

JOINT REGIONAL PLANNING PANEL

(Western Region)

JRPP No	JRPP Reference Number: 2016WES018 DA
DA Number	2016/413
Local Government Area	Bathurst Regional
Proposed Development	Resource Recovery Facility
Street Address	51 Upfold Street, Gormans Hill
Applicant/Owner	Rokobauer Planning and Environment Pty Ltd (applicant) CL & CC Clark (owner)
Number of Submissions	17
Recommendation	Approval with Conditions
Report by	Lucie Clifton, Development Control Planner

PLANNING CONTEXT

NSW LEGISLATION
Environmental Planning and Assessment Act 1979 (as amended)
Protection of the Environment Operations Act 1997
REGULATIONS
Environmental Planning and Assessment Regulation 2000
STATE ENVIRONMENTAL PLANNING POLICIES
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy 33 - Hazardous and Offensive Development
State Environmental Planning Policy 55 - Remediation of Land
State Environmental Planning Policy (Infrastructure) 2007
ENVIRONMENTAL PLANNING INSTRUMENTS
Bathurst Regional Local Environmental Plan 2014
DEVELOPMENT CONTROL PLANS
Bathurst Regional Development Control Plan 2014

RECOMMENDATION AND ASSESSMENT REPORT

Development Application Information

Application No: 2016/413
Applicant: Rokobauer Planning and Development
Property: Lot 12 DP1123163, 51 Upfold Street, Gormans Hill
Proposal: Resource Recovery Facility

Purpose of Report

The purpose of this report is to seek determination from the Western Joint Regional Planning Panel of the subject development application for a resource recovery facility at 51 Upfold Street, Gormans Hill.

Recommendation

That the Western Regional Joint Regional Planning Panel grant consent to Development Application 2016/413 for:

RESOURCE RECOVERY FACILITY

Subject to conditions included in the Draft Notice of Determination (see **attachment 1**) with any further conditions or amendments as determined by the Acting Director Environmental Planning & Building Services pursuant to Section 80 (A) of the Environmental planning and Assessment Act 1979, as amended.

Executive Summary

Development Application 2016/413 (2016WES018) for a resource recovery facility was lodged with Council on the 23 November 2016. Additional information was submitted to Council on 1 March 2017.

The subject site is Lot 12, DP 1123163, 51 Upfold Street, Gormans Hill.

Upfold Street is a cul-de-sac generally running north south. The site is located at the head of the cul de sac.

The subject site is 7,298 square metres.

The site has historically been used as a concrete batching plant. The site currently contains infrastructure consistent with its long term use including concrete batching plant, and storage for crushing, screening and stockpiling.

On the northern boundary of the site is Queen Charlottes Vale Creek and Main Western Railway line. To the south is self-storage units.

There is currently a concrete plant and associated infrastructure on site, approved initially by Council in 1979 (1979/0103) and upgraded in 2005 (2005/0886). The current proposal forms

an adjunct to the concrete plant by recycling masonry waste on site. The crushing and separating of masonry products will enable reuse for either concrete manufacture or a landscaping product. The applicant has proposed that the concrete batching plant and proposed resource recovery facility will operate separately and never at the same time.

Access to the site will be by way of the existing entry from Upfold Street. The proposal anticipates principle traffic route will be Havannah Street, Russell Street, Lyal Street and Upfold Street. Parts of Lyal Street and Russell Street are zoned residential.

The nearest non-associated dwellings are located at 47 Upfold (immediately adjoining the site) and 21 and 19 Upfold Street. The nearest residentially zoned land is approximately 125 metres to the north of the site.

The proposal seeks consent for a resource recovery facility in the form of a masonry crushing using a mobile crusher. The proposed development will encompass the whole site for storing, screening, crushing and sorting. The specific crushing process will occur within an acoustically lined shed.

The proposed development is proposing to process 30,000 tonnes of waste per year. The concrete batching will continue to operate independently. The concrete crushing and concrete batching will not occur at the same time.

The proposed development is Designated Development pursuant to Schedule 3, Clause 16 *Crushing, grinding or separating works* and Clause 32 *Waste management facilities or works* of the Environmental Planning and Assessment Regulation 2000.

Pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979 (as amended) the consent authority is the Joint Regional Planning Panel.

The proposed development is considered Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979. The development requires an Environmental Protection Licence under the Protection of the environment Operations Act 1997 as a resource recovery facility.

The Development Application has also been referred to a number of Government Authorities including the Environment Protection Authority, Department of Primary Industries Water, NSW Fisheries, NSW Department of Industry Resources and Energy, Roads and Maritime Authority and Office of Environment and Heritage. These Departments did not raise any significant issues that would preclude approval. The Development Application was also referred to John Holland, whom did not raise any significant issues that would preclude approval.

The Development Application was publicly exhibited in accordance with the statutory requirements for Designated Development between 5 December 2016 and 13 January 2017. The proposal was notified to the closest affected property owners in the residential areas to the north and to the industrial and residential property owners along Upfold and Lyal and Russell Street. During the exhibition period, seventeen (17) submissions were received with concerns for the proposed development.

Proposed Development

The proposal seeks consent for a resource recovery facility to recycle masonry waste for concrete manufacture and landscaping products. The proposed development will encompass the use of the whole site for storing, screening, crushing and sorting. The facility can process up to 30,000 tonnes per year. The concrete batching will continue to operate at the site, but the concrete batching and concrete crusher will not operate at the same time.

The site would contain up to 600 skip bins (2-4m³) which can be ordered by builders, developers, demolishers etc. to fill with masonry waste. Once the skip bins are returned to the site and material is checked, any metal, fibreboard or other waste will not be accepted and disposed of at appropriate waste facilities. The material is then sorted based on intended use and crushed through the Hammbreaker (pre-crusher) and Komplet (main crusher) crushing and screened based on sizing. The crushed material of separated sizes will be separated, smaller material will be used for concrete manufacture and the larger material will be sold as landscaping material. The landscaping material will be sold to the public from the site with facilities to load onto trucks or trailers.

