

JRPP No:	2010NTH006
DA No:	10/0133
PROPOSED DEVELOPMENT:	Utilise an Approved Warehouse Building for the Purpose of a Waste Management Facility Processing up to 30000 Tonnes p.a. of Kerbside Recyclables at Lot 2 DP 619871, No. 35-37 Morton Street, Chinderah
APPLICANT:	LC Investments (Australia) PLC
REPORT BY:	Director Planning and Regulation, Tweed Shire Council

Assessment Report and Recommendation

SUMMARY OF REPORT:

Council is in receipt of a Development Application seeking consent to utilise a previously approved warehouse building (as approved by DA09/0635 and DA09/0635.07) for the purpose of a waste management facility. The proposed facility would process up to 30,000 tonnes p.a. of kerbside recyclable.

The extent of waste (up to 30,000 tonnes p.a.) triggers the designated development provisions of the Environmental Planning & Assessment Act 1979 which in turn triggers the need for the Joint Regional Planning Panel to determine this application.

The subject application was amended by the applicant on 8 June 2010 and subsequently a revised Environmental Impact Statement (EIS) was lodged for Council's consideration. This amended EIS now better demonstrates the applications relationship to the related consent DA09/0635 and demonstrates the processes involved in the waste management process. Specifically the amended EIS deleted from the subject application the internal pits and the weighbridge. These elements were transferred to a separate S96 Modification Application (DA09/0635.07) and assessed and determined by Tweed Shire Council in June 2010. Accordingly the subject application now just seeks consent for the change of use and internal fit out of the existing warehouse building (which already has approved a weighbridge and pits) for the purposes of a waste management facility.

The main issues arising from the assessment of this application include:

- The inter relationship with DA09/0635 which approved the subject warehouse (currently under construction); and
- The inter relationship with DA09/0635.07 which approved a weighbridge and internal pits for the already approved warehouse (currently under construction).

All matters in regard to merit (for example traffic, site vehicle manoeuvrability, signage, flooding and contamination) have been considered satisfactory subject to the imposition of conditions of consent.

Accordingly the amended application is recommended for conditional approval.

REPORT:

Applicant: LC Investments (Australia) Plc
Owner: LC Investment (Australia) Pty Ltd
Location: Lot 2 DP 619871, No. 35-37 Morton Street Chinderah
Zoning: 4(a) Industrial
Cost: \$350,000.00

BACKGROUND:

Subject Site

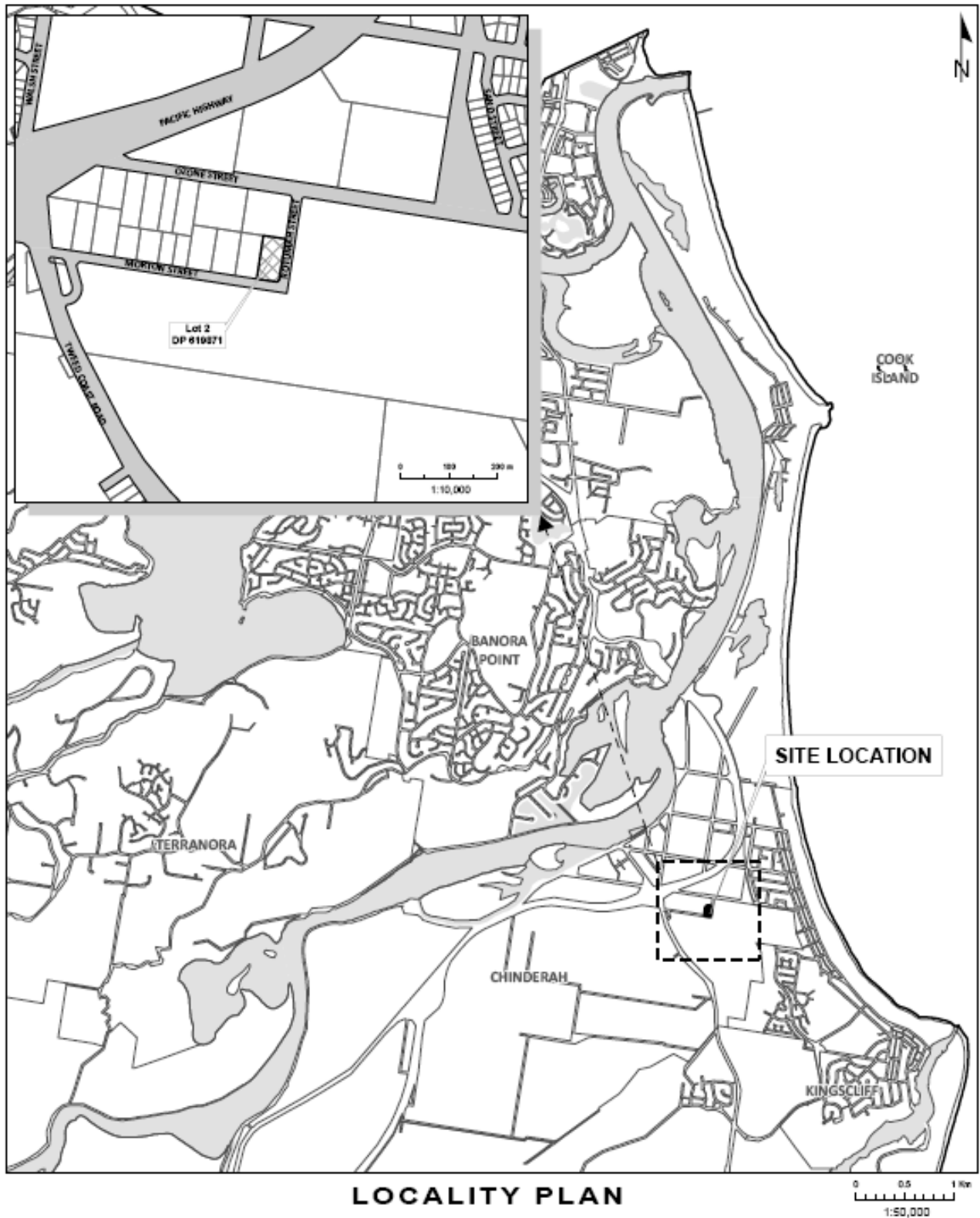
The subject site is located within the Chinderah Industrial Estate and forms a corner allotment with a 41.7m frontage to Morton Street to the south and an 86m frontage to Rotumah Street to the east. The total site area is 4113m². The site is zoned 4(a) Industrial and is constrained by acid sulfate soils, flooding and bushfire threat.

The site is relatively flat and has previously been filled to between RL 2.19m AHD in the east to RL 2.33m AHD in the west. The previously approved floor level for the factory is RL 2.79m AHD. The site is above the centreline of the road and the previously approved warehouse will be constructed from materials that are flood compatible with flood free storage available within the building above the design flood level of RL 3.2m AHD. Council's Development Engineer has no objection to the proposal with regard to flooding.

Site improvements have recently included an existing factory unit and associated office / toilet facilities, 443m² in area. The buildings were surrounded by a concrete hardstand area covering the majority of the site, which was largely void of vegetation apart from limited landscaping along the perimeter of the street frontages. More recent site works have removed part of the previous factory in accordance with DA09/0635 and removed the concrete around the building to commence foundation works for the approved warehouse building.

The site has a long history of industrial related uses including cement storage silos, storage of caravans, the manufacturing of relocatable homes, general factory use, and depot's /workshops. The site is also known to have had an underground fuel storage tank installed in 1985. However more recently an approval was issued by Tweed Shire Council for a warehouse (DA09/0635). The nature of this approval is discussed in detail in this report.

