

Joint Regional Planning Panel
(Northern Region)

JRPP No	2015NTH005
DA Number	DA0320/2015
Local Government Area	Tamworth Regional Council
Proposed Development	Alterations, additions and upgrade works to the existing factory (Allied Mills)
Street Address	Lot 1 DP 77750, Lot 1 DP 83928, Lots 1-2 DP 86122, Lots A-B DP 371305, Lot 1 DP 712114, Lot 3 DP 873641, Lot 1 DP 881132, 176-182 Marius Street, Tamworth
Applicant/Owner	Urbis Pty Ltd/Allied Mills Pty Ltd
Number of Submissions	Three
Regional Development Criteria (Schedule 4A of the Act)	Schedule 4A(3) of the Act, being a development that has a capital investment value of more than \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Tamworth Regional Local Environmental Plan 2010; • State Environmental Planning Policy No. 55 - Remediation of Land; and • Tamworth Regional Development Control Plan 2010
List all documents submitted with this report for the panel's consideration	Annexure 1: Plans Annexure 2: Submissions Annexure 3: Draft Conditions Annexure 4: Office Of Environment and Heritage General Terms Of Approval
Recommendation	Approval, subject to conditions
Report by	Lucy Walker, Team Leader Development Assessment David Lewis, Manager Development Approvals
Report date	09 July 2015

EXECUTIVE SUMMARY:

Reason for Consideration by Joint Regional Planning Panel:

The application has been referred to the Joint Regional Planning Panel pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979 as the Capital Investment Value exceeds \$20 million.

Brief Description of Proposal:

The development application seeks approval to undertake alterations, additions and upgrades to the existing food ingredients plant as follows:

- Demolish and replace the cooling tower with new equipment;
- Relocate the chemical store room;
- Introduce new, and replace plant machinery and equipment;
- Alter the existing mechanical and electrical services, including installation of a new electrical substation; and
- Improve building access on a staged basis and introduce new openings within the façade of the building.

The submitted development plans are attached to this report as **ANNEXURE 1**.

Compliance with Planning Controls:

The site is zoned IN1 General Industrial pursuant to the Tamworth Regional Local Environmental Plan 2010. The proposal is defined as an “agricultural produce industry” which is permissible with consent in zone IN1.

The proposal is consistent with the relevant objectives of the IN1 General Industrial zone which aim to provide a wide range of industrial and warehouse land uses, encourage employment opportunities and minimise adverse effects of industry on other land uses.

Consultation:

The application was exhibited in accordance with the Tamworth Regional Development Control Plan 2010. Three submissions were received during the exhibition period. Copies of the submissions are contained within **ANNEXURE 2**.

Recommendation:

It is recommended that DA0320/2015 be approved subject to the conditions contained in **ANNEXURE 3**.

Annexures:

ANNEXURE 1	PLANS
ANNEXURE 2	SUBMISSIONS
ANNEXURE 3	DRAFT CONDITIONS

**ANNEXURE 4 OFFICE OF ENVIRONMENT AND HERITAGE GENERAL TERMS
OF APPROVAL**

EVALUATION OF DEVELOPMENT APPLICATION

1 Proposal

The development application seeks approval to undertake alterations, additions and upgrades to the existing food ingredients plant as follows:

- Demolish and replace the cooling tower with new equipment;
- Relocate the chemical store room;
- Introduce new, and replace plant machinery and equipment;
- Alter the existing mechanical and electrical services, including installation of a new electrical substation; and
- Improve building access on a staged basis and introduce new openings within the façade of the building.

The key aspects of the proposed works include the:

- Upgrade of the wet circuit that processes wheat flour into starch and gluten;
- Upgrade of the glucose refinery;
- Installation a C-Starch Recovery System that captures dry solids from the wet circuit and processes it into a syrup product suitable for ethanol;
- Building upgrades to meet the requirements of the Building Code of Australia;
- Upgrade fire safety in stages over a period of five years; and
- Improve vehicle access to the site to ensure that all vehicles can enter and leave the site in a forward direction.

