

**JOINT REGIONAL PLANNING PANEL
HUNTER AND CENTRAL COAST REGION**

Panel Reference	2016HCC066
DA Number	8/2016/702/1
LGA	Cessnock City Council
Proposed Development	Construction and operation of a waste or resource management facility to be carried out in two (2) phases as follows: Phase 1- Construction of weighbridge, site office and associated infrastructure for the processing and transfer of green waste, wood and soil waste Phase 2- Construction of a building and associated mitigation measures for the processing and transfer of food and organic material
Street Address	Lots 2-4 (inclusive) DP 1128108 2-6 Styles Street, Kurri Kurri
Applicant/Owner	HDB Town Planning & Design
Lodgement date	4 November 2016
Submissions	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria	The proposal is a waste management facility, which meets the requirements for designated development under Clause 32 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> pursuant to Clause 8(c), Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> .
List of all relevant s79C(1)(a) matters	• State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising and Signage • Cessnock Local Environmental Plan 2011 • Cessnock Development Control Plan 2010 - Chapter B.2 – Public Notification and Advertising - Chapter C.1 – Car Parking - Chapter C.4 – Land Use Conflict and Buffer Zones - Chapter C.5 – Waste Management and Minimisation - Chapter C.8 – Social Impact Assessment and Crime Prevention Through Environmental Design Guidelines - Chapter D.3 – Industrial Development - Chapter D.5 – Outdoor Signage

Enclosures	Appendix A – Development plans Appendix B – Cover letter advising General Terms of Approval have been issued by EPA Appendix C – Response from DPI Water advising requirements have been resolved by a current CAA
Report by	Holly Taylor, Senior Planning Assessment Officer
Report date	1 November 2017

RECOMMENDATION

That Development Application No. 8/2016/702/1 proposing the construction and operation of a waste or resource management facility on Lots 2-4 DP 1128108 2-6 Styles Street, Kurri Kurri, be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained at the end of the report.

Summary of s79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

1. A Development Application has been submitted on behalf of 'Australian Native Landscapes' (ANL) for the construction and operation of a waste or resource management facility at 2-6 Styles Street, Kurri Kurri. The proposal is to be carried out in two (2) phases as follow:

Phase 1- Construction of concrete hard stand area, weighbridge, site office and associated infrastructure for the processing and transfer of green waste, wood and soil waste.

Phase 2- Construction of a building and associated mitigation measures for the processing and transfer of food and organic material (Phase 2 is expected to commence in 2021).

The facility will process and transfer an expected 95,000 tonnes of green, wood and soil waste annually. The processed material will be temporarily stored (up to a maximum 24 hours) and transported to Tea Gardens for further processing and packaging prior to resale.

The proposed hours of operation for the facility are 7:00am to 5:00pm Monday to Friday and 7:00am to 4:00pm Saturday (the facility will be closed on Sundays). The facility will be open on Public Holidays for receipt only. It is anticipated that truck movements will occur one (1) hour before and two (2) hours following stated trading hours.

2. ANL has been awarded a 14 year regional contract for transfer of 40,000 tonnes of green wastes from Maitland, Cessnock and Singleton LGA's. The waste material will be transported to the facility by heavy vehicle and it is expected that additional traffic generated by the development will be approximately 12 vtpm in AM and PM peak periods.

Upon being received, waste material is sorted manually with contaminants/ non-organic waste separated into disposal bins. The green and wood waste is then processed (e.g. shredded, slashed and sheared) by mechanical equipment. Recovered soil will be blended onsite with materials sourced from ANL's compost facilities and placed in holding bins prior to offsite transfer.

The food and garden organics waste will be manually sorted with materials separated for recycling where possible.

3. The subject proposal is being considered in light of earthworks previously approved by Council on 24 January 2017 under Development Consent No. 8/2016/510, which included the grading and filling of the subject site (containing mapped natural watercourses), in order to address flood impacts.
4. In order to address anticipated environmental impacts, the proposed development incorporates the following design measures:
 - Stockpiling of organics in a sealed building with negative pressure to minimise fugitive emissions;
 - Emissions from the FOGO building will be passed through a biofilter before being discharged into the environment;
 - Stormwater runoff from the hard stand and roof areas of the site to be managed by an on-site detention system. The stormwater tank has a total volume of 150kL and is comprised of two components: on-site detention, which has been sized at 50kL and water storage of 100kL for use on site for dust suppression, wash down etc.;
 - Water quality treatment for the OSD tank to be treated by a stormwater filtration device, including a gross pollutant trap, prior to being discharged to the existing watercourse at the south of the site; and
 - Runoff from areas where leachate is likely will be directed to a separate leachate management system. The leachate system will include an 80kL collection tank. The tank will be maintained typically below 20% full (i.e. maximum operating depth of 0.3 m). Whilst the applicant proposes to dispose of surplus leachate via a pump out system, i.e., surplus leachate would be taken to an approved disposal facility off-site by trucks, this method of disposal is not supported by Council. Therefore, a condition of consent has been included in the draft determination notice requiring the applicant to enter into a Trade Waste Agreement with Hunter Water. This has been discussed with both Hunter Water and the applicant, and it is noted that such condition is capable of being satisfied.

5. The subject application is referred to the Joint Regional Planning Panel (JRPP) as the waste facility is defined as 'Designated Development' under Schedule 3, Clause 32 of the Environmental Planning and Assessment (EP&A) Regulation 2000 for the following reasons:

- The proposal is considered to be a 'scheduled activity' as it processes more than 5,000 tonnes of organic materials per annum;
- The proposed development is located within 100 metres from a natural waterbody;
- The proposed development is located on a floodplain; and
- The subject site is situated within 500 metres of Council's R2 Low Density Residential zone.

Cessnock City Council has undertaken an assessment of the application and refers this report to the Hunter and Central Coast Region JRPP for determination as it is the relevant consent authority in accordance with Clause 8 Schedule 4A of the EP&A Act.

6. The proposal was accompanied by an Environmental Impact Statement (EIS) addressing the Department of Planning and Environment (DoPE) Secretary's Environmental Assessment Requirements (SEARs) 1050 which were issued on 6 June 2016. The key issues identified by SEARs 1050 were strategic context, waste management, air quality and odour, soil and water, noise and vibration, traffic and transport, hazards and risk, biodiversity, bushfire and incident management, visual impact and heritage.
7. The proposed development is also defined as 'Nominated Integrated' development as the following approvals are required:
- Environment Protection Licence (Section 43(a) of the Protection of the Environment Operations Act 1997); and
 - Controlled Activity Approval (Section 91 of the Water Management Act 2000).

NSW Environmental Protection Authority (EPA) has issued General Terms of Approval dated 14 February 2017. NSW Department of Primary Industries Water issued correspondence to Council on 5 September 2017 advising that a controlled activity approval (20ERM2017/0547) has been issued in relation to the subject land (i.e. in association with works under DA 8/2016/510), and therefore no further comments are required/provided.

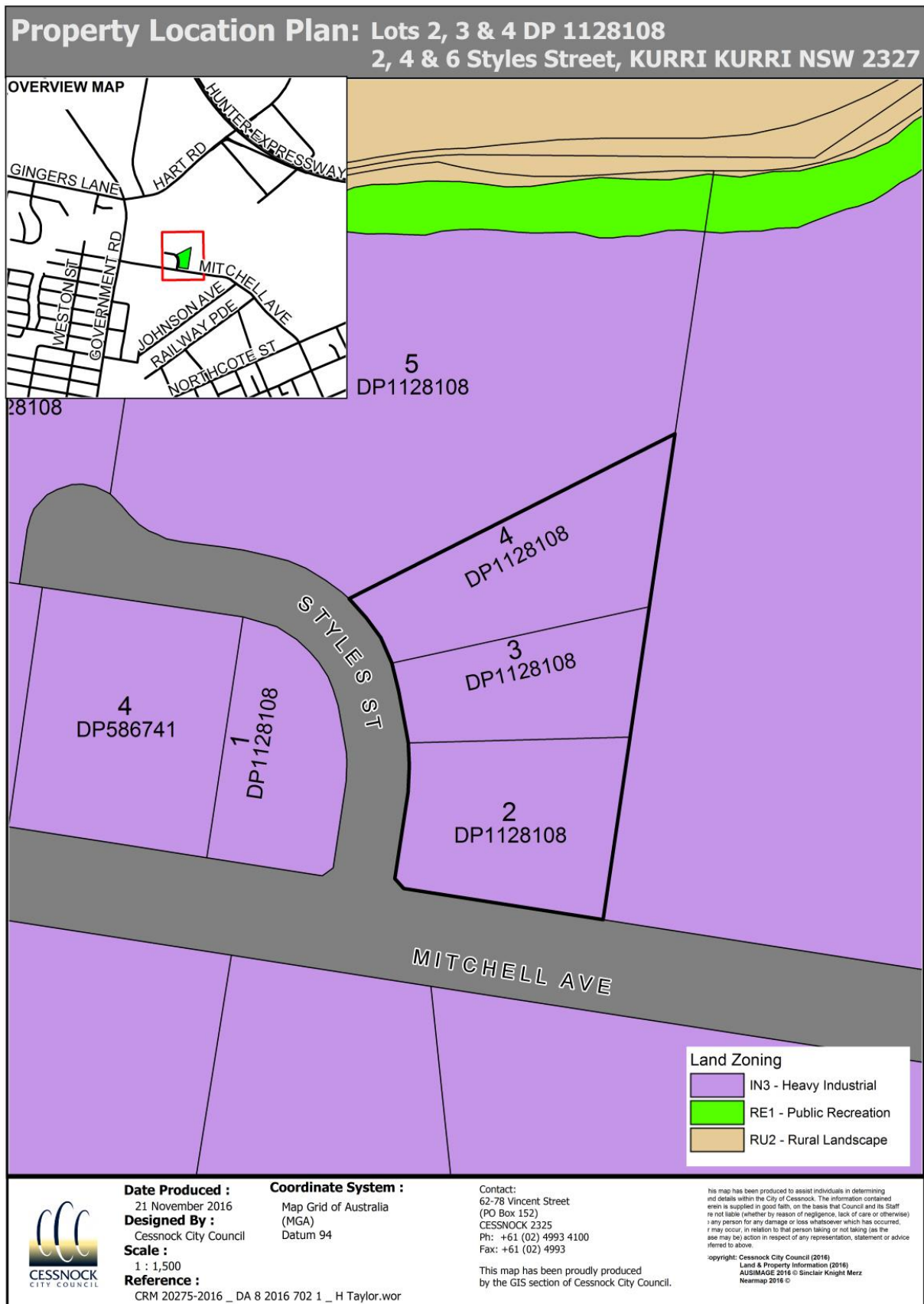
8. The subject site is located within a developing heavy industrial area. Surrounding development includes a variety of industrial uses including the former Weston Aluminium Smelter. The Weston residential zone is located to the west of the subject site.
9. The development is consistent with Council's Local Environmental Plan (Cessnock LEP 2011), and generally complies with the numerical requirements of the consolidated Development Control Plan (Cessnock DCP 2010).
10. The proposed development was notified to adjoining property owners within a 500 metre radius of the site between 23 November and 23 December 2016. The application was also advertised in the Newcastle Herald (appearing on 23 November 2016) and The Advertiser (appearing on 3 December 2016) newspapers, and a site notice was erected.

11. The proposal has addressed the SEARs 1050 and has been assessed against the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, including site suitability and public interest. The proposal is considered acceptable with regard to siting, design, access, parking, waste management and stormwater drainage. It is recommended that, in the event consent is granted, conditions be imposed to ensure that traffic and noise impacts are not unreasonable.