SITE DIAGRAM:



Filename: z:\esri\planning\ymd\AAP_B&W SitePlan.mxd

Author: J.Batchelor - Planning Reforms Unit

Date Printed: 05 August, 2010

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Coordinate System - MGA Zone 56
Datum - GDA 94



Cadastral: 05 August, 2010
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AERIAL IMAGE:



AERIAL PHOTO - taken October 2009

Lot 2 DP 619871

No.35-37 Morton Street, Chinderah

Filename: z:\year\planning\ymd\AAP_B&W SitePlan.mxd

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Previous Approval – DA09/0635

On 8 March 2010 Council approved DA09/0635 over the subject site. The approval related to a warehouse with partial demolition of existing factory and retention of offices and amenities.

The warehouse measured approximately 29.1m wide x 60m long x 11.25m high, using a steel portal frame clad with metal sheeting. The total floor area of the proposal was 1762m², resulting in a site cover of 48.2%.

The new warehouse was to be connected to the existing ancillary office and amenities which form part of the existing 'factory' building. All other parts of the existing factory building were to be removed. A demolition plan was submitted in this regard.

The proposal (DA09/0635) incorporated two (2) access points off Rotumah Street and one (1) access point off Morton Street, along with car parking provisions adjacent to the office area. Adequate vehicle turning paths were provided for the access points.

The development application was lodged as a warehouse, with no known use at lodgement date. During the assessment of the application it came to Council's attention that the applicant would be lodging a separate application for use of the warehouse as a Waste Transfer Station (WTS) for recycling purposes. However, the assessment of DA09/0635 was based on the application as submitted which was for a 'Warehouse' rather than a WTS.

Tweed Shire Council determined this application by way of approval subject to conditions of consent.

A copy of the planning report, determination and approved plans are **attached**.

Subject Application – DA10/0133 as lodged on 11 March 2010

On 11 March 2010 Council received the subject application DA10/0133 which sought approval to utilise the previously approved warehouse building for the purpose of a waste management facility (change of use and internal fit out). As part of this application the applicant sought approval for the introduction of internal pits (that would be erected below ground level) and a weighbridge to be used in conjunction with the waste management facility.

The proposal has been designed to handle the logistical requirements of receiving, processing and dispatching of up to 30,000 tonnes per annum of kerbside recyclables. Items to be recovered include old news paper, old corrugated cardboard, paper, plastics including PET and HDPE, glass, aluminium & iron/steel. The plant specifications are as follows:

- 15 Tonnes per hour plant processing capacity
- 7.3 available productive hours per day
- 260 running days a year (5 day week)
- Available Operational Efficiency of 90%
- Productive Capacity of 26,000 Tonnes Per Annum
- Required Capacity of 28,000 Tonnes

- Recovery Efficiency 90-95%

The building is to house a recycling plant and will not accept general waste. In terms of the recycling stream, current audits suggest that 6.5% of the input material will be termed as non recyclable waste. These items are segregated by the machinery and fed to a holding conveyor. The conveyor provides capacity to hold 24 hours of this generated waste. The waste will on a daily basis be fed out of the conveyor, compacted and sent to landfill.

The plant is not designed to process hazardous waste; it is only designed to process kerbside generated recyclables. Any hazardous items/materials received within the input material, such as full paint tins, car batteries, etc will be identified and Solo Waste contacted to remove these items from site. Sludge's and Fly Ash will not be received or generated by the plant.

The site proposes to operate Monday to Friday, with the gates to open from 6am until 6pm. Deliveries may occur inside these hours. Staff will be at hand to marshal deliveries during the hours before plant startup and shut down (6am to 8am and 4pm to 6pm). No operations are to be undertaken on Saturday, Sunday or public holidays.

The processing plant will be operational from 8am until 4 pm. Input material will be processed and split into commodities during these hours of operations. Product will be dispatched from the plant during these hours of operation.

Operating times and the volume of material to be recycled will see the requirement for 4 full time employees and 1 offsite manager. Additional contract maintenance personnel will also be required on an intermittence basis. Operations will be conducted Monday to Friday only.

The site is to be accessed via Tweed Coast Road & Moreton Street via the adjoining Pacific Highway interchange. The proposal can facilitate onsite internal loading/unloading of Large Rigid Vehicles and onsite external loading/unloading of Articulated Vehicles. It is anticipated twelve (12) to fourteen (14) waste deliveries will be received per day and one (1) to two (2) dispatches of sorted material will be sent per day as part of operations.

The extent of waste (up to 30,000 tonnes p.a.) triggered the designated development provisions of the Environmental Planning & Assessment Act 1979 which in turn triggers the need for the Joint Regional Planning Panel to determine the application.

The application was also considered to constitute integrated development requiring General Terms of Approval from the Department of Environment Climate Change (Environment Protection Regulation Division) and Department of Environment Climate Change (Office of Water).

The NSW Roads and Traffic Authority and NSW Mineral Resources also needed to be consulted in regards to this application.

As part of the JRPP process the panel undertook a site visit on 12 May 2010 and witnessed construction activity occurring at the premises (earthworks) in association with the proposed pits which formed part of the subject application (which were not yet approved).

A private certifier (Simon Dwyer of Buildit Certification) issued a Construction Certificate (CC10/0236) in association with DA09/0635 where the approved CC plans show the pits as proposed within DA10/0133 which are yet to be approved.

This matter was raised with the applicant and the private certifier as a compliance matter. The applicant was advised to cease site works immediately and liaise with Council to establish a lawful way forward. The applicant subsequently:

- Responded to Council's stop work letter dated 12 May 2010. The response was dated 18 May 2010 and indicated that the earthworks were the result of an unfortunate misunderstanding. Their letter further indicated that they would lodge a S96 Application to an associated development application (DA09/0635) to enable the pits to be constructed in association with the previously approved warehouse as opposed to being associated with the subject application.
- Lodged a S96 Modification (DA09/0635.07) to enable the previously approved warehouse to be constructed with internal pits and a weighbridge.
- Lodged an amended Environmental Impact Statement (EIS) in relation to DA10/0133 and amended plans in response to the three additional information requests. This amended EIS now better demonstrates the applications relationship to the related consent DA09/0635 and demonstrates the processes involved in the waste management process including the purpose of the pits.

The resulting assessments are discussed below.

Related S96 Modification Approval – DA09/0635.07 lodged 19 May 2010

On 19 May 2010 Council received S96 Application DA09/0635.07 which specifically sought approval for the following additions to the previously approved warehouse building:

1. *Two (2) internal pits of 1.2m in depth;*
2. *The provision of a transformer and pad adjacent to the Morton Street frontage;*
3. *The installation of a weighbridge between the building and western property boundary including a third pit of 1m deep;*
4. *Realignment of plan Grid A 500mm towards the northern boundary with corresponding 500mm reduction between Grid A & B (note overall building length and setbacks have not altered);*
5. *Minor amendment to the north elevation, through the relocation of small 1.2m by 1.2m precast opening (refer highlighted area on drawing WD20.1)*

These amendments necessitated changes to the existing determination by way of changes to:

- Condition 1 in regards to the applicable plans,
- Conditions 7 and 12 and 36 in regard to parking, and
- New conditions for
 - compliance with a revised acid sulfate soils management plan;

- a Construction Certificate detailing the proposed pits and any other changes resulting from this S96;
- a Building Certificate for the unauthorised works constructed to date;
- a new easement over the pad mount infrastructure, and
- a trade waste application in association with the pits.

