Technical Report 1 – Soil and Water Impact Assessment	0	GHD	7/12/23



Technical Report 2 – Leachate Infiltration Modelling and Water Balance	0	GHD	6/12/23
Technical Report 3 – Preliminary Site Investigation	0	GHD	6/12/23
Technical Report 4 – Air Quality Impact Assessment	0	GHD	6/12/23
Technical Report 5 – Noise and Vibration Impact Assessment	0	GHD	6/12/23
Technical Report 6 -Traffic Assessment	0	GHD	6/12/23
Technical Report 7 – Bushfire Assessment	0	GHD	6/12/23
Technical Report 8 – Landscape Character and Visual Impact Assessment	0	GHD	6/12/23
Technical Report 9 – Aboriginal Cultural Heritage Assessment Report	-	OzArk Environment and Heritage	November 2023
Technical Report 10 – Historic Heritage Assessment Report	-	OzArk Environment and Heritage	November 2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- 1.2. **All stages.** Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.3. Approval is granted for the development to be carried out in two (2) stages as per also shown on Drawings 12595244-C112 and 12595244-C113 in the following manner:

Stage 1 – eastern half
Stage 2 – western half.

- 1.4. **All stages.** Comply with the General Terms of Approval / requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
Department of Climate Change, Energy, the Environment and Water	General Terms of Approval	IDAS1155362	4 September 2024
NSW EPA	General Terms of	Notice No.	17 July



	Approval	1641299	2024
NSW National Parks and Wildlife Service	Response to referral	DOC24/141920-8	1 July 2024

- 1.5. **Stage 1.** Obtain a variation to the Environmental Protection Licence from the New South Wales Environment Protection Authority prior to the commencement of the development.
- 1.6. This Consent does not include any works external to the site boundaries.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. **All stages.** All conditions under this section must be met prior to the issue of any Construction Certificate. 2.2. **All stages.** No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
 - a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition.
- 2.3. **Stage 1.** Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:
 - location and materials for protective fencing and hoardings to the perimeter on the site
 - provisions for public safety
 - pedestrian and vehicular site access points and construction activity zones
 - details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
 - protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
 - details of any bulk earthworks to be carried out
 - location of site storage areas and sheds
 - equipment used to carry out all works
 - a garbage container with a tight-fitting lid
 - dust, noise and vibration control measures
 - location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.
- 2.4. **Stage 1.** Identify trees and native vegetation proposed for retention must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas



must be clearly marked as "No Go Area" on all plans. The location of any threatened species and ecological communities must also be marked on all plans.

- 2.5. **All stages.** No clearing of native vegetation is permitted under this consent.
- 2.6. **All stages.** Comply with all environmental protection provisions outlined in *Environmental Impact Statement (GHD December, 2023)* and *Biodiversity Constraints Assessment (GHD December, 2023)*. Where impact mitigation measures conflict, the conditions of consent prevail.
- 2.7. **Stage 1.** Engage a suitably qualified, experienced, and currently practicing Environmental Consultant to prepare the following documents:
 - *Soil and Water Management Plan,*
 - *Dust Management Plan,*
 - *Surface Water Monitoring Program,*
 - *Groundwater Management Plan,*
 - *Unexpected Finds Protocol,*
 - *Trigger Action Response Plan* and
 - *Construction Environmental Management Plan.*

All Plans must refer to the documents within the *Environmental Impact Statement, South Cell at Woy Woy Waste Management Facility*, dated 13 December 2023, prepared by GHD Pty Ltd.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. **All stages.** All conditions under this section must be met prior to the commencement of any works. 3.2. **Stage 1.** Appoint a Principal Certifier for the approved development:
 - a) The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b) Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.3. **All stages.** Provide plans to Council for the upgrading of fencing along the south-western, southern and south-eastern boundary to address airborne waste and litter escaping the proposed Southern Cell (Waste Management Facility). 3.4. **All stages.** Comply with all environmental protection provisions outlined in *Environmental Impact Statement (GHD December, 2023)* and *Biodiversity Constraints Assessment (GHD December, 2023)*. Where impact mitigation measures conflict, the conditions of consent prevail.



4. DURING WORKS

- 4.1. **All stages.** All conditions under this section must be met during works.
- 4.2. **All stages.** While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. To ensure the protection of objects of potential significance

- 4.3. **All stages.** The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00 am and 5.00 pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council’s approval.

- 4.4. **All stages.** Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. **All stages.** Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.
- 4.6. **All stages.**



Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.

- 4.7. **All stages.** Install a temporary fence to delineate the construction zone from the Sydney Hinterland Turpentine – Apple Gully Forest (PCT3621) patches. Orange and Purple Polygons Figure 2 *Biodiversity Constraints Assessment (GHD December, 2023.)*

All fenced conservation areas are to be clearly marked as a "No Go Area" on the fencing itself. No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced conservation area.