The following plant and equipment will be used at the site for the resource recovery, and are mobile around the site:

- Hammbreaker (pre-crusher) will crush large pieces of masonry into 70mm pieces.
- Komplet 60/40 (main crusher) will crush material into pieces 40mm in size.
- Komplet 5030 (screen) will sort material into >10mm, 10-20mm, and 20-40mm.

The applicant proposes to process around 150 tonnes per day with a maximum of 300 tonnes per day.

Physical works and buildings associated with the development include:

- A building to enclose the crushing and sorting area;
- Dust suppression systems to the new crushing area;
- Works to create car parking spaces;
- Works to create “bins” and “bays” for the storage of materials;
- Works to install a weighbridge;
- Works to create new vehicle manoeuvring areas; and
- The waste material coming to the site will be handled in the following fashion.

Waste material coming onto the site will be handled in the following fashion.

STAGE	DETAIL
Receipt of Material	Material will be accepted and weighed. Each incoming load must be accompanied by chain of custody documentation and a declaration from the driver. The material will be deposited in one of bays A, B, C, or D.
Checking of Material	The material will be inspected as it is unloaded. The inspection will check for suspect materials. Loads containing suspect materials will be reloaded and will

	not be permitted to remain on site.
Sorting and batching	The material will then be sorted based on its intended use after crushing. Typically, this will involve sorting uncoloured material (concrete and some bricks) from coloured materials. Minor quantities of timber, plastic and metal that may be present will be removed by hand and stored in separate bins on site. These bins will be emptied at licensed recycling facilities.
Crushing and separating	<p>The material will then be crushed and separate in a 3 stage process. The first stage is a pre-crusher which breaks the material into fragments of up to 70mm. The second is the main crusher which creates fractions from fine powder through to 40mm. During this process plastic, timber and metal is removed from the waste.</p> <p>The crushed material is then passed through a screen which sorts the material into 3 fractions: < 10mm, 10-20 mm and 20-40 mm. The largest fraction is then returned to the crusher for further processing.</p>
Stockpiling	<p>The fractions less than 20mm in size will then be moved to the bays numbered 1-7. These bays will be sorted stockpiles based on fractions size and colour.</p> <p>Minor quantities of metal, timber and plastic will be stored in bins on the site and taken for recycling offsite.</p>
Use in concrete manufacturing	Some of the material will then be used as a raw material in the manufacture of concrete and in accordance with the conditions of consent that already apply to the that use of the land.
Sale to public as a landscaping material	Some of the material will be sold to the public as a landscaping material and will be loaded directly from storage bays into trucks or trailers.

Transport movements, based on the traffic study provided suggests an additional 60 movements to/from the site will occur each day. This traffic movement data is in addition to the existing traffic generation associated with the concrete crushing on site. It is demonstrated 100% of the traffic will use Upfold Street and Lyal Street. Traffic generation on Russell Street to/from south will be 5% and 95% for Russell Street to/from north.

Whilst there is some conflicting hours of operation within the EIS the applicant has since confirmed that the proposed operating hours are as follows:

- Delivery and pick up (inclusive of truck movements) will operate between the hours of 7:00am and 5:00pm Monday to Friday and 8:00am to 2:00pm Saturdays.
- The operations of the crusher and screen will operate 8:00am to 4:00pm Monday to Friday and will not operate on Saturdays.
- No activity is proposed for Sundays and Public Holidays.

In order to address concerns regarding potential crystalline silica emissions, all trafficable areas will be sealed and assigned to a 5km/h speed limit. Water sprays (from the stormwater collection) will be used on product storage bays and both crushers. A street sweeper will be used regularly on local haul routes.

The subject site contains existing stormwater infrastructure. There are a series of stormwater detention ponds which are connected to a controlled outlet to Vale Creek through the levee to reduce contamination and sedimentation of the waterways. Washout bays contain contaminated water settling and holding ponds to reduce runoff.

The subject land

The subject land comprises one parcel known as 51 Upfold Street, Gormans Hill. It is legally defined as Lot 12 DP 1123163.

Upfold Street runs perpendicular to the subject site generally in a north-south direction. The subject site is 7,298m². The subject site currently contains infrastructure associated with the concrete batching, inclusive of two sheds, weighbridge, office, and water tank.

There are several non-associated residences located within the adjoining industrial estate and residentially zoned land to the north

Immediately adjoining the north eastern and north western boundary is Councils Upfold Street levee. The Upfold Street levee provides flood protection for the subject land and the Upfold Street industrial area. Beyond the levee system is the Macquarie River and Vale Creek which join immediately to the north of the site.

Existing Development Consents

The concrete batching plant was upgraded on the site in 2005.

In 2015 Council granted consent to the use of the site as a landscaping material supply business.

In 2016 Council granted consent to a storage shed on the site to be located to the rear of the site. The location of the storage shed is shown on the plans submitted with this application however at this stage, its construction has not been completed.

Legislative Requirements

(i) Joint Regional Planning Panel (JRPP)

The Joint Regional Planning Panel is the consent authority for the determination of the subject Development Application, by virtue Schedule 4A of the Environmental Planning and Assessment Act 1979.

(ii) **Designated Development**

Environmental Planning and Assessment Regulation 2000

“4 What is Designated Development?”

- (1) Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be Designated development by provision of Part 2 or 3 of that Schedule.”*

“Schedule 3 Designated Development

Part 1 What is Designated Development?

