

REPORT



Development Application Assessment

Report: **Development Application D16-173 – Organic Waste Composting Facility and Subdivision (Lease Lot)**
Property: **Lot 1125 DP 880898, Cooba Road, Dubbo**
Applicant: **Dubbo Regional Council**

To: **Joint Regional Planning Panel (Western Division)**
From: **Planning Services Supervisor**
Date: **28 September 2016**
File: **D 2016-173**

1. PROPOSED DEVELOPMENT

The subject Development Application was lodged with Council on 27 April 2016 by Dubbo City Council. The Development Application is for an Organic Waste Composting Facility located at Council's Whyandra Waste and Recycling Facility on Cooba Road, Dubbo. The Facility is to be leased to a private operator for a period longer than five (5) years and as such a 'lease lot' is required to be registered under the Conveyancing Act 1919.

From the submitted Environmental Impact Statement (EIS), the description of the proposed development reads as follows:

"The proposed Organic Waste Composting Facility ... is summarised as follows:

- *Construct and operate an Organic Waste Composting Facility that will have a processing capacity of 15,000 tonnes per annum of source-separated organic wastes and have an operation life of more than twenty years. It is expected that the processing capacity of the facility will increase to 20,000 tonnes annually at year 10. The key components of the Organic Waste Composting Facility include:*
 - *Covered and enclosed waste pre-sorting areas;*
 - *Enclosed aerobic compost tunnels;*
 - *A bio-filter for odour control;*
 - *Areas for compost maturation, screening, mixing and storage;*
 - *A concrete pad for storage and sale of organic products; and*
 - *An office and amenities building including education facility.*

The proposed development will also include the following ancillary infrastructure:

- *Internal roadways;*
- *Stormwater and leachate management works;*

- *Amenities building and staff parking facilities;*
- *Stormwater and process water storage ponds/dam;*
- *Installation of above ground fuel tank of 10,000 litres; and*
- *Landscaping works.*

Bulk earthworks/contouring will be required for the creation of the building pad and for road works.”

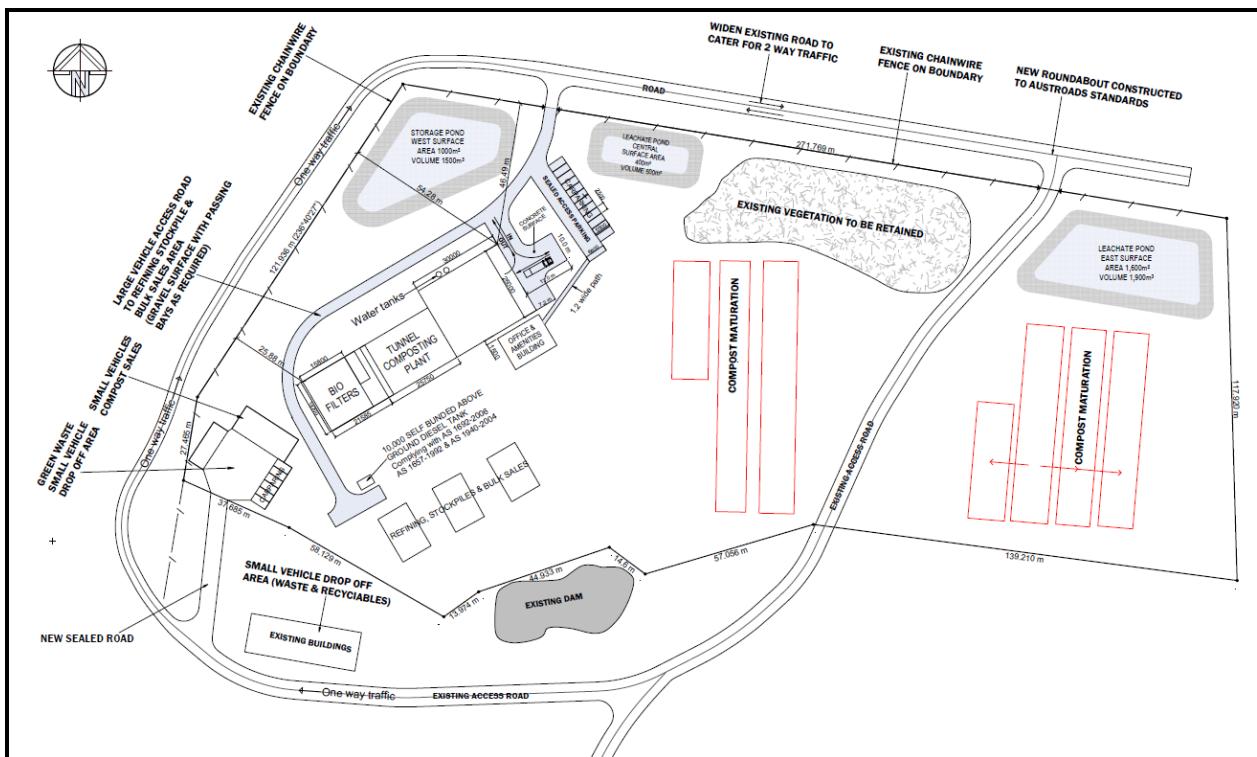


Figure 1: Site plan

The facility has an overall length of 77.335 metres, maximum width of 25.0 metres and wall height to 8.0 metres. The office/amenities building is 15.6 metres x 11.7 metres and is situated 1500mm from the facility. There is a parking area on the north-eastern side of the Facility providing some 12 carspaces, connected to the office/amenities building by a defined pathway.

There is also a small vehicle green waste drop off area to the south-west of the facility, accessed by a newly sealed road.

Additionally the submitted EIS advises:

“The proposed Organic Waste Composting facility is expected to employ four additional full time staff with up to three contractors also working at the site. The proposed hours of operation of the facility will remain unchanged and are 8am to 5pm Monday to Friday, and 9am to 5pm on Saturdays, Sundays and Public Holidays.”

2. SITE DETAILS

Locality

From the submitted EIS, the proposed Site Location and Description is as follows:

"The subject site forms part of the existing Whylandra Waste and Recycling Centre located on Cooba Road, Dubbo within the Dubbo Local Government Area. Lot 1125 DP 880898 has an overall total area of 543 hectares.

The subject site is located to the south of the Mitchell Highway on Cooba Road and is located approximately 15km north-west of the Dubbo Town Centre.

The site of the proposed facility is accessed by an internal access road from Cooba Road. Approximately 54 hectares of the 543 hectare site is currently being utilised for associated landfilling purposes (excavation to provide cover material, disposal and access roads and the use as a tip). The remainder of the site is identified in Dubbo LEP 2011 as being of High Biodiversity value and as such as not being used or developed.

The proposed site is to be located within the north-west corner of the site of the Whylandra Waste and Recycling Centre ... and will comprise an area of 4 hectares."



Figure 2: Organics Waste Composting Facility outlined in red

3. SITE HISTORY

A review of Council's records has identified the following files relating to the subject property:

- D14-596 Resource Recovery Facility approved 22 January 2015, Construction Certificate approved 17 July 2015 and the Occupation Certificate issued 3 February 2016.

Involved the construction of a 185m² building to act as a *resource recovery facility* at the existing waste facility site. The building, known as a Community Recycling Centre (CRC), acts as a drop off point for waste products such as:

- Paint (water based, solvent based and other paint types);
- Batteries (lead acid and household batteries);
- Domestic gas bottles;
- Fluorescent lamps (tube and compact); and
- Smoke detectors.

The CRC forms part of the small vehicle Resource Recovery Centre which is supervised by a full time attendant. The CRC is open during normal operating times of the Whylandra site, that being 8:00 am to 5:00 pm weekdays and 9:00 am to 5:00 pm weekends and public holidays.

- D11-198 Waste Disposal Facility approved 12 July 2011, Construction Certificate approved 30 September 2011 and an Occupation Certificate issued 16 July 2012.

Involved an undercover transfer station with six bays, unsealed hardstand areas for the storage of green waste, scrap steel and construction and demolition waste. There is also a hazardous materials storage area, with extended bitumen sealing of the road and drop off points.

The development was an extension of the existing waste transfer facility approved under D07-37 Parts 1 and 2 (see below).

The transfer station allows small vehicles to park and unload rubbish into skip bins and a 'push pit'. Staff then push this rubbish via a skid steer loader into a large skip bin where it is transferred to the landfill cell. The proposal is designed to minimise the amount of rubbish going to landfill.

- D07-37(2) Resource Recovery Facility amendment approved 26 April 2007, Construction Certificate approved 26 November 2007.

Involved the establishment of different types of waste disposal services. A long narrow shed was erected and divided into seven (7) compartments for different waste materials (green waste, whitegoods/metals, e-waste, demolition waste, sand/soils, car batteries

and mixed waste). The eastern end of the shed is for the collection of domestic recyclables including paper/cardboard, plastic, steel aluminium and glass.

A fenced compound is used as a drum muster storage and waste oil storage tank. The hardstand area provides four (4) central parking spaces for cars with trailer and seven (7) regular car parking spaces including one disabled parking spaces.

The 'Revolve Centre' operates as a shop with goods displayed for sale. Large items are displayed on the floor and moveable tables will be provided for display of smaller items. The shed for the 'Revolve Centre' has an area of 67.5m².

The 'Revolve Centre' only utilises part of the existing building. The other part of the building has been adapted as a store area for use by Council landfill staff. A truck wash is at the southern end and of the existing machinery shed adjacent to the access road to the landfill.

- D02-293 Building for Storage and servicing of landfill machinery and amenities block approved on 25 February 2002, Construction Certificate approved on 22 May 2002 and Occupation Certificate issued on 6 September 2002.

The workshop and amenities building comprise a two bay workshop, staff room, office and amenities area with an attached carport. The enclosed building portion has an area of 210 m².

All of these approvals relate to buildings and structures located to the south of the subject development and have been established for a number of years.

4. CONSENT AUTHORITY

The Western Joint Regional Planning Panel is the consent authority in accordance with the Environmental Planning and Assessment Act, 1979, Schedule 4A(4) and the Environmental Planning and Assessment Regulation, 2000.

