

Review of Application for DA Modification

DA 10.2009.29846.2

**Albury Waste Management Centre
Mudge Street
Hamilton Valley**



This Report has been prepared for:

Albury City Council

553 Kiewa Street
ALBURY 2640

This Report has been prepared by:

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Environment Design Management

Town Planning Surveying Engineering Environmental Planning Building Design Project Management

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DA No:	10.2009.29846.2
Property Details:	Lot 694 DP 753326, Lot 6 DP 829926 & Lot 92 DP 608683
Street Address:	Mudge Street, Hamilton Valley
Proposal:	Modification of existing development consent
Applicant:	Albury City Council
Owner	Albury City Council

1. INTRODUCTION

EDM Group has been engaged by Albury City Council to undertake an independent review and assessment of an application to modify Development Application 10.2009.29846.1 in respect of expansion of the Albury Waste Management Centre (AWMC). A Statement of Expertise to prepare such an assessment report is provided at Appendix 1. Documents supplied by Albury City Council to assist in this independent assessment are listed at Appendix 2.

This particular application for modification has been lodged under the provisions of Section 96(2) of the Environmental Planning and Assessment Act 1979. The proposal seeks variation to an approved Designated Development so as to allow a number of changes to the proposed future operation and range of facilities provided within the Northern Valley precinct of AWMC.

The following assessment is provided in the context of the relevant provisions of the Environmental Planning and Assessment Act 1979 (the "ACT").

The application was accompanied by various plans of the development prepared by Albury City Council (Appendix 3) and a Statement of Environmental Effects prepared by Habitat Planning dated January 2015.

This assessment report subsequently recommends that modification of Development Application 10.2009.29846.1 be approved subject to the imposition of suitable conditions of consent as noted at Appendix 3.

2. SUBJECT LAND

That part of the AWMC that comprises the subject land is known as the Northern Valley and is described as Lot 694 DP 753326, Lot 6 DP 829926 & Lot 92 DP 608683 (Figure 1) The land comprises freehold land in the name of Albury City Council.

The whole of the land that makes up the AWMC site is located approximately 5km to the west of the Lavington district centre. The Southern Valley area is currently licenced by the NSW EPA as a 'General Solid Waste Landfill' while the Northern Valley area is subject to valid and operational development consent for ancillary operations including materials recycling, greenwaste disposal, construction waste disposal, small vehicle transfer and an education centre.

As noted on the supplied site layout plans for the modified development the subject land is currently accessed from the western end of Mudge Street and is irregular in shape. The Northern Valley precinct is well screened being largely out of site from the perspective of the public realm particularly when viewed from Mudge Street.

The subject land is currently zoned SP2 - Infrastructure under Albury Local Environmental Plan 2010 ('the LEP') which specifically accommodates existing and likely future uses of the land as a Waste Management Centre.

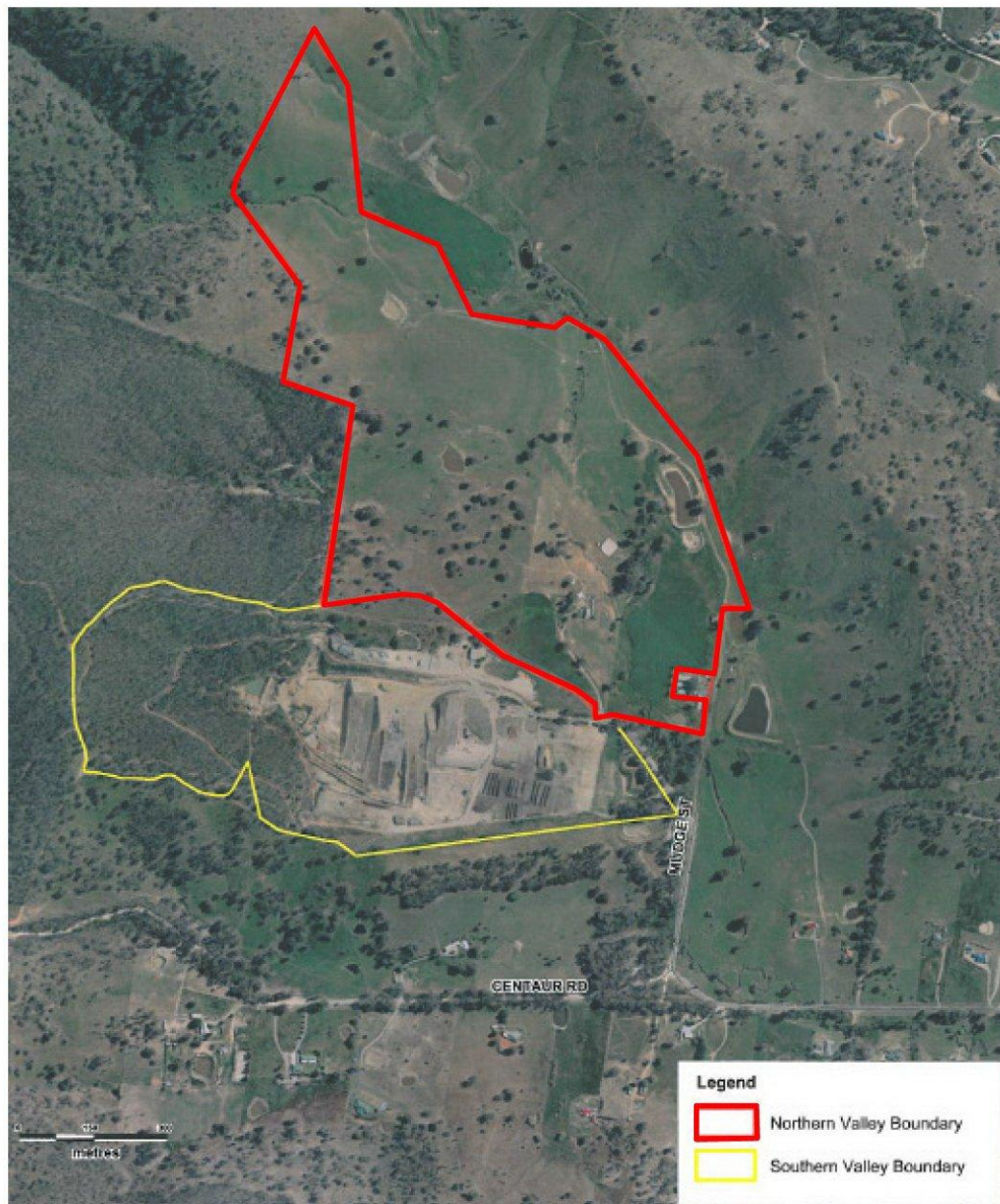


Figure 1: Albury Waste Management Centre

3. PROPOSAL DESCRIPTION

The expansion of the AWMC includes development of the Northern Valley precinct to not only cater for future waste generation but to also improve opportunity for resource recovery in keeping with long term management strategies. The applicant notes within submitted documentation that resource recovery will not only help to extend the overall life of the AWMC but will facilitate important sustainability outcomes through recycling and recovery of resources from the overall waste stream.

The application for modification relates to a number of proposed changes associated with the existing and future operations within the Northern Valley of the AWMC as approved by Development Consent 10.2009.29846.1. These changes are effectively summarised as being:

1. Deletion of the small vehicle transfer station from Stage 2;

2. Relocation of the Stage 1 construction and demolition waste sorting areas to the Northern Valley;
3. Adding a recycling centre including a re-use shop, landscape supplies and recycling transfer station where the Stage 1 green waste, construction and demolition waste sorting area is currently located;
4. Adding a short term green waste storage and mulching area for non-kerbside green waste; and
5. Adding a push pit, domestic dirt and concrete disposal area as well as an educational centre at the site of the approved small vehicle transfer station. [Note: The building and works associated with this stage of the development will be the subject of a separate Development Application.]

The proposal seeks to modify conditions of consent 10.2009.29846.1 by amending the following:

- Condition A1 to reflect plans and details submitted with the modified application;
- Condition A3 to reflect any changes that may be requested by NSW EPA following referral of the application;
- Condition A7 to require an updated Construction Environmental Management Plan (CEMP) to reflect the requested changes to the development; and
- Condition D2 to require an updated Operations Environmental Management Plan (OEMP) to reflect the requested changes to the development.

In respect of the disposal of waste and recycling for the general public at the Albury Waste Management Centre (AWMC) onsite operations will involve the following processes:

1. Entering the facility via the existing gatehouse and weighbridge, traffic will then proceed north-westerly to the roundabout and turn right.
2. The traffic will then firstly drive through to the recycling centre and if necessary unload any recyclable material and or suitable material that can be placed in the second hand recycling centre.
3. Traffic can also proceed to the northern area of the recycling centre to unload any material that may contain steel items.
4. All traffic will then proceed along the one-way access into the green waste disposal / processing area where if necessary they may unload any garden waste material.
5. If there is any general any waste remaining in the delivery load which needs to go to landfill, traffic will then progress over a weighbridge and access the final disposal point called the push pit.
6. All traffic will then be directed to leave the site by accessing the gatehouse and the weighbridge point.

Overall the traffic will undertake a loop and may in some instances bypass areas if they don't have relevant waste for disposal.

A second hand use centre is also proposed as part of the overall recycling building. This part of the building is to be located within the eastern portal of the building (extreme right).

This component will be partitioned off so that persons accessing the AWMC for waste disposal do not have access to the second hand goods area. Access to the second hand goods area will instead be via Mudge Street, which is to be extended northerly past the entry to the existing Albury City Council Animal Management Centre.

People will be able to directly purchase and browse through this area for second hand goods.

In review, the first portal of the building will be a drive through section for the general public to off load recycling, the second portal will store and manage the recycling material (eg baling of cardboard, plastics, repair second hand goods) while the third portal will accommodate the second hand goods for on selling to the community.

4. PUBLIC NOTICE & REFERRAL

The application for review was notified in accordance with Council policy and no objections have been raised in respect of the development proceeding.

The application was also referred to NSW EPA who has responded in general support of the current proposal. The EPA has however identified a number of issues associated with noise and odour for consideration and has also provided a number of conditions that are requested to be incorporated in the event of a subsequent approval of DA10.2009.29846.2. These suggested conditions are in addition to the General Terms of Approval of the original consent.

5. ZONING AND PLANNING PROVISIONS

5.1 Modification of Consent

The Act provides at Section 96(2) the following in respect of Modification of Consent provisions:

96 Modification of consents—generally

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

In determining an application for modification under s.96(2) the consent authority is required to take into consideration such of the matters referred to in s.79C (1) as are of relevance to the development the subject of the application.

5.2 Designated Development (EP&A Act)

The original development proposal for the Northern Valley was defined as 'waste management facilities and works' that fell under the category of Designated Development as provided for by s.77 of the Act. As a consequence the original DA was accompanied by a requisite EIS in accordance with Part 4 of the Act as well as relevant Requirements of the Director General.

This current proposal can however be readily regarded as being substantially the same development as the development for which consent was originally granted. As a consequence there is no need for a revised EIS.

5.3 Integrated Development (EP&A Act)

The proposed modification of consent in respect of the Northern Valleys precinct of the AWMC is not regarded as an Integrated Development as defined by s.91 of the Act as it will not require an relevant approval from any of the nominated government agencies.