The scheme proposed by the previous owner to divert waste water to White Box Farm at Loomberah has been abandoned, and all waste water generated by the plant will continue to be diverted to the existing Scott Road farm.

2 Site Description

The factory was established on the land in the 1930s. It processes grain to produce starch, caramel, wheat dextrin and corn dextrin. It also has the capability to produce glucose which is presently only occurs at minimal capacity.

The site is comprised of a number of allotments with a total area of 2.6 hectares (see Figure 1). The land is bounded by Marius Street to the south, White Street to the east and Fitzroy Street to the west. The subject development application relates to the factory building, located on the southern side of the Great Northern Railway line. The land on the northern side of the railway is not part of the development works.

Figure 2 is an aerial photograph of the locality taken in February 2015.

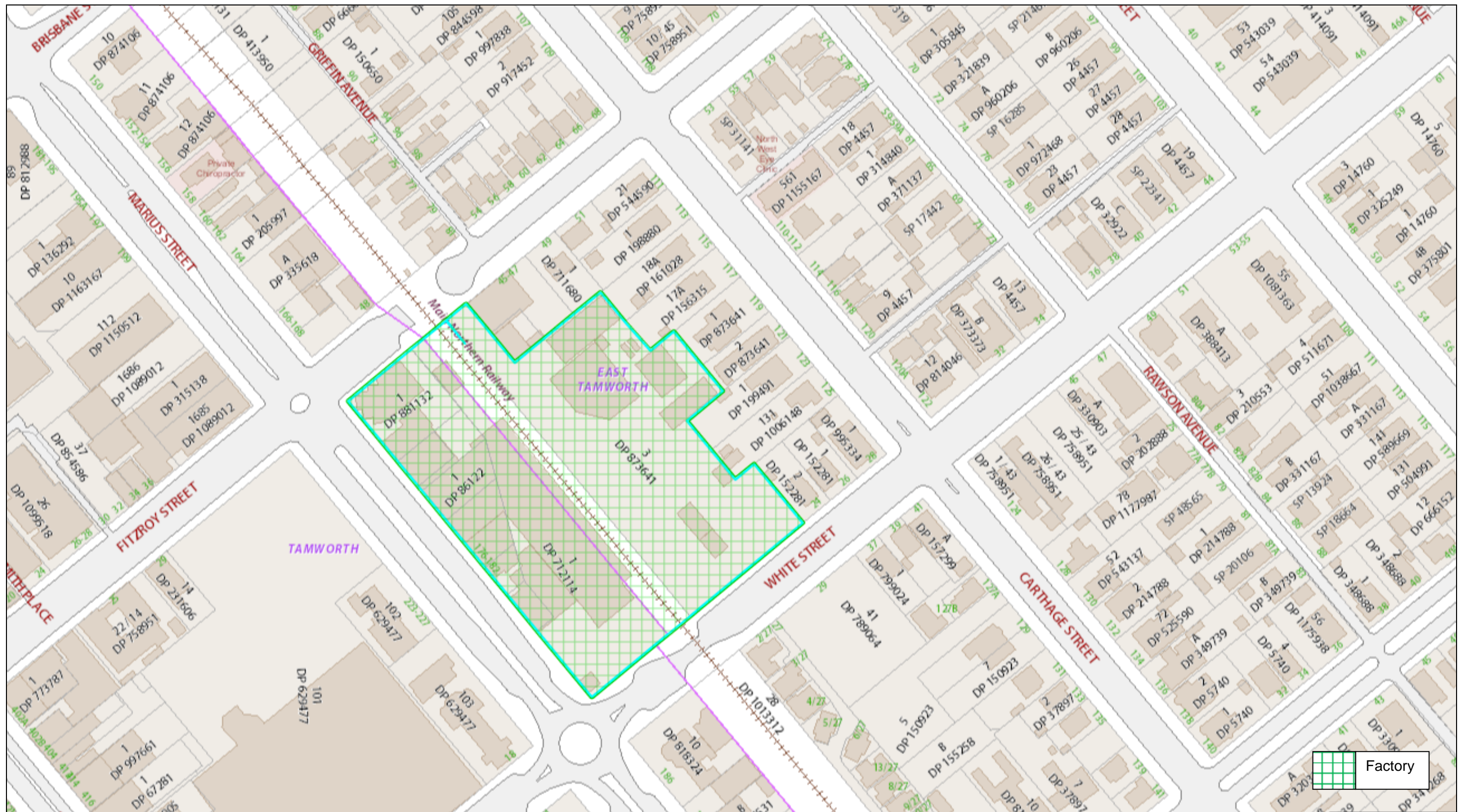


Figure 1- Location of Food Ingredients Factory

3 Referrals

The application is Integrated Development, being a licensed activity under Schedule 1 of the Protection of the Environment Operations Act 1997. The General Terms of Approval issued by the Office of Environment and Heritage (EPA) are contained in **ANNEXURE 4**.

Referrals were made to internal Council Divisions including Environment and Health, Water Enterprises, Transport and Assets and Building Certification. Their responses are addressed within the relevant sections of this report.

4 Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the Environmental Planning and Assessment Act 1979 as are of relevance to the development. The following section of this report summarises the relevant matters for consideration and provides a planning response.

Section 79C(1)(a)(i) any environmental planning instrument

State Environmental Planning Policies

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

Pursuant to Clause 7 of *SEPP 55*, the consent authority is required to consider if land is contaminated and suitable for its intended land use prior to the determination of any Development Application.

As the established use of the site for food ingredient production will continue and there is no work proposed within the external areas that will require removal or disturbance of any soil or pavement, no further consideration under *SEPP 55* is required.

Regional Environmental Plans

There are no regional environmental plans that apply to the land.

Local Environmental Plans

Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)

All lots within the development site are zoned IN1 General Industrial pursuant to the *TRLEP 2010*. The proposal is defined as an “agricultural produce industry” by this Plan, as follows:

” agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed

mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.”

An “agricultural produce industry” is a permissible form of development in zone IN1, subject to development consent.

The objectives of the IN1 zone are as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To enable land uses that provide facilities or services to meet the day to day needs of workers in the area.*

Objective dot points 1 to 4 are relevant to the proposal. In this regard:

- The works represent an upgrade to a long established industrial land use.
- It is estimated that an additional 10 new job opportunities will be generated through the proposed improvements.
- Environmental performance of the plant will be improved with the introduction of new equipment improving air quality, reducing odour and lowering noise levels.
- The proposal supports an existing industrial land use.

Tamworth Regional Section 94A (Indirect) Development Contributions Plan 2013

In accordance with the Tamworth Regional Section 94A (Indirect) Development Contributions Plan 2013 Council may levy a contribution at 1% of the development cost, where the value exceeds \$100,000. It is recommended that a condition be imposed to require that the contribution is paid prior to issue of a Construction Certificate.

Section 79C(1)(a)(i) any draft environmental planning instrument that is or has been placed on public exhibition

There are no draft environmental planning instruments applicable to the proposal.

Section 79C (1) (a) (iii) any development control plan

Tamworth Regional Development Control Plan 2010 (TRDCP 2010)

The *TRDCP 2010* does not contain any controls specific to the proposal.

Section 79C (1) (a) (iiia) any planning agreement

There are no planning agreements applicable to the proposal.

Section 79C (1) (a) (IV) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)

There are no matters applicable to this application.

Context and Setting

The subject site is located on the edge of the Tamworth CBD and is surrounded by a variety of commercial, industrial and residential land uses. The commercial and industrial land uses are concentrated to the land below the railway line, with residential located above.

Traffic, Access and Transport

A Traffic Impact Assessment was prepared by Colston Budd Hunt and Kafes Pty Ltd and submitted with the development application. The conclusion of the report is that the traffic generation impacts will be acceptable and will not have a noticeable effect on the operation of the surrounding road networks which is operating at a good level of service.

