


JOINT REGIONAL PLANNING PANEL

(Northern Region)

Panel Reference	2016NTH024
DA Number	DA16/0647
LGA	Tweed Shire Council
Proposed Development	<p>The application seeks consent for a combined development comprising three (3) General Industry tenancies and a Waste or Resource Transfer Station (WRTS) that would process mixed waste materials from building yard and construction sites. The WRTS will process <u>6,000 tonnes</u> of waste and resources per year.</p> <p>Waste from the construction sites would be transported to the facility in skip bins which would be unloaded, sorted and processed. During this process any recyclable materials will be sold for reuse while non-recyclables were to be transported to landfill sites for disposal.</p>  <p>The main issues arising from the assessment of this application include:</p> <ul style="list-style-type: none"> • Ensuring that filling the site would not have negative flooding impacts on neighbouring land; • Ensuring that adequate acoustic fencing was provided; • Addressing concerns raised in the letters of objections.
Street Address	Lot 1 DP 1185359; No. 16 Naru Street, Chinderah
Applicant	JM & MA Mitchell, C/- Planit Consulting Pty Ltd
Owner	Wareemba Investments Pty Ltd
Date of DA lodgement	24 August 2016

Number of Submissions	<p><u>Round 1 Exhibition</u></p> <p>103 submissions (98 pro-form letters) received after the original application.</p> <p><u>Round 2 Exhibition</u></p> <p>59 submissions (52 pro form letters) received after the amended application was exhibited.</p> <p>The submissions objected to the development for the following primary reasons:</p> <ul style="list-style-type: none"> • Site Suitability • Flooding • Fencing • Traffic Impact • Inadequate design for heavy vehicles impacting nearby residents • Noise Impacts • Amenity Issues • Sensitive receptors nearby • Air Quality Impact • Non Compliance with Zone Objectives • Scale and Intensity affecting residential amenity • Misleading development description to leave out “and resource recovery facility (RRF)” • Nature of Waste Streams and Plant • The appropriateness of the weighbridge for the required functions • Proximity of the development to the electricity easement • Contamination and Leachates • Bushfire risk <p>Submission have also been received from/on behalf of the following Public Authorities:</p> <ul style="list-style-type: none"> • Environmental Protection Agency; • NSW Office of Environment & Heritage; • Department of Primary Industries – Water; • Rural Fire Service; • Roads & Maritime Services – Transport.
Recommendation	Approval with conditions

Regional Development Criteria (Schedule 4A of the Act)	<p><i>Waste management facilities or works, which meet the requirements for Designated Development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.</i></p> <p>The proposed development is Designated Development pursuant to clauses 32(1)(d)(v) and 32(1)(d)(vi) of Schedule 3 to the EP&A Regulations 2000. As such, the Northern Regional Planning Panel is the determining authority.</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <u>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</u> EP&A Regulations Schedule 3 Designated Development (Clause 32) SEPP No. 33 – Hazardous and Offensive Development SEPP No. 55 - Remediation of Land SEPP No. 71 – Coastal Protection SEPP (Infrastructure) 2007 Tweed Local Environmental Plan 2014 • <u>List any relevant development control plan: s79C(1)(a)(iii)</u> Tweed DCP Section A2 – Site Access & Parking Code Tweed DCP Section A3 - Development of Flood Liable Land Tweed DCP Section A11 - Public Notification of Development Proposals Tweed DCP Section A13 – Socio-Economic Impact Assessment Tweed DCP Section A15 – Waste Minimisation & Management Tweed DCP Section A17 – Business, Enterprise Corridor and General Industrial Zones
List all planning legislation requirements that the consent authority <u>must</u> consider	<ul style="list-style-type: none"> • Clause 13 of SEPP 33 – Hazardous and Offensive Development; • Clause 7 of SEPP 55 – Remediation of Land; • Clauses 45, 104 and 121 of SEPP (Infrastructure) 2007; and • Clause 2.3 (2), 5.5 (2), 5.5(3), 5.10(8), 7.1(3), 7.2(3), 7.3(3), 7.6(3), 7.10 of the Tweed LEP 2014. <p>All of the applicable consent considerations associated with the abovementioned SEPP's have been addressed within the body of this report.</p>

List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Section 79C Assessment Report including proposed conditions of consent. • Consolidated copy of submissions
Report prepared by	Denise Galle, (Team Leader Development Assessment)
Report date	4 October 2017

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 summarised, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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)? **Not Applicable**

Note: Certain Das in the Western Sydney Growth Areas Special Contributions Areas may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Assessment Report and Recommendation

FILE NO: DA16/0647

REPORT TITLE:

Development Application DA16/0647 for a waste or resource transfer station and three general industrial units (JRPP) at Lot 1 DP 1185359; No. 16 Naru Street CHINDERAH

SUMMARY OF REPORT:

Council is in receipt of a development application seeking consent to establish a Waste or Resource Transfer Station (WRTS) and three general industry units at the currently vacant site, which is located at Naru Street, Chinderah.

The proposed WRTS (to be operated by the owner of the site as a business known as “A1 Skips”) will process inert, non putrescible materials from building yard and construction sites such as concrete, bricks, metal and timber. Waste will be transported to the facility in skip bins which will be unloaded and sorted and processed. During this process any recyclable materials will be sorted and sold for reuse where possible while non recyclables are transported to offsite landfill locations for appropriate disposal. A maximum of 6,000 tonnes of material will be processed per annum. The facility will **not** receive any asbestos, liquids, chemicals, oils, fuels, perishable waste or industry waste.

The proposed development seeks approval for the WRTS to the rear of the block and three general industry tenancies to the front. The general industry tenancies will be unrelated to the use and operation of the WRTS with the exception of the forward most tenancy which will be retained by the same owners of the WRTS for a separate business enterprise that they also own – Arrow Concrete Cutting. No concrete cutting would occur on site as the tenancy would just be used for administration and office based staff with some storage of equipment within the storage component of the tenancy.

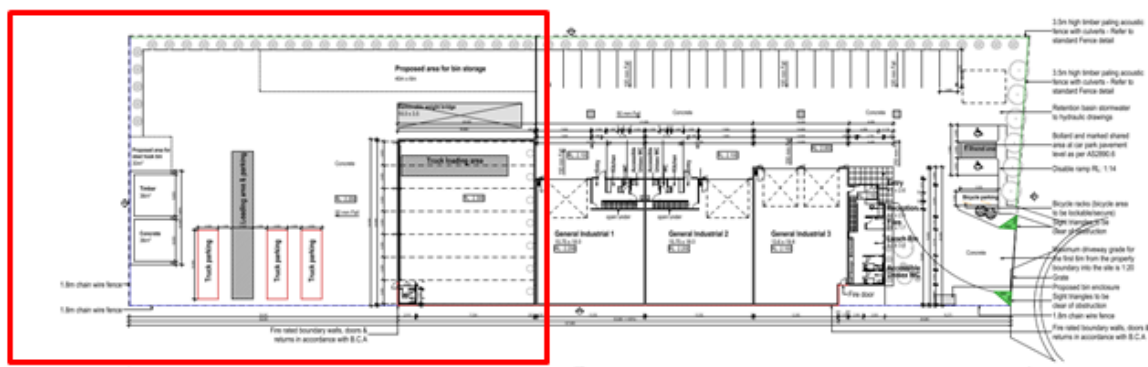


Image 1: Proposed layout plan with WRTS at rear of the site and general industry units at front

The WRTS component of the development is categorised as Designated Development in accordance with Clause 32 Waste Management Facilities or Works of Schedule 3 of the Environmental Planning and JRPP (Northern Region) Business Paper – Item 2 – Wednesday 18 October 2017 – 2016NTH024

Assessment (EP&A) Regulation 2000 as the site is identified as being on a floodplain (inundated as a result of the 1 in 100 year flood event) and being within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development. Accordingly, the proposed development meets the Regional Development Criteria under Schedule 4A of the EP&A Act 1979. As such, the Northern Regional Planning Panel is the determining authority for the proposed development.

When the application was initially lodged the proponent sought approval to process 10,000 tonnes of material which triggered the Integrated Development provisions under the Protection of the Environment Operations Act 1997. However an amended application refined the scope of the expected future capacity of the WRTS and has limited the WRTS to 6,000 tonnes per year which removes the need for an Integrated Application or associated licence for the Protection of the Environment Operations Act 1997.

Being Designated Development, the proponent was required to prepare an Environmental Impact Statement in accordance with the requirements of the Secretary's Environmental Assessment Requirements (SEAR's). The amended development is considered to have satisfactorily addressed the SEAR's.

The subject site has been zoned for industrial purposes since Tweed LEP 1987 as shown diagrammatically below:

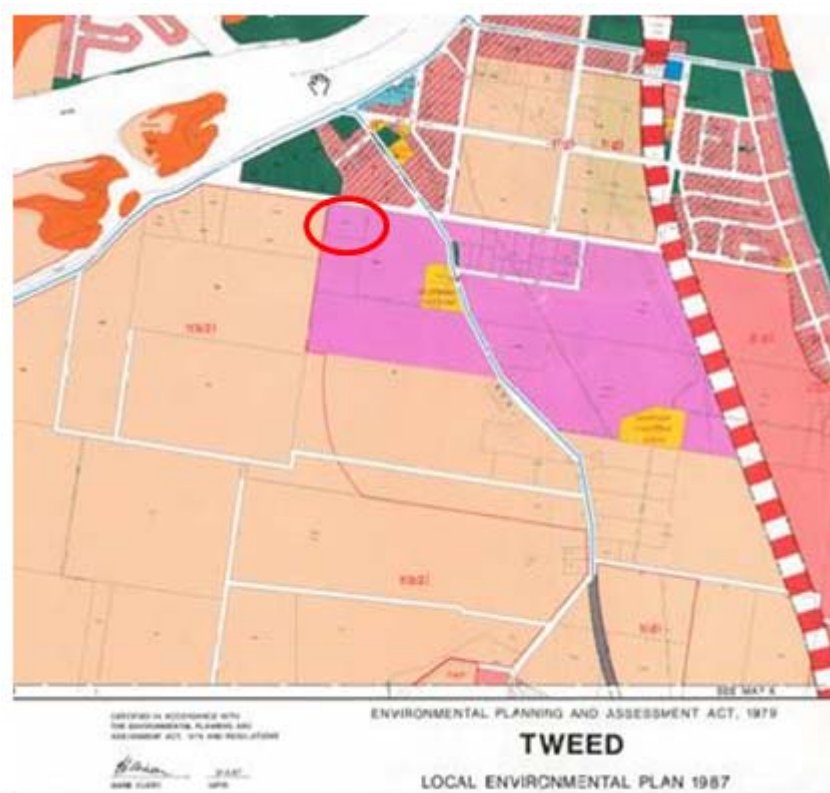


Image 2: Tweed LEP 1987 – site zoned Industrial

However the construction of the Pacific Motorway severed part of this industrial zone from other industrial land at Chinderah.

- The appropriateness of the weighbridge for the required functions
- Proximity of the development to the electricity easement
- Contamination and Leachates
- Bushfire risk

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

- Ensuring that filling the site would not have negative flooding impacts on neighbouring land;
- Ensuring that adequate acoustic fencing was provided;
- Addressing concerns raised in the letters of objections;

Council's initial assessment raised concerns with the potential for the subject development to have flood impacts on adjoining land. While the land was approved for filling in the original subdivision approvals (DA09/0006 & DA10/0552), and there are controls in place limiting building footprints, the main concern was the need for acoustic fencing around the northern and western boundaries of the site. This is contrary to Tweed DCP- A3 Development of Flood Liable Land controls for Chinderah, which require fencing that allows the free flow of water which is generally incompatible with fencing designed for acoustic protection.

In response to multiple requests for information, the applicant's consultants have now provided a flood modelling report to examine the degree of impact likely due to the development. This assessment uses Council's Tweed Valley Flood Study as the base model, with a nested 5m grid to ensure a model resolution commensurate with the level of detail necessary to pick up localised flood impacts of the fencing. The modelling was also required to run a cumulative development scenario, where similar fencing was assumed to be provided for the other lots in the industrial subdivision.

The flood impact mapping confirms that the development including the fencing will have no significant impact on flood levels in the locality. The area is very low velocity flood storage, meaning that the water will rise and fall around the development and the fencing will not have a damming effect. This allays fears that the development will worsen flooding, particularly for the adjacent caravan park residents, who have relatively low flood immunity.

Accordingly, there are now no objections to the development on flooding grounds. Standard conditions can be applied around flood compatible materials and flood free storage in relation to the design flood level (RL 3.2m AHD).

Given the site's zoning and the permissible nature of the proposed development (subject to a merit assessment) many of the issues raised by the objectors are capable of being addressed through appropriate management strategies in an effort to avoid / minimise potential impacts associated with the proposal. The subject site is considered to be suitable for the proposed development and subject to compliance with the recommended conditions of consent, the proposed development is recommended for approval.

There are a number of planning legislation requirements that the consent authority must consider. A detailed assessment of the relevant clauses is noted within the report. A summary is noted below:

- **Clause 13 of State Environmental Planning Policy (SEPP) No 33 – Hazardous and Offensive Development.** Council is satisfied that the proposal is not a hazardous industry and appropriate management strategies will be imposed to manage any offensive impacts associated with the proposal;
- **Clause 7 of SEPP No 55 – Remediation of Land.** The proponent's assessment of the subject site concluded that the land is not contaminated and is suitable for the proposed

development. Council officers are satisfied that the proposed development meets the provisions of clause 7 of SEPP 55;

- **Clause 45 of Infrastructure SEPP 2007 – Determination of Development Application – other development.** Clause 45 (2) states that before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:
 - (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
 - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Essential Energy have made a submission and appropriate conditions are recommended.

- **Clause 104 of Infrastructure SEPP 2007 – Traffic Generating Development.** Clause 104 requires the consent authority to consider accessibility of the site as well as traffic / transport impacts associated with the development. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clause 104 of the Infrastructure SEPP;
- **Clause 121 of the Infrastructure SEPP 2007 – Development Permitted with Consent -** permits waste or resource management facilities on land where industry is permissible. The proposed development is permissible under both the SEPP and the LEP.
- **Clause 7(b) of SEPP 71 – Coastal Protection.** Clause 7(b) advises the matters for consideration set out in clause 8, which are to be taken into account by a consent authority when it determines a development application to carry out development on land to which this Policy applies. The application has considered and satisfies Clause 8;
- **Clause 2.3 (2) of the Tweed LEP 2014 - Zone objectives and Land Use Table.** This clause advises that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The subject application has considered the zone, is permissible with consent and meets the aims of the IN1 zone;
- **Clause 5.5 (2) and (3) of the Tweed LEP 2014 – Development within the coastal zone.** These clauses require the consent authority to consider existing public access to and along the coastal foreshore for pedestrians with regards to maintaining existing public access and, where possible, improving that access, and identifying opportunities for new public access and the impact of any waste on the coastal foreshore . The proposed development is not considered to impact any access along the foreshore and provides adequate waste management;
- **Clause 5.10(8) of the Tweed Local Environmental Plan (LEP) 2014 – Heritage Conservation.** Clause 5.10(8) requires the consent authority to consider the effects of the proposed development on the heritage significance. Following advice from the Tweed Byron Local Aboriginal Land Council and subject to conditions of consent, Council is satisfied that the proposed development meets the provisions of clause 5.10(8) of the Tweed LEP 2014;
- **Clause 7.1(3) of the Tweed LEP 2014 – Acid Sulfate Soils.** This clause advises that consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate

Soils Manual and has been provided to the consent authority. Given that the subject site is part of a recently completed four Lot industrial subdivision, which included substantial filling and landscaping, it is accepted that the acid sulfate soil is unlikely to be disturbed during the proposed construction. There are conditions that acid sulfate soils are not to be disturbed.

- **Clause 7.2(3) of the Tweed LEP 2014 – Earthworks.** Clause 7.2(3) requires the consent authority to consider effects and potential impacts on the site and surrounding locality as a result of the proposed earthworks. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clause 7.2(3) of the Tweed LEP 2014;
- **Clause 7.3 of the Tweed LEP 2014 – Flood Planning.** The provisions of clause 7.3 require the consent authority to consider potential impacts and compatibility of the proposed development in terms flooding. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clause 7.3 of the Tweed LEP 2014; and
- **Clause 7.6(3) of the Tweed LEP 2014 – Stormwater management.** This clause advises that consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development will have adequate stormwater management. Subject to conditions applied, the proposed development meets the provisions of Clause 7.6; and
- **Clause 7.10 of the Tweed LEP 2014 – Essential Services.** Clause 7.10 requires the consent authority to consider essential services for the proposed development. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clause 7.10 of the Tweed LEP 2014;

In summary, the assessment of the proposed development has adequately addressed all consent considerations required by the abovementioned SEPP's and LEP clauses. It is therefore considered that the Panel can proceed with determining the application, subject to the recommended conditions of consent.



REPORT:

Applicant: J Mitchell and M Mitchell
Owner: Wareemba Investments Pty Ltd
Location: Lot 1 DP 1185359; No. 16 Naru Street CHINDERAH
Zoning: IN1 - General Industrial
Cost: \$2,200,000

ZONING AND ADJACENT LAND USES AND SITE HISTORY

The subject site has a total area of 5042m² and is located at Naru Street, Chinderah. The site is currently vacant, having being created as part of a four lot industrial subdivision in 2013. The site is rectangular in shape and is grassed, with access provided from Naru Street to the north.

Surrounding development consists of undeveloped industrial land to the east, a sand quarry to the west, the M1 motorway (Classified road) to the south, and residential and recreational land to the north.

Nearby residential and/or affected properties include: Chinderah Lake caravan park to the northwest across Chinderah Road (No. 16 Anne Lane); A residential dwelling to the north across Chinderah Road (Nos. 25-33 Anne Lane); The Royal Pacific Tourist Retreat and caravan park to the northeast across Chinderah Road (No. 109 Chinderah Road); and a Childcare centre to the northeast along Naru Street (No. 30 Naru Street).

The subject site has been zoned for industrial purposes since 1987, however it wasn't until DA10/0552 and DA09/0006 was lodged with Council which enabled the current application to be considered. DA10/0552 sought approval for a subdivision to create a public road, road construction, associated acoustic fencing and a residual lot at Lot 12 DP 830659, Chinderah Road Chinderah. The public road under DA10/0552 was proposed to facilitate access to an industrial zoned allotment (Lot 1 DP 102255) which was the subject of DA09/0006. DA09/0006 approved the subdivision of Lot 1 DP 102255 into four (4) lots of approximately 5000m² each, as well as the construction of Ozone Street from Chinderah Bay Drive to the frontage of the subject site (approximately 630m²). The road approved under DA10/0552 constituted a two lane public road, 320m in length constructed to an urban wider access standard. The road (Naru Street) is now accessed via Chinderah Road and terminates in a cul-de-sac at the frontage of Lot 1 DP 102255. The road under DA10/0552 replaces the road approved as part of DA09/0006. DA10/0552 also incorporated a 2.5m high acoustic fence along the boundary of Lot 12, the road reserve and adjoining Lot 109 DP 755701, the Royal Pacific Tourist retreat.



Image 4: Site & Surrounding Area

PROPOSED DEVELOPMENT:

Original Proposal – as lodged on 24 August 2016

On 24 August 2016 Council received the subject application DA16/0647, which sought approval for a combined Warehouse/Factory and Waste or Resource Transfer Station (WRTS) that would process mixed waste materials from building yard and construction sites. It was estimated that approximately 10,000 tonnes of waste and resources will be received by the facility per year.

The proposed WRTS will collect waste from a number of sources. The waste collected would generally include solid waste from construction sites (residential and commercial) in the Tweed Council Region.

Waste from the construction sites would be transported to the facility in skip bins which would be unloaded, sorted and processed. During this process any recyclable materials will be sold for reuse while non-recyclables were to be transported to landfill sites for disposal.

The application was originally exhibited between 14 September 2016 to 14 October 2016 (with two advertisements during the month as required for Designated Developments).

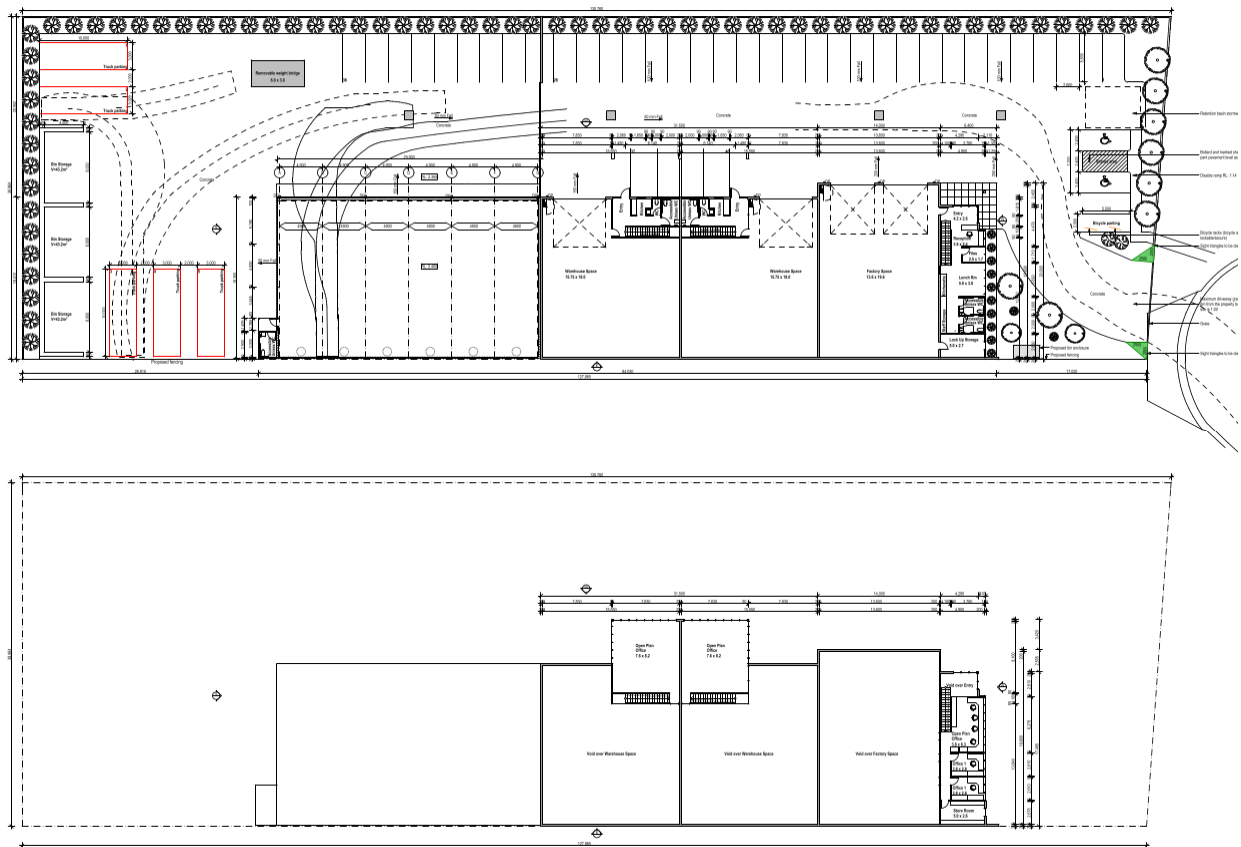


Image 5: Originally Proposed Ground & First Level Layout of Development Site

On 7 December 2017 Council wrote to the applicant asking for further information concerning inconsistencies in the submitted application, justification of a building height variation to the TLEP 2014 height limit, parking calculations, weighbridge information and flooding comments. In addition NSW Environmental Protection Authority (EPA) and NSW Office of Environmental Heritage (OEH) had requested that additional information be provided with respect to the development. Public submissions received during the exhibition period were also forwarded to the proponent for comment/response.

Revised Application – as amended on 19 February 2017

The subject application was amended by the proponent on 19 February 2017, with an amended Environmental Impact Assessment and response to Council's and various State Agencies requests for further information. Specifically the following changes/additional information should be noted:

- The applicant changed the truck parking provisions and orientation of the truck abys for the WRTS to better address noise concerns:

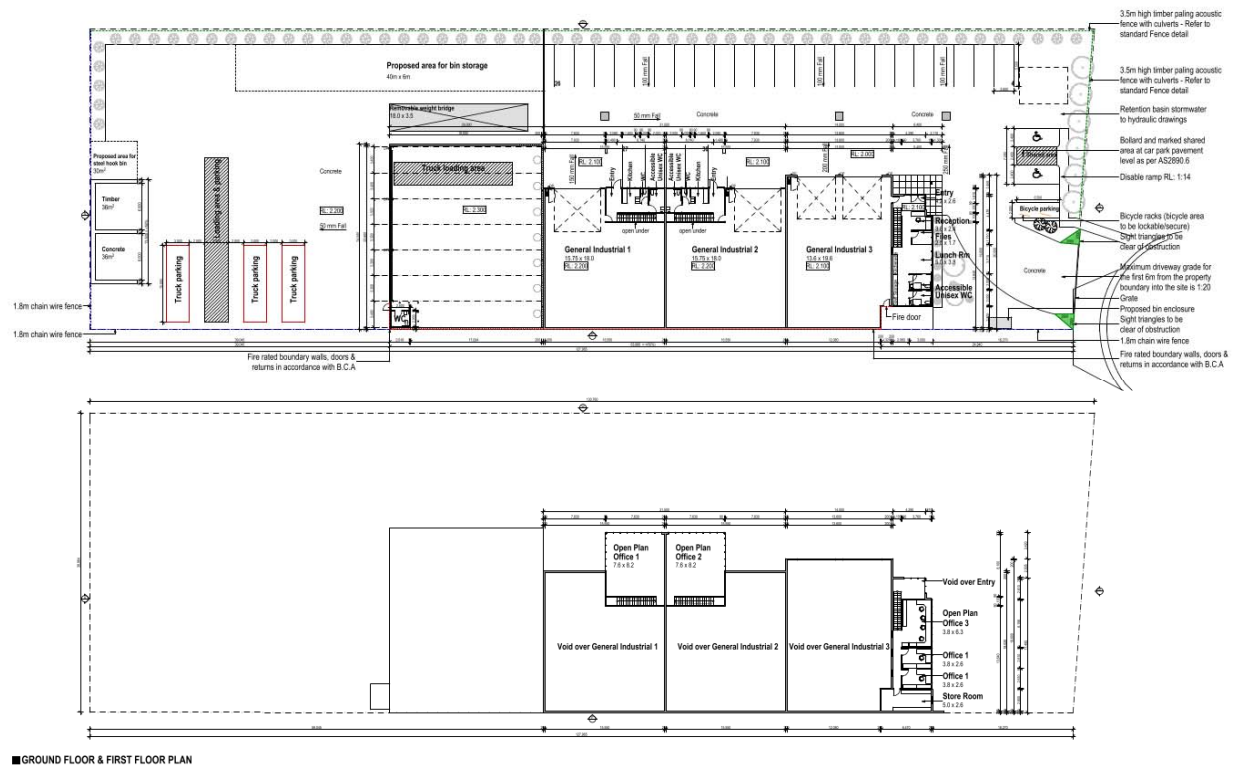


Image 6: Amended Ground & First Level Layout of Development Site

- The applicant clarified the definition of the development as a WRTS and General Industry Units;
- The applicant clarified that the revised plans showed a compliant building height of 10m as per Tweed LEP 2014;
- Response's to EPA issues were provided (specifically the proponent lowered the threshold for the WRTS to 6000 tonnes per years (from 10,000 tonnes per year) which removed the need for a licence under the Protection of the Environment Operations Act 1997 (PoEO Act 1997);
- Responses to OEH Issues were provided;
- A revised traffic and parking assessment was provided;
- Additional information on the weighbridge was provided;
- The applicant attempted to resolve flooding and fencing details (however this was deemed unacceptable and was required to be addressed again as detailed below).