5.3 SEPP's

The following State Environmental Planning Policies have been considered in respect of this planning proposal.

State Environmental Planning Policy (State & Regional Development) 2011

The development is a significant project in which Council has a direct interest. As a consequence the application for modification of consent is required to be reported to the JRPP for the Southern Region pursuant to Clause 13B(2) of the SEPP.

COMMENT: It is noted that the JRPP Panel Reference No. is 2015STH004 and that at the time of this independent assessment no panel hearing date had been set.

State Environmental Planning Policy (Infrastructure) 2007

Under Division 23 of the Infrastructure SEPP, development for the purposes of waste of resource management facilities is permitted with consent in a prescribed zone.

COMMENT: Consistent with relevant SEPP provisions it is noted that the subject land is appropriately zoned.

SEPP No.44 – Koala Habitat Protection

This policy aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas so as to ensure permanent free-living populations will be maintained over their present area.

The policy applies to 107 local government areas throughout NSW providing that development approval cannot be granted in an area affected by the policy without an investigation of core koala habitat.

The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat.

COMMENT: The site is not regarded as representing 'Potential Koala Habitat' being "an area of native vegetation where the trees of the types listed in Schedule 2 of SEPP 44

constitute at least 15% of the total number of trees in the upper and lower strata of the tree component”.

Further it is also noted that there are no significant native trees required to be removed from the subject land as a consequence of the development. As a consequence the planning proposal is seen as complying with SEPP 44.

5.4 Albury LEP 2010

As previously noted the subject land is zoned SP2 – Infrastructure under the provisions of the Albury LEP 2010 (“the LEP”). Objectives of the zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Clause 2.3 - Relevant to this planning proposal it is noted that the use of land within this zone for the purposes of “*Waste Management Facility*” as indicated on the Land Zoning Map is permissible with consent.

5.5 Albury DCP 2010

Relevant also to this application are the following Parts (Chapters) of the Albury DCP 2010 (“the DCP”), namely:

- Part 3 – Development Notification Policy
- Part 14 – Development within the Special Purpose Zones
- Part 17 – Off Street Car Parking

6. GENERAL PROVISIONS OF THE EP&A ACT - S.79C (EVALUATION)

In determining this modification application, the consent authority is required to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any draft environmental planning instrument that is or has been placed on public exhibition, and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates.
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

6.1 Any environmental planning instrument - Sec. 79C(a)(i)

Albury Local Environmental Plan 2010

COMMENT: As previously noted above the subject land is situated within the SP2 - Infrastructure zone under the LEP. This specifically accommodates existing and likely future uses of the land as a Waste Management Centre. The proposed DA Modification is permissible with consent.

2.3 – Zone Objectives:- *The proposed development is generally consistent with zone objectives, in that:-*

- *the proposal provides for relevant infrastructure and related uses; and*
- *no development is proposed that would otherwise be incompatible with or detract from the provision of infrastructure.;*

5.12 - Infrastructure development: *It is noted that the LEP does not restrict, prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without under State Environmental Planning Policy (Infrastructure) 2007*

There are no relevant development standards and decision guidelines contained elsewhere within the LEP.

As a consequence it is considered that there are no matters raised in respect of the proposal that could be considered to be inconsistent with the LEP.

6.2 Any draft environmental planning instrument - Sec. 79C(a)(ii)

COMMENT: There is no relevant draft environmental planning instrument that is or has been placed on public exhibition.

6.3 Any development control plan - Sec 79C(a)(iii)

Part 3 – Notification Policy

COMMENT: The application was notified in accordance with Albury City's Public Notification Policy. As previously indicated there were no public submissions received.

Part 14 – Development within the Special Purpose Zones

COMMENT: The DCP notes that the SP2 Infrastructure Zone is a zone intended for a wide range of physical and human infrastructure uses such as transport (e.g. roads and railway, utility undertakings and works, community uses, educational establishments (e.g. schools) and hospitals.

The DCP provides that where consent is required, any development located in the SP2 Infrastructure Zone will be assessed according to the zone objectives and relevant provisions of the LEP and Act including provisions of s.79C and any other relevant objectives and controls of the DCP.

Part 17 – Off Street Car Parking

COMMENT: The overall development relates to a materials recycling or recovery centre. The DCP provides a requirement for a carparking rate of 1 per 2 employees plus 1 per 200m² site area. As the modification relates to substantially the same use as previously approved it is assumed for the purposes of this assessment that adequate parking provision has been allowed for.

However given the nature of the modified recycling centre including a small retail component that is to be separately accessed from Mudge Street it is worthwhile to reconsider this specific component of the landuse.

In this respect it is considered that the second hand goods area can be regarded as being more akin to a shop. The DCP provides a requirement of 1 space per 40m² GFA for shops less than 3000m² GFA.

The proposed second hand use centre will be 1,470m² in area. This equates to a requirement of 36.75 car spaces.

In response The development readily complies in this case with a total of 51 car spaces indicated on the submitted plans.

6.4 Any planning agreement under section 93F - Sec 79C(a)(iia)

COMMENT: There are no planning agreements in place that affects the evaluation of the subject development application.

6.5 Any matters prescribed by the Regulations - Sec 79C(a)(iv)

COMMENT: Pursuant to Section 92 of the Regulations there are no relevant prescribed matters relating to the subject land.

6.6 Any coastal zone management plan - Sec79C(a)(v)

COMMENT: Not Applicable

6.7 Likely impacts of that development - Sec 79C(b)

COMMENT: It is firstly noted that there was a thorough consideration of environmental effect undertaken as part of the EIS associated with the original development application for expansion of the AWMC. Having regard to that analysis it is anticipated that the proposed DA modification will not have any likely negative additional impact on the general locality particularly taking into account the existing nature of the development on site. The following additional comments are noted.

- *Context & Setting: Satisfactory. The proposal is wholly consistent with the existing and anticipated context and setting of the Albury Waste Management Centre. The proposed modifications are largely operational in nature and are largely consistent with the intent of the existing approvals in place. As a consequence the proposal is consistent with the context and setting and will result in an outcome that contributes to an improved layout popular public precinct with high levels of public amenity.*
- *Streetscape: No detrimental impacts envisaged. The development site is largely out of site from the perspective of the public realm particularly when viewed from Mudge Street. The second hand goods section will not represent a particularly discordant element in the overall landscape setting especially for those travelling north of the Animal Management Centre to the facility.*
- *Traffic, access and parking: The application has been supported by a Traffic Impact Assessment report. This report considered the impacts of the proposed changes to the concept design. The site enjoys excellent legal and practical access to the broader local road network via Centaur Road and Waste Road. The proposal also now seeks to rely upon an upgrade to Mudge Street to provide access to the second hand goods component of the recycling and recovery centre. Subject to appropriate intersection upgrade and construction of Mudge Street it is considered that the existing road network has more than adequate*

capacity to accommodate traffic generated by the proposal. More than sufficient capacity exists in proximity of the subject land for provision of carparking that would be otherwise consistent with code requirements.

- *Public Domain: Satisfactory. The proposal relates to modification of an existing consent in respect of the AWMC being substantially the same development as the development for which consent was originally granted. The status quo will be maintained in so far as any offsite impacts upon surrounding Crown land. There are no issues identified in respect of the public realm so as to preclude the development.*
- *Utilities: The site is fully serviced to allow the development to proceed*
- *Heritage: N/A*
- *Aboriginal Cultural Heritage: It is understood that the applicant has previously undertaken the necessary Due Diligence consistent with NSW Office of Heritage and Environment – “Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.” Existing condition A8 also is of relevance.*
- *Water Quality & Stormwater: Satisfactory. Any impacts on surface hydrology and ground water from modified operations will essentially be the same as previously considered within the EIS.*
- *Soils, soil erosion: No detrimental impacts. Having regard to the EIS it is considered impacts on surface and sub-surface soil conditions from modified operations will remain unchanged.*
- *Air and microclimate: No detrimental impacts. Having regard to the EIS it is considered impacts on air quality from modified operations will remain unchanged.*
- *Flora and Fauna: Satisfactory. No areas of critical habitat are affected by the modified proposal. The previous analysis and recommendations as outlined with the EIS will still be applicable in respect of the modified operations.*
- *Waste: Satisfactory. The development as modified can easily accommodate any waste material associated with construction and ongoing operations.*
- *Demolition and Construction. It is expected that any noise and dust pollution from modified operations will remain unchanged from that previously identified. It is expected that impacts will be minimal occurring primarily during site construction works. Any impact is otherwise minimised by the nature of the works within a broader non-urban landscape setting.*
- *Noise & vibration: Identified potential impacts are to be mitigated through establishment of a satisfactory noise protocol as well as the requirement to undertake compliance noise assessment to EPA specifications .*
- *Natural hazards (Flooding): Satisfactory*
- *Safety, security and crime prevention: No detrimental impacts.*
- *Social impact in locality: Satisfactory. The on-going use and improvement of the AWMC is a positive outcome from a social perspective.*
- *Economic impact in locality: Positive economic impacts are envisaged. Not only will resource recovery help to extend the overall life of the AWMC but the proposal will also facilitate recycling and recovery of resources with an important element of resale back to the public.*

- *Site design and internal design: Satisfactory*
- *Landscaping: Satisfactory*
- *Cumulative Impacts: No detrimental impacts expected from modified operations over and above those already identified within the EIS. Expected reductions in greenhouse emissions are noted.*

6.8 The suitability of the site for the development - Sec 79C(c)

COMMENT: Having regard to site context and characteristics the subject land is considered to be suitable for the proposed modified development. The development will continue to be appropriately accommodated for within the Albury LEP. Further there are no issues of non-compliance with relevant DCP provisions that would warrant refusal of this application.

6.9 Submissions - Sec 79C(d)

COMMENT: No objections were received in relation to the Public Notification of the proposal.

The referral response of the NSW EPA has been duly taken into account and suggested conditions are included within the subsequent recommendations of this assessment report.

6.10 The public interest - Sec 79C(e)

COMMENT: It is contended that the public interest is well served by this proposed modifications and that there is nothing identified that would preclude the Determining Authority making a favourable determination in this matter.

7. CONCLUDING COMMENTS

As a consequence of the above discussion, together with an assessment of the heads of consideration under Section 79C of the EP&A Act, as well as the planning merits of the proposal in this particular location it is felt that on balance the proposed DA Modification is both appropriate and satisfactory as a result of this assessment.

Having regard to the nature of the modifications sought it is considered that the proposed development is consistent with relevant planning provisions including the Albury LEP 2010 and is consequently worthy of support.

Accordingly, Development Application 10.2014.33188.2 is recommended for APPROVAL subject to the imposition of suitable conditions of consent.

7.1 Recommendations

That the report be received and noted and that the relevant consent authority grant consent for modification of DA 10.2014.33188.1 subject to the following:

7.1.1 Condition A1 be modified so as to reflect the revised plans and details submitted with the modified application;

7.1.2 That in addition to the General Terms of Approval outlined in Condition A3 of 10.2014.33188.1 that Condition A9, A10 and A11 be added to the consent as follows:

(A9) EPA Conditions - Modified Operations

Operating Conditions

(O9) Stormwater sediment control - Construction Phase

The Erosion and Sediment Control Plan (ESCP) must be updated and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (available from the Department of Housing).