- 4.8. **All stages.** Maintain the temporary fence around the Sydney Hinterland Turpentine – Apple Gully Forest (PCT3621) Orange and Purple Polygons Figure 2 *Biodiversity Constraints Assessment (GHD December 2023.)*. The fence must be maintained for the duration of construction works.
- 4.9. **All stages.** Appropriate erosion and sediment control must be erected and maintained at all times during construction in order to avoid the potential of incurring indirect impacts on important habitat areas within the development footprint, particularly to prevent sediment escaping the development site.
- 4.10. **All stages.** Manage native fauna appropriately during the construction phase of the approved works. In this regard, where, in spite of precautions, wildlife is injured, a volunteer wildlife carer group such as WIRES or Wildlife Arc must be contacted to arrange suitable treatment.
- 4.11. **All stages.** Comply with all environmental protection provisions outlined in *Environmental Impact Statement (GHD December, 2023)* and *Biodiversity Constraints Assessment (GHD December, 2023)*. Where impact mitigation measures conflict, the conditions of consent prevail.
- 4.12. **All stages.** Complete boundary fencing upgrade along the southwestern, southern and south-eastern boundary to prevent airborne waste and litter escaping the proposed Southern Cell.
- 4.13. **All stages.** Classify all excavated material removed from the site in accordance with NSW EPA (November 2014) *Waste Classification Guidelines* and/or the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
- 4.14. **All stages.** Undertake works in accordance the site specific:
- *Soil and Water Management Plan,*
 - *Dust Management Plan,*
 - *Surface Water Monitoring Program,*
 - *Groundwater Management Plan,*
 - *Unexpected Finds Protocol,*
 - *Trigger Action Response Plan,*
 - *Construction Environmental Management Plan,* and
 - *Environmental Impact Statement, South Cell at Woy Woy Waste Management Facility,* dated 13 December 2023, prepared by GHD Pty Ltd, except whereby



modified with the endorsement of the NSW EPA and subject to conditions of consent.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. **All stages.** All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. **Stage 2.** Prepare and submit a final certification letter detailing the completion of the boundary fencing upgrade.
- 5.3. **All stages.** Amend the *Woy Woy Landfill Management Plan* prior to commencement of the development.

6. ONGOING

- 6.1. **All stages.** Comply with all environmental protection provisions outlined in *Environmental Impact Statement (GHD December, 2023)* and *Biodiversity Constraints Assessment (GHD December, 2023)*. Where impact mitigation measures conflict, the conditions of consent prevail.
- 6.2. **All stages.** Use external lighting that minimises overspill into retained vegetated areas.
- 6.3. **All stages.** Operate generally in accordance with the *Environmental Impact Statement, South Cell at Woy Woy Waste Management Facility*, dated 13 December 2023, prepared by GHD Pty Ltd, except whereby modified with the endorsement of the NSW EPA and subject to conditions of consent.
- 6.4. **All stages.** Hours of operation are permitted between the following times only:
 - 7:00 AM to 5:00 PM Monday to Friday,
 - 8:00 AM to 4:00 PM Saturday and Sunday,
 - Closed on Christmas Day, Good Friday, and New Year's Day.

Any variation to these permitted hours of operation required the prior consent of Council.
- 6.5. **All stages.** The facility is permitted to accept waste in accordance with the EPL limited to 100,000 tonnes per annum.
- 6.6. **All stages.** Maintain the site landscaping for the life of the development.
- 6.7. **All stages.** Maintenance of all buildings and surrounds within the site shall be carried out in such a manner to render the site neat, tidy and clean at all times.
- 6.8. **All stages.** Council shall continue monitoring of ammonia, biochemical oxygen demand, conductivity, pH, total organic carbon and total suspended solids in addition to the monitoring requirements prescribed by the NSW EPA including at locations S01 and S02 including water quality monitoring at these locations within 24 hours of a discharge event from the site occurring. Should a contamination event be recognised, Council shall notify National Parks and Wildlife Services.



6.9. **All stages.** Do not store outside of the approved waste area.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- Offence to harm native protected fauna
It is an offence under the Biodiversity Conservation Act 2016 to harm protected native wildlife. If during works fauna is displaced, it must not be harmed. If required works will cease and fauna will be transferred to the nearest veterinary hospital and Councils Ecologist will be notified within 24hrs.
- Environmental Protection Authority
The New South Wales Environment Protection Authority are the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997* for works, as well as the ongoing operation and management of this site.

The proponent is required to comply with the conditions of this consent and the conditions applied by the NSW EPA.

The proponent must obtain a variation of an Environmental Protection Licence prior to commencing operations under this consent.
- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.



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

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

