

COUNCIL ASSESSMENT REPORT

Panel Reference	2019NTH007
DA Number	2017/600
LGA	Ballina Shire
Proposed Development	Expansion of an existing resource recovery facility to process up to 30,000 tonnes per annum of construction waste and to carry out associated building, infrastructure and earthworks
Street Address	Lot 1 in DP 1237064, 19 Northcott Crescent, Alstonville
Applicant/Owner	Newton Denny Chapelle
Date of DA lodgement	30 October 2017
Number of Submissions	63 submissions received in total
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Clause 7 (waste management facilities or works, which meet the requirements for designated development under Clause 32 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i>)
List of all relevant s4.15(1)(a) matters	• Ballina Local Environmental Plan (BLEP) 2012; • Ballina Development Control Plan (BDCP) 2012; • Section 7.11 Plans ◦ Ballina Shire Roads Contributions Plan (Section 7.11 Roads plan) • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Infrastructure) (ISEPP) 2007;
List all documents submitted with this report for the Panel's consideration	• Attachment 1 – Proposed Plans • Attachment 2 – Draft Conditions of Consent • Attachment 3 – Public Submissions • Attachment 4 – SEARs 1141 • Attachment 5 – Government Agency Responses
Report prepared by	Ballina Shire Council
Report date	6 November 2019

Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
SEPP 1 Objection	
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions	N/A
Conditions	
Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report	Yes

EXECUTIVE SUMMARY

Development consent is sought for the expansion of an existing resource recovery facility at Lot 1 DP 1237064, 19 Northcott Crescent, Alstonville.

The subject land was created via DA 2016/537, which provided for a boundary adjustment subdivision to transfer the northern (lower) half of former Lot 60 DP 789127 to the adjacent former Lot 61 DP 789127. The boundary adjustment was registered on 23 January 2018. The original Environmental Impact Statement (and supporting documentation) was lodged with Council on 31 October 2017, prior to registration of the subject allotment. In this regard, this original documentation referred to former Lots 60 and 61 in DP 789127. It is noted the entire development proposed via the subject DA 2017/600 is wholly located on Lot 1 DP 1237064.

The proposal relates to waste management facilities or works, which meet the requirements for designated development under Clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*. Therefore, the proposal is required to be reported to the Northern Regional Planning Panel for determination. Ballina Shire Council has undertaken an assessment of the DA and prepared this following report. The report has been peer reviewed by DAC Planning Pty Ltd to provide additional rigour and transparency in the development assessment of this application.

The applicant sought the Secretary's Environmental Assessment Requirements (SEARs) in accordance with the provisions of Section 3 within Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*. The applicant notes that SEARs (1141) were originally obtained in August 2016, however, following an amendment to the nature of the proposal, revised SEARs were sought and obtained in April 2017 (prior to lodgement of the subject application). The development application was accompanied by an Environmental Impact Statement (EIS) addressing the SEARs (1141). The key issues required to be addressed in the SEARs included strategic context, waste management, hazards and risk, air quality, soil and water, traffic and transport, noise and vibration, biodiversity, heritage and visual impacts. It is considered that the EIS prepared has met the SEARs and the provisions under Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

The Development Application involves the expansion of the existing Resource Recovery Facility at Lot 1 DP 1237064. The current application seeks approval to process up to 30,000 tonnes of construction waste annually. At present, up to 6,000 tonnes of waste per year may be processed on site pursuant to Clause 34 Schedule 1 of the *Protection of the Environment Operations Act 1997*. The expanded facility therefore represents a 24,000 tonne increase over the existing operations. Accordingly, the expanded facility will comprise a "scheduled activity" and require an Environment Protection Licence (EPL) to be issued by the NSW Environment Protection Authority (EPA).

The Development Application, including Environmental Impact Statement (EIS), was originally lodged with Council on 30 October 2017. The application as submitted was subsequently amended by the applicant on 15 March 2018 and 3 July 2018 in response to the public submissions raised and also changes to the design and operation of the proposal as directed by the proponent. The most recent amendment to the application was lodged on 20 December 2018 and supersedes the previous versions of the proposal.

The application as amended on 20 December 2018 involves a number of separate but inter-related matters. Briefly, the amended proposal includes:

- Carrying out of earthworks to create a new level pad at the rear of the site. Areas of the pad and ramp which will experience regular truck movements will be sealed.
- Using the eastern end of the new pad for the storage and pulverising of large concrete pieces and skip bin storage.
- Using the western end of the new pad for crushed aggregate storage.
- Using an existing shed for all concrete crushing and the storage of uncrushed concrete/tile product.
- Constructing a new shed for sorting and processing of general construction waste.
- Constructing a covered wash bay.
- Constructing 10 new car parking spaces.

Permissibility and land use

The subject site is zoned IN1 General Industrial under the BLEP 2012.

The proposed development is defined as a “resource recovery facility”, which falls within the parent definition of a “waste or resource management facility”. Resource recovery facilities are permissible with consent in the IN1 zone.

The proposed development generally meets the objectives of the IN1 General Industrial zone in that it will provide for a range of industrial uses within the zone and encourages employment opportunities. It is acknowledged that concerns have been raised with respect to the proposal’s impact on adjoining land uses. It has been assessed that such impacts can be suitably managed via the mitigation measures proposed by the applicant and recommended conditions of consent and licence requirements from the NSW Environment Protection Authority (EPA).

Key Issues

Key issues identified for the proposed development and site include:

Access and traffic

The submissions received raised concerns regarding the suitability of the road network and road safety issues arising from the proposed expansion.

Council’s Civil Services Division has carried out an assessment of the proposal with regard to access and traffic considerations.

The application (as amended in December 2018) was reported to Council’s Local Development Traffic Committee (LDTC) on 13 February 2019. Particular attention was given to the intersection of Kays Lane and Russellton Drive. Referral to the LDTC was instigated by a local business owner who reported that a significant portion of southbound trucks in Kays Lane turn short into Russellton Drive, cutting across the marked centreline.

The LDTC raised no objection to the Development Application. However, it was commented that Council will investigate management options for the intersection of Kays Lane and Russellton Drive which may include restriction of B-Double access to the Russellton Industrial

estate. It is understood this investigation will occur independently to the subject Development Application, given it does not directly relate to the proposed development.

Council's Civil Services Division has commented that Kays Lane has been constructed to a distributor road level standard and is capable of conveying over 3,000 vehicles per day. Both Northcott Crescent and Hugh Street have been constructed to a collector street standard and can convey up to 3,000 vehicles per day. Council's Civil Services Division have concluded that the existing road network is suitable to support the proposed development.

Roads within the haul route have been designed to cater for industrial and commercial vehicles.

Air quality

A number of submissions were received during the public exhibition of the proposal with respect to air quality impacts and the potential for airborne hazardous materials.

An Air Quality Assessment (AQA) prepared by Tim Fitzroy & Associates dated 20 December 2018 was submitted as part of the most recent amendment to the subject Development Application. The AQA addresses dust and odour emissions.

This report revises the previous AQA in response to changes to the site layout as detailed in Plan 5 – Proposed Development – Revision F-1 prepared by Newton Denny Chapelle.

The report advises that the changes to the layout are likely to reduce the emissions from the site due to the removal of the conveyor belt transfer of crushed waste to the storage bins by placing the storage bins immediately adjacent to the crushing area with the crushed material transferred through holes in the common wall between the crushing shed and the storage bins.

The following measures are either currently in place or form part of the development proposal:

- The existing driveway to the weighbridge is sealed including the circulation area adjacent to Shed 2 and 3;
- Access and circulation area to Shed 4 will be sealed;
- The floor of Shed 4 will be sealed;
- Waste storage areas are covered and partly enclosed on the sides;
- Roof sprinklers are used in Shed 3 to suppress dust from the working/unloading areas and are to be used when dust is visible;
- Roof sprinklers are used in Shed 4 to suppress dust from the working/unloading areas and are to be used when dust is visible;
- Roof sprinklers are used in the Aggregate Storage Bin area to suppress dust from the working/unloading areas and are to be used when dust is visible;
- Dust generating activities will be stopped during windy conditions (wind speed > 1.5m/s) except where appropriate control measures are available;

- A condition is recommended to be imposed requiring three dust deposition gauges to be installed and monitored to measure the effectiveness of dust suppression on site. If dust deposition exceeds $4\text{g/m}^2/\text{month}$, then additional dust suppression activities shall be undertaken. This requirement can only be modified/removed with the written approval of the Appropriate Regulatory Authority (ARA). At such time an Environment Protection Licence (EPL) is issued, the NSW Environment Protection Authority (EPA) will become the ARA.
- Daily visual inspection of deposited dust around the boundary of the site to provide an indication of the effectiveness of the dust control measures.

Monthly dust monitoring of current operations at the site is currently being undertaken by Environmental Analysis laboratory (EAL) under an engagement with Ballina Shire Council. The sampling to date has not detected the presence of asbestos or organochlorines, being specific matters of concerns raised in submissions to Council.

The particulate matter assessment indicates that particulate levels at the nearest sensitive receptor would be significantly less than OEH criteria. Therefore, particulate matter emissions from the site are not considered to be a significant issue, and more refined assessment is not considered necessary.

However, it is recommended the following measures are implemented as a precautionary approach:

- Roof sprinklers are installed in Shed 3, Shed 4 and aggregate storage bin area and are to be used when dust is visible.
- Daily visual inspection of deposited dust around the boundary of the site to provide an indication of the effectiveness of the dust control measures.

A condition is recommended to be imposed requiring three dust deposition gauges to be installed and monitored during operation to measure the effectiveness of dust suppression on site. If dust deposition exceeds $4\text{g/m}^2/\text{month}$, then additional dust suppression activities shall be undertaken.

Noise

The submissions received also raised concerns regarding noise impacts resulting from the proposed development.

The subject site is located within an industrial estate, however there are several rural residential premises in the general locality. Furthermore, the village of Wollongbar is located approximately 300 metres from the site. Notwithstanding this, the Bruxner Highway is located between the site and Wollongbar village which would provide significant acoustic masking of any noise generated at the site.

The application as amended has been supported by an Environmental Noise Impact Assessment prepared by CRG Acoustics dated 20 December 2018, which has been revised in response to additional information requests from NSW EPA and Council.

The Environmental Noise Impact Assessment considered the proposed development, the existing acoustic environment and modelled the acoustic impacts of the proposed expansion. The predicted acoustic impacts on nearby sensitive receivers were considered and recommendations made to mitigate and manage impacts in line with the requirements of the Noise Policy for Industry (NSW EPA, 2017).

The report concluded that the site is suitable for the proposed operations, subject to the following recommended acoustic treatments:

- The facility's hours of operation are to be limited to the following:
 - Vehicles will operate from the site 6am to 6pm Monday to Friday and 6am to 1pm Saturday.
 - Sorting, pulverising, crushing and screening will be limited to 7am to 6pm Monday to Friday, with not more than 5 hours of crushing on any given day.
- Compression of waste material through impactive means (i.e. by excavator bucket actively impacting materials into skip bins) is not to be undertaken. Waste material can be compressed if the excavator bucket is laid on the materials then pressed down, avoiding impacts.
- Trucks and heavy equipment (i.e. loaders) are to be restricted to a posted speed limit of 5km/h. Signage is to be erected onsite at prominent locations (i.e. along western access road/driveway).
- Dump trucks are to be switched off when being loaded.
- The northern roller door of Shed 3 is to be kept closed at all times.
- Sheds 3 and 4 are to be constructed as per the plans and have no gaps or holes between the connections with the roof and walls and with the walls and ground to ensure a minimum noise reduction of 13 dB is achieved along walls which have no openings (i.e. northern and southern walls of Shed 3 and the western and southern walls of Shed 4).
- The southern, eastern and western walls of the aggregate storage bin shed are to be of solid construction (i.e. tilt-up concrete panels) and be a height of 6 metres.
- Onsite drivers/operators (i.e. bobcat, truck, loaders, excavators and crusher/screen) be instructed to operate equipment in a manner that does not generate unnecessary noise, through avoiding excessive revving of motors, and avoidance of impact with solid objects.
- No alarm bells or paging systems should be used. Cordless telephones are a suitable substitute.
- Permanent onsite vehicles have a modified beeper installed (commonly termed a 'croaker', as they sound similar to a frog croak).

- Onsite machinery are to be fitted with exhaust controls that minimise noise pollution in accordance with current legislation and industry best practices.
- All engines are to be maintained and tuned to manufacturer's specifications so as to minimise exhaust emissions.
- Provide the nearest noise sensitive receiver with a contact number should any problem arise. In the event of a noise complaint, the complaint must be dealt with sensitively and respectfully, with the noise abated as soon as possible. A complaint register must also be completed and stored (refer to Appendix B of the Environmental Noise Impact Assessment Report for an example of a complaint register).

The abovementioned recommendations have been incorporated into the recommended conditions to be imposed on any consent granted.

The General Terms of Approval issued by NSW EPA also applies a number of conditions in relation to operational noise management.

Hazardous materials

Concerns were raised with respect to the management of hazardous materials entering the site, particularly with respect to the element of 'human error' associated with the sorting of waste by hand.

The applicant has indicated that Waste Control Plans are to be implemented in relation to the following:

- Quality Control
- Waste Acceptance
- Recycling
- Dust Control
- Staff and Training; and
- Incidents, Records and Reporting.

Council's technical staff and the NSW Environment Protection Authority (EPA) have assessed the proposed waste management approach for the expanded resource recovery facility. It is considered these impacts can be suitably managed by way of compliance with the recommended conditions (including General Terms of Approval issued by EPA) and a future Environmental Protection Licence (EPL) issued for the site.

Development compliance matters

A number of concerns were raised by the public with respect to the activities currently occurring on the site as part of the current operations and compliance with the terms and conditions of the approval via DA 2012/88. These matters have been the subject of separate, ongoing development compliance investigation. They are not directly relevant to the assessment of the subject application, but have been addressed within this assessment report in responding to the submissions raised. DA 2017/600 should appropriately be assessed on its merits.

Exhibition period and submissions

The application (and subsequent amendments) was placed on public exhibition between the following dates:

- 22 November 2017 – 22 December 2017
- 11 April 2018 – 14 May 2018
- 18 July 2018 – 20 August 2018
- 13 February 2019 – 18 March 2019

The public exhibition of all amendments to the Development Application was carried out in accordance with the requirements of Schedule 1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Council received a total of 63 submissions in relation to the application, raising a number of issues regarding the proposed development. It is considered the matters raised in the submissions for previous amendments remain relevant to the most recent amendment to the proposal (dated December 2018). The matters raised have been considered within this report, and each issue has been addressed and responded to.

All relevant matters under Section 4.15 of the EP&A Act have been considered in the assessment of the application. The assessment raises a number of issues, particularly with regard to air quality, noise impacts and the management of waste and hazardous materials on the site. The assessment recommends that the proposal be approved subject to the attached schedule of conditions (**Attachment 2**). These conditions are expected to mitigate the issues identified as part of the assessment.

Introduction

Development Application 2017/600 was originally lodged with Council on 30 October 2017 and was subsequently amended by the applicant on 15 March 2018, 3 July 2018 and 20 December 2018. The applicant has indicated that the amendments received on 15 March 2018 and 3 July 2018 have been superseded in their entirety.

An assessment of the Development Application (DA) has now been completed and the revised application (dated 20 December 2018) is presented to the Northern Regional Planning Panel for determination.

Description of Site and Surrounds

The Site

The subject property is Lot 1 DP 1237064 and is known as 19 Northcott Crescent, Alstonville. The property is located on the northern edge of the Russellton Industrial Estate in Alstonville.

The subject allotment was created via DA 2016/537, which provided for a boundary adjustment subdivision to transfer the northern (lower) half of former Lot 60 DP 789127 to the adjacent former Lot 61 DP 789127.

The property has a total area of 1.366 hectares and is located approximately 150 metres to the south of the Bruxner Highway. The property has frontage to and obtains vehicular access via Northcott Crescent.

The western portion of the subject site has been previously shaped into three tiered pads. The lower pad contains an existing waste/resource management facility, which was approved via DA 2012/88. The site also contains a vehicle repair station (tyre shop), approved via DA 2016/285 and is located on the upper pad. The middle pad is currently used for storage and processing activities. A complete history of Development Applications applicable to the site is provided later in this section.

The eastern portion of the site is largely undeveloped, however a portion of the site is currently used for access and storage.

The existing operations comprise a Builders' Waste Recycling Service which involves the provision of skip bins on construction sites into which clean building waste is placed. Periodically, the bins are transferred to the subject site. General concrete and brick construction rubble is also transferred to the site. The waste is separated into the various components (steel, timber, bricks, concrete, plastic, cardboard and "other"). Other than bricks and concrete, the sorted waste is disposed of either by way of sale or transfer to a licensed waste management facility. The bricks and concrete are crushed on site and sold for use in landscaping projects.

Figures 1 and 2 illustrate an aerial view of the site's location and surrounding properties:



Figure 1: Location of site



Figure 2: Aerial image of site (2018)

Figures 3 to 10 provide photographs of the existing site conditions:



Figure 3: Existing driveway access (facing north)



Figure 4: Existing tyre shop on Northcott Crescent frontage (facing north)



Figure 5: Existing Shed 2 (facing west)



Figure 6: Site of proposed Shed 4 (facing east)



Figure 7: Existing driveway (western boundary facing south)

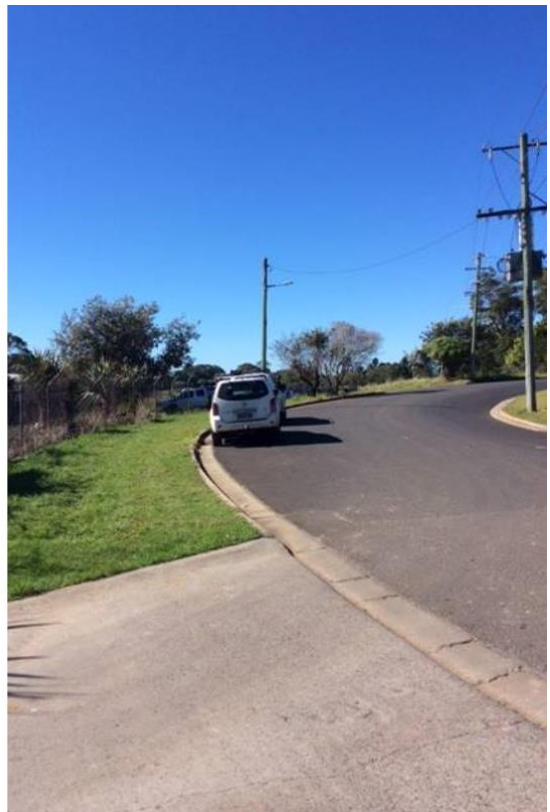


Figure 8: Existing driveway access (facing east)



Figure 9: Rear of existing tyre shop (facing south)



Figure 10: Existing Shed 2 (facing west)

The site falls steeply from south to north to a non-perennial stream (second order tributary to Maguires Creek) and has been previously modified by earthworks to facilitate the industrial use of the site.

The land is zoned IN1 General Industrial under the Ballina Local Environmental Plan 2012 (BLEP 2012).

Surrounds

The nearest rural dwelling is located approximately 150 metres to the northwest of the subject site.

The nearest residential area is located approximately 230 metres to the north of the subject site.

Undeveloped industrial zoned land (with one allotment containing a dwelling house) is located directly to the north of the subject site. Developed industrial land is located to the east, south-west and south of the subject site.

An industrial premises is located to the south-west of the subject site (No. 15-17 Northcott Crescent). The building on the site was approved via DA 2003/272 for the manufacturing of candles, with workers amenities approved via DA 2012/315.

It is noted that the tennis courts located at 14 Kays Lane, Alstonville have been relocated to 80 Elvery Lane, Alstonville (Wollongbar Sporting Fields) during the assessment of the subject application.

The topography of the surrounding area (within a 2 kilometre radius of the subject site) is gently undulating with elevations varying between 120 metres AHD and 180 metres AHD. The site elevation is approximately 150 metres AHD.

Details of Proposal

The Development Application involves the expansion of the existing Resource Recovery Facility at Lot 1 DP 1237064. The application seeks approval to process up to 30,000 tonnes of construction waste annually and, accordingly, the facility will require an Environment Protection Licence (EPL). The application involves a number of separate but inter-related matters, described by the applicant as follows:

- a) Completing earthworks to create a level pad (Pad 1A) at the rear of the site and a ramp connecting Pad 1A with the existing (vacant) pad (Pad 2). All portions of Pad 1A and the ramp which will experience regular truck movements will be sealed. Portions of Pad 1A which are removed from the regular trafficable pathways will be an all-weather gravel surface.
- b) Using the existing large shed (Shed 3) for the storage of all uncrushed concrete/tile product that does not require pulverising and 100% of concrete crushing.
- c) Using the eastern end of Pad 1A for a combination of:
 - Storage of large concrete pieces (comprising approximately 30% of the product coming in to the site);
 - Pulverising of large concrete pieces into smaller pieces suitable for crushing. These materials will then be transported by loader to Shed 3 for crushing; and
 - Skip bin storage.
- d) Using the western end of Pad 1A for crushed aggregate storage. This will involve the following;
 - The stacker from the crushing equipment within Shed 3 will project out of the eastern wall of the shed onto Pad 1A via an existing opening. The stacker will direct the crushed aggregate into three piles of varying size. The piles are separated by gravity concrete block walls.
 - Six covered bays will be provided adjacent to this area. The crushed material will be transferred to these bays by loader; and
 - A testing regime will be implemented prior to sale in accordance with the Recovered Aggregate Order.
- e) Building a new shed (Shed 4) on the vacant middle pad (Pad 2) for sorting and processing of 'general construction waste'. The waste will be deposited into the shed and then sorted by machinery and by hand. The sorted material will be placed into a series of bins set at the same level as the lower pad (Pad 1). The sorted materials will then be loaded and disposed of at a combination of recycling facilities (metal, plastics etc) and waste management facilities (general waste).
- f) Constructing a covered wash bay for washing of skip bins as required.

g) Constructing 10 new carparking spaces on Pad 2.

h) Stormwater infrastructure on Pad 1A.

A site plan of the proposed development is provided below (Figure 11):

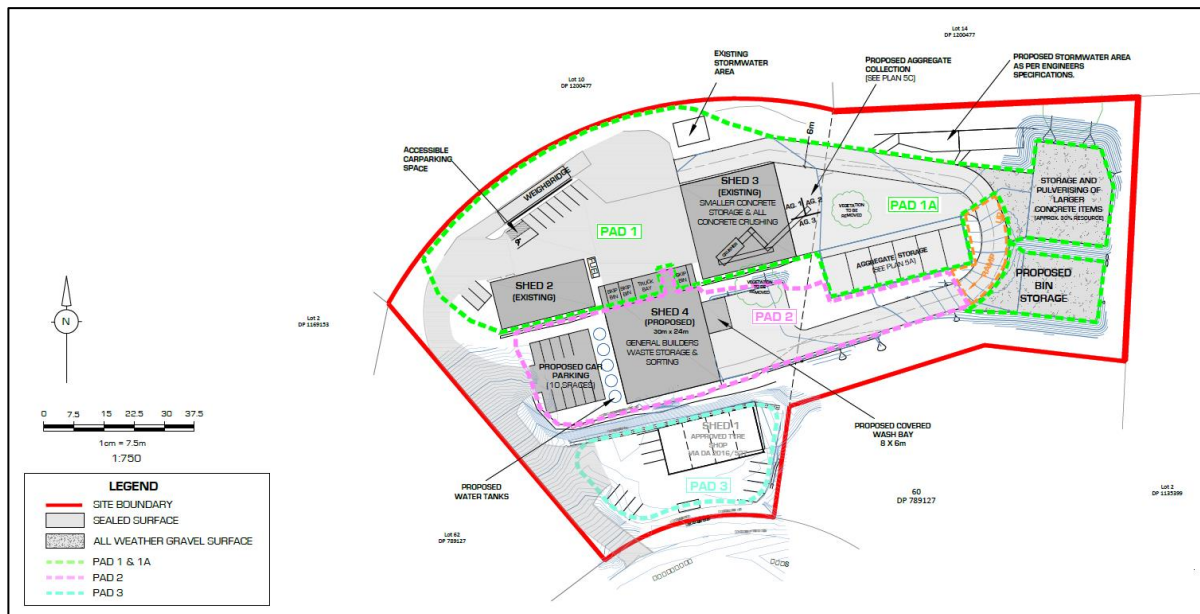


Figure 11: Site plan of proposed development

Earthworks and Retaining Walls

Bulk earthworks activities will be undertaken to shape the subject land to create a large level pad (Pad 1A) which will be generally set at the same level as existing Pad 1 (being the lower building pad). A ramp will provide a transition in levels to the vacant central building pad.

Proposed Pad 1A site will be flattened significantly from its existing state with an approximate 1% grade south to north. The works are expected to create approximately 955m³ of excess cut. The maximum cut height will be approximately 3.5 metres which will occur centrally on the site. A retaining wall is proposed in this location and will be designed by a suitably qualified structural engineer.