(O10) Stormwater/sediment control - Operation Phase

The Stormwater Management Scheme must be updated for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook (available from the EPA).

Limit Conditions

(L6.11) Noise Compliance Monitoring

A noise compliance assessment shall be undertaken within three months of commencement of modified operations at the premises. The assessment shall be prepared by a suitably qualified and experienced acoustical practitioner and shall assess compliance with the project specific noise criteria outlined in Table 6 of the GE-ID report "Albury Waste Management Centre Acoustic Assessment dated December 2014". The compliance assessment must assess worst case scenarios that include noise generating activities such as concrete crushing and green waste mulching.

The Proponent must submit to the EPA details of additional mitigation measures that will be implemented noise impacts occur.

(L6.12) Hours of Construction

All construction work in respect of modified operations at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and public holidays, unless inaudible at any residential premises.

(L6.13) Noise Management Protocol

A Noise Management Protocol in respect of modified operations shall be prepared by the Applicant. The Protocol shall include details about, but not limited to the following;

- (a) identification of each work area, site compound, construction depot, crushing and mulching plants,
- (b) identification of general activities that will be carried out and associated noise sources for each work area, identification of all potentially affected noise sensitive receivers including residences, schools, commercial premises and noise sensitive equipment;
- (c) determination of appropriate noise and vibration objectives for each identified noise sensitive receiver;
- (d) assessment of potential noise impacts from the proposed activities including noise from vehicles;

- (e) examination of all feasible and practicable noise mitigation measures including the use of alternative operation methods where potential noise impacts exceeds the relevant objectives;
- (f) description and commitment to work practices which limit noise;
- (g) description of specific noise mitigation treatments and time restrictions;
- (h) justification for any activities outside the normal hours;
- (i) extent of noise monitoring;
- (j) timetabling, in particular works outside standard hours, to minimise noise impacts;
- (k) preparation of site specific construction noise management plans,
- (l) selection of plant and equipment on acoustic performance,
- (m) implementation of noise monitoring program to ensure best possible practices,
- (n) community consultation program,
- (o) procedures for notifying residents of activities likely to affect their noise and vibration amenity; and
- (p) contingency plans to be implemented in the event of non-compliances and/or noise complaints.

(A10) Compliance Assessment - Odour

In the event of verified odour complaints a comprehensive odour audit of the fully operational facility to confirm compliance to s129 of the POEO Act is to be completed. The scope and timing of the audit is to be acceptable to the NSW EPA. The Proponent must submit to the EPA a description of additional mitigation measures that will be implemented if offensive odour impacts occur.

(A11) Operational Environmental Management Plan

As part of the OEMP for the development, the Proponent shall prepare and implement an Odour Management Plan to outline measures to minimise odour impacts associated with the operations. The Plan shall include, but not necessarily be limited to:

- i) identification of all point and diffuse sources of odour associated with the operations;
- ii) a detailed description of the odour mitigation methods and management practices that will be used throughout the operation to ensure offensive odour impacts do not occur off site;
- iii) details of the implementation of industry best practice management measures to ensure potential odour impacts are managed; - -
- iv) a detailed description of the methods used for monitoring the effectiveness of the odour mitigation methods and management practices for all point and diffuse sources of odour associated with the operation;
- v) details of proposed contingency measures should odour impacts occur;
- vi) details of the proposed maintenance procedures for the overall project to ensure potential odour impacts are managed; and

vii) a procedure for handling potential odour complaints that includes recording, investigating, reporting and auctioning.

7.1.3 Condition A7 be modified so as to require an updated Construction Environmental Management Plan (CEMP) to reflect the requested changes to the development;

7.1.4 Condition D2 be modified so as to require an updated Operations Environmental Management Plan (OEMP) to reflect the requested changes to the development; and

7.1.5 Conditions D4 and D5 be added to the consent as follows:

(D4) Roadworks – Mudge Street

1. The Mudge Street and Waste Road intersection shall require a BAR/BAL turning provision in accordance with Austroads Guide to Road Design – Part 4A.

2. Mudge Street north will require widening, culvert extensions, guard railing and signage that is compliant with Austroads and Albury City Design Standards.

(D5) Construction Certificate - Civil works

1. Civil work construction is not to commence until:

(i) A Construction Certificate has been issued. Works are to be in accordance with Albury City Council's Engineering Guidelines for Subdivisions and Developments Standards and applicable conditions of this consent, a copy of which must accompany the Construction Certificate application.

(ii) A Principal Certifying Authority has been employed for the project, and

(iii) Any other matters prescribed in the Development Consent and the Environmental Planning and Assessment Act and Regulation have been complied with.

2. Albury City Council is to be notified 48 hours prior to commencement of civil engineering works or clearing associated with the civil construction works.

ASSESSING OFFICER

PETER O'DWYER FPIA CPP
EDM Group
Manager Planning & Environment

13/04/2015
EDM Group Ref: 09003708

APPENDIX 1

Statement of Expertise & Report Declaration

Town Planning assessment report prepared on behalf of Albury City Council

The report has been prepared by Peter O'Dwyer FPIA CPP Manager Environment and Planning EDM Group 99 Hume Street Wodonga.

Professional qualifications

- Bachelor of Arts (Geography) - University of New England, 1979.
- Graduate Diploma in Urban and Regional Planning - University of New England, 1981.
- Graduate Diploma in Environmental Management (Catchment Management) - La Trobe University, 1999.
- Master of Environmental Management & Restoration - Charles Sturt University, 2004.
- Certificate of Qualification (No.668) as Town and Country Planner, Ordinance 4 - NSW Local Government Act.

Professional experience

- 2005 - Partner – EDM Group. Consultant Town Planners, Surveyors & Engineers
- 2004 - 2005 Manager Environment & Development Services – Indigo Shire Council
- 2002 - 2004 Manager IWS Development Services – Indigo Shire Council
- 1995 - 2002 Shire Planner Indigo Shire Council / Manager IWS Planning Services – Indigo Way Services
- 1995 - 1995 Senior Environmental Planning Officer (Town Planner / Specialist) - NSW Dept. Urban Affairs & Planning
- 1991 - 1994 Senior Strategic Planner - Albury City Council
- 1989 - 1991 Senior Planner (2 year secondment) – Albury Wodonga Region Planning Committee
- 1985 - 1989 Strategic Planner - Albury City Council
- 1984 - 1985 Strategic Planner - Randwick Municipal Council
- 1981 - 1983 Strategic Planner - Lake Macquarie City Council

Relevant areas of expertise

- Statutory and strategic planning
- Advice and assessment of land use and development proposals to planning authorities, government agencies, residents and developers.
- Preparation and presentation of submissions before VCAT, NSW Land & Environment Court, Independent Panels and various government appointed panels and advisory committees.

Facts, matters and assumptions relied upon

- Scope of Work supplied by Albury City Council
- Albury Local Environmental Plan 2010
- Albury Development Control Plan 2010
- Environmental Planning & Assessment Act 1979
- Documents supplied by Albury City Council (see Appendix 2)

Declaration

I have made all the inquiries that I believe are desirable and appropriate and I declare that no matters of significance, which I regard as relevant, have to my knowledge been withheld from Council within this Assessment Report.



Peter O'Dwyer FPIA – CPP
EDM Group

APPENDIX 2

Documents Considered

GENERAL

1. Development Application Form receipted 02 February 2015
2. Development Consent 10.2009.29846.1:- Endorsed Date 9 March 2010

CORRESPONDENCE

3. External Referral Responses from:
 - NSW EPA – 5 February 2015
4. Internal Referral Responses from:
 - Engineering – 13 April 2015

REPORTS

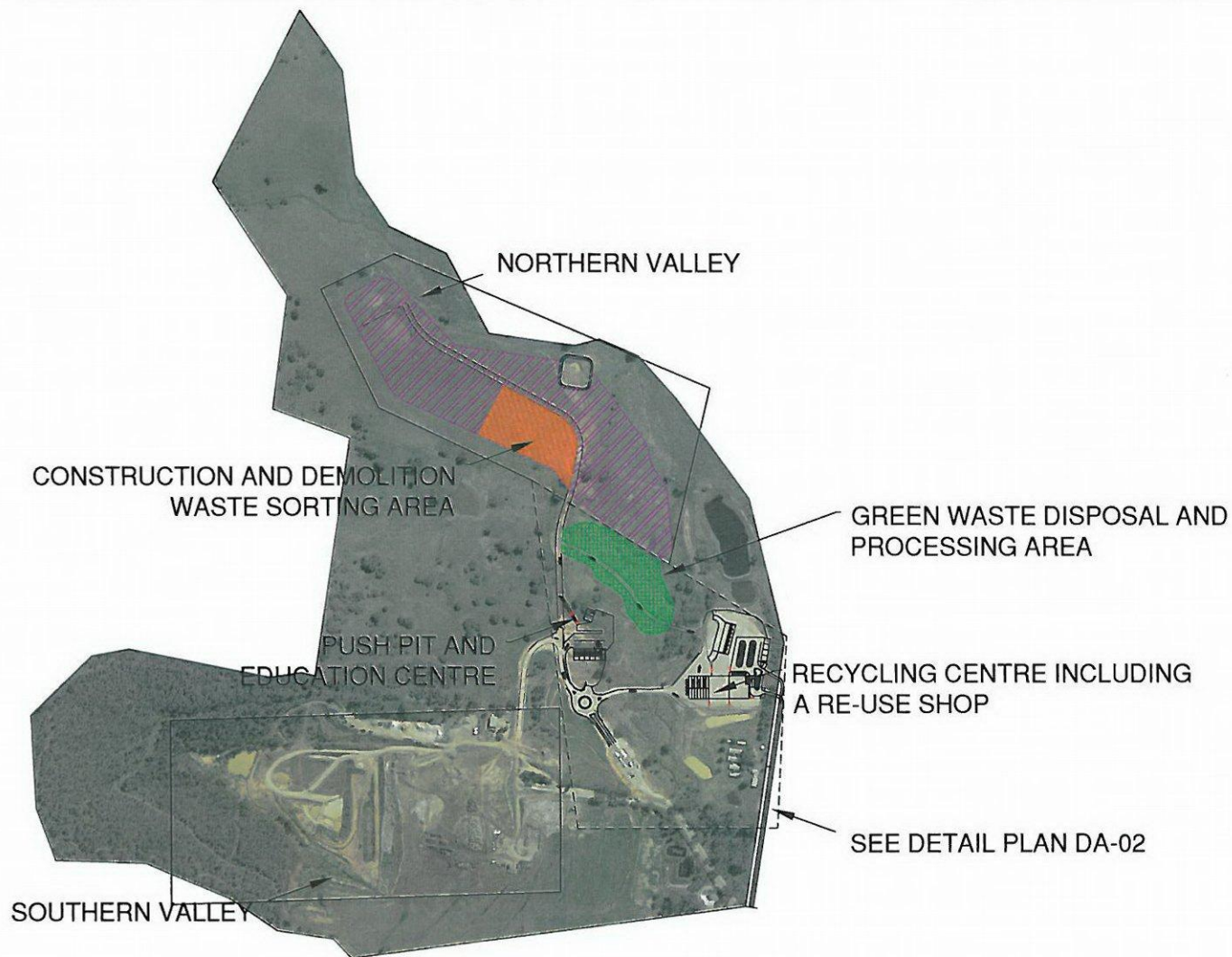
5. Albury Waste Management Centre Hamilton Valley – Modification of Consent, Habitat Planning January 2015
6. Environmental Impact Statement - Albury Waste Management Centre Northern Valley Development (Vol.1 – Main Report) URS [September 2009]
7. Environmental Impact Statement - Albury Waste Management Centre Northern Valley Development (Vol.2 – Appendices) URS [September 2009]