On 10 April 2017 Council advised the applicant that:

The flood modelling assessment is not fine grained enough (40m grid is too large) and shall incorporate the cumulative impacts from redevelopment of the adjacent industrial sites including the recent childcare centre and any other site in the vicinity so it can be established the impacts of the proposal.

And;

... initial assessment is that the model is not fit for purpose at the 40m resolution.

The application was **re-exhibited** on 19 April 2017 – 19 May 2017 (with two advertisements during the month as required for Designated Developments).

To clarify the above statements on 21 April 2017 Council advised the applicant that:

The objective of the flood assessment is to demonstrate that the proposed acoustic fencing will not have significant adverse impacts on local flood behaviour to the detriment of adjoining developments. This is required as the acoustic panels obstruct water flow, and this is contrary to the following clause of DCP-A3:

“Fencing must be of a form that will either allow the free passage of flood water or of a light construction such as timber paling that will collapse as a result of any build up of debris or floodwater.”

Obviously we do not want an acoustic fence of the scale proposed to be collapsible, so an engineering assessment showing that the fence in its permanent arrangement will allow the free passage of water is necessary.

The previous assessment highlighted a number of inconsistencies between the planning / architectural / engineering / acoustic reports, which made assessment of the suitability of the fencing difficult. The extent and type of fencing, and the measures to enable both flood flow and acoustic properties to be achieved need to be clearly articulated across the application. Then this needs to be clearly demonstrated in the flood assessment.

Your consultant has assumed that by flood assessment this means modelling. This is a valid approach, but one that I do not believe our regional flood model is fit for purpose given the scale of the development. Further development of the modelling would be required to reflect flow through the fence structure through the rise and fall of the design flood event (which in my opinion should look at the Q5, Q20 and Q100 events). Further as acoustic fencing seems to be a requirement for most industrial land uses at the moment, it is necessary to extend the assessment to look at the impacts of fencing not just the site, but the western and north extents (minus openings for road accesses) of the parent industrial subdivision. The regional flood model should also be modified to include the nearby child care centre and acoustic fence on Naru Street, and 50% obstructions on the other industrial lots.

Chinderah is susceptible to both catchment and ocean dominated events, and while at its peak velocities are minimal outside of the main river channel, there has to be considerable flow through this area to reach the depths predicted in the Q100 event.

If modelling is not able to accurately represent and confirm the hydraulic capacity of openings through the fence, alternate hydraulic calculations may be needed. From recollection this was the approach taken by John Williams for the Naru St fence some time ago. Perhaps this is the best approach – use the regional flood model to look at the broader, cumulative impacts, and then demonstrate through drainage modelling the capacity of the fence openings.

On 10 May 2017 Council received a Hydraulic Assessment prepared by Engeny.

On 31 May 2017 Council again asked the applicant for further information as follows:

The flood model input and output files used in preparing the submitted Hydraulic Assessment, prepared by Engeny & dated 10 May 2017 are requested so Council can undertake an independent peer review and to assess the cumulative impacts of this proposal on the area. The following specific comments were provided in this regard;

‘There is insufficient detail in the assessment to be able to establish the impact on the development that is looking to overrules the deemed to comply requirements of the Flood Tweed DCP – “Section A3 - Development of Flood Liable Land”

- *The assessment provides no detail on the acoustic fence and details of the gaps to facilitate flood flows which is fundamental in the assessment of the impacts of this proposal and future development/s adjacent for 18,20 and 22 Naru Street.*
- *The methodology for Scenario 2 is contradictory in terms of what has been modelled in terms of the side boundary fencing for the cumulative scenario– It is unclear if 100% blockage for all western boundaries of the four developed sites of (16, 18,20 and 22 Naru Street) has been modelled.*
- *The assessment has used the catchment grid of 40m which is considered too coarse to pick up any localised cumulative impacts for this development and the neighbouring lots of No. 18 , 20 and 22 including the recent Childcare centre*

Based on these issues we require the applicant to provide the flood model input and output files so an independent peer review can be undertaken to assess the cumulative impacts of this proposal, as this has significant precedent issues for future development in the Chinderah area.'

Can you please arrange that these be forwarded at your earliest convenience

On 6 June the applicant advised as follows:

Flooding

1. ***The assessment provides no detail on the acoustic fence and details of the gaps to facilitate flood flows which is fundamental in the assessment of the impacts of this proposal and future development/s adjacent for 18,20 and 22 Naru Street.***

As detailed clearly within the report and our email dated 10 May 2017 below, the hydraulic modelling indicates minimal velocities across the site during the modelled design events (1% AEP, 5% AEP, 20% AEP). Due to the minimal velocities across the site the hydraulic modelling also indicated negligible flood impacts based on an assumption of complete blockage of the fence. As such, it was concluded that gaps were not required from a flood impact perspective.

It is considered that no gaps in the acoustic fence are required from a flood impact perspective, but can be included if required at detailed design without the need for additional modelling as they will have no bearing on the flooding across the site.

2. ***The methodology for Scenario 2 is contradictory in terms of what has been modelled in terms of the side boundary fencing for the cumulative scenario– It is unclear if 100% blockage for all western boundaries of the four developed sites of (16, 18,20 and 22 Naru Street) has been modelled.***

The report, as submitted, is clear on what has been modelled for scenario 2: being the acoustic fence along the northern and western boundaries of the subject site, as well as the potential acoustic fences to the front northern boundary of the three additional industrial lots adjacent to the subject site. The western acoustic fence has been modelled as a 100% blockage, the northern at 80% (to allow for driveway openings). Additionally, the side/shared boundaries of the other industrial lots have been modelled at 50% obstruction as per the DCP maximum.

As per Danny Rose's email (attached, dated 3 Feb 2017) only the northern front fences were mapped for the cumulative scenario, as was requested. It is not considered necessary or appropriate to model side boundaries or shared boundaries of each allotment as the development potential and use is unknown. As per Danny's email, modelling of the northern boundaries is considered more than sufficient.

3. *The assessment has used the catchment grid of 40m which is considered too coarse to pick up any localised cumulative impacts for this development and the neighbouring lots of No. 18 , 20 and 22 including the recent Childcare centre*

As per the email below, the 2D grid resolution is 40m and the acoustic fence (which has been modelled as a complete blockage) has a total length of approximately 280m (130m perpendicular to the direction of the river flow). It is considered that given the length of fence, the 40m grid is sufficient to understand Tweed River flood impacts for this level of assessment.

It would be appreciated if TSC could provide additional clarification around why the model resolution is considered too coarse to predict potential impacts from the site development. In particular, in TSC's opinion what local hydraulic behaviour needs to be represented in the modelling.

4. *Based on these issues we require the applicant to provide the flood model input and output files so an independent peer review can be undertaken to assess the cumulative impacts of this proposal, as this has significant precedent issues for future development in the Chinderah area.' Can you please arrange that these be forwarded at your earliest convenience.*

Please find the link to Engeny's flood model files. <https://spaces.hightail.com/receive/KNz7mlhPwh>.

While we are confident in the model and the outcomes produced by Engeny, if Council are to commission a peer review of the data, please arrange this as soon as possible so as to not further delay this application.

On 15 June Council advised that the

- *The modelling provided is based on a 40m grid which is considered too coarse to ascertain the cumulative impacts of this and adjoining future development sites;*
- *The modelling outputs indicate a net reduction in the regional flood level, which raises questions;*
- *The base case is not using the existing terrain which was delivered when these industrial sites were registered in late 2013; ad*
- *There are inconsistencies in the flood reporting in regard to the combined cumulative impacts of the side boundary fencing and coverage for the ultimate development scenario adjacent and including this proposal.*

Council staff met with the applicant and their consultants on 28 June 2017 in an attempt to resolve the flooding issues and the level of information Council staff were requesting to be comfortable with fine grain cumulative impact scenarios.

Additional Information – as provided on 8 August 2017

On 8 August 2017 Council received the **final** revised Hydraulic Impact Assessment dated 2 August 2017.

In addition this additional information package:

- Clarified the fencing details
- Clarified Cultural Heritage
- Addressed EPA requirements
- Responded to the public submissions,

The final Hydraulic Impact Assessment uses Council's Tweed Valley Flood Study as the base model, with a nested 5m grid to ensure a model resolution commensurate with the level of detail necessary to pick up localised flood impacts of the fencing. The modelling was also required to run a cumulative development scenario, where similar fencing was assumed to be provided for the other lots in the industrial subdivision.

The flood impact mapping confirms that the development including the fencing will have no significant impact on flood levels in the locality. The area is very low velocity flood storage, meaning that the water will rise and fall around the development and the fencing will not have a damming effect. This allays fears that the development will worsen flooding, particularly for the adjacent caravan park residents, who have relatively low flood immunity.

Accordingly, there are now no objections to the development on flooding grounds. Standard conditions can be applied around flood compatible materials and flood free storage in relation to the design flood level (RL 3.2m AHD).

In addition the final information package received on 8 August has now enabled the completed assessment of the application. It is recommended that the subject application can be approved subject to conditions of consent which aim to mitigate any impacts that may arise as a result of the development.

Proposed Layout:

The new structure is proposed to accommodate four separate operations, this being the WRTS and three individual General Industry tenancies. The front tenancy will be operated by Arrow Concrete Cutting business. The General Industry tenancies (x 3) each space as a total GFA of 272.14m², plus a total office GFA of 141.09m². This office space contains staff facilities, offices and a reception, as well as a second storey for additional office space. Access to the ground floor General Industry space is gained through an internal doorway from the office and two large external roller doors. This will be for storage of equipment only; no cutting of concrete on site would occur for the Arrow Concrete Cutting Business.

The WRTS will operate and run from the rear of the site, and will be separated from the three General Industry uses by a standard automatic gate. The internal gate will be of the same style, material and dimensions as the external gate to Naru Street.

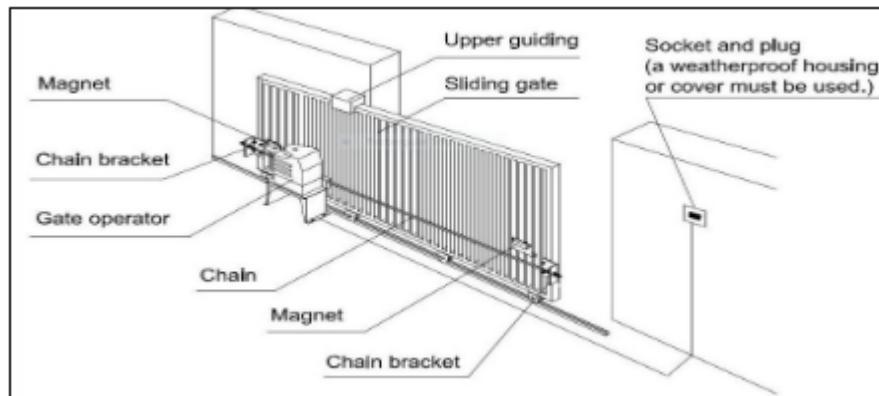


Image 7: Indicative internal fence to separate the WRTS from the other tenancies

WRTS Processes

Sorting and the processing of the waste will occur in the large rear internal storage area which has a total GFA of 480m². Access to the sorting area is gained through three large roller doors which are now oriented to the southern rear boundary and a rear personnel door.

The WRTS will utilise three large permanent bin storage areas located at the very rear of the site, and some temporary bin storage areas to the western boundary. These bin storage areas have a capacity of 36m³ each and have a total site coverage of 348m².

The WRTS will also utilise a removable weigh bridge which as a total coverage of 63m². This weighbridge will be operated in accordance with state legislative Waste Levy Regulation Requirements to track all

waste rates which travel to and from the site. An extract of the specifications of the weighbridge are shown below:

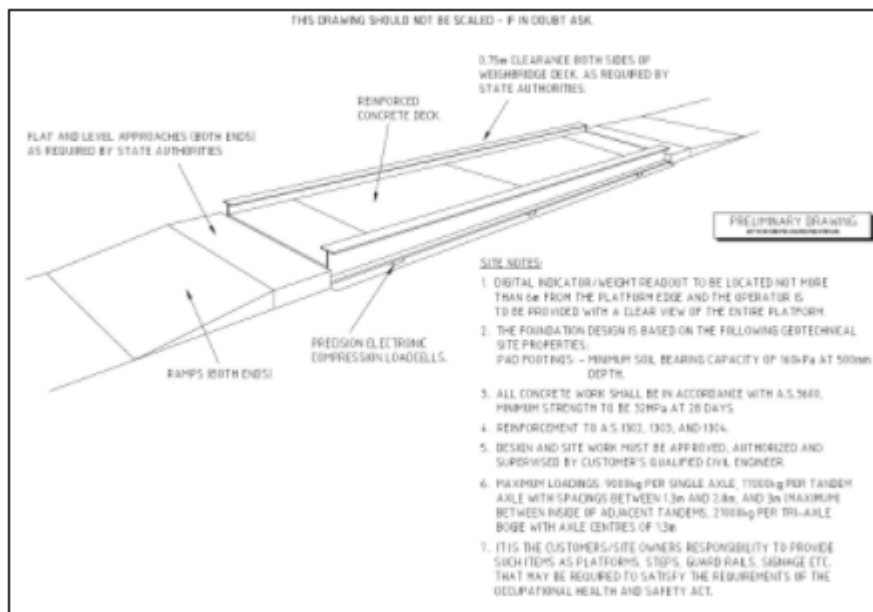


Image 8: Weighbridge Detail Extract

The remaining two General Industry tenancies are located to the centre of the building. Both tenancies consist of a large ground floor space of 256.15m² GFA and 254.30m² GFA, with a further 102.55m² office/amenities space per tenancy respectively. Each of these tenancies are accessed through a large roller door and a personnel door to the office area. The tenancies also include staff facilities (kitchen and amenities) on the ground floor and an open plan office on the upper level.

PLANT AND EQUIPMENT:

The WRTS will utilise a range of equipment for the unloading, sorting and loading of recyclable construction materials. The proposed WRTS will collect materials from a number of sources. The waste collected will be limited to solid waste from construction sites (residential and commercial) in the Tweed Council area.

Waste from the sites will be transported to the facility in skip bins which will be unloaded and sorted and processed. During this process any recyclable materials will be sorted and sold for reuse where possible, while non-recyclables are transported to off-site landfill locations for appropriate disposal.

Putrescible or regulated waste (such as asbestos) will not be accepted or stored on the site. The trucks used on site will be a mixture of the following:

- Tandems: 14-15 tonne payload, 9m in length, maximum 5.6m in height when tipping/unloading;
- Twin Steers: 16-17 tonne payload, 10m in length, maximum 6.3m in height when tipping/unloading;
- Truck and Trailer: 30 tonne payload, 18m in length, maximum 6.3m in height when tipping/unloading; and
- Quad Dog: 34-35 tonne payload, 19.56m in length, maximum 8.5m in height when tipping/unloading.

As the quad dog configuration is the largest truck that can and will be accommodated on site, this is the vehicle that has been used for the swept path analysis and reversing movements.

The materials are sorted by their waste category into empty skip bins. The equipment use for sorting will be a 14 tonne excavator, wheeled bobcat and manually by staff. All sorting will be undertaken indoors in the sorting shed as per the recommendations by the Environmental Noise Impact Assessment and the Air Quality Impact Assessment recommendations.

Waste materials including concrete, timber and soil will be transported to the bin storage areas located at the rear of the site and unloaded into stockpiles. Once the stockpile areas contain an appropriate load size, they will be loaded into trucks for delivery offsite and further processing.

All vehicles are weighed to ensure records of waste volumes traversing the site are kept, in accordance with state legislative requirements. The proposed weighbridge is a moveable weighbridge measuring 18m x 3.5m, which meets the relevant requirements for size, capacity and location, having due regard to the standard Quad Dog dimensions as being the largest truck on site.

OPERATING HOURS:

The proposed operating hours for the WRTS are

- Monday to Friday 7am to 6.00pm
- Saturday 7.30am to 5.30pm

No operations are to be undertaken on Sunday or public holidays. No loading or unloading of trucks, or the operation of any machinery, will occur before 7.00am. Staff may arrive up to one hour prior to opening and leave up to one hour after closing in order to complete administrative tasks at the start/end of the day.

Input material will be processed and split into commodities during these hours of operations. Product will be dispatched from the facility during these hours of operation. Operating times and the volume of material to be recycled will see the requirement for seven (7) full time employees when at capacity. This will result in the generation of local employment opportunities within the area. Additional contract maintenance personnel will also be required on an intermittent basis.

The operating hours and staff requirements of the three general industrial tenancies cannot be confirmed at this time, but it is expected that any mechanical operations across all tenancies will be conducted between the hours of 7.00am and 6.00pm in accordance with the acoustic report recommendations.

The individual General Industry tenancies may operate on slightly different operating hours to the WRTS (but within acoustic report recommendations) and will have a separate number of staff.

Condition 82 and 83 are recommended as follows:

82. The servicing of waste facilities shall be limited to between the hours of 7am to 6pm Monday to Friday and 7.30am to 5.30pm Saturday.

83. The development shall be carried out in accordance with the Environmental Noise Impact report prepared by CRG Acoustics dated 13 February 2017.

[USE0285]

[USE0305]

DAILY OPERATIONS OF WRTS:

Start of Day Procedure (6.00am to 7.30am)

1. Drivers and Yardsmen enter the main site through the gate and park car(s) in staff carpark.
2. Enter WRTS yard through second internal gate.
3. Drivers check and inspect trucks.
4. Yardsman opens sorting shed and checks WRTS yard.
5. Administrative work is completed before truck and machinery operation can commence (after 7.00am only).

Loaded Truck Returns (7.00am to 6.00pm)

1. Loaded Trucks enters through WRTS gate, drives over weighbridge and weighs in.
2. Driver contacts yardsman and is directed to sorting shed and tips/unloads truck.
3. The driver then uses the loading/unloading bay to reverse/turn around, and drives onto weighbridge in forward gear and tarres off.
4. Driver enters print docket and fills paper work attaching docket with corresponding bin number
5. Driver receives next job details.

Sorting of Materials (7.00am to 6.00pm)

1. Yardsman assesses waste in shed and begins to separate with either, excavator, bobcat, and/or by hand into specifically designated bins:
 - a. Metal
 - b. Aluminum (alloy bin)
 - c. Concrete, bricks and tiles
 - d. Timber
 - e. Glass
 - f. Copper and brass
 - g. Fines
 - h. Remaining rubbish to be stockpiled in designated stockpile area in the shed.
2. When enough waste is inside the shed ready for transport the truck is called in and follow the procedure applicable to the waste:
 - a. *Landfill Waste*
 - i. Truck weighed in by trained weighbridge operator and wait to be directed to the shed;
 - ii. Yardsman guides truck into the shed;
 - iii. Truck is loaded by excavator to maximum legal load;
 - iv. Truck exits shed and proceeds to weighbridge;
 - v. Yardsman completes paperwork and prints weighbridge docket; and
 - vi. Truck leaves site to deliver to appropriate landfill site.
 - b. *Recycling Material*

The procedure for each specific recycling waste is as follows:

 - i. When specific recycling material bin is full the truck is called in and stops at weighbridge.
 - ii. Yardsman weighs off and allows truck access to the yard;
 - iii. Yardsman guides truck to loading position;
 - iv. Yardsman using excavator loads truck to maximum legal load;
 - v. Yardsman directs truck driver to weighbridge;
 - vi. Yardsman weighs truck, issues weighbridge docket, processes paperwork, lets truck out of the yard; and
 - vii. Truck and dog leave site to appropriate recycling premises.
 - c. *Skip Bins*

Procedure for processing a returned full skip bin is:

 - i. Bin is weighed;
 - ii. Bin is directed into shed and tipped ready to be sorted;
 - iii. Empty bin is returned to designated bin storage area;
 - iv. All bins are numbered and movements are recorded on all dockets, weighbridge dockets and drivers' and yardsman's work sheets.

End of day procedure (5.00pm to 7.00pm)

1. Complete all paperwork;
2. Yard secured and all equipment is parked in shed and shed is locked;
3. Yard is secure and gates locked; and
4. Yardsman leaves via carpark and main gate.

WASTE MANAGEMENT:

The site is to house a recycling plant and will not accept general waste. In terms of the recycling stream, current audits suggest that 6.5% of the input material will be termed as non-recyclable waste. These items are segregated by equipment and manually by staff. The main processing building provides capacity to hold an average of 24 hours of this generated waste, after which they will be transported to an approved landfill site.

Hazardous Waste/Sludges, Fly Ash & The Like

The facility is not designed to process hazardous waste; it is only designed to process construction site-generated recyclables. Any hazardous items/materials received within the input material, such as full paint tins, etc. will be identified and removed from site immediately. Sludges and Fly Ash will not be received or generated by the plant.

Odour & Dust

Odour is to be controlled via management of waste storage and operation of a dry processing system. Material which is received and deemed non-recyclable is separated by the sorting process and stored within the main sorting shed. The recyclable material is generally stored for a maximum average of 24 hours, being removed to landfill daily once enough material for a full truck load is received.

The majority of the material received is dry recyclables, with the predominate materials being general construction waste from commercial and residential construction sites, including but not limited to concrete, bricks, metal and timber.

To reduce any potential dust issues the Air Quality Report recommends that all waste be sorted within the main processing building and that all vehicles manoeuvring areas be sealed.

Condition 65 is recommended to ensure the proponent complies with their Air Quality Impact Assessment.

65. The development to be carried out in accordance with the report *Air Quality Impact Assessment* of ASK Acoustics and Air Quality dated 8 August 2016 and subsequent report dated 17 February 2017, except where amended by this approval.

[DURNS02]

Stormwater Management

Stormwater will be handled in accordance with Councils' requirements. The subject site currently has a natural grade of less than 5% towards the north-west corner. Post development, the site shall grade towards the western boundary. From there on, the site will grade towards the north-west corner.

It is proposed that runoff from the hardstand areas is directed to the vegetated strip parallel to the western boundary of the site for treatment purposes through via an overland flow path. After treatment, stormwater is to be discharged off-site via the existing stormwater pit in the north-west corner of the site. Since no need for the treatment of roof water was identified, roof water shall be directed directly to this pit.

Leachates

Leachate is defined as:

“The liquid that passes through, or is released by waste. It arises from the inherent moisture content from the waste and from rainwater (and sometimes groundwater) percolating through or contacting the waste mass. Leachate may contain high levels of dissolved solids, ammonia, organic matter, and sometimes metals and other pollutants. These levels are typically well above the background levels for undisturbed or slightly disturbed groundwater and surface water systems. The levels are also well above the national quality guidelines for drinking water and other beneficial reuses of water”. . EPA, 2006, Environmental Guidelines: Solid Waste Landfills.

The material to be recycled by the WRTS is not classified as Putrescible Waste, Restricted Solid Waste, Hazardous Waste or Biodegradable Waste, as defined by the EPA. The material is defined as 'General Non-Putrescible Solid Waste'. The non-putrescible materials stored on site are of a temporary, short-term storage and sorting nature and do not constitute a 'landfill' facility.

The WRTS will not accept or receive the following waste:

- Asbestos;
- Liquids;
- Chemicals;
- Oils;
- Fuels; or
- Perishables or industrial waste.

The operator of the WRTS, A1 Skip Bins, only accepts construction, demolition and household wastes. These materials are inert, and have no active chemical or biological properties. These wastes do not undergo environmentally significant physical, chemical or biological transformation and have negligible potential to cause environmental harm.

'Landfill' is defined as an engineered in-ground facility for the secure and safe disposal of society's waste. All waste generated on site is either recycled or transported off-site to existing landfill sites.

Therefore the provisions of the Environmental Guidelines: Solid Waste Landfills, EPA 2016, does not apply to this site in regards to leachate mitigation measures for solid landfill sites.

Conditions 27 and 89 are recommended in this regard

27. An Environmental Management Plan (EMP) is to be submitted for the approval of Council's General Manager or delegate prior to the Issue of a Construction Certificate. The EMP is to incorporate mitigation measures as per Section 8 of the Statement of Environmental Effects and must also include management controls and monitoring, including (but not limited to):

- Visual inspection of standing water in the Gross Pollutant Trap for any hydrocarbon or tannin contamination.
- Covering of green waste loads that remain on site for a long period of time.
- Covering of processed green wastes such as clippings, mulching and chips.
- Visual inspection of loads to identify and remove contamination.

[PCCNS03]

89. The operation of the facility shall be undertaken in accordance with the approved Environmental Management Plan.

[USENS03]

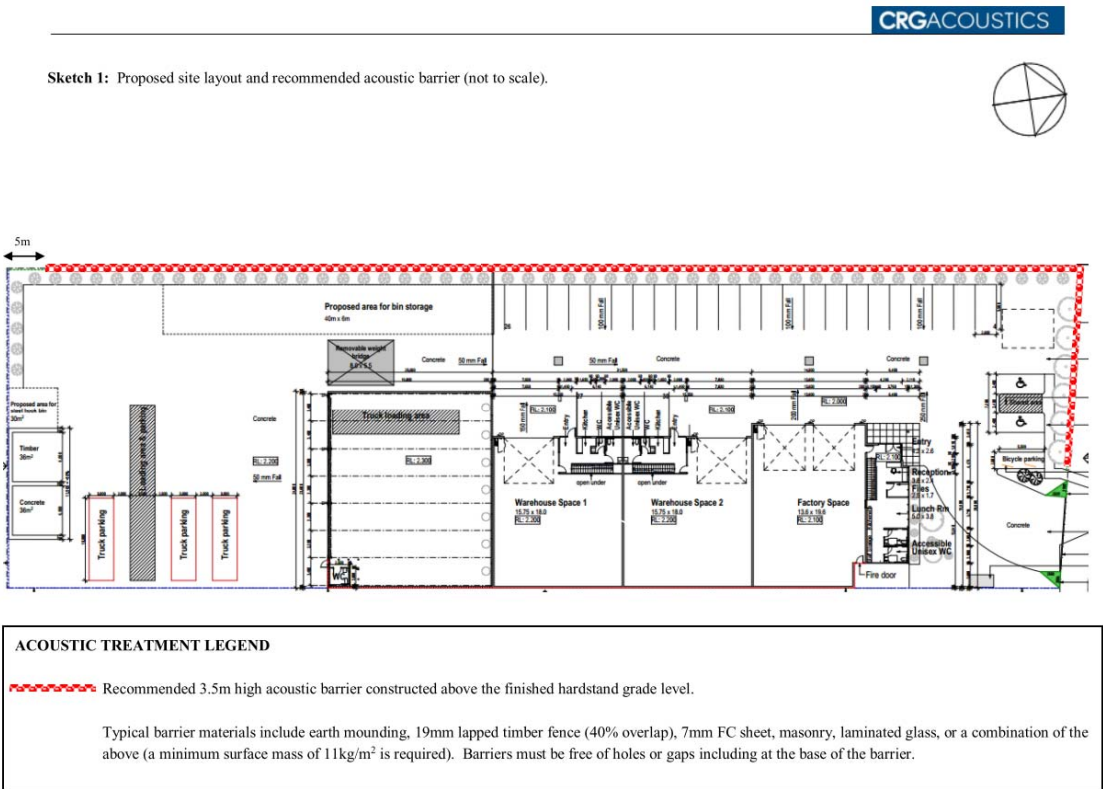
Noise and Acoustic Fence

An acoustic assessment has been undertaken for the facility. Typically noise at offsite noise sensitive receivers is predicted to be below the 'background + 5db' noise criterion and generally within adopted

indoor noise limits. The proposed development does not include any crushing, screening or chipping of the waste onsite which are considered high noise generators.