AERIAL



ZONING MAP



SITE DESCRIPTION

The site comprises three (3) parcels of land commonly known as Nos. 2-6 Styles Street Kurri Kurri, and legally described as Lots 2-4 DP 1128108.

The subject site comprises industrial allotments located on the corner of Mitchell Avenue and Styles Street. Styles Street is a no-through, local road (approximately 170 metres in length) which extends directly off Mitchell Avenue and terminates by cul-de-sac. Mitchell Avenue is a regionally significant road which passes through the Kurri Kurri industrial area, providing connection onto Government Road.

The immediate streetscape is relatively undeveloped. A concrete crushing and recycling plant, known as 'Central Waste Station', located immediately north-east of the subject site, is currently the only other land use established in Styles Street.

The subject site is completely cleared and currently vacant, with no evidence of any former development onsite. Site works associated with Development Consent No. 2016/510 are currently being undertaken on the property. Swamp Creek traverses the site in an east-west direction. A second order drainage watercourse flowing under the culvert of Mitchell Avenue passes through the south-eastern part of the site and flows into Swamp Creek.

An unformed table drain is situated to the near-western area of the site and the site is mapped as containing natural watercourses. An open drain and drainage easements are situated to the south, adjoining Mitchell Avenue.

The primary and second street frontages are provided with kerb and gutter, whereby no vehicle access crossings have been constructed. Reticulated water, sewer and electricity services are currently not provided, however, these services are immediately available and the land is capable of being connected.

The landform is described as generally flat with gentle cross fall occurring from the north-western corner to the south-eastern corner of the site, accounting for an overall landform variation of 360mm. It is noted that separate approval (Council Reference DA No. 8/2016/510/1) was granted for the construction of retaining walls and earthworks resulting in a finished surface level of RL12.60. The subject application assumes the completion of these works prior to the commencement of the proposed development.

LOCALITY

The subject site is located within the heavy industrial zone on the outskirts of Kurri Kurri, strategically situated within relative proximity to the Hunter Expressway (Hart Road) exit. The property is situated approximately 1.8 and 1.3 kilometres from the town centres of Kurri Kurri to the east and Weston to the south-west respectively.

The R2 Low Density Residential zone in Weston and RU2 Rural Landscape zone in Loxford are located 380 metres to the west and 87 metres to the north of the site zone respectively. The closest adjoining residence, No. 65 Government Road Loxford, is measured at a distance of 350 metres from the site.

Swamp Creek is located approximately 80 metres from the site and flows in an east-west direction. A second order drainage line flowing under the culvert of Mitchell Avenue passes through the south-eastern corner of the site before draining into Swamp Creek.

The immediate locality is reserved for industrial activities, with surrounding uses including steel strapping, packaging and waste collection treatment facilities. To the west of the site is the Western Aluminium plant which recycles and repurposes by-products from aluminium and steel industries.

ASSESSMENT HISTORY

The history of the subject Development Application is summarised in the following table:

Date	Action
2 June 2016	Pre DA Meeting held with applicant.
6 June 2016	Department of Planning and Environment issued SEARs No. 1050.
4 November 2016	Subject application is lodged with Council.
10 November 2016	Application notified to the JRPP Panel Secretariat.
16 November 2016	Application referred to relevant internal officers and external authorities.
23 November 2016– 23 December 2016	Public exhibition period. No submissions/objections lodged.
25 November 2016	Comments received from Council's Environmental Health Officer.
2 December 2016	Comments received from Council's Heritage Advisor.
5 December 2016	Comments received from RFS.
7 December 2016	Comments received from Council's Principal Community Planner.
19 December 2016	Comments received from Central Hunter Command.
21 December 2016	Comments received from RMS.
9 January 2017	Correspondence issued to external authority bodies advising that no submissions were received. Additional information requested from the applicant in relation to stormwater drainage and vehicle access requirements.
2 February 2017	Briefing meeting with JRPP Panel Members.
14 February 2017	General Terms of Approval issued by NSW EPA.
27 March 2017	Comments received from Council's Road Safety, Design Delivery Officer.
11 May 2017	Council issued correspondence to the applicant advising that no formal response has been received in response to the request for additional information dated 9 January 2017 and officers are not in the position to comment on conceptual solutions.

26 May 2017	Amended stormwater management plan, access details and revised plans submitted to Council.
14 June 2017	A second request for additional information is issued.
18 July 2017	Revised stormwater management and site plans submitted.
7 August 2017	A third request for additional information is issued.
9 August 2017	Meeting held with the applicant and their consultant Civil Engineer, and Council's Development Services Manager, Development Engineer and Assessment Officer to discuss outstanding matters concerning stormwater discharge and water quality management. A final request for additional information is issued.
5 September 2017	Comments received from DPI Water advising a controlled activity approval (20ERM2017/0547) has been issued in relation to the site and no further comments are provided in relation to the subject application.
12 September 2017	Revised surface water impact report submitted.
30 September 2017	Comments received from Council's Development Engineer.
19 October 2017	Applicant provides amended plans which no longer show anomalies such as proposed works already approved under DA 8/2016/510 and revised waste treatment accurately shown.
23 October 2017	Revised comments received from Council's Environmental Health Officer. Applicant provides correspondence advising no objections are raised in response to imposition of a condition for a trade waste agreement to be obtained as opposed to the proposed pump out method.
3 November 2017	Assessment report finalised.

SITE HISTORY

The subject site has historically remained vacant and no known activities have occurred onsite.

The following approvals have been issued on the subject land:

- Development Consent No. 8/2016/510/1 - Construction of retaining walls and fill onsite, comprising the following:
 - Filling (requiring approximately 3,240m³ of certified material) and levelling of approximately 7,621m² area of the subject site, to a finished surface level of RL12.90
 - Compact surface topped with a 100mm layer of compacted gravel to obtain a finished ground level at RL12.90
 - Silt trap with water retention basin and stormwater drainage
 - Three (3) metre high block wall with three (3) metre high security fence

- Construction of a 4m high concrete wall along the boundaries of the proposed fill area
- Development Consent No. 8/2016/461/1 - Boundary adjustment
 - Realignment of boundaries to accommodate drainage line. Whist this subdivision has not been registered to date, Lot 6 DP 1128108, is to provide a 10m wide access handle to future rear lots.
- Development Consent No. 8/2005/362/1 - Six (6) lot subdivision and construction of new road
 - Subdivision resulted in the creation of Styles Street and the subject site.
- Development Consent No. 8/2003/98/1 - Earthworks
 - Earthworks contained to parent Lot 101 DP 1039497 to a finished surface level of RL12.75 with disturbed land retained by 1:5 battered slopes.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2016/702/1 seeks approval for the establishment of a waste or resource management facility. The proposed works will be carried out in two (2) phases as follows:

Phase 1

Construction and site works to allow the operation of the site for the processing and transfer of green waste, wood and soil waste.

Construction

- Weighbridge, site office and associated infrastructure
- Stormwater management systems including the installation of on-site detention and leachate collection tank
- A 4.5 metre high internal acoustic boundary fence to screen the vegetation processing area to the north-east
- Three (3) metre high security cyclone fence to the entire northern boundary and part of the western boundary
- Concrete binding over the proposed location of the food and organics building proposed during Phase 2

Site Operations

- Collect and transfer 70,000 tonnes of combined green, wood and soil waste annually
- Manual separation of contaminants and non-organic waste
- Preliminary processing (shredding) onsite
- Processed material will be transferred within 24 hours of its arrival to a licensed processing plant at Tea Gardens for further processing and packaging prior to resale
- Employment of a maximum eight (8) staff

Description of waste type to be received onsite			
Waste type	Description	Processing method	Volume/ annum
Green	Contains branches, grass, leaves, plants, loppings, tree trunks, tree stumps	Contaminants removed and then stockpiled prior to processing by a high speed shredder.	30,000 tonnes

		Shredded material loaded onto enclosed trucks and transported for composting offsite	
Wood	Sawdust, timber, wooden pallets, wood shavings excluding treated wood by copper arsenate, high temperature creosote, pigmented emulsified creosote and light organic solvent preservatives	Shearing logs and branches into small lengths using an excavator with hydraulic shear attachment. Soil separated from logs and stumps by shaking and material processed by wood grinder Wood particles graded into sized factions suitable for garden mulch	15,000 tonnes
Recovered Soil Products	Soil, clay, sand material recovered from the processing of logs and stumps	Separated soil mixture will be blended onsite with compost products and placed into holding bins prior to transfer offsite	20,000 tonnes
Forestry and Sawmill Residues	Untreated and uncontaminated materials from forestry operations such as logging and sawmilling including bark, woodchips, sawdust and wood fibre	Shearing logs and branches into small lengths using an excavator with hydraulic shear attachment. Soil separated from logs and stumps by shaking and material processed by wood grinder Wood particles graded into sized factions suitable for garden mulch	5,000 tonnes

Processing equipment

- Excavator fitted with mechanical grab type
- Front end loaders
- Grinder
- Transfer trucks

Hours of Operation

Monday – Friday	7:00am-5:00pm
Saturday	7:00am-4:00pm
Sunday	Closed
Public Holidays	7:00am-5:00pm (receival only to meet Council requirements)

- Truck movements to occur one (1) hour prior to site operations and two (2) hours following closure

Phase 2

Construction of the food and organics building and associated mitigation measures

Site Operations

- Construction of a food and organics building measuring 40 x 30 metres with associated biofilter (expected to be built in 2021)
- Collect and transfer 25,000 tonnes of food and organic waste annually

Description of waste type to be received onsite			
Waste type	Description	Processing method	Volume/ annum
Combined Food and Garden Organics	Natural or processed organics, vegetables, fruit, seeds, winery waste excluding biosolids and manures	Unload materials on the concrete floor of the building. Manually remove contaminants and separating recycles to be transferred offsite Transfer sorted material offsite for composting	25,000 tonnes

ASSESSMENT

In determining a Development Application, the consent authority is to take into consideration relevant legislation and policies; the associated Record of Assessment and any other relevant material; along with the contents of this report, as are of relevance in the assessment of the Development Application on the subject property:

Environmental Planning and Assessment Act 1979 – Section 77A (Designated Development)

Designated Development is development that is considered high-impact or is located in or near an environmentally sensitive area. Pursuant to Schedule 3, Part 1, Clause 32 of the Environmental Planning & Assessment Regulation 2000, designated development includes:

32 (1) Waste management facilities or works

Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:

- (c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or*
- (d) that are located:*
 - (i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or*
 - (v) on a floodplain, or*
 - (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.*

(2) This clause does not apply to:

- (a) development comprising or involving any use of sludge or effluent..*
- (b) development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or*
- (c) development for which State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas requires consent.*

The proposal is classified as 'designated development' due to the following:

- The proposal is considered to be a 'scheduled activity' as it processes more than 5,000 tonnes of organic materials per annum;
- The proposed development is located within 100 metres from a natural waterbody;
- The proposed development is located on a floodplain;
- The subject site is situated within 500 metres of Council's R2 Low Density Residential zone; and
- The proposal is not an excluded class of development provided under Schedule 3 as the development does not involve sludge or effluent, the facility is only referred to under Clause 32 and SEPP 52 does not apply to the Cessnock LGA.

In accordance with Section 78A(8) of the Environmental Planning and Assessment Act and Schedule 2 of the Regulation, an Environmental Impact Statement (EIS) prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs), accompanied the subject application. It is considered that the preparation of the EIS has met the SEARs and the provisions under Schedule 2 of the Regulation.