The key issues for consideration in this S96 application related to:

- The impact of the proposed pits and whether the pits would constitute Integrated Development due to the need to dewater the site;
- The suitability of the proposed pits and a weighbridge within a warehouse building with no associated use; and
- Whether the amendments as proposed constituted substantially the same development to that originally granted.

The assessment of this S96 Application stated as follows:

“Council’s Building Surveyor raised no objection to the proposed changes but has recommended additional conditions as follows:

- # *Within 30 days from the approval of DA09/0635.07 the applicant is to obtain a Building Certificate for the construction and earthworks/foundations already undertaken on the pits.*
- # *A Construction Certificate is to be issued for all additional works as approved by DA09/0635.07 prior to any further works commencing on the variations.*

These conditions have been incorporated into the approval.

Council’s Development Engineer raised no objection to the proposed Section 96.

The access, parking and manoeuvrability all remain unchanged, however, condition 7 is redundant as new parking plans were submitted to Council to ensure compliance with these conditions. The new plans will be better referenced in revised Condition 1A as per the recommendation. In addition Conditions 12 and 36 can be amended to delete reference for the need for car parking amendments as the new plans are now referenced in Condition 1A.

The stormwater drainage remains unchanged. However, the application was referred to Council’s Trade Officer to review whether the pits require drainage mechanisms be built into them. Council’s Trade Waste Officer responded by stating that the proposed new pits as part of the S96 will definitely need a Trade Waste approval and that it will be the applicants responsibility that they are built to suitable size requirements to facilitate any future water management facility. Accordingly appropriate conditions of consent have been recommended as part of this assessment to require the applicant to lodge a trade waste application in association with this DA.

The proposed new pad mount transformer requires the introduction of a new easement and accordingly a new condition of consent is recommended.

Council's Environmental Health Officer has reviewed the proposal and advised that the introduction of the proposed pits as part of this application raises no issues with acid sulfate soils (provided the application is conditioned to comply with the revised acid sulfate soils management plan) or dewatering. The pits are proposed to a maximum depth of 1.2m (a 1.7m depth for excavation works for the construction of the pits) and the applicant has demonstrated that these works will not trigger dewatering.

In addition the excavation for the pits is proposed outside the area of known site contamination and therefore no additional conditions or assessment is required.

From a planning perspective the additional works will constitute minimal environmental impact and can be approved by way of the proposed S96 Application.

Substantially the Same Development

Having regard for this criteria the applicant has provided that the proposed variations result in substantially the same development on the basis that the changes are very minor in nature and do not alter the scale or intensity of the original approved proposal.

The more difficult test is to establish whether the additional works (pits and weighbridge) can reasonably be considered in association with a warehouse when in fact Council knows they are better suited to the proposed (but not yet approved waste treatment facility). In this regard Council can not prove that a normal warehouse would not benefit from a weighbridge or internal pits and therefore the applicants argument that such facilities can reasonably be associated with a warehouse are justified.

Therefore, the proposed modifications would still result in substantially the same development as that originally approved (that being a warehouse in an industrial area) and can therefore be dealt with via S96 (1A) of the Act."

Accordingly the S96 application was approved by Council on 29 June 2010.

A copy of the planning report, determination and approved plans are **attached**.

Subject Application – DA10/0133 as amended on 8 June 2010

The subject application was amended by the applicant on 8 June 2010 and subsequently a revised Environmental Impact Statement was lodged for Council's consideration. This amended EIS now better demonstrates the applications relationship to the related consent DA09/0635 and demonstrates the processes involved in the waste management process including the purpose of the pits.

Importantly this application no longer seeks consent for the weighbridge or the internal pits as these have since been approved by DA09/0635.07. In addition the applicant has now also prepared a detailed traffic management plan

The amended application is for the change of use of an existing warehouse to a waste management facility. All works associated with the application are limited to the fit out of plant equipment. All fit out works are non structural and do not require the issue of a construction certificate.

It is noted that the proposed waste management facility has been designed to utilise two existing internal pits which are to be constructed as part of DA09/0635.07 (as amended). These pits will be utilised to hold chain conveyors for in feed of recycling materials and for movement of sorted items to balers. Again works are limited to fit out only and do not require the issue of a construction certificate.

In all other aspects the application remains as per the original lodgement.

Operationally the applicant has now provided the following summary of how each component of the process will operate. In summary the plant will utilise a range of sorting, conveyance and baling equipment and operate in the following manner:

Equipment

- Bulk Loading Chain Conveyor C1
- Incline Chain Conveyor C2
- Primary Sort Conveyor within Sorting Room
- ABP Metal Disc Screen
- ABP Rolling Disc Screen One
- ABP Rolling Disc Screen Two
- Mixed Paper Conveyors
- Excel Twin Ram Baler
- Perforator
- Magnetic Belt
- Optical Sort for Aluminium and Plastics
- Bunkering Conveyors
- Optical Sort for Paper and OCC

AREA 1 – Infeed and Primary Sort

Area 1 consists of a large floor area to allow collection trucks to empty the product within the building, avoiding wind blown litter. Two steel chain conveyors C1 & C2 (located within pit 1) then load material into the process plant. This material has 'non recyclable' waste removed from it via a primary sort station. The removed 'non recyclable' waste is then sent directly to Area 4 for baling and Area 6 for collection and disposal at landfill.

AREA 2 – Paper Screening Area

Once through primary sort the input material enters Area 2. Area 2 consists of the ABP rubber disc screens. Area 2 separates the input material into three products being containers (plastic, aluminum, steel, etc), glass and paper. A clean paper product is

produced in area 2 and sent directly to Area 4 for baling. Separated glass is sent to the fine glass bunker.

AREA 3 – Containers Line

Once the fibre and the glass have been removed from the product stream the containers are sent to a sorting area. Here Steel is removed by a magnet, Aluminium is removed by an eddy current and plastic is sorted using optical technology. All these products are stored in Bulk Loaded Conveyors. These conveyors feed a baler.

AREA 4 – Baling and Dispatch

The baling operation is automated and utilises two balers, a twin ram automatic tie baler that can bale a wide variety of material, including paper, cardboard and scrap steel. The Baler is fed by a bunker system in which all sorted commodities are stored. The second baler is a dedicated paper baler.

AREA 5 – Bale store

Area 5 is for bale storage. The plant is to utilise a just in time methodology of dispatch, where material is loaded directly into containers and sent to market on a daily basis. As such the plant will dispatch two or three containers of material a day. This will generally consist of two containers a day of paper to be dispatched and throughout the week plastic, steel and aluminium will be dispatched to market.