PLANS

8. Overall Site Plan Albury Waste Management Centre Hamilton Valley – Albury City Council Drawing No. DA-01
9. Detailed Site Plan, Northern Valley – Albury City Council Drawing No. DA.02
10. Recycling Centre floorplan, section and concept elevations – Albury City Council dated 16 March 2015
11. Mudge Street – Proposed reconstruction. Concept Design No.1 Albury City Council Drawings No. 1 & 2

APPENDIX 3

Development Plans



APPROVED..... / /

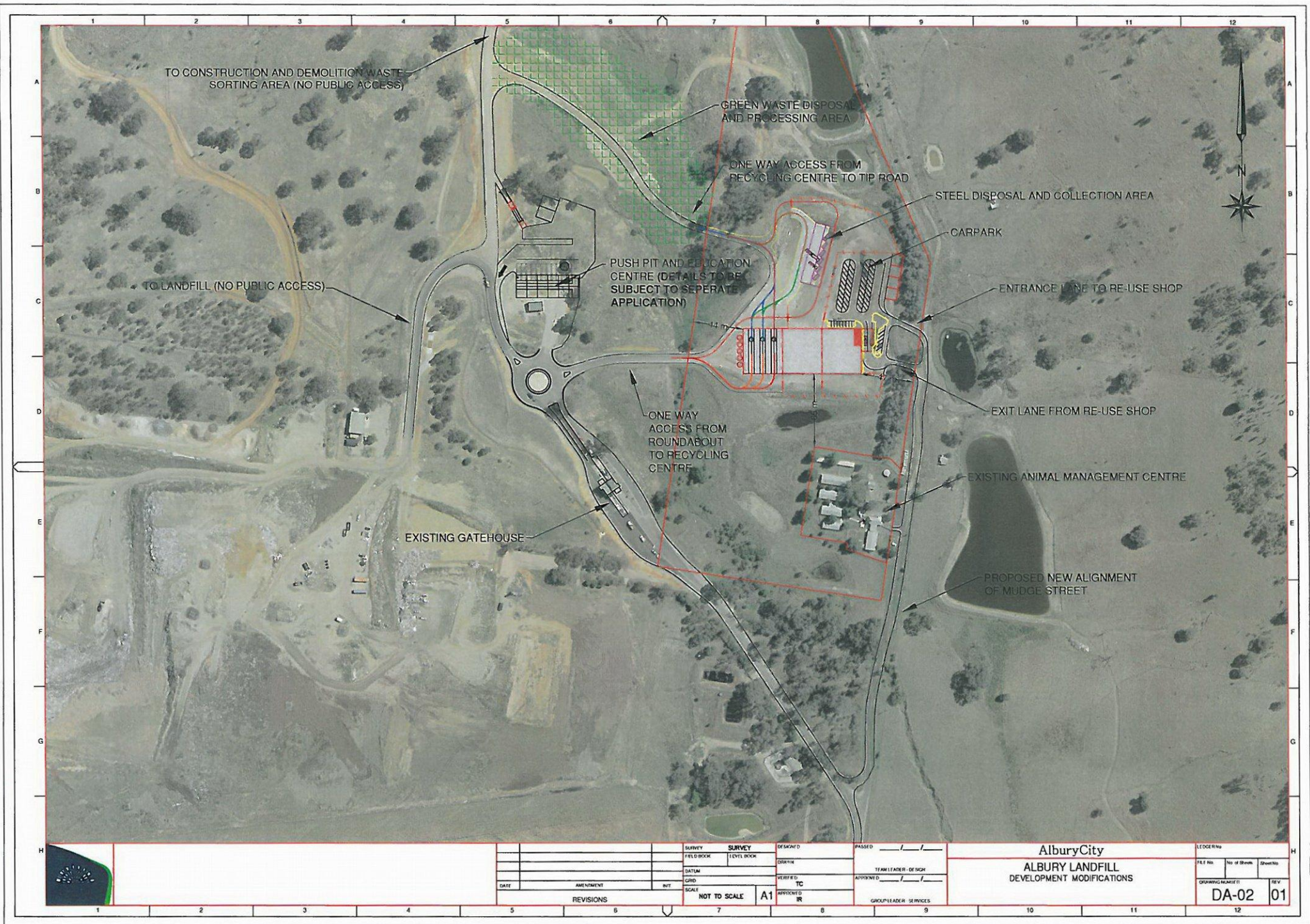
GROUP LEADER - SERVICES


DEVELOPMENT MODIFICATIONS

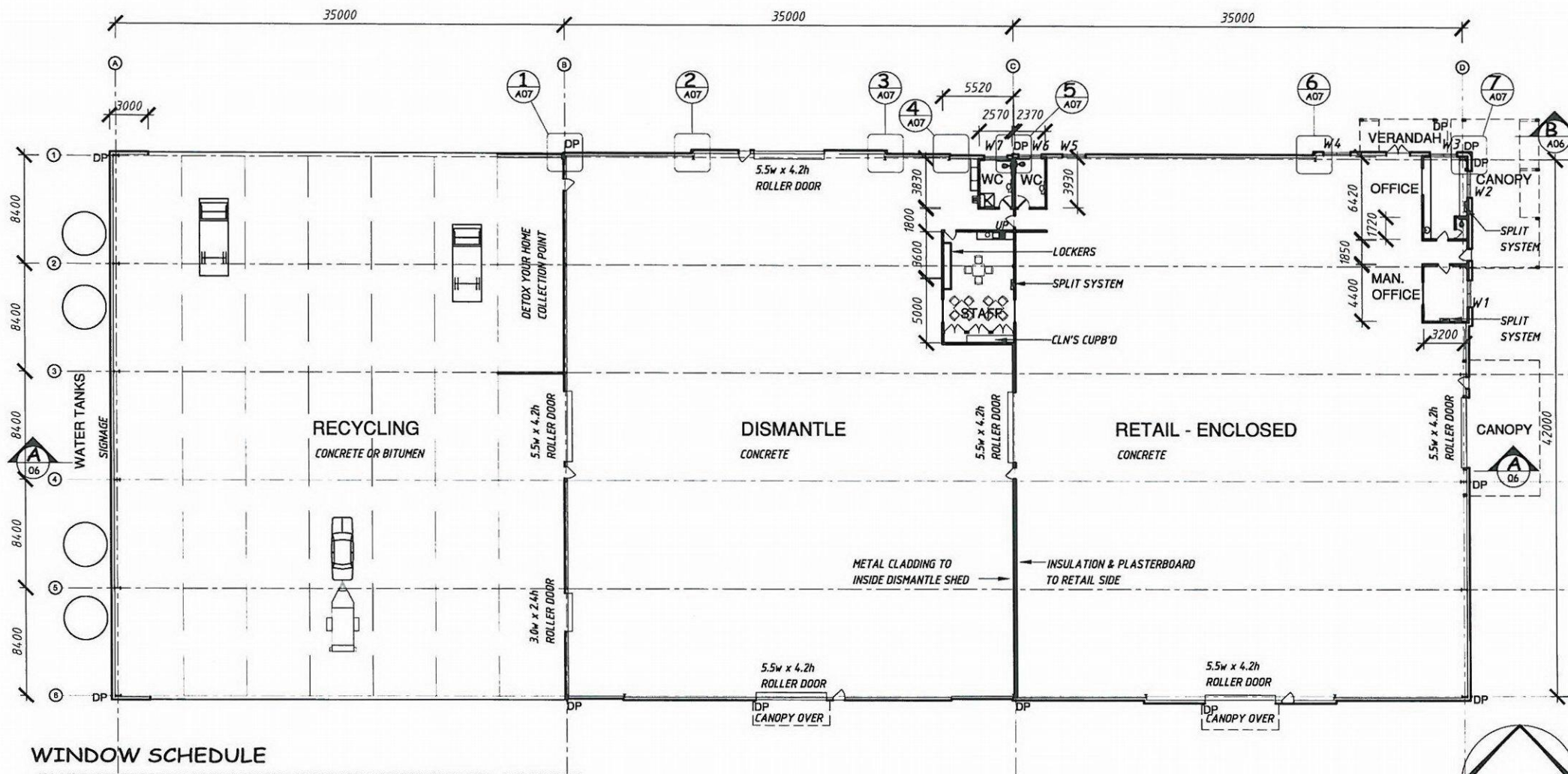
SCALE NOT TO SCALE

REV. **01** **A3**

DRAWING NUMBER
DA-01



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WINDOW SCHEDULE

ALL WINDOWS TO BE ALUMINIUM SLIDING TO AS 1288 UNLESS OTHERWISE NOTED - WILDERNESS FLYSCREENS & WINDOW LOCKS TO BE FITTED TO ALL WINDOWS EXCEPT SERVING WINDOW

GLAZING TO BE 4.0mm CLEAR GLASS FOR ALL WINDOWS UNLESS OTHERWISE NOTED

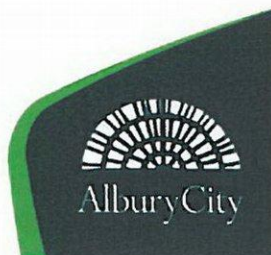
NOTED - 6.0mm CLEAR GLASS TO ENTRY DOOR

DOUBLE GLAZED TO BE 4mm SUNERGY/6 ARGON GAP/4mm CLEAR

WINDOW CODE	WINDOW SIZE	QUANTITY	DETAILS
W1, W3, W4	1200H x 2110W	3	
W2	1200H x 2110W	1	SERVING WINDOW
W5	600H x 1810W	1	
W6, W7	600H x 1810W	2	FROSTED GLASS
W5	1000H x 1210W	2	
W6	1200H x 910W	1	