Environmental Planning and Assessment Act 1979 – Section 91 (Integrated Development)

The proposed development is classified as a scheduled activity pursuant to Schedule 1 of the Protection of the Environment Operations Act 1997 for the following reasons:

- The waste storage facility is located in a regulated area; and
- The facility receives more than 6,000 tonnes of non-hazardous waste per annum.

An Environmental Protection Licence (EPL) is to be separately obtained from the Environmental Protection Agency (EPA) for the carrying out of a scheduled activity. The EPA have issued GTA's in relation to the proposed development.

The proposal also seeks a Controlled Activity Approval under Section 91 of the Water Management Act 2000 as works are proposed on waterfront land (Note: the proposal does not seek to extract or convey water and therefore separate approval is not sought for water supply works).

The proposal is classified as 'Nominated Integrated' development, whereby the consent authorities, being NSW Environmental Protection Authority (EPA) and NSW Office of Water, have issued General Terms of Approval (Notice Number 1546877) and a Controlled Activity Approval (20ERM2017/0547) in relation to the development respectively.

Environmental Planning and Assessment Act 1979 – Section 79C(1)

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Cessnock Local Environmental Plan 2011

An assessment of the proposed development under the Environmental Planning Instruments is provided below:

State Environmental Planning Policy (Infrastructure) 2007

Section 121 of the SEPP states that a '*waste or resource management facility*', meaning a Waste or resource transfer station, a resource recovery facility, or a waste disposal facility is permissible in the IN3 – Heavy Industrial Zone, as it is a prescribed zone. On this basis, the proposed development, being a Waste Management Facility, is permissible on the subject site as it is located within the IN3 – Heavy Industrial Zone.

Pursuant to Clause 104(2)(a) of SEPP Infrastructure 2007, a '*waste transfer station*' of any size or capacity is classified under Schedule 3 as *traffic generating development*.

Before determining a development application for development to which Clause 104 applies, the consent authority must give written notice of the application to the RMS and take into consideration any response received within 21 days.

The RMS responded in correspondence dated 19 December 2016, raising no objection to the proposed development as it was considered there will be no significant impact on the nearby classified (State) road network.

Environmental Planning Policy No. 33 – Hazardous and Offensive Development

As the proposed development does not involve the storage, use or emissions of any toxic substances during site operations, the proposed development is not a 'potentially hazardous establishment' that warrants a preliminary hazard analysis.

An 'offensive industry' is one which, even when controls are used, has emissions which result in a significant level of offence. Before a proposal is identified as offensive industry, it must first be identified as 'potentially offensive industry', and subjected to the assessment and exhibition requirements of SEPP 33.

In deciding if a proposal is 'potentially offensive industry', the consent authority is required to determine whether, in the absence of safeguards, the proposal would emit a polluting discharge which would cause a significant level of offence.

The proposal is identified as being a 'potentially offensive industry' given that a licence from the EPA is required to operate. The level of offence can be controlled to a level which is not significant given the EPA have indicated a license can be obtained for the activity and GTA's have been issued.

State Environmental Planning Policy No. 55 – Remediation of Land

The intent of this policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land, is relevant to the assessment of this Development Application, which requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject site has historically remained vacant and no known previous land uses have been undertaken onsite. A search of aerial photographs dating back to 1971 do not show any evidence of any former activities occurring onsite. Past development applications lodged on the land suggest that the site may have been used for sourcing timber, however, no agricultural use has previously been undertaken.

Council received certification by way of a geotechnical report prepared by Robert Carr & Associates dated February 2005 that earthworks undertaken under approved DA 8/2003/98 involved 'controlled fill' (i.e. fill was tested and determined to be free of contaminants).

As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, further testing of the site in respect of contamination is not warranted in this instance.

State Environmental Planning Policy No. 64 – Advertising and Signage

The consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

(a) that the signage is consistent with the objectives of the Policy:

(i) is compatible with the desired amenity and visual character of an area,

Comment: The proposed signage is in keeping with the proposed building treatment and visual character of the industrial area.

(ii) provides effective communication in suitable locations,

Comment: Fixed sign can be viewed from Styles Street and from Mitchell Avenue when trucks are arriving from the Hunter Expressway. The sign is therefore considered to be located in an ideal location (i.e. addresses the primary property frontage and is suitably setback from the afforded sightlines from driveways and property boundaries).

(iii) is of high quality design and finish

Comment: The business identification sign has clean finishes and clear script.

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1

Character of the Area

- The immediate vicinity consists of various industrial activities such as a waste transfer facility. The signage is consistent with the nature of the industrial precinct, addresses the transport corridor and does not directly impede on adjoining residences.
- The site fronts a minor road, however, the sign is visible from Mitchell Avenue which is a regionally significant road. The scale of the sign is therefore considered acceptable in context of the high traffic volumes and visual exposure.

Views and Vistas

- The proposed advertising structure will not interrupt any existing view or vista of significant quality or importance.
- The signage is of a scale and height appropriate in context of surrounding development, does not project beyond the skyline and does not obscure visibility to any other signage.

Streetscape, setting and landscape

- The signage incorporates quality materials and finishes.
- The design provides for a consistent colour theme based on the corporate colours of the

waste transfer operator.

- Visual clutter is minimised as only one sign is proposed for the entire site.

Site and building

- The proposed signage is compatible with the scale, proportion and characteristics of the food and organics building. The sign will be fixed to the gable end of the building and will not protrude above the roof line.

Associated devices and logos with advertisements and advertising structures

- Logos have been satisfactorily incorporated into the proposed structure.

Illumination

- The proposed business identification sign will not be illuminated.

Safety

- The proposed sign will not encroach on the roadway or interfere with pedestrian or vehicular sightlines approaching the site.
- The signage is suitably setback from adjoining roads so as to not distract motorists.

Part 3 of the SEPP applies to 'advertisement signs' and therefore is not applicable in this instance as the proposal seeks consent for a 'business identification sign'.

Cessnock Local Environmental Plan 2011

Permissibility

The subject site is zoned IN3 Heavy Industrial under the provisions of the Cessnock Local Environmental Plan 2011. The proposed development is defined as a 'waste or resource management facility' under the Cessnock Local Environmental Plan which provides the following:

waste or resource management facility means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

The abovementioned definition includes subset terms, whereby development can be further defined or deemed a combination the separately defined land uses.

In this instance, the proposal represents a combination of activities involved in the operation of a 'waste or resource transfer station' and 'resource recovery facility', which are defined as follows:

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

The development satisfies the above definitions, as the proposal involves the collection of waste material for sorting and temporary storage until distribution (waste or resource transfer station) and the recovery of resources from waste by separating, sorting and processing (resource recovery facility).

As such, the proposal is defined as a 'waste or resource management facility' by virtue of point (d). Waste or resource management facilities are permissible in the IN3 Heavy Industrial zone subject to development consent.

Objectives

The proposal is consistent with the objectives of the IN3 Heavy Industrial zone, as follows:

- *To provide suitable areas for those industries that need to be separated from other land uses.*

Comment: The subject site is considered suitable for accommodating the proposed development. The IN3 is a zone intended for those industries, including hazardous and offensive industries that present a risk to the environment and people. Given that the waste facility is regarded as a potentially offensive industry due to the storage of organic material, the proposal is ideally separated from general industries and sensitive land uses.

- *To encourage employment opportunities*

Comment: The proposal provides for employment opportunities, providing positions for at least eight (8) staff members onsite.

- *To minimise any adverse effect of heavy industry on other land uses*

Comment: The facility is suitably located within the heavy industrial area so as to minimise environmental impacts on surrounding industries and sensitive land uses.

- *To support and protect industrial land for industrial uses*

Comment: The proposed land use is deemed permissible in the subject zone and is a suitable form of development for the industrial precinct.

Relevant Clauses

The Development Application was assessed against the following relevant clauses of the Cessnock Local Environmental Plan 2011:

- Clause 5.9 – Preservation of trees or vegetation

The subject application does not seek the removal of any vegetation. Approval for the removal of two (2) trees was granted under a separate approval (Development Consent No. 8/2016/510/1).

- Clause 7.3 – Flooding

Bulk earthworks to the majority of the site (excluding areas dedicated as vehicle and drainage easements) in order to raise the ground level in accordance with Council's flood planning level (RL

12.6), were approved under a separate development consent (Council Reference No. 8/2016/510/1).

The proposal was considered to have minimal impact on the existing 'pre-development' conditions in the area of Styles Street, Kurri Kurri, and was therefore considered acceptable from a flooding perspective.

It is noted that DA 8/2016/510/1 was approved by Council on 24 January 2017, and these works should be completed prior to the proposed building works the subject of this application. Therefore, in the event consent is granted, a condition of consent has been imposed on the draft determination notice to ensure the appropriate timing of the approved civil works (refer to Condition No. 4).

(a)(ii) The Provisions of any Development Control Plan

Cessnock Development Control Plan 2010

The following is an assessment of the proposal's compliance with the numerical standards in the Development Control Plan. Discussion of any variations to the standards is provided after the compliance table.

Cessnock Development Control Plan Part C: General Guidelines		
Chapter – C.1 Car Parking	Complies	Comment
1.2 Car Parking Standards	Yes	A parking rate is not specified for 'waste or resource management facilities'. The submitted Traffic Assessment prepared by Intersect Traffic dated October 2016 provides that peak parking demand for the development is generated by employee traffic plus likely visitors. Given a maximum of 8 employees and minimal visitors will attend the site, it is considered that the provision of 10 spaces is appropriate. It is noted that the submitted site plan illustrates the provision of only seven (7) parking spaces. The Traffic and Parking Assessment provides that the provision of the recommended 10 off-street parking spaces is feasible as there is sufficient area onsite. Council's Development Engineer concurs with the recommendation and a condition has therefore been imposed, requiring 10 parking spaces to be dedicated on the approved plans prior to the issue of CC (Condition 6). If the proposal were to be categorised, it would most likely fall under the genus of an 'industrial premises' which has the following parking rate based on number of employees: 1 space per 2 employees Proposed employees = 8 $8/2 = 4$ Given that the proposal provides ample parking for the expected number of employees and sufficient area for manoeuvring, parking and loading of heavy vehicles, the proposed arrangement is considered acceptable.

Cessnock Development Control Plan Part C: General Guidelines		
1.4.1 Access to the Site	Yes	Access is proposed from Styles Street via a crossing measuring 7.05m wide. In accordance with AS2890.2, the commercial vehicle crossing from the kerb in Styles Street (minor road) should be a minimum 12.5m wide at the property line. The applicant has amended the original plans at Council's request to allow access for the largest design vehicle accessing the site in accordance with the requirements of AS2890.2. The nominated site access is appropriately setback from the northern boundary and is situated at least 12 metres from the Styles Street intersection.
1.4.2 Car Park Design	Yes	Adequate onsite manoeuvring and circulating areas have been provided to ensure vehicles can enter and exit the site in a forward direction. Parking spaces can comply with the Australian Standard and are ideally located near the site office and property entry.
1.4.3 Disabled Parking	Yes	A condition has been imposed on the draft determination notice to ensure at least one (1) space is dedicated as a disabled parking space in accordance with the Australian Standards (Refer to condition No.7).
1.4.4 Loading / Unloading Facilities	Yes	Suitable loading and unloading areas have been designed to accommodate turning paths of the associated service vehicles.
1.4.6 Construction Materials	Yes	The entire facility will be a concrete hard stand area. The pavement type is considered suitable for the anticipated vehicle loads and drainage requirements.
1.4.7 Landscaping	No, but considered acceptable	A minimum 10% of the carpark is not landscaped, however the appearance of the hardstand area is not required to be softened as the proposed security fence will obstruct views to the facility. Furthermore, suitable landscaping is to be provided along the fence line in order to address street frontages.
Chapter – C.4 Land Use Conflict and Buffer Zones	Complies	Comment
4.3.6 Waste Management Facilities	No, refer to discussion below	Waste Management Facilities are regarded as a Category C land use as it is expected that a buffer distance for residual emissions is required. The DCP requires a minimum separation distance of 1 kilometer from Category A land uses (residential development) and Category B land uses (light industries). The proposal provides for the following separation distances: Residential development (A): 350 metres Light Industries (B): There are some light industries located approximately 100m to the south of the site.
Chapter – C.5 Waste Management and Minimisation	Complies	Comment
5.7.1 Potential for Waste Minimisation	Yes	A suitable Waste Management Plan has been submitted for the construction phase.