Proposed Shed 4

A colorbond shed (Shed 4) is proposed to be constructed on existing Pad 2. The concept shed design is illustrated on NDC Plan 6 (Revision F) (**Attachment 1**) and comprises the following:

- Dimensions – 24m x 30m;
- Height – 10m;
- Construction materials – Colorbond corrugated sheeting;
- Northern elevation – open sided;
- Southern and western elevation – fully enclosed;
- Eastern elevation – 6m wide opening to enable trucks to enter and exit;

- 'Cut out' to floor with depression set at same level at lower Pad 1. Skip bins and trucks will be located within this area for loading of sorted product.

Proposed Aggregate Storage Bins

Six storage bins will be installed on Pad 1A. The concept shed design is illustrated on NDC Plan 5 (Revision F) and comprises the following:

- Six bins each with dimensions of 6m wide x 10m long.
- Bins will be roofed, with the overall structure having a height of 6.6m.
- Concrete tilt panel and FC sheet construction.

Proposed Washdown Bay

A covered washdown bay for skip bins will be provided adjoining the eastern wall of Shed 4. The proposed facility is shown on NDC Plan 5 (Revision F) (**Attachment 1**). The applicant has indicated that full design details will be developed as part of the Construction Certificate and associated S68 and Trade Waste approvals. A new gravity sewer connection will be required for the proposed wash down bay.

Proposed Carparking

Ten additional car parking spaces will be provided on Pad 2 between proposed Shed 4 and the existing main access driveway.

Vegetation removal

The application as originally submitted states that the existing trees located within the development footprint will be removed. These trees were identified as a clump of native vegetation comprising a Red ash, Sweet pittosporum and a Brown tamarind. Various camphor laurel trees are also located on the land.

The applicant advised that on 11 February 2018, two Camphor Laurel (*Cinnamomum camphora*) trees were removed on the site. Given Camphor Laurels are identified as an 'Undesirable Tree Species' within Chapter 2a – Vegetation Management of the Ballina Development Control Plan (DCP) 2012, the prior consent of Council was not required for these works and no further action was taken in this regard. Further to this, Camphor Laurels are identified within 'A2.2 Additional Species of Concern in North Coast LLS Region' within the *North Coast Regional Strategic Weed Management Plan 2017-2022* (Local Land Services 2017).

Stormwater management

The proposed approach to managing stormwater on the site is described within the Engineering Services report (Attachment 5 of the revised proposal dated December 2018). In summary, the approach involves the following:

- The existing Bioretention system will manage stormwater generated by the western portion of the site. This system will be increase to 48m² and an attenuation tank of 15kl fitted to the proposed new shed (Shed 4).

- A new stormwater treatment system will be installed on the eastern portion of the site to manage stormwater issues for this portion of the site. This system will provide for a 60m³ retention basin, 80m³ sediment basin and an 82m³ Attenuation Storage Basin.

It is proposed to cover the waste material whilst it is processed and stored on site. The unprocessed material will be stored within a shed (and under a tarp in the pulverisation area). The processed concrete product will be stored in covered bins. Overland flows will be directed away from these areas to avoid possible contamination of the stormwater.

Operational details

The applicant has indicated that broadly, the proposed expansion of the Resource Recovery Facility will continue to comprise the placement of skip bins on building sites into which clean builders' waste, including demolition waste, will be placed. Medium Rigid Vehicle (MRV) trucks will transfer the skip bins to the site as required.

The current application seeks approval to process up to 30,000 tonnes of construction waste annually. The type of waste and relative proportions includes:

- Concrete, bricks and tiles (60%)
- Timber (12%)
- Gyprock (12%)
- Steel (8%)
- Cardboard (4%)
- Plastics (4%).

The waste stream can therefore be broadly divided between (a) general builders' waste (generally comprising wood, steel, glass, plastic and 'other') and (b) concrete, brick and tile.

(a) general builders' waste

- Vehicles loaded with mixed general construction waste will enter the site over the weighbridge. These vehicles will move via Pad 1A and the ramp to access Pad 2 and Shed 4.
- The waste will be separated by hand and excavator into various components (steel, timber, bricks, concrete, plastic, cardboard and 'other').
- Material will be sorted into a series of bays set at the level of Pad 1.
- Other than the bricks, concrete and tiles, the sorted waste will be disposed of either by way of sale or transfer to a licenced waste management facility.
- Bricks, concrete and tiles will be transferred to existing Shed 3 as required.
- Vehicles will exit the site via the weighbridge.

(b) concrete, brick and tile

Smaller items

- Vehicles carrying predominately smaller concrete items, bricks and tiles will pass through the weighbridge and travel to existing Shed 3. It is estimated that this will comprise approximately 70% of the concrete waste stream.

- The waste will be separated by excavator and hand into various components ('concrete, brick and tile' and 'general builders' waste').
- General builders' waste will be transferred by loader to a row of skip bins on the northern side of Shed 4 where it will be separated and disposed of as documented in (a) above.
- Concrete, brick and tile will be stored, pulverised, crushed and screened in Shed 3. Water sprays will dampen dust within Shed 3.
- Crushed material will be transferred to the proposed storage bays located on the eastern side of Shed 3 via loader. Dust suppression sprinklers will be installed above the bays.
- The crushed aggregate will be sorted and tested (as outlined later in this section).
- Crushed material will be loaded into trucks by excavator and transported from the site for use in landscaping and construction projects.
- Vehicles which move onto Pad 1A (to collect crushed materials) will enter and exit the site via the weighbridge.

Larger items

- Where the load includes larger concrete pieces, which need to be broken up prior to crushing, these will be transferred to the outdoor concrete storage area. It is estimated that this will comprise approximately 30% of the concrete waste stream.
- The concrete will be stored under a tarpaulin pending processing.
- The materials will be broken up using a squeeze action pulveriser.
- The materials will be transferred to Shed 3 for crushing.
- Sorting and testing of the aggregate will be as per the process described below.

Crushed Aggregate Storage and Testing

- The stacker from the crushing equipment within Shed 3 will project out of the eastern wall of the shed onto Pad 1A via an existing opening.
- The stacker will direct the crushed aggregate into three temporary piles of varying size. The piles will be separated by concrete block walls (shown on Plan 5C).
- Six covered bays will be provided on Pad 1A.
- Crushed material will be transferred to the relevant material storage bay by loader.
- Material storage will rotate through the various bays as follows:
 - (a) Tested aggregate of varying sizes will be stored in Bays A, B and C. This aggregate will be made available for sale.
 - (b) Untested aggregate will be loaded into Bays D, E and F. Once these are filled, the aggregate will be tested.
 - (c) Once the test results are received from Bays D, E and F, this product will be made available for sale and the untested material will be directed to Bays A, B and C and so on.
 - (d) All material will be tested prior to sale in accordance with the testing ratios nominated within the Recovered Aggregate Order.

Hours of operation

The applicant has indicated that the proposed hours of operation are as follows:

- Vehicles will operate from the site 6am to 6pm Monday to Friday and 6am to 1pm Saturday.
- Sorting, pulverising and crushing will be limited to 7.00 am to 6.00pm Monday to Friday, with not more than 5 hours of crushing on any given day.
- Outdoor pulverising will not occur more than 30 minutes per day.

Operating plant and amenities

Trucks operating from the site range in size from 7 to 13 tonnes including tipper trailers, with maximum loads ranging from 16 to 25 tonnes.

Machinery to be used on site (excluding trucks) is as follows:

- 2 x 8 tonne excavator (one in each shed)
- 2 x bob cat (one in each shed)
- 2 x 4 tonne excavators (on 'standby' for use if needed)
- 1 x 20 tonne excavator (large concrete storage and pulverising area. Has hydraulic jaw attachment)
- 1 x 12 tonne loader (aggregate area)
- 1 x 25 tonne crusher
- 8.5 m screen and stacker

Staff numbers

The applicant has indicated that there are 15 staff members employed in association with the bobcat and resource recovery businesses on site (including truck drivers, administration and sorting staff). Of these, up to three are directly engaged in the sorting and processing of product associated with the resource recovery facility.

Mitigation measures

In response to the key issues raised in the SEARs, the applicant has described the proposed mitigation measures as follows (Table 1):

Summary of Mitigation Measures	
Design Measures	
Dust	• Roof sprinklers will be installed within Shed 3, Shed 4 and the Aggregate Storage Bin Area. Water to be used in roof sprinklers is to be potable or appropriately filtered to make it safe for use; and • A condition is recommended to be imposed requiring three dust deposition gauges to be installed and monitored during operation to measure the effectiveness of dust suppression on site. If dust deposition exceeds 4g/m²/month, then additional dust suppression activities shall be undertaken. • All portions of the site which will be regularly trafficked by vehicles will be sealed.

Leachate and stormwater	- Concrete, bricks and other such waste (uncrushed and crushed) is to be stored within a shed, covered storage bay or under tarpaulin. - Stormwater will meet the Ballina Shire Council requirements with respect to stormwater quality and quantity. - Stormwater mechanisms are designed to accommodate the relatively high sediment load expected to be generated by the development.
Retaining walls	All retaining walls are to be appropriately engineered and certified.
Construction Measures	
Timing of Implementation of Consent	Implementation of the development consent will be completed in a timely manner following receipt of the Notice of Determination. Subject to the application of reasonable and foreseeable conditions of consent, the proponent has committed to a timeframe providing for the facility to be fully operational within 36 weeks. The timeline was provided within the most recent amendment to the application and is located later in this report under 'Requests for Additional Information'.
Sediment and Erosion Control	Sediment and erosion control is to be installed in accordance with conditions of development consent and the requirements of 'Managing Urban Stormwater – Soils and Construction', LANDCOM, March 2004.
Hours of Construction	- Construction will occur in accordance within the following times: - Monday to Friday 7.00am to 6.00pm - Saturday 8.00am to 1.00pm - No noise generating construction activities will occur on Sundays or Public Holidays.
Noise	- Shed 3 and Shed 4 are to be constructed as per the design plans and have no gaps or holes between the connections with the roof and walls and with the walls and ground to ensure a minimum noise reduction of 13 dB is achieved along walls which have no openings (i.e. northern and southern walls of Shed 3 and the western and southern walls of Shed 4). - The southern, eastern and western walls of the Aggregate Storage Bin shed are to be of solid construction (i.e. tilt-up concrete panels or 9mm FC sheeting) and be a height of 6m.
Cultural Heritage	In the event that it is suspected that Aboriginal material or human remains are uncovered as a result of activities associated with the development, recommendations 1 – 4 as

	contained within the Cultural Heritage Assessment provided at Attachment 4 of the EIS will be implemented. These recommendations relate to: ○ Aboriginal Objects Find Procedure; ○ Aboriginal Human Remains; ○ Notifying the OEH; and ○ Conservation Principles.
Operational Measures	
Compliance with Environmental Protection Licence	• All applicable requirements of the required Environment Protection Licence (EPL) will be complied with. It is noted that the EPL may amend the following mitigation measures, and the relevant measures will need to adjust accordingly.
Operating Hours	• Vehicles will operation from the site 6am – 6pm Monday to Friday and 6am – 1pm Saturday. • Sorting, pulverising, crushing and screening will be limited to 7.00am to 6.00pm Monday to Friday, with not more than 5 hours of crushing on any given day.
Noise	• Compression of waste material through impactive means (i.e. by excavator bucket actively impacting materials into skip bins) is not to be undertaken. Waste material can be compressed if the excavator bucket is laid on the materials then pressed down, avoiding impacts. • Trucks and heavy equipment (i.e. loaders) are to be restricted to a posted speed limit of 5km/hr. Signage is to be erected onsite at prominent locations (i.e. along western access road/driveway). • Dump trucks are to be switched off when being loaded. • The northern roller door of Shed 3 is to be kept closed at all times. • Onsite drivers/operators (i.e. bobcat, truck, loaders, excavators and crusher/screen) be instructed to operate equipment in a manner than does not generate unnecessary noise, through avoiding excessive revving of motors, and avoidance of impact with solid objects. • No alarm bells or paging systems should be used. Cordless telephones are a suitable substitute. • Permanent onsite vehicles have a modified beeper installed (commonly termed a “croaker”). • Onsite machinery are to be fitted with exhaust controls that minimise noise pollution in accordance with current legislation and industry best practices. • All engines are to be maintained and tuned to manufacturer’s specifications so as to minimise exhaust emissions. • Provide the nearest noise sensitive received (refer to Figure 2 in Appendix A within Attachment 7 of the Environmental Noise Impact Assessment Report) with a contact number

	should any problem arise. In the event of a noise complaint, the complaint must be dealt with sensitively and respectfully, with the noise abated as soon as possible. A complaint register must also be completed and stored (refer to Appendix B for an example of a complaint register).
Dust	• Roof sprinklers within Shed 3, Shed 4 and the Aggregate Storage Area are to be used when dust is visible. Note: Water to be used in roof sprinklers is to be potable or appropriately filtered to make it safe for use. • Daily visual inspection of deposited dust around the boundary of the site to provide an indication of the effectiveness of the dust control measures. • A condition is recommended to be imposed requiring three dust deposition gauges to be installed and monitored during operation to measure the effectiveness of dust suppression on site. If dust deposition exceeds 4g/m²/month, then additional dust suppression activities shall be undertaken.
Waste Management	• Waste Control Plans are to be implemented relating to each of the following factors as identified in Attachment 6 of the EIS: ○ Quality Control; ○ Waste Acceptance; ○ Recycling; ○ Dust Control; ○ Staff and Training; and ○ Incidents, Records and Reporting.
Stormwater	• The stormwater infrastructure installed on site is to be maintained in accordance with the manufacturer scheduled maintenance regime.

Table 1: Summary of mitigation measures as proposed by applicant
Source: Newton Denny Chappelle 2018

Dust management has been identified as a key issue for the proposed development. With respect to dust impacts during construction, a condition is recommended to be imposed on the consent requiring all dust to be managed using water suppression, re-establishment of vegetation cover, stockpile management, covering loads, preventing spoil tracking onto roads and halting works on site in extreme wind events.

During operation, a condition is also recommended requiring a dust management plan to be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. A further condition is recommended requiring that the use of the premises must not give rise to the emission of gases, vapours, dusts and/or other impurities which are a nuisance, injurious or prejudicial to health.

Background of Proposal

Secretary's Environmental Assessment Requirements

The applicant sought the Secretary's Environmental Assessment Requirements (SEARs) in accordance with the provisions of Section 3 within Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*. The applicant notes that SEARs were originally obtained in August 2016, however, following an amendment to the nature of the proposal, revised SEARs were sought and obtained in April 2017 (prior to lodgement of the subject application).

An Environmental Impact Statement (EIS) prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs), accompanied the subject application. It is considered that the EIS has met the SEARs and the provisions under Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the SEARs (1141) dated April 2017 (**Attachment 4**) is provided within the submitted EIS.

Other Development Applications relating to the site

Macadamia Processing and Extension of Industrial Building

DA 1994/8 was determined by Council on 15 February 1994 and approved the extension of the existing industrial building and the use of the premises for the processing of macadamia nuts, including dehusking and extraction of oil on former Lot 60 DP 789127 (now Lot 2 DP 1237064).

Subdivision

DA 1995/255 was determined by Council on 29 May 1995 and approved a Torrens Title subdivision of Lot 61 DP 789127 resulting in the creation of two allotments. It is noted that this consent lapsed on 29 May 2000.

Alterations and Additions

DA 2000/784 was determined by Council on 17 April 2000 and approved alterations and additions to the existing commercial shed on former Lot 60 DP 789127.

Factory Additions

DA 2003/312 was determined by Council on 31 March 2003 and approved factory additions at former Lot 60, DP 789127.

Concrete Slab, Retaining Walls and Silos

DA 2005/712 was determined by Council on 18 April 2005 and approved a concrete slab, retaining walls and three silos on former Lot 60 DP 789127.

Existing Resource Recovery Facility

The existing resource recovery facility on Lot 61 DP 789127 was approved by Council on 23 May 2012 via DA 2012/88 (and subsequently modified on 18 December 2012 and 3 October 2013).

Tyre Shop

DA 2016/285 was determined by Council on 28 July 2016 and approved the erection of an industrial shed for the purpose of a vehicle repair station (tyre shop) on former Lot 61 DP 789127. Plateau Tyres currently operates from the premises which will remain unchanged as part of the subject application.

Boundary Adjustment

DA 2016/537 was determined by Council on 18 October 2016 and approved a two lot boundary adjustment subdivision of former Lots 60 and 61 DP 789127, previously known as No's. 23-25 and 19-21 Northcott Crescent, Alstonville respectively. This allowed for the transfer of the lower half of former Lot 60 to former Lot 61. A subdivision certificate was issued by Ballina Shire Council on 19 September 2017.

At the time of lodgement of the subject application, the current Deposited Plan (DP 1237064) had not yet been registered with NSW Land Registry Services. Registration of this allotment has occurred on 23 January 2018 and the land the subject of this development application is legally described as Lot 1 DP 1237064.

Development Application History

The history of the subject Development Application is summarised in the following table (Table 2):

30 October 2017	Development Application (DA) – DA 2017/600 lodged with Council.
22 November 2017 – 22 December 2017	DA placed on exhibition for a period of 30 days. Nine submissions received.
13 December 2017	RMS referral response received.
21 December 2017	Letter issued regarding confirmation of site inspection and identifying matters to be discussed with the NSW Environment Protection Authority (EPA) with respect to noise and dust impacts. Council also requested comment on the submissions received during the public exhibition period.
8 January 2019	Email issued to NSW EPA and Department of Planning and Environment regarding confidential submissions received.
18 January 2018	Applicant indicated that amended plans would be provided in addressing the concerns raised.

15 March 2018	Revised proposal received.
11 April 2018	Revised proposal forwarded to government agencies.
11 April 2018 – 14 May 2018	Amended DA placed on exhibition for a period of 30 days. Seven submissions received.
23 April 2018	Applicant indicated that the proposal is to be further amended.
26 April 2018	Council issued email to applicant confirming the proposed changes may be considered pursuant to Clause 55 of the <i>Environmental Planning and Assessment Regulation 2000</i> (subject to review of the detail plans once submitted).
15 June 2018	Letter issued to Department of Planning and Environment regarding submissions received and advising application is to be further amended.
3 July 2018	Revised proposal received.
6 July 2018	Response received from Department of Planning and Environment following submissions received.
13 July 2018	Revised proposal forwarded to government agencies.
1 August 2018	Response received from NSW DPI – no additional matters raised.
10 August 2018	RMS verbally advised that they have no issues with the amended proposal and will not be providing a response.
18 July 2018 – 20 August 2018	Amended DA placed on exhibition for a period of 30 days. 33 submissions received.
6 September 2018	Request for Further Information (RFI) issued to applicant. A number of matters were raised in relation to soil contamination, air quality, recovered aggregate, traffic and carparking, stormwater management and fire safety measures.
9 September 2018	Response received from Department of Planning following submissions received.
20 September 2018	Email issued to applicant regarding additional matters to be addressed, including a detailed timeline of the development and trade waste matters.
15 October 2018	Council engaged DAC Planning Pty Ltd to undertake a peer review of the proposal.
23 November 2018	Council advised applicant that the application is required to be determined by the Northern Regional Planning Panel (NRPP)

	pursuant to Schedule 7, Clause 7 of SEPP (State and Regional Development) 2011.
24 December 2018	Revised proposal received (dated 20 December 2018).
13 February 2019	Revised proposal forwarded to government agencies.
13 February 2019 – 18 March 2019	Amended DA placed on exhibition for a period of 30 days. 14 submissions received.
4 March 2019	Response received from NSW DPI – no additional matters raised.
21 March 2019	Response received from DPI Fisheries – no concerns raised.
21 March 2019	Email issued to NSW EPA and Department of Planning and Environment regarding submissions received.
24 April 2019	Response received from Department of Planning following submissions received.
TBC	Assessment report finalised.

Table 2: Development Application history

Development Compliance Background

Prior to March 2012, the subject premises was identified as Lot 61 DP 789127, 19-21 Northcott Crescent Alstonville, a vacant industrial allotment within the Russellton Industrial Estate.

As mentioned above, DA 2012/88 was determined by Council on 23 May 2012 and approved the following development on the subject land:

“Construction of Two Colorbond Sheds for the Establishment of a Waste / Resource Management Facility and Bobcat Business. The Undertaking of Onsite Earthworks to create Building Pads for Future Development. The Erection of Free Standing Advertising Structure”.

Over the following three years, the premises was developed and operated by Bencat Pty Ltd to collect, sort and recover waste materials which included the crushing of concrete and masonry materials for reuse as “recovered aggregate” as permitted under the EPA Resource Recovery Order for recovered aggregate 2014, pursuant to Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

In 2016, as part of the Annual Compliance Work Programme, Ballina Shire Council conducted an audit of premises in the Russellton Industrial Estate which identified the subject premises in terms of expanded production and certain consent conditions which had not been satisfied prior to obtaining a Final Occupation Certificate. A Final Occupation Certificate was issued by Council for the development on 16 August 2016.

From 2017, Council began to receive complaints alleging non-compliance with DA 2012/88 consent conditions, and also raising additional concern for the community from alleged asbestos and termiticide (organochlorines) contamination of the concrete waste being received on the premises. Council undertook a program of identifying and addressing such complaints with the business operator. Inspections included the occasional presence of Environment Protection Authority (EPA) officers from the Waste Regulatory Division in Coffs Harbour.

The subject DA 2017/600 was lodged with Council on 30 October 2017 and seeks approval for the “*expansion of an existing resource recovery facility to process up to 30,000 tonnes per annum of construction and associated building, infrastructure and earthworks*”. Around the time of lodgement, Council began to receive increased complaints regarding alleged air pollution from dust generated by site activities; alleged offensive noise; concern that the operations was in breach of the Development Consent conditions; and, in particular raising increased risk to the community from asbestos and pesticide contamination of waste materials.

In 2018, in response to the continuing community complaints, Council issued a “Direction to take Preventative Action” under the *Protection of the Environment Operations Act 1997* (NSW) on 23 February 2018. The “Direction” was as a result of evidence of air pollution arising on the subject premises being observed by Council Officers in February 2018.

Throughout 2018, Council officers conducted a series of detailed inspections of the subject premises. Council also engaged the services of an independent National Association of Testing Authorities (NATA) accredited consultant to assess, sample and analyse the surfaces of the subject premises for asbestos and pesticide contamination. No asbestos or pesticide contamination has been identified through the compliance investigation program.

As a result of the investigation of potential contamination risks from asbestos and pesticide contamination of building and demolition wastes, Council, in company with the business operator, installed air monitoring equipment on the subject premises in October 2018. Analysis of three air monitoring units located within the subject premises has not found any presence of airborne asbestos. Monitoring of air quality and site operational conditions continues while the crushing of concrete for recovered aggregates has been limited to within the shed in conjunction with the use of dust suppression measures.

While the expansion of the waste / resource recovery business has continued, in line with the above, Council’s standard practice has been to place enforcement action on hold pending the determination of the subject DA 2017/600. Should favourable consideration be given to the current application, any subsequent development consent may legitimise certain operations going forward. A favourable consideration of a development application will also have a bearing on any court case and decisions of the Court.

Further, the determination is a consideration in whether any legal proceedings are commenced in the Land and Environment Court or the Local Court, or whether a penalty infringement notice is issued rather than commencing legal proceedings.

This course of action is consistent with court practice and minimises the cost to the ratepayer in commencing legal proceedings for matters that may subsequently be the subject of development approval.

Council is viewed as a “model litigant” in the Land and Environment Court and this means that any action that Council seeks to take must be in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (NSW).

Given the above, Council has acted in accordance with applicable legislation by accepting and assessing the development application.

Requests for Additional Information

Council requested additional information from the applicant on 6 September 2018 and 20 September 2018. Details of Council's requests (and the applicant's response to the matters raised) are provided below.

Request for Additional Information dated 6 September 2018

- *The amended proposal identifies that the earthworks will generate approximately 450m³ of excess soil in the location shown as 'Pad 1A'. It should be noted that this site was affected by the macadamia oil released during the fire that destroyed the adjoining macadamia oil factory. Soil sampling was undertaken to assess the impact and possible remediation that may be required. The assessment identified several locations in the location of Pad A that had elevated hydrocarbon levels. The levels identified complied with the soil health levels for direct contact (CRC Care Technical Report No. 10) for commercial/industrial sites. However, several of the results did not comply with the soil health levels for more sensitive land uses such as residential, open spaces etc. Therefore, the reuse/disposal of the excess soil will need to have consideration for the contamination present and further soil sampling may be required.*

Applicant comment: The applicant has indicated that their client has approached both Council and the adjoining landholder with respect to remediating the affected area. In the event that this has not occurred prior to construction works occurring, the soil in question will either be retained on site or be relocated to an alternate commercial or industrial development site with suitable approvals in place to accept the fill material.