"Schedule 4A Development for which regional panels may be authorised to exercise consent authority functions of councils

4 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if:

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council."*

5. LEGISLATIVE ASSESSMENT - DESIGNATED DEVELOPMENT

- The proposed development is deemed to be designated development in accordance with the Environmental Planning and Assessment Regulation 2000 (the Regulation), Schedule 3 Designated development, Part 1, clauses 13 and 32, which read as follows:

"13 Composting facilities or works (being works involving the controlled aerobic or anaerobic biological conversion of organic material into stable cured humus-like products, including bioconversion, biodigestion and vermiculture):
(a) that process more than 5,000 tonnes per year of organic materials.

32 (1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:
(c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials,"

As stated earlier in the report, the proposed facility will have a processing capacity of 15,000 tonnes per annum and as such, the proposed development is classified as Designated Development.

In accordance with the requirements for Designated Development, the proponent obtained the Secretary's Environmental Assessment Requirements (SEARs), which have guided the preparation of the submitted Environmental Impact Statement (EIS) prepared by Meinhardt and dated 26 April 2016.

- Section 77 of the Regulation requires referral (written notice) to such public authorities (other than concurrence authorities or approval bodies), that in the opinion of the consent authority may have an interest in the determination of the development application.

On reviewing the comments provided in the Secretary's Environmental Assessment Requirements (SEARs) (forming Appendix A of the submitted EIS) with regard to the proposal, the Development Application was referred to the NSW Office of Environment and Heritage, NSW Office of Water and NSW Roads and Maritime Services.

- The proposed development was exhibited in accordance with Sections 78, 79 and 80 of the Environmental Planning and Assessment Regulation, 2000 and Sections 79 and S79A of the Environmental Planning and Assessment Act, 1979, with a notice first appearing in the Daily Liberal newspaper on Thursday 5 May 2016 then Thursday 12 May 2016 with copies of the Development Application (including the EIS) available for public perusal at Council's Civic Administration Building until Monday 6 June 2016. The Development Application (including the EIS) was also available at:

- The Department of Planning and Environment, Information Centre, 23-33 Bridge Street, Sydney; and
- Council's website (Application Tracker).

Letters were also sent to adjoining property owners.

- The exhibition period for the proposed development concluded on Monday 6 June 2016. Council received no submissions and as such, no referral is required to the Secretary under Section 81 of the Environmental Planning and Assessment Regulation, 2000 or Section 80(9) of the Environmental Planning and Assessment Act, 1979.

6. LEGISLATIVE ASSESSMENT – SECTION 91 INTEGRATED DEVELOPMENT

The proposed development is deemed to be Integrated Development in accordance with Section 91 of the Environmental Planning and Assessment Act, 1979, with regard to the Protection of the Environment Operations Act, 1997.

The proposed development requires an Environmental License from the NSW Environment Protection Authority (EPA). The application was forwarded to the EPA on 5 May 2016 and their initial response was received on 15 June 2016, requesting further information. Following the submission of additional information by the applicant, the matter was referred back to the EPA who provided General Terms of Approval dated 16 September 2016, attached as **Appendix 3**.

7. LEGISLATIVE ASSESSMENT – SECTION 79C ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

As required by the Environmental Planning and Assessment Act, 1979, Section 79C(1), the relevant matters are addressed below, as follows:

- Environmental planning instruments (State Environmental Planning Policies, Local Environmental Plan);
- Draft environmental planning instruments;
- Development control plans;
- Environmental (natural and built), social and economic impacts;
- Suitability of the site;
- Submissions; and
- Public interest.

(a)(i) Environmental planning instruments

SEPP 55 – Remediation of Land

Council's Senior Environment and Health Officer requested additional information relating to the above-ground diesel storage facility and recommendations included in the Contamination Report.

Following the receipt of the additional information from the applicant, Council's Senior Environment and Health Officer raised no objection to the proposed development, noting the controls of various licenses affecting the site and recommended the inclusion of a number of conditions on the development consent (**Appendix 1**).

SEPP (Infrastructure) 2007

The proposed development was referred to the NSW Roads and Maritime Services (RMS) as the proposed development could be classified as a *recycling facility* therefore triggering the requirement in Schedule 3 *Traffic generating developments to be referred to the RTA*.

The RMS responded in correspondence dated 17 May, 2016 (**Appendix 5**), raising no objection to the proposed development, given the standard of the current intersection of Cooba Road and the Mitchell Highway and the likely traffic to be generated by the proposed development.

Orana Regional Environmental Plan 1 - Siding Springs (deemed SEPP)

The subject site is situated in excess of 100 km from the Observatory and the development will not provide a significant level of light spill or glare. The proposed development does not require referral to the Observatory under the provisions of the State Environmental Planning Policy.

It should be noted that the Development Application was submitted prior to 5 August 2016, when this Regional Environmental Plan was repealed and replaced by Clause 5.14 *Siding Spring Observatory – maintaining dark sky*, in the Dubbo Local Environmental Plan 2011.

While the clause is not applicable due to the 'savings provisions in the legislation, the following comments are provided with regard to Clause 5.14.

The proposed development has been assessed as unlikely to adversely affect observing conditions at the Siding Spring Observatory, having regard to subclauses:

- 2(a) - the amount of light to be emitted;
- 2(b) - the cumulative impact of the light emissions with regard to the critical level;
- 2(c) - outside light fittings (shielded light fittings);
- 2(d) - measures taken to minimise dust associated with the development; and

- 2(e) - the Dark Sky Planning Guidelines published by the Secretary under clause 92 of the Environmental Planning and Assessment Regulation, 2000.

Additionally, as per subclause (7), the proposed development is not considered likely to result in the emission of light of 1,000,000 lumens or more.

Dubbo Local Environmental Plan 2011

The following clauses of Dubbo Local Environmental Plan 2011 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

The proposal is not contrary to the aims of the Plan.

Clause 1.4 Definitions

The proposed development is defined as a *resource recovery facility*, which reads as follows:

"resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as ... composting, temporary storage, transfer or sale of recovered resources, ... but not including re-manufacture or disposal of the material by landfill or incineration."

Clause 2.2 Zoning of land to which Plan applies

The subject site is zoned SP2 Infrastructure (Waste or Resource Management Facility).

Clause 2.3 Zone objectives and Land Use Table

The proposed development meets the relevant objective of the zone, being a related use to the Whylandra Waste and Recycling Facility.

The proposed development is considered to be ancillary to the Waste or Resource Management Facility and therefore is permitted with consent.

It should be noted that a *waste or resource management facility* is also permitted with consent within a prescribed zone (SP2 Infrastructure) as per SEPP (Infrastructure) 2007, Division 23 *Waste or resource management facilities*, Clause 121 *Development permitted with consent*.

Clause 5.9AA Trees or vegetation not prescribed by development control plan

The Statement of Environmental Effects states that the proposed development will impact on 2.22 ha of land to be cleared for the proposed development. The removal of these trees is addressed further in the Report under *Clause 7.2 Natural resource – biodiversity*.

Clause 5.10 Heritage conservation

Comments received from Council's Senior Environment and Health Officer in respect of Aboriginal heritage were as follows:

"OzArk Environmental and Heritage Management have been engaged to conduct an Aboriginal and historical due diligence archaeological Assessment for the site. The assessment has determined that there are no Aboriginal heritage items on the site and the location does not include landforms that may indicate the likelihood of Aboriginal archaeological sites. It is recommended that a standard condition be included on the consent in relation to the potential discovery of Aboriginal archaeological sites."

Clause 7.2 Natural resource - biodiversity

Comments received from Council's Senior Environment Health Officer in respect of biodiversity were as follows:

*"In accordance with the Dubbo Local Environmental Plan 2011 the land is currently identified as containing high biodiversity. The applicant has engaged OzArk Environmental and Heritage Management to conduct an ecological assessment of the site. The assessment has determined that the proposed development will impact on 2.22 ha of land to be cleared for the proposed development. The assessment of this area has identified approximately 10 to 15 Bull Oak trees (*Casuarina luehmannii*) will be destroyed, this species of tree is a common food source for the Glossy Black-cockatoo (*Calyptorhynchus lathami*) which is a vulnerable species in NSW. The removal of the bull oak trees is not considered substantial when compared to the abundance available within the remainder of the land owned by Council (surrounding vegetation within 100 ha area of the site)."*

Thirty seven (37) threatened species were identified as having potential habitat in the proposed site while only five (5) species were likely to be directly impacted. These species included:

- *Little Pied Bat*
- *Eastern Bentwing bat*
- *Yellow bellied sheathtail bat*
- *Regent honey eater*
- *Glossy black cockatoo*

The five species were all assessed under the relevant Environmental Protection and Biodiversity Conservation Act and Threatened Species Conservation Act. The assessment by OzArk determined that none of the listed species have a likely significant impact.

The OzArk report states that 'an offsetting package for consideration is a council expectation'. Based on this information the report has outlined the requirements of Bio banking in accordance with the OEH biodiversity offsetting policy."

In the initial assessment of the application the reference to a potential Biobanking site was difficult to determine. Based on the Ecological Assessment prepared by OzArk Environmental and Heritage Management Pty Ltd dated April 2016, there is no legal requirement for the offset area as the proposal is unlikely to have a significant impact on a threatened species, population, ecological community or its habitat.

However, if it is proposed then the proposed offset area needs to be secured in some manner such as via a 'Plan of Management', deed of agreement or some other binding agreement, prepared in accordance with the Ecological Assessment prepared by OzArk Environmental and Heritage Management Pty Ltd dated April 2016, Section 6.4.2 Plan of Management.

The applicant (consultant) provided additional information in respect of this matter, as follows:

"As the property is zoned as SP2 under the Dubbo Local Environment Plan (LEP) 2011, the Native Vegetation Act 2003 is not able to be applied, as per Schedule 1, Part 3 of the Act. As such a Property Vegetation Plan (PVP) registered on title under the Native Vegetation Act 2003 (NV Act), is not an option in this case. As an alternative, Council now intends to secure the offset land in-perpetuity for its conservation value, directly on title through Land Property Information (LPI). The process to be followed in this regard is summarised as follows:

1. *The land title covenant and a plan of management for the property will be prepared, once Development Consent for the DROPP has been issued.*
2. *A surveyor shall prepare an accurate survey diagram of the conservation area.*
3. *The survey and terms of land title covenant will be lodged for registration with the LPI within 6 months of the date of Development Consent for the DROPP.*
4. *The site will be periodically visited to monitor the property's ecology and conservation management.*
5. *The plan of management for the conservation of the offset land shall be reviewed every five years."*

Council's Senior Environment Health Officer recommends that the proposal regarding the offset land be reflected included as a condition of consent to ensure that the proposal is undertaken (**Appendix 1**).