Based upon the adopted noise limit criterion, overall, the proposed development will generally be within acceptable levels of Council's requirements, subject to the acoustic treatments recommended in the Environmental Noise Impact Report being integrated into the design, construction and operation of the development.

The proposal incorporates a 3.5m high timber paling acoustic fence along the properties northern (excluding driveway area) and western boundaries as follows:



Page 20

Image 9: Acoustic Fence

Note: the above Page 20 is a replacement page which removes the flaps/culverts under the fence as the flood model now indicates that gaps are not required. It is this replacement page that must be complied with as per the Conditions of consent.

All design recommendations from the Environmental Noise Impact Report have been incorporated into the proposal, and all operational recommendations will be implemented.

The following Conditions for Noise mitigation are recommended:

- 64. The construction of the acoustic fence shall be undertaken in accordance with the Environmental Noise Impact Report (Sketch 1) prepared by CRG Acoustics dated 13 February 2017 and Dwg 20 (Rev E) *Acoustic Fence Detail*, prepared by Cozens Regan Williams Prove and dated 11 November 2016.

75. Prior to issue of the occupation certificate certification shall be provided by a suitably qualified Acoustic Consultant that demonstrates the Acoustic Fence has been installed in accordance with the Environmental Noise Impact Report (Sketch 1) prepared by CRG Acoustics dated 13 February 2017.

[POCNS01]

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

[USE0245]

83. The development shall be carried out in accordance with the Environmental Noise Impact report prepared by CRG Acoustics dated 13 February 2017.

[USE0305]

Traffic

The site is to be accessed via Naru Street and Chinderah Drive via the adjoining Pacific Motorway interchange. The largest vehicle that the proposed WRTS can facilitate on site is a 19.56m long 'Quad Dog'. This truck has a maximum length of 19.56m, and a maximum tipping height of 8.5m, well within the 10.0m height of the WRTS sorting shed. Trucks will operate from 7.00am to 6.00pm.

Incoming waste is expected to generate 11 trips in and 11 trips out per day. The outgoing waste will be removed at a rate of one (1) incoming and one (1) outgoing trip per day. Over a 10 hour work day, this equates to 2.4 heavy vehicle trips per hour.

Each truck will enter the site from Naru Street and their load will be weighed at the weigh station in accordance with standard legislative requirements. The truck will then proceed to Shed 1 (materials receiving and sorting) to off-load waste, utilise the truck turning area then exit via Naru Street.

Truck weighing is estimated to take 1 minute, it is anticipated that there will be no truck queuing on site due to relatively low traffic volumes. If queuing was to occur, it will occur on site. In the busiest periods, there may be one truck waiting to be weighed located just before the weighbridge on site.

A Traffic Impact Assessment has been provided to assist with Council's assessment.

Environmental Management

The EIS proposes Mitigation Measures in Section 8 in regards to:

- Waste
- Air Quality
- Noise
- Soil & Water
- Traffic & Transport
- Biodiversity
- Visual Amenity
- Heritage

Accordingly the following condition is recommended:

27. An Environmental Management Plan (EMP) is to be submitted for the approval of Council's General Manager or delegate prior to the Issue of a Construction Certificate. The EMP is to incorporate mitigation measures as per Section 8 of the Statement of Environmental Effects and must also include management controls and monitoring, including (but not limited to):

- Visual inspection of standing water in the Gross Pollutant Trap for any hydrocarbon or tannin contamination.
- Covering of green waste loads that remain on site for a long period of time.
- Covering of processed green wastes such as clippings, mulching and chips.
- Visual inspection of loads to identify and remove contamination.

[PCCNS03]

DEVELOPMENT ALTERNATIVES:

As required by the Department of Planning & Environment's Secretary's Environmental Assessment Requirements (SEAR's), the proponent has identified the following alternative development options:

Alternative Option 1 – Do Nothing

The Tweed Shire and the Far North Coast as a region is experiencing high population growth with planning forecasts for a total population of 289,000 people by 2031. The do nothing option would see a loss of new employment in a developing sustainable industry which can contribute to a more sustainable Shire.

In the short term, not developing the WRTS would not impact existing recycling within the Shire. However in the medium-to-long term, additional recycling capacity will be required to meet population demand and increasing economic activity. Not developing the proposal could see the loss of a private enterprise commitment and future cost to Council and the community to develop a similar facility with public funds.

Alternative Option 2 – Alternative Location

A key consideration for development of the proposed WRTS is proximity to transport infrastructure. In this regard an alternative site within the Murwillumbah Industry area was assessed and discounted due to the additional travel time to the Pacific Motorway. Further, other available sites are either too large or too costly. The subject site is of an appropriate size, cost and location to make this a viable local enterprise.

Alternative Option 3 – Other Land Use Option

The zoning of the land lends the site to other forms of Industry uses. The location of the site in close proximity to the Pacific Motorway provides good opportunity for warehousing or general Industry use. Development for the site for such purposes will see the same potential impacts as those associated with this proposal. Development for an alternative Industry use would likely not be in the same 'sustainable industry' category as that proposed, given the limited green industry development in Tweed Shire.

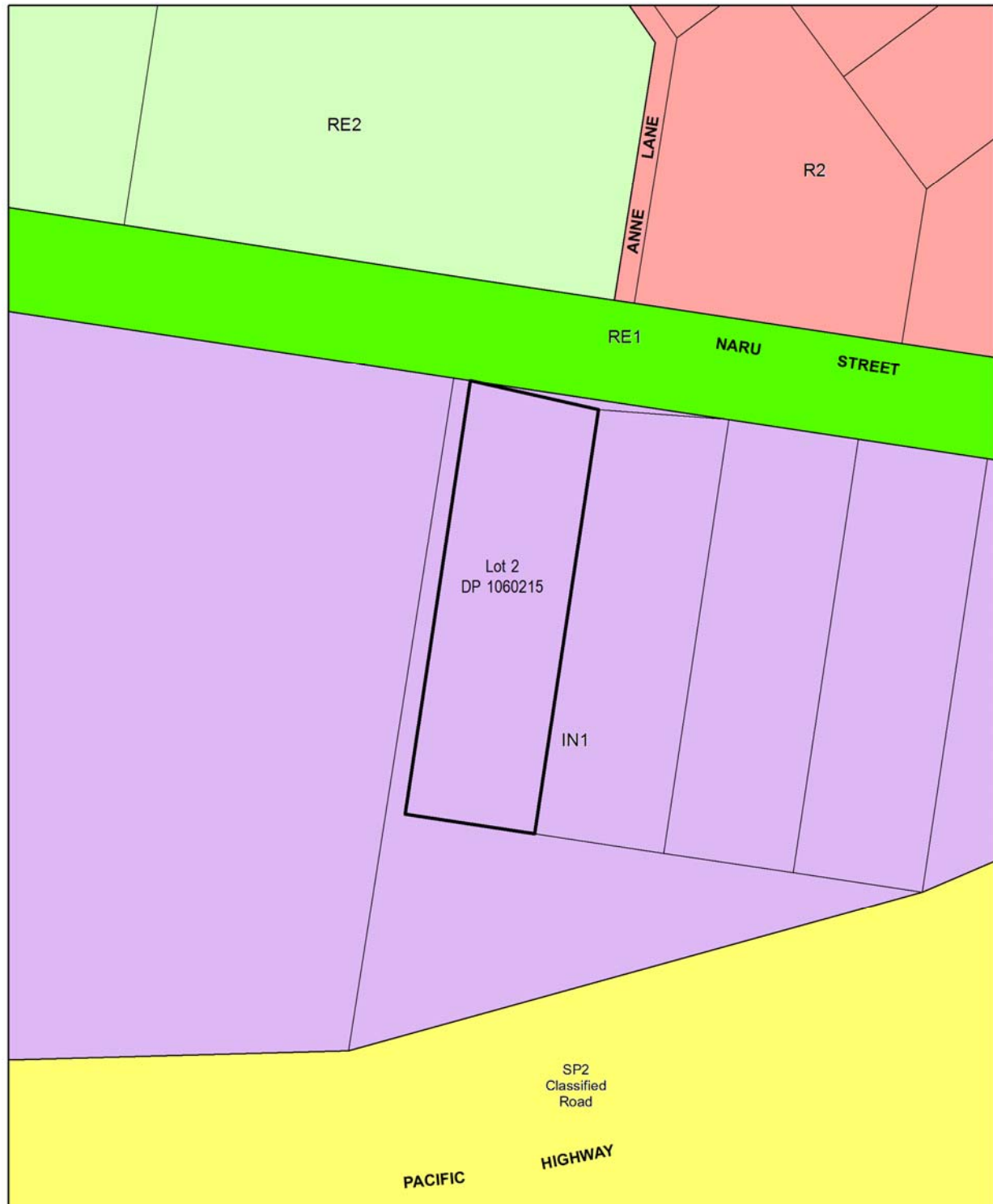
Preferred Alternative

Having regard to current statutory planning controls, key site opportunities and constraints, adjoining uses and Local / State policies relating to the management of construction and demolition waste, it is considered that the proposed WRTS is a suitable and appropriate land use for the subject site.

LOCALITY PLAN:



ZONING PLAN:



Land Zoning

IN1 General Industrial	RE1 Public Recreation	SP2 Infrastructure
R2 Low Density Residential	RE2 Private Recreation	

1:1,500 @ A4 Portrait
 0 10 20 30 40 M
 DO NOT SCALE
COPY ONLY - NOT CERTIFIED
 Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geodetic Datum of Australia 1994
 Grid: Map Grid of Australia, Zone 56
GDA

TWEED
 Civic and Cultural Centre
 3 Tumbulgum Road
 Murwillumbah NSW 2484
 PO Box 816
 Murwillumbah NSW 2484
 T | (02) 6670 2400 | 1300 292 872
 F | (02) 6670 2429
 W | www.tweed.nsw.gov.au
 E | planning@tweed.nsw.gov.au

**Tweed Local Environmental Plan 2014
 Land Zoning**
 Lot 1 in DP 1185359
 No. 16 Naru Street,
 Chinderah

Council File | DA16/0647
 revised | 03/10/2017
 Base Data 04/10/2016
 © Land and Property Information (LPI)
 Addendum Data 03/10/2017
 © Tweed Shire Council
 Boundaries shown should be
 considered approximate only.

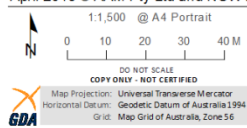
Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dig before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
 Filepath: Z:\GIS_Data\PMR\Templates\Council\report\Map\LEP14_1_ZN_2A_A4P.mxd
 Author: J. Balchelor - Strategic Planning & Urban Design Unit
 Date Printed: 03 October, 2017

AERIAL PLAN:



SOURCE:

Aerial imagery was captured
April 2015 © AAM Pty Ltd and NSW LPI



Civic and Cultural Centre
3 Tumbulghum Road
Murrumbidgee NSW 2484

TWEED
S41E COUNCIL
PO Box 816
Murrumbidgee NSW 2484

T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@tweed.nsw.gov.au

Aerial Imagery 2015

Lot 1 in DP 1185359
No. 16 Naru Street,
Chinderah

Council File | DA16/0647
revised | 03/10/2017

Cadastral: 03 October, 2017
© Land and Property Information
(LPI) and Tweed Shire Council.
*Boundaries shown should be
considered approximate only.*

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all Liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dig before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.

Filepath: Z:\GIS_Data\Prd\Template\Council\report\map\AerialSitePlan_2k_A4P.mxd

Author: J Batchelor - Strategic Planning & Urban Design Unit

Date Printed: 03 October, 2017

FLOODING DIAGRAM:



Design Flood Level Map - Extract

Areas predicted to be inundated in ARI 100 year flood
Inundated area regions (flood levels, metres AHD)

3.0 to 3.5

Probable Maximum Flood (PMF)

Additional areas inundated by PMF

Flood Level Contour

(Metres AHD)

1:1,500 @ A4 Portrait
0 10 20 30 40 M
DO NOT SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Horizontal Datum: Geodetic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56
GDA

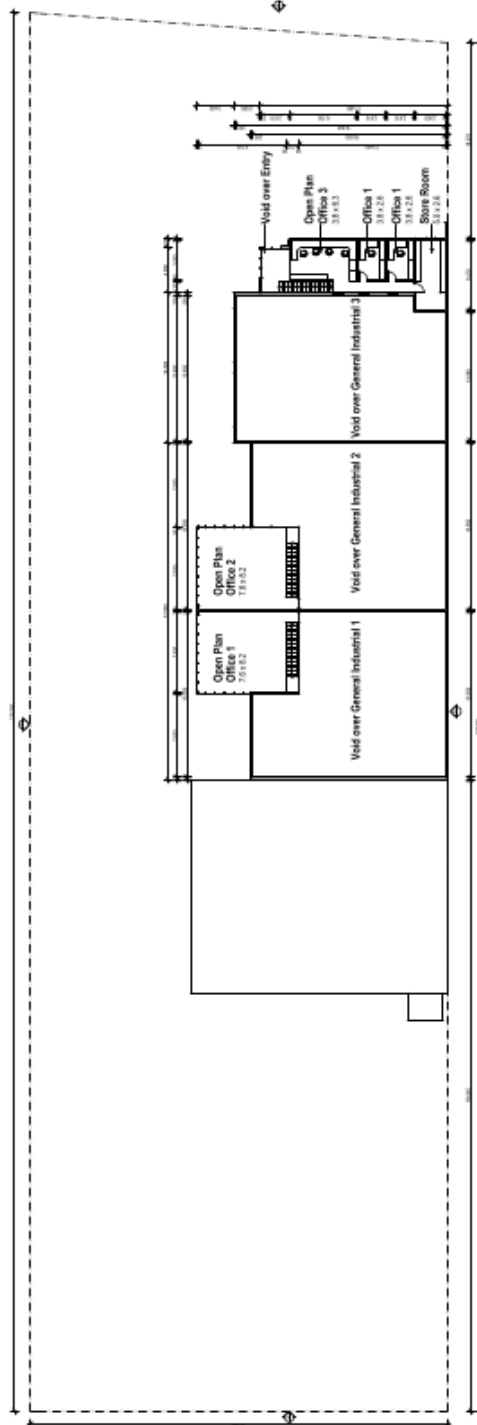
Civic and Cultural Centre
3 Tumbulgum Road
Murrumbidgee NSW 2484
TWEED SHIRE COUNCIL
PO Box 816
Murrumbidgee NSW 2484
T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@tweed.nsw.gov.au

Tweed Development Control Plan
Section A3 Development of Flood Liable Land
Lot 1 in DP 1185359
No. 16 Naru Street,
Chinderah

Council File | DA16/0647
revised | 03/10/2017
Base Data 04/10/2016
© Land and Property Information (LPI)
Addendum Data 03/10/2017
© Tweed Shire Council
Boundaries shown should be
considered approximate only.

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dig before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
Filepath: Z:\GIS_Data\PMF\Templates\CouncilReportMaps\DCP_Flooding_2k_A4P1.mxd
Author: J. Ditchfield - Strategic Planning & Urban Design Unit
Date Printed: 03 October, 2017

JRPP (Northern Region) Business Paper – Item 2 – Wednesday 18 October 2017 – 2016NTH024



NOTES:

DO NOT SCALE OFF DRAWINGS

Vary all dimensions on site prior to commencement of work. Structure to be designed and constructed in accordance with Australian Standards specifications and details as shown on drawings. Contractor to ensure all materials and construction methods used comply with all applicable Australian Standards, BCA and manufacturer's specifications and details. Contractor to ensure all materials used are suitable in regards to ageing to the extent. The purpose of these architect's details is to provide a guide to the contractor. It is not intended to be a contract document. Contractor to rectify any discrepancies between these details and all Australian Standards, BCA and manufacturer's specifications to be resolved prior to commencement of work.







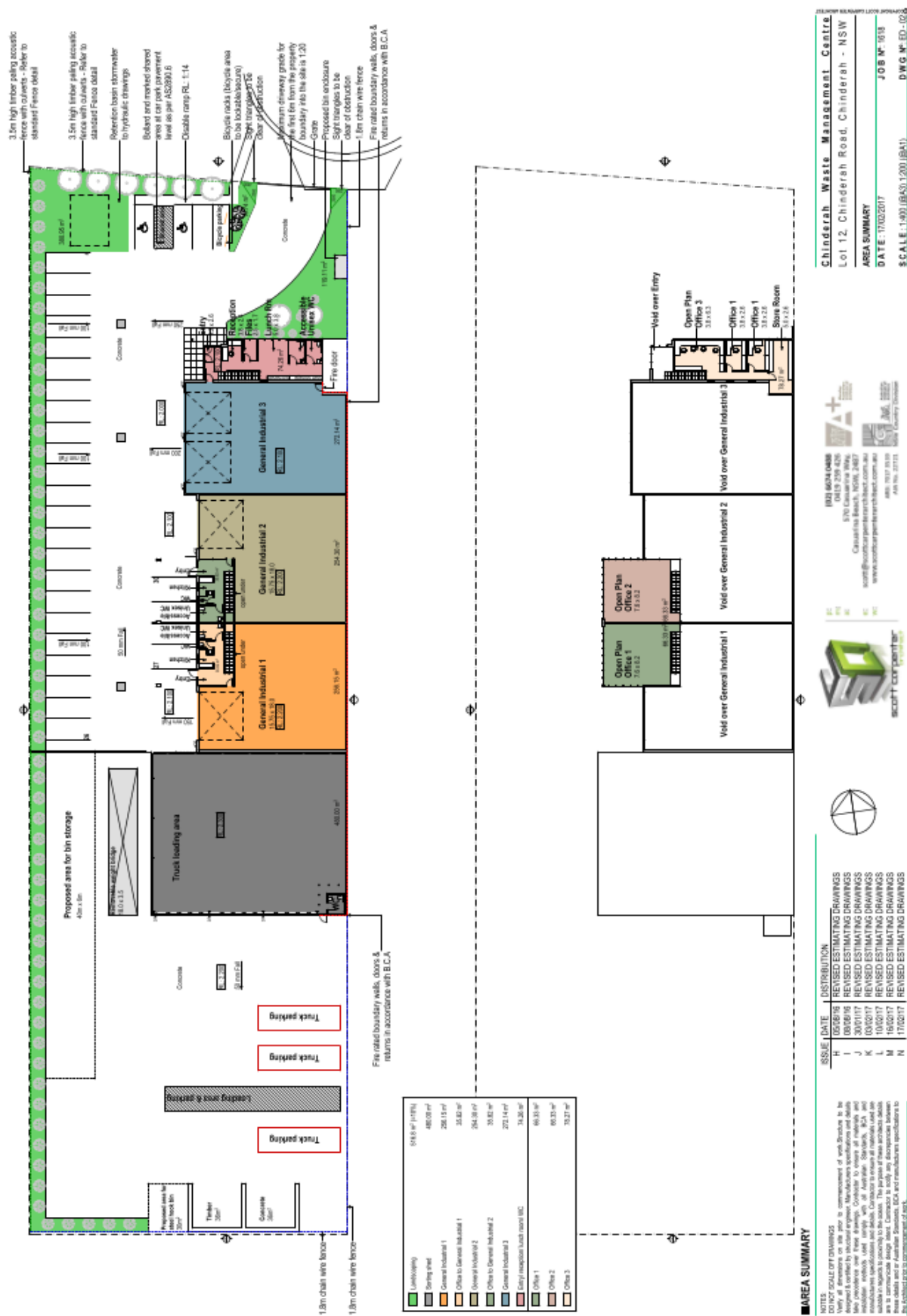




1021 6024 0438
 0415 259 426
 570 Connaught Way,
 Casuarina Beach, NSW, 2487
info@architectperkinsarchitect.com.au
www.architectperkinsarchitect.com.au
 A&B: 7037 9530
 A&B No. 22722

Chinderah Waste Management Centre
Lot 12, Chinderah Road, Chinderah - NSW
JOB N°: 16183
DATE: 17/02/2017
SCALE: 1:400 (B3/3.120) (B41)
DWG N°: ED-01

DEVELOPMENT PLANS:





JRPP (Northern Region) Business Paper – Item 2 – Wednesday 18 October 2017 – 2016NTH024



JRPP (Northern Region) Business Paper – Item 2 – Wednesday 18 October 2017 – 2016NTH024

DECEMBER 21ST

The diagram shows a vertical cross-section of the ground. On the left, a wavy line represents the 'Water table'. To its right, a solid horizontal line represents the 'Groundwater level in well'. The well is depicted as a vertical cylinder extending from the surface down into the ground. The top of the well is at the surface level. The bottom of the well is shown intersecting the water table. The area between the water table and the well's bottom is shaded, indicating the water level in the well.



SURVEY OF














(02) 9634 0488
 0419 239 426
 5/97 Castlereagh Road
 Cammerlang Beach, NSW, 2487
 Email: info@scottbrayperkinsarchitect.com.au
 Web: www.scottbrayperkinsarchitect.com.au
 ARIA: 1917 01 00

Chinderah Waste Management Centre
Lot 12, Chinderah Road, Chinderah - NSW
SHADOW DIAGRAMS
JOB N° 1918
DATE: 17/02/2017
SCALE: NTS
DWG N° ED - 04

[illegible]

CONSIDERATIONS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT REGULATIONS 2000:

Schedule 3 – Designated Development

Part 1 of Schedule 3 of the Environmental Planning & Assessment Regulations relates specifically to the types of development that is considered as Designated Development. If a proposal triggers any of the thresholds associated with a particular use, it is declared to be designated development for the purposes of the Act and the development application must be accompanied by an Environmental Impact Statement. In addition, any objectors to the proposal have rights of appeal on merit. An assessment of the various clauses of Schedule 3 applicable to the proposed development is noted below.

32 Waste management facilities or works

Clause 32 incorporates a number of thresholds applying to waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste.

The proponent has identified that the proposal triggers the following components of clause 32(1):

- (d)(v) on a floodplain (*parts of the site are within the floodplain*).
- (d)(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.*

As a result, the proposed development is considered Designated Development and an EIS has been prepared to address the SEAR's issued by the Department, as noted below.

Secretary's Environmental Assessment Requirements (SEAR's)

Given that the proposal is considered to be Designated Development, the proponent was required to request Secretary's Environmental Assessment Requirements (SEAR's) from the Department of Planning & Environment (Department).

The SEAR's issued by the Department on 6 June 2016 requires the proponent to prepare an Environmental Impact Statement (EIS), including an assessment of all potential impacts of the proposed development on the existing environment (including cumulative impacts if necessary) and develop appropriate measures to avoid, minimise, mitigate and / or manage these potential impacts. The EIS assessment must assess the matters raised in the following table.

Secretary's Environmental Assessment Requirements (SEAR's)	Proponent Comments	Council Comments
<ul style="list-style-type: none">• strategic context - including:<ul style="list-style-type: none">- a detailed justification for the proposal and suitability of the site for the development; and- a demonstration that the proposal is consistent with all relevant planning strategies, environmental planning	Reference is made to Sections 4, 5 & 7 of the EIS.	The proponent has provided a detailed justification for the proposal & suitability of the site. It is considered that the

Secretary's Environmental Assessment Requirements (SEAR's)	Proponent Comments	Council Comments
<p>instruments, development control plans (DCP's), or justification for any inconsistencies; and</p> <ul style="list-style-type: none"> - a list of any approvals that must be obtained under any other Act or law before the development may be lawfully carried out. 		<p>proposal is consistent with all applicable legislation.</p> <p>The proponent has provided a list of approvals under other Acts that must be obtained.</p>
<ul style="list-style-type: none"> • waste management - including: <ul style="list-style-type: none"> - details of the type, quantity and classification of waste to be received at the site; - details of the resource outputs and any additional processes for residual waste; - details of waste handling including transport, identification, receipt, stockpiling and quality control; and - the measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the NSW Waste Avoidance and Resource Recovery Strategy 2007 and Draft NSW Waste Avoidance and resource Recovery Strategy 2013-2021. 	<p>Reference is made to Sections 3.3.3, 6.1 & 8.1.1 and Appendix J of the EIS.</p>	<p>The proponent's EIS and subsequent updates have incorporated a detailed assessment with regard to waste management.</p> <p>Appropriate conditions of consent have been applied to ensure the proposal meets the aims and objectives of the applicable guidelines for the WRTS</p>
<ul style="list-style-type: none"> • air quality - including: <ul style="list-style-type: none"> - a description of all potential sources of air emissions; - an air quality impact assessment in accordance with relevant Environment Protection Authority Guidelines; and - a description and appraisal of air quality impact mitigation and monitoring measures. 	<p>Reference is made to Sections 2.6.4, 3.3.4, 6.2 & 8.1.2 and Appendix I of the EIS.</p>	<p>The proponent has supported the proposed development with an Air Quality Impact Assessment in relation to air quality, and odour. It is considered that the proposed development has satisfactorily addressed the air quality provisions of the SEAR's, subject to</p>

Secretary's Environmental Assessment Requirements (SEAR's)	Proponent Comments	Council Comments
		conditions of consent.
<ul style="list-style-type: none"> • noise - including: <ul style="list-style-type: none"> - a description of all potential noise sources during construction and operation, including road traffic noise; - a noise assessment in accordance with relevant Environment Protection Authority Guidelines; and - a description and appraisal of noise mitigation and monitoring measures. 	Reference is made to Sections 2.6.4, 3.3.6, 6.3 & 8.1.3 and Appendix F of the EIS.	The proponent has supported the proposed development with an Air Quality Impact Assessment in relation to noise. It is considered that the proposed development has satisfactorily addressed the noise provisions of the SEAR's, subject to conditions of consent.
<ul style="list-style-type: none"> • soil and water - including: <ul style="list-style-type: none"> - a description of local soils, topography, drainage and landscapes; - an assessment of potential impacts on the quality and quantity of surface and groundwater resources - details of the proposed stormwater and wastewater management systems (including sewerage), water monitoring program and other measures to mitigate surface and groundwater impacts; - details of sediment and erosion controls - a detailed site water balance - an assessment of flooding impacts including potential impacts to and resulting from the development; and - a description and appraisal of impact mitigation and monitoring measures. 	Reference is made to Sections 2.6.3, 2.6.7, 3.3.5, 5.7.2, 6.4 & 8.1.5 and Appendix H of the EIS.	<p>The proponent has undertaken a detailed analysis soil and water impacts associated with the proposed development.</p> <p>Appropriate conditions have been applied..</p>
<ul style="list-style-type: none"> • traffic and transport - including: <ul style="list-style-type: none"> - details of road transport routes and access to the site; 	Reference is made to Sections 3.3.7, 6.5 & 8.1.6 and Appendix G of the	The proponent has prepared a Traffic Impact Assessment which

Secretary's Environmental Assessment Requirements (SEAR's)	Proponent Comments	Council Comments
<ul style="list-style-type: none"> - road traffic predictions for the development during construction and operation; - an assessment of impacts to the safety and function of the road network; and - the details of any road upgrades required for the development. 	EIS.	addresses the suitability of the site and traffic impacts.
<ul style="list-style-type: none"> • Hazards and risk - including: <ul style="list-style-type: none"> - The Environmental Impact Statement must include a preliminary risk screening completed in accordance with SEPP No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development. Should preliminary screening indicate that the project is 'potentially hazardous' a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (Dop, 2011) and Multi-Level Risk Assessment (DoP, 2011). 	Reference is made to Sections 3.3.8, 3.6, 5.3 & 7 of the EIS.	The proponent has undertaken an assessment against SEPP 33, concluding that the proposal is <u>not</u> hazardous development and as such a Preliminary Hazard Assessment is not considered necessary.
<ul style="list-style-type: none"> • biodiversity - including: <ul style="list-style-type: none"> - accurate predictions of any vegetation clearing on the site or for any road upgrades; - a detailed assessment of the potential impacts on any threatened species, populations, endangered ecological communities or their habitats, groundwater dependent ecosystems and any potential for offset requirements; and - a detailed description of the measures to avoid, minimise, mitigate and offset 	Reference is made to Sections 2.6.6, 5.3.4, 6.6, 7.4 & 8.1.7 and Appendix O of the EIS.	<p>The proposed development is considered to have satisfactorily addressed all of the SEAR's requirements with regard to biodiversity.</p> <p>The site is clear of vegetation.</p>

Secretary's Environmental Assessment Requirements (SEAR's)	Proponent Comments	Council Comments
biodiversity impacts.		
<ul style="list-style-type: none"> visual – including an impact assessment at private receptors and public vantage points. 	Reference is made to Sections 6.7 & 8.1.8 and Appendix E & K of the EIS.	The proponent has undertaken an assessment of visual impacts from a pedestrian, and neighbourhood scale. The proposal incorporates landscaping to mitigate such impacts. Appropriate conditions of consent have been applied in this regard.
<ul style="list-style-type: none"> heritage – including Aboriginal and non-Aboriginal cultural heritage. 	Reference is made to Sections 2.6.5, 6.8 & 8.1.9 and Appendix N of the EIS.	The proponent has undertaken a review of the proposed development in terms of Cultural Heritage. The Tweed Byron Local Aboriginal Land Council is satisfied with the assessment, subject to a condition of consent in relation to any finds during construction.