- *Please provide further detail and explanation of how the processed material will be moved from Shed 3 through the holes in the wall into the storage bays.*
- *The report also states that all the activities associated with Shed 3 will occur completely within the shed. However, the existing equipment does not fit within Shed 3, with the screen currently located outside Shed 3. Please provide a scaled plan showing Shed 3, all the equipment and the processing flow path within Shed 3. The plan should detail the size and model of each piece of equipment required as well as storage and processing area to demonstrate that all these activities and equipment can be contained within the shed. The volumes of waste that can be processed by this equipment should also be detailed so the volumes specified in the report can be verified. From an acoustic perspective, it would be preferable for the western wall of Shed 3 to be solid with no opening and have the access to this shed through the northern or eastern wall. This may reduce the requirement to rely on practices on-site (i.e. not impacting hard surfaces when compressing materials with the excavator) and instead rely on structural mitigation.*

Applicant comment: Plan 7 provides a plan of the existing shed illustrating the opening which has been made into the eastern wall of the shed. Plans 5B and 5C illustrate the proposed method of:

- Delivery, storing, pulverising and crushing of concrete, brick and tiles; and
- Sorting, testing and storing of the crushed aggregate.

The Noise Impact Assessment has been updated to include the above arrangements. This update included further onsite measurements of the machinery currently in use at the premises. The location of the crusher and screen at Shed 3 is shown within the current development plans (part of the screen is outside to the east of Shed 3) as with the screen aggregate stockpile locations outside at the end of the screen position. It is noted that to allow the continued processing of materials from Shed 4 to Shed 3 the western opening at Shed 3 remains; and the northern façade of Shed 3 has no openings to ensure the criterion is achieved at the northern residential receiver (Receiver R1). Further, Sheds 2 and 4 provide noise mitigation/screening of activities inside Shed 3 and to the west of Shed 3 (i.e. loader movements) to the western commercial receiver.

Machinery to be used on site (excluding trucks) is as follows:

- 2 x 8 tonne excavator (one in each shed)
- 2 x bob cat (one in each shed)
- 2 x 4 tonne excavators (on 'standby' for use if needed)
- 1 x 20 tonne excavator (large concrete storage and pulverising area. Has hydraulic jaw attachment)
- 1 x 12 tonne loader (aggregate area)
- 1 x 25 tonne crusher
- 8.5 m screen and stacker
- *The Air Quality Assessment dated 28 June 2018 (prepared by Tim Fitzroy & Associates) states "collected construction and demolition waste is brought to the site by trucks belonging to Ben's Bobcats or contractors. The waste is sorted, crushed (where appropriate), stored and transported offsite for reuse, recycling or disposal". However, the information provided in the most recent amendment to the proposal (3.2.6 Operational Details) states that "broadly speaking, the Resource Recovery Facility involves the placement of skip bins on building sites into which clean builders' waste will be placed. MRV trucks will transfer the skip bins to the site as required". Please clarify whether both building and demolition waste will be brought to the site and if all the materials brought to the site will be brought in by trucks owned and operated by the site proprietors or if other contractors will also bring waste to the site and if so what type and size of vehicles will they use. This will possibly affect the predicted vehicle movements to the site and reduce the control over the waste stream to be processed on site.*

Applicant comment: The documentation has been adjusted to ensure that a consistent description of the operating characteristics is provided. In this regard, the applicant has confirmed that both builders' waste and demolition waste are intended to be processed on the site.

With respect to transportation of the waste, the following breakdown currently occurs and is expected to continue as part of the expanded operation:

- 90% vehicles directly connected to the business;
- 10% vehicles owned by internal contractors.

The trip numbers incorporated within the updated engineering services report are based on average load information from the existing weighbridge for the month of July 2017. These include a similar breakdown in vehicle trips as that envisaged to occur at the expanded facility.

The same approach applies to managing the waste stream on site regardless of the transportation method to the premises.

- *This report also states that “vehicles operate from the site from 6.00am to 6.00pm on Monday to Friday and 6am to 1pm on Saturdays. Sorting and crushing operating hours are limited to 7:30 to 4pm, Monday to Friday”. These hours contradict the hours provided by Newton Denny Chapelle and the Acoustic Assessment. Please clarify the hours of operation proposed.*

Applicant comment: The documentation has been adjusted to ensure that consistent hours of operation are proposed. In this regard, the proposed hours of operation are as follows:

- Vehicles will operate from the site 6am to 6pm Monday and 6am to 1pm Saturday; and
- Sorting, pulverising and crushing will be limited to 7.00am to 6.00pm Monday to Friday, with not more than 5 hours of crushing on any given day.
- *The Air Quality Assessment does not consider the potential risk of health impacts due to hazardous particulate matter such as asbestos, organochlorines or other hazardous substances that may become air borne due to the proposed use on-site. This risk should be assessed and if necessary, appropriate mitigation measures proposed.*

Applicant comment: The Air Quality Assessment has been adjusted to incorporate information regarding this matter. Refer particularly Section 4.4.1 of the updated assessment (dated 20 December 2018).

- *The Recovered Aggregate Order 2014 applies to the person supplying recovered aggregate and requires the preparation and use of a written sampling plan which includes a description of sample preparation and storage for the recovered aggregate. Sampling and testing of the recovered aggregate is required to be carried out in accordance with clause 4.2 and 4.3 of the Order, the sampling plan and AS 1141.3.1-2012 Methods for sampling and testing aggregates – sampling – aggregates (or equivalent).*
- *The proposed increase in volumes has raised concerns in relation to the ability for the unprocessed and processed material to be managed through the site giving consideration to the requirements of Recovered Aggregate Order 2014 especially in relation to the requirement to test and hold materials pending results of testing. Therefore the applicant is required to demonstrate, in plan and words, how the*

unprocessed and processed material (recovered aggregate) will be managed through the site to achieve compliance with the Recovered Aggregate Order 2014.

Applicant comment: The proposed methods to manage the storing and testing of crushed aggregate on the site following the increase in output on the site has been addressed in the revised proposal. Sampling and testing will occur in accordance with AS 1141.3.1-2012 Methods for Sampling and Testing Aggregates.

- *The submitted traffic generation rates are required to be revised having regard for the following:*
 - a) *Transportation of empty skip bins to external building sites for waste collection.*
 - b) *Transportation of empty skip bins back to the site after transferring waste to other waste management facilities.*
 - c) *The anticipated number of days per year for which the facility will operate having regard for holidays, weekends and variations in weather and demand for the facility.*
 - d) *Consideration should also be given to the anticipated peak hour and peak day vehicle movements resulting from the development.*

Applicant comment: The updated Engineering Services Report dated June 2018 provides an updated traffic assessment incorporating the required information. The revised rates have also been incorporated into the updated Air Quality Assessment and Environmental Noise Impact Assessment.

Stormwater Management

- The Stormwater Management Plan makes reference to the Newton Denny Chapelle Engineering Services Report “For Proposed Earthworks and Waste or Resource Management Facility” dated November 2012. The subject report relies upon the 2012 report for the provision of stormwater management for Pad 2. However, the report does not address whether the previously approved treatments are in place and operating as intended.

Applicant comment: The updated Engineering Services Report provides an updated Stormwater Management Plan incorporating the required information.

- Given the nature of the proposed development, Council will require the sealing of the development site. The stormwater management report should be revised on this basis unless it can be demonstrated that certain areas will be subject to low/minimal movements and not require sealing.

Applicant comment: The development plans have been amended to provide for sealing of all areas which are likely to experience regular traffic movements. This includes the majority of Pad 1A, the ramp connecting Pad 1A to Pad 2 and the proposed parking area on Pad 2. The westernmost portion of Pad 1A will be used for skip bin storage, storage and pulverising of large concrete pieces. Given the relatively low number of traffic movements in these areas, they are proposed to be constructed of an all-weather gravel surface. The updated Stormwater Management Plan provides for this arrangement.

- *The Stormwater Management Plan makes reference to a catchment plan contained within Appendix A. A copy of this plan does not appear to have been included in Appendix A and is required to be provided. The plan should include details demonstrating how proposed Shed 4 will drain to the existing stormwater management system as detailed in the 2012 Engineering Services Report. Similarly, details should be provided demonstrating how runoff emanating from the covered bin storage area will be directed to the proposed treatment system.*

Plan 7 should detail any pipe infrastructure necessary and include the required dimensions/volumes for the proposed treatment/attenuation systems. The treatment detail should include depths of the various treatment layers. The plan should also identify the discharge points for the treatment/attenuation areas and avoid concentrated flow being discharged onto the receiving property to the North.

- *Section 6.5.3 of the report states that 20m³ of attenuation will be provided, this appears to be inconsistent with the 45m³ of attenuation storage required as identified within Table 6-5. Peak flows as shown within Table 6-3 do not appear to match the drains output contained within Appendix C. Please include a copy of the Music Modelling input parameters with this report. Details should be provided as to how the volume of 25m³ for proposed sediment basin was calculated. If this was designed in accordance with the 'Blue Book', supporting calculations should be provided.*

Applicant comment: The updated Engineering Services Report provides an updated Stormwater Management Plan incorporating the required information.

- *The Engineering Services Report states that 9 parking spaces will be provided on Pad 2. This is not reflected within the proposed layout plan. The approved layout plan for DA 2012/88.3 allows for 10 parking spaces on a 25mm AC seal including a disabled parking space. The submitted layout plan is required to indicate the proposed location for the parking spaces required under DA 2012/88.3 as well as the subject development application.*

Applicant comment: NDC Plan 5 illustrates the location of parking spaces approved via DA 2012/88.3 as well as those proposed within the current application.

The design plans have been adjusted to provide 10 additional car parking spaces which will be fully sealed. A disabled access space was approved as part of DA 2012/88.3.

- *Please include existing and proposed fire hydrants and fire hose reels on the plans.*

Applicant comment: NDC Plan 7 illustrates the location of existing fire reels within Shed 3. NDC Plan 6 illustrates the indicative location for the fire hose reels within proposed Shed 4. The final location of these reels will be refined as part of the Construction Certificate process.

- *A floor plan of proposed Shed 4 is required to be provided. A sewer line is shown to be coming from the shed, however no fixtures have been shown on the plans.*

Applicant comment: The sewer line related to the proposed skip bin washdown bay which had been included within the Plans provided as part of the documentation submitted in July 2018. The washdown bay has now been relocated outside of proposed Shed 4. No plumbing

fixtures are proposed within Shed 4 under the current plan set (other than those required for fire hose reels and dust suppressing sprinklers).

Request for Additional Information dated 20 September 2018

- *It is requested that a detailed timeline be provided setting out how the operator intends to deliver the development of the subject site and associated mitigation measures as proposed in the development application to the point of achieving a final Occupation Certificate within a realistic and reasonable time frame. This is considered relevant and important given the development approved under DA 2012/88 and that the site is currently under operation and subject to ongoing compliance investigation. This timeline of completion and obtaining an OC could be made in the form of a statement of commitment.*

Applicant comment: The applicant has indicated that the proponent commits to completing the project within the following timeframe (Table 3):

Timeframe	Task
TBA	Development consent issued
Immediate	Prepare construction certificate documentation – Civil works
	Prepare construction certificate documentation – Building works
	Prepare hydraulic design and S68 application
	Prepare supporting documents for EPA Licence Application
6 weeks	Construction Certificate application lodged – Civil works
	Construction Certificate application lodged – Building works
8 weeks	Construction Certificate application approved – Civil works
	Construction Certificate application approved – Building works
	EPA Licence application lodged
4 weeks	Construction Phase 1 (Carpark and Shed 4)
3 weeks	Construction Phase 2 (Washdown bay and driveway)
4 weeks	Construction Phase 3 (Aggregate apron, bays and ramp)
2 weeks	Construction Phase 4 (Stormwater)
2 weeks	Obtain necessary certifications
1 week	Occupation Certificate application lodged

4 weeks	Occupation Certificate application approved
2 weeks	EPA Licence issued
36 weeks	Total Weeks

Table 3: Project timeframe

Source: Newton Denny Chapelle 2018

The indicative Construction Phasing as documented in the above Table is illustrated in NDC Plan 8 – Construction Staging Plan (**Attachment 1**).

Council's Trade Waste Officer advised that the following information was also required to be provided:

1. *The proposed rate of discharge, including:*
 - *average per day, and maximum per day and per hour*
 - *hours of the day during which discharge takes place*
2. *Site plan, including:*
 - *location and details of any proposed liquid trade waste pre-treatment facilities*
 - *details on equipment maintenance*
 - *internal wastewater drainage*
 - *treatment process details*
 - *proposed connection point to the sewerage system*
3. *Physical and chemical characteristics of the discharge, including:*
 - *nature of source*
 - *expected maximum and average concentrations of pollutants, and*
 - *temperature and pH*
 - *Material Safety Data Sheets (MSDS) shall also be supplied for assessment of products that can be found in the trade waste proposed for discharge.*

Applicant comment: NDC Plan 5D (Revision F) (**Attachment 1**) illustrates the conceptual treatment train for the proposed wash bay. The wash bay will be subject to future trade waste and S68 approvals and all necessary details will be provided as part of those application processes.

It is noted that the specific trade waste requirements were not addressed within the applicant's response, however Council's Civil Services Division has advised that this can be addressed via the recommended conditions of consent.

Having regard for the above, the matters raised by Council during the assessment of the application have been suitably addressed by the applicant.

Referrals

The following internal (Table 4) and external (Table 5) referrals were carried out with respect to the proposed development:

Internal

Referral Type	Recommendation
Development Engineer	Supported with conditions
Building Surveyor	Supported with conditions
Environmental Health Officer	Supported with conditions
Trade Waste Officer	Supported with conditions

Table 4: Internal Referrals

External

Referral Type	Recommendation
NSW Environment Protection Authority	General Terms of Approval issued 17 April 2019 (amended 5 November 2019).
NSW Office of Environment and Heritage – General referral	Response received 16 January 2018. No issues raised in relation to flooding or NPWS estate. No further comments to add with respect to biodiversity values (over and above the requirements of the SEARs). No further Aboriginal cultural assessment is required to inform the development process.
NSW Department of Primary Industries (Agriculture)	Response received 30 April 2018, 4 August 2018 and 4 March 2019. No issues raised (over and above the requirements of the SEARs).
NSW Department of Primary Industries (Fisheries)	Response received 21 March 2019. No issues raised given the proposal does not impact upon fish habitat.
Roads and Maritime Services (RMS)	Response received 13 December 2017. The matters raised have been addressed within the Infrastructure SEPP section of this report. No issues raised with respect to subsequent amendments.
NSW Department of Planning and Environment (DPE) Sydney – Designated Development	Response received 7 July 2018, 6 September 2018, 23 April 2019. No issues raised.
NSW Department of Planning and Environment (DPE) Grafton – Designated Development	No response received with respect to original proposal submitted or subsequent amendments.

Table 5: External Referrals

It should be noted that the original development application and all subsequent amendments were referred to Council's technical staff and external agencies for comment.

Issues raised in referral responses received are further addressed within the discussion under Section 4.15(1)(b) of this report.

Statutory Assessment

Environmental Planning and Assessment Act 1979

The principal state planning legislation for NSW is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The relevant sections for consideration are as follows.

Section 1.7 – Application of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

This section is integrated with the assessment required under the *Threatened Species Conservation Act* (TSC Act). It is noted the TSC Act has been repealed and replaced by the *Biodiversity Conservation Act 2016* following lodgement of the subject development application. This matter is further discussed below.

Former Section 5AA of the EP&A Act required a number of factors to be taken into account in determining the significance of impact of a development on threatened species, populations or ecological communities, or their habitats. The seven factors to be taken into account under the Assessment of Significance was previously known as the Seven Part Test.

Section 5AA has been replaced by Section 1.7 as part of the amendments to the EP&A Act which commenced on 1 March 2018 (the subject application was lodged with Council in October 2017).

Biodiversity Conservation Act 2016

It is acknowledged that the *Threatened Species Conservation Act 1995* (TSC Act) was repealed and replaced by the *Biodiversity Conservation Act 2016* (BC Act), which came into force on 25 August 2017. DA 2017/600 was lodged on 31 October 2017. The BC Act does not apply by virtue of Clause 27(1)(b) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* on the basis that SEARs were first issued on 15 August 2016 and amended SEARs were issued on 11 April 2017. Therefore, as the SEARs were issued prior to 25 August 2017 and the application was lodged within 18 months of the commencement of the BC Act, it is considered that the application is valid in the context of the BC Act 2016.

The Ecological Assessment report prepared by Blackwood Ecological Services dated March 2018 indicates that flying-fox camps are located less than 2 kilometres from the site at Lumley Park and this species is likely to occur on the site occasionally. A Seven Part Test (TSC Act) Assessment of Significance (EPBC Act) for the vulnerable Grey-headed Flying Fox (*Pteropus poliocephalus*) was undertaken as part of the Ecological Assessment of the proposal. The removal of a clump of three native trees represents a negligible loss of forage habitat for the Grey-headed flying-fox and is highly unlikely to result in the local extinction of this species.

There are no listed endangered populations or areas of critical habitat in the study area.

Vegetation communities on the subject site were compared with descriptions of vegetation communities listed as Endangered Ecological Communities (EEC) under the TSC Act and Threatened Ecological Communities under the EPBC Act. Vegetation on the site does not include any areas of EEC vegetation.

No threatened (NSW TSC Act 1995/Commonwealth EPBC Act 1999) or otherwise significant plant species was recorded on the subject site.

The report concludes that based upon the Assessments of Significance and with the adoption of the recommended amelioration measures, the proposed development is unlikely to result in a significant impact on any threatened species, population or ecological community and a Species Impact Statement is not required.

Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) provides for the protection, conservation and recovery of threatened species defined under the FM Act. It also makes provision for the management of threats to aquatic threatened species, populations and ecological communities defined under the FM Act as well as the protection of fish and fish habitats in general.

Specifically, Part 7A of the FM Act relates to threatened species conservation.

The application was referred to NSW Department of Primary Industries (DPI) – Fisheries for comment. A response was received on 21 March 2019 advising that as the proposal is not located within key fish habitat and will not involve impacts to key fish habitat, DPI Fisheries has no comment on this proposal.

In this regard, the provisions of Part 7A of the FM Act do not apply to the proposal.

Having regard for the above, the requirements of Section 1.7 of the EP&A Act have been appropriately addressed.

Section 4.10 – Designated development

The proposed development comprises “waste management facility or works” as described in Item 32 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

A non-perennial stream (second order tributary to Maguires Creek) is located approximately 68 metres from the subject land. As such, Clause 32(d)(i) within Schedule 3 is applicable. The nearest rural dwelling is located approximately 150 metres to the northwest of the subject site. The nearest residential area is located approximately 230 metres to the north of the subject site. As such, Clause 32(d)(vi) within Schedule 3 is also applicable. The development is therefore designated development pursuant to Section 4.10 of the Environmental Planning and Assessment Act, 1979.

In accordance with Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* and Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, an Environmental Impact Statement (EIS) prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs), accompanied the subject application. It is considered that the preparation of the EIS has met the SEARs and the provisions under Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation 2000).

Refer to *Section 4.15(1)(a)(iv) the regulations* within this report for further comment regarding the requirements for designated development.

Section 4.46 – Integrated development

Protection of the Environment Operations Act 1997

The proposed development requires an Environmental Protection Licence (EPL) and therefore constitutes ‘integrated development’ pursuant to s4.46 of the EP&A Act.

The application (and subsequent amendments) was referred to the New South Wales Environment Protection Authority (NSW EPA) seeking General Terms of Approval (GTA) in accordance with Section 4.46 of the EP&A Act. The NSW EPA issued the GTA on 17 April 2019 (amended on 5 November 2019). The GTAs have been incorporated into the draft conditions (**Attachment 2**).

Section 4.15 Matters for Consideration

The proposed development has been assessed under the heads of consideration in Section 4.15 of the EP&A Act. The assessment has identified the following key issues which are elaborated upon for the Panel’s consideration.

Section 4.15(1)(a)(i) provisions of any environmental planning instrument

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) is a systematic approach for assessing development proposals for potentially hazardous and offensive industry or storage. SEPP 33 has performance-based definitions of “hazardous” and “offensive” and sets out specific assessment requirements for such proposals.

Hazards and risks associated with the development were raised as key issues within the Secretary’s Environmental Assessment Requirements (SEARs) issued on 11 April 2017. As such, these matters were required to be addressed in the preparation of an Environmental Impact Statement (EIS) for the proposed development.

The SEARs indicated that the EIS must include a preliminary risk screening completed in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* and ‘Applying SEPP 33’ (Department of Planning 2011) with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development.

A Hazardous Materials SEPP 33 Assessment prepared by Tim Fitzroy & Associates (dated August 2017) was submitted with the application (Attachment 10 of the EIS) and concluded that the hazardous materials associated with the development did not trigger the screening thresholds for quantities of materials nor transportation movements:

“The relatively small quantity of diesel and the small quantities of diesel additive, and oils are below screening threshold quantities outlined in the Applying SEPP 33

guidelines, therefore the quantities are not considered potentially hazardous with respect to SEPP 33.

The number of generated traffic movements associated with delivery of the materials are less than the transportation screening threshold outlined in the Applying SEPP 33 guidelines. Therefore, the transportation of the materials is not considered potentially hazardous.

As hazardous materials associated with the development did not trigger the screening thresholds for quantities of materials nor transportation movements, the development is not considered potentially hazardous and therefore SEPP 33 does not apply”.

In this regard, the proposed development does not comprise a “potentially hazardous industry” under the provisions of SEPP 33.

Notwithstanding the above comments with respect to hazardous materials, a submission was received by Council on 24 August 2018 which suggested that the proposal is properly characterised as “offensive industry” under the provisions of the Ballina Local Environmental Plan (BLEP) 2012, and was therefore a prohibited land use within the IN1 General Industrial zone.

The submission acknowledged the conclusions of the Hazardous Materials SEPP 33 assessment provided by the applicant above, however stated that the submitted Environmental Impact Statement (EIS) had failed to address the question as to whether the proposed development meets the Standard Instrument definition for offensive industries:

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note.

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

The submission then refers to Clause 8 of SEPP 33, which requires that the consent authority consider current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development in determining whether the proposal is an “offensive industry”.

Question 2.4 within the Department of Planning’s ‘Applying SEPP 33’ guidelines indicates the following with respect to “offensive industry”:

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

With respect to the assessment and exhibition requirements of SEPP 33, the 'Applying SEPP 33' guidelines state that procedures for designated development are over and above those of SEPP 33. The guidelines also indicate that the exhibition procedures for designated development prevail over the requirements for SEPP 33 (i.e. advertised development). Given the proposal has been advertised and assessed in accordance with the designated development requirements, the exhibition and assessment requirements for SEPP 33 have therefore been met.

The submission references Appendix 3 of the 'Applying SEPP 33' guidelines which provides that cement works, crushing, grinding and separating works may be *potentially offensive* industries, defined within SEPP 33 as follows:

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

However, it is important to note that SEPP 33 does not simply apply to certain types of industrial uses. Rather, the application of SEPP 33 is determined through a merit-based assessment based upon the performance of a proposal at its particular location.

Question 2.3 within 'Applying SEPP 33' indicates that in determining if a proposal is "potentially offensive industry", consent authorities need to determine whether, in the absence of safeguards, the proposal would emit a polluting discharge which would cause a significant level of offence. The guidelines state that if a proposal requires a licence under any pollution control legislation administered by a public authority (in this case, an Environment Protection Licence issued by the NSW EPA under the *Protection of the Environment Operations Act 1997*), the proposal should be considered potentially offensive.

In this regard, the proposed development is considered "potentially offensive" and as such, the provisions of Part 3 within SEPP 33 apply to the proposal. Clause 13 states that in determining an application to carry out development to which this Part applies, the consent authority must consider the following:

- a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*

Comment: The NSW Department of Planning *Hazardous and Offensive Development Application Guidelines Applying SEPP 33* (2011) has been used to ensure the relevant sections of SEPP 33 have been addressed. Consideration has also been given to Planning Circular PS 11-008 *Planning and Assessment Guidelines for Hazardous Industry* dated 23 February 2011.

- b) *whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*

Comment: The NSW Environmental Protection Authority (EPA) was consulted as part of the preparation of the SEARs. The subject application was also referred to NSW EPA as Integrated Development, with General Terms of Approval (GTAs) issued for the proposal on 17 April 2019 (amended on 5 November 2019). The GTAs have been incorporated into the recommended conditions of consent. An Environmental Protection Licence (EPL) is required to be issued by NSW EPA for the proposal, should consent be granted.

- c) in the case of development for the purpose of a potentially hazardous industry – a preliminary hazard analysis prepared by or on behalf of the applicant, and*

Comment: As mentioned above, a preliminary risk screening was undertaken in accordance with SEPP 33 and did not indicate that the proposal is “potentially hazardous”. In this regard, a preliminary hazard analysis (PHA) is not required.

- d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*

Comment: The submission received makes direct reference to this requirement and states that there is strong evidence from the existing objections and consultant reports that the site is not suitable.