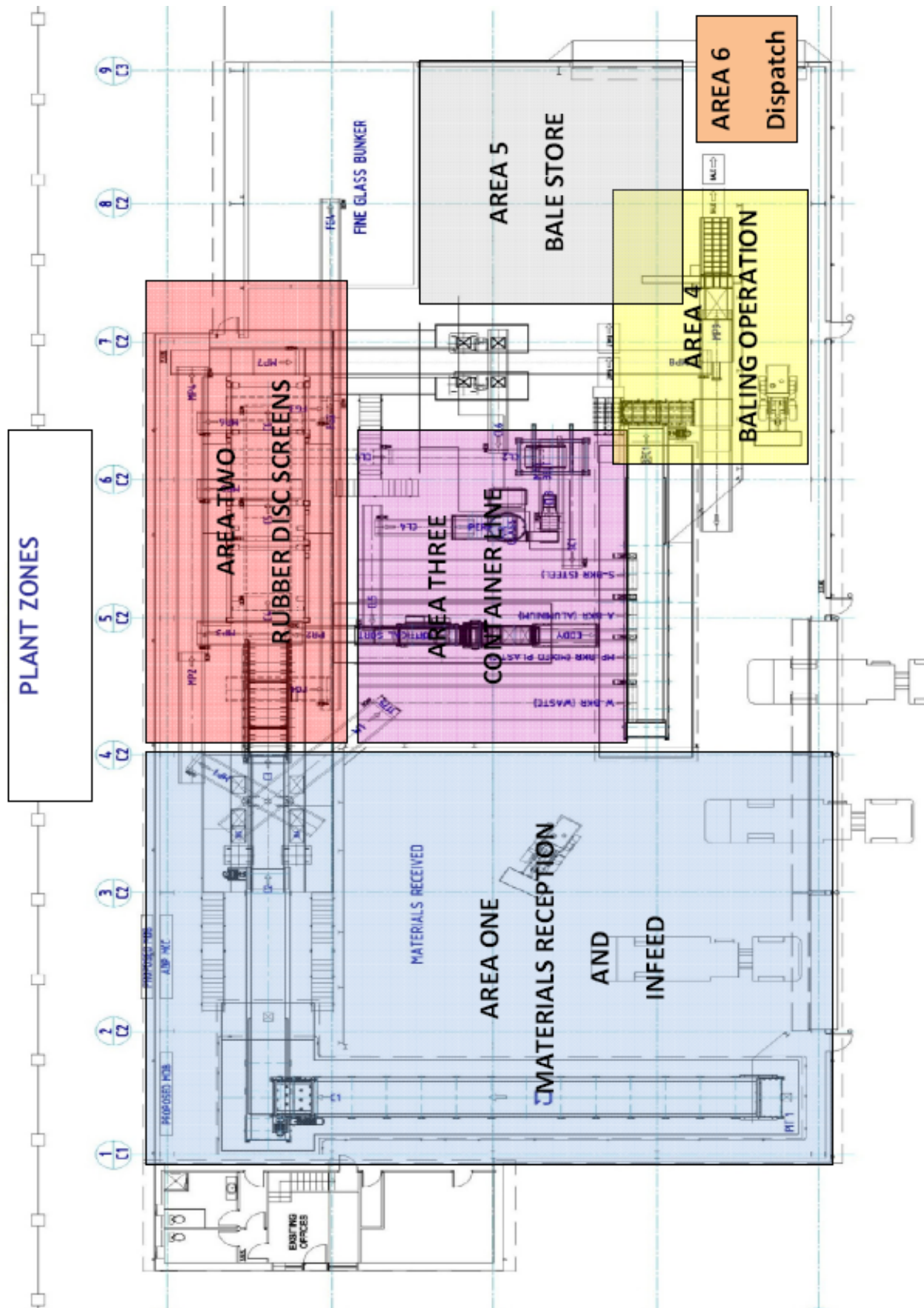
The building has been sized to hold baled commodity to reflect this dispatch pattern however adequate area is provided to allow for significant interruptions that may occur from time to time. Product will be stored at no more than 3 bales in height (3m).

AREA 6 – Dispatch

Area 6 is the dispatch area. Loading of containers takes place inside the building. This again stops the occurrence of windblown litter.

Below is a diagram depicting these areas within the proposed fit out.

DIAGRAM INTERNAL PLANT OPERATION:



Compliance

As part of the S96 assessment for DA09/0635.07 Council considered the compliance matter in which the onsite contractors commenced earthworks for the on site pits prior to any lawful approval for such activity.

In this instance it was not considered necessary to enforce any remediation as the pits were deemed suitable as part of the S96 Assessment. However it was considered appropriate for the site contractor and owner to be issued with a Penalty Infringement Notice (PIN) for the unauthorised earthworks.

The PIN that was issued to the owner (LC Investment Australia Pty Ltd) was to the value of \$3000 which is the maximum fine that can be issued to a company.

The PIN that was issued to the site contractor (Mr Wes Ross) was to the value of \$1500 which is the maximum fine that can be issued to an individual.

The PIN's went out on 30 June 2010 with a covering letter which stated as follows:

"Please find attached a Penalty Infringement Notice for unauthorised earthworks at the above mentioned address.

The earthworks were in association with pits that were proposed as part of DA10/0133 which has not yet been approved.

Council notes that the pits have now been incorporated into DA09/0635.07 and that an approval for these pits has now been approved thus enabling you to proceed with the pits as previously commenced in accordance with the conditions of consent.

However, as the works were clearly started without the appropriate development consent the attached Penalty Infringement Notice has been issued.

Should you have any further enquiries in relation to this matter please contact Council's Denise Galle on 02 6670 2459"

The PIN's are issued via the Infringement Processing Bureau (Investigation Unit) and accordingly Council has no further involvement in these matters unless the PIN's are challenged. To date Council has not been notified on any such challenge.