In this regard, it is estimated that deliveries will increase from 90 to 130 vehicle movements per week which represents on average an additional 6 - 7 vehicles per day. It also estimates that staff vehicle numbers will increase by 5 - 10 vehicles per hour in each direction around shift change time. It agreed that over the course of a day, the additional movements will be negligible.

It is proposed to maintain the existing vehicle access arrangements, with minor changes to onsite circulation for tankers to ensure all vehicles can enter and leave the site in a forward motion. Those access arrangements are as follows

- Flour tankers, coal deliveries and ash trucks will enter from Fitzroy Street and exit to Marius Street;
- Chemical, large courier and general deliveries will enter from Fitzroy Street and exit to White Street;
- Liquid dextrose and caramel tankers will enter from White Street and exit to Fitzroy Street;
- Waste collection vehicles will enter from Fitzroy Street and exit to White Street. Waste collection will also occur from a dock in Marius Street; and
- Final product outload vehicles will enter from Fitzroy Street and exit to White Street.

The proposed changes to vehicle access represent a significant safety improvement to the existing arrangements where a number of trucks reverse into the site from White Street.

Parking for employees is not currently provided on the site and there are no plans for this to change, due to site constraints.

Public Domain

Not applicable to the development.

Utilities

As part of the proposed upgrades associated with fire safety improvements, new hydrant and sprinkler tanks, pumps and booster valves will be installed.

It is recommended that a condition be imposed to require that the water services to the site be rationalised, with redundant water service connections removed and disconnected from Council's water main.

Heritage

The nearby Conservatorium of Music at 223-227 Marius Street, and St Nicholas Catholic Church, are identified as items of environmental heritage in the TRLEP 2010. The land located above the railway line is also within the "character precincts" of East Tamworth described in the TRDCP 2010.

The East Tamworth area contains many residential heritage items that have local architectural significance and are representative of Tamworth's history.

The factory has existed on the land since the 1930s, and is an established part of the streetscape. The proposed works are largely internal and therefore will not impact on the adjacent heritage listed items or the character of the East Tamworth area. The external work is limited to minor changes to the openings on the Marius Street façade of the building, installation of water tanks and a sprinkler/hydrant pump room. Further, the factory was

Other land resources

Not applicable to the development.

Water, Soils & Waste

All existing waste water generated by the operations is diverted to an existing farm on Scott Road using an existing pipeline connected to a tank storage and lime dosing facility at the farm. The waste water is used for crop irrigation under an existing EPA license. The farm is approximately 1 kilometre from the factory.

Concern had been raised by the EPA with previous plant operators that long-term irrigation of waste water at the farm may not be sustainable due to the volume of waste water produced by the plant, high nutrient levels and urban encroachment on the farm boundaries in some areas. To address these issues the previous owner had purchased another farm and had embarked on the process of obtaining approval to use the farm for irrigation and for construction of an associated effluent pipeline.

Under the current ownership and operations, the waste water quality has been improved to a standard more suitable for crop irrigation and environmental monitoring has confirmed that the Scott Road farm is capable of meeting the ongoing needs to the plant. The Statement of environmental Effects submitted with the Applications states:

"The lower contaminant loads result in sustainable irrigation at the Scotts Road Farm due to the low hydraulic loading and balanced nutrient loading rates. Nitrogen and phosphorous loads, which are the most critical contaminants in jeopardising the sustainability of the Scotts Road Farm, fall from 25 and 14.7 tonne per annum to 6.6 and 0.9 tonne per annum respectively." (Urbis: February 2015)

The applicant has stated that annual waste water volumes in recent years have peaked as high as 539 ML (2010/2011). Current waste water volumes are around 180 ML pa but will only rise to 315ML pa once the development is completed. For example, waste water generation per tonne of flour processed will drop by 42% as a result of the proposed upgrade work.

The General Terms of Approval issued by the EPA includes restrictions related to the concentration of pollutants that may be discharged to the Scott Road Farm and prescribes monitoring and recording requirements.

To clarify the terms of the approval, it is recommended that a condition be imposed to confirm that no liquid waste (with the exception of wastewater from the amenities and the lunch room) may be disposed of into Council's sewerage system.