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

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

Tweed Local Environmental Plan 2014

Part 1 Preliminary

Clause 1.2 - Aims of the Plan

The aims of this plan as set out under Section 1.2 of this plan are as follows:

- (1) This Plan aims to make local environmental planning provisions for land in Tweed in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) *to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents, including, but not limited to, consistency with local indigenous cultural values, and the national and international significance of the Tweed Caldera,*
 - (b) *to encourage a sustainable, local economy, small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed Shire,*
 - (c) *to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, the built environment, and cultural heritage,*
 - (d) *to promote development that is consistent with the principles of ecologically sustainable development and to implement appropriate action on climate change,*
 - (e) *to promote building design which considers food security, water conservation, energy efficiency and waste reduction,*
 - (f) *to promote the sustainable use of natural resources and facilitate the transition from fossil fuels to renewable energy,*
 - (g) *to conserve or enhance the biological diversity, scenic quality, geological and ecological integrity of the Tweed,*
 - (h) *to promote the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect or enhance the environmental significance of that land,*
 - (i) *to conserve or enhance areas of defined high ecological value,*
 - (j) *to provide special protection and suitable habitat for the recovery of the Tweed coastal Koala.*

The proposed development is considered to be generally in accordance with the aims of this plan having regard to its nature, permissible at this location and subject to the application of recommended conditions of consent.

Clause 1.4 - Definitions

Under this Plan, the proposed development is considered to be a “waste or resource management facility” and ‘general industry’, defined as follows;

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).

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note.

General industries are a type of industry—see the definition of that term in this Dictionary.

industry means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

These uses are permitted with consent in the IN1 General Industrial zone.

Part 2 Permitted or prohibited development

2.1 Land use zones

The proposed development area is zoned as IN1 General Industrial under the provisions of this plan.

2.3 Zone objectives and Land Use Table

The objectives of the IN1 General Industrial zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

- To enable land uses that provide facilities or services to meet the day to day needs of workers in the area.

The proposed development is considered to be consistent with the above objectives, by virtue of providing a range of industrial land uses, encouraging employment opportunities and by protecting industrial land for industrial uses.

Part 4 Principal development standards

Clause 4.3– Height of Buildings

TLEP 2014 provides for a 10m building height limit for the subject site. The amended proposed development has a maximum height of 10m, exhibited to the waste and resource transfer station shed area. The proposal is therefore compliant with the above controls.

Clause 4.4 – Floor Space Ratio

Floor Space Ratio provisions associated with clause 4.4 are not applicable to the subject site.

Clause 4.6- Exceptions to development standards

Not applicable. It is noted that the application as originally submitted included a Clause 4.6 variation with respect to building height controls. However the proposal has now been modified and all buildings comply with the 10m building height control as outlined under the Clause 4.3 assessment above.

Part 5 Miscellaneous provisions

Clause 5.5 – Development within the Coastal Zone

This clause states that development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered the following;

- (a) *existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*
 - (i) *maintaining existing public access and, where possible, improving that access, and*
 - (ii) *identifying opportunities for new public access, and*

The subject application does not propose any amendments to existing public access to or along the coastal foreshore.

- (b) *the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*
 - (i) *the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*
 - (ii) *the location, and*
 - (iii) *the bulk, scale, size and overall built form design of any building or work involved, and*

The proposed development is permissible on the subject site and is generally consistent with the prescribed development requirements as outlined throughout this report. As such the proposal is considered to be acceptable at this location.

(c) *the impact of the proposed development on the amenity of the coastal foreshore including:*

- (i) *any significant overshadowing of the coastal foreshore, and*
- (ii) *any loss of views from a public place to the coastal foreshore,*

The proposed development is not considered to impact on the amenity of the foreshore by virtue of overshadowing or a loss of views. The subject application is considered to be acceptable having regard to the above considerations.

(d) *how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*

The proposed development is not considered to compromise the scenic qualities of the coast as it represents an acceptable development on appropriately zoned land. Beyond this, the subject development is not considered to generate any specific opportunities to protect the visual amenity and scenic qualities of the coast.

(e) *how biodiversity and ecosystems, including:*

- (i) *native coastal vegetation and existing wildlife corridors, and*
- (ii) *rock platforms, and*
- (iii) *water quality of coastal waterbodies, and*
- (iv) *native fauna and native flora, and their habitats, can be conserved, and*

The subject site is clear of vegetation and it is therefore considered that the proposal will have a minimal impact on the local biodiversity or ecosystems in this regard.

(f) *the cumulative impacts of the proposed development and other development on the coastal catchment.*

The proposed development is not considered to result in an unacceptable cumulative impact on the coastal catchment given the sites zoning and the permissibility of the development at this location.

This clause goes on to further state;

(3) *Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:*

- (a) *the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and*

As outlined elsewhere in this report, the proposal will not impede or diminish the right of access of the public either to or along the public foreshore.

- (b) *if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

The subject site would connect to Councils reticulated sewer system.

- (c) *the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

Stormwater management is detailed elsewhere in this report, with no untreated stormwater being discharged to the sea, beach or the like. Having regard to this, it is considered that the subject application would be in accordance with the above controls.

- (d) *the proposed development will not:*
- (i) *be significantly affected by coastal hazards, or*
 - (ii) *have a significant impact on coastal hazards, or*
 - (iii) *increase the risk of coastal hazards in relation to any other land.*

The proposed development is considered to be acceptable having regard to coastal hazards as outlined above due to its nature, permissibility and the spatial separation between the site and coastal hazards at this location.

Clause 5.10 – Heritage Conservation

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Tweed,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

A search of the proposed subdivision site has been undertaken on the NSW Government Office of Environment & Heritage website through the Aboriginal Heritage Information Management System (AHIMS) tool which has identified that there are no Aboriginal sites recorded or Aboriginal places declared at or near the proposed development site.

In the original Subdivision Application DA09/0006 there was a deferred commencement condition as follows:

- B. An Aboriginal archaeological heritage assessment shall be prepared by a suitably qualified and experienced consultant to the satisfaction of Council's General Manager or his delegate to determine the impact of the proposed subdivision and road works. The assessment shall include consultation with the Tweed Byron Local Aboriginal Land Council and any other related stakeholders. The assessment shall also include any mitigation and management measures where required.

On 18 January 2010 Council Received the Cultural Heritage Assessment by Everick which forms part of the current EIS.

On 16 April 2010 the then land owner (Wareemba Investments - Alan J Knight – Director) acknowledged all recommendations in the Cultural Heritage Report

On 21 April 2010 Council acknowledged commencement by stating that:

Please note that you will be required to undertake the recommendations noted in the Cultural Heritage Assessment (prepared by Everick Heritage Consultants Pty Ltd,

submitted to Council on 18 January 2010), should human remains or Aboriginal cultural material be encountered at any stage during construction works in accordance with your Statement of Commitment dated 16 April 2010.

In the original Cultural Heritage Report associated with the subdivision DA09/0006 all buildings were due to be demolished.

The Cultural Heritage Report stated that:

Recommendation 5: Additional Inspection

It is recommended that, should either of the existing dwellings be demolished as part of the development works, then Cyril Scott and/or Jackie McDonald should be invited to inspect the cleared area immediately following their removal. Should any Aboriginal cultural heritage be identified as a result, Recommendations 2 and 3 are to be followed.

Recommendation 2: Aboriginal Cultural Material

It is recommended that if it is suspected that Aboriginal material has been uncovered as a result of development activities within the Subject Lands:

- (a) work in the surrounding area is to stop immediately;
- (b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- (c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- (d) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the DECCW guidelines: *"Interim Community Consultation Requirements for Applicants"* (2005).

Recommendation 3: Notifying the DECCW

It is recommended that if Aboriginal cultural material is uncovered as a result of development activities within the Subject Lands, they are to be registered as Sites in the Aboriginal Heritage Information Management System (AHIMS) managed by the DECCW. Any management outcomes for the site will be included in the information provided to the AHIMS.

A Construction Certificate (CC11/0221) for the proposed subdivision to create a public road, associated acoustic fencing and residual lot was lodged in May 2011.

The applicant proceeded to lodge a concurrent but separate CDC Application (CDC11/0417) with Council in December 2011 for demolition of the two dwellings and two sheds. This was on foot while the CC11/0221 was still being assessed.

However, the CDC did not identify the need for the site inspection as part of DA09/0006.

The CC11/0221 was ultimately approved on 21/02/2012 but did not include demolition and hence the clause of the report was not triggered.

The site has therefore had the old buildings demolished however the land underneath the structures was not inspected by a local Aboriginal representative as recommended by Recommendation 5 and the land was filled as per CC11/0221.

There is a submission from a local Aboriginal representative which states as follows:

The dilemma now is, how to move forward, to meet the current DA provisions, while not compromising Aboriginal Heritage values. Whilst I do not object to the proposed development, I need to be satisfied that my heritage will be protected and properly recorded.

I am not in favour of a "Due Diligence" approach, where there is a known Aboriginal site in close proximity, (essentially next door) particularly since the site is not recorded on the AHIMS and the true extent of the midden is yet unknown. I am also not convinced that project workers become experienced in being able to recognise an Aboriginal relic, even if they undertake Aboriginal Heritage Induction training. This is a learned skill over time.

My recommendation would be that, once it is known where the trenches for sewerage and lighting will be, that, some test pits be undertaken prior, to give certainty to both the proponent and the Aboriginal stakeholders.

These comments have been reviewed by the Tweed Byron Aboriginal Land Council (TBALC) and their Trained Conservation Planning Officer who has verbally advised on 29 September 2017 that :

The due diligence process has been satisfied in this instance. The site is highly disturbed and a site inspection has been undertaken, whereby no evidence was found. As such, TBLALC are of the opinion that it would be unreasonable to require the applicant to undertake test pitting of the site in association with his DA. There needs to be a likelihood that artefacts would be present. The local representative quoted above only has anecdotal evidence that there might be something in the vicinity.

Accordingly, the onus is on the applicant to proceed with caution. If any artefacts are found, they are required to stop and notify OEH, TBLALC, stakeholders etc. That's when a full cultural heritage assessment would kick in.

Council asked the Conservation Planning Officer if we should be requiring site monitors when earthworks are being undertaken. However his response was that there was no justification for the additional expense of monitors. It used to be conditioned that way, but the new legislation has changed in that it is the applicant's responsibility to ensure there is no harm to cultural heritage.

The Conservation Planning Officer advised that the best way forward was to impose the following standard condition as recommended:

36. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

Based on the advice from TBALC and through the imposition of the above condition Clause 5.10 Heritage Conservation is considered satisfied.

Clause 5.11 – Bush fire hazard reduction

The subject site is mapped as bushfire prone land, with the entirety of the site being located within the Vegetation Buffer area. The application is supported by a Bushfire Threat Assessment (*Planit Consulting, February 2017*).

The bushfire assessment was referred to NSW Rural Fire Service as a Section 79BA referral under the Rural Fires Act. A response has been received which includes a recommended condition of consent as follows:

9. New construction 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'.

[GENNS02]

Having regard to the application being reviewed by NSW RFS and recommended condition being provided, the proposed development is considered to be generally acceptable with respect to bush fire protection.

Part 7 Additional local provisions

Clause 7.1 – Acid Sulfate Soils

The subject site demonstrates Class 3 Acid Sulfate Soils (ASS) in accordance with the provisions of this clause. The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The application has been reviewed by Councils Environmental Health Section who have provided the following comment with respect to Acid Sulfate Soils;

‘The site is classified as ASS Class 3 - Works more than 1 metre below the natural ground surface, and or works by which the water table is likely to be lowered more than 1 metre below the natural ground surface – require an ASS management plan.

The applicant has submitted that:

“The development does not propose significant bulk excavation or fill works which extend below the natural ground level. No works are required below 1m. Therefore an Acid Sulfate Soil Management Plan is not considered necessary”.

And also,

“The proposal is for proposed Waste or Resource Transfer Station; predominantly works are limited to low-impact, above-ground development with minimal earthworks required. The proposed development does not include any works below 1m in depth. This work would generally be for any infrastructure installation that may be required. No bulk fill or excavation is proposed and it is considered that the extent of earthworks proposed will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land”. (Ref: EIS - Planit Consulting dated August 2016).

Given that the subject site is part of a recently completed four Lot industrial subdivision, which included substantial filling and landscaping, it is accepted that the acid sulfate soil is unlikely to be disturbed during the proposed construction.’

In this regard, the proposal is considered to be acceptable with respect to the acid sulfate soils on site and the provisions of this clause subject to the application of the recommended condition of consent.

Clause 7.2 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The submitted application states the following with respect to this clause;

‘..predominantly works are limited to low-impact, above-ground development with minimal earthworks required. The proposed development does not include any works below 1m in depth.’

No bulk fill or excavation is proposed’

No site filling or significant earthworks are intended, just minor cut/fill for slab levelling purposes. Therefore the subject application is considered to be acceptable having regard to earthworks proposed as part of this location based on this information provide din the EIS.

Clause 7.3 – Flood planning

The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

This clause goes on to further state that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

As detailed earlier in this report Council’s initial assessment raised concerns with the potential for the subject development to have flood impacts on adjoining land. While the land was approved for filling in the original subdivision approvals (DA09/0006 & DA10/0552), and there are controls in place limiting building footprints, the main concern was the need for acoustic fencing around the northern and western boundaries of the site. This is contrary to Tweed DCP- A3 Development of Flood Liable Land controls for Chinderah, which require fencing that allows the free flow of water which is generally incompatible with fencing designed for acoustic protection.

In response to multiple requests for information, the applicant’s consultants have now provided a flood modelling report to examine the degree of impact likely due to the development. This assessment uses Council’s Tweed Valley Flood Study as the base model, with a nested 5m grid to ensure a model resolution commensurate with the level of detail necessary to pick up localised flood impacts of the fencing. The modelling was also required to run a cumulative development scenario, where similar fencing was assumed to be provided for the other lots in the industrial subdivision.

The flood impact mapping confirms that the development including the fencing will have no significant impact on flood levels in the locality. The area is very low velocity flood storage, meaning that the water will rise and fall around the development and the fencing will not have a damming effect. This allays fears that the development will worsen flooding, particularly for the adjacent caravan park residents, who have relatively low flood immunity.

Accordingly, there are now no objections to the development on flooding grounds. Standard conditions can be applied around flood compatible materials and flood free storage in relation to the design flood level (RL 3.2m AHD).

As such, the proposal is considered to be in accordance with the provisions of this clause.

Clause 7.4 – Floodplain risk management

The objectives of this clause are as follows:

- (a) *in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,*
- (b) *to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.*

As noted elsewhere in this report, the proposed filling of the development site is within the allowable provisions for flood prone land identified as Low Flow areas. Accordingly, the proposal complies with the provisions of the “*Tweed Valley Flood Plain Risk Management Plan*”, thereby satisfying the provisions of clause 7.4.

Clause 7.6 – Stormwater Management

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

This clause outlines that consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

The Lawful Point of Discharge is an existing 450mm diameter stormwater pipe in the NW corner of the site (IL is 0.47m AHD; surface level is 1.76m AHD), that discharges to an existing open channel that runs along the footpath area of Naru Street.

The existing open channel across the site frontage conveys stormwater away to the west, for eventual discharge directly into Tweed River approx. 500m away.

Standard Conditions of consent have been recommended to ensure the appropriate design is submitted at Construction Certificate Stage:

18. Permanent stormwater quality treatment shall be provided in accordance with the following:

- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:
 - i) Bioretention basins/swales shall be designed in accordance with Water by Design's Bioretention Technical Design Guidelines (BTDG).
 - ii) Detailed design of vegetated stormwater treatment devices shall be submitted to Council with a section 68 Stormwater Drainage Works Application
 - iii) The section 68 Stormwater Drainage Works Application shall include a design checklist from part 3.7 of Water by Design's BTDG

for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils *Development Design and Construction Specifications* for the following required works:

- (a) Widening of existing vehicular access: the existing vehicular footpath crossing is to be widened to provide a crossing that is approximately 10.5m wide at the boundary and 10m wide at the kerb line (for the portion fronting Lot 1).

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following:

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

Where Council is requested to issue a Construction Certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 138 of the Roads Act 1993 will then NOT be required.

[PCC0895]

The proposal is considered to be acceptable with respect to the requirements of this clause.

Clause 7.10 – Essential Services

This clause outlines that consent must not be granted to development unless the consent authority is satisfied that essential services such as water, electricity, sewerage, stormwater drainage and vehicular access are available or that adequate arrangements have been made to make them available when required.

The subject application has been reviewed by Council's Development Engineering, Water and Natural Resource Management Units with respect to the above services with it being considered that adequate arrangements are in place, or are to be provided for each. As such the proposal is acceptable with respect to the provisions of this clause.

Having regard to the above assessment, the subject application is considered to be generally in accordance with the provisions of the Tweed Local Environmental Plan 2014.

State Environmental Planning Policies

SEPP No. 33 - Hazardous and Offensive Development

SEPP 33 aims to:

- *ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account; and*
- *ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.*

The proponent has advised that the proposed WRTS is neither a potentially hazardous industry nor a potentially offensive industry and therefore the provisions of SEPP 33 are not applicable to this proposal.

SEPP No. 44 - Koala Habitat Protection

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.

There are no Koala Food Trees occurring on site; there is no evidence of a resident koala population on site; and the subject site does not support Potential Koala Habitat. As such, the provision of Clause 8 of the SEPP (Core Koala Habitat) do not apply and a plan of management is not required.

The provisions of the Tweed Comprehensive Koala Plan of Management are therefore also satisfied.

SEPP No. 55 - Remediation of Land

The objectives of SEPP No. 55 is to provide a State wide planning approach to the remediation of contaminated land and to require that remediation works meet certain standards and conditions.

SEPP No. 55 requires a consent authority to consider whether land is contaminated and if contaminated, that it would be satisfied that the land is suitable, in its contaminated state (or will be suitable after remediation). Further, it advises that if the land is contaminated and requires remediation, that the consent authority is satisfied that the land will be remediated before the land is used for that purpose. In particular it is noted that this SEPP states that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is 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, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The subject application has been reviewed by Council's Environmental Health Unit who have raised no concerns with respect to contamination on the site. In this regard, it is noted that the remediation/contamination of this land was considered under the subdivision application (Council reference DA09/0006) which created this allotment. The subject application is considered to be acceptable with respect to contaminated land.

SEPP No 71 – Coastal Protection

SEPP 71 – Matters for Consideration

(a) The aims of this Policy set out in Clause 2:

The proposed development is considered to be consistent with the aims of the policy as set out in clause 2.

(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved

The proposal development will not alter or restrict the public's access to the foreshore reserve areas.

(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability

The proposal does not generate any additional opportunities to improve public access to foreshore reserve areas and the like, nor is it considered that there are any physical opportunities to do so given the spatial separation between the site and foreshore reserve.

(d) The suitability of the development given its type, location and design and its relationship with the surrounding area

The proposed development is sited and designed in general accord with the relevant Council controls and is considered unlikely to create any form of adverse imposition upon the immediate area in terms of size, scale or design.

(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore

The proposed development is not considered impact on the amenity of the coastal foreshore, given its location.

(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities

The proposal is unlikely to impact upon the scenic quality of the NSW coast, with the development being spatially separated from the coastal foreshore.

(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats;

The proposal is not considered to impact negatively on animals or their habitats. The subject development site was created through a four lot subdivision application (approved under DA09/0006) which incorporated off-site compensatory planting. It is noted that Council's Natural Resource Management Unit have reviewed the application with respect to ecological matters and raised no objection to the proposal.

- (h) *measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Par), and their habitats*

The proposal is unlikely to have an adverse impact upon marine environments or habitats.

- (i) *existing wildlife corridors and the impact of development on these corridors,*

It is considered that there are no wildlife corridors impacted by the proposed development

- (j) *the likely impact of coastal process and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards;*

The subject site is not located within an area affected by Coastal Erosion and is landward of the defined Coastal Erosion Zones. The development is unlikely to have an adverse impact upon Coastal Processes or be affected by Coastal Processes.

- (k) *measures to reduce the potential for conflict between land-based and water-based coastal activities;*

The proposal is not considered to cause any conflict between land-based and water-based activities.

- (l) *measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals;*

The subject site is not identified as a cultural place or the like and suitable conditions have been incorporated should any artefact or relic be discovered during any earthworks.

- (m) *likely impacts of development on the water quality of coastal waterbodies,*

The subject application is not considered to have any significant impact upon the water quality of coastal waterbodies.

- (n) *the conservation and preservation of items of heritage, archaeological or historic significance,*

The subject site is not identified as land containing items of heritage, archaeological or historical significance.

- (o) *only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities;*

Not applicable to the subject application.

- (p) *only in cases in which a development application in relation to proposed development is determined:*

- (i) *the cumulative impacts of the proposed development on the environment; and*

The proposed development is not considered to have a negative cumulative impact on the environment.

- (ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

The subject application has not provided specific details outlining measures in relation to the minimisation of water and energy usage. However, it is advised that the

development would be in accordance with the Building Code of Australia, and *'any relevant additional requirements for energy use and maintenance access.'* It is also advised that water use in the development would be minimal due to *'the dry sorting and clean down process to be utilised by the facility.'* The subject application is considered to be acceptable in this regard.

The proposal is generally consistent with the matters for consideration as it does not impede public access to the foreshore nor result in any unacceptable loss of view or overshadowing. The proposal has a minimal impact on flora or fauna and the proposed development site is not known to contain any items of Aboriginal significance. The provisions of SEPP 71 are considered satisfied.

SEPP (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to identify the environmental assessment category of different types of development and identify matters to be considered in the assessment process.

Clause 45 of the ISEPP relates to development which may be likely to affect electricity transmission or distribution networks and provides for comments to be obtained from the electricity supply authority. In this instance it is noted that Essential Energy are the relevant authority. The application was referred to Essential Energy who have provided the following comment;

'Essential Energy has no objection to this development at this time, provided:

- 1. If the proposal changes, Essential Energy would need to be informed for further comment;*
- 2. Adequate precautions are taken to protect electricity structures or supports from accidental damage*
- 3. A 4.6 metre height limitation is required on the vehicles to be parked under the powerline;*
- 4. Standard design clearances for the overhead powerlines are maintained (IE the surface level of the ground is not to be increased more than Essential Energys standard design clearances); and*
- 5. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with.*

In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

The following condition of consent is recommended:

25. All buildings are required to be clear of existing easements. A very minor encroachment (25mm) into the 'Easement for Overhead Power Lines' is currently demonstrated, that needs to be rectified with any construction certificate application.

[PCCNS01]

Clause 104 of the ISEPP provides for certain matters relating to traffic generating development that the consent authority must consider and be satisfied with prior to determining the proposed development. Council's assessment against the provisions of Clause 104 of the ISEPP is noted below.

104 Traffic-generating development

- (1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*

(a) *new premises of the relevant size or capacity, or*

The proposed development is a land use specified in Column 1 of Schedule 3 of the ISEPP, being a *landfill, recycling facilities, waste transfer station* of any size or capacity which requires referral to the Roads and Maritime Service (RMS).

The RMS reviewed the original proposal and stated that the development will generate low traffic volumes, consequently the traffic impact on the adjoining road network will be minimal.

Due to the nature of the development, this clause applies to the proposal.

(b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

Not applicable to the proposed development.

- (2) *In this clause, relevant size or capacity means:*

(a) *in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*

Column 2 of the Schedule 3 refers to waste transfer stations of any size or capacity. As such, clause 104 applies to the proposed development.

(b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

Not applicable to the proposed development.

- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*

(a) *give written notice of the application to the RTA within 7 days after the application is made, and*

The application was referred to the RMS for consideration.

(b) *take into consideration:*

- (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*

The RMS has provided advice on the amended proposed development, in particular noting;

‘..it is noted that there is only a small increase in traffic generation for this revised proposal. It is anticipated that the proposed waste transfer station at Naru Street will generate low traffic volumes. Consequently the traffic impact on the adjoining road network will be minimal.’

The proposal is considered to be acceptable in this regard.

- (ii) *the accessibility of the site concerned, including:*

- (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*

Council’s Traffic Engineer has advised as follows:

Further information was provided for the DA accompanied by a Traffic Impact Assessment compiled by Bitzios consulting dated 17/2/2017.

It is estimated that a total of 24 truck trips per day will be generated. Peak hour traffic was assessed for the factory, warehouse and office component of the development and added to the truck movements to estimate a 15 vehicle p/h movements at peak times.

The estimated traffic generation of the site is able to be absorbed into the adjacent road network without any adverse effects and no road upgrades are required.

Adequate parking (19 car and 6 truck bays) has been provided on site for the proposed activities and vehicles can enter and leave the site in a forward direction.

Naru Street is estimated to be 9m in width and approximately 300m in length which would limit vehicle speeds. It is noted that there is a Childcare Centre accessing the road and that adequate on-site parking would have been provided to cater for its customers’ requirements and its access would conform to the appropriate sight distances required for safe egress off road formed footpath has been provided on the northern side of the street a. Childcare Centres are not eligible to have specific pedestrian facilities on the adjacent road, as is the case here, so there is limited impact of the adjacent passing traffic.

I therefore concur with the previous conclusion that the proposed development is able to be accommodated within the existing road network and no additional non-standard conditions of consent are required from a traffic perspective

- (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

As noted above, access to the subject site is limited to public road only. Movement of freight by rail to the site is not available.

- (iii) *any potential traffic safety, road congestion or parking implications of the development.*

The proponent has prepared a Traffic Impact Assessment, which concludes that the proposed development does not introduce any traffic or transport impacts that would preclude its approval. Council officers concur with this conclusion.

- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

A copy of the determination will be provided to the RMS.

It is considered that the proposed development meets the specific provisions of Clause 104 of ISEPP.