The existing resource recovery facility was approved on the site via DA 2012/88. It is noted that this application was assessed under the provisions of the previous Ballina Local Environmental Plan (BLEP) 1987. Notwithstanding, the proposed expansion of this use continues to be permissible with development consent within the IN1 zone under BLEP 2012. With respect to the consideration of feasible alternatives, it is noted the resource recovery facility could be carried out with development consent on IN1 zoned land elsewhere in the Ballina Shire. However, it has been assessed that the impacts of the proposal can be suitably managed by way of the recommended conditions and the requirements of a future EPL. Further to this, the expansion of an existing facility (rather than the establishment of a new use elsewhere in the Ballina Shire) is considered to be the most appropriate outcome having regard for the management of potential impacts associated with the development. Further to this, resource recovery facilities have been specifically defined under the BLEP 2012 and it is considered such uses would generally need to form part of a purpose built facility.

With respect to the reasons for choosing the location the subject of the application, the subject site is located within an established industrial area (Russellton Industrial Estate) in close proximity to main roads (i.e. Bruxner Highway). Council's Civil Services Division has commented that roads within the haulage route have been designed to cater for industrial and commercial vehicles. The primary haulage route will not enter residential land or school zones prior to entering the greater regional road network. Given that the haul route is only through industrial zoned land, noise, dust, public transport, school zone and residential impacts are considered to be minimal.

In this regard, it is considered this requirement has been appropriately addressed.

- e) any likely future use of the land surrounding the development.*

Comment: The land immediately surrounding the proposed development is zoned IN1 General Industrial under the provisions of the BLEP 2012, meaning the future use of this land will generally comprise industrial uses.

With respect to the impacts of the proposed development, it is considered that the technical reports provided with respect to the proposal are adequate and the proposed mitigation measures are suitable. This has been deemed appropriate by Council staff and by the NSW EPA in issuing their General Terms of Approval. The likely impacts of the development (and proposed mitigation measures) are further discussed under Section 4.15(1)(b) of this report (formerly Section 79C of the EP&A Act).

In this regard, it is not considered the proposed development will result in unacceptable impacts on the likely future use of the land surrounding the development, subject to compliance with the recommended conditions of consent and the requirements of a future EPL.

Having regard for the comments made above, it is therefore considered that the proposed development is compliant with the provisions of SEPP 33.

Further to the above, the 'Applying SEPP 33' guidelines state that if the relevant licence conditions could not be met, the proposed development would be considered offensive and would not normally be permissible. If the relevant licence can be obtained, however, the guidelines indicate that typically, the level of offence would not be considered significant.

In the instance of the proposal, the NSW Environment Protection Authority (EPA) is the relevant licensing authority for the proposed development. The proposal comprises integrated development pursuant to Section 43(a) and Section 43(b) of the *Protection of the Environment Operations Act 1997* and as such an approval is required from NSW EPA.

NSW EPA issued General Terms of Approval for the proposed development on 17 April 2019 (amended on 5 November 2019). As such, EPA has determined that it is able to issue a licence (i.e. Environment Protection Licence, or EPL) for the proposal, subject to a number of conditions.

In this regard, the level of offence is not considered to be significant and does not comprise an "offensive industry". It is acknowledged that the applicant will need to make a separate application to EPA to obtain this licence and such licence could be revoked if the proponent does not comply with the applicable requirements.

In light of the above, Council has concluded that while the proposed development is considered to be "potentially offensive industry", the level of offence is not considered significant having regard for the mitigation measures proposed. The provisions of SEPP 33 have been satisfied.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

Clause 6 of SEPP 44 states that Part 2 of the Policy (i.e. development control of koala habitats) applies to land that has an area of more than 1 hectare. The subject land is 1.366 hectares in area and in this regard, SEPP 44 is applicable to the proposed development.

Clause 7(1) of SEPP 44 states that before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat. The application was accompanied by an

Ecological Assessment Report prepared by Blackwood Ecological Services dated March 2017. The report concluded that no koala feed trees were recorded within the subject site and the site does not support core koala habitat. Council is satisfied that the land does not contain potential koala habitat.

State Environmental Planning Policy No. 55 – Remediation of Land

The objective of SEPP 55 is to provide for a state wide planning approach to the remediation of contaminated land and to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment through various mechanisms.

Clause 7 of SEPP 55 outlines the contamination and remediation matters to be considered in determining development applications.

(1) A consent authority must not consent to the carrying out of any development on land unless:

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

Comment: Council's Environmental Health Section has commented that an initial evaluation has been undertaken in accordance with the requirements of SEPP 55 and the associated Managing Land Contaminated Planning Guidelines SEPP 55 – Remediation of Land.

In the case of the proposed development, the initial evaluation determined that the current and past land uses are very unlikely to have resulted in the site becoming contaminated. The eastern portion of the site to be developed is greenfield industrial land and the existing use of the western portion of the site (resource recovery facility) will continue.

However, it should be noted that a fire in the adjoining macadamia oil factory resulted in the release of oil into the environment. This incident was the subject of a POEO Clean Up Notice and an environmental consultant, Ardill Payne and Partners, was engaged to assess the pollution and undertake the remediation work. This matter was dealt with separately from the planning process through the POEO regulatory tools. The results of the assessment determined the site was suitable for use as a commercial/industrial site without further assessment or remediation.

Furthermore, in response to repeated complaints relating to the subject property BSC engaged Environmental Analysis Laboratory to undertake two lots of sampling at the site. All results complied with the Health Investigation Level (HIL) for commercial/Industrial land uses and most results were either below the laboratory detection limits or compliant with residential HILs, the exception was one lead sample. In total 28 samples were collected in a judgemental pattern from the soil surface (0-50mm bgl).

The residual waste left at No. 23 Northcott Crescent, Alstonville was also classified to assist in waste disposal, and was found to be general solid waste.

In light of the above, no further assessment of land contamination is required at this stage. It is considered there is minimal risk to human health or the environment with regard to contamination and the site is suitable in its current state for the proposed use. However, a condition is to be imposed on the consent which requires the developer to notify Council if, as a result of the works, information is uncovered that alters the above conclusion.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Comment: Not applicable as the proposal does not involve the change of use of land as specified in subclause (4).

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

Comment: Not applicable.

(4) The land concerned is:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Comment: It is noted that Table 1 of the contaminated land planning guidelines indicates that 'waste storage and treatment' is an activity that may cause contamination. Given this use already exists on the western portion of the site (which will continue to be utilised as part of the proposed development) and was previously greenfield industrial land (prior to DA 2012/88 for the original resource recovery facility), no additional concerns are raised regarding contamination.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 – Traffic Generating Development

The proposed development is Traffic Generating Development under Schedule 3 of the ISEPP as it is for a 'waste or resource management facility' of any size or capacity. In this regard, Clause 104 is applicable.

Clause 104(3) requires notice to be given to RMS. The original application (and subsequent amendments) was referred to RMS on 15 November 2017, 11 April 2018, 13 July 2018 and 13 February 2019.

Clause 104(3)(b) of the Infrastructure SEPP requires that before determining a development application for development to which this clause applies, the consent authority must 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*

The application as originally submitted was referred to RMS on 15 November 2017. RMS provided the following comments on the development (dated 13 December 2017).

- The Engineering Services Report under Attachment 5 of the application has identified that the proposed development will result in an increase in daily vehicle trips generated by the proposed development.
- Council should be satisfied that the development application has addressed peak hourly traffic and road safety impacts on surrounding local roads and intersections.
- All vehicles should enter and leave the site in a forward manner. Driveways and internal manoeuvring areas should be designed in accordance with AS2890 to Council specifications. The site access should be designed to accommodate the swept path of the largest vehicle accessing to the site.

All subsequent amendments to the proposal were also referred to RMS for comment (11 April 2018, 13 July 2018 and 13 February 2019). Council was verbally advised on 10 August 2018 that RMS has no issues with the amended proposal and will not be providing a response. No further response was received with respect to the proposed development.

Comment: Council's Civil Services Division has carried out an assessment of the proposed development and confirmed that the amended Engineering Services Report has satisfactorily addressed the points raised by RMS.

The applicant has indicated that for the resource recovery component, a peak of approximately 33 trucks per hour is anticipated as part of the proposed development. The peak hour light vehicles are expected to coincide with employees arriving and leaving from work. Based on the number of car spaces provided (i.e. additional 10 spaces), this has been assumed at a peak of 20 vehicles per hour. The applicant advised that this number is considered conservative as the staffing levels are unlikely to reach this level and starting hours are also staggered depending on staff role (e.g. office staff vs operations).

A condition is recommended to be imposed on the consent requiring all vehicular access to and from the site to be in a forward direction. Conditions are also recommended to be imposed requiring all car parking and vehicular accesses to be designed and constructed in accordance with AS 2890.

In relation to the requirement for an internal swept path analysis, Council's Civil Services Division has recommended a condition be applied to the consent requiring a Vehicle

Management Plan to be submitted to and approved by Council prior to the issue of a Construction Certificate.

(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

Comment: The proposed development is not considered to have an adverse impact on the efficiency of movement of pedestrians and motorists to and from the site.

With respect to the movement of freight (goods) to and from the site, Council's Civil Services Division has commented that there is provision for service and delivery vehicles to enter the site in a forward direction, safely manoeuvre, unload on site and leave the site in a forward direction.

Given the proposed development involves the expansion of an existing resource recovery facility, it is not considered the proposal will impact upon the extent of multi-purpose trips.

(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

Comment: It is acknowledged that the proposed expansion of the existing resource recovery facility will result in additional vehicle movements. Given the location and nature of the subject site, there is limited potential to minimise the need to travel by car. The movement of freight in containers or bulk freight by rail is not applicable to the proposed development and site.

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

Comment: The subject Development Application was referred to the Local Development Traffic Committee (LDTTC) on 13 February 2019 for consideration of the associated road safety risks. Particular attention was given to the intersection of Kays Lane and Russellton Drive. This referral was instigated by a nearby business owner who reported that a significant portion of southbound trucks in Kays Lane, turn short into Russellton Drive, cutting across the marked centreline.

The Committee did not raise any objection to the development application. However, it was resolved that Council would investigate management options for the intersection of Kays Lane and Russellton Drive, which may include restriction of B-Double access to the estate. Car parking and access requirements are discussed later in this report under Section 3.19 of Chapter 2 of the Ballina Development Control Plan (DCP) 2012.

State Environmental Planning Policy (State and Regional Development) 2011

Part 4, Clause 20 of *SEPP (State and Regional Development) 2011* states that development specified in Schedule 7 is declared to be regionally significant development for the purposes of the EP&A Act.

Schedule 7, Clause 7 states that waste management facilities or works which meet the requirements for designated development under Clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000* comprise regionally significant development.

In this regard, the development application comprises regionally significant development and is required to be reported to the Northern Regional Planning Panel for determination.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Clause 5 of *SEPP (Vegetation in Non-Rural Areas) 2017* states that the Policy applies to land zoned IN General Industrial under an environmental planning instrument.

Notwithstanding the above, given the removal of trees is to occur for a purpose that requires development consent under the EP&A Act, the provisions of the SEPP do not apply.

Ballina Local Environmental Plan 2012 (BLEP 2012)

Aims of BLEP 2012 (Clause 1.2)

The particular aims of this Plan are as follows:

(a) to provide for a sustainable Ballina that recognises and supports community, environmental and economic values through the establishment and maintenance of the following:

- (i) a built environment that contributes to health and wellbeing,*
- (ii) a diverse and prosperous economy,*
- (iii) a healthy natural environment,*
- (iv) diverse and balanced land uses,*
- (v) healthy, resilient and adaptable communities,*
- (vi) responsible and efficient use of resources,*

(b) to provide for development that is consistent with Council's established strategic planning framework for Ballina,

(c) to achieve the objectives of the land use zones set out in Part 2 of this Plan,

(d) to promote the orderly and efficient use of land having regard to the social and environmental characteristics of the land,

(e) to provide for the development of public services and infrastructure.

The proposed expansion to the existing resource recovery facility on the land will provide for the responsible and efficient use of resources in that it will allow for increased capacity for recycling and reuse of construction waste and materials.

The potential impacts on the natural environment and health of the community (as identified in the submissions received) can be suitably managed via appropriate mitigation measures, which are to be imposed on any consent granted.

Subject to compliance with the recommended conditions, the proposed development is considered to be generally in accordance with the aims and objectives of the BLEP 2012.

Zoning and Permissibility (Clause 2.3)

The subject site is zoned IN1 General Industrial under the BLEP 2012 (Figure 12):

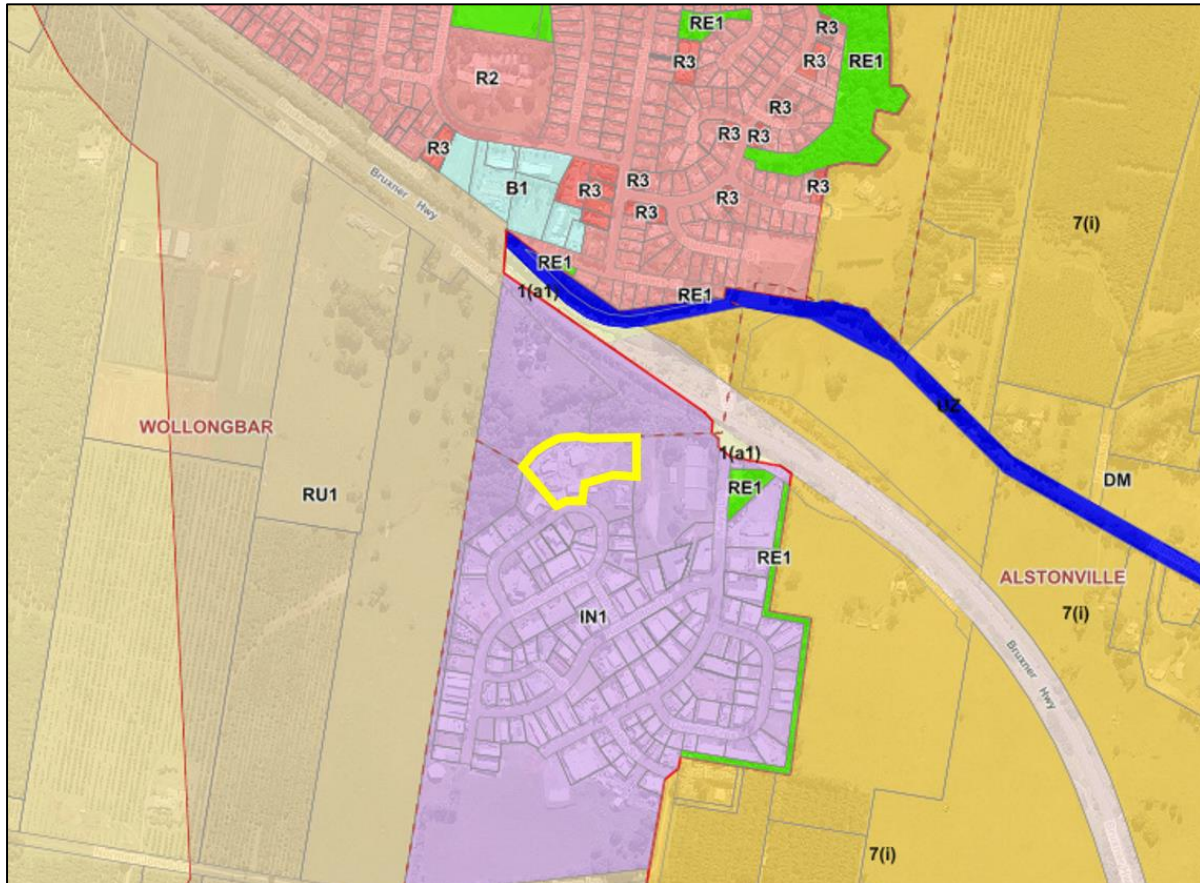


Figure 12: Extract of Land Zoning map
Source: BLEP 2012

The proposed development is defined as a “resource recovery facility”, which falls within the parent definition of a “waste or resource management facility”. Resource recovery facilities are permissible in the IN1 zone with consent.

Zone Objectives

The objectives of the IN1 General Industrial 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 non-industrial uses that are compatible with the industrial nature of the locality.
- To provide for the efficient use of industrial land.

- To encourage development that achieves the efficient use of resources such as energy and water.
- To ensure that development does not expose adjoining uses to hazard risks.

Having regard to these objectives, the proposed development provides employment opportunities and encourages development that achieves the efficient use of resources (i.e. resource recovery).

The proposed development will ensure unplanned industrial uses are minimised and the co-location of such uses is achieved within the Russellton Industrial Estate.

With respect to adverse effects on other land uses, it has been assessed that these impacts can be suitably managed via appropriate mitigation measures, which are recommended to be imposed on any consent granted. This is further addressed throughout the report.

Minimum Subdivision Lot Size (Clause 4.1)

Not applicable – no subdivision proposed.

Height of Buildings (Clause 4.3)

A maximum building height of 10 metres is applicable to the subject site under Clause 4.3 of the BLEP 2012, as indicated on the Height of Buildings Map.

The applicant has indicated that proposed Shed 4 is to be 10 metres in height. For the purposes of this clause, building height, in relation to the building height in metres, is defined within the LEP definitions as the vertical distance from ground level (existing) to the highest point of the building.

Given proposed Shed 4 will not exceed 10 metres in height, the proposed development complies with the requirements of this clause. A condition is recommended to be imposed to ensure the maximum height of the shed does not exceed 10 metres, by requiring survey confirmation (to be provided at the completion of works).

Floor Space Ratio (Clause 4.4)

Not applicable to the proposal. The subject property is not identified on the Floor Space Ratio (FSR) map.

Relevant Acquisition Authority (Clause 5.1)

The site is not identified on a Land Reservation Acquisition Map.

Heritage Conservation (Clause 5.10)

A Cultural Heritage Assessment prepared by Everick Heritage Consultants dated March 2017 was submitted with the application.

The site does not contain any known items or places of local or state significance. An extensive AHIMS search was conducted by Everick Heritage Consultants Pty Ltd on 1 March 2017

(centring on the Project Area with 1000 metre buffer) which returned two known Aboriginal sites (Service ID 267713). No site were recorded within the Project Area.

The following registers were also consulted:

- The National Heritage List (Australian Heritage Council)
- Commonwealth Heritage List (Australian Heritage Council)
- Register of the National Estate (Australian Heritage Council)
- The State Heritage Register (NSW Heritage Office)
- Ballina Local Environmental Plan

No Aboriginal or historic heritage listings were found within the Project Area.

The report concluded the following:

- No Indigenous cultural heritage sites or relics were identified within the Project Area.
- No areas have been identified that are considered to potentially contain subsurface deposits of significant Aboriginal heritage.
- Consultation with Jali LALC have not identified areas containing intangible values in the Project Area.
- All of the Project Area has been disturbed in a manner which constitutes 'disturbance' within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code.
- It was agreed in preliminary discussion with the Sites Officer Daniel Ferguson that no further Aboriginal cultural heritage investigation was required.

Four recommendations were provided within the report, all of which have been incorporated into the recommended conditions of consent.

Earthworks (Clause 7.2)

Earthworks are proposed to facilitate the development and comprise the creation of a level pad (Pad 1A) at the rear of the site and a vehicular access ramp connecting Pad 1A with the existing (vacant) pad (Pad 2). Bulk earthworks activities will be primarily carried out on the eastern site of the site.

Proposed Pad 1A will be generally set at the same level as existing Pad 1 (being the lower building pad). A ramp will provide a transition in levels to the vacant central building pad.

Proposed Pad 1A site will be flattened significantly from its existing state with an approximate 1% grade south to north. The works are expected to create approximately 955m² of excess cut. The maximum cut height will be approximately 3.5 metres which will occur centrally on the site. There is a maximum fill height of 2.5 metres.

A retaining wall is proposed in this location and will be designed by a suitably qualified structural engineer.

Clause 7.2(3) requires the consent authority to consider a number of matters. These are addressed as follows:

(3)(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

With respect to impacts on drainage patterns in the locality, the proposed stormwater management approach on the site has been assessed and has been deemed satisfactory by Council's Civil Services Division.

With respect to soil stability, the subject site is not identified on Council's Landslip/Geotechnical Hazard map. The applicant has indicated that retaining walls will be suitably designed and certified by a practicing structural engineer.

(b) the effect of the development on the likely future use or redevelopment of the land,

The proposed earthworks provide level pads which will facilitate the use of the land for the purposes of a waste management facility.

(c) the quality of the fill or the soil to be excavated, or both,

The earthworks proposed are expected to generate approximately 625m³ of excess soil. The applicant has indicated that the excess soil will be tested for contaminants and disposed of at a location approved to accept the material.

A condition is recommended to be imposed on the consent requiring that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime, with certification provided to the Principal Certifying Authority.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

The proposed earthworks are not anticipated to impact upon the existing and likely amenity of adjoining properties.

The site has been previously shaped into tiered building pads. It is considered the further modification of the site will not result in any additional impacts over and above the existing situation with respect to the existing and likely amenity of adjoining properties.

Due to the topography of the site and the stormwater management approach proposed, it is not envisaged and drainage or ponding issues will occur.

(e) the source of any fill material and the destination of any excavated material,

With respect to the source of fill material, the applicant has indicated that the proposed excavation to be carried out on the site will generate an amount of soil which will be used to level the base for the building pads, Shed 4, the storage bins and the gravel driveway. A condition is recommended to be imposed on the consent requiring that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The supplier of the fill material is required to certify to the Principal Certifying Authority at the completion of construction that the material was free of contaminants, being natural or otherwise.

A condition is recommended to be imposed on the consent requiring all demolition, construction or the like waste (including fill material) to be transported and disposed of to an approved waste facility unless managed in accordance with a current resource recovery order and exemption.

The proposed earthworks are located centrally and to the eastern portion of the site, away from adjoining industrial premises.

(f) the likelihood of disturbing relics,

The Aboriginal Cultural Heritage Due Diligence Assessment provided at Attachment 4 of the submitted documentation has not identified any issues of concern with respect to cultural heritage values. Refer to discussion regarding Clause 5.10 of the BLEP 2012 within this report for the recommended conditions regarding Aboriginal Cultural Heritage on the site.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

The subject site does not contain a waterway and is not located within a drinking water catchment or environmentally sensitive area. A non-perennial stream (second order tributary to Maguires Creek) is located approximately 68 metres to the south of the subject site.

Notwithstanding the above, the site is expected to generate a high proportion of sediment runoff. To ensure this material does not leave the site and/or overwhelm the treatment devices, a suitable treatment train capable of handling high sediment loads is proposed. The sediment basin proposed will reduce the sediment load prior to it entering any tertiary treatment devices. Council's Civil Services Division has carried out an assessment of the proposal and advised that the proposed stormwater management approach is suitable for the development.

Further to this, waste materials stored on the site are to be covered to ensure the contamination of stormwater does not occur.

The applicant has indicated that sediment and erosion control measures will be implemented during construction, which is to be required by way of the recommended conditions.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Conditions are recommended to be imposed on the consent with respect to the management of sediment and erosion on the site.

Conditions are also recommended to be imposed to ensure stormwater management on the site occurs in accordance with the Stormwater Strategy contained within the amended Engineering Services Report.

Given the above, no concerns are raised with regard to the earthworks proposed as part of the subject application.

Flood Planning (Clause 7.3)

The site is not identified on the Flood Planning Map. No issues are raised in relation to this clause.

Essential Services (Clause 7.7)

Clause 7.7(2) states that development consent must not be granted unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available where required:

(a) the supply of water,

Council's Civil Services Division has commented that water supply servicing can be provided by connection to the existing system.

With respect to water reticulation, the amended Engineering Services Report (dated June 2018) states that the development is expected to create additional potable water demand due to the dust suppression and wash down bay requirements. The wash down bay is expected to create an additional 5.7 Equivalent Tenement (ET) demand in accordance with the Water Directorate Guidelines. In total, the proposed development is expected to create additional potable water demand of 9.73 ET, which is below the existing entitlement of the site of 16.45 ET with previous development usages being taken out. As such, no additional water contributions are applicable to the proposed development. This has been deemed satisfactory by Council's Civil Services Division.

(b) the supply of electricity,

Electricity servicing is currently provided to the site and no alteration to this network is required to facilitate the proposed development. This has been deemed satisfactory by Council's Civil Services Division.

(c) the disposal and management of sewage,

Council's Civil Services Division has commented that sewer servicing can be provided by connection to the existing system.

With respect to sewer servicing, a new gravity sewer connection will be required for the proposed wash down bay. In accordance with the Water Directorate determination of Equivalent Tenement Guidelines (2017), the wash down bay is expected to generate an additional demand of 9.03 ET. In total, the proposed development is expected to create additional sewer demand of 9.03 ET, which is below the existing entitlement of the site of 16.45 ET with previous development usages taken out. As such, no additional sewer contributions are applicable to the proposed development. This has been deemed satisfactory by Council's Civil Services Division.

(d) stormwater drainage or on-site conservation,

The existing stormwater treatment measures for the western portion of the site has been modelled and approved as part of previous development applications on the site.