Cessnock Development Control Plan Part C: General Guidelines		
Chapter – C.7 Trees and Vegetation Management	Complies	Comment
7.3.1 Activities requiring approval	N/A	Tree removal previously approved under Development Consent No. 8/2016/510/1.
Chapter – C.8 Social Impact Assessment and Crime Prevention Through Environmental Design Guidelines	Complies	Comment
8.5.3 Social Impact Assessment Requirement	Yes	Given the proposed industrial development has an estimated cost of over \$1 million (i.e. \$2.95 million), the application was required to be accompanied by a Social Impact Assessment. Council's Principal Community Planner is satisfied with the preparation of the report in terms of providing public consultation and recommended crime prevention design solutions.
Chapter – D.3 Industrial Development	Complies	Comment
3.2.1 Landscaping Landscape front setback to 6m Landscape side setbacks if visible Landscape large car parks	No, but considered acceptable	The front building setback provides for a landscape bed with a varying depth of 2-6m. Whilst a portion of the landscape bed does not achieve numerical compliance with this control, the proposal is considered to meet the objectives of Council's guidelines as the landscaping provides for suitable visual amenity. It is not necessary to landscape dedicated vehicular parking onsite as the hardstand area is screened by the inclusion of the boundary security fence.
3.2.2 Vehicular Parking Refer to Car Parking Chapter Car parking behind 6m front landscape Preference to be located at rear	Yes	The designated parking area is suitable as it is screened by the landscaped frontage and is within reasonable proximity to the building entrances. Suitable conditions will be imposed to ensure that the carpark spaces are delineated as per the DCP (refer to condition Nos. 8 and 9).
3.2.3 Vehicular Movements and Access Not close to an intersections Loading and unloading wholly in site	Yes	The proponent has modified the width of the driveway to Council's satisfaction to enable heavy vehicles to easily access the property. The unloading/loading area occurs within designated stockpile areas and does not conflict with primary internal vehicle movements.
3.2.4 Building Design Suitably treated façade Consistent materials	Yes	The building façade of the food processing facility is constructed of durable materials (metal sheeting) and a neutral colour palette has been selected. The presentation of the building will make a positive contribution to the streetscape.
3.2.5 Building Setbacks Front Setback = minimum 6m Side and rear setbacks = BCA	Yes	Proposed front setback of 6.2m permits required landscaping and designated parking to be provided. The setback is considered reasonable particularly given compatibility with the existing building line and

Cessnock Development Control Plan Part C: General Guidelines		
		position of the drainage easement. Side and rear boundaries comply with the BCA as follows: <i>FOGO building</i> 69m to the northern boundary 21.07m to southern boundary 17.6m to the eastern (rear) boundary <i>Portable Office</i> 19.3m to the northern boundary 91.2m to southern boundary 53m to the eastern (rear) boundary 31.5 to the western (front) boundary
3.2.6 Outside Storage Suitably screened	Yes	External storage areas and outdoor work areas will be screened behind a four (4) metre high concrete boundary fence as approved under Development Consent 8/2016/510/1.
3.2.7 Security Fencing Behind landscaped area	Yes	Site to be secured by a four (4) metre high chain painted concrete fence as approved under Development Consent 8/2016/510/1. Fencing is located behind the front landscaped area.
3.2.8 Drainage Appropriately dispose stormwater	Yes	It is proposed that overflows from the on-site detention system will be discharged via a pipe system to the existing open channel drain adjacent to Mitchell Avenue. As this drainage line forms a 15m wide easement on the subject land (Lot 2 DP 1128108), legal access is afforded to this point of discharge.
Chapter – D.5 Outdoor Signage	Complies	Comment
5.2.1 Types of signs and their allowable locations	Yes	Business identification signs are permitted in the IN3 Heavy Industrial zone.
5.2.3 Maximum number of signs	Yes	A single business identification wall sign is proposed whereas two (2) wall signs are permitted.
5.3.1 Business Identification Signs	No, refer to discussion below	Maximum of one is proposed. The area of the sign is 15m² in area when a maximum of 1m² is permitted. The sign is fixed to the building and contains appropriate detail such as the business name and logo. The sign is located approximately 7m above ground level when a maximum height of 2m is permitted.
5.3.6 Flush Wall Signs	Yes	The proposed sign does not project beyond the eaves. A maximum of one (1) sign is provided to the western elevation. The sign will be fixed to the building and will not project more than 300mm. The area of the sign must not exceed 10% of the above ground elevation (24m²) whereas 6% (15m²) is

Cessnock Development Control Plan Part C: General Guidelines		
		proposed.

Proposed departures from Council's development controls

Separation distances

Council's guidelines for reducing land use conflicts between incompatible uses provides for minimum separation distances. In this instance, the proposal is setback 350 metres from the nearest adjoining residence, whereas at least one (1) kilometre is recommended.

Separation distances to nearby light industries is approximately 100 metres when 500 metres is required and this constitutes a numerical variation of 80%. It should be noted that these industries are sited in an area which is predominately heavy industrial and it is not expected that the proposed development will adversely impact on the identified industries.

It is considered that Council's controls are intended to cover various types of waste management facilities including landfill sites and industries that process hazardous material.

As such, the recommended separation distance is not considered to be critical in this instance. The subject proposal is to be used as a transfer facility whereby putrescible waste will only be temporarily stored onsite. Furthermore, based on the outcomes of the Air Quality and Noise Impact Assessments, it is considered that the proposal will not have an adverse impact on adjoining sensitive land uses.

Signage details

Council's DCP provides a maximum area for business identification signs of 1m² whereby a sign measuring 15m² (5 x 3m) is provided on the western elevation of the proposed FOGO building. Furthermore, Council's controls permit a maximum height of two (2) metres above ground level for a business identification sign to be displayed, whereby seven (7) metres is proposed.

It is considered that a departure from these controls is appropriate in this instance, given the site is required to be screened by a four (4) metre high security fence and visibility to the site is obscured by this structure. Furthermore, the sign needs to be easily identified for delivery vehicles accessing the site from a regionally significant road. As such, when considering the merits of the proposal, the area of the sign is deemed appropriate based on the following:

- The sign is relative to the scale of development, industrial nature of the site and area of land dedicated for the 'waste or resource management facility'; and
- There is no other signage proposed for the subject development and therefore the size of the sign is reasonable as it serves as the primary source of identification for the site.

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No such agreement has been proposed as part of this application.

(a)(iii) The Regulations

An Environmental Impact Statement (EIS) was prepared in accordance with the requirements provided by Schedule 2 of the Environmental Planning and Assessment Regulation 2000. It is considered that the EIS has satisfactorily addressed the Secretary's Environmental Assessment

Requirements, identifies all the key environmental issues associated with the proposal, and provides appropriate recommendations for ongoing mitigation.

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

As demonstrated by this assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality. The following impacts are of particular relevance:

Natural Hazards

Bushfire

The subject site is recognised as being bushfire prone according to Council's mapping. Therefore consideration has been given to the aims and objectives of Planning for Bushfire Protection 2006.

Advice was sought from the RFS with respect to improving protection for employees and reducing impacts from the threat of bushfire. The RFS were supportive of the proposal provided the following recommendations were implemented:

- All buildings to comply with a bushfire attack level of BAL 12.5;
- Preparation of fire management plan;
- Construction of a four (4) metre high concrete boundary wall along the vegetation interface (this requirement has been met by separate approval of DA 8/2016/510);
- Ongoing maintenance of the entire property as an Inner Protection Area (IPA); and
- Compliance with PBP in relation to access, water and utilities and landscaping was recommended.

The abovementioned recommendations are considered feasible and can reasonably be carried out as a condition of consent (refer to Condition No. 17).

Utilities

The proposed facility requires water for the wash down area, office kitchenette, surface wash-down, food and organics facility, irrigation and fire-fighting. The average daily water demand for the facility is estimated to be 8.8kL, which can be sourced from the Hunter Water Corporation water mains.

Waste

All waste brought to the subject site will be sorted, processed and transferred to an onsite processing centre and no landfill is to occur onsite. Where materials which are unsuitable for processing may be recovered during the sorting stage, this waste will be appropriately disposed of in landfill.

The four (4) metre high boundary fence will ensure litter does not escape the premises.

A leechate management system is proposed to capture stormwater runoff from areas where leechate is likely, such as the organic receipt and overnight storage bay. Discharge from the leechate tank is proposed to be via re-use on site and discharge off-site via tanker to a licensed disposal facility.

Due to the sensitive location of the proposed development, concerns are raised in relation to a pump out arrangement. In the past, pump out methods have resulted in tanks overflowing, often due to services being missed or cancelled.

The applicant has been advised that Council's preferred disposal method is via Hunter Water's Sewer service. On this basis, the applicant has not objected to a condition of consent being imposed that a trade waste agreement be obtained. Furthermore, notice of formal requirements for the proposed waste transfer facility were received from Hunter Water on 13 March 2017, acknowledging the proposal has potential to discharge waste into the sewage system. It was acknowledged that this arrangement is subject to the issue of a Trade Waste Agreement and no further issues or requirements were identified.

Water Quality

An internally piped stormwater drainage system with grated inlets will capture site runoff from hard stand and roof areas to an on-site detention system located towards the western side of the site. The stormwater tank has a total volume of 150kL and is comprised of two components: on-site detention, which has been sized at 50kL and water storage of 100kL for use on site for dust suppression etc.

Water quality treatment for the OSD tank is provided by a stormwater filter device prior to being discharged into an existing watercourse at the south of the site via an existing drainage easement. Cleaning of the stormwater tank is expected to be carried out annually and membrane cartridges replaced every three (3) years.

Runoff from the areas where leachate is likely will be directed to a separate leachate management system. The leachate system will include an 80kL collection tank. The tank will be maintained typically below 20% full (i.e. maximum operating depth of 0.3 m). Leachate will be reused onsite through application to greenwaste, with surplus leachate from the tank to be disposed of via a Trade Waste Agreement as per Council's requirements.

The water balance assessments indicate that, on average, approximately 1.3 ML/year of stormwater will be released from the site via the on-site detention system and, on average, a maximum of approximately 0.7 ML/year of leachate will be disposed of off-site to an approved leachate disposal facility (i.e. worst case assuming no absorption to greenwaste).

On site detention modelling demonstrates that the proposed retention / detention system will limit peak stormwater discharges from the developed site to be less than or equal to the undeveloped site for all storm events from the 1 in 1 to the 1 in 100 year event. The proposed on-site detention meets the objectives for impacts on water quantity to the satisfaction of Council.

The revised stormwater management report now separates runoff from the leachate area (contained and removed from site, not modelled with MUSIC) and runoff from the roof and hardstand areas of the site (included in the MUSIC model). As modelling parameters have been adopted from relevant literature and in consultation with Stormwater360, this approach is considered acceptable.