Air and Microclimate

An Odour Assessment was prepared by Pacific Environment Limited and submitted with the development application. The report identifies that there are no sensitive receptors within proximity of the plant building predicted to experience odour concentrations above the odour concentration level of 2 OU, which is the most stringent odour criterion. This finding was ascertained by dispersion modelling.

An odour impact of irrigation processes undertaken at the Scott Road farm was also assessed. The dispersion modelling for this area predicted that a small area of sensitive receptors close to the irrigation areas would be exposed to 2 OU. However, it is noted that both the modelling scenario for the irrigation, and the most stringent odour goal was applied, so this is likely to overstate the potential for odour impact.

The report recommends that should odour issues arise during irrigation, potential management options include:

- Avoiding irrigation in paddocks closest to the residential area, particularly during unfavourable meteorological conditions;
- Irrigating areas furthest from residential areas with waste water that is considered odorous; and
- pH control of the stored waste water prior to irrigation.

The General Terms of Approval issued by the NSW EPA requires that the applicant develop and implement an Odour Management Plan for the facility. This Plan is required to address matters such as monitoring methods, response mechanisms, compliance reporting, contingency strategies and include system performance and review for continuous improvement.

The proposal also includes the removal of existing, and installation of new water cooling towers. Council will need to be notified when the existing cooling towers are removed and new ones installed in accordance with the Public Health Act 2010. It is recommended that a condition be imposed to confirm this requirement.

Flora and Fauna

Not applicable to the development.

Energy

The applicant has indicated that energy efficiency and environmentally sustainable development practices have been incorporated into the development where practicable. The proposed alterations and additions will facilitate the introduction of new equipment which will improve energy efficiency and environmental performance of the plant.

- Noise and Vibration

The existing plant operates 24 hours a day and seven days per week. Noise sources are various and not easily identified by casual observation. Day time noise levels are also influenced by traffic noise on Marius and White Streets.

An assessment of the noise impacts associated with the existing and proposed works has been undertaken by Acoustic Logic. Operational noise levels were recorded at three receptor locations close to the plant, under the following operational conditions:

- Plant operating under normal conditions;
- Plant ramp down;
- Plant not operating.

Existing background levels and noise emission goals (background plus 5dB) were then identified for the same receptors for day, evening and night. The results of the noise assessment show that some of the noise emission goals will be exceeded as a result of the proposed development unless suitable noise mitigation measures are included as follows:

- High level windows along the Marius Street façade of the Glucose Refinery plant building to be a minimum of 6mm thick glazing with full perimeter acoustic seal. (Only applies to the windows with direct exposure to plant. If there is a partition between the plant and the windows, no treatment is required.) The Sound Transmission Class (STC) of the glazing assembly (window frame and seals) to be a minimum STC29. Windows must remain closed at all times;
- Level 3 windows along the Marius Street façade of the proposed C-starch evaporator plant building to be a minimum 6mm thick glazing with full perimeter acoustic seals. The STC of the glazing assembly (window, frame and seals) to be a minimum of STC29. Window must remain closed at all times;
- Both buildings to have an upgraded roof construction to achieve minimum acoustic performance of R_w40 . No openings in the roof are permitted, any penetrations sealed airtight with Selleys Proseries Fireblock; and
- Existing wall along the north east boundary of the site adjacent to the new cooling towers to extend a minimum of 200mm above the top of the cooling towers. Wall must be of solid construction (masonry, Hebel or 9mm FC), free from any gaps or penetrations.

It is recommended that a condition be imposed to require that these works be completed and certified as compliant prior to issue of an Occupation Certificate for these components of the development.

The General Terms of Approval issued by the EPA also nominate maximum noise limits at three residential properties, being 81 Griffin Avenue, 115 Carthage Street and 127 White Street. These properties are those identified by the report as the most susceptible to noise from the operations. Further, the General Terms of Approval impose requirements to undertake noise monitoring at each property every six months.

Natural Hazards

Not applicable to this application.

Technological hazards

Not relevant to this application.

Safety, security and crime prevention

Not relevant to this application.