The applicant has indicated that the proposed stormwater management objectives for the eastern portion of the site have been determined based on the responses received to the SEARs, the Ballina Development Control Plan (DCP) 2012 and the stormwater standards for the development. The stormwater approach as detailed in the amended Engineering Services report (dated June 2018) has been reviewed by Council's Civil Services Division and is considered acceptable. Stormwater management is further discussed within Section 3.9 of the Ballina Development Control Plan (DCP) 2012 section of this report.

(e) suitable vehicular access,

The subject site is serviced by the existing road network. Council's Civil Services Division has commented that the existing external road network is constructed to a suitable standard to service the proposed development. Vehicular access to the site is further discussed within the SEPP Infrastructure and Section 3.19 of the Ballina Development Control Plan (DCP) 2012 sections of this report.

(f) telecommunication services.

Telecommunication servicing is currently provided to the site and no alteration to this network is required to facilitate the proposed development. This has been deemed satisfactory by Council's Civil Services Division.

Council's Civil Services Division has commented that the development does not encroach on any easement or the zone of influence of any existing water, sewer or drainage mains.

Given the above, no concerns are raised with the servicing of the proposed development.

Other Relevant Acts for Consideration

Biodiversity Conservation Act 2016

As part of the application originally submitted, the applicant noted that the Ecological Assessment prepared by Blackwood Ecological Services had been completed pursuant to the legislative framework in force prior to the introduction of the *Biodiversity Conservation Act 2016*. The current application has therefore been lodged utilising the savings provisions within the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*. In this regard, the application was lodged within three months of 25 August 2017.

See discussion under Section 1.7 Significant effect on threatened species, populations or ecological communities, or their habitats (*Environmental Planning and Assessment Act 1979*).

Heritage Act 1977

The site does not contain any known items or places of local or state significance. An extensive AHIMS search was conducted by Everick Heritage Consultants Pty Ltd on 1 March 2017.

(centring on the Project Area with 1000 metre buffer) which returned two known Aboriginal sites (Service ID 267713). No site were recorded within the Project Area.

The following registers were also consulted as part of the Cultural Heritage Assessment submitted with the application:

- The National Heritage List (Australian Heritage Council)
- Commonwealth Heritage List (Australian Heritage Council)
- Register of the National Estate (Australian Heritage Council)
- The State Heritage Register (NSW Heritage Office)
- Ballina Local Environmental Plan 2012

No Aboriginal or historic heritage listings were found within the Project Area. Refer to discussion within Clause 5.10 of the BLEP 2012 for the recommended conditions regarding Aboriginal Cultural Heritage on the site during construction works.

Water Management Act 2000

The aim of the *Water Management Act 2000* (WM Act) is to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.

Section 4.46 of the *Environmental Planning and Assessment Act 1979* contains the triggers for Integrated Development under the WM Act.

Section 89 – Water use approvals

The proposed development does not involve the use of water for a particular use nor does it involve the use of water from outside NSW. In this regard, an approval under Section 89 of the WM Act is not required.

Section 90 – Water management work approvals

The proposed development does not involve water supply, drainage work or flood work. In this regard, an approval under Section 90 of the WM Act is not required.

Section 91 – Activity approvals

A non-perennial stream (second order tributary to Maguires Creek) is located approximately 68 metres from the subject land. Given the proposed development will not occur on waterfront land (within 40 metres of the watercourse), the proposed development does not comprise a controlled activity under Section 91 of the WM Act.

The proposed development does not involve aquifer interference activities and as such an approval under Section 91 of the WM Act is not required.

Having regard for the above, no issues are raised with respect to the WM Act.

Water Act 1912

Any dewatering activity that is estimated to exceed 3ML/year must obtain a licence under Part 5 of the *Water Act 1912* prior to commencing the activity. It is not anticipated that dewatering will be carried out as part of the proposed development.

Contaminated Land Management Act 1997

The *Contaminated Land Management Act 1997* (CLM Act) requires that landowners and persons who carry out contaminating activities must notify contamination of land in the circumstances specified in Section 60 of the CLM Act.

At present, the site is not subject to a current notification to the NSW EPA.

Section 4.15(1)(a)(ii) the provisions of any proposed instrument

No planning proposals are applicable to the subject site.

The following draft State Environmental Planning Policies (SEPPs) are applicable to the subject site:

a) Draft State Environmental Planning Policy – Remediation of Land

It is proposed the new land remediation SEPP will:

- Provide a state-wide planning framework for the remediation of land;
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well;
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
- Clearly list the remediation works that require development consent; and
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

Comment: Matters relating to the contamination of land have been appropriately addressed within the SEPP 55 section of this report and the amendments above would not alter the conclusions of this assessment.

b) Draft Amendment to State Environmental Planning Policy No. 44 – Koala Habitat Protection

The key changes within the proposed amendments to SEPP 44 relate to definitions of koala habitat, list of tree species, list of councils and the development assessment process.

Comment: SEPP 44 is not applicable to the subject site and the amendments above would not alter the application of this policy to the site.

Section 4.15(1)(a)(iii) provisions of any development control plan

Ballina Development Control Plan 2012 (DCP 2012)

Chapter 2 – General and Environmental Considerations

This chapter of the DCP identifies Council's requirements relating to general and environmental planning elements that have a broad application to land within Ballina Shire.

Clause 3.1 – Land Use Conflict

This section applies to land zoned RU1, RU2, E2 and E3 and land adjoining these zones. The subject land is zoned IN1 General Industrial under the provisions of the BLEP 2012 and does not directly adjoin rural or environmental zoned land. In this regard, this section does not apply to the proposal.

Notwithstanding the above, within the SEARs, the NSW Department of Primary Industries (DPI) - Agriculture requested consideration with respect to impacts on significant agricultural land and primary production.

The site is located approximately 185 metres from the closest rural zoned land, which is currently utilised for grazing. The site is also located approximately 420 metres from land utilised for horticultural production. The land the subject of the current application is zoned IN1 General Industrial and is surrounded on all sides with land containing the IN1 zone. The suitability of the land for industrial activities (rather than agricultural uses) was fully assessed at the time that the industrial zoning was applied.

The original application (and all subject amendments) were referred to NSW DPI - Agriculture for comment. No additional comments over and above the requirements of the SEARs were provided.

Council's Environmental Health Section has carried out an assessment of the proposal and no concerns were raised in relation to impacts on agriculture.

Having regard for the above, no issues are raised with respect to this section.

Clause 3.3 – Natural Areas and Habitat

The subject land is not identified on the Natural Areas and Habitat Map or Wildlife Corridors Map. No issues are raised with respect to this section.

Clause 3.4 – Potentially Contaminated Land

This issue has been previously addressed in this report in relation to State Environmental Planning Policy No.55 – Remediation of Land.

Clause 3.5 – Land Slip/Geotechnical Hazard

The subject site is not located within a land slip area. The applicant has indicated that retaining walls will be suitably designed and certified by a practicing structural engineer. A condition is recommended to be imposed on the consent to this effect.

Clause 3.6 – Mosquito Management

Not applicable.

Clause 3.7 – Waste Management

A Waste Management Plan prepared by Tim Fitzroy and Associates (dated 9 August 2017) was submitted with the Development Application.

The plan indicates that the assessment has been undertaken to address the waste management issues identified within the SEARs (including requirements from the NSW Environment Protection Authority) and the requirements of the Ballina DCP 2012 with respect to the preparation of a Site Waste Minimisation and Management Plan.

Construction waste

The following measures have been identified with respect to waste management during construction:

- The use and supply of predominantly pre-fabricated components;
- Undertaking detailed estimates for other materials will be incorporated into a purchasing policy to minimise purchase of excess quantities;
- Potential reuse/recycling opportunities of excess construction materials will be identified and pursued;
- Contractors should be made aware of the legal requirements for disposing of waste and employ appropriate transport, processing and disposal of waste and recycling. All waste exported off site will be transported to a place that can lawfully be used as a waste facility. All records demonstrating lawful disposal of waste will be retained on site accessible for inspection by regulatory authorities such as Council, EPA or WorkCover NSW;
- Separate collection bins or areas for the storage of residual waste will be utilised with clear 'signposting' of the purpose and content of the bins and storage areas;
- A site construction plan, and an earthworks planning and erosion and sediment control plan should be prepared and should nominate storage areas of materials for use, recycling and disposal;
- The earthworks planning and erosion and sediment control plan will minimise site disturbance and limit unnecessary excavation.
- Reuse excess material on-site wherever possible. If not reused, recycle as follows:
 - Metals—in scrap metal bin to be removed by contractor for recycling, as required
 - Paper and cardboard, glass, recyclable plastic –place in industrial recycling bulk bin to be removed by contractor for recycling, as required

- Non-recyclable material is to be disposed in industrial bulk bin to be removed by contractor, as required.

These measures have been deemed satisfactory by Council's Environmental Health Section and are to be required by way of the recommended conditions.

Operational waste

During operation of the premises, waste from demolition and construction sites will be screened in accordance with the Waste Control Plan. Staff will be trained in the identification of cladding products including gyprock, plasterboard, fibrocement, composite and timber. Specific Asbestos Awareness Training will be provided to staff to improve identification, segregation and handling of asbestos containing material (ACM).

Following collection of construction and demolition waste from remote sites by Ben's Bobcats vehicles or contractors, the waste is transported to the subject site for sorting, crushing (where appropriate), temporary storage and offsite transport for reuse, recycling or disposal.

The Waste Management Plan indicates that separate control plans are in place for the following:

- Quality Control;
- Litter Control;
- Staff and Training;
- Incidents, Records and Reporting;
- Waste Acceptance;
- Recycling; and
- Dust Management.

These control plans are described in detail within the overall Waste Management Plan and will be implemented during operation.

Council's Environmental Health section has carried out an assessment of the application and commented that testing in accordance with the Recovered Aggregate Order and Exemption will be required. Additionally, the operation of the facility will be required to comply with the 'Standards for Managing Construction Waste in NSW' (State of New South Wales and the NSW Environment Protection Authority 2019). This requirement is to be required by way of conditions of consent.

The General Terms of Approval issued provided by the NSW EPA also specify conditions that are required in relation to operational waste management.

In summary, the submitted Waste Management Plan identifies the likely waste streams to be generated during construction and operation, and concludes that the potential environmental

impact is low, subject to the implementation of the proposed management measures, and the development and implementation of discussed control plans. Subject to compliance with the recommended conditions of consent, no issues are raised with respect to the proposed waste management on the subject site.

Clause 3.9 – Stormwater Management

The existing stormwater treatment measures for the western portion of the site has been modelled and approved as part of previous development applications on the site.

The applicant has indicated that the proposed stormwater management objectives for the eastern portion of the site have been determined based on the responses received to the SEARs, the Ballina Development Control Plan (DCP) 2012 and the stormwater standards for the development.

The stormwater objectives for the site (as per SEARs) are defined below:

Department of Primary Industries (DPI)

- *Proposed development design, operation and by-product management should be undertaken to avoid nutrient and sediment build up and minimise erosion, off site surface water movement and groundwater accession.*

Applicant comment: The facility has been designed to avoid nutrient and sediment build up by covering the waste to isolate it from stormwater. Erosion and the discharge of offsite surface water will be captured and controlled by the stormwater treatment devices detailed in the amended Engineering Services Report. No activities to modify the groundwater are proposed.

- *The proposal should detail how design and operation will be undertaken for by-product management in accordance with best practice to prevent excess build-up of nutrients and salts in the soil profile and increase the risk of leaching. A monitoring program should be developed.*

Applicant comment: The applicant has indicated that waste material will be covered whilst it is processed and stored onsite. The unprocessed material will be stored within a shed (and under a tarp in the pulverisation area). The processed concrete product will be stored in covered bins. Overland flows will be directed away from these areas to avoid possible contamination of the stormwater. As the concrete product will be covered whilst stored onsite, leaching of contaminants from this material is not expected. Instead of providing a monitoring or testing program to review the potential risks of contamination whilst the site is operating, it is proposed to eliminate the risk of stormwater contamination by physically separating the unprocessed and processed waste by covering it. This approach has been reviewed by Council's Civil Services Division and is considered acceptable.

Environmental Protection Authority (EPA)

- *Provide details of the project that are essential for predicting and assessing impacts to waters including:*
 - a) *The quantity and physio-chemical properties of all potential water pollutants and the risks they pose to the environment and human health, including the*

risks they pose to Water Quality Objectives in the ambient waters (as defined on <http://www.environment.nsw.gov.au/ieo/index.htm>, using technical criteria derived from the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, ANZECC 2000)

- b) The management of discharged with potential for water impacts*
- c) Drainage works and associated infrastructure; land-forming and excavations; working capacity of structures; and water resource requirements of the proposal.*

Applicant comment: Water discharges, drainage and bulk earthworks are detailed in the amended Engineering Services Report and plans. The storage of the waste has been isolated (by being stored undercover) from potential contamination of surface water flows and leaching infiltration caused by stormwater. It is reasoned that the site does not pose any greater risk to the surrounding environment and water quality objectives than a regular industrial development.

- *Outline site layout, demonstrating efforts to avoid proximity to water resources (especially for activities with significant potential impacts e.g. effluent ponds) and showing potential areas of modification of contours, drainage etc.*

Applicant comment: The site layout, earthworks and drainage are detailed in the amended Engineering Services report and the engineering plans. Every effort has been taken to isolate the waste from adjacent water courses by storing the material undercover and diverting overland flows around the works area (thereby avoiding potential contamination). All surface water generated from operational areas by the proposed development will be captured and treated prior to discharge.

- *Outline how total water cycle considerations are to be addressed showing total water balances for the development (with the objective of minimising demands and impacts on water resources). Include water requirements (quantity, quality and source(s)) and proposed storm and wastewater disposal, including type, volumes, proposed treatment and management methods and re-use options.*

Applicant comment: The expected potable water and wastewater demands are outlined in the amended Engineering Services Report. Water and sewerage will be sourced from and discharged to the Council reticulation networks. Reusing washdown and stormwater collected on the site for dust suppression has been considered but has not been proposed due to the potential of Legionnaires' disease. The quality and quantity of stormwater discharged from the site has been assessed.

Office of Environment and Heritage (OEH)

- *All site drainage, stormwater quality devices and erosion/sedimentation control measures should be identified and the onsite treatment of stormwater and effluent runoff and predicted stormwater discharge quality from the proposal should be detailed.*

Council's Civil Services Division has carried out an assessment of the proposal with respect to stormwater management. It was commented that a key principle of the stormwater management strategy is to isolate and cover all waste during storage to avoid the need to treat

contaminated runoff that comes into contact with the waste. As such, a condition is recommended to be imposed on any consent granted requiring stored waste to be covered at all times in order to mitigate the risk of polluted stormwater leaving the site.

Following discharge from the attenuation/bioretention basin at the northern end of the site, stormwater is directed to an energy dissipater/level spreader where it is then directed to the northern boundary before finally discharging into the Bruxner Highway road reserve.

The MUSIC model developed for the eastern portion of the site confirmed that the proposed treatment system is able to achieve the required pollution reduction targets.

The amended Engineering Services Report indicates that the proposed stormwater attenuation measures will ensure the post development flows do not exceed the pre development flows for a range of events up to the 100 year average recurrence interval (ARI).

The proposed development is able to achieve the pollution reduction targets and no increase in peak storm flows for the 5 to 100 year events. The water treatment devices required are summarised below (Table 6):

Catchment	Device
Western catchment	Expansion of the existing bioretention basin to 48m ³
Eastern catchment	Minimum 60m ³ retention basin
Eastern catchment	Minimum 80m ³ retention basin

Table 6: Water quality treatment devices
Source: Newton Denny Chappelle 2018

Peak stormwater development flow objectives are to be met via the following (Table 7):

Catchment	Device
Western catchment (new Pad 2 shed)	15m ³ attenuation storage tank
Eastern catchment	82m ³ attenuation storage basin

Table 7: Stormwater attenuation devices
Source: Newton Denny Chappelle 2018

Council's Civil Services Division have advised that the stormwater strategy has demonstrated the requirements of Council's Stormwater Management Standard can be achieved. A condition is recommended to be imposed on any consent granted requiring a detailed Stormwater Management plan to be prepared prior to the issue of a Construction Certificate. This will include a strategy for ensuring the ongoing maintenance of these systems. In addition, a condition will be recommended requiring the operation of the existing bioretention basin to be reviewed and certified by an appropriately qualified engineer.

Having regard for the above, no issues are raised with respect to the management of stormwater on the site subject to compliance with the recommended conditions of consent.

Clause 3.10 – Sediment and Erosion Control

The Department of Primary Industries (DPI) requirements within the SEARs indicate that the proposed development design, operation and by-product management is undertaken to avoid nutrient and sediment build up and minimise erosion, off site surface water movement and groundwater accession.

The requirements from NSW EPA also reference the need for sediment control as an environmental protection measure.

The applicant has indicated that appropriate sediment and erosion control measures will be installed and effectively maintained to control stormwater run-off during any site works so that there is no impact on downstream receiving environments.

The applicant has indicated that the stormwater mechanisms proposed have been designed to accommodate the relatively high sediment load expected to be generated by the development.

All soil erosion and sediment control measures will be designed, installed and maintained in accordance with *Managing Urban Stormwater – Soils and Construction* (the Blue Book).

Conditions have been recommended to ensure appropriate sediment and erosion control measures are in place prior to the commencement of works on the site.

Clause 3.11 – Provision of Services

The site is connected to reticulated urban infrastructure required to service the proposed development. This matter has been previously addressed within this report in relation to Clause 7.7 of the BLEP 2012.

Clause 3.15 – Crime Prevention through Environmental Design

It is considered that the proposed expansion of the existing resource recovery facility on the site is unlikely to create any significant impacts on crime to the area.

The applicant has commented that the proposed expansion of the resource recovery facility will be located on a portion of the site removed from the public street system. The design of the facility is such that the premises is clearly 'private' land which will deter unauthorised access to the grounds. As such, 'opportunistic' access to the premises by unauthorised persons is unlikely. Furthermore, the premises will be secured after hours via security fencing, and movement sensitive lighting and alarms.

The following comments are made in relation to the CPTED principles for the proposed development.

- **Surveillance**

As mentioned above, the proposed development is well removed from the public street system and is not likely to result in any unacceptable impacts upon surveillance to and from the site. The application submitted does not propose any additional landscaping on the site. A landscaping plan is recommended to be imposed as a condition of consent. A condition is also to be recommended requiring all landscaping to be provided in a manner that does not impede surveillance or result in concealment areas.

- **Territorial Reinforcement**

The proposed site design continues to provide clear transitions between public and private space, particularly given the existing driveway and existing development fronting the street (i.e. tyre shop) will remain unchanged as part of the proposed development.

- **Access Control**

The vehicular access to the premises is visible from the public streetscape, however it is noted that all car parking areas are further downslope on the site. Notwithstanding this, given this is an existing arrangement, it is not considered the proposed parking location will increase crime risk.

- **Space Management**

The site operator will be responsible for ensuring that the site is kept in a presentable manner.

Having regard for the above, no issues are raised with respect to this section of the DCP.

Clause 3.19 – Car Parking and Access

Council's Civil Services Division has carried out an assessment of the proposal with regard to car parking and access.

Local Development Traffic Committee

The application (as amended in December 2018) was reported to Council's Local Development Traffic Committee (LDTC) on 13 February 2019. Particular attention was given to the intersection of Kays Lane and Russellton Drive. Referral to the LDTC was instigated by a local business owner who reported that a significant portion of southbound trucks in Kays Lane turn short into Russellton Drive, cutting across the marked centreline.

The LDTC raised no objection to the Development Application. However, it was commented that Council will investigate management options for the intersection of Kays Lane and Russellton Drive which may include restriction of B-Double access to the Russellton Industrial estate. It is understood this investigation will occur independently to the subject Development Application, given it does not directly relate to the proposed development.

Roads and Maritime Services

The referral response received from RMS is discussed within the Infrastructure SEPP section of this report.

External Roads and Traffic

Council's Civil Services Division has commented that the RMS Guide for Traffic Generating Developments does not provide guidance on the trip generation rates for a recycling business. As the proposed operations do not fit within the traditional industrial use generation (with a small gross floor area comparative to the operating area), the anticipated traffic loadings have been based on licence conditions and average weighbridge information associated with

current site operations. Average load information from the weighbridge for the month of July 2017 was utilised to determine traffic generation rates. The waste streams have also been determined at 60% concrete and 40% builders' waste. The applicant's summary calculations are provided below (Figure 13):

Table 5-1 - Traffic Generation

Ultimate operating capacity	
Annual Capacity (tonnes)	30,000
% Concrete Bricks and Tiles	60%
% Building Waste	40%
Waste Percentages determined from Weighbridge Data	
Work Week	
5 Days / Week	
Total Annual Work Days Per Year	260.00
The facility will operate on Saturdays but 5 days per week has been adopted to make an allowance for public holidays and seasonal variation	
Concrete, Bricks and Tiles (tonnes)	
Waste in:	
Average Load (tonnes)	8.19
Total Annual Trips	2,198
Total Daily Trips (in)	8.45
Waste out:	
Average Load (tonnes)	8.405
Total Annual Trips	2,142
Total Daily Trips (out)	8.24
Building Waste (tonnes)	
Waste in:	
Average Load (tonnes)	1.53
Total Annual Trips	7,826
Total Daily Trips (in)	30.10
Waste out:	
Average Load (tonnes)	16.02
Total Annual Trips	749
Total Daily Trips (out)	2.88
Empty Trucks	
Total Annual Trips	12,915
Average Daily Trips	49.67
Assuming worst case that every truck of waste in and out will also result in one empty truck leaving / entering the site. Actually multiple empty skip bins will be taken at one time.	
Average Truck Daily Trips (associated with resource recovery)	
Average Daily Truck Trips:	99.34
Bobcat Business DA2012/88	
Trips generated from DA2012/889 with waste component removed. VPD	20.13
Note: Assume worst case that all traffic are trucks	
Truck Hourly Trips	
Resource Recovery Average Trips Per Hour (6AM-6PM Operation)	8.28
Bobcat Business Average Trips Per Hour (7AM-6PM Operation)	1.83
Peak Hourly Truck Movements	30.33
Assuming Peak is three the average hourly movements	
Note: This conservatively assumes at all deliveries to site are made by trucks. The weighbridge data does not allow for movements to be broken into the type of truck.	
Employees (Daily Traffic)	
DA2012/8.33 - 10 Car Spaces	20
This Application - 10 Spaces	20
Assume 20 employees arrive and leave work	
Tyre Shop	
DA 2016/285 - Vehicles Per Day	28.8
Summary (Average - Total from the entire site post approval)	
Resource Recovery - Trucks (VPD)	99.3
Employees - Cars (VPD)	40
Tyre Shop (VPD)	28.8
Bobcat Business (VPD)	20.13
Total Vehicle Trips Per Day	189

Figure 13: Traffic generation calculations

Source: Newton Denny Chapelle 2018

The subject application seeks approval to process up to 30,000 tonnes of waste annually, which represents a 24,000 tonne increase over the existing operations. Based on the applicant's above calculations, which have been carried out in consultation with Council, it is expected that the proposed expansion will result in an increase of up 80 truck movements per day (40 in 40 out) and a maximum of 24 truck movements per peak hour (12 in 12 out). In addition to the truck trips, it is estimated at that a further 20 vehicle movements per day (10 in 10 out) will be generated in relation to staff accessing and departing the site. It is expected that these staff movements will not coincide with peak truck movements.

When operating at full capacity, the entire site (including the tyre shop, bobcat business and waste processing business) may generate up to 190 vehicle trips per day (95 in 95 out) and 30 trips per peak hour (15 in 15 out). The majority of trips occurring at peak hour are expected to be the consequence of truck movements.

Kays Lane has been constructed to a distributor road levels standard and is capable of conveying over 3,000 vehicles per day. Both Northcott Crescent and Hugh Street have been constructed to a collector street standard and can convey up to 3,000 vehicles per day. Council's Civil Services Division have concluded that the existing road network is suitable to support the proposed development.