Clause 7.3 Earthworks

The proposed development will require earthworks to be undertaken on the site. Erosion and sediment control measures are required before any earthworks commence, to which a condition would be placed on the consent.

Clause 7.5 Groundwater vulnerability

Council's Senior Environment and Health Officer states as follows:

"In accordance with the current Dubbo Local Environmental Plan 2011 the land is currently zoned to include Moderately High vulnerability groundwater. The site is regulated in accordance with the NSW EPA licensing scheme. The Whyandra Waste facility is required to monitor groundwater on the site via 5 bore sites which are regularly monitored and reported to the NSW EPA. The NSW EPA has imposed GTA conditions in relation to the management and monitoring of groundwater and therefore Council will not be imposing any further conditions."

Clause 7.7 Airspace operations

The subject site is located within the Obstacle Limitation Surface Map at height 430 mAHD. The site for the proposed development has a high point surface level of 288 mAHD and with the development having a height of approximately 10m that equates to an overall height of 298mAHD, 132 m below the surface map.

(a)(ii) Draft environmental planning instruments

The NSW State Government repealed the Orana Regional Environmental Plan (REP) 1 – Siding Spring since the submission of this application and replaced the REP with clause 5.14 within DLEP 2011 which has been addressed earlier in this report.

(a)(iii) Development control plans

Dubbo Development Control Plan 2013

Chapter 3.1 Access and Mobility

To some extent this Chapter contains provisions beyond the Building Code of Australia (BCA) and the Disabled Discrimination Act, 1992 (DDA).

The Chapter deals with industrial buildings having a floor area greater than 500 m². The entry building of the Facility is approximately 750 m² (30 m x 25 m). Comments from Council's Building Services Supervisor were as follows:

"Under the Building Code of Australia (D3.2 and D3.3), disabled access is required to be provided to all parts of a proposed Class 5 and 8 buildings to which the occupants normally would use, unless an exemption under D3.4 applies.

It is envisaged that the subject composting processing line structures would avail themselves of the concession under D3.4(a), being “an area where access would be inappropriate because of the particular purpose for which the area is used.”

Notwithstanding the above, it appears that the Office building is intended to be made disabled accessible, evident by the provision of a disabled toilet.

The level of detail provided on the submitted plans is not sufficient to permit a detailed assessment of design compliance of the office with AS 1428.1 as adopted under the Dts BCA. However, it would appear that a required ambulant toilet is absent from both the female and male toilets.

Disability Discrimination Act considerations:-

The Premises Standards and Access Code for Buildings under the Disability Discrimination Act 1992 took effect on 1 May 2011. The Access Code is contained in Schedule 1 (the Access Code for Buildings) of the Commonwealth Government’s Disability (Access to Premises — Buildings) Standards 2010 (the Premises Standards). Although the Access Code’s technical provisions are duplicated in BCA 2011, the Premises Standards document itself goes further in that it contains provisions which can require access upgrading within existing buildings. Consequently, as the construction certificate application for the new building works will be lodged after 1 May 2011, the building will be required to comply with its requirements.

With respect to compliance with the Access Code the level of detail provided on the submitted plans is not sufficient to permit a detailed assessment of design compliance. This would have to be undertaken in conjunction with the building’s construction certificate application. The same accessibility shortcomings as outlined under BCA considerations, would apply equally under the Access Code.”

Chapter 3.5 Parking

The proposed development does not have any corresponding requirement for carparking in this Chapter. However, the EIS refers to four (4) additional staff and three (3) contractors with regard to the proposal. There is a parking area on the north-eastern side of the Facility providing some 12 carspaces, connected to the office/amenities building by a defined pathway. These arrangements are suitable for the subject development.

(b) Environmental (natural and built), social and economic impacts

As stated above, the removal of vegetation is proposed to be off-set in the southern portion of the site.

Aside from removal of vegetation there would be negligible impact on the built environment.

There are beneficial social and economic impacts resulting from the proposed development. From the submitted EIS (p15) "*There are numerous environmental benefits as a result of the proposal such that it diverts organic waste from the landfill which would otherwise produce a greenhouse gas emissions liability, as well as enabling the recovery of a valuable resource which can contribute to improved soil fertility and soil carbon levels.*"

(c) Suitability of the site

From the submitted EIS (p15) "*The site for the proposed Organic Waste Composting Facility will be co-located within the existing Whylandra Waste and Recycling Centre, utilizing existing infrastructure apart from the need to upgrade power supply and transport routes such that it will not significantly affect adjoining property owners, noting that the closest residential property is located 300m from the subject site.*"

Due to the proposal's location within the existing Whylandra Waste and Recycling Centre, there are no issues regarding views, overshadowing, streetscape, etc.

The existing road network has the capacity to accommodate the anticipated increase in traffic and it is deemed that no additional works are required. The site is not connected to Council's water or sewer networks, relying on current onsite systems.

As such, the site and the proposed location of the Organic Waste Composting Facility is deemed to be suitably located.

(d) Submissions

In accordance with the Act and the Regulations, the Development Application was advertised for a period in excess of 30 days in the local newspaper. Adjoining property owners were also notified in writing of the proposed development.

Council received no submissions during the advertising period.

In accordance with Section 77 of the Regulation and as stated earlier in this report, the application was referred to the NSW Environment Protection Authority (EPA), NSW Office of Environment and Heritage (Water) and NSW Roads and Maritime Services (RMS).

The EPA involved a referral as Integrated Development and their General Terms of Approval are attached in **Appendix 3**.

The NSW Office of Environment and Heritage (Water) originally raised some concerns regarding the offset area which was addressed by the applicant (consultant). In response to the additional information, the NSW Office of Environment and Heritage (Water) in their correspondence dated 31 August 2016 (**Appendix 4**) raised no objections to the proposed development.

The NSW RMS responded in correspondence dated 17 May 2016 (**Appendix 5**), raising no objection to the proposed development given the standard of the current intersection of Cooba Road and the Mitchell Highway and the likely traffic generated by the proposed development.

(e) Public interest

There are no matters other than those discussed in the assessment of the Development Application above that would be considered contrary to the public interest.

8. OTHER MATTERS

SECTION 64/SECTION 94 CONTRIBUTIONS

The subject site is located outside Council's water and sewerage networks and as such, there is no foreseen impact upon Council's infrastructure and therefore no Section 64 Contributions are applicable.

With regard to Section 94 Contributions, the subject site is located outside Council's Stormwater Management Network and would therefore not impact upon the network.

The proposed development will have no impact upon Council's Recreation Facilities or Open Space network.

There is negligible impact upon Council's road network. The site is also located outside Council's Urban Area and therefore contributions are not applicable.

9. INTERNAL REFERRALS

Building Assessment

Council's Building Services Supervisor raised no concerns with the proposed development, providing conditions of consent included in **Appendix 1**.

Engineering Assessment

Council's Development Engineer raised no concerns with the proposed development.

Environment and Health Assessment

Council's Senior Environment and Health Officer raised no concerns with the proposed development, providing conditions of consent included in **Appendix 1**.

10. SUMMARY AND RECOMMENDATION

The proposed development to establish an Organic Waste Composting Facility complies with the requirements of the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation, 2000, relevant State Environmental Planning policies, Dubbo Local Environmental Plan 2011 and Dubbo Development Control Plan 2013.

As such, it is recommended that the proposed Organic Waste Composting Facility at Lot 1125, DP 880898, Cooba Road, Dubbo, be approved subject to the conditions of consent included in **Appendix 1**.

Darryll Quigley
Planning Services Supervisor

Attachments: Appendix 1 – Conditions of Consent
 Appendix 2 - Development Plans
 Appendix 3 - NSW EPA's General Terms of Approval
 Appendix 4 - NSW OEH (Water) correspondence dated 31 August 2016
 Appendix 5 - NSW RMS correspondence dated 17 May 2016

CONDITIONS

(1) The development shall be undertaken generally in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:

Title: Plan of Subdivision of Lot 1125 DP 880898 for Lease Purposes
Drawn by: Graeme Stephen Astley
Dated: 12 January 2016

Title/Plan No.: Site Plan/Sheet No.2/2
Drawn by: RJB Drafting Services
Dated: 26/08/2016

Title/Plan No.: DROPP – Tunnel Composting Plant/1003_26_101
Drawn by: A.PICHLER
Dated: 01-12-15

Title/Plan No.: DROPP – Tunnel Composting Plant/1003_26_102
Drawn by: A.PICHLER
Dated: 01-12-15

Title/Plan No.: DROPP – Tunnel Composting Plant/1003_26_103
Drawn by: A.PICHLER
Dated: 16-09-16

{Reason: To ensure that the development is undertaken in accordance with that assessed}

(2) The Organic Waste Composting Facility shall operate in accordance with the General Terms of Approval issued by the New South Wales Environment Protection Authority in correspondence dated 16 September 2016 (copy attached).
{Reason: To ensure that the development operates without detrimentally impacting on the environment}

(3) The subdivision creating proposed Lot 100 (lease lot) shall be registered with NSW Lands and Property Information prior to the operation of the Organic Waste Composting Facility, the subject of this consent.
{Reason: To ensure compliance with the Conveyancing Act 1919}

(4) Prior to works commencing the Applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:

- The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
- The name of the principal contractor for the building/demolition work and a telephone number on which that person may be contacted outside of working hours; and
- Stating that unauthorised entry to the work site is prohibited.

Such sign must be maintained on the site during the course of the building/demolition work and not be removed until the work has been completed.

{Reason: Statutory condition imposed by clause 98A of the EP&A Regulation 2000}

(5) The person having the benefit of this Development Consent, if not carrying out the work as an owner-builder, must unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifying Authority (PCA) to be carried out.

Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.