Clause 121 of the ISEPP provides for certain waste or resource management facilities to be permitted with consent. The proposed development meets the provisions of:

- Clause 121(1) being a resource management facility in a prescribed zone IN1 – General Industrial;
- Clause 121(2) being a resource transfer station in a prescribed zone IN1 – General Industrial; and
- Clause 121(3) being development for the purpose of the recycling of construction and demolition material on land which extractive industries may be carried out with consent under any environmental planning instrument (TLEP 2014 – industries, extractive industries and mining are permissible with consent in the IN1 zone).

As outlined in the above assessment, the proposed development is considered to be acceptable having regard to the provisions of this SEPP.

SEPP (State and Regional Development) 2011

Clause 23 of Schedule 1 of the State & Regional Development SEPP sets out criteria for certain waste and resource management facilities that trigger state significant development.

The proposed development does not meet the thresholds of Clause 23 of Schedule 1 as less than 100,000 tonnes of waste per year are to be handled. As such, it is not considered to be state significant development and the JRPP is the determining authority.

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

Draft State Environmental Planning Policy (Coastal Management) 2016

The draft Coastal Management SEPP relates to areas of land comprised of the following coastal management areas:

- (a) *the coastal wetlands and littoral rainforests area,*
- (b) *the coastal vulnerability area,*
- (c) *the coastal environment area,*
- (d) *the coastal use area.*

Part of the subject site is located within the *Coastal Use Area* map associated with the draft SEPP (refer to Figure 7 below). As such, the draft SEPP applies and the consent authority is required to have regard for the proposed development against the provisions of clause 15 and 16 of the draft SEPP.



Coast Use Mapping (shown in orange)

15 Development on land within the coastal use area

Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

- (a) is satisfied that the proposed development:*
 - (i) if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and*

The subject site is located approximately 8kms from the beaches and foreshore areas to the east.

- (ii) minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and*

The proposed development will have no impact upon existing views from public places to the foreshore.

- (iii) will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and*

The proposed development is not considered to have any adverse impact upon the visual amenity and scenic qualities of the coast.

- (iv) will not adversely impact on Aboriginal cultural heritage and places, and*

Cultural Heritage matters have been addressed elsewhere in this report. Appropriate conditions of consent have been applied in this regard.

- (v) will not adversely impact on use of the surf zone, and*

Being located approximately 350m from mapped coastal land, it is not considered that the proposed development will have any impact upon the surf zone.

- (b) has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.*

Appropriate conditions of consent have been applied to mitigate any potential impacts on the surrounding environment arising from the proposed development. The type, location,

bulk, size and scale of the proposed development is considered to be suitable for the subject site.

16 Development in coastal zone generally—development not to increase risk of coastal hazards

- (1) *Development consent must not be granted to development on land within the coastal zone (other than land to which clause 13 applies) unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

Council officers are satisfied that appropriate conditions of consent have been applied to ensure that the proposed development is not likely to cause an increased risk of coastal hazards on the subject site or surrounding locality.

Although the draft SEPP is not imminent or certain of being adopted in the very near future, Council officers are satisfied the proposed development meets the provisions of the SEPP.

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

Tweed Development Control Plan

A2-Site Access and Parking Code

The applicants traffic report states that the peak period development traffic generation summary is as follows:

Land Use	Rate	Amount	Trips
Waste Transfer Facility	10% of above Daily Truck Volumes		2.4
Factory	1 per 100m ² GFA	272.14m ² GFA	2.8
Warehouse	0.5 per 100m ² GFA	510.45m ² GFA	2.6
Office Space	2 per 100m ² GFA	356.83m ² GFA	7.1
Total Trips			14.9

Having regard to this level of traffic generation the applicant has reviewed the proposal for car parking against Tweed DCP Section A2 as follows:

Land Use	Rate	Amount	Required	Supply
Waste or Transfer Resource Station	Minimum 1 AV & 1 per 120m ²	626m ² GFA	5.2 Spaces	6 Truck Bays and 26 car spaces
General Industry (Factory & Warehouse)	1 per 120m ² GFA	782.59m ² GFA	6.5 spaces	
Office Space	1 per 50m ² GFA	356.83m ² GFA	7.2 spaces	
Total			18.9 (19) spaces	+5 car spaces

**Sufficient space is provided on site for a quad dog (19.56 metres in length) to access the site, park and turnaround.*

Therefore the application as proposed provides parking in excess of the requirements of the DCP.

The following condition has been recommended:

11. The developer shall provide 26 car parking spaces including parking for the disabled (as required), as well as 2 bicycle parking spaces, in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to the Principal Certifying Authority with the Construction Certificate for Building Works.

[PCC0065]

A3-Development of Flood Liable Land

Council officers have undertaken a review of the proposal against the provisions Section A3. The proposed filling and fencing are considered to be acceptable in that the volume of fill does not exceed that allowed within the low flow area and the cumulative impact of such filling has been modelled and deemed acceptable.

Given that the majority of the proposed development will be above the design flood level and appropriate flood free storage areas will be available for stock and equipment susceptible to water damage, the proposed development is considered to comply with the provisions of Section A3 of the DCP, subject to conditions of consent.

A11 - Public Notification of Development Proposals

As per the requirements of the EP&A Act for Designated Development, the proposed development was advertised on two separate occasions, from Wednesday 14 September 2016 to Friday 14 October 2016.

Subsequent to the submission of additional information, it was determined that the application needed to be advertised again. As such, the proposal was further advertised for an additional two occasions, from Wednesday 19 April 2017 to Friday 19 May 2017.

There were 103 submissions (98 pro-form letters) received after the original application and 59 submissions (52 pro form letters) received after the amended application was exhibited. The submissions objected to the development for the following primary reasons:

- Site Suitability
- Flooding
- Fencing
- Traffic Impact
- Inadequate design for heavy vehicles impacting nearby residents
- Noise Impacts
- Amenity Issues
- Sensitive receptors nearby
- Air Quality Impact
- Non Compliance with Zone Objectives
- Scale and Intensity affecting residential amenity
- Misleading development description to leave out “and resource recovery facility (RRF)”
- Nature of Waste Streams and Plant
- The appropriateness of the weighbridge for the required functions
- Proximity of the development to the electricity easement
- Contamination and Leachates
- Bushfire risk

All of these matters have been addressed throughout the report and specifically later in this report when the submissions are addressed in detail.

A13 - Socio-Economic Impact Assessment

Section A13 requires a socio-economic assessment to accompany any application that is Designated Development. The proposed development is supported by a Socio-Economic Impact Assessment. The assessment has identified either positive or uncertain/neutral social and economic issues. Council officers generally concur with the conclusions of the report as outlined throughout this assessment and the proposed is considered to comply with the provisions of Section A13 of the DCP.

A15 - Waste Minimisation and Management

The proponent's EIS acknowledges that all applications for development (with the exception of minor development) must be accompanied by a Waste Management Plan WMP) and accordingly a plan was prepared.

The EIS notes that the development will provide each operation with a 2m³ communal refuse bin and 2m³ communal recycling bin

The principal purpose of the development is to process and recycle construction and demolition waste, it is not expected that the development itself will generate significant volumes of waste.

Any construction waste generated by onsite construction will be stored and processed onsite and then recycled.

Council officers have reviewed the application from a waste management perspective, noting that:

"The 6000 tonnes processing per annum brings them under the threshold as a Scheduled Activity under the POEO Act (Schedule 1). Should they expand over the 6000 tonnes or have more than 1000 tonnes of waste on site at any one time, their activities will need to be licenced.

The following conditions are recommended:

10. The development shall not exceed the following thresholds:

Recovery of General Waste

- Involves having on site at any time no more than 1,000 tonnes or 1,000 cubic metres of waste or involves processing of no more than 6,000 tonnes of waste per year.

Recovery of hazardous and other waste

- Involves having on site at any one time no more than 200 kilograms of waste.

[GENNS04]

87. All waste processing activities are to be carried out strictly in accordance with NSW Legislative requirements, including (but not limited to) the Protection of the Environment Operations Act and Regulations.

[USENS01]

The proposed development is considered to comply with the provisions Section A15 of the DCP.

A17 – Business, Enterprise Corridor & General Industrial Zones

The DCP states for the IN1

2.4. General Industrial Zone (IN1)

The General Industrial zone accommodates a range of industrial and warehouse uses and seeks to encourage employment opportunities. Like the B5 zone, development within the IN1 zone typically includes buildings with large floor areas and greater needs for on-site vehicle servicing. Accordingly larger minimum lot sizes apply and additional consideration of how development integrates within the wider landscape may be required.

Whilst the development form may be similar to the B5 zone, the General Industrial zone is not a suitable location for retail development and other non-industrial land uses outside of land uses that serve the day to day needs of workers in the area. Such land uses may include neighbourhood shops, take away food and drink and child care centres. Given the potential impacts of industrial development and the sensitivities of ancillary and facilitating land uses, a strategic approach to subdivision and building design is required to limit interface impacts and enable the seamless evolution of land uses within a General Industrial precinct over time.

The applicant has undertaken a detailed assessment against the DCP which states as follows:

PART 1 – Shire Wide Provisions	
Design Controls (DC)	Compliance
3. Site Design	
3.1 Site Analysis	
C1. A Site Analysis Plan including 'existing condition plan' which identifies the key opportunities and constraints of the site demonstrating a contextual understanding of the site and surrounding areas and a 'design response plan' demonstrating how the proposed design responds to these opportunities and constraints is to be provided with any new build development application.	Complies: Please view the Site Analysis Plan within Appendix E – Statement of Landscaping Intent . This clearly indicates the proposed development has considered all the constraints and opportunities of the site maximising the development potential. The development has reflected the constraints of the surrounding locality in ensuring the development reduces any potential adverse impacts.
3.2 Urban Design	
C1. All applications other than alterations and additions, first use or change of use are to submit a Statement of Design Intent and relevant documentation and diagrams to supplement the site analysis. The statement of design intent should address core urban design principles as they relate to the site and business uses including but not limited to:	Complies: The EIS assessment acts as the Statement of Design Intent of the proposed WRTS and General Industry tenancies.
i. Access, connectivity – Demonstrate legible and safe external and internal access and connectivity for vehicles, service vehicles and pedestrians. This is particularly pertinent in business developments where large vehicles co-exist with regular vehicle movements and pedestrian activity.	Complies: The subject site has a single street frontage to Naru Street. The entry/exit points are clearly line marked and signed for the safety of pedestrians and vehicles. A Traffic Impact Assessment has been completed for the development and is seen in Appendix G . As outlined within the Traffic Impact Assessment, the development design ensures safety for all size vehicles traversing the property. It also indicates that the road network surrounding the site which will be used by the WRTS and the additional GI tenancies are of sufficient size and quality to cater for the added traffic generation. The report outlines that the development will be able to co-exist with regular vehicle movements.

<p>ii. Legibility – Demonstrate legibility and way finding to navigate and move through a site with ease and clarity. Designing in a 'front address' is just as important within business development as it is within a residential context.</p>	<p>Complies: The proposed WRTS and GI tenancy development will include a number of wayfinding signs and line marking which clearly identify points of entry and exit. All signage for the WRTS and the GI tenancies will be applied for under a separate development application. Please view the attached Development Plans in Appendix A.</p>
<p>iii. Human scale – Demonstrate an appropriate scale or range of scales of building form, public domain and areas of outdoor amenity. It is important for design to include smaller scale elements in buildings and public domain which are more of a 'human scale' to improve usability, legibility and improve the visual quality.</p>	<p>Complies: The proposed WRTS and independent General Industry tenancies are considered to be designed to consider scale and built form.</p> <p>The WRTS operation has been located to the rear of the site to ensure that this component is the least visible from the public realm.</p> <p>General Industrial tenancies with Ancillary Office space has been located at the front of the building orientated towards Naru Street. This offers a human scale outlook to the street and includes smaller scale objects which connect to the streetscape elements. It also indicates legibility of the development in separating work areas from flow of staff and visitors to the site.</p> <p>The proposed development also includes mezzanine level offices for the independent tenancies. This projection to the west from the building facade creates articulation which adds to the visual amenity of the site. Please view Appendix A – Development Plans for further details.</p>
<p>iv. Quality of edges – The spaces where buildings interface with the street are the most public and visually prominent spaces. Define edges, including a balance of active and engaging edges with landscaping and awnings where relevant. Edges also define entrances and accessibility improving navigation and legibility.</p>	<p>Complies: The proposed WRTS and GI units are open in design to promote and maximise safety for customers, staff and general public. The development will provide further activation of the street through large windows to the office components and orientation towards Naru Street. The entrances are defined and landscaping utilizes to ensure boundaries are clearly evident.</p>
<p>v. Adaptability and versatility – Consider designing in the ability of a site, use or building to adapt to changing needs over time in terms of use, size, scale, future subdivision and ability to connect into adjoining parcels of land.</p>	<p>Complies: The proposed development is Industrial in nature and as a result has the ability to facilitate a range of Industrial uses over time. The development site has the ability to facilitate small and large scale industrial development should they be required.</p>
<p>vi. Environmental sensitivity and sustainability – Consideration of the inherent environmental features and climatic context of the site combined with an understanding and application of best</p>	<p>Complies: The proposed WRTS and independent tenancies are located on existing Industry-zoned land within an existing Industrial estate. There are no environmental features on the site; however, best practice passive and sustainable design</p>

practice passive and sustainable design measures.	measures have been utilized. Additional assessment reports have been included within this EIS to demonstrate that the proposed development does not impact on the surrounding sensitive environment. See previously completed Flora and Fauna Assessment included as Appendix O .																
3.3 Topography, Cut and Fill																	
C1. Post subdivision excavation and fill is limited to +/-3.0m.	Complies: The proposed development does not seek to excavate or fill the site by +/- 3.0m. A small amount of land forming will be undertaken but the site will remain relatively similar to the existing natural ground level.																
C2. Details of all proposed earthworks is to accompany all development applications illustrating the extent, location, heights and levels (areas of cut and fill, retaining walls, batters, building pads etc.). This can be represented on the site analysis, site plan and site sections.	Complies: The proposed development has included the Engineering report which can be seen in Appendix H . This report outlines the proposed earthworks and specific details of the works which relate mainly to land forming for stormwater drainage.																
C3. Retaining walls to public interfaces are to be a maximum of +/-1.0m before incorporating a landscape step and all earthwork batters are to be landscaped to mitigate adverse visual impacts.	N/A - The proposed development does not include retaining walls.																
4. Building Envelope																	
4.1 Setbacks																	
C1. Minimum setbacks are to be in accordance with the following table.	Complies: The proposed WRTS and General Industrial tenancies have the following setbacks: Naru Street: 18.2m East Boundary: Nil West Boundary: 17m Rear Boundary: 36.5m The provided setbacks maintains compliance with the required setbacks nominated under this control.																
<table border="1"><thead><tr><th>Building Height</th><th>Front setback</th><th>Rear Setback</th><th>Side Setback</th></tr></thead><tbody><tr><td><4m</td><td>6m</td><td rowspan="3">0.0m where the site is directly adjoined by other business development/industrial allotments. Same as front setback where the site directly adjoins a residential property or area of public open space. This setback is to be heavily landscaped to screen the development. In addition effects of overlooking, overshadowing, blocking breeze need to be considered which may increase the setback requirement.</td><td rowspan="3"></td></tr><tr><td><8m</td><td>10m</td></tr><tr><td>>8m</td><td>15m</td></tr><tr><td>Corner lots</td><td colspan="3">Corner sites to adopt principle street setback. Secondary street setback is 6.0m irrespective of height.</td></tr></tbody></table>	Building Height	Front setback	Rear Setback	Side Setback	<4m	6m	0.0m where the site is directly adjoined by other business development/industrial allotments. Same as front setback where the site directly adjoins a residential property or area of public open space. This setback is to be heavily landscaped to screen the development. In addition effects of overlooking, overshadowing, blocking breeze need to be considered which may increase the setback requirement.		<8m	10m	>8m	15m	Corner lots	Corner sites to adopt principle street setback. Secondary street setback is 6.0m irrespective of height.			
Building Height	Front setback	Rear Setback	Side Setback														
<4m	6m	0.0m where the site is directly adjoined by other business development/industrial allotments. Same as front setback where the site directly adjoins a residential property or area of public open space. This setback is to be heavily landscaped to screen the development. In addition effects of overlooking, overshadowing, blocking breeze need to be considered which may increase the setback requirement.															
<8m	10m																
>8m	15m																
Corner lots	Corner sites to adopt principle street setback. Secondary street setback is 6.0m irrespective of height.																
C2. Variations to the above setbacks maybe considered where justified by a detailed site analysis which illustrates the circumstances warranting variation. These may include architectural articulation, active uses, transparent elevations, showrooms, irregular lot size, contextual or topographic constraints. For example a zero front setback may be considered where part of an integrated development scheme and justified through a site analysis.	The development complies with the requirements and illustrates that the proposed WRTS and tenancies have been designed to conform to the amenity of the streetscape. The wide setbacks to the façade of the building and the configuration of the officers at the Naru Street frontage provides activation of the street and integrates the development into the amenity of the locality.																
C3. Outdoor amenity areas and small ancillary uses such as cafes or canteens including shade structures and seating areas for employees and visitors are permitted within the front setback.	Not Applicable – The proposed development does not include any outdoor amenity areas such as cafes or canteens.																

C4. Where the site is a corner lot, the primary (front) and secondary (side) setbacks are to be nominated as part of the site plan/site analysis.	Not Applicable – The subject site does not have more than one street frontage.
C5. With the exception of vehicular access, crossovers and access driveways, all front setbacks must be landscaped in accordance with Section 4.12.	Complies: Please view the Statement of Landscaping Intent in Appendix E . This report clearly identifies that landscaping will be implemented where possible on all boundaries. The landscaping proposed will be predominately native species which are evident in the local area. This will support and promote native wildlife. It will also ensure the site integrates into the streetscape.
C6. Car parking areas located in front setback areas are to be setback behind a minimum three metre landscape buffer to the frontage.	Complies: The carparks are proposed to be located within the front setback with a minimum 3.0m buffer to Naru Street. Please view Appendix E – Statement of Landscaping Intent for further details.
4.2 Site Coverage and Landscape Area	
C1. The maximum site coverage is 70% of the site area.	<p>Complies: The proposed development has a Site Coverage of the building is 1,408.49m² (which equates to 27.9%). The overall site coverage (Buildings + bin bays) would be a maximum of 1,756.49m² or 34.83% of the total site.</p> <p>It is considered this development will not impact on the amenity of the surrounding area and ensure there is sufficient area for landscaping and stormwater infiltration.</p>
C2. The minimum landscape area is 10% of the site area. Landscaped areas includes all permeable and semi permeable surfaces outside of the defined site coverage area but does not include hardstand driveways, paths and parking areas. The minimum dimension of a landscaped area needs to be 2.0m.	Complies: The proposed development incorporates 516.8m ² of landscaping area which is 10.24% of the site. Landscaping strips have been provided along the majority of the site's north, south and west boundaries, not including any access points or bin bays. The landscaping provided is predominately native species which are evident in the local area. This ensures the development integrates into the overall streetscape and supports the local native wildlife. Please view Appendix E – Statement of Landscaping Intent for further details.
4.3 Building Heights	
C1. Demonstrate how the height of proposed building/s responds and is appropriate to the role and desired future character of the business development and locality.	Complies: The proposed General Industrial Tenancies and the WRTS sorting shed provide a maximum height of 10.0m from the natural ground level and is compliant with the height restrictions applicable to the site.
C2. Buildings are to be constructed to a height that complements the surrounding built form and landscape character.	Complies: The proposed development meets the maximum height requirements. A Visual Impact Assessment was also undertaken to ensure that the height of the facility will not impact on the local character.

	<p>As noted within the Visual Impact Assessment, the stepping down of the building height to the street frontage ensures the building integrates at a human scale and provides connection to the streetscape. Please view Appendix L – Visual Impact Assessment for further details.</p> <p>It is considered the additional native landscaping allows natural flow and buffing to reduce any considered bulk scale.</p>
<p>C3. Demonstrate, through the provision of landscaping plan, the provision of plantings that assist in creating a human scale and reducing visual bulk, primarily to the streetscape and secondly within the site.</p>	<p>Complies: the proposal is accompanied by a Statement of Landscape Intent, which demonstrates the provision of plantings to improve visual amenity to the street and within the site. The proposed landscaping incorporates a wide range of locally native species. This ensures the development supports the local native wildlife and assist in integrating the development into the streetscape. The proposed landscaping incorporates a variety of species to articulate the boundaries of the site. The proposed species compliment the overall building façade in reducing any potential bulk scale. Overall it is considered the proposed landscaping compliments the development and the overall streetscape. Please view Appendix E – Statement of Landscaping Intent for further detail.</p>
<p>5. Building Design</p>	
<p>5.1 Designing for the Tweed Climate</p>	
<p>C1. Development applications for construction of buildings are to demonstrate integration of the following passive design principles where relevant:</p> <ul style="list-style-type: none"> - design to moderate solar access into the building to reduce reliance on artificial lighting and to maximise sun entry during winter months, and maximise sunshading (especially north, western and south western elevations) during summer months; - design to promote natural cross ventilation and stack ventilation; - materials chosen for their climatic/diurnal appropriateness (including thermal mass), low toxicity and having low embodied energies in their production; - A high level of energy efficiency through building design, passive solar design, insulation, minimised reliance on mechanical HVAC (Heating, Ventilation and Air Conditioning), and lighting systems and smart metering; 	<p>Complies: The proposed WRTS and GI tenancies include the following passive design principles:</p> <ul style="list-style-type: none"> - Office spaces include large north facing windows so harness solar access. All spaces include large roller doors which will allow light to transmit into the buildings. - The site will also be equipped with a stormwater retention basin to ensure no contamination from the site will occur. - Where possible the WRTS and General industry development will include energy efficient products for refrigeration and heating for convenience times within the incidental office areas - Building materials have been selected for their climatic appropriateness, low toxicity and having low embodied energies in their production

<ul style="list-style-type: none"> - Collection and reuse of rainwater throughout the building and surrounding landscaping areas; - A high standard for an energy efficient hot water supply system; - Reduced non-renewable energy use through efficient heating/cooling systems, water supply systems and electrical appliances; 	
5.2 Building Form and Materials	
<p>C1. The siting of business and commercial buildings are to be designed to:</p> <ul style="list-style-type: none"> - to 'face' or 'address' the street frontage(s) in terms of building elevations and articulation; - encourage pedestrian generating activities such as cafes, canteens and employee amenity areas located towards the public domain, creating visual interest, human scale and informal surveillance to the street; - clearly articulate entries to buildings and access pathways and where possible separate and delineate pedestrian and vehicle movement; - include awnings and or shade structures where development directly fronts a public road, outdoor amenity area or where a pedestrian access route is defined; - enhance integration and connection between internal and external spaces, - define and enhance the public domain and be in scale with surrounding buildings, 	<p>Complies: The proposed WRTS and general industry units have been designed to:</p> <ul style="list-style-type: none"> - be orientated towards Naru Street. - encourage pedestrian access to the entry to the office component through the use of large access doors. - orientating the pedestrian use to the front of the site. This will ensure safety for pedestrian and reduce the need for mixed pedestrian and vehicle/waste movement areas. - include safety line marking for wayfinding for vehicles entering and exiting the property. - enhance the streetscape through landscaping to the street. - articulate the building facades creating visual interest and inform surveillance to the street. The office components of the tenancies have extended west projecting towards the vehicle parking areas provided the added casual surveillance.
<p>C2. The design of business and commercial buildings are to:</p> <ul style="list-style-type: none"> - use a mix of materials, architectural features and colours which will improve the articulation and overall visual appearance and serve to breakdown the overall building scale, bulk and mass. (Refer to Figure 5.3 for design principles). A schedule of materials and finishes including proposed palette of colours is to be submitted with any development application. - articulate different three dimensional elements of the building by expressing volumes through form and material mix including stepping, recessing, cantilevering or projecting building form elements. 	<p>Complies: The proposed WRTS & GI tenancies have been designed to include/consider the following:</p> <ul style="list-style-type: none"> - incorporate the use of light colours and materials which reflect the local amenity. This will reduce the bulk scale and enhance the articulation of the facades. - Added articulation has been provided through extending the offices from the warehouse tenancies towards the western boundary. This expresses volume of the site and breaks up the generally boxed nature of Industry buildings. - The front façade and main entry to the building have been provided to facilitate human scale and overall design. The use of glass panels

<ul style="list-style-type: none"> - breakdown scale and bulk by incorporating architectural detail and human scale elements such as an entrance canopies, foyers and awning. - using a series of roofs rather than one single roof form to create architectural interest and reduce impacts of reflectivity and glare, and use visually mitigating colours where roofs will be visible or looked down on from surrounding areas. - provide screens to conceal loading, storage, rubbish disposal, plant, equipment and other similar uses in side and rear areas. 	<p>also allows landscaping to be reflected and integrate the development into the overall streetscape.</p> <ul style="list-style-type: none"> - Screening for refuse storage to ensure the development is visually appealing. - The development has stepped down the roof from the rear of the building to the street frontage. This provides further dimensions to the building and creates interest.
<p>C3. Large floor plate developments are to be designed to:</p> <ul style="list-style-type: none"> - Activate at least 50% of the building frontage with generous and identifiable building entrance, display windows and human scale built form elements including shade structures, awnings, outdoor amenity spaces, landscaping, BBQ areas, canteens and cafes. - Limit large expanses of blank or unarticulated elevations to less than 15m in length and 5m in height. - Incorporate architectural detail and interest at visually prominent building locations such as entrances, lower level front facades, roof tops, on visible corners and at the terminations of street vistas. - Provide legible dedicated pedestrian access to the building and through car parking areas and street to the frontage allowing for pedestrians moving bulky good items and where possible, enhance pedestrian and cycle networks/ linkages to surroundings. - Not include large format signage or branding across whole elevations including large format images across display windows. - Minimise the impacts of overlooking, overshadowing, noise and lighting on adjoining land uses, and provide appropriate landscape buffers and visual screening treatments to mitigate impacts. This may include vegetation on raised mounds and/or feature acoustic walls. - Maintain nominated landscape buffer areas by keeping them free of parking or access roads. 	<p>Complies: The proposed WRTS & GI tenancies have been designed to include/consider the following:</p> <ul style="list-style-type: none"> - Activation of the building frontage with an identifiable building entrance. The development incorporates large access doors and glass panels to provide legibility to the pedestrian access areas. - Incorporate architectural detail and interest at the entrance to the main building. Additional awnings over the access areas are provided to articulate entrance areas. - No signage is included as part of this development application. - Minimise the impacts of overlooking, overshadowing, noise and lighting on adjoining land uses, and provide appropriate landscape buffers and visual screening treatments to mitigate impacts. - All landscaping includes clear boundary lines to restrict pedestrian and vehicle use in these areas. . - Large landscaping buffers have been included to visually screen the car parking along the front of the development site. - All parking areas will be clearly line marked and restricted areas for trucks clearly nominated. - The proposed development clearly nominates that loading and unloading particularly of waste materials will be undertaken within the confines of the building. This was recommended within the Air Quality Impact Assessment to