16 Crushing, grinding or separating works

- (1) Crushing, grinding or separating works, being works that process materials (such as sand, gravel, rock or minerals) or materials for recycling or reuse (such as slag, road base, concrete, bricks, tiles, bituminous material, metal or timber) by crushing, grinding or separating into different sizes:*
- (a) that have an intended processing capacity of more than 150 tonnes per day or 30,000 tonnes per year, or*
 - (b) that are located:*
 - (i) within 40 metres of a natural waterbody or wetland, or*
 - (ii) within 250 metres of a residential zone or dwelling not associated with the development.*
- (2) This clause does not apply to development specifically referred to elsewhere in this Schedule.*

32 Waste management facilities or works

- (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:*
- (a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:*
 - (i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*
 - (ii) that comprises more than 100,000 tonnes of “clean fill” (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or*
 - (iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or*
 - (iv) that comprises more than 200 tonnes per year of other waste material, or*
 - (b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:*
 - (i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*

- (ii) *that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or*
- (iii) *that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or*
- (c) *that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or*
- (d) *that are located:*
 - (i) *in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or*
 - (ii) *in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or*
 - (iii) *within a drinking water catchment, or*
 - (iv) *within a catchment of an estuary where the entrance to the sea is intermittently open, or*
 - (v) *on a floodplain, or*
 - (vi) *within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.*
- (2) *This clause does not apply to:*
 - (a) *development comprising or involving any use of sludge or effluent if:*
 - (i) *the dominant purpose is not waste disposal, and*
 - (ii) *the development is carried out in a location other than one listed in subclause (1) (d), above, or*
 - (b) *development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or*
 - (c) *development for which State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas requires consent.*

The proposed development falls under two categories of Designated Development.

Firstly, the proposal is Designated Development under Clause 16 *Crushing, grinding or separating works* because the resource recovery facility proposed to process more than 150 tonnes per day, 30,000 tonnes per year, is within 250m of a residential zone and 40m of a natural waterbody.

Secondly, the proposal is Designated Development under Clause 32 *Waste management facilities or works* because the resource recovery facility requires the receipt of waste being up to 30,000 tonnes of masonry material.

(iii) Integrated Development

The proposed development is considered Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979. The proposed resource recovery facility requires a licence under the Protection of the Environmental Operations Act 1997.

(iv) S79C Assessment

79C(1)(a)(i) Environmental planning instruments (State Environmental Planning Policies and Local Environmental Planning Policies)

SEPP (State and Regional Development) 2011

The proposed development is listed under Schedule 4A of the Environmental Planning and Assessment Act 1979 and accordingly the Joint Regional Planning Panel is the consent authority, having functions of a consent authority under SEPP (State and Regional Development) 2011.

SEPP 33 - Hazardous and Offensive Developments

Hazard

The Secretary's Environmental Assessment Requirements (SEARs) required a preliminary risk screening completed in accordance with SEPP 33. The EIS outlined chemicals that may be stored on site being:

- Class 1 – Explosives – None
- Class 2 – Pressurised Gases – 1 Tonne (LPG only)
- Class 3 – Flammable liquids – 1 Tonne
- Class 4 – Flammable solids – None
- Class 5 – Oxidising Agents and Organic Peroxides – None
- Class 6 – Toxic and Infectious substances - None
- Class 7 – Radioactive Materials – None
- Class 8 – Corrosive Substances – 1 Tonne

Whilst cement works, crushing grinding and separating works fall within industries that may be potentially offensive under the DPE *Applying SEPP 33 Guidelines*, the EIS the use of the above chemicals are under the nominated thresholds.

Offensive

The detailed Air Quality Assessment and Soil and Water Assessment provided analysis into potential for offensive emission. It was not considered the development would trigger offensive development in this instance.

Therefore the development would not be classified as being a hazardous or offensive industry or a potential hazardous or offensive industry.

SEPP 55 - Remediation of Land

The subject site has been historically used a concrete batching plant which is listed as a potentially contaminating land use under the contaminated land planning guidelines. The site was also used to accept concrete waste prior to the lodgement of this application. The acceptance of further waste has ceased pending the determination of this application.

It is not considered necessary for remediation or further investigation at this stage given the continued use for concrete batching and additional use of waste receipt and crushing.

SEPP (Infrastructure)

The Great Western Railway line is located approximately 68m to the north of the site.

The proposed development does not fall directly within the triggers of Clause 85 of the SEPP (Infrastructure) for referral to the rail authority.

Clause 85 Development immediately adjacent to rail corridors

- (1) This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:*
 - (a) is likely to have an adverse effect on rail safety, or*
 - (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - (c) involves the use of a crane in air space above any rail corridor.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
 - (b) take into consideration:*
 - (i) any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*

Notwithstanding this, the development was referred to John Holland who raised no objection, refer to **attachment 6**.

Clause 104 Traffic Generating Development of SEPP (Infrastructure) applies to the development as recycling facilities fall within Schedule 3 of SEPP (Infrastructure). Clause 104 requires Council to refer and take into consideration any submission received from the RMS

- (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 RMS within 7 days after the application is made, and*
 - (b) take into consideration:*

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

(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

(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

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

The development was referred to NSW Roads and Maritime Services which raised no objection to the development and recommended a 'give-way' sign be installed on the Lyal and Russell Streets intersection.

A more detailed assessment of traffic generation is provided elsewhere in this report.

Clause 121 of SEPP (Infrastructure) enables development for the purposes of the recycling of construction and demolition waste to be carried out with consent on any land on which development for the purposes of industries, extractive industries or mining may be carried out. In this case the land is zoned IN1 General Industrial. Industries are a permissible development in this zone.

Bathurst Regional Local Environmental Plan 2014

The following clauses of Bathurst Regional Local Environmental Plan 2014 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Land Use Table

The subject site is zoned IN1 General Industrial. The objectives of the zone are as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To enable development that serves the needs of the workforce.*
- *To promote development that will protect the scenic qualities and enhance the visual character of the entrances to the city of Bathurst.*

The proposal is not inconsistent with the objectives of the zone. The proposal is an industrial use within an industrial area facilitating employment opportunities and needs of the workforce.