{Reason: Statutory requirement imposed by the EP&A Act 1979}

(6) The sanitary drainage associated with the proposed building requires the separate approval of Council prior to being installed. In this regard a Sewage Management Facility Application form is available from Council, and must be completed and returned to Council with all associated design, installation details and fees. No drainage must be installed until Council has approved the proposed treatment and disposal method for the site and issued an approval to install the intended sewage management facility.

Note: Allowance must not only be made for the area of the initial effluent disposal field, but also a reserve disposal field for alternating to upon failure of the initial effluent disposal area.

{Reason: Council and statutory requirement of Section 68 Local Government Act 1993}

(7) All sanitary plumbing and drainage work associated with the sewage management facility shall be carried out by a licensed plumber and drainer.

{Reason: Council requirement to ensure installation is performed by an appropriately qualified person}

(8) The applicant shall ensure that the responsible builder or contractor submits to the Principal Certifying Authority (PCA), a Certificate of Installation certifying that the wet areas of the Office building have been protected by the installation of a water-proofing system conforming to AS 3740 'Waterproofing of domestic wet area'. Such Certificate must be provided prior to occupation or use of the building.

{Reason: To demonstrate the provision of an adequate moisture proofing system}

(9) A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.

{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}

(10) All excavations associated with the erection of the building and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.

{Reason: Council requirement for protection of public}

(11) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
{Reason: Prescribed statutory condition under EP&A Act}

(12) Prior to the Occupation Certificate being issued, Council is to be given at least 24 hours notice for officers of its Building & Development Services Branch to carry out an inspection of the Office building's completed sanitary plumbing/drainage and sewage management facility installation.
{Reason: To enable an inspection of the building's plumbing and drainage to determine they have been satisfactorily completed}

(13) A hoarding, barricade or fence shall be erected between the construction site and any adjoining public place and/or around any road openings or obstructions if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by the proposed works.

The work is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the adjoining public place.

{Reason: Council requirement for the protection of the public}

(14) The hot water delivered to the outlets of the hand-basins shall not exceed 50°C, whilst disabled fixtures shall not exceed 45°C.
{Reason: Council policy and statutory requirement of the Plumbing Code of Australia}

(15) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
{Reason: Council and statutory requirement to protect Aboriginal heritage}

(16) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

{Reason: Council requirement to prevent the contamination of the environment}

(17) All solid waste from construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the *Department of Environment and Climate Change - Waste Classification Guidelines*. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act.
{Reason: Council requirement to require compliance with the POEO Act}

(18) The proposed self bunded fuel tank shall be provided with an impervious pad for vehicles to park on during refuelling. The pad shall be graded to a blind sump and emptied by a suitable liquid waste contractor as required.
 {Reason: To prevent fuel spills from potentially contaminating soil and water in the vicinity.}

(19) The offset area as identified in Figure 3-7 of the OzArk Environmental and Heritage Management, Ecological Assessment – Dubbo Regional Organics Process Plant dated April 2016, OzArk Job No.1331, shall be secured for the proposed offset land in-perpetuity for its conservation value, directly on title through Land Property Information (LPI). The process to be followed in this regard is summarised as follows:

- the land title covenant and a plan of management for the property will be prepared;
- a surveyor shall prepare an accurate survey diagram of the conservation area;
- the survey and terms of land title covenant will be lodged for registration with the LPI within 6 months of the approval date of Development Consent D16-173;
- the site will be periodically visited to monitor the property's ecology and conservation management; and
- the plan of management for the conservation of the offset land shall be reviewed every five years.

{Reason: To ensure the protection of the flora and fauna in the locality through the creation of an ecological offset area}

(20) Mitigation measures in accordance with Clause 6 Mitigation Measures of the OzArk Environmental and Heritage Management, Ecological Assessment – Dubbo Regional Organics Process Plant dated April 2016, OzArk Job No.1331, shall be complied with.
 {Reason: Protection of flora and fauna that frequent the locality.}

NOTES

(1) A separate application is required to be submitted to an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed buildings.

Note: Pursuant to clause 18A of the Building Professionals Regulation 2007, Council's certifiers are excluded from any construction certificates related to the development.

(2) Although Council cannot be engaged to act as the accredited certifier for the development's Construction Certificate application, the following aspects are raised for further investigation in relation to the development's design for such application-

(a) The provision of fire services in the form of fire hydrants and fire hose reels would be required under the Deemed-to satisfy Building Code of Australia (Dts BCA) to serve the development as the receival and decontamination shed exceeds a floor area of 500 m². If the whole process line was considered a single or united Class 8 building, then its total storey floor area would be 1528m², and also require hydrant and hose reel protection;

- (b) Portable fire extinguishers would be required to be provided to the office building under the BCA;
- (c) Should all the structures in the processing line constitute class 8 buildings, then they will likely pose fire source features to each other;
- (d) The receival & decontamination shed (assumed Class 8) whilst is open at one end, contains an enclosed portion which is shown with no personnel doors, and thus no apparent compliant exits. The composting tunnels also have no apparent personnel doors;
- (e) The water closet compartments in the Office building appear non-compliant with the Dts BCA with respect to the provision of a minimum 1.2m clearance from the front of the pans to their doorway openings. The toilets would also require mechanical ventilation as airlocks have not been provided;
- (f) Under the Dts BCA and Access Code a continuous accessible path of travel for disabled persons is required from the allotment boundary from Cooba Road and from any required disabled car park space(s), to the doorway at the entrance floor and through the principle pedestrian entrance of the buildings required to be accessible. The design for such access is required in accordance with the BCA and the Access code under the Commonwealth *Disability (Access to Premises – Buildings) Standards 2010* under the DDA. Note: where such accessible path of travel crosses driveway(s), hardstand and car park areas, regard must be given to maximum longitudinal and cross-fall grades, landing spacing's and tactile indicators as stipulated under AS 1428.1 and the BCA/Access Code. The International symbol of access is required to be of specified dimensions (AS/NZS 2890.6:2009), colour and always facing to the right (AS 1428.1);
- (g) The provision of disabled access to and within the subject buildings would be required by the Dts BCA and Access Code; unless an exemption is relied upon under clause D3.4 (if deemed-to-satisfy solution utilised), or alternative solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
- (h) Plans would need to indicate compliance with AS 1428.1-2009 as adopted by the BCA with respect to the design of the required ambulant sanitary compartments in the Office building. The Dts BCA and Access Code both require that at each bank of toilets, a sanitary compartment suitable for a person with an ambulant disability in accordance with AS 1428.1 must be provided for use by males and females, after the provision of the unisex disabled accessible toilet. Plans would need to detail the specific set-out dimensions of the ambulant toilets. Attention should be given in part, to the following aspects of the ambulant sanitary compartment design:
 - Compartment width tolerance of only 900 – 920 mm (measured between the completed wall linings/finishes);
 - Minimum clear compartment door width of 700 mm;
 - Minimum circulation space of 900 mm in front of the pan, clear of any door encroachment; and
 - 900 x 900 mm circulation space in front of the compartment entry door; and
- (i) The proposed Office building would be subject to Section J of the BCA.

(3) A list of Fire Safety Measures must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000. The Regulation prescribes that the information to be submitted must include:

- A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

(4) Details of any required disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans for the Office building, to permit assessment and compliance evaluation with the provisions of the Premises Standards and the BCA. In particular, the submitted details for the required disabled toilet and ambulant toilets should include elevations and floor plans of the facilities drawn to a scale of 1:20. Reference should be made to AS 1428.1 and the Access Code under the Premises Standards.

(5) Prior to occupation or use of the subject buildings, an Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) appointed for the subject development.

(6) It is a statutory requirement that an Approval to Operate a System of Sewage Management must be obtained from the Council prior to occupation of the building and/or commissioning of the sewage management facility (eg septic tank, AWTS etc). This approval to operate the sewage management system is time limited and must therefore, be renewed on a regular basis by the owner of the premises. Accordingly, the applicant to this consent should ensure that the owner of the subject premises is made aware of the following:

- (a) That an approval to Operate a System of Sewage Management must be obtained from the Council prior to occupation of the building and/or commissioning of the sewage management facility; and
- (b) That such approval once obtained must be renewed on a regular basis.

(7) On completion of the erection of the subject buildings, the owner of the buildings is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each *essential fire safety measure* installed in association with the buildings - as listed on the Fire Safety Schedule attached to their associated Construction Certificate. Such certificate(s) must be submitted to the PCA prior to occupation or use of the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the appointed PCA) and the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position.

(8) The owner of the buildings is required to submit to Council at least once in each period of 12 months following the completion of the buildings, an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the buildings.

Copies of the subject Annual Fire Safety Statements must also be forwarded by the owner to the Commissioner of the Fire and Rescue NSW and displayed within the subject buildings in a prominent position. In this regard Fire and Rescue NSW has requested that only electronic copies of the statement be forwarded, with their dedicated email address for such Statements being: afss@fire.nsw.gov.au