DISMANTLE - EXTERNAL

RETAIL - EXTERNAL



Project

**PROPOSED
ALBURY LANDFILL
WASTE
MANAGEMENT PLANT**

Address

**NORTHERN VALLEY
NORTH ALBURY**

Sheet

FLOOR PLAN

Scale 1:300 on A3

Date 16/03/15

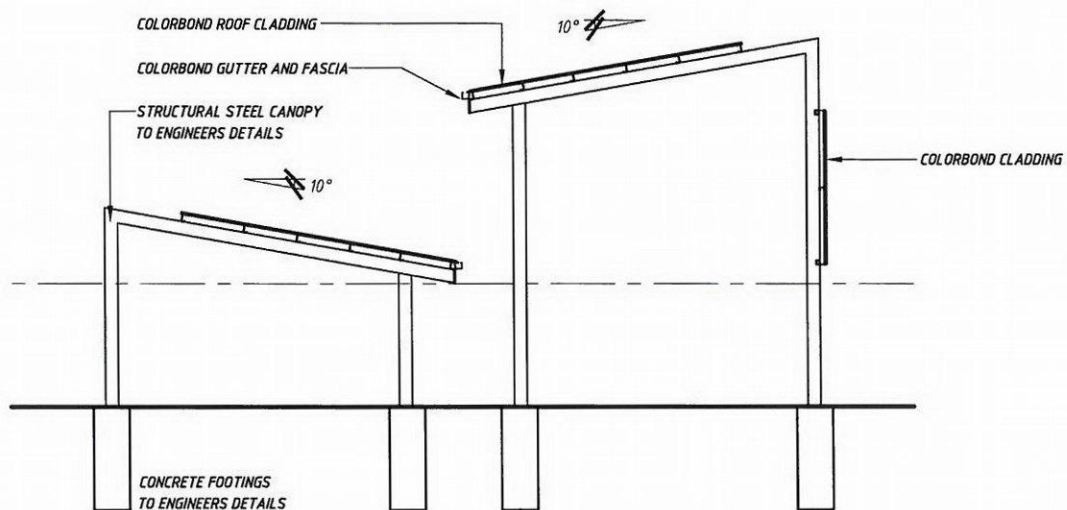
Drawn T. Quinlivan

Area
RECYCLING 1496 m²
DISMANTLE 1496 m²
RETAIL 1496 m²

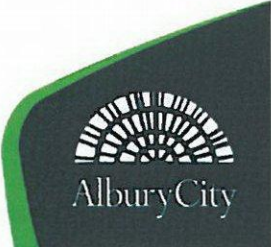
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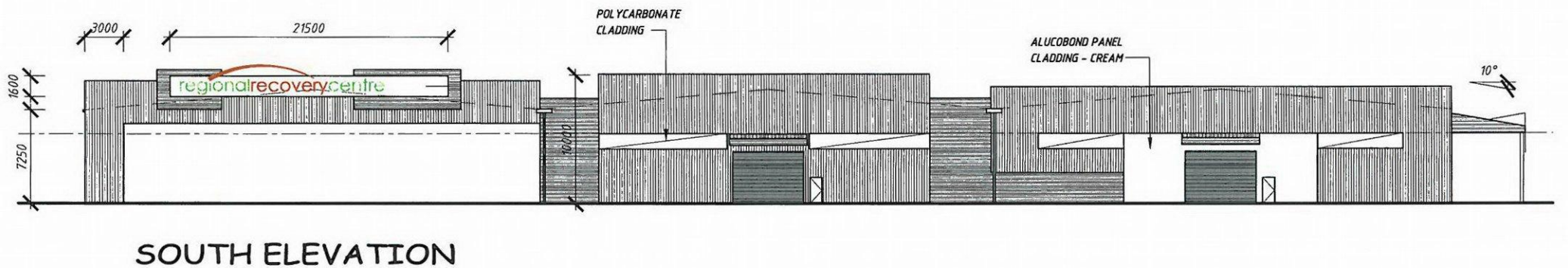
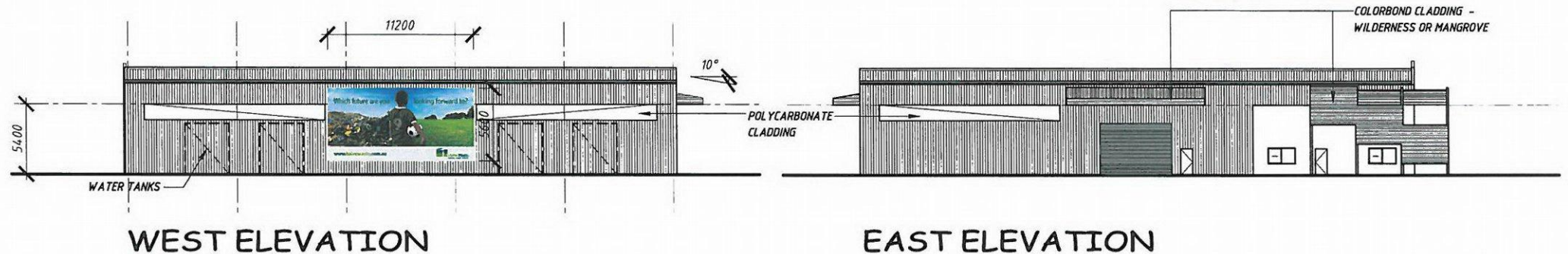
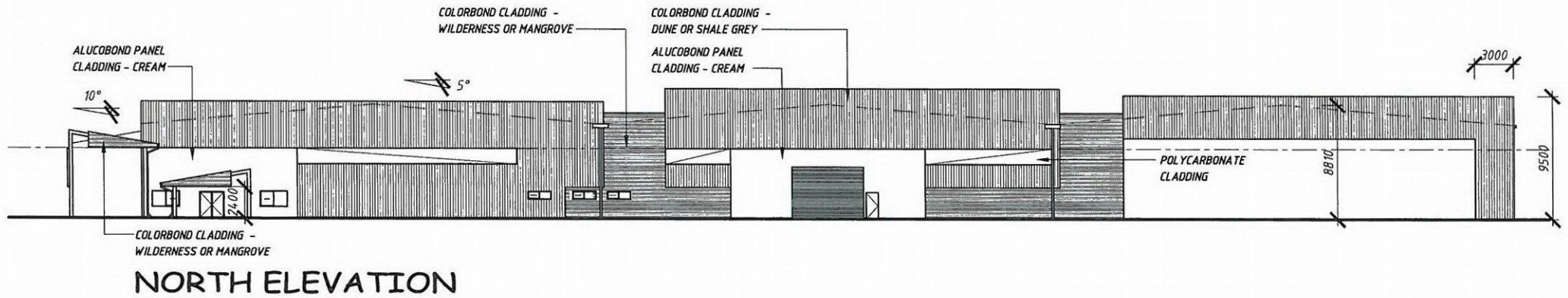


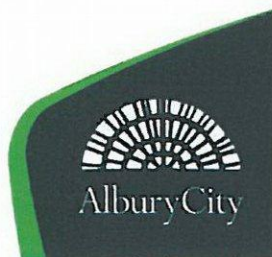
SECTION A

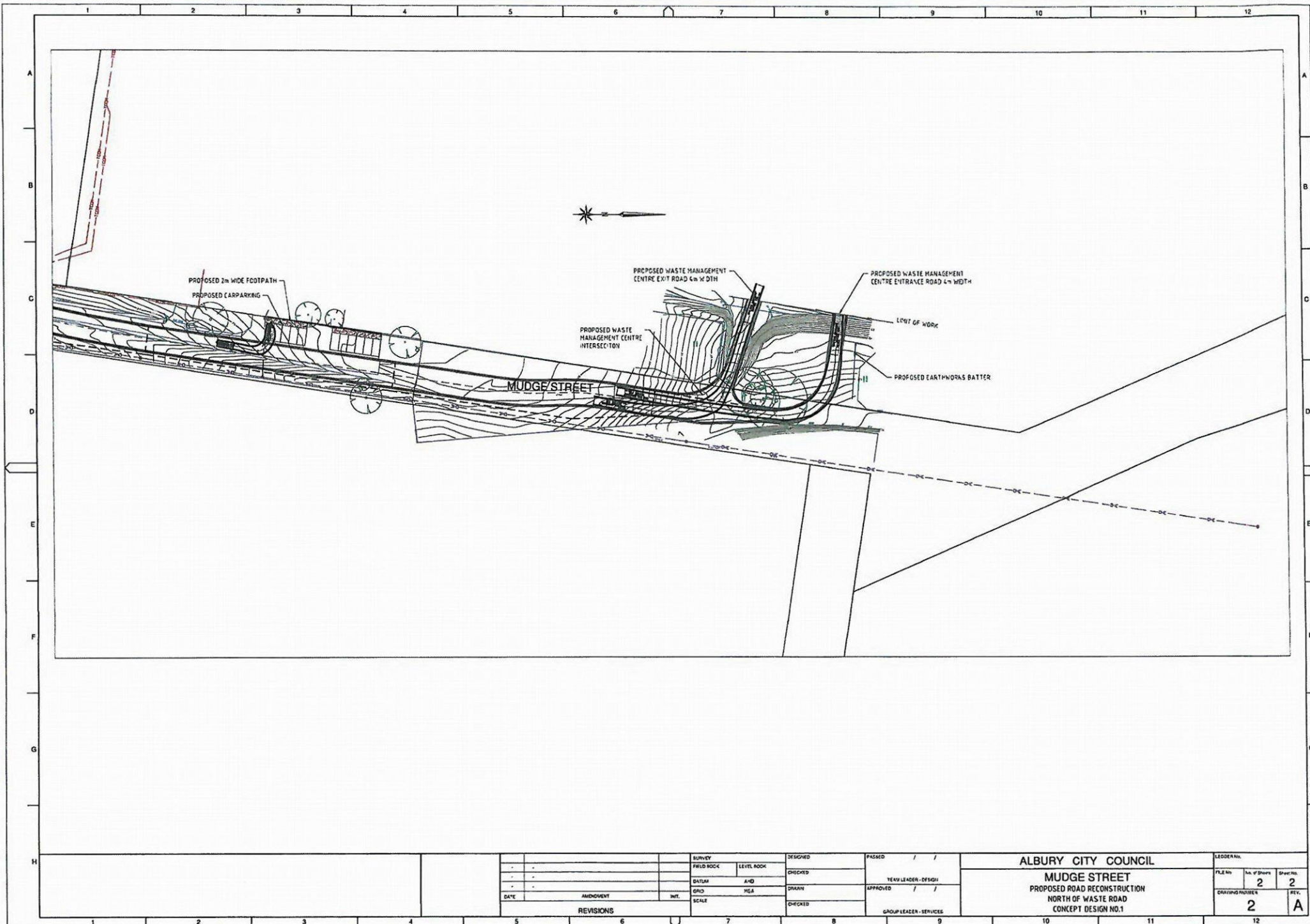


SECTION B

	Project	Address	Scale	1:300, 1:100 on A3
	PROPOSED ALBURY LANDFILL WASTE MANAGEMENT PLANT	NORTHERN VALLEY NORTH ALBURY	Date	16/03/15
			Drawn	T. Quinlivan
			Ref	
		Sheet	Area	
		SECTION	Job number	
			Sheet	A06



	Project	Address	Scale	1:300	on	A3
	PROPOSED ALBURY LANDFILL WASTE MANAGEMENT PLANT	NORTHERN VALLEY NORTH ALBURY	Date	16/03/15		
			Drawn	T. Quinlivan		
			Ref			
			Area			
	Sheet	CONCEPT ELEVATIONS	Job number			
			Sheet	A05		