The proposal is defined as *resource recovery facility*, the definition pursuant to Bathurst Regional LEP 2014 of which is:

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

Resource Recovery Facilities are permissible with consent in the IN1 General Industrial zone.

7.1 Flood planning

- (1) *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.*
- (2) *This clause applies to:*
 - (a) *land identified as “Flood Planning Area” on the Flood Planning Map, and*
 - (b) *other land at or below the flood planning level.*
- (3) *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.*
- (4) *Development consent is not required by this clause if:*
 - (a) *the applicant has notified the consent authority in writing of the development, and*
 - (b) *the consent authority has formed the opinion that the development is of a minor nature, and*
 - (c) *the consent authority is satisfied that the development meets the requirements of subclause (3), and*
 - (d) *the consent authority has advised the applicant in writing before the development is carried out that it is satisfied that development consent is not required because of the exception created by this subclause.*
- (5) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.*
- (6) *In this clause:*

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

The subject site is identified as being within the “flood planning area” but is flood protected by the Upfold levee. In that context the development is consistent with the criteria specified in Clause 7.1 (3) and accordingly can be supported.

It is noted that possible impacts on the structural stability of the levee was raised in public submissions. Failure of the levee systems has the potential to cause impacts on

the flood protected properties in the area. It is noted that the applicant's Noise consultants have provided a response to this issue which is included in attachment 8. The report concludes that the low level of vibration would have no negative impact on the levee walls. As a precaution, concrete recycling processes could cease if flood waters saturated the soil around the levee walls and not recommence until the soil had dried out.

Bathurst Regional Development Control Plan 2014

Chapter 9 Environmental Considerations

9.3 Riparian land and waterways

Queen Charlotte Creek and the Macquarie River are identified as a Sensitive Waterway, Key Fish Habitat Protected Riparian Lands under the Bathurst Regional Development Control Plan 2014. Further, the Queen Charlotte Creek is subject to Gully and Streambank Erosion and High Ground Water Vulnerability.

The proposed crushing operations are a dry process with the exception of water used for dust separation. Potential discharges from the site would generally be the result of stormwater runoff during the construction and operational phases of the development.

Stormwater runoff on site is currently collected in a settling pit before it is transferred to a primary stormwater recycling pond located on site. From there it is proposed to be used for dust suppression on site. There is currently a drainage line from the recycling pond to Vale Creek which provides potential overflows to Vale Creek for events in excess of 1:100 year ARI. It is also noted that this drain is controlled by a "pen stock" gate which is closed in the event of flooding in the Macquarie or Vale Creek catchment.

The applicant has proposed a series of mitigation measures including a Soil and Water Management Plan inclusive of monitoring and water discharging to Vale Creek. This is consistent with the approach required by the EPA through its General Terms of Approval issued for the project.

9.4 Biodiversity

It is noted that Vale Creek and the Macquarie River are identified as being of high biodiversity sensitivity. This area is associated with the sensitivity of groundwater vulnerability and key fish habitat.

The Biodiversity Assessment submitted recorded flora and fauna on site, noting that no threatened species were found, or evidence of their presence. Given the highly disturbed nature of the site it was found exotic grasslands are common surrounding the site.

The mitigation measures are inclusive of sediment basins and detention ponds which are identified to reduce direct and indirect impacts of the proposal on the natural environment. Any further biodiversity concerns as a result of the will most likely be covered under the Environmental Protection Licence, issued by the EPA.

9.5 Groundwater

The subject site is identified as being a High Groundwater Vulnerability area under the Bathurst Regional Development Control Plan 2014. Resource recovery facilities are listed as a type of development requiring specific consideration under Section 9.5 of the DCP. The Soil and Water Assessment and Biodiversity Assessment submitted provides an assessment and potential impact of the development on groundwater sources and proposed mitigation measures.

No waste water is generated as a result of the resource recovery facility. Stormwater is collected and used for dust suppression and existing sediment basins will collect and treat surface flows.

The subject site contains existing stormwater infrastructure. There are a series of stormwater detention ponds which are connected to a controlled outlet to the creek through the levee to reduce contamination and sedimentation of the waterways. Washout bays contain contaminated water settling and holding ponds to reduce runoff.

A Soil and Water Management Plan would be incorporated into the Environmental Management plan prepared for the site, that includes monitoring all water pumped into the environment, necessary treatment and staged release of excess water. This will be imposed as a condition of consent.

9.8 Flora and Fauna Surveys

The applicant has prepared a Biodiversity Assessment as part of the application.

The Biodiversity Assessment considers both aquatic ecology and land-based ecology on the site and outside the site, particularly in the creek buffer.

Land-based ecology did not identify any native vegetation communities likely due to the disturbed history of the subject site being an industrial concrete batching plant.

No significant or threatened species of fauna were identified during the survey. Due to the disturbed nature of the subject site, existing noise levels associated with the site and other industrial sites, low levels of remnant vegetation and impact on waterways, fauna species are likely to be small populations.

It is considered the proposed resource recovery facility is unlikely to have any further significant impact on the ecology on or nearby the subject site.

S79(c)(1)(b)Environmental (natural and built), social and economic impacts

Scenic quality

The site is at the end of a cul-de-sac in an industrial area of Gormans Hill. The crushing area will be in the northern corner of the site, facing the Queen Charlotte Creek and Upfold Levee.

Visual appearance of the proposed extractive industry was not raised as an issue from surrounding landowners.

The crusher will be contained in a shed, designed to mitigate excessive noise, and as such should not impact upon scenic quality.

There should not be an obvious increase of infrastructure on site and the site will continue to be observed as an industrial use.

Traffic Generation

Access to the subject site is via Upfold Street. Upfold Street is a sealed Bathurst Regional Council maintained road, accessed from Lyal Street. Internal roads are proposed to be sealed and limited to 5km/h.