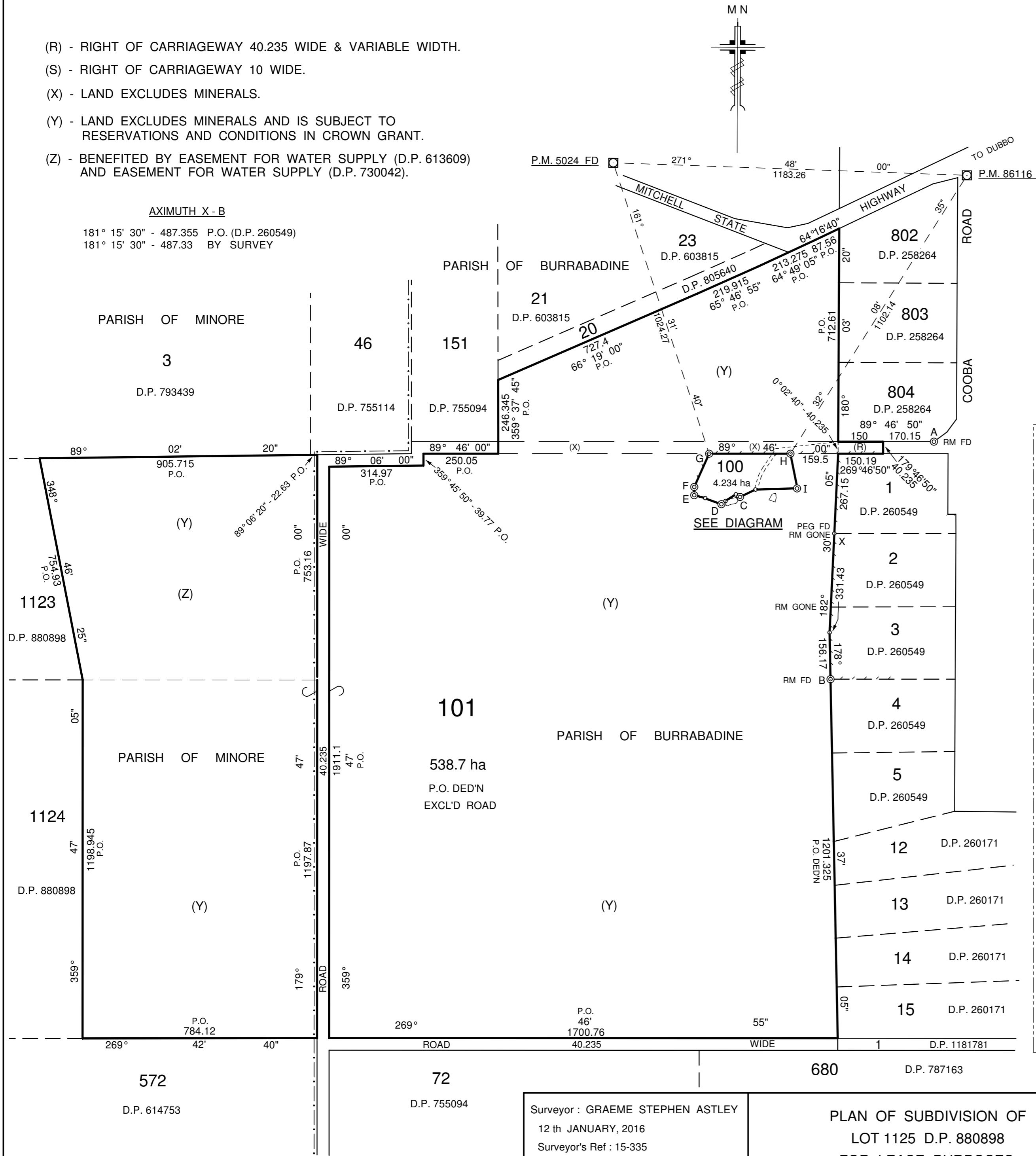
RIGHT OF REVIEW AND APPEAL

Right of Appeal: Section 97 of the Environmental Planning and Assessment Act 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six months after the date on which you receive this Notice.

(R) - RIGHT OF CARRIAGEWAY 40.235 WIDE & VARIABLE WIDTH.
 (S) - RIGHT OF CARRIAGEWAY 10 WIDE.
 (X) - LAND EXCLUDES MINERALS.
 (Y) - LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN CROWN GRANT.
 (Z) - BENEFITED BY EASEMENT FOR WATER SUPPLY (D.P. 613609) AND EASEMENT FOR WATER SUPPLY (D.P. 730042).

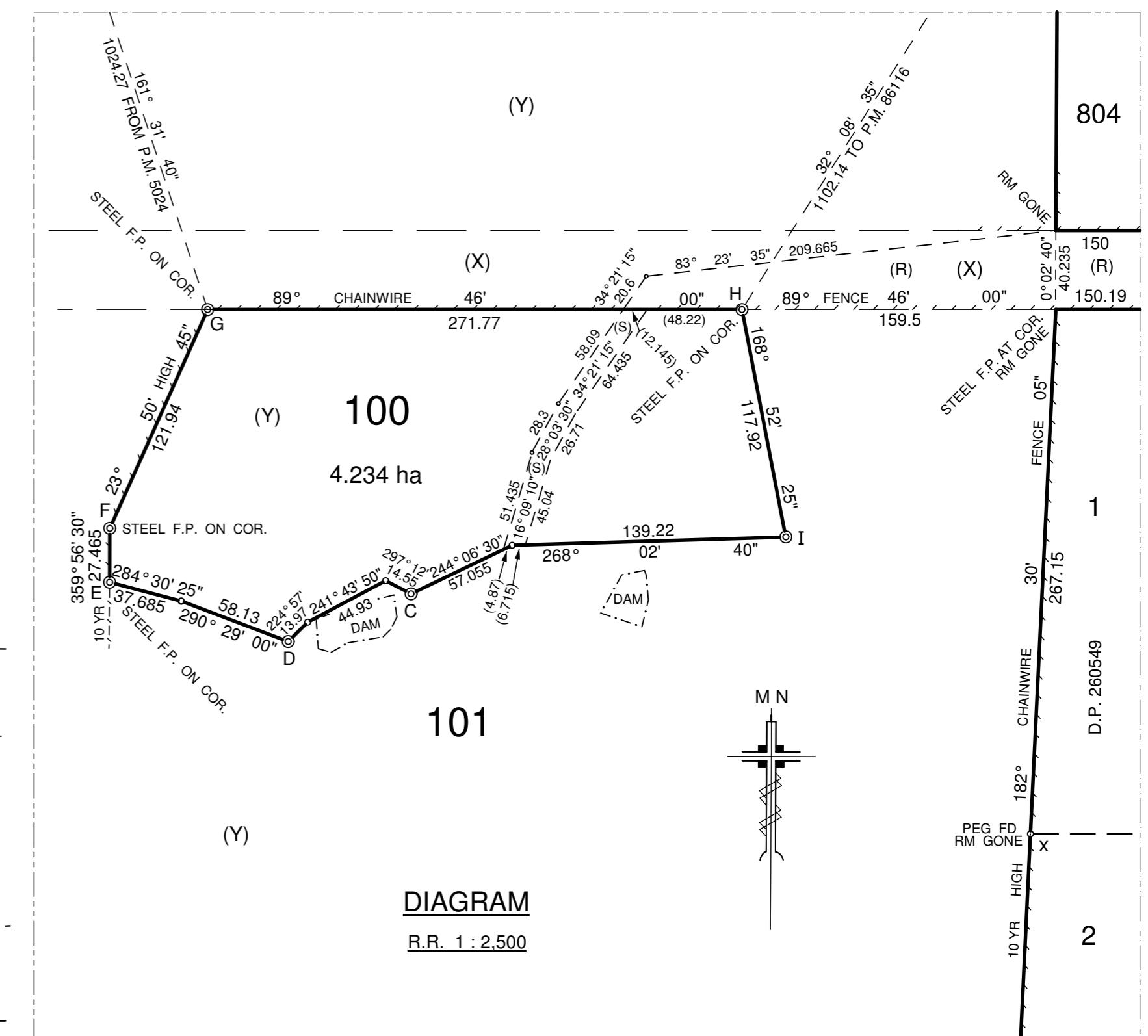
AXIMUTH X - B

181° 15' 30" - 487.355 P.O. (D.P. 260549)
 181° 15' 30" - 487.33 BY SURVEY



REFERENCE AND PERMANENT MARKS				
COR	BEARING	DISTANCE	FROM	PLAN
A	26° 11' 00"	17.6	D. H. & WING	FD D.P. 258264
B	89° 45' 20"	1.00	G. I. ROD	FD D.P. 260549
C	158° 48' 20"	12.78	G. I. ROD	
D	101° 10' 00"	28.88	G. I. ROD	
E	16° 24' 15"	5.99	D. H. & WING	
F	101° 38' 40"	0.79	G. I. PIPE	
G	143° 17' 50"	0.695	G. I. PIPE	
H	181° 45' 30"	0.97	G. I. PIPE	
I	247° 09' 10"	0.525	G. I. PIPE	

SURVEYING & SPATIAL INFORMATION REGULATION 2012							
MARK	M.G.A. CO-ORDINATES		ZONE	CLASS	ORDER	METHOD	ORIGIN
	EASTING	NORTHING					
P.M. 5024	640 017.93	6 436 695.809	55	B	2	FROM SCIMS	FOUND
P.M. 86116	641 178	6 436 461	55	U	U	FROM SCIMS	FOUND
SOURCE	MGA CO-ORDINATES	ADOPTED FROM SCIMS AS AT	12 - 1 - 2016				
		COMBINED SCALE FACTOR = 0.999795					