Social impact in the locality

Not relevant to this application.

Economic impact in the locality

The plant has been an important part of the Tamworth regional economy for many years; as a significant employer and because of the value of its food production.

The proposal will enhance the efficient operation of the plant, allow products to be reintroduced (e.g. glucose) and provide up to an additional 10 job opportunities as the production levels increase. More efficient operations also include lower waste water production and longer term sustainability for the Scotts Road irrigation farm.

Site design and internal design

The development involves the continuation of an existing food ingredients factory. The proposed works primarily involve alterations and upgrades within the building which do not significantly impact on the external appearance of the building. Internal alterations will relate to replacement of cooling towers, relocation of the chemical store room; installation and replacement of some equipment and machinery; and improvements to internal building fire safety measures on a staged basis.

Construction

The proposed alterations and additions to the plant are directly associated with the upgrade of the internal areas to achieve compliance with the Building Code of Australia and to replace obsolete plant equipment.

It is recommended that a condition be imposed to require that the building must be upgraded to satisfy the performance requirements of Parts C, D and E of Volume 1 of the Building Code of Australia,

It is further recommended that specific conditions be imposed in relation to construction hours and waste management to minimise effect on the surrounding locality during the construction phase of the project.

Cumulative impacts

Consideration of cumulative impacts has been addressed previously in this report in relation to odour and noise assessments. Traffic impacts have also been addressed and determined to have no significant impact on internal access provisions or the external road network.

Section 79C(1)(d) any submissions

The application was exhibited in accordance with Council's Tamworth Regional Development Control Plan 2010 from 16 to 30 March 2015. Three submissions were received during the exhibition period.

A summary of the submissions and a planning response to those issues not addressed elsewhere in the report is provided below:

1. Greenhouse gas emissions should be checked on the coal fire boilers

Comment: As a licensed activity, the coal fire burners are required to comply with emissions standards set by the EPA. The General Terms of Approval issued by the EPA include air monitoring requirements for specific pollutants from the stacks on the boiler house.

The following matters have already been addressed in the body of the report.

2. Noise generated during construction and future operation should be consistent with a residential area;
3. Confirmation is sought that there will be no increase in noise, particularly at night;
4. Confirmation is sought that trucks will not be reversing in White Street; and
5. A site contamination investigation should be undertaken.

Section 79C (1) (e) the public interest

The submissions received from public authorities and from the public in response to the exhibition period have been considered in the preceding section of the report.

4 Recommendation

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000. The evaluation demonstrates that the proposal is satisfactory in terms of the matters for consideration identified in the legislation.

It is recommended that the proposal be granted conditional development consent.

Lucy Walker
Team Leader Development Assessment

David Lewis
Manager Development Approvals

Jackie Kruger
Director, Planning and Community Services

09 July 2015

ANNEXURE 1	PLANS
ANNEXURE 2	SUBMISSIONS
ANNEXURE 3	DRAFT CONDITIONS
ANNEXURE 4	OFFICE OF ENVIRONMENT AND HERITAGE GENERAL TERMS OF APPROVAL

ANNEXURE 3- DRAFT CONDITIONS

PRIOR TO WORK COMMENCING

- 1) The approved development which is the subject of this development consent must not be commenced until:
 - a) A Construction Certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an Accredited Certifier, and
 - b) The person having the benefit of the development consent has;
 - i) Appointed a Principal Certifying Authority for the building work, and
 - ii) Notified the Principal Certifying Authority that the person will carry out the building work as an owner-builder, if that is the case, and;
 - c) The Principal Certifying Authority has, no later than 2 days before the building work commences;
 - i) Notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and
 - ii) Notified 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, and
 - d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
 - i) Appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
 - ii) Notified the Principal Certifying Authority of any such appointment, and
 - iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - iv) Give at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 2) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a) Must be a standard flushing toilet, and
 - b) Must be connected to a public sewer, or
 - c) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- 3) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:

- a) The name, address and telephone number of the Principal Certifying Authority for the work, and
- b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) A statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 4) The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").
- 5) Pursuant to section 68 of the Local Government Act 1993, the following approvals must be obtained:
 - a) Carry out water supply work; and
 - b) Carry out sewer work.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- 6) a) In accordance with Section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 94A (Indirect) Development Contributions Plan 2013, \$21,000 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:
- b) If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

- \\$C_{PY}** Is the amount of the contribution at the date of Payment
- \\$C_{DC}** Is the amount of the contribution as set out in this development consent
- CPI_{PY}** Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS
- CPI_{DC}** Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

- c) The monetary contributions shall be paid to Council prior to the issue of the first Construction Certificate where the development is for building work.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframe.

The Tamworth Regional Council Section 94A Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

GENERAL

- 7) The development shall be carried out in accordance with the following documents:
 - a) Statement of Environmental Effects prepared by Urbis and dated February 2015; and
 - b) Architectural Drawings prepared by CM+A Project No. 3022-DA and dated 22 August 2014.
- 8) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or these conditions will require the consent of Council.
- 9) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.
- 10) All building work must be carried out in accordance with the provisions of the Building Codes of Australia. In this regard, the building must be upgraded to satisfy the performance requirements of Parts C, D and E of Volume 1 of the Building Code of Australia.
- 11) The Developer is responsible for any costs relating to minor alterations and extensions of existing roads, drainage and Council services for the development.
- 12) No liquid waste (with the exception of wastewater from the amenities and the lunch room) is permitted to be disposed of into Council's sewerage system.

GENERAL TERMS OF APPROVAL

- 13) The development shall be carried out in accordance with the General Terms of Approval issued by the NSW Environment Protection Authority, attached.

DURING CONSTRUCTION

General

- 14) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

***Monday to Friday 7.00am to 6.00pm; and
Saturday 8.00am to 1.00pm***

No work to be carried out on Sunday or Public Holidays.

- 15) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Development and Approvals Division.
- 16) If the work involved is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, a hoarding fence must be erected between the work site and the public place. If the hoarding or fencing is to be placed on or over Council land, the written approval of Council is to be obtained.
- 17) If a hoarding is to be erected, the following controls apply:
 - a) No third party advertising is permitted to be displayed on any hoarding erected around the site; and
 - b) The construction site manager shall be responsible for the removal of all graffiti from the hoarding within 48 hours.
- 18) Council must be notified in writing following removal of the existing cooling tower and installation of the new cooling towers in accordance with section 31 of the Public Health Act 2010. The following matters will need to be addressed by the notification:
 - a) The address and telephone number of the premises on which the system has been installed;
 - b) The name and contact details of the occupier of the premises (including their address, email and home, business and mobile phone numbers);
 - c) The Australian Business Number (ABN) or Australian Company Number (ACN) of the occupier or the premises;
 - d) Details of the type of regulated system; and
 - e) The nominated service agent.

Inspections

- 19) It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations, 2000. The owner may appoint either the Council or an accredited certifier to be the PCA

PRIOR TO OCCUPATION

- 20) The occupation or use of the whole or any part of a new building must not commence unless an occupation certificate has been issued in relation to the building or part.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- 21) The water services to the site shall be rationalised with redundant water services connections removed and disconnected at Council's main. Works shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments. Work on live mains shall be undertaken by Council at the cost of the developer.

- 22) The acoustic treatments listed in Section 7 - Recommendations (page 17) of the Acoustic Logic report titled "Allied Mills Grain Products Refinery Plant - Tamworth-Proposed Factory Upgrade - Noise Emissions Assessment" shall be implemented prior to issue of an Occupation Certificate to minimise the acoustic impact of operations.

Continued Operations

- 23) All vehicular movement to and from the site shall be in a forward direction as nominated in the submitted Statement of Environmental Effects to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.
- 24) Vehicles shall be loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans, or as otherwise provided in accordance with the conditions of this consent to ensure that the proposed development does not give rise to street loading or unloading operations with consequent accident potential and reduction in road efficiency. Under no circumstances are vehicles to be loaded or unloaded at the kerb side, or across the public footpath.
-