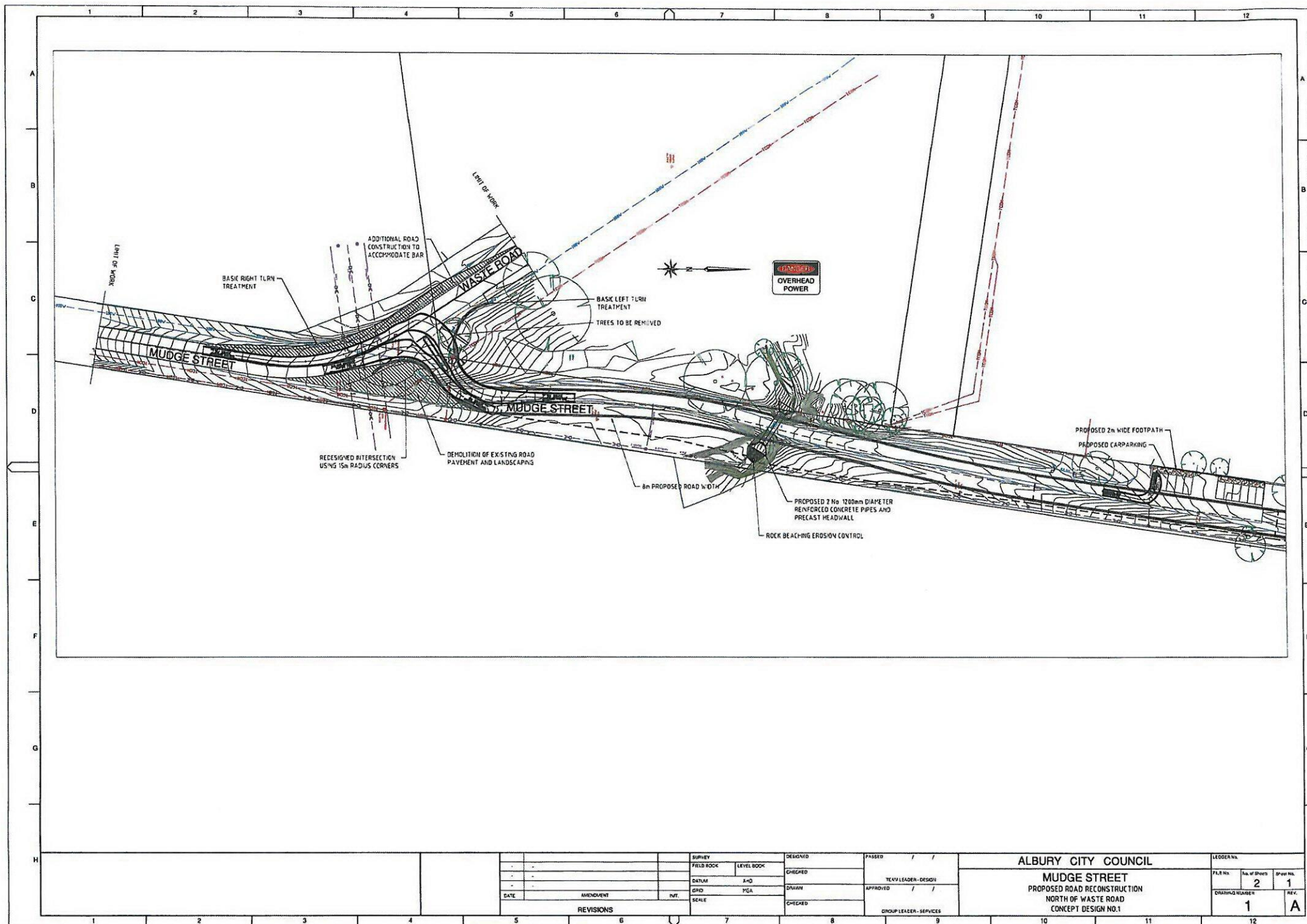


REVISIONS		SURVEY		DESIGNED		PASSED	
DATE	AMENDMENT	INT.	SCALE	CHECKED	DRAWN	APPROVED	GROUP LEADER - SERVICES

ALBURY CITY COUNCIL

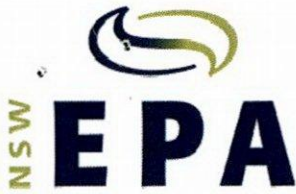
MUDGE STREET
PROPOSED ROAD RECONSTRUCTION
NORTH OF WASTE ROAD
CONCEPT DESIGN NO.1

LEADER No.		FILE No.		SHEET No.	



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			FIELD BOOK	LEVEL BOOK	CHECKED	
			A+D			
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			GPD		DRAWN	APPROVED / /
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REVISIONS			SCALE		CHECKED	GROUP LEADER- SERVICES

FILE No.	No. of Sheets	Sheet No.
	2	1
DRAWING NUMBER	1	REV. A



Our reference: EF13/2529 DOC15/42862-01
Contact: Chris Burton 02 6022 0609

Albury City

06 MAR 2015

The General Manager
Albury City Council
PO Box 323
ALBURY NSW 2640

Attention: David Christy

Dear Mr Zaknich

Re Modification of Consent for Expansion of Albury Waste Management Centre

I refer to your letter dated 9 February 2015 to the Environment Protection Authority (EPA) regarding the proposed modification to the development consent 10.2009.29846.2 for the Albury Waste Management Centre, Mudge Street, Hamilton Valley.

The EPA has responsibilities for pollution control and environmental management under the *Protection of the Environment Operations Act 1997*. Following a review of the information provided, including the report titled, "Modification of Consent – Albury Waste Management Centre Hamilton Valley Albury" dated January 2015, and all public submissions, we are able to issue our General Terms of Approval (GTA) for the proposed modification to the consent.

The EPA has clarified with Council the proposed modification in relation to green waste to the south of future landfill cell 8. It is understood that the proposed modification is for the short term storage and mulching of non-kerbside collected green waste and does not include disposal. In assessing the proposal the EPA has identified at Attachment A issues associated with noise and odour that Council may wish to consider in its overall assessment of the application.

The conditions provided at Attachment B relate to the development as proposed in the documents and the information provided by Council staff at meetings on 12 February 2015 and 27 February 2015. Should development consent be granted for the proposed modification the EPA requires these conditions to be incorporated into the revised development consent. Please note these conditions are in addition to the General Terms of Approval outlined in condition A3 of DA10.2009.29846.2.

In the event that the development is modified either by the applicant prior to the granting of the consent, or as a result of conditions imposed by the determining authority, we request that further consultation occur with us about the proposed changes prior to the consent being issued. This will enable us to determine whether our GTA are required to be modified as a result of any proposed alterations.

PO Box 544 Albury NSW 2640
Second Floor, Government Offices
512 Dean Street Albury NSW 2640
Tel: (02) 6022 0600 Fax: (02) 6022 0610
ABN 30 841 387 271
www.environment.nsw.gov.au

Should development consent be granted it will also be necessary for the applicant to apply to the EPA for a variation to their Environment Protection Licence No. 6017 to include the additional conditions.

If you have any further enquiries about this matter further please contact Chris Burton by telephoning 02 6022 0609.

Yours sincerely



BRIAN WILD
Head, Albury Unit
Environment Protection Authority

5 February 2015

ATTACHMENT A

Noise

It is noted that modelling of noise at the nearest sensitive receptors denoted A, R3, R4 and R5 in the noise impact assessment report prepared by GHD has predicted noise levels to exceed the project specific noise criteria at these receptors.

The proponent must take measures to ensure compliance with the project specific noise criteria at all times.

The noise mitigation measures identified in the noise impact assessment include:

- Community consultation with the impacted residents;
- Electric balers must be used and these must be enclosed in an acoustically shielded building;
- Green waste and concrete mulching is to be restricted to the operating hours of 10 am to 3 pm Monday to Friday and not occur concurrently; and
- All reversing beepers are to be upgraded to broadband equipment and reversing vehicle movements minimised through site layout and driver education.

The EPA expects that these identified mitigation measures will be implemented as a minimum.

If the proposed mitigation measures cannot achieve compliance with the project specific noise criteria then the proponent must consider additional feasible and reasonable mitigation measures that may include but not necessarily be limited to physical barriers and sourcing low noise equipment. Where unacceptable impacts resulting from the non-achievement of project noise specific noise levels from a development persist after all feasible and reasonable noise mitigation action has been taken by the proponent, the NSW Industrial Noise Policy provides for a process leading to negotiated agreements with the noise impacted residents.

The requirement to undertake a noise compliance assessment has been included in the General Terms of Approval to verify compliance with the Project Specific Noise Criteria.

Odour

The proposed modification includes a green waste disposal and processing area to the south of future landfill Cell 8. Due to the odour impacts attributed to green waste processing and disposal at the waste management centre, the EPA does not support the proposed modification to include a green waste processing and disposal area.

However, from the meetings with Council on 12 February 2015 and 27 February 2015 and 4 March 2015 to clarify the proposed modification, the EPA understands that the proposed modification is for a green waste storage and mulching area rather than a green waste disposal and processing area. Provided the extent of the modification is limited to mulching and short term storage of green waste and adequate controls, mitigation measures and contingencies are in place to address potential odour impacts the EPA is able to license the proposed modification.

It should be noted that the ongoing acceptance and processing of non-kerbside collected green waste at this location is contingent upon ensuring compliance with the conditions of the Environment Protection Licence and section 129 of the *Protection of the Environment Operations Act, 1997*.

ATTACHMENT B

Operating conditions

Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Stormwater/sediment control - Construction Phase

O3.1 The Erosion and Sediment Control Plan (ESCP) must be **updated** and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

Stormwater/sediment control - Operation Phase

O4.1 The Stormwater Management Scheme must be **updated** for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

Noise Compliance Monitoring

L6.5 A noise compliance assessment shall be undertaken within three months of commencement of modified operations at the premises. The assessment shall be prepared by a suitably qualified and experienced acoustical practitioner and shall assess compliance with the project specific noise criteria outlined in Table 6 of the GHD report "Albury Waste Management Centre Acoustic Assessment dated December 2014". The compliance assessment must assess worst case scenarios that include noise generating activities such as concrete crushing and green waste mulching.

The Proponent must submit to the EPA details of additional mitigation measures that will be implemented if noise impacts occur.

Hours of Construction

L6.6 All construction work at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and public holidays, unless inaudible at any residential premises.

L6.7 A **Noise Management Protocol** shall be prepared by the Applicant.

The Protocol shall include details about, but not limited to the following;

- (a) identification of each work area, site compound, construction depot, crushing and mulching plants,
- (b) identification of general activities that will be carried out and associated noise sources for each work area,

- (b) identification of all potentially affected noise sensitive receivers including residences, schools, commercial premises and noise sensitive equipment;
- (c) determination of appropriate noise and vibration objectives for each identified noise sensitive receiver;
- (d) assessment of potential noise impacts from the proposed activities including noise from vehicles;
- (e) examination of all feasible and practicable noise mitigation measures including the use of alternative operation methods where potential noise impacts exceeds the relevant objectives;
- (f) description and commitment to work practices which limit noise;
- (g) description of specific noise mitigation treatments and time restrictions;
- (h) justification for any activities outside the normal hours;
- (i) extent of noise monitoring;
- (j) timetabling, in particular works outside standard hours, to minimise noise impacts;
- (k) preparation of site specific construction noise management plans,
- (l) selection of plant and equipment on acoustic performance,
- (m) implementation of noise monitoring program to ensure best possible practices,
- (n) community consultation program,
- (o) procedures for notifying residents of activities likely to affect their noise and vibration amenity; and
- (p) contingency plans to be implemented in the event of non-compliance and/or noise complaints.

Compliance Assessment - Odour

6.1 In the event of verified odour complaints a comprehensive odour audit of the fully operational facility to confirm compliance to s129 of the POEO Act is to be completed. The scope and timing of the audit is to be acceptable to the NSW EPA.

The Proponent must submit to the EPA a description of additional mitigation measures that will be implemented if offensive odour impacts occur.