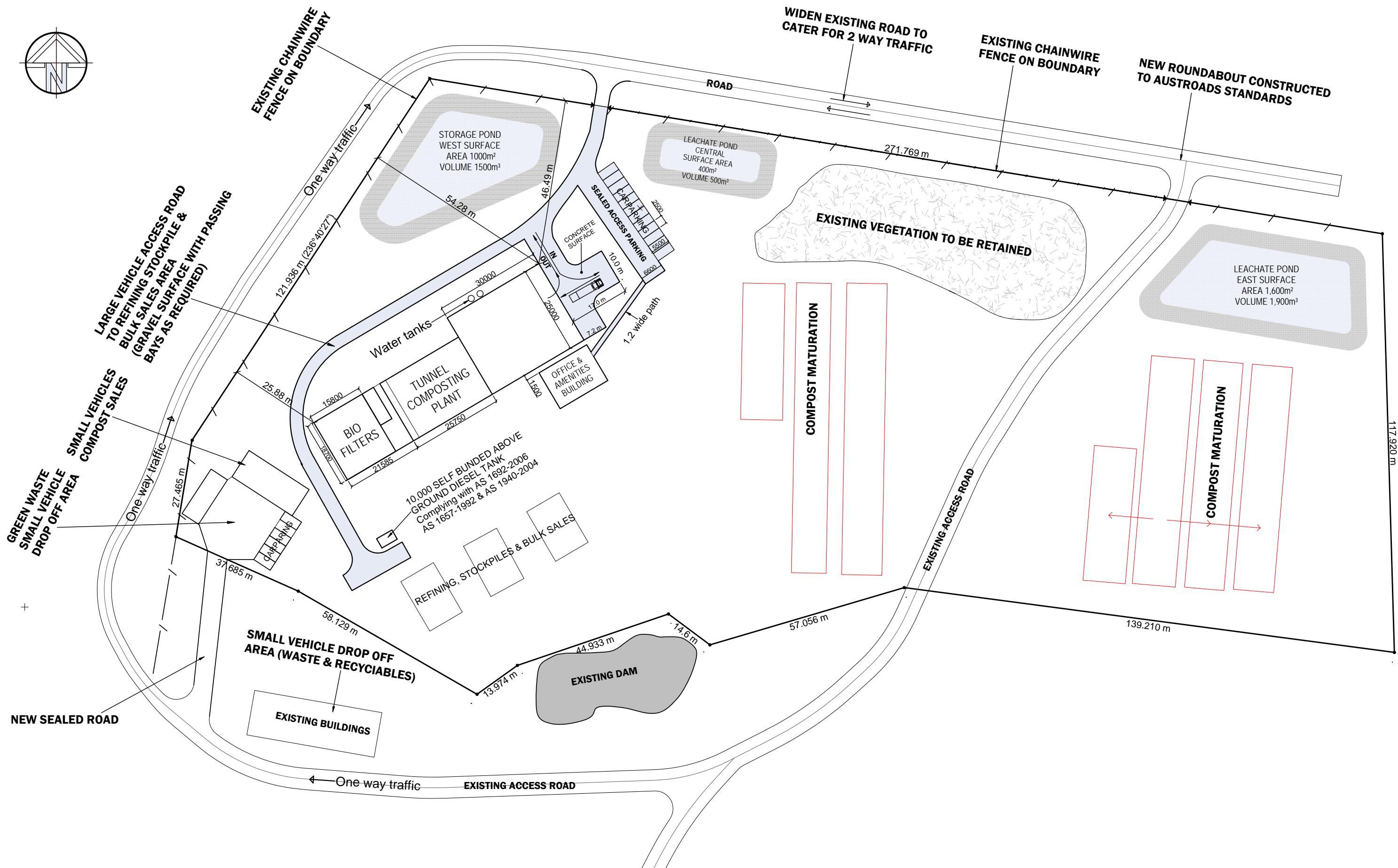
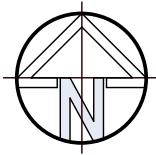
DIAGRAM

R.R. 1 : 2,500

PLAN OF SUBDIVISION OF
 LOT 1125 D.P. 880898
 FOR LEASE PURPOSES.

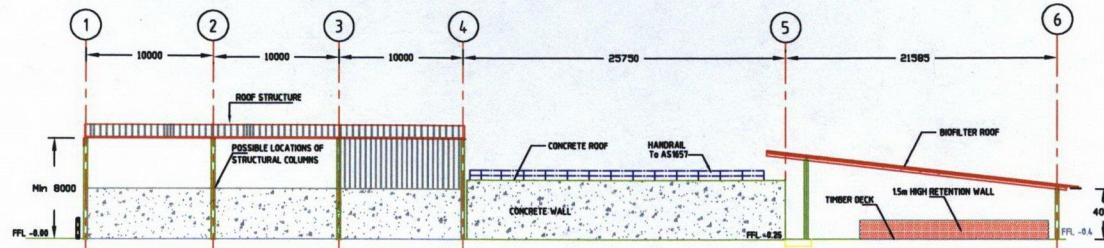
L. G. A. : WESTERN PLAINS REGIONAL
 Locality : DUBBO
 Subdivision No. :
 Lengths are in metres.
 Reduction Ratio 1 : 10,000