<ul style="list-style-type: none"> - Avoid large car parking areas fronting primary streets. The preference is for the building to define the street. Where this cannot be avoided, an adequate landscape buffer is to be provided between the car park and street frontages. - Create dedicated car parking spaces for large vehicles and vehicles towing trailers. - Include all loading and unloading activity within the building and minimise detrimental amenity impacts on residential dwellings and other surrounding land uses. Create dedicated bulky good pick-up areas for customers to receive their bulky goods. - Provide landscaped car parking areas with adequate areas for water sensitive urban design treatment, infiltration and shade trees. - Allow for car parking concessions of 30% where bulky goods retail premises are co-located with a range of other business uses especially where visitors are likely to visit a number of different land uses on the same development site or precinct. 	<p>reduce air quality impacts on the surrounding land uses.</p> <ul style="list-style-type: none"> - Provide landscaped car parking areas with adequate areas for water sensitive urban design treatment, infiltration and shade trees.
5.3 Overshadowing	
<p>C1. All development applications must prepare shadowing diagrams over the subject and adjoining sites for the Summer Solstice (21st December), Winter Solstice (21 June) at the times of 9am, 12pm and 3pm. Shadow cast by fences, roof overhangs and changes in level are to be considered and should be indicated on shadow diagrams submitted.</p>	<p>Complies: The proposed development is not considered to create any adverse impacts to solar access. It is considered with the natural topography and overall height of the development, the proposed WRTS and tenancies have been designed to ensure solar access to all uses are provided.</p>
<p>C2. For neighbouring properties, ensure that:</p> <ul style="list-style-type: none"> - sunlight to at least 50% of the principle area of outdoor amenity space of adjacent properties is not reduced to less than 2 hours between 9am and 3pm on June 21, and - where existing overshadowing by buildings is greater than this, sunlight is not to be further reduced by more than 20%. 	<p>Noted: The proposed development has a maximum height of 10.0m and adjoins no residential development.</p> <p>It is considered the proposed WRTS and GI tenancies will not create any shadowing impact on the adjoining sites.</p> <p>The adjoining properties to the site are located within the Industry Zone. The properties to the east are currently vacant. The property to the west is the existing concrete batching plant and does not contain any buildings in close proximity to the side boundary.</p>
<p>C3. New building design should minimise overshadowing on existing adjacent solar panels where other reasonable design alternatives are possible.</p>	<p>Noted: The adjoining properties do not include any solar panels. It is considered the proposed development will not restrict the potential for solar panels to be used.</p>

5.4 Views and Visual Amenity	
<p>C1. Potential view and overlooking impacts and the design response/s pursued are to be documented within a site analysis.</p>	<p>Complies: The proposed WRTS and GI tenancies are not considered to adversely impact the overall amenity of the local area. The site is not considered to be located within a view corridor.</p> <p>A Visual Impact Assessment has been completed which outlines that no adverse impacts would be created from either the Pacific Highway or Naru Street. The proposed development incorporates additional native landscaping which will include predominately native species. These will assist in the overall integration of the building and support the native wildlife in the area.</p> <p>The articulation and use of materials also promotes visual interest and is considered to be a positive design for the currently vacant Industry estate.</p> <p>Please view Appendix L – Visual Impact Assessment for further details.</p>
<p>C2. Where business developments interface with residential or open space areas, visual amenity impacts are to be mitigated against through building design and landscaping. For example, an unarticulated concrete tilt up wall interfacing with a residential area is unacceptable.</p>	<p>Complies: The proposed development is not considered create any adverse impacts on the surrounding residential areas. As noted in the Visual Impact Assessment the provided articulation and the use of landscaping and materials ensures the development mitigates any obtrusive design. The development orientated towards the street ensures the development is of a human scale which reflects the residential nature on the opposing side of Naru Street. Please view Appendix L – Visual Impact Assessment for further details.</p>
<p>C3. Where located within a recognised view corridor a Visual Impact Statement may be required.</p>	<p>Complies: Although the development site is not considered to be located within a recognized view corridor, a Visual Impact Statement has been completed to illustrate that the development retains the visual amenity of the locality. Please view Appendix L – Visual Impact Statement for further details.</p>
<p>C4. The design of roof forms and use of colour is to have regard to and be compatible with the broader landscape character especially when on exposed locations.</p>	<p>Complies: The roof form and colour are appropriate for Industry/warehouse use and are compatible with the location. The development has stepped down the roof levels and from the rear of the site to the street frontage. The roof materials are not reflective in nature and considered compatible with the broader landscape. The development also incorporates large native species which aids in reducing the scale of</p>

	the development from the pedestrian realm. Please view the perspective images contained within Appendix A – Development Plans . These clearly show the roof form provides added visual interest.
6. Landscaping	
C1. Submit a landscape plan making provision for appropriate landscaping areas, buffers. Any proposed removal of trees or vegetation is to be identified on the landscaping plan.	Complies: Please view Appendix E – Statement of Landscaping Intent . This statement includes the proposed landscaping for the site and nominates proposed species used in the landscaping.
C2. On individual allotments, the front setback, excluding access ways, is to have a landscape buffer of at least 3.0 metres depth.	Complies: The development provides for an average of 3.0m landscaped buffer to the front boundary. Please view Appendix A – Development Plans and Appendix E – Statement of Landscaping Intent . It is also noted the proposed landscaping incorporates predominately native species which assist in the integration to the streetscape and character of the area.
C3. Each development shall be provided with at least one private open space area for the use and enjoyment of employees and visitors. The area shall be suitably embellished with shade and seats. Rather than occupying 'leftover spaces' these areas should have regard for outlook, sun and shade, and noise. These areas should be nominated on the site analysis or site plan with the size proportionate to proposed floor area and number of staff. As a guide the area should be at least 50sqm.	Complies: The WRTS and GI tenancies are Industrial in nature and is not considered to be a space of congregation or pedestrian/visitor interest. The development has however included a small area located at the front of the site which would support any open space use.
7. Ancillary Buildings, Uses and Structures	
7.1 Shops and Factory Outlets	Not Applicable
7.2 Child Care Centres	Not Applicable
7.3 Signs and Advertising	Not Applicable: The proposed development does not include any signage. All signage for the WRTS or the independent warehouses will be sought for under a separate development application.
7.4 Fences	
C1. If a front fence is required for security purposes it should be setback behind the 3.0 metres landscaping buffer to a maximum height of 1.8 metres with a maximum solid fence height of 600mm. Above the solid wall the fence is to have a minimum openness ratio of 60%.	Variation Sought – As per Appendix I – Environmental Noise Impact Assessment , a 3.5m acoustic fence is recommended along the street frontage boundary and the majority of the western side boundary. The acoustic fence will ensure the amenity of the surrounding area is maintained and that the proposed development will not impact on the surrounding residential land.
C2. The design of the front and return fence shall be integrated with the design of the building, visually permeable and unobtrusive with a mix of materials and/or integrated with landscape design. Unfinished galvanised chain link fencing to the front is not acceptable.	The proposed fence will be softened with the presence of landscaping. This will assist in reducing the visual impact or any obtrusive nature of an acoustic fence. Please see

<p>C3. Side and rear fences behind the front setback may be built to a height of 2.1 metres.</p>	<p>Appendix E – Statement of Landscaping Intent and Appendix P – Fencing Detail for further details.</p> <p>The acoustic fence will be designed to be compatible with the flood and fencing requirements outlined in the TDCP – Section A3. The indicative design of the fencing, as per Appendix P shows a grated culvert and flap/hinge at regular intervals along the fence to allow unimpeded flow of water in a flood event.</p> <p>The rear and eastern boundaries will be of standard 1.8m chain wire fencing to allow the free flow of water across the site in the event of a flood.</p>
<p>C4. Fencing should be sited so that it does not impede sightlines for drivers.</p>	<p>Complies – The proposed acoustic fence will not impede any sightlines for drivers.</p>
<p>7.5 Temporary Outdoor Business Activities</p>	
<p>C1. The area allocated for the activity must be nominated on a site plan to ensure that any potential conflicts with movement and circulation or any other potential amenity impacts are considered and addressed.</p>	<p>N/A – The proposed development does not include any provisions for Temporary Outdoor Business Activities.</p>
<p>7.6 Safety and Security</p>	
<p>C1. Developments must ensure that the following Crime Prevention Through Environmental Design (CPTED) principles have informed the design of the proposed development:</p> <ul style="list-style-type: none"> - Surveillance – Developments should be designed and managed to maximise the potential for passive surveillance; - Access Control – Developments must be designed in order to make them legible for users without losing the capacity for variety and interest; - Territorial Reinforcement – Developments must be designed to define clearly legitimate boundaries between private, semi-private, and public space, and - Space Management – Developments must be designed and detailed to minimise damage, and the need for undue maintenance, without undermining the aesthetic and functional qualities of the building. 	<p>Complies: The proposed development has included a number of safety and security principles:</p> <p>Surveillance – the proposed development has casual surveillance to Naru Street. The upper floor office component of the front-most General Industry tenancy is orientated towards Naru Street and contains large windows. The offices of the independent tenancies also project forward of the western building facade. It is considered all offices on site are designed to maximize the potential for passive surveillance.</p> <p>Access Control - The subject site gains access via one consolidated crossover. This also includes access for any cyclists or pedestrians should they enter the site. Clear line marking is provided to ensure safety for all users traversing the site. All vehicle access will be clearly signed and line marked to provide clear direction and flow for traffic.</p> <p>Territorial Reinforcement – The proposed development has included dividing gate which separates the WRTS operations from the rest of the site, as is required by state legislation. This provides clear boundaries between private and public space. The development has also incorporated landscaping along the boundaries. This</p>

	landscaping strip will provided a defined edge of the site reinforcing the site boundaries. Space Management – The proposed development has been designed to minimize the need for ongoing maintenance, without sacrificing design or functionality. Landscaping has been designed to include predominately local native species which thrive and require limited maintenance. The vehicle circulation is confined to a central location to reduce the hardstand areas and potential maintenance.
C2. A Crime Risk Assessment must be prepared and submitted to Council. The Crime Risk Assessment must be prepared by a suitably qualified person and should: <ul style="list-style-type: none"> - Analyse the types of crime that may be prevalent in the area, and to which the development may be susceptible, - Provide information as to how the design was informed by the CPTED principles, and - Inform the design, construction, or future management practises of the development (e.g. building materials, signage, lighting, landscaping, security patrols, maintenances, and graffiti removal practices). 	Noted: In this instance, the proposed WRTS is considered to not require a Crime Risk Assessment as the WRTS is equipped with a number of security measures. The WRTS and the individual tenancies will include security lighting, CCTV and regular security visits. The development has also been designed in response to the major CPTED principles and as a result will deter criminal activity as detailed above. Overall it is considered the proposed development has been designed to reflect the CPTED principles and deter criminal activity.
C3. Any recommendations or shortfalls identified by a Crime Risk Assessment are to be implemented into the design of the development to the satisfaction of the assessing officer.	Noted: It is considered there are no shortfalls within the development which could be improved to reduce any potential risk. The development has considered the major CPTED principles and ensured these were reflected where possible.
Part 2 – Site Specific Provisions	
8 Site Specific Development Controls	N/A

The above assessment from the applicant is concurred with and the application is considered satisfactory having regard to A17 of the DCP.

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

Clause 92(a) Government Coastal Policy

The proposed development is located within the area covered by the Government Coastal Policy, and has been assessed with regard to the objectives of this policy. The Government Coastal Policy contains a strategic approach to help, amongst other goals, protect, rehabilitate and improve the natural environment covered by the Coastal Policy. It is not considered that the proposed development contradicts the objectives of the Government Coastal Policy, given its permissible nature on a site identified for development works.

Clause 92(b) Applications for demolition

There is no demolition proposed as part of this application.

Clause 93 Fire Safety Considerations

Clause 93 of the Regulations is not applicable to the proposed development.

Clause 94 Buildings to be upgraded

Clause 94 of the Regulations is not applicable to the proposed development.

(a) (v) Any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*)

Tweed Shire Coastline Management Plan 2005

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. The primary objectives of the Coastal Management Plan are to protect development; to secure persons and property; and to provide, maintain and replace infrastructure.

The proposed development is not considered to impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline (Clause 2.4.1) including: recreation; water quality; heritage; land use and development potential; coastal ecology and, social and economic demand. Under this plan, the subject site is not identified as having any key management actions or specific management strategies. The proposal is considered to be consistent with the objectives of the Management Plan.

The proposed development is not considered to impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline.

Tweed Coast Estuaries Management Plan 2004

This Plan applies to the Cudgen Creek and Cudgen Lake, Cudgera Creek and Mooball Creek systems and does not apply to the subject site.

Coastal zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)

This Plan applies to the Cobaki and Terranora Broadwater and does not apply to the subject site.

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

The nature of the proposed development is such that the environmental impact on both the natural and built environment is extremely limited.

Council's Natural Resource Management Unit have reviewed this application with respect to potential ecological impacts. Providing proposed sediment / erosion controls measures are complied with it is unlikely the proposed development will to have any significant detrimental impacts on protected or threatened fauna or flora under the National Parks and Wildlife Act 1974 and Threatened Species Conservation Act 1995 (respectively).

The proposed landscaping appears adequate providing an 80:20 split of native plant species to non-natives is achieved in the detailed landscaping plan. The re-introduction of local native trees/shrubs as part of the landscaping will provide some level offset/benefit for mobile fauna such as birds, particular those which can tolerate anthropogenic disturbances i.e. particularly noise, light and large vehicle movements. No specific conditions relating to fauna/flora management or landscaping are required. In this regard, the subject development site was created through a four lot subdivision application (approved under DA09/0006) which incorporated off-site compensatory planting. The proposal is considered to comply with this clause.

The proposal is a sustainable industry which will reduce the volume of waste to landfill and provide a reduction in the use of non-renewable resources. Scientific modelling and parameters are well established for the control of the main potential impacts (water quality, noise & odour) associated with the proposal.

Mitigation strategies have been developed as part of the proposed development to prevent the contamination of waters from the proposed development and thereby prevent downstream environmental degradation. These mitigation measures have been developed in accordance with current best management practice for each source and recognising the requirement to achieve a neutral or beneficial effect on the environment.

The facility will utilise industrial land as intended and provide job opportunities within the region.

Therefore subject to the recommended conditions of consent the application is considered suitable for approval.

(c) Suitability of the site for the development

The proposed Waste or Resource Transfer Station and three (3) General Industry tenancies are an appropriate use for the site and represent an efficient and sustainable use of Industrial-zoned land.

The location of the land and its characteristics are such, there appears to be no significant impediments that would preclude the development operating in a successful manner. In that regard there is no traffic or servicing constraints that are evident.

The subject site is considered able to suitably accommodate the proposed Waste or Resource Transfer Station and the three (3) General Industrial tenancies proposed.

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

As per the requirements of the EP&A Act for Designated Development, the proposed development was advertised on two separate occasions, from Wednesday 14 September 2016 to Friday 14 October 2016.

Subsequent to the submission of additional information, it was determined that the application needed to be advertised again. As such, the proposal was further advertised for an additional two occasions, from Wednesday 19 April 2017 to Friday 19 May 2017.

There were 103 submissions (98 pro-form letters) received after the original application and 59 submissions (52 pro form letters) received after the amended application was exhibited.

The submissions objected to the development for the following primary reasons:

- Site Suitability
- Flooding
- Fencing
- Traffic Impact
- Inadequate design for heavy vehicles impacting nearby residents
- Noise Impacts
- Amenity Issues
- Sensitive receptors nearby
- Air Quality Impact
- Non Compliance with Zone Objectives
- Scale and Intensity affecting residential amenity

- Misleading development description to leave out “and resource recovery facility (RRF)”
- Nature of Waste Streams and Plant
- The appropriateness of the weighbridge for the required functions

Round 1 – 103 Submissions (98 pro-form letters)

Summary of Submissions	Proponent Comments	Council Comments
<ul style="list-style-type: none"> • Noise impacts: <ul style="list-style-type: none"> ○ Noise from large trucks ○ Noise from sorting / breaking up 10,000 tonnes of rubbish ○ Noise levels generated by diesel trucks pulling away from a stop may exceed 90db ○ The sound “power” of noise from a diesel bus or heavy truck is some 300 times greater than ambient street noise ○ Empty trucks from Solo Waste and Action Sands travel on Chinderah Road at high speeds, creating noise and vibration, as they drive over the damaged road. We are unable to hear out TV on these occasions. 	<ul style="list-style-type: none"> • The proposal has demonstrated that noise impacts will be reduced to acceptable thresholds with the provision of an acoustic fence. The required acoustic fence has been provided along the western and northernmost boundaries of the site, in accordance with the acoustic specifications recommended by the Environmental Noise Impact Report. • There will be negligible vibrations caused by the unloading of trucks, and particularly negligible vibrations able to be felt by sensitive receivers, due to the distance between the receivers and the WRTS at the rear of the site. 	<ul style="list-style-type: none"> • Council officers are satisfied with the noise assessment undertaken for the proposed development. Standard conditions of consent have been recommended.
<ul style="list-style-type: none"> • Amenity issues: <ul style="list-style-type: none"> ○ Heavy trucks up to and exceeding 40 tonnes using Naru Street on a daily basis from 7.00am to 6.00pm, 6 days a week ○ No acoustic barrier between the arriving / departing trucks and 	<ul style="list-style-type: none"> • The proposed development will not impact upon the existing Childcare Centre. There are multiple other industrial uses surrounding the Childcare Centre that are already in operation, and it is considered that the operation of the WRTS will not create any additional impacts, as concluded in the noise, 	<ul style="list-style-type: none"> • Council officers are satisfied with the proposal in terms of potential impacts. • It is considered that appropriate management strategies will be put in place to ensure that amenity impacts to surrounding residents are managed and mitigated.

Summary of Submissions	Proponent Comments	Council Comments
<p>residential properties</p> <ul style="list-style-type: none"> ○ Detrimental impact upon elderly residents of the Royal Pacific residents located opposite the proposed development and staff / children at the Childcare Centre ○ Continual noise impact and interruption of lifestyle ○ Impact upon shift workers from constant truck movement and proposed hours of operation 6 days a week. Intermittent and impulsive noise is responsible for sleep disturbance. ○ Visual impact from a 3.5m high acoustic fence. 	<p>traffic, engineering & air quality reports.</p> <ul style="list-style-type: none"> • The Visual Impact Assessment has been updated to include the proposed 3.5m acoustic fence. 	
<ul style="list-style-type: none"> • Potential safety issue with trucks impacting upon the daily drop off and pick of young children at the nearby Childcare Centre 	<ul style="list-style-type: none"> • The Traffic Impact Assessment has concluded that there are no significant traffic or transport impacts associated with the proposed development. 	<ul style="list-style-type: none"> • Council officers are satisfied with the proposed development, noting that the Childcare Centre has to provide adequate on-site parking for its customer requirements & safe egress can be achieved from the Childcare Centre onto Naru Street. As such, it is considered that there is limited impact created by passing traffic.
<ul style="list-style-type: none"> • Not in the public interest of Chinderah residents 	<ul style="list-style-type: none"> • The proposal is a permitted industrial use proposed on an industrial zoned site. The proposal will not impact on 	<ul style="list-style-type: none"> • The subject site has been zoned for industrial purposes since 1987. The intended use of the land is industrial

Summary of Submissions	Proponent Comments	Council Comments
<ul style="list-style-type: none"> Should not be sited in or nearby a residential area 	<p>nearby residents in terms of noise, traffic, air quality or floods.</p>	<p>purposes. Whilst the subject application has attracted many public submissions which may imply the development is not in the public interest more commonly Council is of the view that it is in the public interest to uphold the integrity of the strategic planning principals as held within Council's adopted LEP and DCP's. In this instance the proposed development is consistent with the future desired character of the area and can be accommodated with suitable conditions of consent to mitigate any real or perceived impacts.</p>
<ul style="list-style-type: none"> Concern of handling of contaminated material (e.g. asbestos) 	<ul style="list-style-type: none"> The WRTS will <u>not</u> accept or receive the following waste: <ul style="list-style-type: none"> Asbestos Liquids Chemicals Oils Fuels Perishables or industrial waste 	<ul style="list-style-type: none"> Council officers are satisfied that the proposal will not accept contaminated waste. Appropriate conditions have been recommended in this regard.
<ul style="list-style-type: none"> Traffic Impact: <ul style="list-style-type: none"> Increase in traffic, including heavy duty vehicles / trucks Chinderah Road is badly damaged – increased traffic will only damage the road more, especially heavy 	<ul style="list-style-type: none"> Refer to Air Quality Impact Assessment & Addendum in relation to dust emissions. It is acknowledged that any development on site will increase the traffic to the site, given that it is currently vacant. However, the traffic generated by the 	<ul style="list-style-type: none"> Council officers are satisfied with the proposal in terms of traffic generated by the WRTS and the capability of the surrounding road network to cater for the additional truck movements associated with the development. There is also sufficient onsite

Summary of Submissions	Proponent Comments	Council Comments
vehicle traffic.	development is well within the acceptable thresholds & road network capacity.	parking to meet Council's DCP provisions
<ul style="list-style-type: none"> • Air Quality Impacts: <ul style="list-style-type: none"> ○ Decline in air quality from dust and smell ○ Dust impact from trucks ○ Diesel exhaust consists of fine particles. Residents and children at the childcare centre will be exposed to these emissions on a greater scale to existing traffic along Chinderah Road. 	<ul style="list-style-type: none"> • An Air Quality Assessment was provided with the application. The proposed WRTS is a sorting facility for construction & demolition waste <u>only</u>. This involves the sorting and recycling of materials such as timber, concrete and bricks and the like. No putrescible waste, food, chemicals or paint will be processed by the facility. Therefore there will be no odour impacts. • The Air Quality Impact Assessment determined that air emissions from the development are predicted to fully comply with the relevant criteria and it is considered unlikely that any exceedances (in odour or dust) would occur. 	<ul style="list-style-type: none"> • Council officers are satisfied with the applicant's Air Quality Assessment, noting that ongoing dust monitoring is to be undertaken, as per the SEAR's requirements. Appropriate conditions of consent have been recommended in this regard.
<ul style="list-style-type: none"> • Impact to the environment 	<ul style="list-style-type: none"> • The site seeks to minimise or mitigate adverse impacts upon other land uses and the environment in the locality. 	<ul style="list-style-type: none"> • It is considered that appropriate management strategies will be put in place to ensure that impacts to surrounding environment are managed and mitigated.
<ul style="list-style-type: none"> • Decrease in property values 	<ul style="list-style-type: none"> • The effect of housing rental prices is uncertain or unlikely to be affected by this development. 	<ul style="list-style-type: none"> • This issue is not considered to be a matter of consideration under s79C of the EP&A Act.
<ul style="list-style-type: none"> • Increase in vermin • Possible increase in scavenger birdlife 	<ul style="list-style-type: none"> • The proposed WRTS will process inert, non-putrescible materials from building yard & construction sites and will not accept waste that is likely 	<ul style="list-style-type: none"> • Council officers are satisfied that the waste material being accepted at the proposed WRTS will not result in an increase in vermin /

Summary of Submissions	Proponent Comments	Council Comments
	to attract vermin or scavenger bird life.	scavenger birds.
<ul style="list-style-type: none"> • Non-compliance with Zone Objectives: <ul style="list-style-type: none"> ○ The development does not “minimise any adverse effect of industry on other land uses” ○ Given the proximity to non-industrial uses (residential and Childcare) suitability of the site for the proposed WRTS is questioned ○ Suitability of the proposed WRTS at the end of a cul-de-sac, on a substandard industrial street, immediately adjoining residential development ○ There are significant areas of IN1 zoned land with superior access and located away from residential uses that would be more suited to the WRTS ○ Given the close proximity to residents, Council risks creating ongoing compliance burden with amenity complaints 	<ul style="list-style-type: none"> • The proposal does not cause any additional dust or odour impacts on nearby areas. Proposal seeks to minimise acoustic impacts through an acoustic fence, appropriate building design and limitation of operating hours. • Appropriate reports (Noise, traffic, engineering, air quality, waste management and visual impact) demonstrate that the proposal seeks minimise impacts. 	<ul style="list-style-type: none"> • The objectives of the IN1 General Industrial zone are: <ul style="list-style-type: none"> ○ To provide a wide range of industrial and warehouse land uses. ○ To encourage employment opportunities. ○ To minimise any adverse effect of industry on other land uses. ○ To support and protect industrial land for industrial uses. ○ To enable land uses that provide facilities or services to meet the day to day needs of workers in the area. • The proposed development is considered to be consistent with the above objectives, by virtue of providing a range of industrial land uses, encouraging employment opportunities and by protecting industrial land for industrial uses. • The proposed development will minimise any adverse impact to adjoining land through the implementation of an Environmental Management Plan consistent with all the specialist reports as associated with the Development Application.

Summary of Submissions	Proponent Comments	Council Comments
<ul style="list-style-type: none"> • Scale and intensity of the development will have a negative impact on residential amenity: <ul style="list-style-type: none"> ○ Proposal lacks sufficient information to demonstrate that Naru Street and Chinderah Road are capable of accommodating the vehicles associated with the proposal. ○ The Traffic Impact Assessment (TIA) confirms there is a high potential that heavy vehicles will need to wait on Naru Street if more than one vehicles arrives at the site, blocking neighbouring driveways. ○ Insufficient data on the number of truck movements, with the EIS stating that up to 18 LRV trucks are expected to use the facility per day (3 trucks per hour), yet the TIA states that the WRTS will generate 8 vehicle trips per day, with staff/visitors generating 10 vehicle trips. 	<ul style="list-style-type: none"> • Scale & intensity will not have an impact on residential amenity. The size, height & site coverage of the proposal are well within the requirements for industrial zoned land. The proposal has been reduced in height to comply with the 10m height limit. • The proposal provides ample buffering and separation to the residential developments. Visual & acoustic treatments are proposed to minimise any potential aesthetic or noise impact. • The WRTS has been located to the rear of the site to provide maximum separation to sensitive receivers. The roller doors have been relocated to direct acoustic impacts away from the residential area. • Detail has been provided in the EIS & Traffic Impact Assessment in regards to truck movements. 	<ul style="list-style-type: none"> • It is considered that appropriate management strategies will be put in place to ensure that amenity impacts to surrounding residents are managed and mitigated.
<ul style="list-style-type: none"> • Conflicting information. The Air Quality Impact Assessment states the proposed hours are Mon- 	<ul style="list-style-type: none"> • Operating hours have been clarified. 	<ul style="list-style-type: none"> • Council officers are satisfied with the proposed hours of 7.00am to 6.00pm Monday to Friday and Saturday 7.30am –

Summary of Submissions	Proponent Comments	Council Comments
<p>Fri 5.30am-5.30pm and Sat 7.00am-5.30pm, which differs from the EIS</p>		<p>5.30pm.</p>
<ul style="list-style-type: none"> • Inadequate design for heavy vehicles, impacting on nearby residents: <ul style="list-style-type: none"> ○ An LRV standing on Naru Street (within 20-30m of a residence) is an unreasonable impact. This has not been factored into the noise assessment. ○ Two articulated vehicle spaces should be provided on-site. ○ Naru St is substandard with no verge / shoulder on northern side. ○ Noise Report recommends operating hours that are less than those proposed. 	<ul style="list-style-type: none"> • The proposal provides appropriate design for heavy vehicles. A swept path and vehicle movement analysis provided by Bitzios Traffic Consultant, concludes that there are no significant traffic or transport impacts. The amended design is considered adequate & will not push impacts on nearby residents. • There will be no LRV standing / queuing on Naru St. • The proposal is capable of accommodating all vehicles on site. • The surrounding road network was found to have capacity for the proposed development. 	<ul style="list-style-type: none"> • Council officers are satisfied that all vehicles associated with the proposal can be accommodated on site. The existing road network is considered to be suitable for the proposal.
<ul style="list-style-type: none"> • Socio-economic Impact: <ul style="list-style-type: none"> ○ A Socio-economic Impact Assessment has not been provided. ○ The EIS is ambiguous and provides insufficient recognition of the potential impacts on surrounding uses. 	<ul style="list-style-type: none"> • A Socio Economic Impact Assessment has been incorporated into the EIS. It provides a high level of detail in recognition of potential impacts. 	<ul style="list-style-type: none"> • Tweed DCP Section A13 requires a socio-economic assessment to accompany any application that is Designated Development. The proposed development is supported by a Socio-Economic Impact Assessment. The assessment has identified either positive or uncertain/neutral social and economic issues. Council officers generally concur with the conclusions of the report as outlined throughout this assessment and the proposed is considered to

Summary of Submissions	Proponent Comments	Council Comments
		comply with the provisions of Section A13 of the DCP.
<ul style="list-style-type: none"> • Misleading development description: <ul style="list-style-type: none"> ○ There is no mention of the development being a WRTS <u>and</u> Resource Recovery Facility (RRF). ○ An RRF will typically operate equipment like trammel screens, picking stations and other sorting equipment which can result in impacts such as noise, dust, odour etc upon nearby residents. ○ The nature of the development should be clear. The proposal should be re-exhibited with the correct heading. 	<ul style="list-style-type: none"> • The proposed use is 'Waste or Resource Transfer Station' and 'General Industry' as per the definitions of the TLEP 2014. Any other terminology used is in reference to other relevant legislation that the proposal is required to be assessed against. Where assessment against legislation has a different definition of the proposed use, this has been clearly explained with the EIS document. 	<ul style="list-style-type: none"> • Council officers are satisfied with the proposed development description, that being 'Waste or Resource Transfer Station'. Being only a sorting and transfer station, the provisions of a Resource Recovery facility are not considered to be triggered.
<ul style="list-style-type: none"> • Sensitive receptors: <ul style="list-style-type: none"> ○ The adjacent residential caravan parks and residential dwellings are within closer proximity to the proposal than what is stated in the EIS. ○ Potential impacts may be greater than what is stated in the EIS. ○ Minimal attempt has been made to quantify the potential impacts to sensitive receptors 	<ul style="list-style-type: none"> • It is acknowledged that the sensitive receivers (Caravan Parks) are in close proximity to the site. Reference to the incorrect measurements has been removed from the EIS. • Notwithstanding, the proximity of sensitive receivers has been carefully assessed in relation to acoustic, air quality and traffic impacts. • The Air Quality Impact Assessment now has an addendum to confirm that 	<ul style="list-style-type: none"> • Council officers are satisfied that appropriate assessments have been undertaken and mitigation measures recommended (where applicable) to ensure impact upon nearby sensitive receivers is minimised.