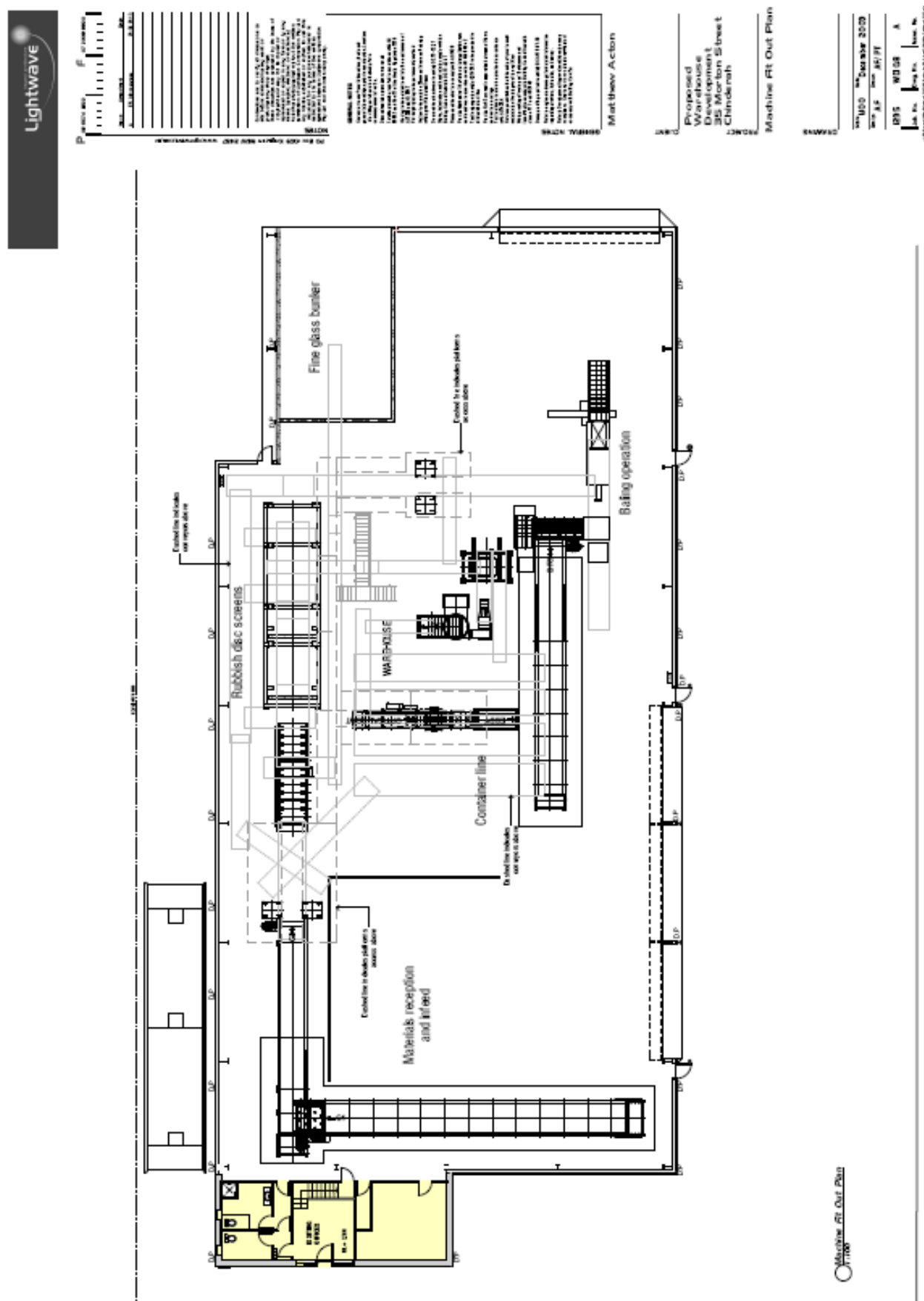
Current Status DA10/0133

Given the assessment of DA09/0635.07 and the subsequent issuing of Penalty Infringement Notices it is now considered that DA10/0133 as amended on 8 June 2010 can be considered by the Joint Regional Planning Panel.

The amended application as submitted is lawful and capable of approval should the individual merits of the case warrant such approval.

The following report undertakes the necessary 79C Assessment in accordance with the Environmental Planning & Assessment Act 1979 and concludes that the merits of this case warrant conditional approval as per the recommendation.

JRPP (Northern Region) Business Paper – 20 August 2010 – 2010NTH006



CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

(a) (i) The provisions of any environmental planning instrument

Tweed Local Environmental Plan 2000 (TLEP)

Clause 4 - Aims of the Plan

Clause 4 illustrates that the aims of the TLEP 2000 are to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan. The proposed change of use is considered to meet the provisions of Clause 4.

Clause 5 - Ecologically Sustainable Development

The TLEP aims to promote development that is consistent with the four principles of ecologically sustainable development, being *the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity and improved valuation, pricing and incentive mechanisms*. The proposed change of use is considered to meet the provisions of Clause 5 of the LEP.

Clause 8 - Zone objectives

This clause specifies that the consent authority may grant consent to development (other than development specified in Item 3 of the table to clause 11) only if:

- (a) *it is satisfied that the development is consistent with the primary objective of the zone within which it is located, and*
- (b) *it has considered that those other aims and objectives of this plan (the TLEP) that are relevant to the development, and*
- (c) *it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.*

In this instance, the proposed development is considered to meet the objectives of the 4(a) zone and is therefore complies with Clause 8(a).

Other relevant clauses of the TLEP have been considered elsewhere in this report, and it is considered that the proposal generally complies with the aims and objectives of each.

With regard to clause 8(c), the proposed waste management facility is not considered to have an unacceptable cumulative impact on the locality or the community as a whole.

Clause 11 – The zones

The subject site is within an approved Industrial Estate zoned 4(a) Industrial.

The primary objectives for the 4(a) Industrial zone is to provide land primarily for industrial development; and facilitate economic activity and employment generation.

The proposed change of use to a waste management facility is best defined under Tweed LEP as light industry which is defined as

an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

The proposed use is considered to be consistent with the specific zone objectives, in that it will incorporate industrial development and provide employment opportunities.

Clause 15 - Essential Services

The subject site is located within the established Chinderah Industrial Estate. As such, connection to essential services is available.

Clause 16 - Height of Building

The site is covered by a three (3) storey height limit. The proposed development incorporates a change of use of a previously approved warehouse. The warehouse building is single storey with a height of 11.25m. Pursuant to the provisions of the TLEP, the warehouse is technically defined as two (2) storey (as the floor to ceiling height exceeds 5m in height), which is still compliant with the three storey height limit as per Clause 16.

Clause 17 - Social Impact Assessment

As the subject site is within an existing industrial area, no negative impact is envisaged as a result of the proposed warehouse. The subject application does not trigger the need for a social impact assessment.

Clause 34 - Flooding

The objectives of Clause 34 are to minimise any future potential flood damage by ensuring that only appropriate compatible development occurs on flood liable land and minimise the adverse effect of flooding on the community.

The subject application seeks to change the use of the previously approved warehouse into a waste management facility.

The assessment for the warehouse development stated as follows:

“The subject site has an existing ground level ranging from RL 2.19m AHD in the east to RL 2.33m AHD in the west. Council’s mapping system indicates that the entire site is flood liable in that it has a design flood level of RL 3.2m AHD. The existing building pad is at RL 2.79m

AHD and the warehouse design proposes to maintain this finished floor level.

Council's DCP A3 requires the site to be filled to the centre line of the adjacent road unless alternative stormwater drainage is provided and filling is for drainage purposes only. The applicant's engineers have noted that the site is above the centre line of the adjacent streets. They have proposed minor filling of the site (0.41m) for internal purposes to allow for grading of existing drainage pipes to the Rotumah Street carriageway.

The Engineering Impact report also refers to DCP A3's limit of 50% of the site for development purposes in high flow areas. Council's mapping indicates that the site is classified as low velocity flood storage. The applicant has noted that the proposed development incorporates 48.2% site coverage, which... 'will not restrict flood flow as there are clear areas maintained around the perimeter of the building of 5m minimum to the property boundary'. The applicant has also noted that flood free storage can be provided above the design flood level of RL 3.2m AHD and that the building will be constructed from materials that are flood compatible. Council's Development Engineer has no objection to the proposal with regard to flooding, subject to conditions of consent.

In light of the above assessment, the proposed development is considered to meet the provisions of DCP A3."

The proposed waste management facility will be undertaken within the previously approved warehouse building which is being constructed from flood compatible materials. In addition the facility caters for flood free storage areas and accordingly meets the objectives of Clause 34 Flooding.

Clause 35 - Acid Sulfate Soils

Whilst the subject site is affected by acid sulfate soils the amended application as lodged on 8 June 2010 no longer proposes any construction activity which would disturb acid sulfate soils. All construction related matters have now been managed by DA09/0635 and the associated S96 application DA09/0635.07.

Clause 39A – Bushfire Protection

The objective of Clause 39A is to minimise bushfire risk to built assets and people and to reduce bushfire threat to ecological assets and environmental impacts.

As the site is located within a bushfire prone area, the application was forwarded to the local branch of the Rural Fire Services for comment. The RFS stated that *"the service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire"*.

The application is therefore considered to satisfy Clause 39A.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

Clause 32B: Coastal Lands

In accordance with Clause 32B of the NCREP, the proposal is considered to be generally consistent with the relevant provisions of the NSW Coast Government Policy and the Coastline Management Manual. The development is not adjacent to any beaches and will not impeded public access to any neighbouring open space area. Accordingly, the proposal fully complies with this clause of the SEPP.