Registered

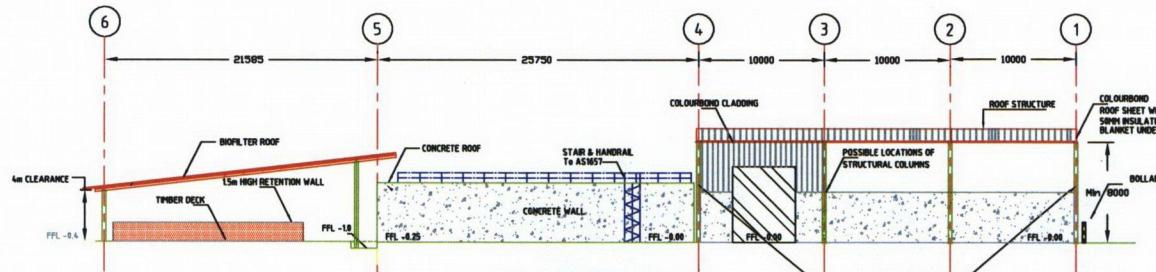


1 Site Plan

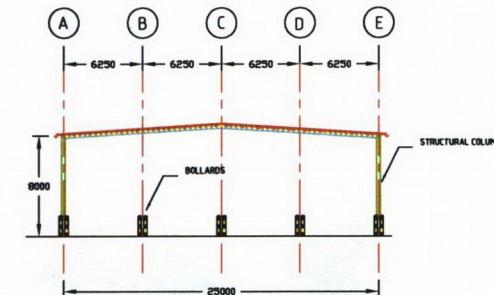
1: 1000



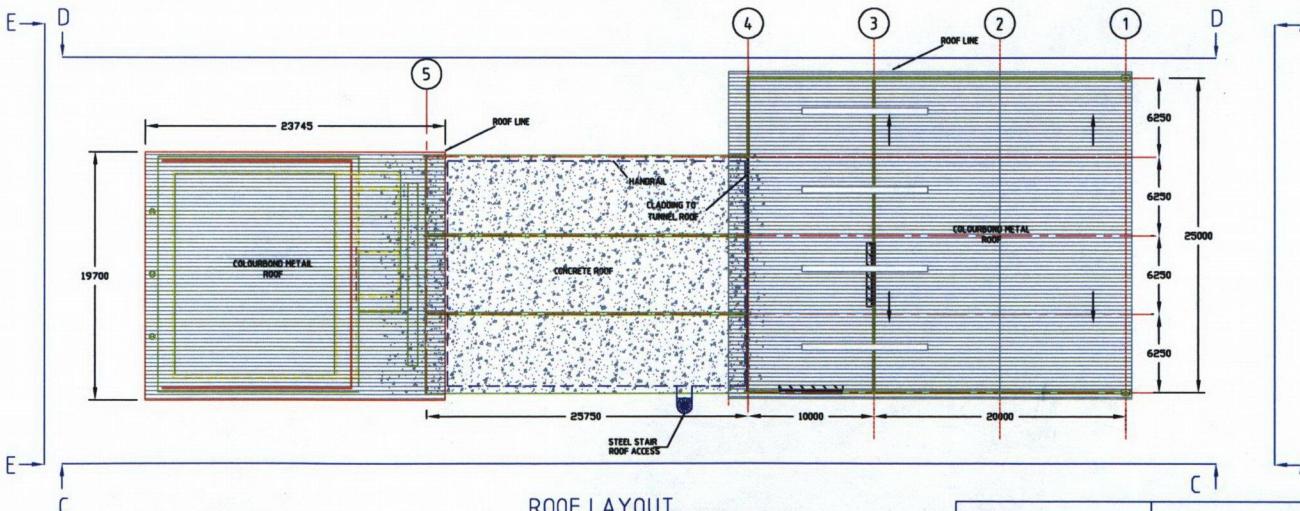
ELEVATION D - D



ELEVATION C - C



FRONT ELEVATION A - A



ROOF LAYOUT

**2. HEIGHT TO UNDERSIDE OF EAVES OR HAUNCH TO BE
MINIMUM 8 METER**

3. ALL FLs ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN

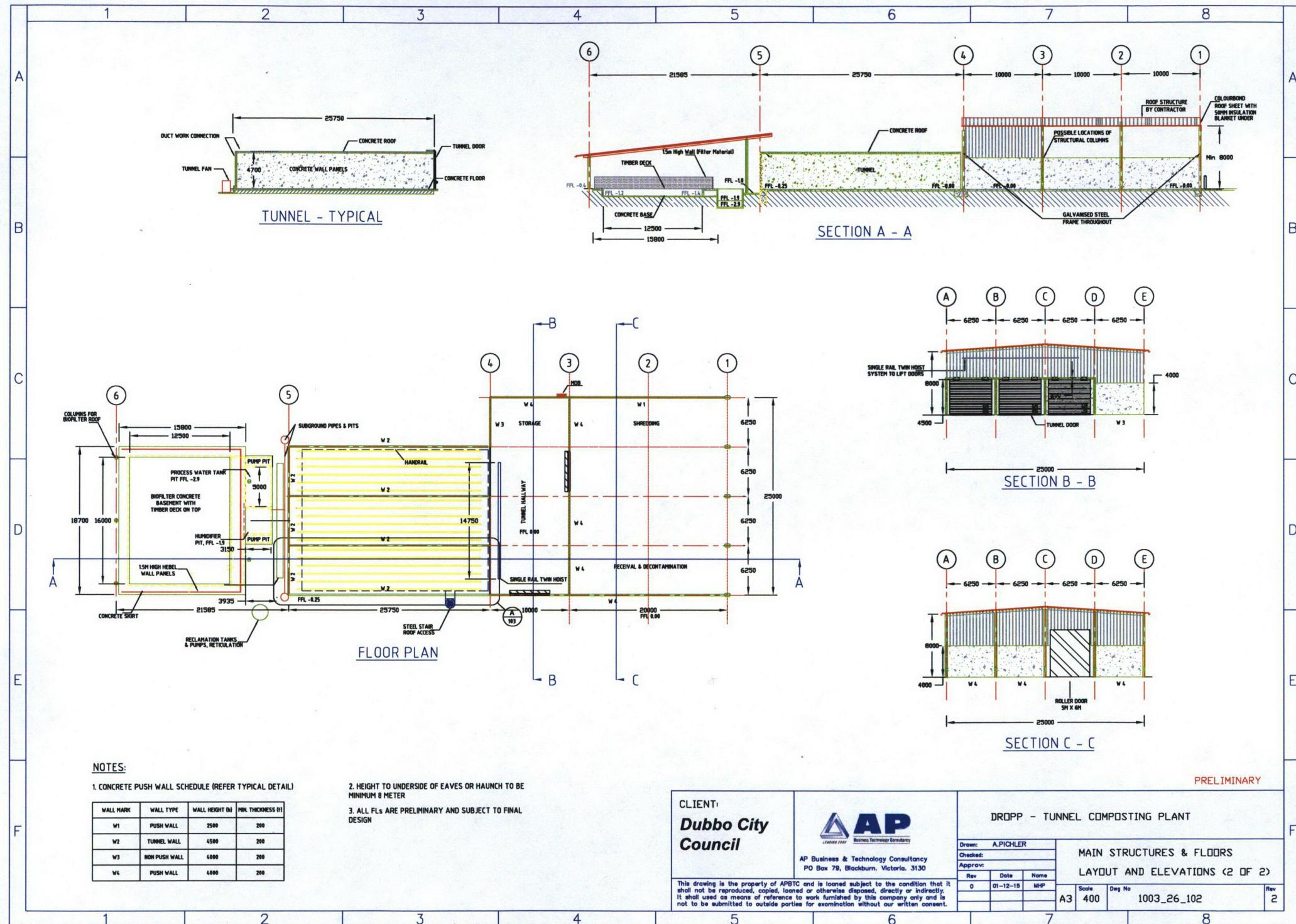
CLIENT:
**Dubbo City
Council**

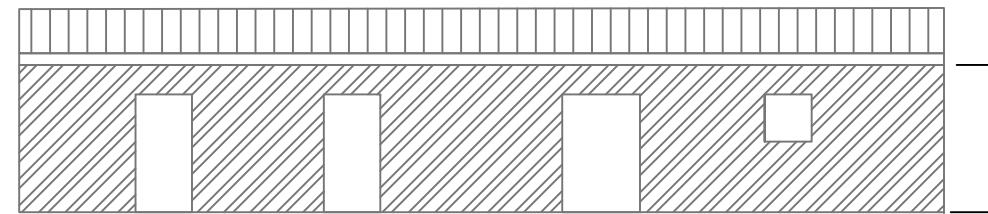


AP Business & Technology Consultants
PO Box 79, Blackburn, Victoria, 3130

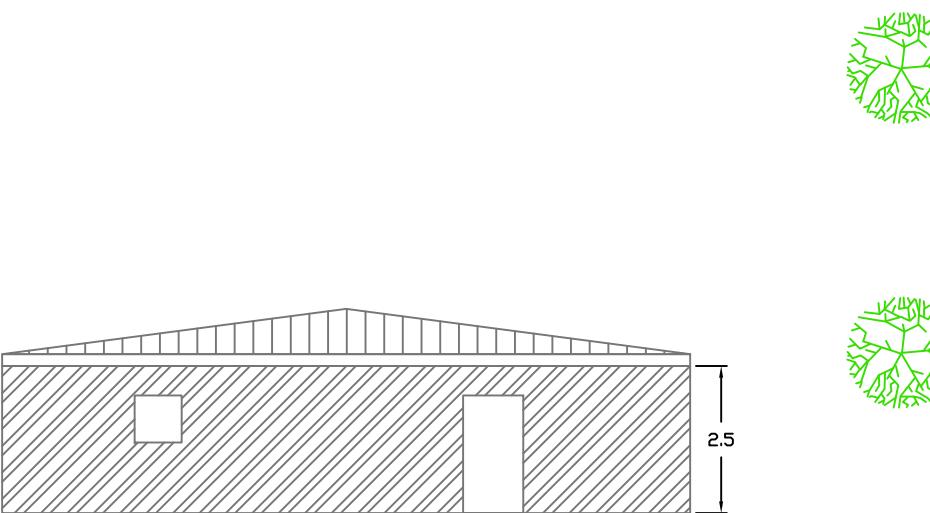
DROPP - TUNNEL COMPOSTING PLANT

Drawn: A.PICHLER			MAIN STRUCTURES & FLOORS		
Checked:			LAYOUT AND ELEVATIONS (1 of 2)		
Approv:					
Rev	Date	Name	Scale	Deg No	Rev
0	01-12-15	MHP	A3	400	1003_26_101

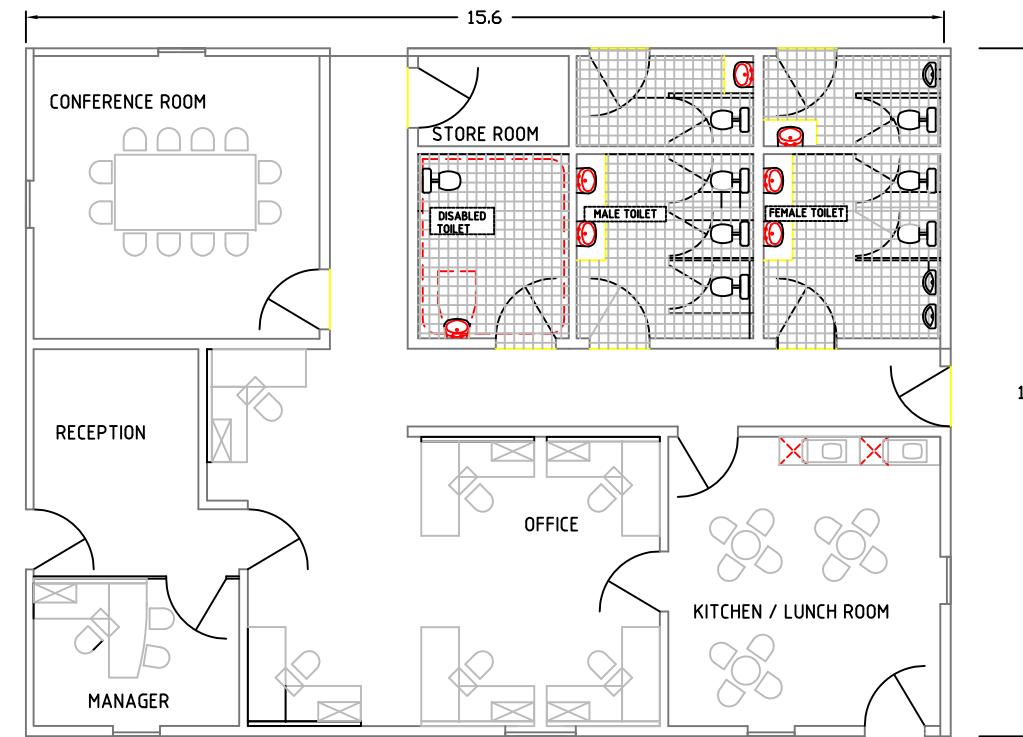




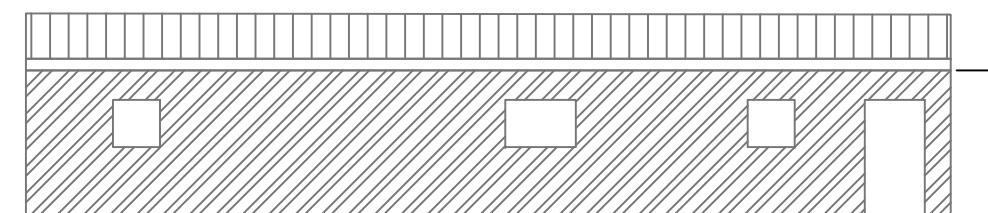
SOUTH EASTERN ELEVATION



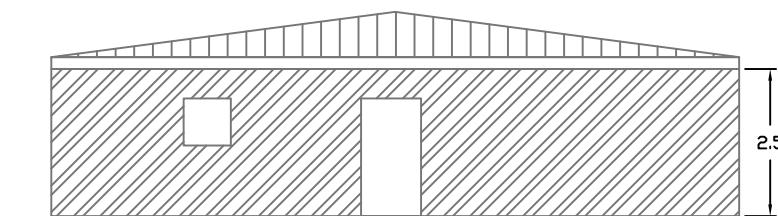
NORTH EASTERN ELEVATION



FLOOR PLAN



NORTH WESTERN ELEVATION



SOUTH WESTERN ELEVATION

NOTES:

1. THIS LAYOUT IS INDICATIVE ONLY, INDICATING THE MINIMUM REQUIREMENTS
2. BUILDING TO BE FINISHED TO COUNCIL COLOUR SCHEME.

3. BUILDING TO BE A PREFABRICATED MODULAR BUILDING OR BETTER.

PRELIMINARY

CLIENT: Dubbo City Council			 AP Business & Technology Consultancy Pty Ltd PO Box 79, Blackburn, Victoria, 3130	DROPP - TUNNEL COMPOSTING PLANT		
Drawn:	Checked:	Approved:		OFFICE & AMENITIES BUILDING		
Rev	Date	Name	TYPICAL LAYOUT			Rev
0	02-12-15	MHP				
1	16-09-16	MHP	A3	Scale	Dwg No	1003_26_103
			NTS			Rev 1

General Terms of Approval - Issued



Notice No: 1544704

Dubbo City Council
PO BOX 81
DUBBO NSW 2830

Attention: Mr Michael McCulloch

Notice Number 1544704
File Number SF16/25548
Date 16-Sep-2016

Re: "Proposed Dubbo Regional Organic Processing Plant"

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

I refer to the development application and accompanying information provided for the Proposed Dubbo Regional Organic Processing Plant received by the Environment Protection Authority (EPA) on 10 May 2016.

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

The general terms of approval for this proposal are provided in **Attachment A**. If Dubbo City Council (the council) grants development consent for this proposal these conditions should be incorporated into the consent.

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

The EPA would like to advise Council that every *Protection of the Environment Operations Act 1997* (POEO) licence will contain a number of mandatory conditions. A copy of the mandatory conditions has been included as a separate attachment to the general terms of approval and is provided as **Attachment B**.

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The proponent should also be aware of their obligations to prepare a Pollution Incident Response Management Plan (PIRMP) for the premises as required by the Protection of the Environment Legislation Amendment Act 2011. Guidelines on the preparation of the PIRMP can be found at <http://www.epa.nsw.gov.au/legislation/20120227egpreppirmp.htm>. The proponent is also required to submit the PIRMP for the premises with the scheduled activity licence application form.

If you have any questions, or wish to discuss this matter further please contact Ramya Gowda on 02 6883 5306.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bradley Tanswell'.

Bradley Tanswell
Acting Unit Head Far West Operations
Environment Protection Authority
(by Delegation)

General Terms of Approval - Issued

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Attachment A - General Terms of Approval

Administrative conditions

A1. Information supplied to the EPA

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

- the development application (D2016/173) submitted to EPA on 10 May 2016;
- the Environmental Impact Statement titled *Proposed Dubbo Regional Organic Processing Plant* and dated 26 April 2016 ; and
- additional information provided in support of the application submitted to the EPA on 17 August 2016.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

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

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L2. Air

L.2.1 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of air pollutants from the premises.