The submitted Surface Water Impact Assessment (dated September 2017) prepared by Engeny Water Management suggests that the operator will monitor water releases on a quarterly basis. In this regard, conditions of consent have been recommended for a plan of management to be submitted and approved prior to the issue of a CC (refer to Condition 8). Furthermore, the GTA's issued by EPA indicate that periodic samples of the Creek are to be undertaken to ensure no changes occur to the biological, physical, chemical and sediment indicator levels of the water.

Soils

The geological profile of the subject site is captured within the Neath Soil Landscape. The soils in this locality are considered highly permeable with poor drainage.

In order to prevent infiltration of any leachate into soils, the entire footprint of the waste management facility will be provided with concrete hardstand. Moreover, the area occupied by the

food and organics building will be covered in a low strength blinding concrete layer to prevent erosion and the loss of fine material into the adjacent open drain.

Access, Transport and Traffic

Traffic

Styles Street intersects with Mitchell Avenue as a 'T' intersection. No turning treatment (i.e. no shoulder widening or dedicated turning lanes) are provided in Mitchell Avenue for vehicles approaching from either direction.

A Traffic and Transport Assessment prepared by Intersect Traffic has been submitted in support of the application. Traffic counts completed for the Traffic and Transport Assessment provide a peak hour traffic volume of up to 421 vehicles per hour on Mitchell Avenue.

The RMS guide to Traffic Generating Developments does not provide traffic generation data for a waste transfer station. The Traffic and Transport Assessment provides a first principles estimate for traffic generation based on peak AM/PM employee movements, plus an average hourly delivery (in / out) movements based on annual processing capacity. A peak hour traffic generation of 12 vehicles per hour was suggested. This rate is considered reasonable and Council's Development Engineer is supportive of this calculation.

When comparing the typical development potential of a similar sized site in the IN3 Heavy Industrial zone, the anticipated traffic generation of the proposed facility is significantly less. For example, a typical industrial development could be expected to generate 1 peak hour vehicle movement per 100m² floor area compared to the proposed 12 vehicles per hour for the 7,000m² site overall.

The projected traffic environment for Styles Street includes a similar waste facility at No. 10 Styles Street and two (2) vacant properties with an assumed potential for industrial development of 20 vph. A peak hour traffic generation of approximately 64 vehicles per hour is projected post occupation of the facility.

When considering the anticipated traffic generation on Styles Street and additional turning movements against Austroads Figure 4.9, an upgrade of the Styles and Mitchell Street intersection is not warranted in this instance.

An assessment of the impact of the proposed development on the intersection of Mitchell Street and Northcote Street (to the east of the development) and Mitchell Street and Government Road (to the west of the development), are provided in the submitted Traffic and Transport Assessment. Allowing for traffic generated by the development and 2% growth in surrounding traffic volumes, the report concludes that the surrounding road network has sufficient capacity to cater for the development without any requirement for upgrading works.

The conclusions of the Traffic and Transport Assessment are supported by Council's Development Engineer. No upgrading works to the surrounding road environment are recommended due to manageable traffic generated by the development.

Access

The applicant has successfully provided amended plans, demonstrating that access can be achieved in accordance with AS2890.2 for the largest design vehicle attending the site.

Air and Microclimate

An Air Quality Impact Assessment prepared by SLR Consulting accompanied the subject application to address concerns in relation to dust emissions and odour.

The particulate emissions from waste processing are considered minimal for the following reasons:

- All wood, forestry and sawmill waste will be mixed with green waste containing 30-40% moisture;
- All food and organic waste will be contained in a building which operates under negative pressure to minimise fugitive emissions. The building will also be fitted with fast acting doors and an extraction system (bio-filter);
- The entire footprint of the facility is hardstand and therefore, dust generation from vehicle movements will not occur; and
- All food and organic waste will be transferred offsite within 24 hours.

An air dispersion model was used to provide an expected odour assessment of the proposed facility. The predicted results were based on data derived from odour emission rates for similar types of waste facilities.

An assessment was undertaken on residual emissions resulting from the bio-filter and emissions escaping from the food and organics building. A conservative baseline of 60% efficiency was assumed for the bio-filter and 20% for emissions from the building.

The NSW EPA limit for odour detection ranges from 2 -7 Odour Units with the lower limit applicable to densely populated areas and 7 for low density rural areas. In this instance, an odour impact assessment criterion of 2 Odour Units was adopted to determine the impact on 14 sensitive receptors. The dispersion modelling predictions indicate that the odour levels at all receptors were below 2 Odour Units, identifying that the proposed impact on surrounding properties is within acceptable limits.

Noise and Vibration

The industrial development has the potential to generate noise impacts, which may be considered offensive by occupants of surrounding residences. Accordingly, consideration has been given to expected noise sources such as traffic movements, loading and unloading of vehicles and use of mechanical equipment including the suitability of operating hours.

The subject application was accompanied by a Noise Impact Assessment prepared by SLR Consulting Australia, which provided an assessment of the likely impacts experienced during construction and operation of the facility.

The assessment was undertaken in accordance with the NSW EPA's Industrial Noise Policy. A total of 19 residential receptors and four (4) industrial receptors were used in the study.

Following the results of noise monitoring, it was determined that the predominant ambient noise sources are from adjoining industrial land uses and road traffic from Mitchell Avenue and Government Road.

It was determined that the locality was characteristic of an urban environment and the relevant receiver type, as specified in the Industrial Noise Policy, was adopted for assessment.

Noise modelling software used to predict noise emissions from the proposed development determined that the inclusion of a 4.5 metre high barrier to the processing area would achieve compliance with the adopted standards at all nominated receptors. The plans illustrate a commitment to this noise attenuation measure.

Upon review of the results from noise logging, it was determined that the existing road traffic exceeded noise levels at potentially affected receivers. Since the proposed development generates relatively low traffic volumes in comparison to existing and future demands on the surrounding road network, the increase in noise level is considered acceptable.

(c) The suitability of the site

As demonstrated by the above assessment, the subject site is considered suitable in accommodating the proposed development as direct adverse impacts on surrounding residents are unlikely to occur. The subject location is ideally separated from sensitive land uses and is appropriate in terms of maintaining linkages to major transport routes.

Furthermore, the submitted EIS demonstrates that suitable mitigation measures will be implemented to prevent high concentrations of contaminants being released into the nearby watercourse.

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

The Development Application was notified to property owners located within a 500 metre radius of the subject site. The exhibition period was from 23 November to 23 December 2016. The application was also advertised in accordance with Clause 78 of the Regulations and a notification sign was displayed on the site.

An advertisement was published on two (2) separate occasions, appearing in the Cessnock Advertiser on 23 November 2016 and the Newcastle Herald on 3 December 2016. No submissions were received during the exhibition period.

(e) The public interest

The public interest is served through the detailed assessment of this Development Application under the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments and Council policies. Based on the above assessment, it is considered that the proposed development is consistent with the public interest.

SECTION 94 CONTRIBUTIONS

Council currently does not have a contribution plan relating to industrial development. Therefore, Section 94 contributions are not payable for the proposal.

INTERNAL REFERRALS

The Development Application was referred to the following Council Officers:

Development Engineer	No objections raised subject to the inclusion of recommended conditions of consent.
Environmental Health Officer	No objections raised subject to adherence with the submitted technical reports. The assessment specifically excludes areas which are required to be licensed with the EPA.
Traffic Committee	It is recommended that the application be determined subject to conditions, with the inclusion of the Traffic Impact Assessment as part of the stamped documents.

Principal Community Planner	No objections raised and no conditions required.
Heritage Consultant	No objections raised subject to the inclusion of recommended conditions of consent. The recommend conditions include adherence with the due diligence report (Aboriginal Cultural Heritage Due Diligence Assessment, UMWELT, 6 October 2016). Given that ground disturbing works have already been approved under previous applications (DA 8/2016/510 and 8/2003/98), the recommendations are not considered to be necessary for proposed works. Notwithstanding, general advice will be included in the event an aboriginal object is identified whilst carrying out works.

EXTERNAL REFERRALS

The Development Application was referred to the following External Agencies:

DPI Water	No objections raised. All requirements of DPI have been addressed through the granting of a controlled activity approval (20ERM2017/0547) associated with the previous development application (Development Consent 8/2016/510/1).
Rural Fire Service	No objections raised subject to the inclusion of recommended conditions of consent.
Environmental Protection Authority	As an integrated authority body, the EPA have issued GTA's.
Central Hunter Command	No objections raised and no conditions required.
RMS	No objections raised and no conditions required since it was determined there will be no significant impact on the nearby classified (State) road network.

CONCLUSION

The Development Application has been assessed in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies. Accordingly, Development Application No. 8/2016/702/1 is recommended for approval subject to the conditions listed in this report.



Holly Taylor
SENIOR PLANNING ASSESSMENT OFFICER



Janine McCarthy
DEVELOPMENT SERVICES MANAGER

ENCLOSURES

Development Plans

Cover letter advising General Terms of Approval have been issued by EPA

Response from DPI Water advising requirements have been resolved by a current CAA

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

All phases of development

1. General Terms of Approval

All General Terms of Approval issued by NSW EPA shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) NSW EPA (Notice Number 1546877, dated 14 February 2017).

A copy of the General Terms of Approval is attached to this determination notice.

2. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2016/702/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Proposed Site Layout Site Transport Access (Job No. N2063, Drawing No. 2063-201, Sheet 4, Revision D)	W. Westwood	15 October 2017

Document Title	Prepared By	Dated
Aboriginal Cultural heritage Due Diligence Assessment	Umwelt	6 October 2016
Air Quality Impact Assessment (Report No. 630.11728-R02)	SLR Global Environmental Solutions	31 October 2016

Noise Impact Assessment (Report No. 630.11728-R01)	SLR Global Environmental Solutions	1 November 2016
Surface Water Impact Assessment	Engeny Water Management	September 2017
Waste Management Plan	Matthew Egan	31 November 2016
Traffic & Transport Assessment	Intersect Traffic	October 2016
Environmental Impact Statement (Report 16/016-3)	HDB Planning Design Development	November 2016
Bushfire Threat Assessment (Report 16/016-4)	HDB Planning Design Development	October 2016

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

3. CC, PCA & Notice Required

In accordance with the provisions of Section 81A of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by the consent authority, Council or an accredited certifier; and
- b) A PCA has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*; and
- c) If Council is not the PCA, notify Council no later than two (2) days before building work commences as to who is the appointed PCA; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.

4. Completion of separately approved site works

A final occupation certificate in association with DA 8/2016/510 for site works involving earthworks, construction of retaining walls, hardstand area, drainage works and construction of boundary walls is to be provided to the Certifying Authority, prior to issue of the Construction Certificate.

5. Trade Waste Agreement

All waste water from the designated leachate tank is to drain to the Hunter Water's Sewer service, via a trade waste agreement. A copy of the trade waste agreement is to be provided to Certifying Authority, prior to issuing of the issuing of the Construction Certificate.

6. Plant and Equipment

All plant and associated equipment must be located within the approved building envelope and is not to be located on the roof. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

7. Parking – Delivery Vehicles

A separate off-street loading/unloading facility with capacity to accommodate the largest delivery vehicle likely to deliver goods to and from the premises shall be provided for all loading and unloading of vehicles wholly within the property. Such facility shall be constructed clear of the car parking area and driveways.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

8. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of ten (10) vehicles and such being set out generally in accordance with Council's Car Parking Code.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

9. Disabled Car Parking Spaces

A total of one (1) car parking space for use by persons with a disability must be provided as part of the total car parking requirements.

Plans demonstrating compliance with this requirement and the following Australian Standards are to be submitted to, and approved by, the CA prior to the issue of a CC.