The site located at the end of a cul-de-sac. Upfold Street is a well-used road servicing several other industrial uses and the Greyhound Racing Track to the south.

Transport movements, based on the traffic study provided suggests an additional 60 movements to/from the site will occur each day. This traffic movement data is in addition to the existing traffic generation associated with the concrete crushing on site. It is demonstrated 100% of the traffic will use Upfold Street and Lyal Street. Traffic generation on Russell Street to/from south will be 5% and 95% for Russell Street to/from north.

Increased traffic was a common concern raised in the public submissions. The Traffic Study estimates an additional 60 traffic movements to/from the site will occur day. This is characterised by 30 vehicles travelling to the site, 20 being light and 10 heavy vehicles.

The EIS includes a Traffic Impact Statement which examines the capacity of the surrounding road network and critical intersections to deal with the estimated additional traffic. The EIS concludes that the existing transport infrastructure system is capable of absorbing the increased traffic loads as a result of the proposed development.

The proposed development was referred to RMS under Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007. RMS did not object to the proposed development and requested the installation of a 'give-way' sign at the intersection of Lyal Street and Russell Street, as recommend in the Traffic Report.

Pollution

Odour

The proposed development is not anticipated to generate any offensive odours.

Noise

The EIS was accompanied by an Acoustic Report prepared by Acoustick. The development will generate two distinct types of noise generated by the proposal, namely generated on the project site (operational noise) and noise generated by traffic

The nearest residential area is Bryant and Durham Streets located approximately 125 metres to the north. Isolated dwellings also exist in the adjoining industrial estate. The closest isolated dwelling is directly adjoining the site at 47 Upfold Street.

Operational Noise

The operational noise from the concrete crushing process was assessed in the Acoustic Report.

The EPA and Council expressed some concerns regarding the potential for cumulative impacts of noise from the concrete batching plant and the concrete crushing facility operating simultaneously. The applicant has advised that “they cannot logistically operate both operations at the same time. That is, at any given time they can only use either the crusher and screen or the concrete batching plant. They cannot use both concurrently”. The applicant has also advised “only one of the concrete crushing machines, the Komplet or Hammbreaker, will be used at any one time”.

When the concrete crushing process is not operating, there should be no increase in noise from the existing levels, being the operation of the concrete batching. The Acoustic Report carried out noise and vibration measurements for the concrete crushing process and derived the following:

Table 1. Noise measurements of Crusher, Sieving and Front-end loader combinations - L_{Aeq}

Equipment	Time	Location	Notes	dBA
Komplet Crusher	3 mins	5 metres	Crusher Operation – No loader	77
Loader Alone	3 mins	5 meters	Following the loader by side at 5m	80
Loader - Reversing		5 meters	Measurement of reversing beeper in operation	80
Loader, Komplete crusher and Sieve	15 mins	5 meters	Normal operation of concrete recycling	81
Loader, Komplete crusher and Sieve	15 mins	15 metres	Normal operation of concrete recycling	78
Hammbreaker	1 min	15 meters	Normal operation of concrete recycling, average of 4 measurements one per side	82

Background noise levels were recorded in the rear yard of a residential property at 4 Durham Street (approximately 135 metres to the north). Based on these recorded background noise levels (L_{a90}) were established at follows:

- Day 7am – 6pm 33 dBA
- Evening 6pm – 10pm 33 dBA
- Night 10pm – 7am 29 dBA

The applicants proposed hours of operation fall within the day time period.

Applying the INP criteria relating to the proposal the following noise criteria are derived.

Area	Intrusive Criteria $LA_{90} + 5$ dB	Amenity Criteria (Tables 2.1 and 2.2 of INP Acceptable –	Noise Criteria
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		Maximum	
Suburban	38	55 – 60	38
Urban/Industrial	38	65 – 70	38
Industrial	N/A	70 – 75	70

It is noted that the original acoustic report adopted an intrusive criteria of 39 dBA. This has subsequently been revised to 38 dBA (ie background 33 dBA plus 5).

The predicted noise levels at receivers before and after recommended treatments are as follows:

Receiver	dBA	Acoustic Treatment Notes	dBA
Residential area in Bryant Street	48	Construction of shed over the proposed concrete crushing area	38
Residential area south of intersection of Upfold and Lyal Streets	37	Shadowing of intervening buildings – existing	37
Residence at 20 Upfold Street	38	Shadowing of intervening buildings – existing	38
Industrial property south of site	68	Existing noise control wall on boundary	68

It is noted that the original Acoustic Assessment did not directly address issues associated with impulsiveness and tonality as recommended in the INP. These issues were subsequently addressed in the supplementary information provided by the applicant, refer **attachment 8**.

The supplementary information noted that a 5dBA penalty should apply to the crusher operations. This results in an increase in noise levels associated with its operations from 78 dBA to 83 dBA i.e. 1 dBA louder than the shredder. The supplementary report however notes that the original acoustic modelling did not take into account noise attenuation from the existing levee and railway line mounds which would itself provide 5dBA of additional attenuation. Based on this analysis the predicted noise level at Bryant Street residence would be 36dBA including the penalty for tonality. For the isolated dwellings in the industrial areas the predicted noise levels from the shredder would be 41dBA including the tonality penalty. Noise from the shredder will exceed the project noise criteria at the isolated residence by 3dBA.

It is noted that the EPA General Terms of Approval in relation to the development states that a condition to the effect that noise from the premises must not exceed 38 dB(A) $LA_{eq(15 \text{ minutes})}$ at any time at any sensitive receivers.

To determine this compliance with the 38 dB(A) $LA_{eq(15 \text{ minutes})}$ noise limit, noise must be measured:

- (a) Approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
- (b) Within 30 metres of a dwelling façade, but not closer than 3 metres where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or

- (c) Where applicable, within approximately 50 metres of the boundary of a National Park or Nature Reserve.