Summary of Submissions	Proponent Comments	Council Comments
residing within 20-100m of the proposal.	the changes made to the design still result in acceptable air quality impacts.	
<ul style="list-style-type: none"> • Flooding: <ul style="list-style-type: none"> ○ EPA comment on a similar development noted that the storage and processing of waste on a site below the 1:100 ARI flood level is not desirable. ○ If a similar rule is applied, the storage and processing of waste should not be undertaken under the 3.1m AHD flood level, as is proposed. ○ The proposal does not demonstrate how an acoustic fence (free of gaps and holes) constructed on most of the northern and western boundaries will allow the free passage of flood water. ○ The proposed building and acoustic fence exceed the 50% cross section of the allotment in terms of flow obstructions for flood water. 	<ul style="list-style-type: none"> • The site is subject to a DFL of 3.1m AHD. To reduce or mitigate any impact flood conveyance would impose on the development, the site coverage from the sheds & stockpiling areas have been limited to less than 50% of the total site area. No negative impact on flood conveyance. • In accordance with DCP A3, the proposal has been designed to 'obstruct' no more than 50% of the eastern side boundary. • No chemical or liquid waste will be brought to the site for sorting. Any chemicals stored on site will be stored above the DFL. • The amended proposal includes an amended acoustic fencing design that allows the passage of water through / under the acoustic fence via a series of gated culverts with hinged flaps. 	<ul style="list-style-type: none"> • Council officers requested flood modelling to be undertaken to determine level of impact (if any) from the proposed WRTS and acoustic fencing. Refer to more detailed (Round 2) flooding comments below.
<ul style="list-style-type: none"> • Fencing: <ul style="list-style-type: none"> ○ The proposed fencing does not comply with the fencing requirements of DCP 	<ul style="list-style-type: none"> • A variation has been sought for non-compliance to fencing requirements, as detailed in the amended EIS. • The 3.5m acoustic fence will ensure the amenity of the 	<ul style="list-style-type: none"> • A variation to fencing requirements under the DCP are considered to be necessary in order to provide an adequate acoustic barrier for the benefit of the

Summary of Submissions	Proponent Comments	Council Comments
<p>A17.</p> <ul style="list-style-type: none"> ○ The proposed fencing does not comply with DCP requirements for flood flow, height and street frontage setback. 	<p>surrounding area.</p> <ul style="list-style-type: none"> • The fence will be softened by landscaping and be designed to be compatible with flood and fencing requirements. • The fence design has a grated culvert & flap/hinge at regular intervals to allow unimpeded flow of water in a flood event. • A variation to the type of fencing is considered justified so that the acoustic properties for the fence take precedence. 	<p>surrounding properties.</p>
<ul style="list-style-type: none"> • Traffic: <ul style="list-style-type: none"> ○ Skip bins are proposed to be used for the transport of waste to the subject site. Skip bins range in size from 2-12m³. The TIA states that there will be 3 loads per day (each of 10.67 tonnes). Loads of this size would need a 15.25m³ skip. With the max skip being 12m³, it suggests that additional trips would be required. ○ Outward loads are modelled as one per day of 36.5 tonnes. To accommodate this load, a quad and tri truck and dog vehicle (40 tonne and 33 tonne respectively) would be required (as noted in the TIA). The EIS fails 	<ul style="list-style-type: none"> • Truck turning movements have been assessed & analysed using the largest truck specified on site. • Further clarification regarding traffic movements and truck sizes has been provided in the Traffic Impact Assessment & EIS. • The use of trucks of various sizes and tonnage results in the number of truck movements as described in the TIA. 	<ul style="list-style-type: none"> • Council officers are satisfied with the proposed development in terms of truck sizes and truck movements. Outward loads will only be necessary as each relevant skip bin with the sorted material reaches suitable volumes to require removal from the site. As such, the TIA has estimated only one outward truck movement of waste per day.

Summary of Submissions	Proponent Comments	Council Comments
<p>to demonstrate how a vehicle of this size can be accommodated on the site, with only a sept path for a 19m articulated truck being provided. Trucks of up to 30m can be used for waste transfer.</p> <ul style="list-style-type: none"> ○ The processing of the waste will result in multiple waste streams which cannot be loaded into one truck, as they will then mix. The Air Quality Impact Assessment identifies 12 different materials that can be segregated. Therefore up to 12 separate outward trips, as opposed to one outward trip as stated in the TIA. ○ The EIS refers to multiple truck movements off site, yet the TIA models only one 36.5 tonne truck movement. ○ The EIS only refers to rigid trucks (with a payload of 10-14 tonnes) and skip bins (with typical payloads of 2-7 tonnes), which contradicts the TIA's provision of only one rigid vehicle movement from the site. 		
<ul style="list-style-type: none"> ● Plant: <ul style="list-style-type: none"> ○ The EIS states that the 	<ul style="list-style-type: none"> ● Refer to Section 3.3 of the EIS for clarified details of equipment & operations on 	<ul style="list-style-type: none"> ● Council officers are satisfied that the WRTS is a sorting and transfer station only and that

Summary of Submissions	Proponent Comments	Council Comments
<p>proposal will house a recycling plant (14 tonnes excavator and bobcat). A recycling plant for construction & demolition waste typically includes a trammel and picking station.</p> <ul style="list-style-type: none"> ○ If a trammel & picking station are used for processing construction & demolition waste, there will be dust generated. The EIS does not consider dust emissions. 	<p>site.</p> <ul style="list-style-type: none"> • Refer to Air Quality Impact Assessment & Addendum in relation to dust emissions. • Pollutant concentrations (including dust emissions) from the proposal would comply with the relevant air quality criteria at nearby sensitive receivers. 	<p>the proposed excavator / bobcat will be the only plant utilised by the development.</p>
<ul style="list-style-type: none"> • Waste Streams: <ul style="list-style-type: none"> ○ The EIS states that the WRTS operations will be limited to general construction waste such as concrete, bricks, metal & timber. The Noise Impact Report states that materials will include bricks, concrete, wood, plastics, plaster board, soil, tiles, carpet, glass, metal, garden waste etc. The Air Impact Assessment also states that green waste will be received by the proposal. ○ The types of waste being received should be clearly defined in the EIS, consistent with the relevant appendices. 	<ul style="list-style-type: none"> • Further clarification of materials recycled at the WRTS has been provided in the EIS. Refer to Section 3.3 Operational Detail. • The material to be recycled by the WRTS is not classified as Putrescible Waste, Restricted Solid Waste, Hazardous Waste or Biodegradable Waste, as defined by the EPA. • The WRTS will <u>not</u> accept or receive the following waste: <ul style="list-style-type: none"> ○ Asbestos ○ Liquids ○ Chemicals ○ Oils ○ Fuels ○ Perishables or industrial waste • The operator of the WRTS 	<ul style="list-style-type: none"> • Council officers are satisfied with the proposal in that only non-putrescible and inert waste will be accepted at the site. As such, the potential for leachate is minimised. Appropriate conditions of consent have been recommended in this regard.

Summary of Submissions	Proponent Comments	Council Comments
<ul style="list-style-type: none"> ○ The EIS states that leachates will not be generated by the operation of the proposed WRTS. If garden / green waste is accepted, there will be potential for leachates being produced, which may impact surface water quality and cause odours. 	<p>only accepts construction, demolition and household wastes. These material are inert & have no active chemical or biological properties. These wastes do not undergo environmentally significant physical, chemical or biological transformation and have negligible potential to cause environmental harm, including surface water quality.</p>	
<ul style="list-style-type: none"> ● Weighbridge: <ul style="list-style-type: none"> ○ The location of the weighbridge appears to inhibit vehicles moving onto the structure without turning or reversing, thereby not complying with EPA requirements for weighbridges. ○ The weighbridge must have appropriate foundations, ramps, pits etc. The proposed weighbridge is considered too short to weigh a truck and dog combination. It is considered that split weighing requires specific approval. 	<ul style="list-style-type: none"> ● Further detail regarding the weighbridge has been included in the amended EIS. It is noted that the weighbridge requirements are mandated by state & federal legislation & must be adhered to. The weighbridge will meet all legislative requirements. 	<ul style="list-style-type: none"> ● Council officers raise no concerns with the proposed weighbridge, which is accessed through a gate, not requiring turning movements. Appropriate conditions have been recommended regarding construction.
<ul style="list-style-type: none"> ● Air Impacts: <ul style="list-style-type: none"> ○ It is not clear whether a recycling plant is being incorporated with the proposal. ○ If there is a recycling plant involved, dust 	<ul style="list-style-type: none"> ● Refer to Air Quality Impact Assessment & Addendum in relation to odour emissions. Odour emissions from the facility are not anticipated to be significant as the facility will not receive putrescible waste, food, chemicals or 	<ul style="list-style-type: none"> ● The applicant has confirmed that the proposal is a sorting and transfer station only. No recycling plant is required or proposed, thereby limiting the potential air quality impacts. Appropriate recommendations are

Summary of Submissions	Proponent Comments	Council Comments
<p>from trommels and screening of waste can be anticipated. This is typically mitigated with sprinklers, yet the EIS states that a dry processing system will be used.</p> <ul style="list-style-type: none"> ○ Vehicle exhaust emissions generated by the excavator and bobcat operating in the main building has not been addressed. Greenhouse gas emissions from these and incoming / outgoing vehicles have not been addressed. 	<p>paints, which would cause odour.</p>	<p>proposed within the applicant's assessment report.</p> <ul style="list-style-type: none"> • Appropriate conditions of consent have been recommended with regard to the operation of plant on site (i.e. exhaust etc).
<ul style="list-style-type: none"> • Electricity Easement: <ul style="list-style-type: none"> ○ There is a 15m wide overhead electrical easement that traverses the full length of the western boundary. No detail has been provided on the restrictions imposed by the easement. ○ Consideration needs to be given to the operation of trucks & trailers with hoists that lift bins in the air and excavators that have booms that can be lifted in the air, as a WHS issue. 	<ul style="list-style-type: none"> • The 15m wide electricity easement to the western side boundary is a result of overhead power lines that are located <u>outside</u> the subject site in 6m wide corridor. There are no overhead powerlines on the site itself and no possibility of equipment on site interfering with the lines. No buildings are located within the easement. Instead the easement will be primarily used for car parking & landscaping. 	<ul style="list-style-type: none"> • Council officers have identified a very minor encroachment (25mm) of the WRTS sorting building. An appropriate condition of consent has been recommended in this regard consistent with that recommended by the electricity supply company.
<ul style="list-style-type: none"> • The "Do Nothing" option does not acknowledge DA15/0521 for a 50,000 	<ul style="list-style-type: none"> • The EIS has been updated to acknowledge DA15/0521, however it is considered that 	<ul style="list-style-type: none"> • The applicant's updated EIS has acknowledged the approved development

Summary of Submissions	Proponent Comments	Council Comments
tonne per annum RRF & WRTS approx. 7km from the site.	the proposed WRTS will target a different market. The proposed WRTS has a maximum capacity of 6,000 tonnes per year and focuses exclusively on sorting & recycling construction & demolition waste.	(DA15/0521) at Stotts Creek.
<ul style="list-style-type: none"> The site should not have been zoned industrial 	<ul style="list-style-type: none"> The land has already been zoned for industrial use and the development proposes an appropriate industrial use of the site. 	<ul style="list-style-type: none"> The subject site has been zoned for industrial purposes since 1987. The use is permissible with consent subject to the normal 79C Merit Assessment for any development application.

Round 2 – 59 Submissions (52 pro-form letters)

Summary of Submissions	Proponent Comments	Council Comments
<ul style="list-style-type: none"> Traffic impacts: <ul style="list-style-type: none"> Increase in heavy vehicle traffic on Chinderah Bay Drive. Chinderah Bay Drive is not suitable for continual heavy vehicle use. Naru Street is narrow with curved alignment. Safety issue with parents parking on Naru Street to drop off / pick up children at the childcare Centre. Increase in rubbish trucks 	<ul style="list-style-type: none"> The existing road network has sufficient capacity to cater for the traffic generated by the WRTS, as demonstrated in the supporting TIA. Chinderah Bay Drive is capable of handling continuous heavy traffic use; given it was formerly part of the Pacific Highway. Naru St was constructed as part of the subdivision for 4 x industrial zoned lots and was therefore deemed to be sufficient to service these lots. The TIA has stated that there are no significant traffic or transport impacts associated with the proposed development. The only 'rubbish trucks' 	<ul style="list-style-type: none"> Council officers have assessed the updated TIA and are satisfied that the surrounding road network is suitable for the proposal and has the capacity for the additional traffic associated with the proposed development. As previously noted, Council officers are satisfied with the proposal, with regard to perceived potential impacts to the nearby Childcare Centre.

Summary of Submissions	Proponent Comments	Council Comments
	attending the site will be for standard general waste generated by the office and General Industrial Tenancies.	
<ul style="list-style-type: none"> • Noise impacts: <ul style="list-style-type: none"> ○ Increase in vehicular noise to residents from heavy vehicles. 	<ul style="list-style-type: none"> • The proposal has demonstrated that noise impacts will be reduced to acceptable thresholds with the provision of an acoustic fence along the western and northernmost boundaries. 	<ul style="list-style-type: none"> • Council officers are satisfied with the applicant's noise assessment and proposed mitigation measures to ensure minimal impact upon surrounding land uses.
<ul style="list-style-type: none"> • Suitability - no need for such a facility at this location, in close proximity to local caravan parks and residential housing 	<ul style="list-style-type: none"> • The proposal is a permitted industrial use proposed on an industrial zoned site. The proposal will not impact on nearby residents in terms of noise, traffic, air quality or floods. 	<ul style="list-style-type: none"> • The proposed development is considered to be suitable for the site, subject to compliance with the recommended conditions of consent.
<ul style="list-style-type: none"> • Air Quality: <ul style="list-style-type: none"> ○ No Air Quality Impact Assessment associated with the re-advertised material ○ Increased decline in air quality from dust and smells ○ Dust impact upon children's play area at nearby Childcare Centre. 	<ul style="list-style-type: none"> • An Air Quality Impact Assessment was provided with the application and was available during both public notification periods. • The proposed WRTS is a sorting facility for construction and demolition waste <u>only</u>. This involves sorting & recycling of materials such as timber, concrete and bricks etc. No putrescible waste, food, chemicals or paint will be processed by the facility. There will be no odour impacts. • The Air Quality Impact Assessment determined that air emissions from the development are predicted to fully comply with the relevant criteria & it is considered 	<ul style="list-style-type: none"> • An Air Quality Assessment was provided with both rounds of advertising. • As noted previously, Council officers are satisfied with the applicant's proposal in terms of mitigating dust impact. Appropriate conditions of consent have been recommended in this regard.

Summary of Submissions	Proponent Comments	Council Comments
	unlikely that any exceedances (in odour or dust) would occur.	
<ul style="list-style-type: none"> Increase in vermin and scavenger bird life 	<ul style="list-style-type: none"> The proposed WRTS will process inert, non-putrescible materials from building yard & construction sites and will not accept waste that is likely to attract vermin or scavenger bird life. 	<ul style="list-style-type: none"> Council officers are satisfied that the proposal will not result in an increase in vermin / scavenger birds.
<ul style="list-style-type: none"> Decrease in surrounding property values 	<ul style="list-style-type: none"> The effect of housing rental prices is uncertain or unlikely to be affected by this development. 	<ul style="list-style-type: none"> This issue is not considered to be a matter of consideration under s79C of the EP&A Act.
<ul style="list-style-type: none"> Decline in quality of life 	<ul style="list-style-type: none"> The WRTS will provide employment during the construction and operational phase. There would be no significant visual impact from the WRTS development. Noise and air quality impacts have been modelled & their effects on the surrounding locality will be managed within the nominated guidelines. 	<ul style="list-style-type: none"> Council officers are satisfied that appropriate mitigation measures will be in place to ensure quality of life is maintained for surrounding residences.
<ul style="list-style-type: none"> Contamination - asbestos 	<ul style="list-style-type: none"> The WRTS will <u>not</u> accept or receive the following waste: <ul style="list-style-type: none"> Asbestos Liquids Chemicals Oils Fuels Perishables or industrial waste Additionally, the site will not accept any hazardous waste. Should any of the above 	<ul style="list-style-type: none"> Council officers are satisfied that the proposed WRTS will not be accepting contaminated waste. Conditions of consent have been recommended to ensure that appropriate management is in place to ensure that the site remain contamination free.

Summary of Submissions	Proponent Comments	Council Comments
	items be identified in the incoming materials, procedures will be carried out in accordance with EPA guidelines to remove the offending items from site immediately and safely.	
<ul style="list-style-type: none"> • Flooding – Naru St and the subject site were waist deep in flood water during the March flood. What will happen to the waste material on site if a similar flood occurs? 	<ul style="list-style-type: none"> • Site will be fenced to prevent large debris and construction waste from leaving the site in the event of a flood. • The proposed WRTS will process inert, non-putrescible materials from building yard and construction sites and will not provide recycling of putrescible, restricted solid, hazardous or biodegradable waste. There will be no impacts on the residents of Chinderah Lake Caravan Park's health in a flood event. 	<ul style="list-style-type: none"> • Council officers are satisfied with the flood modelling undertaken by the applicant, which was based on a cumulative impact scenario. • It is considered that the proposed development (including fences) will have no significant impact upon flood levels in the locality, allaying fears that the development will worsen flooding, particularly for the adjacent caravan park residents. • Standard conditions of consent have been recommended in this regard.
<ul style="list-style-type: none"> • Objection to the zoning 	<ul style="list-style-type: none"> • The land has already been zoned for industrial use and the development proposes an appropriate industrial use of the site. The issue of zoning of the site is outside the scope of this application. 	<ul style="list-style-type: none"> • The zoning of the subject site was approved under separate consent. This matter is not considered to be a valid concern for the assessment of this application.
<ul style="list-style-type: none"> • Amenity Impact: <ul style="list-style-type: none"> ○ Residents will have to endure dust and noise for twelve hours each weekday and ten hours on Saturdays. ○ If approved, resident expectation is that compliance is achieved 	<ul style="list-style-type: none"> • The existing caravan park and lifestyle villages are residential areas and considered sensitive receivers, hence why every effort has been made to minimise impacts of the proposed development on the residential sites. It has been demonstrated in 	<ul style="list-style-type: none"> • It is considered that appropriate management strategies will be put in place to ensure that amenity impacts to surrounding residents are managed and mitigated.

Summary of Submissions	Proponent Comments	Council Comments
<p>at all times and non-compliance will result in Council investigation / action.</p> <ul style="list-style-type: none"> ○ Truck noise and crushing noise will impact upon the amenity of the play area of the nearby Childcare Centre, as well as sleeping patterns of the children. 	<p>specialist consultant reports submitted with the proposal that all noise, traffic, air quality and flooding impacts has been minimised or mitigated.</p>	
<ul style="list-style-type: none"> ● Bushfire – risk from stock piles of timber and other flammable materials 	<ul style="list-style-type: none"> ● The site has undergone a bushfire risk assessment and has satisfied the requirements to manage bushfire risk. 	<ul style="list-style-type: none"> ● The proposed development was referred to the NSW Rural Fire Services, who have advised of appropriate conditions of consent to apply to the development.
<ul style="list-style-type: none"> ● Should be located in the Chinderah Industrial area – away from residents and children at the childcare centre 	<ul style="list-style-type: none"> ● The proposed development will not impact upon the existing childcare centre. There are multiple other industrial land uses surrounding the childcare centre that are already in operation, and it is considered that the operation of the WRTS will not create any additional impacts to the Childcare Centre in regards to dust, odour, noise or safety. 	<ul style="list-style-type: none"> ● The proposed development is considered to be suitable for the subject site. Conditions of consent have been recommended with regard to appropriate mitigation measures to ensure the amenity and safety of surrounding properties.
<ul style="list-style-type: none"> ● Location is not suitable for the WRTS 	<ul style="list-style-type: none"> ● The land has already been zoned for industrial use and the development proposes an appropriate and permissible industrial use on the site. The proposal is considered low impact, as it has been demonstrated that there will be minimal effects on the 	<ul style="list-style-type: none"> ● As noted above, the proposed development is considered to be suitable for the subject site.

Summary of Submissions	Proponent Comments	Council Comments
	existing amenity of residents.	
<ul style="list-style-type: none"> • There is no way to reasonable condition the development to ensure the management of flood risk and the safety / future capacity of traffic on Naru Street: <ul style="list-style-type: none"> ○ Recent flooding confirms that debris is likely to block grated culverts. Concerns about Council's ability to ensure this is managed in perpetuity so the acoustic fence & grated culverts do not result in flood worsening. ○ Naru Street is a local street shared by residents, child care centre and future low-impact industry uses. The proposal does not provide a detailed assessment of Naru Street. No way to regulate future safety or vehicle numbers on Naru St. during peak times. 	<ul style="list-style-type: none"> • In regards to flood risk management, the proposed development complies with Section A3 – Development of Flood Liable land. Sheds and stockpiling areas are limited to 50% of the total site area; the site also is designated to not 'obstruct' no more than 50% of the eastern boundary. • The Hydraulic Impact Assessment modelled a complete blockage of the western and northern boundaries, and the 50% building obstruction on the eastern boundary. The HIA has demonstrated that generally no increases in Tweed River peak flood levels are expected due to the proposed development. • The existing road network has been constructed to a standard capable of handling the traffic generated by the WRTS. 	<ul style="list-style-type: none"> • Flooding concerns are considered satisfied. Refer to flooding comments above.
<ul style="list-style-type: none"> • Electrical Easement - No details have been provided on the restrictions applied by the easement. 	<ul style="list-style-type: none"> • The 15m wide electricity easement to the western side boundary is in favour of Essential Energy. There is no requirement to include the Section 88B Instrument and terms of the easement between the land owner and Essential Energy as part of the EIS, however it is noted that 	<ul style="list-style-type: none"> • Essential Energy made a submission on the proposal as follows: <i>Strictly based on the documents submitted, Essential Energy has no objection to this development at this time, provided:</i> <i>1. If the proposal changes,</i>

Summary of Submissions	Proponent Comments	Council Comments
	<p>this is a public document & can be accessed by the public through the proper channels. For the record, let it be known that Essential Energy was consulted on the proposal, and provided written evidence of no objection.</p>	<p><i>Essential Energy would need to be informed for further comment;</i></p> <ol style="list-style-type: none"> 2. <i>Adequate precautions are taken to protect electricity structures or supports from accidental damage</i> 3. <i>A 4.6 metre height limitation is required on the vehicles to be parked under the powerline;</i> 4. <i>Standard design clearances for the overhead powerlines are maintained (IE the surface level of the ground is not to be increased more than Essential Energys standard design clearances); and</i> 5. <i>Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with.</i> <p><i>In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and</i></p>

Summary of Submissions	Proponent Comments	Council Comments
		<p><i>Close to Infrastructure.</i></p> <p><i>Prior to carrying out any works, a “Dial Before You Dig” enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).</i></p> <p><i>Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines/Underground Assets.</i></p> <ul style="list-style-type: none"> • As previously noted, the proposed WRTS building is considered to encroach the 15m wide electrical easement. Appropriate condition of consent have been recommended in this regard. • It is also noted in the <i>ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure</i> that there is a height limit of 4.6m (fully extended) for any plant and equipment operating with the easement. There is also a height limit of 3m for any landscaping within

Summary of Submissions	Proponent Comments	Council Comments
		the easement. An appropriate condition of consent has been recommended.
<ul style="list-style-type: none"> • Sensitive receivers: <ul style="list-style-type: none"> ○ Distances from the sensitive receivers have been amended, but no detail on the number of people affected / impacted. ○ The amended Noise Impact Assessment model significantly reduces noise impacts with no explanation. ○ Vibration issues have not been addressed. 	<ul style="list-style-type: none"> • With regard to vibrations experienced by sensitive receivers, there will be negligible vibrations caused by the unloading of trucks due to the distance between the receivers and the WRTS at the rear of the site. There are no crushing machines or the like that would cause significant vibrations. The amended Environmental Noise Impact Assessment has taken into account the hours of operation, machinery used, trucks attending the site and all other relevant factors. • The reduction in noise impacts when compared to the original Noise Assessment are a result of the amended building design (being that the WRTS building now faces away from the sensitive receivers), and clarification on the operation of the facility. 	<ul style="list-style-type: none"> • Council officers are satisfied that the proposed development is unlikely to result in vibration impacts to nearby sensitive receivers, given the plant being used and the location of the sorting area on the subject site. • Council is satisfied with the applicant's reasoning behind the reduction in noise impact. This being the change in orientation of the WRTS sorting building away from the residents.
<ul style="list-style-type: none"> • Leachate: <ul style="list-style-type: none"> ○ The POEO definition of waste does not differentiate waste in terms of whether it is inert or not inert. Moisture that comes into contact with waste is leachate. EIS must not be in accord with 	<ul style="list-style-type: none"> • The materials received at the site are classified as 'Waste' as per the POEO Act and POEO Regulations. The materials to be recycled by the WRTS is defined as 'General Non-Putrescible Solid Waste' under the EPA Guidelines. • The only potential source of 	<ul style="list-style-type: none"> • Council officers are satisfied that the proposal represents a very low risk in terms of leachate generation. • External waste storage (including garden waste) presents a very low potential for the generation of leachates, particularly given

Summary of Submissions	Proponent Comments	Council Comments
<p>EPA guidelines and POEO Act.</p> <ul style="list-style-type: none"> ○ The EIS indicates bin storage at the rear of the site. If rain falls on any waste stores outdoors, it will be classified as leachate. ○ Rain falling on timber stored outdoors will result in leachate including tannins and timber treatments. This has not been addressed in the EIS. ○ Leachate generating materials will be stored below the 1%AEP flood level and therefore won't comply with EPA requirements. ○ No detail on storage, treatment and discharge of leachate in the EIS. 	<p>leachate on site would be from contaminated soils that may inadvertently be accepted on site. All attempts will be made to ensure that only non-contaminated, virgin excavated natural material are accepted on site, with any potentially contaminated or acid sulfate soil removed from site immediately.</p> <ul style="list-style-type: none"> ● Sorting of all waste will occur inside the WRTS facility, which is fully roofed and enclosed and therefore not affected by rainwater and runoff. Potential leachate concerns are further mitigated through the slight bunding / elevation of the WRTS building pad (100mm), and the thick concrete slab that will form the tipping floor surface. ● It is proposed that storage of waste outside of the WRTS building will be for sorted building & demolition wastes and green wastes only, with any soil and the like retained in stockpiles <u>inside</u> the WRTS. This will further reduce the potential for leachate. ● All materials stored outside of the WRTS will be contained within concrete bays or metal skip bins. ● As a result of the large hardstand coverage on the site, careful management of surface water on site and control and monitoring of off- 	<p>the small volume proposed.</p> <ul style="list-style-type: none"> ● Appropriate conditions of consent have been recommended to ensure that potential leachate is managed on site.