- * AS/NZS 2890.1:2004 Parking Facilities – Off street car parking
- * AS/NZS 1428.1:2009 Design for access and mobility – General requirements for access – New building work
- * AS/NZS 1428.4.1:2009 Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.

10. Road – Engineering Requirements

All driveways, access corridors and car parking areas are to be designed in accordance with AS2890.1 & AS2890.2 - Parking Facilities.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

11. Stormwater Drainage in Road Reserve

An engineering design for the disposal of roof and surface water from the site prepared by a qualified practising Civil Engineer, must be provided to the CA prior to the issue of a CC. The design must be prepared/ amended to make provision for the following:

- a) The design shall be generally in accordance with the stormwater management plan prepared by Engeny Water Management dated 8 September 2017.
- b) Updated water quality 'MUSIC' modelling shall be provided in support of the final design. The modelling is to be completed by a suitably qualified and experienced engineer and

provide recommendation on the type and size of stormwater quality control to be implemented onsite to ensure that pollutant loads discharged from the site do not exceed OEH and ANZECC guidelines.

- c) The registered proprietor of the land is to provide a stormwater detention facility within the boundaries of the site to reduce the peak stormwater discharge from the developed lot to that of the peak stormwater discharged from the undeveloped lot for all storm events from the 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm event. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details shall include on-site storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

- d) A Plan of Management shall be prepared for the OSD and water quality facilities within the development. The plan shall set out all design and operational parameters for the facilities, including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The plan shall be submitted to the PCA for approval prior to the issue of a CC.

The design must be certified by a suitably qualified Civil Engineer and be provided prior to the issue of a CC.

The design must be certified by a suitably qualified Civil Engineer and be provided prior to the issue of a CC.

12. Engineering Checking Fee

The applicant shall pay Detention Basin(s) engineering checking and site supervision fees in accordance with Council's current Fees & Charges prior to release of a CC for the site. Council's current fee is \$970 per basin for basins less than 50m³. Final fee amounts will be levied on accurate dimensions contained within the engineering plans and in accordance with Council's current Fees & Charges at the time of payment.

13. Road Works Required

The applicant must bear the cost of construction of the following works:

- a) Vehicle access crossing
- b) All works within the road reserve as identified by the engineering design plans

Development Consent does not give approval to undertake any works on Council property. An application must be made to Council for a S138 Roads Act Approval to construct these works. Detailed engineering drawings (plans, sections and elevation views) and specifications of the works required by this Condition must accompany the application form.

The Roadworks Approval request / application must be submitted to, and approved by, Council prior to the issue of a CC.

These works must be constructed in accordance with the conditions of the Roadworks Permit and be completed prior to the issue of an OC.

Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

PRIOR TO COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to the commencement of works on the subject site/s.

14. Construction and Traffic Management Plan

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) All site works must comply with the work health and safety requirements of the New South Wales WorkCover Authority.

- d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- e) Details on the coordination of arrivals using the weighbridge to avoid on-street queueing on Styles Street, including use of internal queueing.
- f) All traffic control plans must be in accordance with the *RMS publication Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

15. S138 Roads Act Approvals

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

16. Relocation of Services

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

DURING WORKS

The following conditions are to be complied with during works.

17. Bushfire Protection

The following bushfire protection measures are to be implemented at the commencement of building works, and maintained for the life of the development:

a) Asset Protection Zones

The intent of measures is to provide sufficient space, and maintain reduced fuel loads, so as to ensure radiant heat levels of buildings are below critical limits, and to prevent direct flame contact with a building.

At the commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

b) Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- i) The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

c) Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bushfire attack.

- i) The proposed buildings shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- ii) A minimum 4 metre high concrete wall shall be constructed along the boundaries of the site adjacent to the bush fire hazard. The bottom of the wall is to be in direct contact with the finished ground level or plinth.

d) Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following requirements shall apply:

- i) Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency/evacuation plan consistent with the NSW Rural Fire Service document titled 'Guidelines for the Preparation of Emergency/Evacuation plan'.
- ii) A fire management plan is to be prepared that addresses the following requirements:
 - a) Contact person / department and details; and
 - b) Schedule and description of works for the construction of asset protection zones and their continued maintenance.

e) Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

18. Road – Obstruction of Footpath Restriction

No obstruction is to be caused to Council's footpaths, roads and/or other public areas during construction of the development.

No spoil, building materials, excavated or demolition material from the site shall be stored or deposited on the public road, footpath, public place or Council owned property, without prior approval of Council.

19. Construction Hours

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

20. Site is Securely Fenced

The site must be appropriately secured and fenced at all times during works.

21. Construction Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the *New South Wales Environment and Heritage Noise Guide for Local Government*.

22. Location of Council Pipes

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

23. Construction Vehicles

Construction material and vehicles shall not be placed on public footpaths. The use of footpaths or roadways shall be undertaken in accordance with the prevailing kerbside restrictions, the Australian Road Rules and Council's Parking Code.

24. Erosion and Sediment Controls

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

25. Stormwater Runoff

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

26. Building Materials On Site

All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves, etc.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of either an Interim or Final Occupation Certificate (as specified within the condition):

27. Submission of Reports

Prior to the issue of an occupational certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that all works/methods/procedures/control measures approved by Council in the following reports have been completed:

- Environmental Impact Statement No 16/016-3, dated 3 November 2016, prepared by HDB;
- Acoustic Report No. 630.11728-R01, dated 1 November 2016, prepared by SLR Global Environmental Solutions; and
- Air Quality Assessment No. 630.11728-R02, dated 31 October 2016, prepared by SLR Global Environmental Solutions.

28. Acoustic Report Recommendations Complied With

A certificate must be submitted to and approved by Council's Environmental Health team prior to the issue of an OC or before the commencement of the use (whichever is earlier). The certificate must be prepared by an accredited Acoustic consultant, and must certify that the recommendations in the approved acoustic report have been complied with and the desired acoustic performance achieved.

29. Roads – Concrete Crossing

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Styles Street to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of a Final OC. Where an Interim OC is issued the crossing shall be completed within six (6) months from the date of the Interim OC.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (steel and formwork inspection).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas (A separate fee will be required to be paid when the final inspection is booked)/ Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council's current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

30. Parking – Completion

Car parking areas shall be completed prior to the issue of an OC.

31. Road – Removal of Redundant Infrastructure

All redundant vehicular accesses shall be removed, and the footpath, road shoulders and kerb and gutter, where applicable, restored to match existing conditions at no cost to Council, prior to use of the building or issue of an OC.

32. Road – Signage (Access)

The vehicular entrance and exit driveways, and the direction of traffic movement within the site, shall be clearly indicated by means of reflective signs and pavement markings prior to issue of an OC.

33. Works-As-Executed Plan

Two (2) copies of a WAE plan prepared by a registered surveyor (both marked up in red), must be submitted to, and approved by, the PCA, clearly showing all aspects of the constructed drainage and / or OSD. The plan must include:

- a) Sufficient levels and dimensions to verify the constructed storage volumes
- b) Location and surface levels of all pits
- c) Invert levels of the tanks, internal drainage line, orifice plates fitted, and levels within the outlet control pit
- d) Finished floor levels of all structures and driveways
- e) Verification that trash screens and/or GPTs have been installed
- f) Locations and levels of any overland flow paths
- g) The WAE plan information should be shown on a stamped copy of the approved civil works drawings
- h) Surface levels of pits and surrounding ground levels
- i) Levels of spillways and surrounding kerb
- j) Floor levels of buildings, including garages
- k) Top of kerb levels at the front of the lot
- l) Dimensions of stormwater basins and extent of inundation
- m) Calculation of actual detention storage volume provided

The plan shall be accompanied by a report from the designer stating the conformance or otherwise of the as-constructed basins in relation to the approved design.

The WAE plan and report shall be submitted to and approved by PCA prior to the issue of an OC.

34. Completion of Driveway Access Crossing

The driveway access crossing is to be constructed prior to the issue of an OC.

ONGOING USE

The following conditions are to be complied with as part of the ongoing use of the premises.

35. Hours of Operation

The property is to be open for business and used for the purpose approved only within the following hours:

Monday- Friday	7:00am to 5:00pm
Saturday	7:00am to 4:00pm
Sunday	Closed
Public holidays	Open between 7:00am to 5:00pm for receipt only

To ensure all operations cease by the nominated finishing time, all deliveries to the site will need to stop one (1) hour earlier than specified above, so that there is sufficient time available for the unloading and processing activities.

36. Stormwater – Impact on Adjoining Land

Filling shall not be placed in such a manner that obstructs natural drainage from adjoining land.

Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

37. Parking Areas to be Kept Clear

At all times, the loading area, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.

38. Parking – Restriction

Any vehicle or plant owned or operated by the occupants of the premises in connection with the conduct of their business shall be parked within the confines of the site in spaces designated on the submitted plans, or otherwise provided in accordance with the conditions of this consent.

39. Driveways to be Maintained

All access crossings and driveways shall be maintained in good order for the life of the development.

40. Pollution Control

The use of the premises must not give rise to the emission of gases, vapours, dusts, or other impurities which are a nuisance, injurious, or prejudicial to health.

Air emissions from the premises must not be expelled from the premises to any other part of the building. Air emissions from the premises must not enter the atmosphere of any other occupancy within the building.

41. Discharge Into Waterways

No waste water, chemicals or other substances harmful to the environment shall be permitted to discharge to the waterway that runs through the site, or to Council's stormwater system. Only clean, unpolluted water is permitted to discharge. Waste oil shall be stored in a covered and suitably bunded area, pending regular removal to a waste oil recycler.

42. Liquid Spills

Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Materials used to clean up must be disposed of to an appropriately licensed waste facility.

43. Plant and Equipment on site

All plant and equipment on site shall be operated and maintained in a proper and efficient manner so as to not cause air pollution.

44. Removal of Graffiti

The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.

Phase 1- Construction and site works to allow the operation of the site for the processing and transfer of green waste, wood and soil waste

45. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2016/702/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Proposed Site Layout Stage 1 (Job No. N2063, Drawing No. 2063-201, Sheet 1, Revision P)	W. Westwood	15 October 2017
Proposed Site Layout Stage 1 (Drawing No. 2063-201, Sheet 2, Revision H)	W. Westwood	15 October 2017

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Phase 2- Construction of the Food and Organics building and associated mitigation measures

46. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2016/702/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Proposed Site Layout Stage 2 (Drawing No. 2063-204, Sheet 2, Revision E)	W. Westwood	15 October 2017
Proposed Site Layout Stage 2- FOGO Building Sections (Drawing No. 2063-	W. Westwood	15 October 2017

204, Sheet 3, Revision D)		
Proposed Site Layout Stage 2- FOGO Building (Job No. 2063, Drawing No. 2063-204, Sheet 1, Revision K)	W. Westwood	15 October 2017

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

ADVISORY NOTES

1. “DIAL BEFORE YOU DIG” DIAL 1100

Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables.
www.dialbeforeyoudig.com.au