The EPA General Terms of Approval also noted that the following conditions to be imposed:

- Crushing and screening activities at the premises must not be undertaken simultaneously with any activities associated with the operation of the concrete batching plant.
- All crushing plant must be located within an appropriately and acoustically treated shed. The acoustic treatment will be as per the specifications described in Section 4.1, Appendix J (Acoustic Assessment) of the Environmental Impact Statement prepared for the project.
- Only one piece of crushing plant will be operated on the premises at any one time. In this condition “crushing plant” refers to any device, machine or piece of equipment that is principally intended to break a masonry product into smaller pieces.

The recycling equipment will be located within a shed which is yet to be constructed. The shed will have open sides to the south and east and is to be constructed with acoustic transmission loss rating greater than or equal to Rw 30. The shed is to contain internal acoustic lining that must have absorption of NRC 0.8 or greater and cover minimum of 40% of the internal walls and ceiling of the shed. This will be imposed as a condition of consent.

Vibration

Vibration is a key concern raised in the public submissions. Vibration was measured at several locations and the Acoustic Report noted the following:

Table 3. Vibration measurements of Crusher, Sieving machine and Front-end loader combinations –Acceleration mm/s

Equipment	Distance	Notes	x, y, z axes (m/s ²)		
			x	y	z
Ambient levels	3 metres	Normal operation of concrete recycling	0.001	<0.001	0.001
Loader, crusher and sieve	3 metres	Normal operation of concrete recycling	0.026	0.022	0.031
Loader, crusher and Sieve	5 metres	Normal operation of concrete recycling	0.007	0.010	0.009
Loader, crusher and Sieve	10 metres	Normal operation of concrete recycling, imperceptible to touch	0.003	0.007	0.008

The criteria applied to vibration is contained in Assessing Vibration: A Technical Guideline (2006) published by the Department of Environment and Conservation as outlined in the table below:

Location	Assessment Period	Preferred Values		Maximum Values	
		z- axis	X or Y axes	z axis	X and y axes
Residences	Daytime	0.010	0.0071	0.020	0.014
Offices, schools, education, worship	Daytime	0.020	0.014	0.040	0.028
Workshops	Daytime	0.040	0.029	0.080	0.028

Vibration measurements of the Hammbreaker Shredder were not conducted. The Acoustic Report considered the shredder uses a track drive suspension system like the Komplot Crusher, and vibration levels at 10 metres from the Hammbreaker Shredder machine during operation were similarly imperceptible to touch.

Council's Engineering Department provided additional advice on vibration and potential implications for the Upfold Levee:

"The EIS noted track drive suspension systems fitted to all crushing/shredding equipment have been assessed as imperceptible for vibration at 10m. Location of shed housing equipment as noted in proposal is a minimum of approx. 12m from concrete retaining component of Upfold levee. Given equipment is not likely to be located against wall of shed due to operational factors, minimum distance of vibration generation is likely to be 15m from levee structures. Vibration due to equipment at this location is unlikely to cause structural issues to the levee system."

Traffic Noise

The Acoustic Report determines that at a maximum, an additional 1.5dB of traffic noise is expected from the proposed development. The exceedance is only during daytime hours and therefore considered acceptable. The following existing and estimated noise levels are expected:

Table 4: Predicted increases in Weekday Traffic Noise levels (including 2.5dB increase for façade correction) – LAeq, 9hr

Residence	Existing	Estimated	Increases
21 Upfold Street	54.3	55.8	1.5
32 Lyal Street	57.7	58.7	1.0
36 Lyal Street	59.2	60.2	1.0
48 Lyal Street	60.3	61.1	0.8
17 Russell Street	62.0	62.4	0.4
18 Russell Street	61.9	65.2	0.4

The Acoustic Report does not offer any traffic noise mitigation measures. However, a condition of consent will be added to the effect:

1. Transport operations restricted to nominated hours of operation.

2. Entry refused to poorly maintained vehicles or those reported to generate excessive noise levels.
3. Truck drivers would be instructed to avoid the use of engine breaks on approach to the project site.
4. All drivers required to obey all traffic signs, speed zones and operate in a safe, courteous manner.

Waste

The applicant has proposed a Management Plan to deal with procedures relating to the receipt, sorting and disposal on waste streams entering the site. A draft Management Plan is included in the EIS.

The EPA has also proposed in its GTA the preparation of management plans relating to environmental issues (noise, air, surface water and waste) and waste handling protocols. The latter will include protocols for the identification and removal of non-complying waste such as asbestos, putrescible and tarry material.

Air Quality - Dust

Whilst in an industrial area, the subject site is surrounded by residential use, sensitive waterways and open space.

An Air Quality Assessment was prepared by Air Noise Environment. Supplementary advice was provided by the applicant in response to additional information requests from the EPA and Council, refer **attachment 8**.

The Air Quality Assessment also assessed the potential cumulative impact from existing industry uses along Upfold Street. It was found that there are no other major industrial dust emission sources in the nearby area. The Air Quality Assessment took a conservative approach and included ambient air monitoring data for Bathurst in the assessment. Further, emission rates used a 'worst case scenario' of 300 tonnes/day material throughput.

The closest sensitive receptors to the site are residences 125m to north in Bryant Street and the isolated dwellings in Upfold Street.

Potential sources of dust emissions from the site include:

- Material handling (unloading, loading)
- Concrete crushing (one main crusher and one smaller crusher)
- Screening
- Trafficked areas on sealed areas
- Fugitive emissions from material storage bays.

Air quality criteria for NSW is contained in *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* prepared by the EPA. The guidelines provide criteria for daily and annual particulates of various sizes

Compliance is achieved for all sensitive receivers in accordance with the NSW Approved Modelling guideline. The modelling indicates compliance with the requirements of the

NSW EPA for all size fractions. Compliance is predicted for TSP and PM_{2.5}, and no additional exceedances (over and above those already occurring, based on the available data) are predicted for cumulative PM₁₀. The exceedance relates to dust emissions on the site, affecting employees only.