Roads within the haul route have been designed to cater for industrial and commercial vehicles. The proposed haul route from the site to the surrounding regional Road network (the Bruxner Highway) is approximately 700 metres in length (Figure 14):

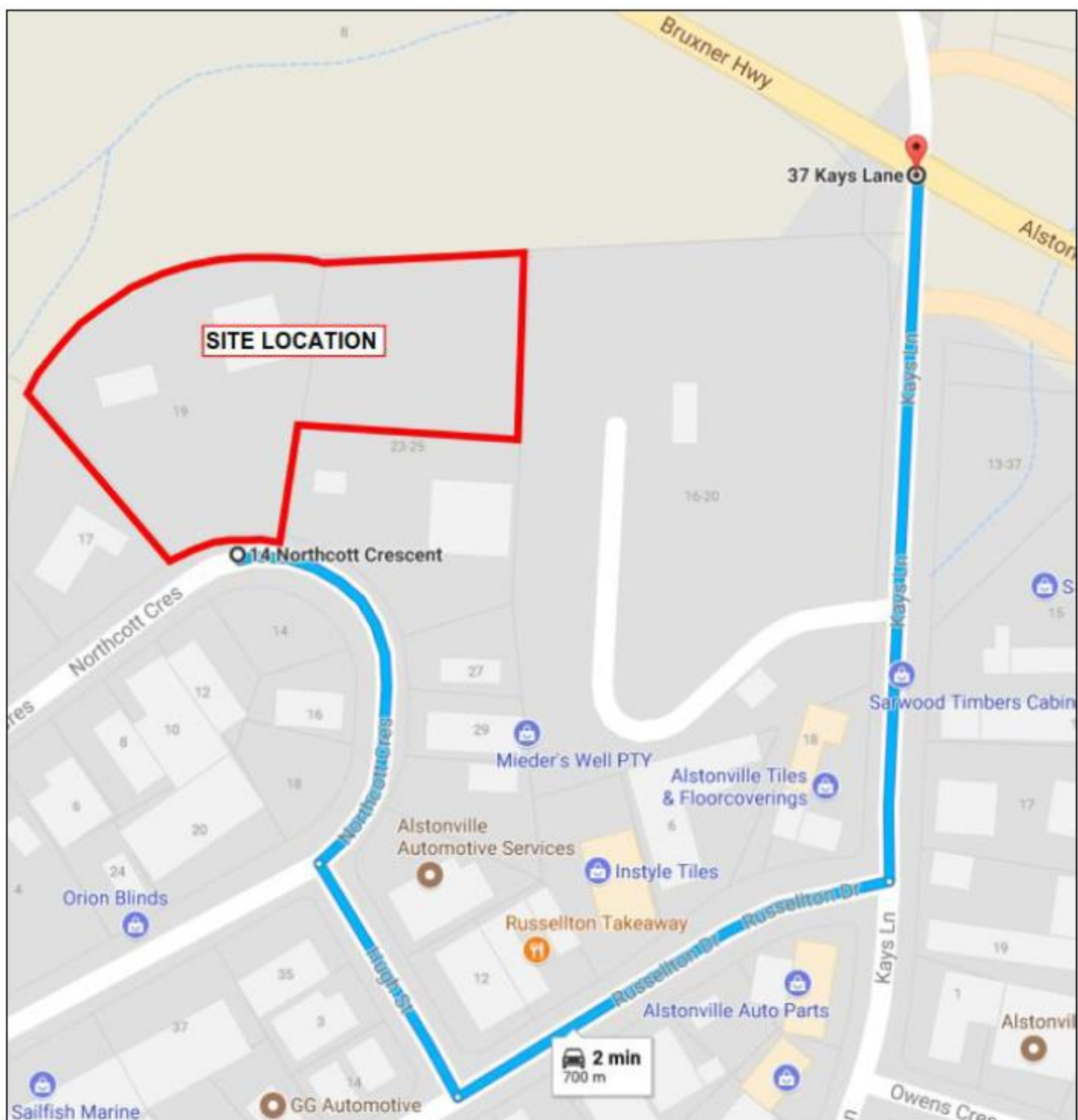


Figure 14: Proposed haul route
Source: Newton Denny Chapelle 2019

- Exit left from site onto Northcott Crescent
- Travel along Northcott Crescent – Approximately 150m
- Turn left onto Hugh Street
- Travel along Hugh Street – Approximately 90m
- Turn left onto Russellton Drive
- Travel along Russellton Drive – Approximately 170m
- Turn left onto Kays Lane
- Travel along Kays Lane to the Bruxner Highway interchange – Approximately 270m

The Bruxner Highway interchange provides entry and exit ramps in both east and west bound directions. The primary haulage route will not enter residential land or school zones prior to entering the greater regional road network. Given that the haul route is only through industrial zoned land, noise, dust, public transport, school zone and residential impacts are considered to be minimal.

Concerns were raised by a nearby business owner who reported that a significant portion of southbound trucks in Kays Lane, turn short into Russellton Drive, cutting across the marked centreline.

The safety of the intersection could be improved if a raised median is installed on the centreline of Kays Lane north of the intersection to prevent vehicles cutting short into Russellton Drive. However, the extension of the median may be compromised by the need to ensure turning paths for vehicles (up to B-Double size) turning at the intersection and also accessing the entrance opposite Russellton Drive are not adversely impacted.

As previously discussed, the matter was referred to the Local Development Traffic Committee (LDTC). The committee did not object to the development or consider this as an issue to be resolved by the applicant. However, it was resolved that Council investigate management options for the intersection of Kays Lane and Russellton Drive which may include restriction of B-Double access to the estate.

An assessment of the haul route was undertaken by Newton Denny Chapelle. The investigation assessed the sight distances at all intersections as sufficient with the exception of the Hugh Street/Russellton Drive intersection. On the day of inspection by NDC, a large bus parked adjacent to the intersection obscured sight distance from the approximate hold line. The reduced sight distance in association with vehicles parking adjacent to this intersection is an existing constraint. Should in the future Council wish to address this issue a 'no-stopping' sign could be placed to the left of the intersection to ensure suitable sight distance can be maintained.

In light of the above, Council's Civil Services Division has advised that the existing external road network is constructed to a suitable standard to service the proposed development.

Site Access, Internal Driveways and Parking Design

The access to the development site is over 6 metres wide and offers sufficient sight distance compliant with AS 2890.1. A condition is recommended to be imposed on the consent that all additional car parking shall be provided on site in accordance with AS 2890.1

Parking Numbers

The following car parking requirements apply to the proposal:

Council Requirement		Proposed Gross Floor Areas	Required Number of Parking Spaces
Use	Rate		
Proposed Development (Industry)	1.3 spaces per 100m ² gross floor area	720m ²	9.36
DA 2012/88.3 (Existing development excluding tyre shop)		Total required	11.2
		Total:	20.6 (21)

Table 8: Car parking requirements
Source: Ballina Development Control Plan 2012

The 10 parking spaces required under DA 2016/285 in association with the tyre shop are shown on the concept plan as previously approved.

In addition to the 10 external parking spaces and 2 internal parking spaces approved as part of DA 2012/88, the applicant has proposed to construct a further 10 parking spaces in association with the subject expansion. This will result in a total of 22 parking spaces being provided on the site, which is in excess of Council requirements. The development also includes a disabled parking space.

A condition will be applied to the consent requiring the provision of 21 spaces for the final development (excluding the tyre shop) in accordance with AS 2890.1.

A condition will also be applied to the consent requiring all trafficable areas to be sealed.

Given the above, the proposal is considered acceptable with regard to access and car parking matters.

Chapter 5 – Industrial Development

This chapter of the DCP identifies Council's requirements relating to industrial development within Ballina Shire.

Part 3 General Development Controls

3.1 General controls applying to all industrial development

The objectives of this section are as follows:

- a) *Encourage and promote appropriate forms of industrial development in suitable locations within the shire;*
- b) *Ensure that the range of uses permitted in the shire's industrial areas are compatible with each other and with land uses permitted in adjoining zones;*

- c) *Achieve quality visual presentation in industrial areas through high standards of building design and landscaping; and*
- d) *Ensure adequate access, parking and vehicular circulation is provided on industrial sites.*

Comment: The proposed development complies with the objectives of this section in that it is not visually intrusive and suitable access, parking and manoeuvring areas are to be provided.

3.1.3 Development Controls

A. Element – Building Design Requirements

The objectives of this control are as follows:

- a) *Ensure buildings and structures are designed to complement the character of the area and are of a consistent scale with nearby buildings; and*
- b) *Ensure buildings, structures and activities achieve an attractive and orderly appearance where development is visible from the street frontage.*

Comment: The proposed development complies with the objectives of this control in that the proposed buildings are of appropriate scale with existing buildings both on the site and on adjoining land. The proposed structures are not visually intrusive from the street frontage.

Site Layout – Control

- i. *Industrial buildings and all ancillary development on a lot must have a building line or setback from the boundary with a primary road and parallel road of at least 6.0m; and*

Comment: Complies. Proposed Shed 4 is to be located approximately 30 metres from the Northcott Crescent (southern) boundary of the site. It is noted the existing tyre shop (previously approved via DA 2016/537) is located approximately 12 metres from the boundary, and this development will remain unchanged as part of the subject application.

- ii. *Variations to the front building line or setback will be considered where an alternate building line or setback can be established on the basis of the average existing building lines or setbacks of the 2 nearest industrial buildings having a boundary with the same primary road.*

Comment: Not applicable to the development given the proposed structures comply with the relevant building line control.

Building Appearance – Control

- i. *Exterior walls of buildings, including any outbuildings, shall comprise materials with a low reflective index and must not be constructed using uncoated/untreated metal sheeting, fibre-cement or like materials;*

Comment: The development plans indicate that the exterior walls of Shed 4 will be constructed of Colorbond materials (dark blue to match existing sheds). A condition is

recommended to be imposed on any consent granted requiring that all materials for roofing and exterior walls have a low reflective index.

- ii. *The full length of any exterior wall facing a road frontage, including any adjoining exterior wall for a minimum length of 5 metres, must be of masonry construction and painted where of plain concrete finish;*

Comment: Proposed Shed 4 is to be located on existing Pad 2, which is at a lower level than the road and will not be visible from the Northcott Crescent frontage.

- iii. *Buildings shall have a roof pitch no greater than 3.5 degrees unless roofing materials have a low reflective index;*

Comment: Complies. Plan 6 indicates that Proposed Shed 4 will have a roof pitch of 3.5°.

- iv. *The scale and selection of building forms, materials and elements must relate to the perceived use, such as expressing office components differently to warehouse or factory components of a development;*

Comment: The scale, form and materials of proposed Shed 4 is consistent with the existing colorbond sheds on the site (dark blue to match existing). The applicant has indicated that proposed Shed is an open structure with no internal partitioning and is considered suitable having regard for its proposed function (i.e. sorting and processing of industrial waste). No changes are proposed to the existing office component.

- v. *The architectural form and character of a building must not include large unbroken expanses of wall or roof facing a street frontage; and*

Comment: The proposed building (Shed 4) will not face the Northcott Crescent street frontage. No concerns are raised with respect to this requirement.

- vi. *Roof forms shall be designed to minimise visual intrusions and to prevent any roof top equipment from being visible from the street. Where this cannot be achieved, roof top equipment shall be screened by materials of the same nature as the building's basic materials.*

Comment: The topography of the site (i.e. tiered building pads) ensures roof forms will not be visually intrusive. Proposed Shed 4 is to be located on existing Pad 2, which is at a lower level than the road and will not be visible from the Northcott Crescent frontage.

Signage – Controls

- i. *Signage shall comprise business identification signs only and can be free-standing or attached to the building. General advertisements will only be permitted where they relate to activities or services provided from the site on which they are erected; and*

Comment: No advertising or business identification signage proposed.

- ii. *Freestanding signs must complement the design of the buildings to which they relate, clearly identify the product or business being promoted and be compatible with signage on adjoining sites without dominating the streetscape or locality.*

Comment: No advertising or business identification signage proposed.

B. Element – Landscaping and Screening

The objectives of this control are as follows:

- a) *Ensure landscape features are provided on industrial sites to create a quality industrial estate setting;*
- b) *Provide for the design of landscaping to assist in energy conservation in buildings, control microclimatic conditions and provide shade; and*
- c) *Encourage the use of landscape plantings to assist in screening storage, service and waste disposal areas and the integration of landscaping with stormwater management.*

Comment: The application has not included the provision of additional landscaping as part of the proposed development. The applicant has commented that the street frontage is already landscaped in accordance with prior approvals on the land (DA 2012/88) and that some modest plantings will occur on those parts of the site not utilised for the facility (particularly the area adjoining the northern property boundary). The requirement for a detailed landscaping plan including additional plantings on the northern portion of the site is recommended as a condition of consent.

C. Element – Car Parking and Access

The objectives of this control are as follows:

- a) *Ensure that traffic and parking associated with industrial uses does not cause unnecessary nuisance or adversely impact on the safety of road users and residents.*
- b) *Ensure that industrial development is designed to provide for efficient servicing of industrial land uses by vehicles.*

Comment: The proposed development complies with the objectives of this control. The application (as amended in December 2018) was reported to Council's Local Development Traffic Committee (LDTC), with no objections raised regarding the proposal. Council's Civil Services Division have carried out an assessment of the proposed development and advised that there is provision for service and delivery vehicles to enter the site in a forward direction, safely manoeuvre, unload on site and leave the site in a forward direction.

Car Park Design – Control

- i. *Car parking and manoeuvring areas must not encroach into the front landscaped area except for the purposes of disabled access.*

Comment: Complies. The proposed car parking and manoeuvring areas are located within the subject site and will not encroach into the front landscaped area.

- ii. *Parking bays, manoeuvring areas, service areas, loading bays, queuing areas, set down/pickup areas, and driveways are to be designed in accordance with the dimensions specified in Australian Standard 2890*

Comment: Council's Civil Services Division have reviewed the proposed car park design. Conditions are recommended to be imposed requiring the design and construction of all car parking and vehicular accesses to be in accordance with the approved construction plans and Australian Standard 2890.1:2004. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.

- iii. *Internal access ways are to permit entry and exit of the site by customers and visitors while a vehicle is being loaded or unloaded;*

Comment: Council's Civil Services Division have carried out an assessment of the proposed development and advised that there is provision for service and delivery vehicles to enter the site in a forward direction, safely manoeuvre, unload on site and leave the site in a forward direction.

- iv. *Car park areas shall be sited to allow for safe and convenient pedestrian access to buildings;*

Comment: The submitted plans indicate that the additional car parking area will not impact upon pedestrian access to buildings.

- v. *Development within an area of 2,000m² or greater must provide for the separation of service and delivery vehicle access from car parking areas to ensure safe and unimpeded pedestrian access from car parking areas to the building's main entrance; and*

Comment: There is provision for service and delivery vehicles to enter the site in a forward direction, safely manoeuvre, unload on site and leave the site in a forward direction.

The submitted plans clearly indicate the separation of external delivery routes (and destination of such deliveries) from car parking areas (Figure 15):

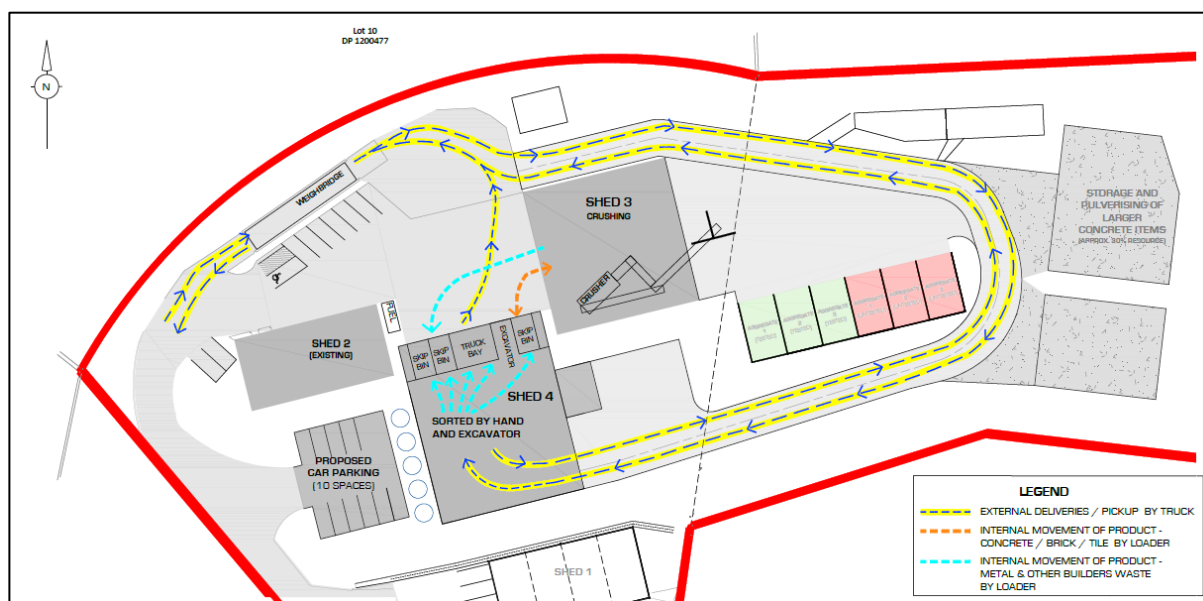


Figure 15: Plan 5A – Proposed Development Detail – Builders' Waste
Source: Newton Denny Chapelle 2018

- vi. *Planting must be used to highlight pedestrian and vehicular access points and easements. Car parks should be landscaped to complement the surrounding areas and provide shade for parked cars.*

Comment: As discussed above, the applicant has not included the provision of landscaping in the proposed development. This requirement is recommended as a condition of consent to ensure plantings are provided in accordance with the DCP provisions.

Car Parking – Control

- i. *On site car parking is to be provided in accordance with the rates indicated in Chapter 2 – General and Environmental Considerations unless otherwise specified in Table 5.1.*

Table 5.1 – Car parking	
Industrial Uses	Parking Rate
Industry	1.3 spaces per 100m ² gross floor area (GFA)
Warehouse or Distribution Centre	1 per 300m ² GFA
Other Uses	
Industrial Training Facility*	Merit assessment
Self-Storage Premises	1 space per 10 storage sheds, plus 1 space per 40m ² GFA office space
Hospital*	Merit assessment
Educational Establishment*	Merit assessment

*Parking rate to be determined based on a detailed Traffic Impact Assessment

Table 9: Car parking rates

Source: Ballina Development Control Plan 2012

Comment: The industry car parking rate (i.e. 1.3 spaces per 100m² GFA) is applicable to the proposal. As 720m² of GFA is proposed, 9.36 spaces are required to be provided on site for the proposed development.

The 10 parking spaces required under DA 2016/285 in association with the tyre shop are shown on the concept plan as previously approved.

In addition to the 10 external parking spaces and 2 internal parking spaces approved as part of DA 2012/88, the applicant is proposed to construct a further 10 parking spaces in association with the subject development. This will result in a total of 22 parking spaces which is in excess of Council requirements. The development also includes a disabled parking space.

A condition is recommended to be imposed to the consent on any consent granted requiring the provision of 21 spaces for the final development (excluding tyre shop) in accordance with AS 2890.1.

Service Vehicle Access – Control

- i. *Premises are to be designed to accommodate access and parking by service vehicles in accordance with Table 5.2.*

Table 5.2 – Service Vehicle Requirements	
Lot Size	Service Vehicle Requirements
Up to 2000m ²	Small Rigid Vehicle (SRV) – light trucks to a maximum capacity of 4.0t
In excess of 2000m ² , but less than 4000m ²	Medium Rigid Vehicle (MRV) – common service truck having a load capacity of up to 8.0t
Greater than 4000m ²	Heavy Rigid Vehicle (HRV) – a single unit truck which typically has a load capacity of up to 12t

Table 10: Service vehicle requirements

Source: Ballina Development Control Plan 2012

Comment: Council's Civil Services Division have carried out an assessment of the proposed development and advised that there is provision for service and delivery vehicles to enter the site in a forward direction, safely manoeuvre, unload on site and leave the site in a forward direction.

D. Element – Environmental Management

The objectives of this control are as follows:

- Minimise adverse impacts on people and the natural and built environments both on-site and on adjoining sites through location, design, operation and management of development; and*
- Ensure that developments achieve acceptable levels of stormwater run-off quality and quantity by applying water sensitive urban design principles in development proposals to maintain and/or enhance the environmental values of the shire's waterways and catchments.*

Comment: The proposed development meets the objectives of this control in that the design of the proposal has had regard for the minimisation of noise and air quality impacts in the locality. Stormwater management on the site has been discussed previously in this report within Section 3.9 of Chapter 2 of the Ballina DCP 2012.

- i. Emissions of contaminants including air pollutants, water contaminants, noise, vibration, heat or light must not cause environmental harm or nuisance. No significant emissions or discharges of contaminants are to occur beyond the boundary of the site or into adjoining waterways;*

Comment: The applicant has submitted technical assessment reports with respect to noise and vibration impacts, air quality and stormwater management in relation to the proposed development.

Subject to compliance with the recommended mitigation measures, it is considered no significant emissions or discharges of contaminants will occur beyond site boundaries or into adjoining waterways.

- ii. Development must include an efficient and cost effective stormwater run-off management system (i.e. a drainage network and detention/retention storage that adequately protects people and the natural and built environments);*

Comment: Complies. This matter has been discussed previously in this report within Section 3.9 of Chapter 2 of the Ballina DCP 2012.

- iii. Stormwater run-off originating from development must be of a quality that will protect or enhance the environmental quality of receiving water;*

Comment: Complies. This matter has been discussed previously in this report within Section 3.9 of Chapter 2 of the Ballina DCP 2012.

- iv. Development must integrate and allow for Water Sensitive Urban Design (WSUD) measures to be implemented into lot layouts and drainage systems. This can be incorporated through:*
 - storage rather than conveyance of stormwater;*
 - maintenance and enhancement of water quality;*
 - permeable surfaces, soakwells and landscaped swales in site layout to increase on site infiltration and treatment;*
 - water conserving landscaping;*
 - localised water supply for irrigation; and*
 - use of rainwater tanks for stormwater re-use.*

Comment: Complies. This matter has been discussed previously in this report within Section 3.9 of Chapter 2 of the Ballina DCP 2012.

E. Element – Sustainable Industrial Development

The objectives of this control are as follows:

- a) Maximise environmental sustainability and energy efficiency;*

- b) *Provide for appropriately coordinated and sequenced development to ensure the most effective use of land and infrastructure networks within and adjacent to the zone; and*
- c) *Ensure that development provides for convenient and safe movement of people between areas and facilities by walking, cycling and public transport use.*

Comment: The proposed development generally complies with the objectives of this control in that the proposed building design will be adaptable and maximises solar access. It is considered the expansion of the resource recovery facility continues to provide for the convenient and safe movement of people on the site.

- i. *Building forms shall be designed for adaptability through the provision of flexible spaces and regular building form designed to accommodate future conversion or dividing for alternate uses;*

Comment: The applicant has commented that Shed 4 is proposed to be an open structure with no internal partitioning. The proposed building form (i.e. Colorbond shed) is considered to be appropriate for a range of industrial activities.

- ii. *A building and its openings are to be configured to maximise passive solar energy and minimise energy use in artificial lighting. This may include the use of skylights to capture natural light through the roof;*

Comment: The proposed building (Shed 4) is for the storage and processing of materials and is to be fully open on the northern elevation. The orientation of the site and building will therefore maximise solar access to this building.

- iii. *A building and its openings are to be orientated to utilise prevailing winds to enhance the opportunity for cross ventilation;*

Comment: It should be noted that the enclosure of the buildings is integral to the management of dust and noise impacts associated with the proposed development. As such, compliance with this control is not considered necessary in the instance of the subject proposal.

- iv. *The use of energy efficient appliances and equipment are encouraged to minimise energy usage and greenhouse gas generation; and*

Comment: Within the SEARs, the NSW Environment Protection Authority (EPA) required consideration of the environmental consequences of adopting alternative energy sources. This matter has not been specifically addressed in the submitted Environmental Impact Statement, however General Terms of Approval have been issued by NSW EPA confirming the proposal is acceptable having regard for energy considerations.

- v. *Safe and convenient bicycle parking is to be provided on site.*

Comment: Bicycle parking has not been previously provided on the site and no formal bicycle parking spaces have been proposed as part of the subject application. It is considered there is adequate space on site available for the safe parking of bicycles, if required.

Part 4 Precinct Specific Controls

4.1 Russellton Industrial Estate

4.1.2 Development Controls applying to Russellton Industrial Estate precinct

The objective of this section is to manage industrial development on sloping land and to minimise the risk of agricultural spray drift on industrial developments.

Control

- i. *For all allotments in the Russellton Industrial Estate:*
- *Excavation (cut) as part of any earthworks for buildings or associated works must not extend more than 3.0 metres below the ground level (existing);*
 - *Fill as part of any earthworks for buildings or associated works must not extend more than 2.0 metres above ground level (existing);*
 - *Retaining walls visible from the street are a maximum height of 3.0 metres;*

Comment: The applicant has indicated that the maximum cut height will be approximately 3.5 metres, which will occur centrally on the site. A retaining wall is proposed in this location and will not be visible from the street. The applicant has indicated that the retaining wall will be designed by a suitably qualified structural engineer. The applicant has indicated that there will be a maximum fill of 2.5 metres.

It is noted that the proposed cut and fill to facilitate the proposed development does not comply with the above requirements. Council's Building Services Section has carried out an assessment of the proposed development. Given the site is not identified as a land slip area, has previously been shaped into tiered building pads and the retaining walls will be appropriately certified (to be required by way of condition), no concerns are raised with respect to the variation of this control.

- ii. *No access to any lots is permitted from Norman Jones Lane;*

Comment: Not applicable – access is to be obtained via Northcott Crescent only.