2. Responsibility for Other Consents/Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

3. Site Contamination Issues During Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.

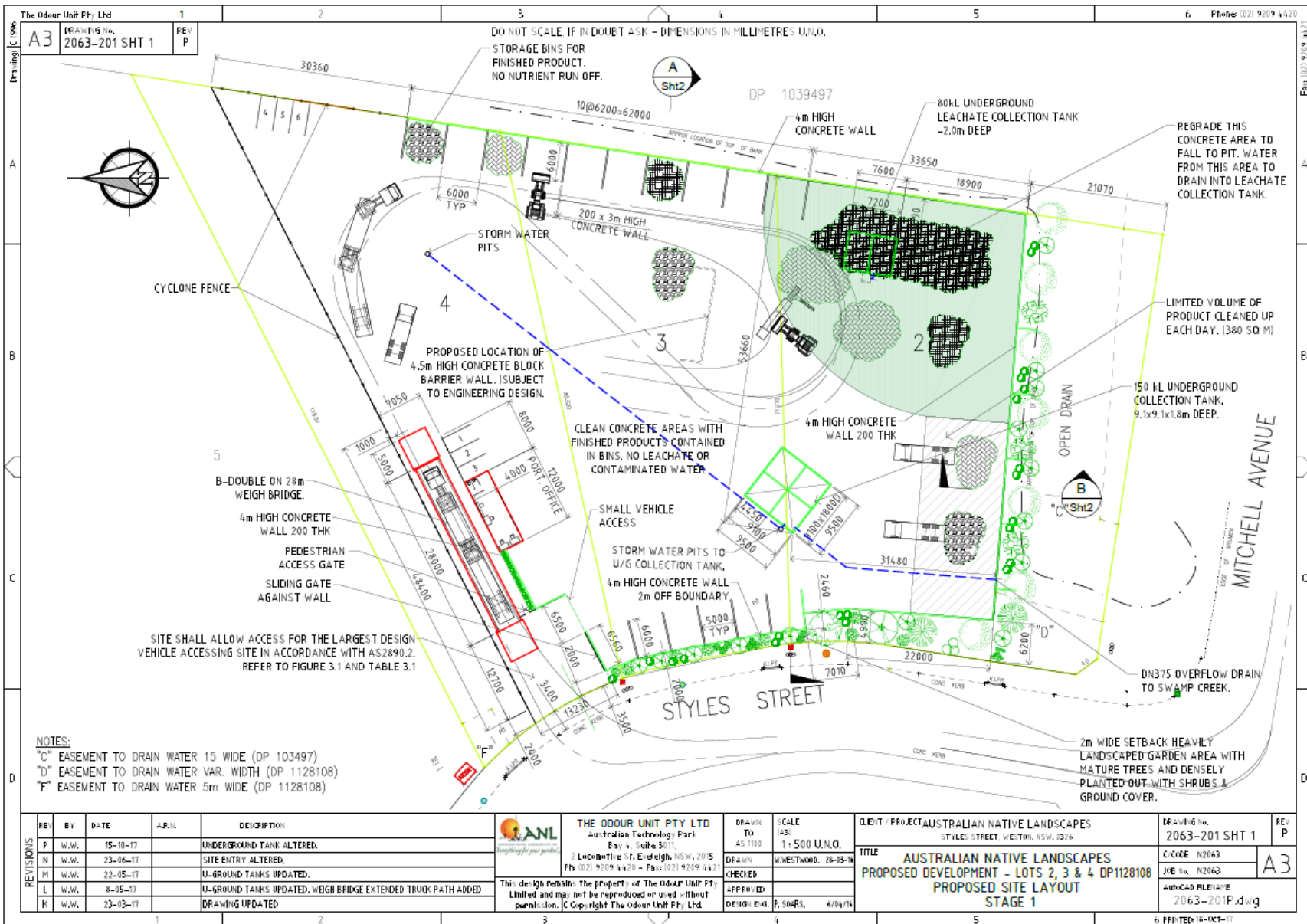
4. Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

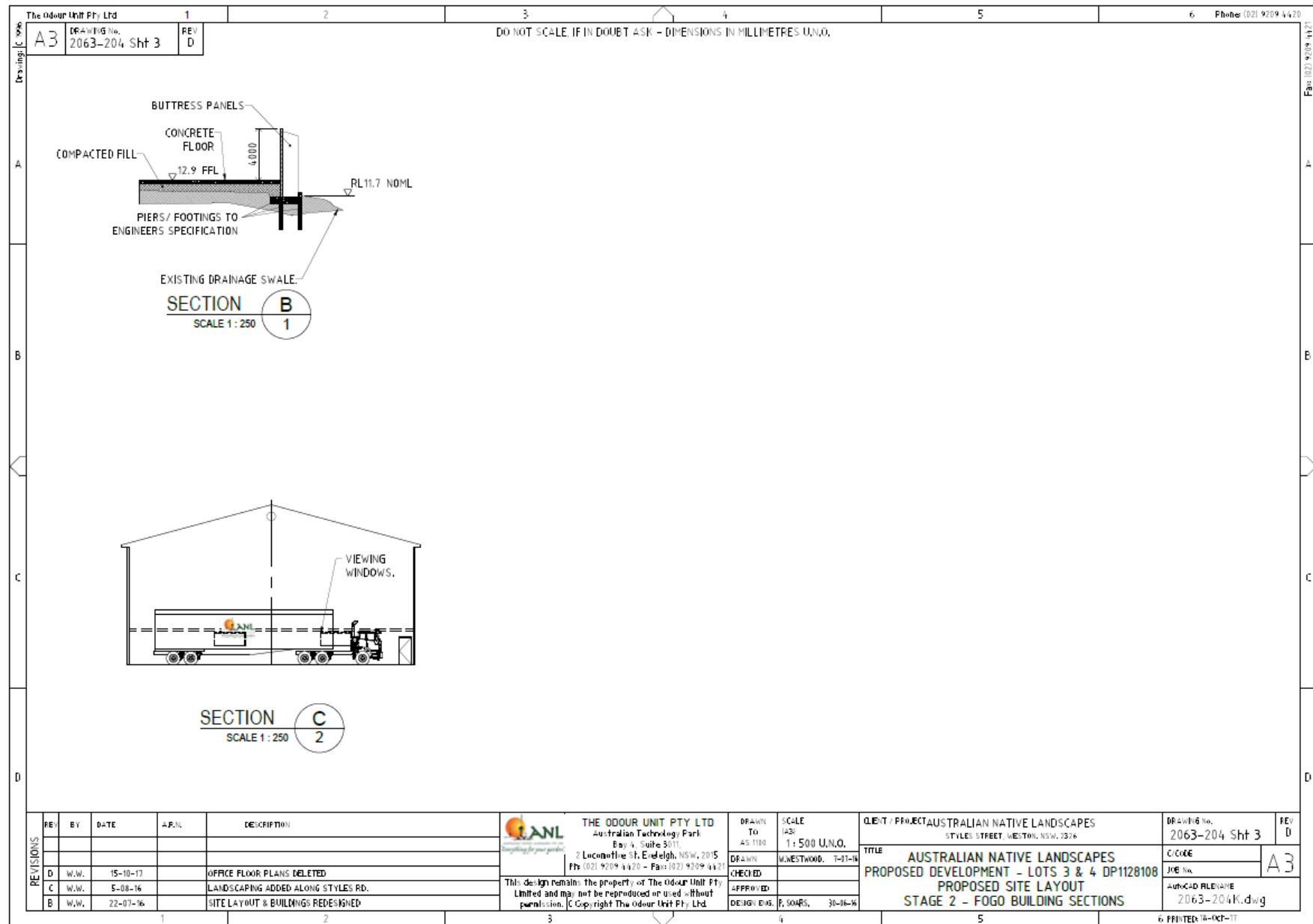
If any archaeological relics are uncovered during the course of the work, all works shall cease immediately in that area, and the OEH Heritage Branch shall be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977*, may be required before further works can continue in that area.