The applicant has proposed operational controls and management procedures that would be adopted and imposed as conditions of consent:

- Sealing all internal roads and assigning a 5km/hour limit;
- Water sprays to be used on product storage bays and both crushers;
- Street sweeper in extreme circumstances on local road network; and
- The crushing and screening area will be undercover and enclosed on the northern and western sides.

EPA noted that all trucks must have loads covered at all times, except during loading and unloading, refer to GTA's attached in **attachment 2**.

Silicosis

The EPA and a number of public submissions raised the issue of silicosis associated with the crushing of concrete and brick waste. A detailed response to this issue is provided in the supplementary response received from Air Noise Environment Pty Ltd dated 23 February 2017.

Silica is a component of some construction materials especially those containing sand, and a proportion may be in crystalline form. Air quality goals for exposure to crystalline silica in the ambient environment and in working environment are as follows:

Pollutant	Air Quality Criteria (ug/m ³)	Averaging Period	Source
Respirable Crystalline Silica (as PM _{2.5})	3 Ambient Goal	Annual	Victorian EPA
Respirable Crystalline Silica	100 Occupational threshold	8 hour average	Safe Work Australia

Modelling undertaken for the boundary of the property indicates maximum annual emissions of respirable crystalline silica PM_{2.5} of 1.38 ug/m³ and a maximum 8 hour average of 43.25 ug/m³. This is within the adopted standards for this type of emission.

Water Management

It is proposed that water collected on the site will be used for processing of materials and dust suppression activities.

The EIS includes an assessment of the predicted available water resources which indicates that sufficient water would be available from runoff collection to supply the site. The EPA noted in circumstances where more water was required, using the town supply would be suffice.

Stormwater runoff on site is currently collected in a settling pit before it is transferred to a primary stormwater recycling pond located on site. From there it is proposed to be used for dust suppression on site. There is currently a drainage line from the recycling pond to Vale Creek which provides potential overflows to Vale Creek for events in excess of 1:100 year ARI. It is also noted that this drain is controlled by a “pen stock” gate which is closed in the event of flooding in the Macquarie or Vale Creek catchment.

The applicant has proposed a series of mitigation measures including a Soil and Water Management Plan inclusive of monitoring and water discharging to Vale Creek. This is consistent with the approach required by the EPA through its General Terms of Approval issued for the project.

Nonetheless, the Soil and Water Assessment provided the following mitigation measures for water quality management:

- Monitoring of all water to be pumped into the environment to determine the need to treat to be discharged;
- Appropriate management of surface flows from the compound area, including sufficient settlement time within overflow ponds to allow sediment load to be deposited;
- Treatment of excess surface water in accordance with relevant licensing standards to ensure water quality in adjacent aquatic habitats is not impacted;
- Staged release of excess water where necessary to reduce erosion potential of additional surface flows in adjacent vegetation and aquatic areas;
- Ongoing contamination, sediment and erosion control measure as per Soil and Water Management Plan;
- Use of an oil sock to remove any hydrocarbons in water to be pumped into the environment; and
- Ongoing monitoring of surface and groundwater quality and development of contingency measures to address any decrease in quality due to activities.

The applicant has not identified as integrated in terms of requiring a Controlled Activity Approval from NSW DPI – Water. NSW DPI – Water have expressed the opinion that a Controlled Activity Approval as the site would be considered water front land due to its proximity to the Queen Charlotte Vale Creek and Macquarie River. The existence of the levee does not provide an exemption to the developer from the need to obtain a Controlled Activity Approval.

The fact that the applicant has not identified the development as integrated does not affect the ability to deal with the application as lodged. This scenario was dealt with by the Land and Environment Court where it was found:

86. In making the development application Mr Liporoni did not tick the box in the application form to indicate that consent was being sought for an integrated development approval. In so doing he elected to have his development application processed as if it were not an application for integrated development. That was his choice. There was and is no compulsion on an applicant to make an application for an integrated development approval, if he or she chooses not to do so.

87. There is nothing unlawful in an applicant for development consent so electing. There is nothing unlawful in the making of the development application in the present case, neither is there anything unlawful in the council's failure to process the development application as if it were for integrated development.

(Maule v Liporoni & Anor [2002] NSWLEC 25 (19 March 2002))

A Controlled Activity Permit is required from NSW DPI – Water given the development is on waterfront land. This is separate from the development assessment process and will need to be sought by the operator. DPI Water's recommendations in relation to scour protection downstream of the external stormwater discharge point to protect the riparian environment can be incorporated into the consent.

Economic Impacts

The beneficial social and economic impacts resulting from the proposed development is recycling and reuse of masonry products for further concrete batching or landscape supplies. The recycling of such material will reduce the waste being sent to landfill. The business will continue to employ both directly and indirectly in the construction industry, a major economic contributor for the Bathurst Region.

S79C(1)(c) Suitability of the site

The proposed development represents an additional use to an existing industrial use of the site. The site has an extensive history of concrete batching and the site can accommodate the additional use of concrete crushing. The majority of the infrastructure already exists including access road to the site, internal road, office, and storm water infrastructure.

As the site is located within close proximity of non-associated dwellings, the expansion of the site to be used for concrete crushing will have the potential to impact on the surrounding residents.

S79C(1)(d) Submissions

The Development Application was publicly exhibited in accordance with the requirements for Integrated Development between 5 December 2016 and 13 January 2017. The proposal was notified to properties within the vicinity, both in Gorman's Hill and Bathurst suburbs. During the public exhibition period, seventeen (17) submissions were received.

The submissions were related to the potential adverse impact of the following:

- Dust from crusher operating;
- Increased traffic on local network;
- Noise;
- Operating hours;
- Levee bank stability;
- Water use for dust mitigation; and
- Decreased land value of residential properties.