Operational Environmental Management Plan

6.2 As part of the OEMP for the development, the Proponent shall prepare and implement the following Management Plan:

- a) an **Odour Management Plan** to outline measures to minimise odour impacts associated with the operations. The Plan shall include, but not necessarily be limited to:
 - i) identification of all point and diffuse sources of odour associated with the operations;
 - ii) a detailed description of the odour mitigation methods and management practices that will be used throughout the operation to ensure offensive odour impacts do not occur off site;
 - iii) details of the implementation of industry best practice management measures to ensure potential odour impacts are managed;
 - iv) a detailed description of the methods used for monitoring the effectiveness of the odour mitigation methods and management practices for all point and diffuse sources of odour associated with the operation;
 - v) details of proposed contingency measures should odour impacts occur;
 - vi) details of the proposed maintenance procedures for the overall project to ensure potential odour impacts are managed; and
 - vii) a procedure for handling potential odour complaints that includes recording, investigating, reporting and actioning.

David Christy

From: Adam Craig [adam.craig@crowmland.nsw.gov.au]
Sent: Wednesday, 25 February 2015 12:28 PM
Subject: Re: Development Application - Public Notification Letters

Hi Ashlea,

I have spoken to Richard Ahearn regarding the proposed development at the Waste Management Centre and he has suggested that the development will have no impact on the adjoining Crown Land. The other DA pertaining to 70 Cambridge Drive also is unlikely to impact on the adjoining reserve as the development is over 60 metres away from the Crown Land.

Regards,

| Adam

Adam Craig | Property Services Officer

Crown Lands Division of NSW Trade & Investment | Wagga Wagga Office

26-28 Johnston Street | Wagga Wagga NSW 2650

PO Box 2185 | Dangar NSW 2309

Direct: T: 02 6937 2705 | F: 02 6921 1851 | E: adam.craig@lands.nsw.gov.au

Generic T: 1300 886 235 | E: WaggaCrownLands@lands.nsw.gov.au | W: www.lands.nsw.gov.au

Please Note: our office opening hours are 9.00am to 12.00pm Monday to Friday and outside of these hours by appointment only



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DEVELOPMENT CONSENT

Approval Number: 10.2009.29846.1

Endorsed Date of Consent:

General Manager
Albury City Council
PO Box 323
ALBURY NSW 2640

Subject Land

Lot 6 DP829926, Lot 91 DP608683, Lot 694 DP753326 & Lot 695 DP753326
Mudge Street HAMILTON VALLEY, Urana Road LAVINGTON, Ebert Street HAMILTON VALLEY

Description of Development

Expansion of Albury Waste Management Centre

Attached to Approval:

1. Conditions
2. Plans endorsed with Consent.

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION issued under Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979* (the Act).

The development application has been determined by the granting of consent subject to the conditions referred to in this Notice and attached hereto.

This Consent shall become effective from the endorsed date of consent.

This Consent shall lapse unless development, the subject of this Consent, is substantially commenced within five (5) years from the endorsed date of consent as sanctioned under Section 95(2) of the Act.

.....
Michael Keys
Director
Planning and Economic Development

Right of Appeal

If you are dissatisfied with this decision Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you received this notice.

Conditions attached to Development Consent 10.2009.29846.1

A. General

(A1) Development Application - approved plans

The development must be carried out in accordance with the attached approved plans and the particulars and statements submitted with the Development Application received on 20/10/2009, the Environmental Impact Statement titled Albury Waste Management Centre Northern Valley Development (Volumes 1 & 2) by URS dated September 2009 and subject to the following conditions. (A001)

(A2) Development Application - deferred commencement

Pursuant to Section 80(3) of the *Environmental Planning and Assessment Act, 1979*, Stage 3 is issued as "deferred commencement" consent. As such Development Consent for Stage 3 does not operate until the following information is submitted to, and approved by, both Council and the NSW Department of Environment Climate Change and Water:

1. Provision of a revised air quality assessment. The revised assessment must address the following matters to the satisfaction of the Environmental Protection Authority:
 - *Selected odour criteria and inclusion of all receptors in the odour modelling and assessment* – consideration of additional residences located south of the Albury Waste Management Centre (AWMC) that appear not to have been included as discrete receptors for the assessment. Additionally, new dwellings may be built in close proximity to the proposal. It is likely that the population density south of the AWMC site is greater than 10 people/km² resulting in a more stringent odour criterion.
 - *Odour impact on the urban area of Hamilton Valley* - the odour impact on the urban area has not specifically been assessed. The expected impact at the urban boundary can be inferred from the isopleth plots in the assessment. The applicable assessment criterion for the urban area is 2 OU. It is likely that without significant mitigation measures, adverse odour impacts would occur at Hamilton Valley urban area. Remodelling of Stage 3 assuming an 80 percent reduction in odour emissions from the majority of the composting operation resulted in compliance with the adopted odour criteria; however, the assessment does not describe or commit to implementing the measures (e.g. enclosed with ventilation provided to a biofilter) necessary to achieve the modelled 80 percent reduction in odour emissions.
 - *The variability of emissions from composting activities over time* – the assessment does not predict impacts that could result from multiple batches of young compost material at the same time. The only peaking effect that the variable emissions have comes from times when turning or moving the compost occurs. Additionally, the assessment does not demonstrate that compost turning was modelled during hours of poor atmospheric dispersion. Based on the information presented on emissions modelled, there is considerable uncertainty as to whether the model is over or under predicting the likely impact.
 - *The measures to be implemented to control odour emissions* - the current assessment includes a discussion of recommended odour emission measures but does not commit to implement any of the recommended options. A revised air quality assessment must therefore evaluate control measures and include the selected operating scenario, location of the odour sources, engineering controls or some combination that adequately controls odour emissions and reduces the risk of adverse odour impacts from the proposal.

The proponent must specify and commit to the implementation of odour controls prior to the implementation of Stage 3 of the Albury Waste Management Centre Northern Valley Development. The odour controls must prevent adverse odour impacts upon residential receivers. It is recommended that the proponent consults with DECCW's air technical specialists in preparing a revised air quality impact assessment for Stage 3 of the proposed development. (A002)

(A3) General Terms of Approval - Environmental Protection Licence under Protection of The Environment Operations Act, 1997 - EPA

The following provisions have been imposed through the Integrated Development provisions of the *Environmental Planning and Assessment Act, 1979*, by the NSW DECCW – Environment Protection Authority:

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 10.2009.29846.1 submitted to Albury City Council on 19/10/2009;
 - The environmental impact statement titled Albury Waste Management Centre Northern Valley Development (Volumes 1 and 2) dated September 2009 (43177566) relating to the development.

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.

L5. Waste

- L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.
- Note: Condition L5.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

L6. Noise limits

- L6.1 Noise generated at the premises must not exceed the noise limits presented in Table 6.1 below. The locations referred to in the table below are indicated by the property identification in Table 2-1 Noise Sensitive Receptors (Receiver A to I) in the Report "Noise Impact Assessment for Proposed Northern Valley Development of the Albury Waste Management Centre" prepared by URS for Albury City Council dated 3 September 2009.

Location	LAeq,15 minute Daytime noise limit
A	35 dB(A)
B	35 dB(A)
C	35 dB(A)
D	35 dB(A)
E	35 dB(A)
F	38 dB(A)
G	39 dB(A)
H	35 dB(A)
I	36 dB(A)

- L6.2 Noise generated from the premises in excess of the limits set out in condition L6.1, whether on one or more occasions, constitutes a breach of this Environment Protection Licence regardless of Chapter 11 or the Definition of Terms in the NSW Industrial Noise Policy.

- L6.3 For the purpose of condition L6.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holiday's.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holiday's.

- L6.4 The noise limits set out in condition L6.1 apply under all meteorological conditions except for any one of the following:

- (a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- (b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- (c) Stability category G temperature inversion conditions.

- L6.5 For the purposes of condition L6.4:

- (a) The meteorological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station identified as Albury Airport Automatic Weather Station (AWS); and
- (b) Stability category temperature inversion conditions are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L6.6 For the purposes of determining the noise generated at the premises:

- (a) Class 1 or 2 noise monitoring equipment as defined by AS IEC61672.1-2004 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing, must be used;
- (b) The noise monitoring equipment used at a location must be placed in a position:
 - i. that is, where applicable:
 - approximately on a location's property boundary that is closest to the premises, where any dwelling at the location is within 30 metres of the location's property boundary that is closest to the premises; or
 - within 30 metre of a dwelling façade where any dwelling at a location is situated more than 30 metres from the location's property boundary that is closest to the premises; or
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
 - to determine compliance with the Leq(15 minute) noise limits in condition L6.1; or
 - ii. that is:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions L6.6(b)(i) or L6.6(b)(ii).

L6.7 A breach of this Environment Protection Licence will still occur where noise generated from the premises in excess of the appropriate limit specified in the condition L6.1 is detected

in an area at a location other than an area prescribed by conditions L6.6(b)(i) or L6.6(b)(ii); and/or at a point other than the most affected point at a location.

L6.8 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L6.9 The licensee shall implement all feasible and reasonable noise mitigation that was identified in Section 6 "Recommended Noise Mitigation Measures" as providing up to 3 to 5 dB noise reduction at receivers D, E, F, G, H and I.

L6.10 Hours of construction are limited to 7:00am to 6:00pm Monday to Friday, and 8:00am to 1:00pm Saturdays with no construction activity to occur on Sundays or Public Holidays.

Hours of Operation

H6.4 All construction work at the premises must only be conducted between 7am and 6.00 pm Monday to Saturday. No construction work is to occur on Sundays or Public Holidays.

H6.5 Activities at the premises, other than construction work, may only be carried on between 7am and 6.00 pm Monday to Saturday and 8.00 am – 6.00 pm on Sundays excluding Public Holidays

- H6.6 This condition does not apply to the delivery of material outside the hours of operation permitted by condition H6.4 or H6.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.
- H6.7 The hours of operation specified in conditions H6.4 and H6.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating Conditions

O1. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

O2. Dust

- O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

- O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Note: For activities that are likely to have major dust impacts (for example, coal mines and extractive industries), additional, more detailed general terms of approval may be appropriate. These may require dust control measures for traffic areas, open stockpiles, processing and loading areas, including ceasing dust generating activities during certain meteorological conditions.)

O3. Stormwater/sediment control - Construction Phase

- O3.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (available from the Department of Housing).

O4. Stormwater/sediment control - Operation Phase

- O4.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook (available from the EPA).

Note: This condition would normally only be used where a SWMP is required and stormwater management would be incorporated into EPA's licence. For other proposals the EPA may suggest that the consent authority include a similar condition where appropriate. Information relating to structural and non-structural options for managing site

stormwater is provided in the “Managing Urban Stormwater: Source Control” and “Managing Urban Stormwater: Treatment Techniques” documents respectively.

O5 Processes and Management

O5.1 The licensee must ensure that any general solid waste (non-putrescible) and/or general solid waste (putrescible) for processing, storage or resource recovery at the premises is assessed and classified in accordance with the DECC Waste Classification Guidelines as in force from time to time.

O5.2 The licensee must ensure that each waste for recovery/recycling is stockpiled separately.

O6 Tyre Storage

O6.1 The licensee must ensure that stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) are located in a clearly defined area.

O6.2 The licensee must ensure that stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) are managed so as not to cause or to be likely to cause the spread of disease by vermin.