Clause 47 Principles for Commercial and Industrial Development

Clause 47 of NCREP 1988 relates to principles for commercial and industrial development. Before granting consent for industrial development, the SEPP requires Council to take into consideration the principle that land used for such development should be located where it can be adequately serviced by the transport system and is accessible from urban areas. The subject site is within the Chinderah Industrial area, which is located in close proximity to an off/on ramp of the Pacific Motorway, enabling easy access for large delivery vehicles, delivering and transporting manufactured products to and from the site. Therefore, Clause 47 is considered satisfied.

State Environmental Planning Policy No. 55 – Remediation of Land

The subject application merely seeks consent for a change of use from a warehouse to a waste management facility. No external works are proposed to accommodate this development.

The warehouse approval also concluded that no remediation of the site was required, subject to 88b restrictions and buffers around the location of the former underground petroleum storage system. Council's Environmental Health Unit previously imposed relevant conditions that will remain in force across the site. Therefore it is concluded that the SEPP does not apply in this instance.

State Environmental Planning Policy No. 71 – Coastal Protection

SEPP 71 applies to land within the 'coastal zone' which is defined as having the same meaning as in the Coastal Protection Act 1979. The subject land is located within the coastal zone and the provisions of SEPP 71 therefore apply to the proposed development.

Clause 8 of the Policy details sixteen matters for consideration for land within the Coastal Zone. The application is considered to adequately satisfy the matters for consideration. Specifically, the proposed development is considered compatible with the intent for the development of the locality.

(a) (ii) The Provisions of any Draft Environmental Planning Instruments

Draft Tweed LEP 2010

Under the Draft LEP 2010, the subject site has a similar zoning to the current LEP 2000 in that the 4(a) Industrial land is zoned IN1 – General Industrial. The proposed development would still be defined as a light industry as per LEP 2000. A light industry will remain permissible with consent within the IN1 General Industry zone.

The proposed change of use satisfies the provisions of the Draft LEP 2010.

(a) (iii) Development Control Plan (DCP)

Tweed Development Control Plan

A2-Site Access and Parking Code

DA09/0635 approved a warehouse with the following parking requirements:

Use	Rate	Required	Less 20% ESD reduction
Staff	1 space / staff member	8 staff = 8 spaces	6.4 spaces
Customer	1 space / 300m ² GFA	1762.2 / 300 = 5.87 spaces	4.70 spaces
		TOTAL	11.1 spaces = 12 spaces

With the relocation of one space the warehouse application complied with the required 12 car parking spaces, which is compliant with the relevant DCP A2 provisions for warehouses.

The subject application seeks to change the approved use from a warehouse to a waste management facility (light industry). However, the DCP has no specific car parking rate for a waste management facility. Council's Development Engineer has stated that the most appropriate rate is that of a warehouse which is exactly what the site has been designed for.

Therefore the approved onsite parking is deemed to be satisfactory as it caters for manoeuvrability with an articulated vehicle, parking for visitors and parking for staff.

In regards to traffic generation and manoeuvrability Council's Development Engineer has stated that:

"A Traffic Engineering Report has been prepared by CRG Traffic and Acoustic Consultants. This report concludes that the development provided appropriate car parking and manoeuvring facilities on site and although it does increase traffic on local road, this impact is minimal and does not cause adverse impact. I support these statements.

The EIS advises that Large Rigid Vehicles (Solo Waste trucks) are proposed to operate from 7.00am to 4.00pm. Up to 18 LRV trucks are expected to use the facility per day at a maximum rate of 3 trucks per hour. The turnaround

time for each truck on site is expected to be a maximum of 7 minutes. LRV trucks will enter from Morton Street and will exit via Rotumah Street.

The EIS also advises that Articulated Vehicles (AV) with product held in shipping containers are proposed to operate from 7.00am to 3.00pm. Up to 3 AV trucks are expected to use the facility per day at a maximum rate of 1 truck per hour. The turnaround time for each truck on site is expected to be a maximum of 1 hour. AV trucks will enter from Rotumah Street and will exit via Morton Street.

To avoid clashes between LRVs and AVs, awaiting AV trucks will park on site, parallel to Rotumah Street.

The EIS states that on site vehicle marshalling to be utilised at all times. All unloading, processing and loading for dispatch of recyclable materials to be undertaken indoors.”

Appropriate conditions have been recommended in this regard.

The NSW Roads and Traffic Authority (RTA) initially requested this Traffic Engineering report as they were concerned with the potential impact on Tweed Coast Road and the Pacific Highway. Upon review of this data the RTA have now stated that:

“The Roads and Traffic Authority has no objection to the subject development proposal”

Therefore in accordance with the recommended conditions of consent the proposed application is considered suitable based on traffic and parking grounds.

A3-Development of Flood Liable Land

As detailed within the TLEP assessment of Clause 34 Flooding, the proposed change of use satisfies the provisions of Section A3 of the DCP.

A4-Advertising Signs Code

The approval of DA09/0635 and DA09/0635.07 incorporates several signage areas over various elevations of the building, however, no detail has been provided to date.

A condition of consent has been implied which states that any proposed signage that requires development consent must seek approval by way of separate development application.

(a) (iv) Any Matters Prescribed by the Regulations

Clause 92(a) Government Coastal Policy

The proposed development is not considered to compromise the objectives of the Coastal Policy.

Clause 92(b) Applications for demolition

In the assessment of DA09/0635 Council's Building Services Unit applied relevant conditions of consent, requiring the demolition of the existing building to be carried out in accordance with AS2601.

Clause 93 Fire Safety Considerations

Council's Building Services Unit has reviewed the proposed change of use and stated that no building conditions apply as the conditions imposed under DA09/0635 adequately cater for the onsite construction activities.

Clause 94 Buildings to be upgraded

Council's Building Services Unit has reviewed the proposed change of use and stated that no building conditions apply as the conditions imposed under DA09/0635 adequately cater for the onsite construction activities.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

Context and Setting

The proposed development is not considered to have any significant impact upon any adjoining properties. Given the property is located within a well-established industrial area, the proposal is considered reasonable and appropriate for the locality.

Access, Transport & Traffic

The Chinderah Industrial area is located in close proximity to an off/on ramp of the Pacific Motorway, enabling easy access for large delivery vehicles, delivering and transporting manufactured products to and from the site.

The NSW Roads and Traffic Authority (RTA) initially requested the Traffic Engineering report as they were concerned with the potential impact on Tweed Coast Road and the Pacific Highway. Upon review of this data the RTA have now stated that:

"The Roads and Traffic Authority has no objection to the subject development proposal"

Therefore in accordance with the recommended conditions of consent the proposed application is considered suitable based on access, transport and traffic grounds.

Noise / Amenity

Council's Environmental Health Unit provided the following comment:

"The site and surrounding land is zoned 4(a) industrial under the Tweed LEP. The facility is proposed to operate 5 days per week only, with no work on Saturdays, Sundays or public holidays. All wastes will be received and processed indoors. The premise will be open from 6am to 6pm including the delivery of materials, with the plant and material processing wastes between the hours 8am to 4pm.

Adjoining sites are occupied by a concrete batching plant, brothel, light industrial units and vacant land to the east. The nearest identified dwelling is approximately 440m away, with structures nearer than this distance being industrial or commercial.

An Environmental Noise Impact Report, CRG December 2009 (NIR) has been submitted. The NIR establishes background noise levels for the site and likely noise emissions from various activities on the site (measured at an existing similar facility). All potential noise emissions have been modelled and fall within the identified acceptable criterion, both internal and external to identified residential receivers. The NIR also makes recommendations for insulation of the building, operating hours and certification that noise levels meet the identified criteria when the facility is commissioned.