Summary of Submissions	Proponent Comments	Council Comments
	<p>site stormwater discharge is proposed, including the provision of a bio-retention basin on the site.</p> <ul style="list-style-type: none"> • Diversion of stormwater away from areas containing waste using drainage features and bunds. 	
<ul style="list-style-type: none"> • Flooding – the site does not comply with EPA flood requirements because leachate generating materials (waste) are stored & processed below the 1% AEP flood level. 	<ul style="list-style-type: none"> • A Hydraulic Impact Assessment has been undertaken for the site, with repeated modelling showing negligible impacts to the flood characteristics as a result of the proposed development. The proposed development does comply with the EPA flood requirements in that there will be no leachate-generating materials affected by floodwaters. This is as the only source of potential leachates sorted by the facility (soil) will be fully enclosed within the WRTS building at all times, including the event of a flood. This will ensure that no leachate is in contact with the ground or groundwater as far as practicable. It is noted that no processing or crushing of materials or waste occurs on site; this is a sorting and transfer facility only. 	<ul style="list-style-type: none"> • Flooding concerns are considered satisfied. Refer to flooding comments above.
<ul style="list-style-type: none"> • Fencing: <ul style="list-style-type: none"> ○ Does the acoustic fence achieve modelled noise levels, given its construction? ○ Is an easement 	<ul style="list-style-type: none"> • A Hydraulic Impact Assessment has been undertaken which demonstrates that there will be negligible impacts on flood properties or behaviours as a 	<ul style="list-style-type: none"> • Council officers are satisfied with the proposed acoustic fence, which is also acceptable in terms of flood modelling. • As noted previously,

Summary of Submissions	Proponent Comments	Council Comments
<p>required to place the acoustic fence on boundary?</p> <ul style="list-style-type: none"> ○ Will the grates work effectively in a flood? ○ Has any flood modelling been undertaken to demonstrate that adequate flow can be achieved? ○ Fencing details indicate 4.5m high fence and EIS indicates 3.5m fence. ○ Do the 4.5m posts comply with overhead powerline restrictions? 	<p>result of the proposed acoustic fence or building.</p> <ul style="list-style-type: none"> • The Section 88B restriction applies to continuous obstructions along a boundary. 	<p>appropriate modelling has been undertaken on the proposal, demonstrating that there would be no significant impact upon flood levels.</p> <ul style="list-style-type: none"> • Council officers are satisfied that adequate flow of flood water can be achieved. • The figures shown on the fencing details relate to Australian Height Datum, as opposed actual height of the fence from finished ground level, which has been confirmed as 3.5m. This conforms with the restriction of 4.6m for powerline easements.
<ul style="list-style-type: none"> • Building & Bin Storage Structures - building length is 70.45m plus 6m wide storage bin represents 55% of the boundary, which doesn't comply with DCP A3. 	<ul style="list-style-type: none"> • The total length of the building totals 50% of the boundary, compliant with A3 of the DCP. The building does not cover more than 50% of the site. The reception building has been stepped back to comply with this control. As for the skips on the southern end of the proposed plans, they are faced with open fencing that does not obstruct flood flows. 	<ul style="list-style-type: none"> • The proposed development is considered to be satisfactory in terms of providing 50% cross flow for flood waters.
<ul style="list-style-type: none"> • Weighbridge – EIS refers to a removable weighbridge, yet plans show a fixed concrete weighbridge. 	<ul style="list-style-type: none"> • The submitter is incorrect; the indicative weighbridge shown as Appendix Q is a removable weighbridge, and is in accordance with the requirements of the facility. 	<ul style="list-style-type: none"> • Council officers raise no concerns with the proposed weighbridge. Appropriate conditions have been recommended regarding construction.
<ul style="list-style-type: none"> • Plant: 	<ul style="list-style-type: none"> • Waste will be sorted after loading using a 14t excavator 	<ul style="list-style-type: none"> • Council officers are satisfied with the level of detail

Summary of Submissions	Proponent Comments	Council Comments
<ul style="list-style-type: none"> ○ EIS states that material will be separated into 8 separate categories, but does not demonstrate how this process will work. ○ Normal commercial method for separating construction & demolition waste includes trommel, air blower and picking station. This dry process can emit dust and noise. EIS does not address how fines are separated from the waste & how picking into separate categories will occur. 	<p>and wheeled bobcat or by hand. Waste is then moved by machine and hand into the appropriate skip. Any contaminated waste would be set aside in a separate skip for removal as soon as practicable. Lighter recyclables will be removed by hand. As the sorting process is contained within the WRTS building, there will be no noise or dust impacts.</p>	<p>provided for the proposed plant associated with the WRTS and the method of sorting the waste material being brought to the site.</p> <ul style="list-style-type: none"> ● As noted by the applicant, the proposal does not include trommels etc for the sorting process, thereby reducing the potential for additional dust / noise impacts.
<ul style="list-style-type: none"> ● Vibration – EIS has not addressed vibration. Twin steer trucks with payloads of 16-17 tonnes and quad dogs with payloads of 34-35 tonnes being dumped on a concrete slab will result in vibration. 	<ul style="list-style-type: none"> ● As stated previously, there is no vibration likely to be caused by this facility. 	<ul style="list-style-type: none"> ● Council officers are satisfied that the proposed development is unlikely to result in vibration impacts to nearby sensitive receivers, given the plant being used and the location of the sorting area on the subject site.
<ul style="list-style-type: none"> ● Transport: <ul style="list-style-type: none"> ○ EIS states that outgoing waste will be one trip per day. Unless the outgoing truck has eight different compartments for the separated waste, there will be more than one outgoing truck movement for waste. ○ EPA Consultation Paper in late 2016 may 	<ul style="list-style-type: none"> ● The information in the EIS and TIA are both correct. Waste will be stored for up to 24 hours or more, or may be stored until enough waste for either landfill or recycling has been sorted, and is subsequently removed from site. ● As per the TIA, it is expected that there will only be one outgoing waste movement per day. Some wastes such 	<ul style="list-style-type: none"> ● As noted previously, Council officers are satisfied with the proposed development in terms of truck sizes and truck movements. Outward loads will only be necessary as each relevant skip bin with the sorted material reaches suitable volumes to require removal from the site. As such, the TIA has estimated only one outward truck movement of waste per day.

Summary of Submissions	Proponent Comments	Council Comments
<p>require the proposed facility to sort the waste and not remix loads after separation, requiring more than one truck for outgoing waste.</p>	<p>as timber will have a much more regular turnover, while some materials such as copper will take longer to accumulate the volumes to transport off-site for recycling.</p>	
<ul style="list-style-type: none"> No clear explanation as to how the proposed development will target a different market to the approved waste facility at Stotts Creek (DA15/0521), which will also accept construction and demolition waste material. 	<ul style="list-style-type: none"> WRTS provides additional waste recycling capacity for Tweed Shire and Northern Rivers Region in the medium to long term, the capacity is required considering the predicted population growth in the region to 289,000 by 2031 additional recycling capacity will be required for continued development in the area. Stott's Creek Resource Recovery Facility also takes in green waste and landfill as well as hazardous and contaminated materials, which this facility will not process. Stotts Creek is also providing a 50,000 per annum resource recovery but targeting a different market than the proposed WRTS. 	<ul style="list-style-type: none"> The applicant's updated EIS has acknowledged the approved development (DA15/0521) at Stotts Creek. The proposed development will sort / transfer similar waste (i.e. construction / demolition waste, with the exception of green waste), but on a much smaller scale. The issue of competition of business is not a valid matter of consideration.
<ul style="list-style-type: none"> Waste Classifications – there is no clear indication as to whether the proposal will accept garden waste, which has implications for leachates and odour and how these will be managed. 		<ul style="list-style-type: none"> Council officers are satisfied with the type of waste being processed at the proposed WRTS. As noted previously, the potential for the generation of leachates is considered to be very low. Appropriate management strategies will be required to be in place in any case, with regard to leachates.

Therefore, whilst there have been many objections to this proposal many of the issues raised have been addressed in either amended plans or clarified information that the applicant has provided at Council's request. The recommended conditions of consent are considered to adequately mitigate any impacts from the proposed facility.

Public Authority Submissions

Environmental Protection Agency (EPA)

The NSW Environmental Protection Agency (EPA) is no longer a licencing body for this development as the WRTS has reduced to 6000 tonnes per year which is below the 10,000 tonnes trigger for an EPA Licence.

Therefore no conditions of consent are required from the EPA.

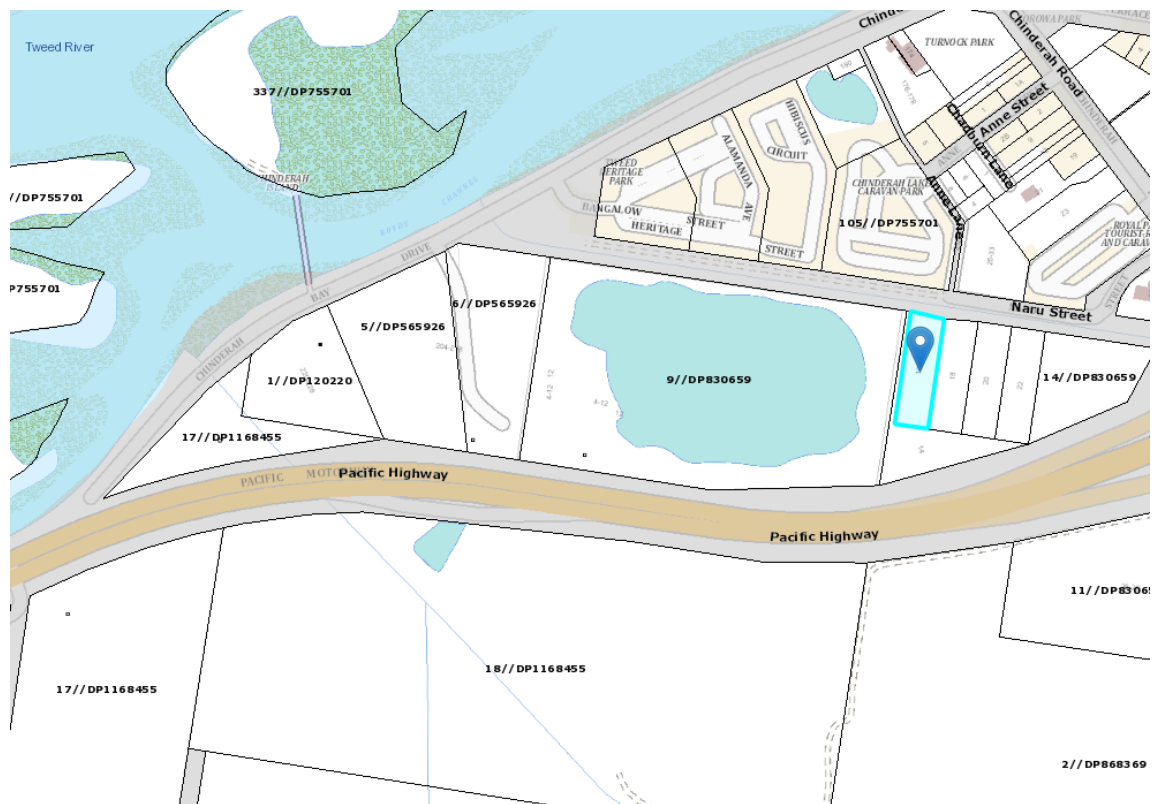
NSW Office of Environment & Heritage (OEH)

The NSW Office of Environment & Heritage (OEH) reviewed the original proposed development and raised issues with the Hydraulic Impact Assessment however later advised that the amended Hydraulic Impact Assessment addresses the issues previously raised.

Therefore no conditions of consent are required from the EPA.

Department of Primary Industries - Water

The Department of Primary Industries – Water have recommended General Terms of Approval under Section 91 of the Water Management Act for the drainage works that connect to the Tweed River by virtue of an existing drainage line as shown by the pale blue line on the below image:



DPI Water was satisfied with the recommendations of the various reports associated with the proposed development subject to the recommended conditions of consent.

Roads & Maritime Services – Transport (RMS)

The RMS provided comment on the proposed development, in accordance with Clause 104 of the Infrastructure SEPP. RMS advised that '*the proposed waste transfer station at Naru Street will generate low traffic volumes. Consequently the traffic impact on the adjoining road network will be minimal.*'

Having regard to this advice, the proposal is considered to be acceptable with respect to the comments provided by RMS.

Rural Fire Service

The application was referred to the Rural Fire Service under Section 79BA of the Rural Fires Act as the site is entirely located within bushfire prone land. A response has been received requesting a condition be applied to any consent issued. This has been incorporated into the recommended conditions of consent.

(e) Public interest

The proposed new industrial development will provide a net public benefit in terms of recycling construction material. It is considered that any potential impacts from the development can be mitigated, subject to conditions of consent, such that the development can proceed and public interest issues are balanced.

Contribution Charges for the subject development

The proposed development will generate s64 & s94 developer contributions.

S94 Plan No. 4 - TRCP should be charged for 149 daily trips (14.9 represents peak hour rates therefore total daily trips = 149 as per the applicant's Traffic Impact Assessment)

149 trips x 0.6 (employment generation discount 40%)

12. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgun Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan:
149 Trips @ \$1221 per Trips \$109,157.40

(\$1,137 base rate + \$84 indexation)

(\$72,771.60 has been subtracted from this total as this development is deemed an 'Employment Generating Development' - 40%)

S94 Plan No. 4

Sector6_4

[PCC0215]

S94 Plan No. 18 – no charge as the site credit of 1ET exceeds the charge

Section 64 Contributions will be addressed in a future Section 305 Process but are conditioned as likely being as follows based on the Gross Floor Area of the facility:

13. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: 0.927 ET @ \$13,386	=	\$12,409.09
Sewer: 1.7813 ET @ \$6,431	=	\$11,455.54

OPTIONS:

1. Approve the application in accordance with the recommendation; or

2. Refuse the application with stated reasons for refusal.

Option 1 is recommended.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has the right of appeal in the NSW Land Environment Court if dissatisfied with the determination.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

The proposed development has been through an extensive assessment process which has required several reviews and amendments to specialist reports specifically to understand the cumulative flooding impacts. However, after this lengthy process Council is satisfied that the proposed development is acceptable on merit and can be conditioned to adequately mitigate any impacts associated with the development. The broader public benefits are upholding the integrity of the permitted uses under the industrial zone and greater employment opportunities in the region.

UNDER SEPARATE COVER:

Nil.

RECOMMENDATION:

That Development Application DA16/0647 for a waste or resource transfer station and three general industrial units (JRPP) at Lot 1 DP 1185359; No. 16 Naru Street CHINDERAH, be approved subject to the following conditions:

GENERAL

1. The development (for a waste or resource transfer station and three general industrial units) shall be completed in accordance with the Statement of Environmental Effects and the following plans:
 - **DWG No ED-01 (Rev N) Ground Floor & First Floor Plan** prepared by Scott Carpenter Architect and dated 17 February 2017;

- **DWG No ED-02 (Rev N) Area Summary** prepared by Scott Carpenter Architect and dated 17 February 2017;
- **DWG No ED-03 (Rev N) Elevations** prepared by Scott Carpenter Architect and dated 17 February 2017; and
- **DWG No ED-05 (Rev N) Perspective Sketch Views** prepared by Scott Carpenter Architect and dated 17 February 2017,

except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

4. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.

[GEN0190]

5. Council advises that the land is subject to inundation in a 1 in 100 year event to the design flood level of RL 3.2m AHD.

[GEN0195]

6. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

7. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement. This includes (but is not limited to) roofs, awnings or eaves, gutters and any part of the building, fences/ retaining walls and other services.

8. The Applicant shall submit an 'Application for Sewerage Ejection Pump Station' with the required attachments as outlined on the application form.

- The pump unit will be owned, maintained and operated by the property owner.
- The design of sewer pressure systems shall comply with the Water Services Association (WSA) of Australia's Pressure Sewerage Code of Australia WSA07-2007 and the pressure sewerage system manufacturer must be Council approved.
- At least 24 hours emergency storage capacity shall be provided within the system, or hours of storage equivalent to the operating hours of the commercial property per day.
- Pumps should be designed to pump a minimum of less than every 8 hours to reduce septicity in the pump well and rising mains.

- The top of the tank shall be located at least 150mm above the 1 in 100 year flood level.
9. New construction 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'.

[GENNS02]

10. The development shall not exceed the following thresholds:

Recovery of General Waste

- Involves having on site at any time no more than 1,000 tonnes or 1,000 cubic metres of waste or involves processing of no more than 6,000 tonnes of waste per year.

Recovery of hazardous and other waste

- Involves having on site at any one time no more than 200 kilograms of waste.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. The developer shall provide 26 car parking spaces including parking for the disabled (as required), as well as 2 bicycle parking spaces, in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to the Principal Certifying Authority with the Construction Certificate for Building Works.

[PCC0065]

12. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan:

149 Trips @ \$1221 per Trips \$109,157.40

(\$1,137 base rate + \$84 indexation)

(\$72,771.60 has been subtracted from this total as this development is deemed an 'Employment Generating Development' - 40%)

S94 Plan No. 4

13. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: 0.927 ET @ \$13,386 = \$12,409.09

Sewer: 1.7813 ET @ \$6,431 = \$11,455.54

14. Prior to the issue of a construction certificate, documentary evidence shall be submitted to Tweed Shire Council demonstrating that a Controlled Activity Approval (CAA) under the Water Management Act 2000 has been obtained for works within 40m of waterfront land (as defined under the Water Management Act 2000) or any works that involve an aquifer interference activity as defined under the Water Management Act 2000.

[PCC0575]

15. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
- (a) Design flood level of RL 3.2m AHD.
 - (b) All building materials used below Council's design flood level must not be susceptible to water damage.
 - (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
 - (d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

16. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:
- (a) Widening of existing vehicular access: the existing vehicular footpath crossing is to be widened to provide a crossing that is approximately 10.5m wide at the boundary and 10m wide at the kerb line (for the portion fronting Lot 1).

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following:

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

Where Council is requested to issue a Construction Certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 138 of the Roads Act 1993 will then NOT be required.

[PCC0895]

17. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

18. Permanent stormwater quality treatment shall be provided in accordance with the following:
 - (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
 - (d) Specific Requirements to be detailed within the Construction Certificate application include:
 - i) Bioretention basins/swales shall be designed in accordance with Water by Design's Bioretention Technical Design Guidelines (BTDG).
 - ii) Detailed design of vegetated stormwater treatment devices shall be submitted to Council with a section 68 Stormwater Drainage Works Application
 - iii) The section 68 Stormwater Drainage Works Application shall include a design checklist from part 3.7 of Water by Design's BTDG
 - iv) The section 68 Stormwater Drainage Works Application shall include a maintenance plan for any vegetated stormwater treatment devices
 - v) The section 68 Stormwater Drainage Works Application shall include details of how the bioretention is to be protected from sediment buildup during the construction phase of the development.

[PCC1105]

19. A Construction Certificate application for works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee. The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1145]

20. Erosion and Sediment Control shall be provided in accordance with the following:
 - (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

21. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.

[PCC1195]

22. In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Councils sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.

[PCC1255]

23. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1310]

24. Prior to the issue of a Construction Certificate:

- a) Application shall be made to Council under Section 305 of the Water Management Act 2000 for a certificate of compliance for development to be carried out - ie: the provision of water and sewerage to the development.
- b) Following this, requirements shall be issued by obtained from Council under Section 306 of the Water Management Act 2000.
- c) Following this, any works needing to be undertaken will require a further application to shall be made to and approval obtained from Council for the supply of water and sewerage to the development under Section 68 of the Local Government Act for the relevant water / sewer works. Approval of this application will be required prior to/in conjunction with issuing the Construction Certificate.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier

- 25. All buildings are required to be clear of existing easements. A very minor encroachment (25mm) into the 'Easement for Overhead Power Lines' is currently demonstrated, that needs to be rectified with any construction certificate application.

[PCCNS01]

- 26. Finished ground levels (excluding floor levels) shall not exceed RL 2.2m AHD.

[PCCNS02]

- 27. An Environmental Management Plan (EMP) is to be submitted for the approval of Council's General Manager or delegate prior to the Issue of a Construction Certificate. The EMP is to incorporate mitigation measures as per Section 8 of the Environmental Impact Statement and must also include management controls and monitoring, including (but not limited to):

- Visual inspection of standing water in the Gross Pollutant Trap for any hydrocarbon or tannin contamination.
- Covering of green waste loads that remain on site for a long period of time.
- Covering of processed green wastes such as clippings, mulching and chips.
- Visual inspection of loads to identify and remove contamination.
- Bushfire Evacuation Plan.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

- 28. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

- 29. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and

- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

30. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

[PCW0225]

31. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

32. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

33. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

34. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

DURING CONSTRUCTION

35. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.

36. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

37. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

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

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

[DUR0215]

39. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

40. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

41. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

42. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

43. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

44. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

45. If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

- (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

46. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

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

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

[DUR1005]

48. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage.

[DUR1395]

49. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.

[DUR1415]

50. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

51. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

[DUR1725]

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

[DUR1875]

53. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

54. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

55. During construction, a “satisfactory inspection report” is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.

[DUR2445]

56. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

57. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

58. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

59. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

60. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

61. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

- * 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

62. The Applicant shall submit the appropriate ‘Application for Water Service Connection’ to Council’s Water Unit to facilitate a property service water connection for proposed Lot 1 DP 1185359, from the existing water main in Naru Street. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

63. Acid sulfate soil is not to be disturbed or removed from the site during construction. If acid sulfate containing material is identified and/ or inadvertently disturbed during construction, work is to cease until further soil investigation has been carried out and, where required, an acid sulfate soil management plan has been provided to the satisfaction of the general manager or delegate.

[DURNS01]

64. The construction of the acoustic fence shall be undertaken in accordance with the Environmental Noise Impact Report (Amended Sketch 1 dated 4/10/2017) prepared by CRG Acoustics in report dated 13 February 2017 and Dwg 20 (Rev E) *Acoustic Fence Detail*, prepared by Cozens Regan Williams Prove and dated 11 November 2016.
65. The development to be carried out in accordance with the report *Air Quality Impact Assessment* of ASK Acoustics and Air Quality dated 8 August 2016 and subsequent report dated 17 February 2017, except where amended by this approval.

[DURNS02]

66. Works in the vicinity of public infrastructure must comply with the following requirements;
- a) Surface treatment over the sewer pipe shall be limited to soft landscaping, noninterlocking paving, concrete slab with construction joints along the alignment of the sewer easement or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.
 - b) Any fencing erected across the sewer main shall be designed and constructed with removable panels and footings located at least 1.0 metres horizontally clear of sewer main.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

67. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.
68. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
69. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.
70. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).
71. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0005]

[POC0205]

[POC0225]

[POC0355]

[POC0745]

72. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the “satisfactory inspection report” issued by Council for all s68h2 permanent stormwater quality control devices.
[POC0985]
73. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.
[POC1045]
74. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.
[POC1055]
75. Prior to issue of the occupation certificate certification shall be provided by a suitably qualified Acoustic Consultant that demonstrates the Acoustic Fence has been installed in accordance with the Environmental Noise Impact Report (Sketch 1) prepared by CRG Acoustics dated 13 February 2017.
[POCNS01]
76. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.
[USE0125]
77. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
[USE0145]
78. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.
[USE0175]
79. Hours of operation of the business are restricted to the following hours:
- * 7am to 6pm - Mondays to Fridays
 - * 7.30am to 5.30pm - Saturdays
 - * No operations are to be carried out on Sundays or Public Holidays
 - * All deliveries and pickups relating to the business are to occur within the approved hours
- [USE0185]
80. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.
[USE0225]
81. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his

delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

[USE0245]

82. The servicing of waste facilities shall be limited to between the hours of 7am to 6pm Monday to Friday and 7.30am to 5.30pm Saturday.

[USE0285]

83. The development shall be carried out in accordance with the Environmental Noise Impact report prepared by CRG Acoustics dated 13 February 2017.

[USE0305]

84. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[USE1055]

85. A backflow containment device will be installed adjacent to Council's water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owner's expense.

[USE1455]

86. Routine dust monitoring to be carried out in accordance with *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* until the operation has been operating at capacity for a period not less than 12 months. Results of dust monitoring to be made available to Council officers on request.

[USENS01]

87. All waste processing activities are to be carried out strictly in accordance with NSW Legislative requirements, including (but not limited to) the Protection of the Environment Operations Act and Regulations.

[USENS01]

88. The site owner shall ensure that the stormwater treatment raingarden is maintained in good working order for the life of the development.

[USENS02]

89. The operation of the facility shall be undertaken in accordance with the approved Environmental Management Plan.

[USENS03]

GENERAL TERMS OF APPROVAL UNDER SECTION 91 OF THE WATER MANAGEMENT ACT 2000 for work requiring a controlled activity approval

Plans, standards and guidelines

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA16/0647 and provided by Council.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water must be notified to determine if any variations to these GTA will be required.
2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent

holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

3. The consent holder must prepare or commission the preparation of:
 - (i) Works Schedule
 - (ii) Erosion and Sediment Control Plan
4. All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals.
5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.

Rehabilitation and maintenance

6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.
7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.

Reporting requirements

8. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.

Security deposits

9. N/A

Access-ways

10. N/A
11. N/A

Bridge, causeway, culverts, and crossing

12. N/A
13. The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by DPI Water.

Disposal

14. N/A

Drainage and Stormwater

15. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii)

do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.

16. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.

Erosion control

17. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation

18. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.
19. N/A

Maintaining river

20. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by DPI Water.
21. N/A

River bed and bank protection

22. N/A
23. N/A

Plans, standards and guidelines

24. N/A
25. N/A
26. N/A
27. N/A

Groundwater

28. N/A

END OF CONDITIONS