- iii. *Allotments adjoining rural zoned land are to comply with the following provisions:*
- *External on-site activity areas are to be located to maximise distances away from macadamia farms and other adjoining agricultural activities; and*
 - *Buildings are to be designed and oriented so that minimal openings face towards adjoining agricultural land.*

Comment: The existing resource recovery facility on the site was approved via DA 2012/88. It is noted that proposed Shed 4 will be open on the northern elevation, which faces the rural land to the north. However, the subject property does not directly adjoin rural *zoned* land. An assessment of land use conflict matters has been provided within Section 3.1, Chapter 2 of The Ballina DCP 2012.

Section 4.15(1)(a)(iia) provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

There is no planning agreement or draft planning agreement applying to this development or the site.

Section 4.15(1)(a)(iv) the regulations

The proposed development comprises “waste management facility or works” as described in Item 32 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000. The development is therefore considered designated development pursuant to Section 4.10 of the Environmental Planning and Assessment Act, 1979.

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.*

A non-perennial stream (second order tributary to Maguires Creek) is located approximately 68 metres from the subject land. As such, Clause 32(d)(i) applies.

With respect to Clause 32(d)(vi), the nearest rural dwelling is located approximately 150 metres to the northwest of the subject site. The nearest residential area is located approximately 230 metres to the north of the subject site. On this basis, consideration has been given to potential dust, noise and stormwater impacts. These matters have been addressed in detail within this report and it is considered that the proposal is not likely to significantly affect the amenity of the neighbourhood.

Division 5 Public participation – designated development

Clauses 77 to 81 of the Regulations specifies how public participation must be undertaken for designated development. It is confirmed that Clauses 77 to 81 have been complied with through Council's notification of the application to the public authorities identified in the preparation of the SEARs, the public exhibition of the application and the forwarding of the submissions to the Planning Secretary (following each of the exhibition periods) as required by Clause 81.

Within their response dated 23 April 2019, the Department of Planning and Environment (the Department) advised that they had reviewed the submissions received by Council during the public exhibition period, and notes there are no issues of State or regional significance that apply to the proposal. It was recommended that the General Terms of Approval issued by the Environment Protection Authority be included in the development consent for the proposal, should development consent be granted. The Department also noted the ongoing concerns raised by the general public in relation to contamination, hazardous waste processing, and potential noise and air quality impacts upon surrounding sensitive receivers. The Department recommended Council and the Northern Regional Planning Panel (NRPP) ensure these concerns are adequately and appropriately addressed before determining the subject Development Application. These issues are adequately addressed in the EIS and the proposed mitigation measures are reinforced by the recommended conditions of consent.

No additional matters under Clause 92 of the regulations requires further consideration in respect of the proposed development.

Section 4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The following assessment addresses the impacts that the development will have on the surrounding natural and built environment and the social and economic impacts that the proposal may have on the locality (Table 11).

Urban and Building Design	
i) Context and Settings	The subject property is Lot 1 DP 1237064 and is known as 19 Northcott Crescent, Alstonville. The property is located on the northern edge of the Russellton Industrial Estate in Alstonville. The property has a total area of 1.366 hectares and is located approximately 150 metres to the south of the Bruxner Highway. The property has frontage to and obtains vehicular access via Northcott Crescent. The western portion of the subject site has been previously shaped into three tiered pads. The lower pad contains an existing waste/resource management facility, which was approved via DA 2012/88. The site also contains a vehicle repair station (tyre shop), approved via DA 2016/285 and is located on the upper pad. The middle pad is currently used for storage and processing activities. The eastern portion of the site is largely undeveloped, however a portion of the site is currently used for access and storage. The nearest rural dwelling is located approximately 150 metres to the northwest of the subject site. The nearest residential area is located approximately 230 metres to the north of the subject site. Undeveloped industrial zoned land (with one allotment containing a dwelling house) is located directly to the north of the subject site. Developed industrial land is located to the east, south-west and south of the subject site. An industrial premises is located to the south-west of the subject site (No. 15-17 Northcott Crescent). It is noted that the tennis courts located at 14 Kays Lane, Alstonville have been relocated to 80 Elvery Lane, Alstonville (Wollongbar Sporting Fields) during the assessment of the subject application. The subject site is visible from Northcott Crescent (facing north) and the Bruxner Highway Alstonville Bypass.

	With respect to the visibility of the site from Northcott Crescent, the applicant has commented that the proposed expansion will be set at RL 150.2m AHD, which is approximately 8.3 metres below the existing Northcott Crescent road formation. The expansion will also be screened from view by the existing tyre shop fronting Northcott Crescent and landscaping along the frontage of the property. It is considered there will be minimal visual impact from Northcott Crescent. With respect to visual impact from the Bruxner Highway, the site does not form part of a broader view corridor. The applicant has commented that the view from the Bruxner Highway comprises: • Foreground – grass, shrubs, trees (located on land owned by RMS) • Middle ground – grass (location of proposed expansion) • Far ground – industrial sheds, silos, concrete stockpile and occasional trees. The subject site is visible for approximately 100 metres, and clearly visible for approximately 60 metres of the journey along the Bruxner Highway before being obscured by vegetation. The applicant has provided the following comments with respect to views: • <i>Heading west (towards Lismore) the Bruxner Highway has a speed limit of 100km/hr. A merging lane is present for vehicles entering the Highway heading westward. No area is available on the verge for a vehicle to stop/pull over on the edge of the road. Based on an average speed of 80km/hr (to allow for merging), the site is visible for approximately 4 seconds, whilst at a speed of 100km/hr, the site is visible for approximately 3.5 seconds.</i> • <i>Heading east (towards Ballina) the Bruxner Highway also has a speed limit of 100km/hr. Based on an average speed of 100km/h (which is typical in this direction), the site is visible for approximately 3.5 seconds.</i> • <i>The site is zoned for industrial purposes and the land use is permissible with the development consent of Council. The proposed land use is compatible with the range of uses normally expected in an industrial estate.</i> • <i>The proposed development includes the construction of a 10m high shed at the eastern portion of the site. The</i>
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		<i>shed will be of professional construction and be of dark blue colorbond to match other structures on the land. After construction, this shed will be the dominant element in the view of the site. The resultant view is considered reasonable in the context.</i> With regard to the intended future character of the locality, it is acknowledged that the southern end of the Russellton Industrial Estate is to expand. It is not considered the proposal would preclude the further development of the estate.
ii)	Site Design and Internal Design	The subject site has a total area of 1.366 hectares. Proposed Shed 4 is considered to be compatible with the existing industrial buildings on the site with respect to scale, form and materials (i.e. colorbond shed). The site falls steeply from south to north to a non-perennial stream (second order tributary to Maguires Creek) and has been previously modified by earthworks to facilitate the industrial use of the site. <u>Accessibility issues</u> The internal design of the proposal is considered acceptable having regard for the expansion of the resource recovery facility. The proposal will be conditioned to comply with the National Construction Code (NCC) and relevant Australian Standards regarding access and facilities for the disabled. <u>Car parking and access</u> The proposal involves the provision of additional parking on the site such that a total of 21 car parking spaces (not including the tyre shop) will be provided on the site at the completion of the development. The design and layout of the vehicle parking areas and access aisles has been assessed and is supported by Council's Civil Services Division, subject to compliance with the relevant Australian Standards. <u>Landscaping</u> The applicant has not proposed any additional landscaping as part of the subject application. The applicant has commented that the street frontage is already landscaped in accordance with prior approvals on the land (DA 2012/88) and that some modest plantings will occur on those parts of the site not utilised

	for the facility (particularly the area adjoining the northern property boundary). A condition is recommended to be imposed requiring landscaping to be provided in a manner that does not impede surveillance or result in concealment areas. <u>Acoustic and visual privacy</u> The most recent amendment to the application was accompanied by an Environmental Noise Impact Assessment report prepared by CRG Acoustics dated 20 December 2018. The report includes a number of recommendations to ensure noise mitigation out of the buildings will be appropriate to the site. Further discussion is provided below in <i>xvi) Noise and vibration</i>. With respect to visual privacy, it is considered adequate separation distance is provided to site boundaries and adjoining industrial developments. It is not considered the proposed expansion will result in adverse visual privacy impacts. <u>Building materials and finishes</u> The proposed building materials and finishes generally comprise the following: • Colorbond corrugated sheeting for Shed 4 (dark blue to match existing sheds on the site); and • Concrete tilt panel for aggregate storage bays. It is considered the proposed materials are compatible with the existing industrial buildings on the site and the locality. <u>Compliance with National Construction Code (NCC)</u> Council's Building Services Section has carried out an assessment of the proposal. A condition is recommended to be imposed to ensure the development complies with the requirements of the National Construction Code (NCC) and relevant standards. <u>Fire Risk</u> The proposal will be conditioned to comply with the National Construction Code (NCC) in relation to fire safety. On completion of the erection of the building, the owner is required to provide Council with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and were
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		designed and installed to be capable of operating to the minimum standard required by the NCC. The owner will be required to provide Council with an annual Fire Safety Statement at least once in every 12 months. These requirements are recommended to be imposed as a condition of consent.
iii)	Ecologically Sustainable Building Design	Within the SEARs, the NSW Environment Protection Authority (EPA) required consideration of the environmental consequences of adopting alternative energy sources. This matter has not been specifically addressed in the submitted Environmental Impact Statement, however General Terms of Approval have been issued by NSW EPA confirming the proposal is acceptable having regard for energy considerations. With respect to ventilation, it should be noted that the enclosure of the buildings is integral to the management of dust and noise impacts associated with the proposed development. The Colorbond structure proposed (Shed 4) is a long lasting, recyclable and adaptable material.
iv)	Access, Transport and Traffic	Vehicular access, traffic and parking considerations have been previously considered within the Infrastructure SEPP and Ballina DCP 2012 sections of this report. The site is considered to have suitable access points for vehicles and service vehicles from the surrounding road network. The proposed internal roads and accesses primarily relate to car parking and service vehicle access and are required to comply with AS 2890. A condition is recommended to be imposed on any consent granted to ensure compliance with the relevant Australian Standards. Council's Civil Services Division has commented that roads within the haul route have been designed to cater for industrial and commercial vehicles. As such, the existing road network is constructed to a suitable standard to support the proposed development. The primary haulage route will not enter residential land or school zones prior to entering the greater regional road network. Given that the haul route is only through industrial zoned land, noise, dust, public transport, school zone and residential impacts are considered to be minimal. Having regard for the above, the proposed development is not considered to have an adverse impact on the efficiency of movement of pedestrians and motorists to and from the site,

	subject to compliance with the recommended conditions of consent.
v) Public Domain	It is not expected that the proposal will have a detrimental impact on the public domain. As discussed above within <i>i) Context and Settings</i>, the proposed development will be visible from Northcott Crescent (facing north) and the Bruxner Highway Alstonville Bypass. However, it is not considered the proposed development will result in unacceptable impacts on existing view corridors. The proposal involves the provision of additional parking which will be wholly located within the subject site. No additional vehicle crossings (or upgrades to the existing) is proposed. The expected additional traffic to be generated as part of the proposal is considered acceptable and has been deemed satisfactory by Council's Civil Services Division and NSW RMS.
vi) Utilities	The amended Engineering Services Report (dated June 2018) indicates that all necessary services will be provided at sufficient capacity to service the proposed development. This has been deemed satisfactory by Council's Civil Services Division. These matters have been previously addressed within the BLEP 2012 and Ballina DCP 2012 sections of this report.
vii) Heritage	A Cultural Heritage Assessment prepared by Everick Heritage Consultants dated (March 2017) was submitted with the application (Attachment 4 of the EIS). The site does not contain any known items or places of local or state significance. An extensive AHIMS search was conducted by Everick Heritage Consultants Pty Ltd on 1 March 2017 (centring on the subject site with 1000 metre buffer) which returned two known Aboriginal sites. Notwithstanding this, no Aboriginal sites were recorded within the subject property. Refer to discussion within Clause 5.10 of the BLEP 2012 section of this report for comments regarding Aboriginal Cultural Heritage and recommended conditions of consent during construction works.
viii) Construction	Construction impacts are able to be suitably managed via the recommended conditions of consent. A specific condition is recommended to be imposed requiring a Construction Management Plan to be submitted to and approved by Council prior to issue of the Construction Certificate.

	A condition is recommended to be imposed restricting the house of operation for any noise generating construction activity to within the following times: <i>Monday to Friday</i> <i>7.00am to 6.00pm</i> <i>Saturday</i> <i>8.00am to 1.00pm</i> <i>No noise generating construction activities are to take place on Sundays or public holidays.</i> The General Terms of Approval issued by the Environment Protection Authority also reference the restriction of construction hours. With respect to site safety during construction, conditions are recommended to be imposed with regard to site fencing and signage. With respect to dust impacts during construction, a condition is recommended to be imposed on the consent requiring all dust to be managed using water suppression, re-establishment of vegetation cover, stockpile management, covering loads, preventing spoil tracking onto roads and halting works on site in extreme wind events. Potential environmental impacts during construction are also to be managed by way of conditions, including waste management, sediment and erosion control, dust management and cleanup of spills.
Environmental Impacts	
ix) Other land resources	As the proposed development relates to the expansion of an existing resource recovery facility within an industrial zoned area, it is not considered the proposal will impact upon the conservation and/or use of productive agricultural land, mineral and extractive resources or water supply catchments.
x) Water	No particular issues are raised with respect to the servicing of the proposed development for water supply. The amended Engineering Services Report (dated June 2018) indicates that all necessary water services will be provided to the development at sufficient capacity to service the proposed development. Stormwater management has been assessed as part of the proposal – refer to Ballina DCP section of this assessment for discussion. Council's Water and Wastewater section has recommended conditions requiring a Trade Waste Application to be submitted

		to and approved by Council prior to issue of the Construction Certificate. In addition, prior to issue of the Occupation Certificate, all pre-treatment equipment (as required by the Trade Waste approval issued) is required to be installed, inspected and commissioned. Conditions are recommended to be imposed on the consent in this regard.
xi)	Soils	<u>Acid Sulfate Soils</u> The subject land is not identified as containing Acid Sulfate Soils. No issues are raised in this regard. <u>Contamination</u> No issues are raised with respect to the contamination of land on the subject site. Refer to assessment under SEPP 55 section of this report for discussion. <u>Geotechnical considerations</u> The subject site is not identified as a landslip area. The applicant has indicated that the maximum cut height will be approximately 3.5 metres, which will occur centrally on the site. A retaining wall is proposed in this location. The applicant has indicated that the retaining wall will be designed by a suitably qualified structural engineer. The applicant has indicated that there will be a maximum fill of 2.5 metres. As previously discussed, it is noted that the proposed cut and fill to facilitate the proposed development does not comply with the DCP requirements. Council's Building Services Section has carried out an assessment of the proposed development. Given the site is not identified as a land slip area, has previously been shaped into tiered building pads and the retaining walls will be appropriately certified (to be required by way of condition), the proposed earthworks are considered acceptable subject to compliance with the recommended conditions of consent. <u>Sediment and erosion control</u> Conditions are recommended with respect to sediment and erosion control during construction and ensuring fill material imported to the site is free of contaminants.
xii)	Air and Microclimate	The NSW Department of Planning and Environment provided the Secretary's Environmental Assessment Requirements (SEAR No. 1141) for the preparation of an Environmental Impact Statement (EIS) for the development proposal. The air quality assessment was required to include:

	• <i>A description of all potential sources of air and odour emissions</i> • <i>An air quality impact assessment in accordance with relevant Environment Protection Authority guidelines</i> • <i>A description and appraisal of air quality impact mitigation and monitoring measures.</i> A number of submissions were received during the public exhibition of the proposal with respect to air quality impacts and the potential for airborne hazardous materials. An Air Quality Assessment (AQA) prepared by Tim Fitzroy & Associates dated 20 December 2018 was submitted as part of the most recent amendment to the subject Development Application. The AQA addresses dust and odour emissions. This report revises the previous AQA in response to changes to the site layout as detailed in Plan 5 – Proposed Development – Revision F-1 prepared by Newton Denny Chapelle. The AQA advises that the changes to the layout are likely to reduce the emissions from the site due to the removal of the conveyor belt transfer of crushed waste to the storage bins by placing the storage bins immediately adjacent to the crushing area with the crushed material transferred through holes in the common wall between the crushing shed and the storage bins. <u>Potential Air Emission Sources</u> The potential sources of air emissions from the operations relate to particulate matter and dust emissions from: • Unloading and transfer of waste within the site • Crushing and screening operations • Vehicular movements (trucks and cars) • Wind erosion from ground surfaces and storage areas. The report has indicated that there are neither significant odour emissions nor greenhouse gas emissions relating to the operations. <u>Dust control measures</u> The report indicates that the following measures are either currently in place or form part of the development proposal: • The existing driveway to the weighbridge is sealed including the circulation area adjacent to Shed 2 and 3; • Access and circulation area to Shed 4 will be sealed;
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- The floor of Shed 4 will be sealed;
- Waste storage areas are covered and partly enclosed on the sides;
- Roof sprinklers are used in Shed 3 to suppress dust from the working/unloading areas and are to be used when dust is visible;
- Roof sprinklers are used in Shed 4 to suppress dust from the working/unloading areas and are to be used when dust is visible;
- Roof sprinklers are used in the Aggregate Storage Bin area to suppress dust from the working/unloading areas and are to be used when dust is visible;
- Dust generating activities will be stopped during windy conditions (wind speed > 1.5m/s) except where appropriate control measures are available;
- Daily visual inspection of deposited dust around the boundary of the site to provide an indication of the effectiveness of the dust control measures.

A condition is recommended to be imposed requiring three dust deposition gauges to be installed and monitored during operation to measure the effectiveness of dust suppression on site. If dust deposition exceeds 4g/m²/month, then additional dust suppression activities shall be undertaken.

Sensitive receptors

The report identifies that the following sensitive receptors are located in the vicinity of the subject site:

- Rural dwellings to be north-west
- The residential area of Wollongbar village to the north
- Industrial allotments immediately to the south and east
- Tennis courts to the east of the site (it is noted that the tennis courts are relocating and land has been sold for industrial uses).

Air quality criteria

The air quality goals adopted for this assessment are based on NSW OEH criteria:

Pollutant	Averaging Time	Criteria ¹
TSP	Annual	90µg/m ³
PM ₁₀	Maximum 24 hours Annual	50µg/m ³ 30µg/m ³
PM _{2.5}	Maximum 24 hours Annual	25µg/m ³ 8µg/m ³

	Dust deposition	Annual	Maximum incremental increase of 2g/m ² /month over background levels Maximum cumulative level of 4g/m ² /month (project and background)
Note: 1. The impacts of the project pollutants must be combined with existing background levels before comparison with the relevant impact assessment criteria. Source: Approved Methods, NSW EPA 2017 <u>Discussion and recommendations</u> Emission of particulate matter has been estimated in relation to total suspended particulate (TSP), and particulate matter less than 10µm and 2.5µm (PM₁₀ and PM_{2.5}) and deposited dust. The total emissions produced by the operations have been equated to an annual rate (kg/yr) and has been largely based on processing an average working-day waste quantity of 115 tonnes or a maximum of 30,000 tonnes per annum. The particulate matter assessment indicates that particulate levels at the nearest sensitive receptor would be significantly less than OEH criteria. Therefore, particulate matter emissions from the site are not considered to be a significant issue, and more refined assessment is not considered necessary. <u>Conclusion</u> Based on the continuing restricted use of the site for the temporary storage and processing of building and demolition waste odour emissions from the site are deemed to be negligible. However, it is recommended the following measures are implemented as a precautionary approach: • Roof sprinklers are installed in Shed 3, Shed 4 and aggregate storage bin area and are to be used when dust is visible. • Daily visual inspection of deposited dust around the boundary of the site to provide an indication of the effectiveness of the dust control measures. *Note: Water to be used in roof sprinklers is to be potable or appropriately filtered to make it safe for use. A condition is recommended to be imposed requiring three dust deposition gauges to be installed and monitored during operation to measure the effectiveness of dust suppression on			

	site. If dust deposition exceeds 4g/m²/month, then additional dust suppression activities shall be undertaken. <u>Dust monitoring</u> Council received a number of complaints during 2018 that alleged that dust and in particular hazardous asbestos were being generated by activities associated with the operation of the waste/resource management facility on the subject premises. A number of detailed site inspections of the subject premises and interviews were conducted by Council Officers that did not substantiate the claims. Despite the site investigations finding no evidence to support the concerns, complaints continued to be received by Council alleging a significant risk to public health was occurring. To further establish the facts of the dust risk from the subject premises, Council engaged Environmental Analysis Laboratory (a NATA) accredited independent laboratory located at Southern Cross University, Lismore) to install three dust monitoring units on the waste/ resource management facility in July 2018. Beginning in July 2018 Environmental Analysis Laboratory (EAL) installed and have maintained three dust monitoring units on the subject premises. Monthly analysis of the dust collected from the air (mg/m²/month), and in particular analysis for asbestos fibres has been completed for all of the three units. EAL analysis results have been reviewed by Council's Environmental Health Officer and no abnormal results for total dust (mg/m²/month) or detection of asbestos fibres have been identified from the three dust monitoring points. Maintenance of the three dust monitoring points and monthly analysis by EAL is continuing at the subject premises.
xiii) Flora and Fauna	The proposed development is located on industrial zoned land that has been predominantly cleared of vegetation. The subject site is not mapped within the Natural Areas and Habitat area under Chapter 2 of the Ballina DCP 2012. The applicant has indicated that vegetation surrounding the site to the north and west is largely grasslands with significant stands of tall trees.

	All existing trees within the proposed development footprint are to be removed to facilitate the development as proposed. These are identified as: • A clump of native vegetation comprising a Red ash, Sweet pittosporum and a Brown tamarind located to the east of the existing shed. The applicant advised that on 11 February 2018, two Camphor Laurel (<i>Cinnamomum camphora</i>) trees were removed on the site. Given Camphor Laurels are identified as an 'Undesirable Tree Species' within Chapter 2a – Vegetation Management of the Ballina Development Control Plan (DCP) 2012, the prior consent of Council was not required for these works and no further action was taken in this regard. Further to this, Camphor Laurels are identified within 'A2.2 Additional Species of Concern in North Coast LLS Region' within the <i>North Coast Regional Strategic Weed Management Plan 2017-2022</i> (Local Land Services 2017). The submitted Ecological Assessment Report indicated that the subject site is highly disturbed and is dominated by exotic species. The area subject to the proposed development consists of tall overgrown pasture grassland dominated by <i>Setaria</i> with a range of exotic pasture weeds including Blue billygoat weed, Hairy commelina, Rattlepod, Nightshades, Inkweedm Ragweed and Scotch thistle. The northern boundary of the site includes patches of Lantana and Large-leaved privet that extend into the site from an area of taller regrowth forest consisting of Camphor laurel and native species apparently embellished with some planted native rainforest species. Within the site, a patch of native species comprised of Red ash, Sweet pittosporum and Brown tamarind is located within a Lantana thicket to the immediate east of the existing sheds. Other native vegetation on the site is limited to planted landscape species near the carpark areas in the southern part of the site including Coast banksia, Grevilleas and other plants. The subject site provides little of habitat value for native fauna. Vegetation along the drainage line to the north contains some native rainforest trees and will be used occasionally by more mobile species including frugivorous birds and bats. The Ecological Assessment submitted indicates that flying-fox camps are located less than 2 kilometres from the site at Lumley Park and this species is likely to occur on the site occasionally. A Seven Part Test (TSC Act) Assessment of Significance (EPBC Act) for the vulnerable Grey-headed Flying Fox (<i>Pteropus poliocephalus</i>) was undertaken by Blackwood
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	Ecological Services dated March 2018 as part of the of the proposal. The removal of a clump of three native trees represents a negligible loss of forage habitat for the Grey-headed flying-fox and is highly unlikely to result in the location extinction of this species. The Ecological Assessment provides mitigation measures to manage ecological impacts associated with the proposed works. The mitigation measures are as follows: • <i>Any landscaping on the site should use locally endemic native species.</i> • <i>Vegetation waste should be removed from the site or mulched and reused where required.</i> • <i>Appropriate sediment and erosion controls should be established to prevent sediment laden run-off to the north.</i> These mitigation measures have been incorporated into the recommended conditions of consent. The report concludes that based upon the Assessments of Significance and with the adoption of the recommended amelioration measures, the proposed development is unlikely to result in a significant impact on any threatened species, population or ecological community and a Species Impact Statement is not required. Having regard for the above, no issues are raised with respect to potential impacts on flora and fauna on or near the subject site.
xiv) Waste	A Waste Management Plan prepared by Tim Fitzroy and Associates (dated 9 August 2017) was submitted with the Development Application. The plan indicates that the assessment has been undertaken to address the waste management issues identified within the SEARs (including requirements from the NSW Environment Protection Authority) and the requirements of the Ballina DCP 2012 with respect to the preparation of a Site Waste Minimisation and Management Plan. Construction waste The following measures have been identified with respect to waste management during construction: • The use and supply of predominantly pre-fabricated components;