The level of existing industrial activity within the industrial estate is acknowledged. The report is considered appropriate and the potential for noise impacts on other premises has been reasonably assessed and will fall within acceptable limits. Conditions to be applied.

Accordingly appropriate conditions have been recommended.

(c) Suitability of the site for the development

Natural Hazards including Flooding, Tidal Inundation, Subsidence, Slip, Mass Movement and Bushfire

As noted above, the site is subject to flooding. Detailed assessment has been undertaken in this regard, with appropriate conditions of consent applied. The application was also forwarded to Rural Fire Services, as the site is located within a bush fire prone area. As the site is in an established area and is a cleared site, the RFS has approved the proposed development.

The application was also reviewed by the NSW Department of Industry and Investment (Minerals and Energy Division) who stated that *"no part of the subject area is subject to an existing 117 Direction notification for mineral resource protection. Therefore the amendment is supported by Industry and Investment NSW"*

Contamination

The site has previously been considered as potentially contaminated due to a former underground petroleum storage system (UPSS) on the site.

Whilst the original application indicated that soil disturbance and dewatering would be required the amended application contains no earthworks and according dewatering and contamination issues are no longer applicable to this development.

(d) Any submissions made in accordance with the Act or Regulations

The application was notified and advertised in accordance with the Designated Development provisions between Wednesday 24 March 2010 and Tuesday 27 April 2010.

During this time, no submissions were received.

In accordance with the Integrated Development Provisions the application was forwarded to the following government agencies:

Approval Authority	Provision	Approval
Department of Environment Climate Change and Water (Waste Operations, Environmental Protection & Regulation)	Protection of the Environment Operations Act 1997	Sections 43(B), 48 and 55 - environment protection licence to authorise carrying out of scheduled activities a any premise
Department of Environment Climate Change and Water (Office of Water)	Water Management Act 2000	Sections 89, 90 & 91 water use approval, water management work approval or activity under Part 3 of Chapter 3

Department of Environment Climate Change and Water (Waste Operations, Environmental Protection & Regulation) are responsible for licensing waste facilities. Part 5.2 of the Environmental Impact Statement Waste Management Facility (EIS), 35-37 Morton Street, Chinderah, Planit Consulting, January 2010 indicates that the facility requires an Environmental Protection License in accordance with the provisions of the Protection of the Environment (Operations) Act, 1997 (POEO). The EIS states that the facility falls within the definition of a licensable premise under schedule 1 of the POEO as it is a 'resource recovery' operation that processes a total of 30,000 tonnes of material per year. This statement appears accurate and the applicant appears to accept this licensing requirement. This also means that the facility will be regulated by the Department of Climate Change and Water (DECCW), as a licensed facility. A condition has been recommended which requires a license to be obtained.

Department of Environment Climate Change and Water (Waste Operations, Environmental Protection & Regulation) have reviewed the original application and the amended application and are satisfied that the facility as proposed can be licensed under the Protection of the Environment Operations Act 1997

and have accordingly provided their General Terms of Approval. These form part of the recommended conditions of consent.

Department of Environment Climate Change and Water (Office of Water) have reviewed the original application and the amended application. Originally it was thought that a dewatering permit would be needed to facilitate the construction of the proposed pits. As the pits are no longer a part of this application the Office of Water have now provided that a licence under Part 5 of the Water Management Act 1912 may require a license for monitoring Groundwater.

(e) Public interest

The application did not trigger any submissions from the general public and is considered consistent with the intent for industrial zoned land. Accordingly the application for a change of use to a waste management facility is considered satisfactory and in accordance with the general public interest.

DEVELOPER CONTRIBUTIONS:

DA09/0635 applied applicable contributions for the approved warehouse building.

Reviews of the amounts charged have revealed that the proposed waste treatment facility will not generate any additional charges to that already levied in the warehouse approval.

In regards to TRCP the proposed warehouse will generate 40 daily vehicle trips. However the site has credit for 52.9 daily trips (this is based on a total approved floor area of 2205.36m² and a chargeable rate of 4 trips per 100m² for a warehouse less 40% for job creating developments).

In regards to the applicable water and sewerage rates these remain the same to that of the previously approved warehouse as dry industrial use.

The applicable fee under S94 Plan No. 18 will remain the same as the floor area is not being increased.

Therefore no developer contributions are chargeable in association with this change of use.

OPTIONS:

1. Approve the application in accordance with the recommended conditions of consent
2. Refuse the application with reasons.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant may appeal the decision in the NSW Land and Environment Court.

POLICY IMPLICATIONS:

Nil

CONCLUSION:

This application was complicated by the interrelationship with development consent (DA09/0635) and by the applicant undertaking works without development consent. Once these matters were rectified the remaining merit issues associated with this development were minor in nature and capable of control by way of the recommended conditions of consent.

The proposed use is appropriate for the site and will improve waste management and employment opportunities within the locality. Accordingly the application is recommended for approval.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- DA09/0635 - Planning Report
- DA09/0635 - Determination Notice and Approved Plans
- DA09/0635.07 - Planning Report
- DA09/0635.07 - Determination Notice and Approved Plans

RECOMMENDATION:

That Development Application DA10/0133 to utilise the approved warehouse building for the purpose of a waste management facility processing up to 30000 tonnes p.a. of kerbside recyclables (JRPP Application) at Lot 2 DP 619871, No. 35-37 Morton Street Chinderah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos WD10.8 Machine Fit Out Plan Issue Number A prepared by Lightwave Beyond Architecture and dated 26/05/2010, except where varied by the conditions of this consent.
[GEN0005]
2. No signage has been approved as part of this application. If statutorily required future signage must seek prior development approval from Tweed Shire Council. Any exempt or complying signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.
[GEN0075]
3. Council advises that the land is subject to inundation in a 1 in 100 year event to the Design Flood Level of 3.2m AHD. Development of the site is subject to the provisions of Council's Consolidated DCP Section A3 Development of Flood Liable Land.
[GEN0195]
4. Not more than 12 months after occupation of the building and commencement of processing of materials, or a lesser period where reasonable complaints regarding noise emissions have been received by Council, a noise impact report from a suitably qualified person shall be provided to Council which assesses noise emissions from operational processes and confirms that all noise levels comply with

those specified in the Environmental Noise Impact Report, CRG December 2009. Any recommendations of that report shall be implemented to the satisfaction of the General Manager or his delegate within 30 days from the date of the report.

[GENNS01]

5. An Environmental Protection License in accordance with the provisions of the Protection of the Environment (Operations) Act, 1997 (POEO) shall be obtained prior to the commencement of operations.

[GENNS02]

6. Removal of any soil, concrete hard stand or demolition of the existing building shall not be commenced without the separate written consent of Council..

[GENNS03]

7. Prior to the commencement of operation of the facility an Operational Management Plan which includes management measures for all operational aspects of the facility shall be submitted to the satisfaction of the General Manager or his delegate. All activities shall comply with the approved Plan.

[GENNS04]

8. The developer shall provide twelve (12) parking spaces for staff and customers, including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

[GENNS05]

9. To address flood compatibility the applicant is to ensure that:

- (a) All building materials used below Council's Design Flood Level must not be susceptible to water damage.
- (b) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
- (c) The fit out accommodates adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[GENNS05]

10. Stormwater management for the Waste Management facility must be in accordance with that approved under DA09/0635.

[GENNS05]

11. All unloading, processing and loading for dispatch of recyclable materials to be undertaken indoors.

[GENNS05]

12. Any pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GENNS05]

DURING CONSTRUCTION

13. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

14. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

15. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

16. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

17. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to any use or occupation of the buildings.