O6.3 The licensee must ensure that measures are taken to prevent stockpiles of used, rejected or unwanted tyres (including shredded tyres and tyre pieces) from catching on fire.

O6.4 Without limiting O5.1 to O5.4, any area(s) used for the storage of used rejected or unwanted tyres (including shredded tyres and tyre pieces) at the facility must:

- (a) be surrounded by a fire break of at least six (6) metres width that is kept clear of all combustible material; and
- (b) be fenced or otherwise secured to prevent any unauthorised access to the tyres and the fire break.

O7 Garden Waste

O7.1 The licensee must remove processed garden waste on a first shredded/first remove basis.

O7.2 The licensee must remove the processed garden waste from the premises within two weeks of the completion of the shredding process.

O7.3 All shredding of garden waste must be undertaken behind the noise attenuation barrier

O8 Waste Recycling

O8.1 The licensee must ensure that recycling facilities are provided as much as practicable for the following materials:

- (a) glass – clear, brown and green;
- (b) paper and cardboard;
- (c) plastic – all types;
- (d) batteries;
- (e) sump engine oil;
- (f) aluminium and steel cans; and
- (g) reusable timber, firewood and garden waste.

O8.2 Recycling facilities at the premises must be clearly marked and be available for access by the public.

O9 Household chemical collection program

O9.1 Chemicals which have been collected in conjunction with a “Household Chemical Collection Program” must be stored in a secure and bunded location within the premises pending lawful disposal or recycling of these chemicals.

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:

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

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;

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

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M3. Requirement to monitor volume or mass

M3.1 For each discharge point or utilisation area specified below, the applicant must monitor:

- the volume of liquids discharged to water or applied to the area;
- the mass of solids applied to the area;
- the mass of pollutants emitted to the air,
- over the interval, at the frequency and using the method and units of measure, specified below.

M4. Testing methods - concentration limits

M4.1 Monitoring for the concentration of a pollutant emitted to the air 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 a relevant local calculation protocol must be done in accordance with:

- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

M4.2 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M3 must be done in accordance with:

- the Approved Methods Publication; or
- if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

Note: Testing methods - load limit

Clause 17(1) and (2) of the Protection of the Environment Operations (General) Regulation 1998 requires that monitoring of actual loads of assessable pollutants listed in L2.1 must be carried out in accordance with the testing method set out in the relevant load calculation protocol for the fee-based activity classification.

Reporting Conditions

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.

(A4) Prior to Works – general

Prior to commencing any building or civil construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* are to be complied with:

- (a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a). Civil works are to be in accordance with Albury City Council's *Engineering Guidelines for Subdivisions and Developments Standards* and applicable conditions of this consent, a copy of which must accompany the Construction Certificate application.
- (b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b).
- (c) Council is to be notified at least two (2) days in advance of the intention to commence building works in accordance with Section 81A(2)(c).

(d) Any other matters prescribed in the Development Consent for the development and the *Environmental Planning and Assessment Act and Regulation* have been complied with. Albury City Council is to be notified 48 hours prior to commencement of civil engineering works or clearing associated with the subdivision or civil construction works. (A060)

(A5) **Compliance - previous development consent**

Compliance at all times with any relevant previously issued Development Consents for the site. (A070)

(A6) **Landscape Screen Planting Plan**

Prior to issue of a Construction Certificate, a landscape screen planting plan is to be submitted to Council for approval. Three copies of the plan are to be provided. Once Council has approved the plan it will form a part of this Development Consent. The plan is to indicate the following information:

- (a) Landscape screen planting immediately adjacent to the property boundaries to provide a visual buffer to the facility
- (b) The location of services
- (c) The location and name of shrub and tree species to be planted
- (d) Species chosen must relate in scale to the development, with taller and more diverse planting for visually prominent development
- (e) Mature height and spread of trees and shrubs
- (f) The location of grassed and paved areas.
- (g) Measures to assist in the establishment and maintenance of the landscaping. (B021)

(A7) **Construction Environmental Management Plan**

Prior to commencement of any works on-site, a Construction Environmental Management Plan (CEMP) is to be submitted to, and approved by, Council and NSW Department of Environment, Climate Change and Water (EPA). This CEMP is to cover as a minimum the issues in Chapter 21 of the Environmental Impact Statement by URS dated September 2009. Construction works on-site are to comply with the provisions and measures contained within the approved CEMP.

(A8) **Approval for further archaeological studies**

As recommend in Section 13.4 of the submitted EIS by URS dated September 2009, further archaeological studies are to be undertaken prior to detailed design work being undertaken. An application must be made to the NSW Department of Environment, Climate Change and Water for an Aboriginal Heritage Impact Permit under section 87 of the *National Parks and Wildlife Act, 1974*. (B542)

B. Prior to any work commencing on the site area

(B1) **Asbestos**

Prior to undertaking works the applicant is to undertake an investigation with regard to the presence of asbestos containing materials within any building to be demolished and any area of the site to be disturbed. The removal of asbestos is to be done by persons holding a current removalist's licence issued by WorkCover NSW and disposed of at a facility approved by the NSW Department of Environment, Climate Change and Water (Environment Protection Authority).

Works on site are to comply with the WorkCover "Guide to Working with Asbestos" and the National Code of Practice for the Safe Removal of Asbestos. Further information can be obtained from the WorkCover web site at www.workcover.nsw.gov.au and the National Occupational Health and Safety Commission web site at www.nohsc.gov.au.

(B2) **Compliance - protection for retained vegetation**

Protective measures for vegetation to be retained shall be installed before commencement of work and maintained to post construction stage. (C025)

(B3) **Water/Sewer & Drainage Approval**

- (a) All plumbing or drainage works will require an approval under Section 68(1) (Table Part B Water supply, sewerage and stormwater drainage work) of the *Local Government Act 1993* is to be obtained prior to commencement of work.
- (b) All plumbing and drainage work is to be carried out by a NSW Licensed Plumber and Drainer and to the requirements of the most current *NSW Code of Practice, Plumbing and Drainage*.
- (c) The Licensed Plumber's details are to be forwarded to Council prior to commencement of any plumbing work. (C045)

(B4) **Onsite Sewage Management System**

All soil and sullage wastewater generated shall be treated and disposed of on-site, through an approved Onsite Sewage Management System in accordance with the *Local Government (General) Regulation 2005* Section 26 Part 2 Approvals. All relevant matters contained within these regulations shall be completed and lodged with Council for approval prior to commencement of work.

A copy of the *Local Government (General) Regulation 2005* Section 26 Part 2 Approvals Section 26 titled "Matters to accompany applications for approval to install or construct sewage management facilities" is enclosed for your convenience. (C998)

C. During Construction

(C1) **Construction – hours of works**

Demolition, subdivision or construction works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- (a) Mondays to Fridays, 7.00am to 6.00pm
- (b) Saturdays, 8.00am to 1.00pm
- (c) No work is permitted on Sundays and Public Holidays.

Construction works that are carried out in the open that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties is to be restricted to the above hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines.

In the event that the demolition/construction relates to works inside the building and does not involve external walls or the roof, and do not involve the use of equipment that emits noise then the works are not restricted to the hours stated above. The provisions of the *Protection of the Environment Operations Act, 1997* in regulating offensive noise also apply to all construction works.

(C2) **Amenity - non-reflective cladding materials**

The roof and cladding colour or colours of any outbuildings/sheds, and the finished colours of any aboveground water storage tanks, must be non-reflective i.e. not a "zincalume" type material. Neutral "earth" colours are to be used i.e. "greens", "reds", "greys" or "browns" so as to address the rural character of the area and blend all new buildings in with the landscape and preserve the visual amenity of the area. (D006)

(C3) **Construction - landscape general**

All landscape works are to be constructed in accordance with the stamped approved plan. Landscaping is to be maintained:

- In accordance with the approved plan, and
- In a healthy state, and
- In perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation that died or was removed. (D012)

(C4) **Subdivision – runoff and sediment control**

During construction runoff detention and sediment interception measures are to be applied to the site area in accordance with the approved Construction Environmental Management Plan so as to reduce flow velocities and prevent sediment escaping from the site or entering any downstream drainage easement or natural or artificial water bodies. (D524)

(C5) **Heritage – uncovering relics**

If any archaeological relics are uncovered during the course of the work then works in that area are to immediately cease and the NSW Heritage Office contacted immediately. The applicant is advised that, depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977, may be required before any further work can be considered in that area of the site. (D700)

(C6) **Discovery of a Aboriginal Relic**

If during works an Aboriginal relic is uncovered then the NSW Department of Environment and Climate Change (DECCW) is to be contacted urgently and work is to cease immediately until further notice. (D701)

D. Prior to Occupation of the Premises

(D1) **Compliance - plumbing/drainage certificate**

Prior to occupation, a Plumbing and Drainage Certificate must be obtained. All plumbing and drainage work must comply with the approval granted by AlburyCity Council and the provisions of Division 3 of the *Local Government (General) Regulation 2005*. (E433)

(D2) **Operations Environmental Management Plan**

Prior to occupation of Stage 1, an Operations Environmental Management Plan (OEMP) is to be submitted to, and approved by, both Council and NSW DECCW (EPA). This OEMP is to cover as a minimum the issues in Chapter 21 of the Environmental Impact Statement by URS dated September 2009.

(D3) **Fencing**

Prior to occupation of Stage 1, all boundaries of the site are to be enclosed by a cyclone mesh security fence with a minimum height of 1.8 metres.

E. Use of Site Area

(E1) **Amenity - external lighting**

Any external lights must be directed away from the adjoining/nearby residences to prevent light spill and glare. (F018)

(E2) Operation of Premises

The premises are to be operated in accordance with any requirements of any licence issued by the NSW Department of Environment Climate Change & Water (Environment Protection Authority). Operation of the premises is to occur in accordance with the OEMP required by condition D2 of this Consent.

(E3) Use of Site – vegetation retention

Any area of remnant vegetation, including trees, shrubs and grasses, identified for retention must not be damaged in any form. (F091)

(E4) Soil and Water - dam on-site

The dam on-site being properly maintained to prevent loss by soakage of any water contained therein. (F499)

(E5) Opening Hours

The public opening hours of operation for the facility are 7:30am-5pm, Monday to Friday and 9am-4pm Saturday and Sunday.

F. Reasons for Conditions

(F1) The above conditions have been imposed: -

- (a) To ensure compliance with the terms of the *Environmental Planning and Assessment Act 1979*
- (b) Having regard to Council's duties of consideration under Section 79C and 80A of the Act
- (c) To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites
- (d) To improve the amenity, safety and environmental quality of the locality
- (e) Having regard to environmental quality, the circumstances of the case and the public interest
- (f) Having regard to the *Albury Development Control Plan 2000*
- (g) To help retain and enhance environmental quality
- (h) Ensure compatibility with adjoining and neighbouring land uses and built form
- (i) To protect public interest, the environment and existing amenity of the locality.

G. Advisory and Ancillary Matters

(G1) Compliance

It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact AlburyCity's Planning & Economic Development Group (phone 02 6023 8111) if there is any difficulty in understanding or complying with any of the above conditions.

(G2) Disability Discrimination Act, 1992

It is the Applicants responsibility to ensure compliance with the requirements of the *Disability Discrimination Act, 1992* (DDA). Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone 02-9284 9600) in respect of your application.

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