L.2.2 The premises must be maintained in such a manner as to prevent and/or minimise the emission of air pollutants from the premises at all times.

L.2.3 The proponent must develop and implement an Air Quality Management Plan (AQMP) prior to the commencement of project operation. The AQMP must include the following, but not limited to:

- Key Performance indicators;
- Monitoring methods;
- location, frequency and duration of monitoring;
- record keeping ;
- response mechanism; and
- compliance reporting.

L6. Noise limits

L6.1 Noise generated at the premises must not exceed the noise limits in the table below. The locations referred to are in Figure 2-4 Nearest Residential Receptors on Page 7 - Noise Impact Assessment for Meinhardt Pty Ltd - Dubbo Regional Organics Processing Plant - EIS (Report No: 151142_NIA_Rev 3 by Benbow Environmental) dated 26 April 2016.

		NOISE LIMITS dB(A)			
Locality	Location	Day	Evening	Night	
		LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LAmax
<i>R1 45L Gidgee Road</i> <i>Lot 1 DP 260549</i>	<i>Dubbo</i>	37	35	35	45

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<i>R2 41L Gidgee Road</i> <i>Lot 2 DP 260549</i>	<i>Dubbo</i>	35	35	35	45
<i>R3 40L Gidgee Road</i> <i>Lot 3 DP 260549</i>	<i>Dubbo</i>	35	35	35	45
<i>R4 43R Gidgee Road</i> <i>Lot 7 DP 260549</i>	<i>Dubbo</i>	35	35	35	45
<i>R5 7L Cooba Road</i> <i>Lot 16 DP 260171</i>	<i>Dubbo</i>	35	35	35	45
<i>R6 Cooba Road</i> <i>Lot 804 DP 258264</i>	<i>Dubbo</i>	35	35	35	45
<i>R7 5L Kalyan Road</i> <i>Lot 102 DP 807036</i>	<i>Dubbo</i>	35	35	35	45
<i>R8 108L Narromine Road</i> <i>Lot 23 DP 603815</i>	<i>Dubbo</i>	35	35	35	45
<i>R9 36L Gidgee Road</i> <i>Lot 4 DP 260549</i>	<i>Dubbo</i>	35	35	35	45
<i>Any other sensitive receptor</i>	<i>Dubbo</i>	35	35	35	45

L6.2 For the purpose of condition L6.1;

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

L6.2 (A) Construction activity is permitted between the hours of 7:00 am to 6:00 pm Monday to Friday and Saturday 8:00 am to 1:00 pm, with no construction activity on Sundays and Public Holidays. Construction activity is permitted outside these hours that does not generate more than 35dB LAeq(15minute) at any of the locations listed in Table 1.

Activities that may also be undertaken outside the hours specified in Condition L6.2 (A) above include:

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- a) the delivery of oversized plant or structures that police or other authorised authorities determine require special arrangements to transport along public roads;
- b) emergency activities to avoid the loss of life or property, or to prevent environmental harm.

L6.2 (B) Hours of operation are limited to between 8:00 am to 5:00 pm Monday to Friday and 9:00 am to 5:00 pm Saturday, Sunday and Public Holidays.

L6.2 (C) During evening and night time hours only the fans and bio filter are to be operational and no other noise generating plant.

L6.3 The noise limits set out in condition L6.1 apply under all meteorological conditions except for the following:

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

L6.4 For the purposes of condition L6.3:

- a) Data recorded by the meteorological station must be used to determine meteorological conditions ; and
- b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L6.5 To determine compliance:

- a) with the Leq(15 minute) noise limits in condition L6.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling facade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with any L_Amax noise limits in condition L6.1, the noise measurement equipment must be located within 1 metre of a dwelling facade.
- c) with the noise limits in condition L6.1, the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions L6.5(a) or L6.5(b).

L6.6 A non-compliance of condition L6.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by conditions L6.5(a) and L6.5(b); and/or
- at a point other than the most affected point at a location.

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L6.7 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L6.8 A Traffic Noise Management Strategy (TNMS) must be developed by the proponent, for the purposes of construction and operational noise impacts prior to commencement of construction and to improve operation transport, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following;

- driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers,
- best noise practice in the selection and maintenance of vehicle fleets,
- movement scheduling where practicable to reduce impacts during sensitive times of the day (trucking shall be contained to day operations only).
- communication and management strategies for non-licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented,
- a system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimization procedures) and assesses the implementation and improvement of the TNMS,
- specific procedures to minimize impacts at identified sensitive areas,
- clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimization procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

L7. Blasting

L7.1 Blasting is not permitted

Operating conditions

O1. Odour

O1.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premise.

Note: Section 129 of the *Protection of the Environment Operations Act 1997*, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defences of the emission of identified in the relevant environment protection license as a potentially offensive odour and the odour was emitted in accordance with the conditions of a license direction at minimising odour.

O2. Dust

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

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

O3. Stormwater/sediment control - Construction Phase

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

O4. Stormwater/sediment control - Operation Phase

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

O5. Maintenance of Holding Ponds

O5.1 The holding ponds must be maintained to ensure that sedimentation does not reduce their capacity by more than 20% of the design capacity.

O6. Waste Water Utilisation Areas

O6.1 Sufficient free board must be maintained in all leachate and other water collection ponds to provide capacity to contain run-off up to the design storm event.

O6.2 Any landfill leachate generated from the former landfill, must not be irrigated onsite and must be only be re-injected into former landfill cells within the premises.

O6.3 Compost leachate must not be injected into any former landfill cell and must only be irrigated within the premises leachate barrier system.

O7. Lining requirement for compost and stormwater holding ponds

O7.1 All compost and ponds that receive contaminated water runoff must be lined to meet the EPA's permeability requirement of 1×10^{-9} m/s or less with a re compacted clay liner of at least 900 mm in thickness (or alternatively geosynthetic liner of equivalence).

Monitoring and recording conditions

M1 Monitoring records

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

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M1.2 All records required to be kept by the licence must be:
 in a legible form, or in a form that can readily be reduced to a legible form;
 kept for at least 4 years after the monitoring or event to which they relate took place; and
 produced in a legible form to any authorised officer of the EPA who asks to see them.

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

M1.4 Requirement to monitor weather: The licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Parameter	Unit of measure	Frequency	Averaging Period	Sampling Methods
Rainfall	mm/hour	continuous	1 hour	AM-4
Sigma theta	degrees	continuous	10 minute	AM-2 and AM-4
Siting				AM-1
Temperature at 2 metres	Kelvin	continuous	10 minute	AM-4
Temperature at 10 metres	Kelvin	continuous	10 minute	AM-4
Total solar radiation	watts per square metre	continuous	10 minute	AM-4
Wind direction at 10 metres	degrees	continuous	10 minute	AM-2 and AM-4
Wind direction at 10 metres	metres per second	continuous	10 minute	AM-2 and AM-4

Reporting conditions

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

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Attachment B—Mandatory Conditions for all EPA licences

Administrative conditions

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

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

Maintenance of plant and equipment

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

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

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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

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

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Telephone complaints line

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

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

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

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

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

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

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

Period covered by Annual Return

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

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

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

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

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

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

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

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Deadline for Annual Return

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

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

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

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

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

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

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

Notification of environmental harm

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

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

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

Written report

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

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

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and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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

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

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

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

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.



DOC16/416682
D2016-173

Mr Stephen Wallace
Manager Building and Development Services
Western Plains Regional Council
dcc@dubbo.nsw.gov.au

Dear Mr Wallace

Proposed Dubbo Regional Organics Processing Plant

Thank you for providing the Office of Environment and Heritage (OEH) with the response to request for additional information for the proposed Dubbo Regional Organics Processing Plant.

It is noted that Council now intends to secure the offset land in-perpetuity through a covenant directly on title. A plan of management for conservation will also be prepared for the property.

While OEH would prefer a Biobanking agreement, given the property is owned and managed by Council, the conservation covenant combined with a conservation plan of management will provide adequate protection for the offset land.

OEH would be happy to provide advice on the draft plan of management for the offset land and recommends that the offset land is monitored annually to assess the outcomes of management actions.

If you have any further queries, please contact Liz Mazzer, Conservation Planning Officer, on 6883 5325 or email liz.mazzer@environment.nsw.gov.au.

Yours sincerely

STEVEN COX
Senior Team Leader, Planning
North West Region

Date: 31 August 2016

Contact officer: LIZ MAZZER
02 6883 5325

17 May 2016

SF2015/078189; WST15/00069/02

General Manager
Western Plains Regional Council – Dubbo Branch
PO Box 81
DUBBO NSW 2830

Dear Sir

**D2016-173: Lot 1125 DP 880898; Cooba Road, Dubbo;
Organic Waste Composting Facility**

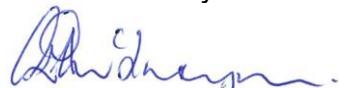
Thank you for your letter dated 2 May 2016 referring D2016-173 to Roads and Maritime Services for comment. I note D2016-173 has been referred to Roads and Maritime in accordance with clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*.

Vehicular access to the facility will be via the existing waste facility access and the intersection of the Mitchell Highway (HW7) and Cooba Road. This intersection includes an auxiliary left turn lane and a basic right turn treatment on the Mitchell Highway to provide a level of safety for vehicles turning from the highway into Cooba Road.

The existing intersection treatment on the Mitchell Highway should continue to provide a high level of safety for vehicles accessing the facility and background traffic on the highway, provided, right turns from the highway into Cooba Road do not exceed five vehicles during peak hours. Council has advised that the majority of traffic will be from Dubbo and right turns from the Mitchell Highway are not expected to exceed five.

Based upon this advice, Roads and Maritime does not object to the proposed development and makes no submission. Please forward a copy of Council's determination of the development application to Roads and Maritime at the same time it is sent to the applicant. Should you require further information please contact the undersigned on 02 6861 1453.

Yours faithfully



Andrew McIntyre
Manager Land Use Assessment
Western

Roads and Maritime Services