The applicant has prepared a detailed response to the issues raised in the public submissions as well as those raised by Council and the Government Departments.

Refer **attachment 2**.

S79C(1)(e) *Public interest.*

The proposed development is considered to be within the public interest as it provides employment both directly and indirectly. The resource recovery facility provides the local and regional community with an alternative to masonry waste being sent to landfill and enable the secondary use of material for landscaping, sand and gravel supplies. The use of the already disturbed site is considered within the public interest as the existing buildings and machinery, and stormwater infrastructure are available.

Referrals

The Development Application was referred to a number of Government Authorities including:

- Roads & Maritime Services
- NSW Department of Industry (Division of Resources & Energy)
- NSW Department of Primary Industries – Water
- NSW Environment Protection Authority
- NSW Office of Environment & Heritage
- John Holland

Roads & Maritime Services

The Development Application was referred to Roads and Maritime Services under Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007 because the proposal is for a recycling facility.

The Development Application was referred to Roads and Maritime Services (RMS) on 26 November 2016 and a final response was received on 13 January 2017.

RMS requested the installation of a 'Give-Way' sign at the intersection of Lyal and Russell Streets. Refer **attachment 3**.

Council will forward RMS a copy of the consent in accordance with SEPP (Infrastructure) 2007.

NSW Department of Industry (Division of Resources & Energy)

The Development Application was referred to NSW Department of Industry (Division of Resources & Energy) on 15 December 2016.

NSW Department of Industry raised no objections to the proposed development. Refer **attachment 4**.

NSW Department of Industries – Water

The Development Application was referred to NSW Department of Primary Industries – Water on 26 November 2016 and a response was received on 21 December 2016.

NSW Department of Primary Industries – Water determined the development requires a Controlled Activity Permit for work to be carried out on waterfront land, and the proponent must install scour protection downstream of the external stormwater discharge point.

Refer **attachment 5**.

John Holland

The Development Application was referred to NSW Department of Primary Industries – Lands on 26 November 2016 and a response was received on 12 August 2016.

John Holland did not raise any concerns that would preclude approval. Refer **attachment 6**.

NSW Environment Protection Authority

The Development Application was referred to NSW Environment Protection Authority on 26 November 2016 and General Terms of Approval (GTA) were received on 13 March 16.

The NSW EPA determined it can provide an Environmental Protection Licence subject to several conditions being met. The GTAs were prepared in response to the submissions received during the public exhibition period.

The conditions are categorised into the main issues raised in the submissions, inclusive of:

Limit Conditions

- Hours of operation;
- Pollution of waters;
- Noise;
- Odour;
- Waste;

Operating conditions

- Dust;
- Odour;

Monitoring and recording conditions

- Water and/or land monitoring requirements;
- Monitoring records;
- Recording of pollution complaints;

Reporting conditions

- Annual return documents;
- Notification of environmental harm; and

- Written report.

For the full response of and GTA conditions, refer to **attachment 2**.

NSW Office of Environment & Heritage

The Development Application was referred to NSW Office of Environment and Heritage on 26 November 2016 and a response was received on 12 December 2016.

The OEHL did not raise any concerns for the proposed development. Refer **attachment 7**.

DPI Fisheries

The Development Application was referred to DPI Fisheries 26 November 2016 and a response was received on 24 January 2017.

DPI Fisheries did not raise any concerns for the proposed development. Refer **attachment 7**.

Department of Industry – Resources and Energy

The Development Application was referred to Department of Industry on 26 November 2016 and a response was received on 15 December 2016.

The Department of Industry did not raise any concerns for the proposed development. Refer **attachment 7**.

Internal Referrals

The proposed development was referred internal within Council to the following officers:

- Development Assessment Engineer;
- Environmental Officer;
- Plumbing Inspector;
- Health and Building Surveyor; and
- Development Assessment Planner.

Conditions have been recommended by the above Council officers, which have been included within the Draft Notice of Determination attached in **attachment 1**.

SUMMARY

The proposed development seeks consent for a resource recovery facility at 51 Upfold Street, Gormans Hill. The resource recovery facility will accept masonry and building waste and will crush to be resold as landscaping supplies or concrete batching.

The subject site, Lot 12 DP1123163, 51 Upfold Street, Gormans Hill, is situated within the Bathurst Regional Local Government Area. The proposal is classified Regional Development under Part 4 of the State Environmental Planning Policy – State and Regional Development 2011, by effect of Schedule 4A(8) of the Environmental Planning and Assessment Act 1979.

The proposed development falls under two categories of Designated Development. Firstly, the proposal is Designated Development under Clause 16 because the resource recovery facility proposes to process more than 150 tonnes per day, 30,000 tonnes per year, is within 250m of a residential zone and 40m of a natural waterbody. Secondly, the proposal is Designated Development under Clause 32 because the resource recovery facility requires the receipt of waste being up to 30,000 tonnes of masonry material. The proposed development is considered Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979. The proposed resource recovery facility requires a licence (being a controlled activity approval) under the Protection of the Environmental Operations Act 1997.

The site has been operating as a concrete batching plant subject to 1979/0103 and upgraded in 2005 (2005/0886), and a landscape supply business under DA2015/0035. The existing consents for the site will be independent to the consent granted for this proposal.

The DA was referred to several government agencies, relevant comments and requirements have been imposed as conditions of consent.

The DA was referred to adjoining landholders, with seventeen (17) submissions received objecting the development on grounds of dust, noise, increased traffic, and decreased land value. The DA has been assessed against relevant State and Local planning legislation. The continuation and proposed expansion is not considered to have a significant adverse environmental, social or economic impact. It is considered the concerns were adequately addressed and strict conditions will be imposed in relation to minimising any adverse impact. The concrete crushing will supply an alternative use for demolition and building waste, providing a secondary use and preventing it being sent to landfill.

It is considered that the development warrants conditional development consent.