[DUR1875]

18. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the NSW Department of Environment and Climate Change.

[DUR2215]

19. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.

[DUR2425]

20. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

[DUR2435]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

21. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

USE

22. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

23. Except as may be expressly provided in a licence approval under the Protection of the Environment Operations Act 1997 (POEO) Act, the licence holder must comply with section 120 of the POEO Act 1997 prohibiting the pollution of waters.

[USE0155]

24. The LAeq noise level emitted from the premises shall not exceed the background noise level (LAeq) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 6am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 6am weekdays and 12 midnight and 8am weekends.

[USE0165]

25. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

26. Hours of operation of the business are restricted to the following hours: -

- * 6.00am to 6.00pm - Mondays to Fridays
- * Whilst general activities may occur between 6.00am to 6.00pm, processing and separation of materials is restricted to the hours 8.00am to 4.00pm.
- * No operations are to be carried out on Saturdays, Sundays or Public Holidays
- * All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

27. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

28. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer

[USE0245]

29. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report, CRG December 2009, including all recommendations of that report.

30. All loading/unloading to take place within the boundary of the subject property. [USE0305]
[USE0525]
31. The premises shall be maintained in a clean and tidy manner. [USE0965]
32. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW. [USE1035]
33. General waste shall be separated, suitably stored and disposed on a daily basis from the recycling facility to a licensed waste facility. All material processing shall occur internal to the building. [USENS01]
34. The processing of materials and cleaning of the facility shall be a 'dry' system and the activities shall not be permitted to generate a wastewater/leachate discharge from waste processing. [USENS02]
35. Activities shall not be permitted to create vibration which unreasonably impacts the amenity of any other premise. Where complaints are received which Council deems reasonable a vibration impact assessment shall be prepared by a suitably qualified person and submitted to Council. Recommendations of the report shall be implemented not more than 30 days from the date of that report. [USENS03]

GENERAL TERMS OF APPROVAL UNDER SECTIONS 43(b), 48 and 55 OF THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997 (Environment protection licence to authorise carrying out of scheduled activities at any premises)

Attachment A

ADMINISTRATIVE CONDITIONS

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA10/0133 submitted to Tweed Shire Council and received by the DECCW on 12 April 2010.
- all additional documents supplied to the EPA in relation to the development, including
Document titled: "Environmental Impact Statement – Part 4 – EP&A Act, 1979 – Waste Management Facility – 35-37 Morton Street, Chinderah" prepared by PLANIT Consulting and dated January 2010

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

LIMIT CONDITIONS

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Load limits

L2.1 Not applicable

L3. Concentration limits

L2.1 Not applicable

L4. Volume and mass limits

L4.1 Not applicable

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

Condition L5.1 does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
	Kerbside Recyclables (including paper, cardboard, plastics, glass, aluminium, iron & Steel).	As defined in Schedule 1 of the POEO Act, in force from time to time.	Waste processing (non-thermal treatment)	Maximum of 30,000 tonnes of waste may be received per annum
NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 51A of the <i>Protection of the Environment Operations (Waste) Regulation 2005</i>	As specified in each particular resource recovery exemption.	NA
NA		Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time		NA

L6. Noise limits

L6.1 Not applicable

OPERATING CONDITIONS

O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

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

O1.2 The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.

O1.3 The premises must be maintained in a condition, which minimises or prevents the emission of dust from the premises.

O1.4 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

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

O3 Leachate management

O3.1 Any liquid/leachate emanating from the handling, processing, or storage of waste must be collected and disposed of at a facility that can lawfully accept that liquid/leachate.

MONITORING AND RECORDING CONDITIONS

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- a) the time(s) at which the sample was collected;
- b) the point at which the sample was taken; and
- c) the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 Not applicable:

M3. Requirement to monitor volume or mass

M3.1 Not applicable

M4. Testing methods - concentration limits

M4.1 Not applicable

M5 Recording of pollution complaints

M5.1 The proponent must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M5.2 The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M6.3 This condition does not apply until 3 months after this condition takes effect.

REPORTING CONDITIONS

R1 Annual Return Documents

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

What documents must an Annual Return contain?

R1.2 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- (a) a Statement of Compliance; and
- (b) a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

R1.3 An Annual Return must be prepared in respect of each reporting, except as provided below

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

R1.4 Where this licence is transferred from the licensee to a new licensee,

- (a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- (b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

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

R1.5 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

Deadline for Annual Return

R1.6 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Licensee must retain copy of Annual Return

R1.7 The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

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

R1.8 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

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

R1.9 A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

R2 Notification of environmental harm

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

R2.1 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

GENERAL TERMS OF APPROVAL UNDER THE WATER ACT 1912

General Conditions (all approvals)

The purposes of these conditions are to:

- Define certain terms used in other conditions
- Specify the need to obtain a license, permit or authority before commencing any works
- Specify that, in most cases an approval will only be issued to the occupier of the lands where the works are to be located (as required by the Water Act)
- Require existing approvals to be cancelled or let lapse when a license is issued (if applicable)
- Require the safe construction and operation of all works
- Require the use of appropriate soil conservation measures
- Limit vegetation destruction or removal to the minimum necessary
- Require the separate authorisation of clearing under the NVC Act
- Allow conditions to be imposed for management of fuel (petroleum)

In the following conditions relating to an approval under the Water Act 1912;

‘the department’ means the department administering the Water Act 1912;

‘approval’ means a license, permit, authority or approval under that Act;

‘river’ has the same meaning as in Section 5 of the Water Act 1912;

‘work’ means any structure, earthwork, plant or equipment authorised under the approval to be granted, as defined in Section 5 and 105 of the Water Act 1912;

‘controlled work’ means any earthwork, embankment or levee as defined in Section 165 of the Water Act 1912

Before commencing any works or using any existing works for the purpose of monitoring groundwater an approval under Part V of the Water Act 1912 must be obtained from the department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.

An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.

When the department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.

All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.

All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.

The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.

The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.

A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.

Conditions of water use (including irrigation)

The purpose of these conditions are to:

- Specify the purpose(s) for which the water may be used
- Specify the maximum rate that water may be taken from the water source
- Specify the limitations of when water may be taken from the water source
- Ensure proper management of tailwater drainage
- Ensure accessions to groundwater systems are restricted

The water extracted under the approval to be granted shall be used for the purpose of monitoring groundwater and for no other purpose. A proposed change in purpose will require a replacement license to be issued.

Conditions for bores and wells

See also 'general conditions' and 'conditions for water use'

The purpose of these conditions are to:

- Set a limited period bore construction
- Require the bore to be properly completed and sealed
- Require certain information to be provided on completion of the work, including a location plan
- Allow NOW access for inspection and testing
- Specify procedures if saline or polluted water found

Works for construction of bore must be completed with such period as specified by the department.

Within two months after the works are completed the department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.

Any water extracted by the works must not be discharged into any watercourse or groundwater if it would pollute that watercourse.

- (1) THE LICENSEE MUST ALLOW AUTHORISED OFFICERS OF THE DEPARTMENT OF WATER AND ENERGY, AND ITS AUTHORISED AGENTS REASONABLE ACCESS TO THE LICENSED WORKS WITH VEHICLES AND EQUIPMENT AT ANY TIME FOR THE PURPOSES OF:
- INSPECTING THE SAID WORK
 - TAKING SAMPLES OF ANY WATER OR MATERIAL IN THE WORK AND TESTING THE SAMPLES.
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