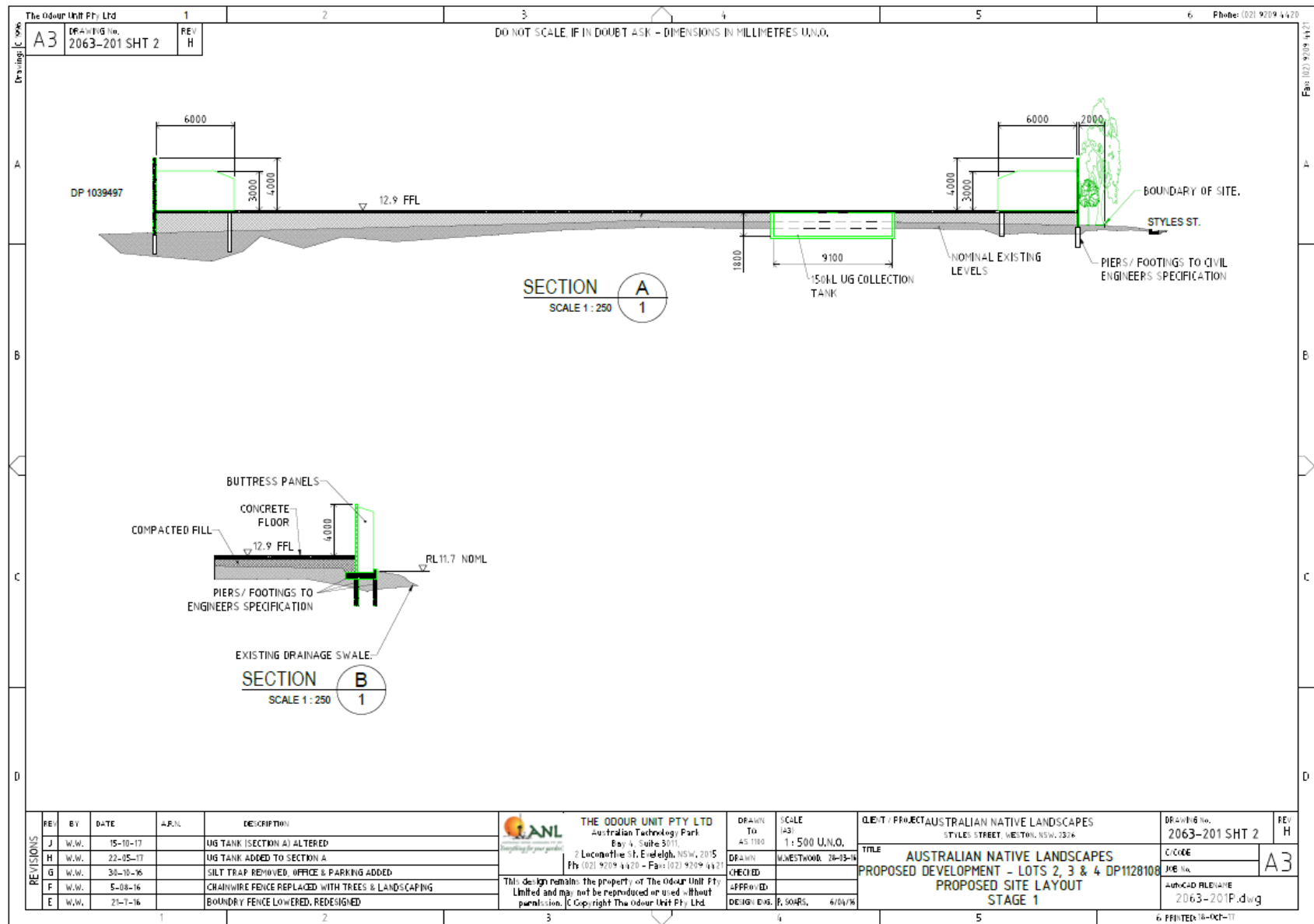
5. Discovery of Aboriginal Heritage

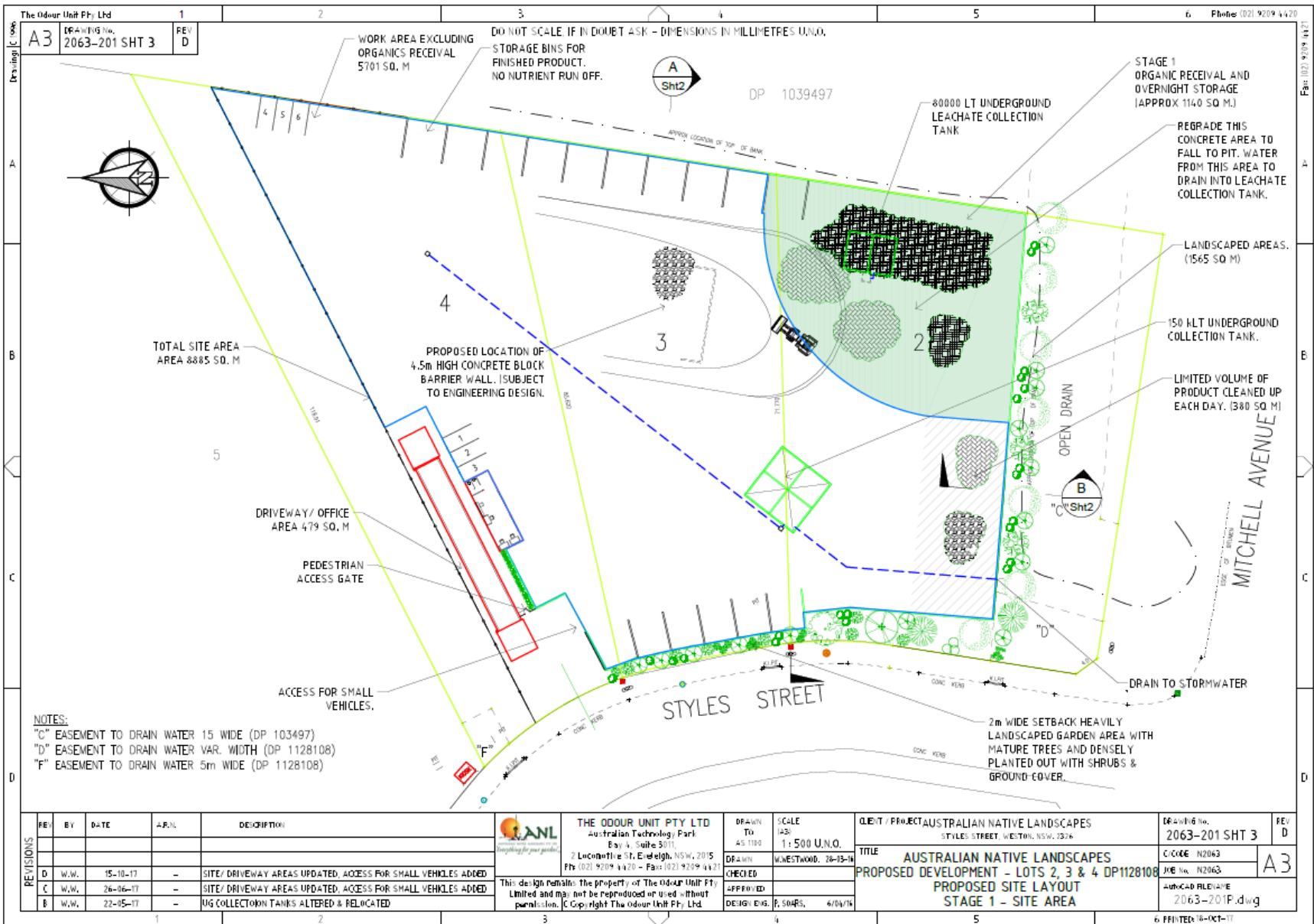
If Aboriginal artefacts are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

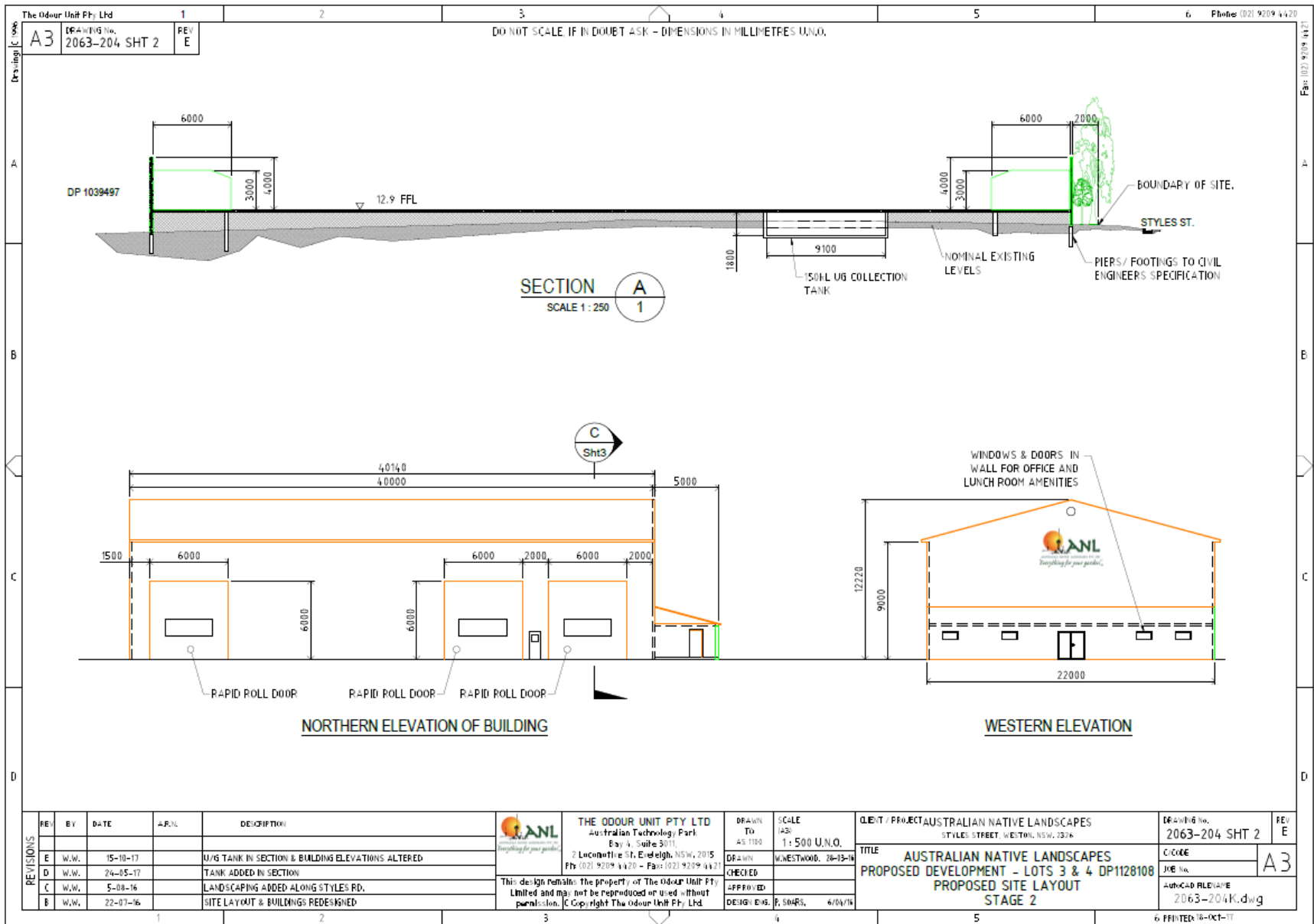
APPENDIX A- DEVELOPMENT PLANS











**APPENDIX B- COVER LETTER ADVISING GENERAL TERMS OF
APPROVAL HAVE BEEN ISSUED BY EPA**

DRAFT

General Terms of Approval - Issued



Notice No 1546877

General Manager
PO Box 152
CESSNOCK NSW 2325

Attention Ms Holly Taylor

Notice Number 1546877
File Number EF16/5500
Date 14-Feb-2017

Re: Development Application 8/2016/702/1 - Construct and operate green waste processing and transfer facility - 2-6 Styles Street, Kurri Kurri

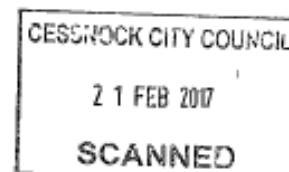
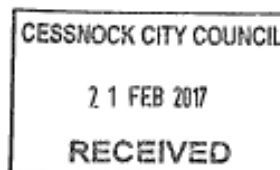
Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for DA 8/2016/702/1 received by the Environment Protection Authority (EPA) on 18 November 2016. The proposal is for a garden waste and food waste processing facility at 2-6 Styles Street, Kurri Kurri

EPA has reviewed the information provided and has determined that it is able to issue an environmental protection licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence

If Cessnock City Council grants development consent for this proposal, the EPA recommends the following conditions should be incorporated into (not attached to) the consent

- A. Activity recovery of general waste
- B. Waste type / materials permitted to be accepted for composting
 - i. Garden waste
 - ii. Wood waste
 - iii. Food waste
 - iv. Virgin excavated natural material
- C. Maximum amount of waste permitted to be received at the premises per year 95,000 tonnes.
- D. Hours of operation
 - Monday to Friday 7am - 5pm



Page 1

General Terms of Approval - Issued



Notice No 1546877

- Saturday 7am - 4pm
- Sunday Closed
- 7am - 5pm Public Holidays (receipt of waste only, no processing to take place)

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

I also draw your attention to **Attachment A** and **Attachment B**, which **should not** be included in the consent but are conditions intended for the environment protection licence for this proposal. Attachment A included conditions specific to Australian Native Landscapes Pty Ltd's proposal, and Attachment B includes mandatory conditions for all EPA licences.

The applicant should be aware that as they wish to operate a waste facility, a waste levy liability and additional responsibilities may be applicable to the premises, in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*.

In addition to the conditions listed, the EPA will require the applicant to prepare, test and implement a Pollution Incident Response Management Plan (PIRMP) in accordance with Section 153A of the *Protection of the Environment Operations Act 1997* (POEO Act).

Before the EPA issues an environment protection licence, the EPA will assess whether the proposed licensee is a "fit and proper person" under the POEO Act. The proposed licensee will also be required to provide a financial assurance in the form of an unconditional, irrevocable bank guarantee before the licence is issued.

Yours sincerely

 14/2/2017
Steverly James
Unit Head
Waste & Resource Recovery
(by Delegation)

**APPENDIX C- RESPONSE FROM DPI WATER ADVISING
REQUIREMENTS HAVE BEEN RESOLVED BY A CURRENT CAA**

DRAFT



Contact John Galea
Phone (02) 8838 7520
Email john.galea@dpi.nsw.gov.au
Our ref

Mrs Holly Taylor
Senior Planning Assessment Officer
Cessnock City Council
PO Box 152
Cessnock NSW 2325

Via email: council@cessnock.nsw.gov.au,
holly.taylor@cessnock.nsw.gov.au

Dear Sir/Madam

**Development Application No 8/2016/702/1 – Designated Nominated Integrated
Development**

**Construct and Operate Waste Resource Recovery and Transfer Centre Processing
Green & Associated Waste Comprising of Site Office, Weighbridge, Hard Stand Areas
and Associated Noise Barriers, Parking and Landscaping.**

Property: Lot 2, Lot 3, Lot 4 DP 1128108. 2, 4 & 6 Styles Street Kurri Kurri

I refer to your letter of 16 November 2016 and following emails inviting the Department of
Primary Industries – Water (DPI Water) to comment on the above Development Application.

DPI Water had previously placed a "Stop the Clock" Request for additional Information on 17
March 2017. It seems that the issues that DPI Water raised in that letter have now been
resolved through the granting of a controlled activity approval 20ERM2017/0547.

DPI Water has no further comments to make with respect to this Development Application
and Council can move towards determination.

For further information, please contact John Galea at the Parramatta Office, telephone 8838
7520 or email john.galea@dpi.nsw.gov.au.

Yours sincerely

John Galea
Water Regulation Officer - Metro
Water Regulation