	• Undertaking detailed estimates for other materials will be incorporated into a purchasing policy to minimise purchase of excess quantities; • Potential reuse/recycling opportunities of excess construction materials will be identified and pursued; • Contractors should be made aware of the legal requirements for disposing of waste and employ appropriate transport, processing and disposal of waste and recycling. All waste exported off site will be transported to a place that can lawfully be used as a waste facility. All records demonstrating lawful disposal of waste will be retained on site accessible for inspection by regulatory authorities such as Council, EPA or WorkCover NSW; • Separate collection bins or areas for the storage of residual waste will be utilised with clear 'signposting' of the purpose and content of the bins and storage areas; • A site construction plan, and an earthworks planning and erosion and sediment control plan should be prepared and should nominate storage areas of materials for use, recycling and disposal; • The earthworks planning and erosion and sediment control plan will minimise site disturbance and limit unnecessary excavation. • Reuse excess material on-site wherever possible. If not reused, recycle as follows: ○ Metals—in scrap metal bin to be removed by contractor for recycling, as required ○ Paper and cardboard, glass, recyclable plastic – place in industrial recycling bulk bin to be removed by contractor for recycling, as required • Non-recyclable material is to be disposed in industrial bulk bin to be removed by contractor, as required. These measures have been deemed satisfactory by Council's Environmental Health Section and are to be required by way of the recommended conditions. Operational waste
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	During operation of the premises, waste from demolition and construction sites will be screened in accordance with the Waste Control Plan. Staff will be trained in the identification of cladding products including gyprock, plasterboard, fibrocement, composite and timber. Specific Asbestos Awareness Training will be provided to staff to improve identification, segregation and handling of asbestos containing material (ACM). Following collection of construction and demolition waste from remote sites by Ben's Bobcats vehicles or contractors, the waste is transported to the subject site for sorting, crushing (where appropriate), temporary storage and offsite transport for reuse, recycling or disposal. The Waste Management Plan indicates that separate control plans are in place for the following: • Quality Control; • Litter Control; • Staff and Training; • Incidents, Records and Reporting; • Waste Acceptance; • Recycling; and • Dust Management. These control plans are described in detail within the overall Waste Management Plan and will be implemented during operation. Council's Environmental Health section has carried out an assessment of the application and commented that testing in accordance with the Recovered Aggregate Order and Exemption will be recorded. Additionally, the operation of the facility will be required to comply with the 'Standards for Managing Construction Waste in NSW' (State of New South Wales and the NSW Environment Protection Authority 2019). This requirement is to be required by way of conditions of consent. The General Terms of Approval issued provided by the NSW EPA also specify conditions that are required in relation to operational waste management.
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	In summary, the submitted Waste Management Plan identifies the likely waste streams to be generated during construction and operation, and concludes that the potential environmental impact is low, subject to the implementation of the proposed management measures, and the development and implementation of discussed control plans. Subject to compliance with the recommended conditions of consent, no issues are raised with respect to the proposed waste management on the subject site.
xv) Energy	Within the SEARs, the NSW Environment Protection Authority (EPA) required consideration of the environmental consequences of adopting alternative energy sources. This matter has not been specifically addressed in the submitted Environmental Impact Statement, however General Terms of Approval have been issued by NSW EPA confirming the proposal is acceptable having regard for energy considerations.
Hazards	
xvi) Noise and Vibration	<u>Noise</u> A revised Environmental Noise Impact Assessment was prepared by CRG Acoustics as part of the most recent amendment to the application. It is acknowledged that CRG provided an assessment of the existing resource recovery facility on the site as part of DA 2012/88, with subsequent reports prepared dated 1 June 2016, 26 October 2017, 8 March 2017 and 26 June 2018. Industrial operations in proximity to the subject site include 'Northern Light' at No. 15-17 Northcott Crescent to the immediate west (beeswax candles), 'Macadamia Oils of Australia' at No. 23-25 Northcott Crescent (Macadamia Processors and Wholesalers) to the immediate east (burnt down but still assessed in its previous layout as it represents a reasonable use/building layout for the lot). In undertaking the revised assessment, the report states that additional noise measurements of the existing operation were conducted, and through modelling, predictions of potential noise emissions were produced. Based upon the predicted impact noise levels, recommendations regarding acoustic treatments and management principles have been specified. It was noted within the report that all residential receivers are located in close proximity to the Bruxner Highway. As such, the recorded noise levels are comprised predominantly of road traffic noise. The nearest existing industrial activities are greater than 150 metres from the nearest receivers and therefore

	existing industrial noise at the receivers is expected to be significantly below road traffic noise. The report states that onsite activity noise emissions have the potential to impact upon surrounding noise sensitive receivers and has been assessed in accordance with the NSW “Noise Policy for Industry” to ensure an acceptable noise amenity of 62 dB(A) can be achieved. For the surrounding industrial operations to the east, west and south, the recommended amenity noise level of 70dB(A) in accordance with the current NSW “Noise Policy for Industry” has been adopted. The report concluded that the site is suitable for the proposed operations, subject to the following recommended acoustic treatments: • The facility hours of operation are to be limited to the following: ○ Vehicles will operate from the site 6am to 6pm Monday to Friday and 6am to 1pm Saturday. ○ Sorting, pulverising, crushing and screening will be limited to 7am to 6pm Monday to Friday, with not more than 5 hours of crushing on any given day. • Compression of waste material through impactive means (i.e. by excavator bucket actively impacting materials into skip bins) is not to be undertaken. Waste material can be compressed if the excavator bucket is laid on the materials then pressed down, avoiding impacts. • Trucks and heavy equipment (i.e. loaders) are to be restricted to a posted speed limit of 5km/h. Signage is to be erected onsite at prominent locations (i.e. along western access road/driveway). • Dump trucks are to be switched off when being loaded. • The northern roller door of Shed 3 is to be kept closed at all times. • Sheds 3 and 4 are to be constructed as per the plans and have no gaps or holes between the connections with the roof and walls and with the walls and ground to ensure a minimum noise reduction of 13 dB is achieved along walls which have no openings (i.e. northern and southern walls of Shed 3 and the western and southern walls of Shed 4).
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	• The southern eastern and western walls of the aggregate storage bin shed are to be of solid construction (i.e. tilt-up concrete panels) and be a height of 6 metres. • Onsite drivers/operators (i.e. bobcat, truck, loaders, excavators and crusher/screen) be instructed to operate equipment in a manner that does not generate unnecessary noise, through avoiding excessive revving of motors, and avoidance of impact with solid objects. • No alarm bells or paging systems should be used. Cordless telephones are a suitable substitute. • Permanent onsite vehicles have a modified beeper installed (commonly termed a 'croaker', as they sound similar to a frog croak). • Onsite machinery are to be fitted with exhaust controls that minimise noise pollution in accordance with current legislation and industry best practices. • All engines are to be maintained and tuned to manufacturer's specifications so as to minimise exhaust emissions. • Provide the nearest noise sensitive receiver (refer to Figure 2 in Appendix A) with a contact number should any problem arise. In the event of a noise complaint, the complaint must be dealt with sensitively and respectively, with the noise abated as soon as possible. A complaint register must also be completed and stored (refer to Appendix B for an example of a complaint register). The abovementioned recommendations have been incorporated into the recommended conditions to be imposed on any consent granted. <u>Vibration</u> A Review of Vibration Impacts was prepared by Tim Fitzroy and Associates in response to the SEARs. The report acknowledges that once established, the works at the waste facility will involve a number of activities that potentially could induce slightly elevated vibration levels above the existing environment. In terms of significance, the level of vibration will however remain very minor and expected to be perceptible only with tens of metres at most. At no point will the
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	vibration be capable of causing damage to adjacent buildings or infrastructure. The report advises that the principal vibration inducing activities are semi-continuous and produced by the operation of trucks, tracked excavators, bobcats etc similar to that which would be used around most industrial work areas. The modelling indicated that any impact of the mobile or crusher equipment generated vibration on the integrity of buildings will not occur and compliance with Australian Standards will be comfortably achieved for all building types. It was concluded that the vibration levels outside of the site boundary will also be imperceptible and will not impact on personal amenity of any persons in the area. The modelled results confirm that the vibration produced by the activities associated with the site activities works are considered inconsequential and will have no impact on persons or infrastructure. There is no requirement to undertake further modelling. Having regard for the above, the proposal is considered acceptable with respect to noise and vibration impacts subject to compliance with the recommended conditions of consent.
xvii) Natural Hazards	The subject site is not identified as being bushfire or flood prone. There are no other natural hazards affecting the site that would result in risk to people, property or the biophysical environment.
xviii) Technological Hazards	<u>Hazardous and offensive development</u> With respect to hazardous and offensive development, an assessment against the provisions of SEPP 33 was provided by the applicant (Attachment 10 of the EIS). In summary, the assessment advises that the hazardous materials associated with the development did not trigger the screening threshold for quantities of materials nor transportation movements and therefore the development is not considered potentially hazardous. As such, SEPP 33 does not apply to the proposed development. It is noted a public submission was received with respect to the proposal's characterisation under SEPP 33. Refer to SEPP 33 of this report for further discussion. <u>Contamination</u>

		No issues have been raised with respect to the contamination of land on the subject site. Refer to assessment under SEPP 55 section of this report for discussion.
xix)	Safety, Security and Crime Prevention (CPTED)	The applicant has commented that the proposed expansion of the resource recovery facility will be located on a portion of the site which is well removed from the public street system. The design of the facility is such that the premises is clearly 'private' land which will deter unauthorised access to the property. As such, 'opportunistic' access to the premises by unauthorised persons is unlikely. Furthermore, the premises will be secured afterhours via security fencing, and movement sensitive lighting and alarms. This matter is discussed within Section 3.15 of the Chapter 2 DCP assessment within this report.
Social and Economic Impacts		
xx)	Social Impacts in the Locality	The proposal is not considered to result in significant adverse social impacts in the locality, subject to compliance with the recommended conditions of consent and Environmental Protection Licence (EPL), should consent be granted. The additional mitigation measures proposed (particularly with respect to noise and air quality impacts) will ensure impacts on the health and safety of the community are minimised. It is noted that there has been significant public interest and objection to the proposed expansion, particularly with respect to noise and air quality impacts and the management of potentially hazardous materials entering the site. A number of submissions were also received in support of the proposed development. All submissions received have been considered and the issues raised have been addressed within Section 4.15(1)(d) of this report. The proposal is likely to have some impacts on nearby industrial properties being in close proximity to the subject site. The anticipated impacts have been addressed and are to be managed by way of conditions.
xxi)	Economic Impact in the Locality	The proposal will create employment in the local area during the construction period and the expansion of the existing operations will create additional income for the proponent. Submissions received from surrounding businesses made reference to economic losses from existing site operations. These issues primarily related to noise and dust/air quality issues. It has been assessed that the anticipated impacts of the expanded proposal can be suitably addressed and are to be managed by way of conditions.

Cumulative Impacts	
xxii) Cumulative Impacts	The proposed expansion of the existing Resource Recovery Facility on the subject site is not considered to have any unacceptable negative cumulative impacts on the surrounding locality by way of noise, air quality or hazardous materials, subject to adherence with the recommended conditions of consent. The proposed development will allow for the increased processing (and potential reuse) of construction waste in the Ballina Shire area.

Table 11: Section 4.15(1)(b) assessment of the likely impacts of the development

Section 4.15(1)(c) – The suitability of the site for the development

The subject site contains an existing Resource Recovery Facility, which is to be expanded as part of the subject application. As such, the location of this land use has been previously considered suitable within the IN1 General Industrial zone.

The amended Engineering Services Report indicates that utilities and services available to the site are considered adequate for the development.

The design, bulk and scale of the development is acceptable having regard for the proposed activities, characteristics of the site and the amenity of surrounding development.

It is noted that there has been significant public interest and objection to the proposed expansion, particularly with respect to noise and air quality impacts in the locality. The proposal is likely to have some impacts on nearby industrial properties being in close proximity to the subject site. Notwithstanding this, it has been assessed that the anticipated impacts can be suitably addressed and are to be managed by way of the recommended conditions, should consent be granted.

With respect to traffic and vehicular access, Council's Civil Services Division has commented that roads within the haul route have been designed to cater for industrial and commercial vehicles. As such, the existing road network is constructed to a suitable standard to support the proposed development. The primary haulage route will not enter residential land or school zones prior to entering the greater regional road network. Given that the haul route is only through industrial zoned land, noise, dust, public transport, school zone and residential impacts are considered to be minimal.

Having regard for the above, the resulting increase in traffic, noise and dust generation anticipated have been assessed and can be suitably managed by way of the recommended conditions of consent and a future Environmental Protection Licence (EPL) issued for the proposal.

Section 4.15(1)(d) Any submission made in accordance with this Act or the Regulations?

The application (and subsequent amendments) was placed on public exhibition between the following dates:

- 22 November 2017 – 22 December 2017
- 11 April 2018 – 14 May 2018
- 18 July 2018 – 20 August 2018
- 13 February 2019 – 18 March 2019

The public exhibition of all amendments to the Development Application was carried out in accordance with the requirements of Schedule 1 (and former provisions of Section 79) of the *Environmental Planning and Assessment Act 1979*.

Council received a total of 63 submissions during the notification periods (**Attachment 3**). These submissions were received from 42 individuals, some of which provided multiple submissions. The relevant issues raised have been summarised and addressed below (Table 12).

Submission issue raised	Response
Compliance matters	
Concerns have been raised regarding Council's lack of enforcement of the existing operations on the subject site.	Comment: Compliance matters are required to be addressed separately from the development assessment process. However, with respect to compliance action carried out to date, Council has continued to undertake regular inspections of the North Coast Recycling Facility and soil and dust sampling and analysis. Council's records indicate that an initial complaint regarding the operation of the North Coast Recycling Facility was received from an adjoining business owner in February 2014. Council subsequently undertook several site inspections associated with the construction of the facility and compliance investigations. Council's compliance investigations intensified in 2017. This included a joint site inspection involving a Council Compliance Officer and two staff from the Environment Protection Authority in May 2017. Subsequently, the subject Development Application was lodged with Council on 31 October 2017. Council also received

	further complaint from the above mentioned adjoining business owner, with these complaints becoming more frequent in February 2018. Following investigation of the February 2018 complaints, Council issued a preventative action notice to Bencat Pty Ltd under the Protection of the Environment Operations Act on 23 February 2018. Based on Council's subsequent inspections of the site and investigations, North Coast Recycling adjusted its operations in response to the preventative action notice and associated Council contact. Further, Council has undertaken regular inspections of the North Coast Recycling site, including unannounced inspections. This has included attendance by both Compliance and Environmental Health officers. Since February 2018, Council officers have undertaken site visits for the purpose of compliance inspections and inspections relating to the potential for the presence of contaminants on at least 40 occasions. This has recognised the serious nature of the concerns raised with Council. Council's attendance at the site has included inspections specifically for the purpose of looking for potential asbestos containing material on the site. Council has also engaged the Environmental Analysis Laboratory EAL (Southern Cross University) to undertake sampling, analysis of samples and reporting in relation to potential contaminants at the subject site. The sampling undertaken included soil and aggregate samples as well as dust collected from dust traps located on the land. Dust sampling conducted by EAL for Council was undertaken between July and November 2018.
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	The analysis examined the material for the presence of a variety of heavy metals, pesticides (including organochlorines), hydrocarbons and asbestos. The sample analysis undertaken did not detect the presence of asbestos or organochlorines, being specific matters of concern raised in complaints and submissions to Council. With respect to dust volume, sampling undertaken by EAL has returned one result in November 2018 and one result in December 2018 indicating slightly elevated levels of suspended solids (dust). In response, Council undertook inspections of the North Coast Recycling premises and has been in liaison with the operator with respect to the address of dust generation and dust suppression. Having regard for the above, Council has taken appropriate compliance action with respect to the existing activities on the site.
Within the submissions received, a number of issues have been raised with respect to the current activities occurring on site and their compliance with the existing approval via DA 2012/88. Broadly, these matters relate to offensive noise, alleged acceptance of waste from unapproved sources and air quality impacts. Concerns have also been raised with respect to the proponent's ability to comply with any future development approval issued for an expansion of existing activities.	Comment: As mentioned above, Council has taken appropriate compliance action with respect to the existing activities on the subject site. With respect to the proponent's ability to comply with any future consent, it should be noted that this is not a matter for consideration under the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) or <i>Environmental Planning and Assessment Regulation 2000</i>. The consent authority is required to determine the application based on the merits of the proposal.
Concerns were raised as to who is responsible for dust monitoring on the site.	Comment: Council received a number of complaints during 2018 that alleged that dust and in particular hazardous asbestos were being generated by activities associated with the operation of the waste/resource management facility on the subject premises.

	A number of detailed site inspections of the subject premises and interviews were conducted by Council Officers that did not substantiate the claims. Despite the site investigations finding no evidence to support the concerns, complaints continued to be received by Council alleging a significant risk to public health was occurring. To further establish the facts of the dust risk from the subject premises, Council engaged Environmental Analysis Laboratory (a NATA accredited independent laboratory located at Southern Cross University, Lismore) to install three dust monitoring units on the waste/resource management facility in July 2018. Beginning in July 2018 Environmental Analysis Laboratory (EAL) installed and have maintained three dust monitoring units on the subject premises. Monthly analysis of the dust collected from the air ($\text{mg}/\text{m}^2/\text{month}$), and in particular analysis for asbestos fibres has been completed for all of the three units. EAL analysis results have been reviewed by Council's Environmental Health Officer and no abnormal results for total dust ($\text{mg}/\text{m}^2/\text{month}$) or detection of asbestos fibres have been identified from the three dust monitoring points. Maintenance of the three dust monitoring points and monthly analysis by EAL is continuing at the subject premises. With respect to the monitoring of dust during operation, condition is recommended to be imposed on the consent requiring three dust deposition gauges to be installed to measure the effectiveness of dust suppression on site. If dust deposition exceeds $4\text{g}/\text{m}^2/\text{month}$, then additional dust suppression activities shall be undertaken. This requirement can be modified/removed with the written approval of the appropriate regulatory authority.
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	Operation of dust deposition gauges and monitoring is required to be carried out in accordance with Australian Standard 3580.10. 01 (2003) Particulates – Deposited Matter – Gravimetric Method and approved method AM-19 referred to in <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i>, December 2007. The responsible person must certify to the Principal Certifying Authority (PCA) that the monitoring has been undertaken in accordance with these standards. Having regard for the above, dust monitoring is currently being carried out on the subject site and will continue should consent be granted to the development proposed.
Impacts on natural environment	
Concerns were raised regarding the proposal's impact on the Maguires Creek water catchment area.	Comment: Impact on nearby watercourses and environmentally sensitive areas has been a key issue raised in the SEARs issued for the proposed development. Stormwater measures have been designed to prevent material from leaving the site and entering nearby waterways. This matter has been discussed within Chapter 2, Section 3.9 of the Ballina DCP 2012 section of this report.
Management of waste materials	
A number of submissions received raised the issue of human error in sorting waste received at the site, particularly materials potentially containing asbestos. It was commented that potentially hazardous materials could be inadvertently mixed with discarded building materials. One submission also commented on the difficulty in inspecting deep skip bins.	Comment: The Air Quality Assessment (AQA) report prepared by Tim Fitzroy & Associates dated 20 December 2018 has indicated that specific asbestos/hazardous substance awareness training will be provided to staff to improve identification, segregation and handling of hazardous materials. The source of hazardous substances will be identified and the relevant entity responsible for the hazardous substances will be required to collect the substances. The waste management approach to be adopted as part of the expanded operations has been reviewed by Council's technical staff and the NSW Environment Protection

	Authority (EPA). Subject to compliance with the recommended conditions of consent and the requirements of any future Environment Protection Licence (EPL), it is considered the proposed activities will not result in unacceptable environmental impacts.
Objectors have commented that there is insufficient floor area to accommodate the proposed waste volumes and activities.	Comment: The volume of waste processed on the site is to be managed by way of the recommended conditions of consent and the requirements of a future Environment Protection Licence (EPL).
Concerns have been raised by the public with respect to the destination of material crushed on the site.	Comment: A condition is recommended requiring that prior to the sale and/or reuse of processed construction and demolition waste, testing shall be undertaken in accordance with the requirements of the relevant resource recovery order. Materials that do not comply with the resource recovery order shall either be disposed of at a place that can lawfully receive it or be the subject of a specific resource recovery exemption/order.
Inadequacy and/or inconsistency of documentation submitted	
One objector sought an independent review of the submitted Environmental Noise Impact Assessments prepared by CRG Acoustics. A review of Noise Impact Assessments (prepared by Ambience Audio Services, dated 7 August 2018) was provided as part of a submission to a previous amendment to the application (amendment dated 3 July 2018). The review concluded that the noise impact assessments prepared as part of the proposed expansion do not adequately assess the noise impact at residential receiver locations and adjoining industrial premises. It was commented that the rating background noise levels are not representative of all receiver locations. No correction factors for noise characteristics have been included. Project amenity levels are exceeded at adjoining industrial and recreational premises.	Comment: The Environmental Noise Impact Assessments prepared by CRG Acoustics as part of the proposal (including the most recent assessment dated 20 December 2018) have been reviewed by Council's technical staff and referred to the NSW Environment Protection Authority (EPA). NSW EPA issued General Terms of Approval on 17 April 2019 (amended on 5 November 2019). The issue of General Terms of Approval indicates that the noise issues raised can be suitably addressed subject to the recommended conditions of consent and requirements of a future EPL. In this regard, the methodology and results contained within the documentation submitted is considered appropriate having regard for legislative requirements and the matters raised in the SEARs.

It was also commented that it is unclear if calculations for the internal noise levels in the sheds have been evaluated appropriately.

It was also commented that the recommendation in the CRG Acoustics report to provide a hot line number for complaints should include all receiver locations and not just the closest residential receiver.

A further review (also prepared by Ambience Audio Services, dated 16 March 2019) was provided in response to the most recent amendment to the application (i.e. December 2018).

This review concluded that there will be excessive noise impacts and offensive noise at both nearby residential and industrial receivers. It was commented that many of the concerns of the previous review (prepared by Ambience Audio Services dated 7 August 2018) have not been addressed in the most recent version (i.e. Version 8) of the report by CRG Acoustics (dated 20 December 2018).

The review stated that in summary, the main reasons for the excessive and offensive noise are:

- Residential intrusive noise levels are too high as the background noise logger was not located in a representative location for all receivers.
- Residential amenity level is too high – based on incorrect background noise levels.
- Industrial amenity noise level too high – Total amenity used instead of the Project amenity noise level.
- Impulsive noise characteristics for all operations are not included.
- Tonality for reversing beepers not included.
- The predicted residential noise levels are at residential dwellings instead of the most affected point from 30m from the dwelling within the property boundary.

The review also stated that there are several other points that need to be clarified so that a proper evaluation of the noise impacts at both residential and industrial receivers can be assessed:

- Sound power levels for all equipment and operations to be provided in 1/3 octave band data for assessment of tonality – particularly reversing beepers.
- All noise characteristics for all operation and the appropriate modifying factor needs to be detailed in the report.
- Has the reflections from vertical surfaces been induced in predicted noise levels at receiver locations?
- The calculated noise levels from trucks was based on a walking pace of 5km/h. Is this practical? How will this be enforced?

An independent peer review was also prepared by Air Noise Environment Pty Ltd dated 20 August 2018.

This review concluded that the proponent has not satisfactorily demonstrated that the proposed expansion of the existing site can operate with the appropriate noise criteria.

It was commented that the noise assessment has not adopted the appropriate criteria, and based on the predicted noise levels from the proposed operations, non-compliance is expected to occur at the nearest residential premises. Additional modelling and assessment is considered necessary to address a number of issues identified in this review, and to allow specification of appropriate mitigation measures for the proposal.

It was commented that the currently proposed mitigation measures are considered to be limited in scope, and are not clearly documented in a manner that can be included in conditions of approval, or in a site based

management plan that can be adopted by the operator.	
Concerns were raised that the application indicated the mobile crusher is “about the size of a bobcat” which is inconsistent with the photos provided within the Environmental Noise Impact Assessment report.	Comment: The applicant has provided sufficient detail with respect to the plant/equipment to be used on site. The technical reports submitted were modelled on the equipment specified and are considered adequate in their assessment of the proposed impacts. It is not considered this inconsistency alters the overall conclusions of the assessment.
Objectors commented on the lack of detail with respect to the level expansion proposed (i.e. how much of a ‘step-up’)	Comment: DA 2012/88 makes no reference to a maximum processing volume. However, Clause 34 of Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> states that the recovery of general waste is declared to be a “scheduled activity” if it includes having more than 1,000 tonnes of waste on site at any one time, or involves processing of more than 6,000 tonnes of waste per year. DA 2012/88 was granted on the basis that the operation was not a “scheduled activity”. The current application seeks approval to process up to 30,000 tonnes of construction waste annually, which represents a 24,000 tonne increase over the existing operations. Accordingly, the facility will require an Environment Protection Licence (EPL) to be issued by NSW EPA. The applicant has pursued the relevant approval pathway for such an expansion as a designated development with the preparation of an EIS and has been assessed accordingly.
One objector commented that a desktop analysis of the proposed development is not sufficient to assess and determine the application.	Comment: Council staff have undertaken a number of inspections of the site as part of the assessment of the application and ongoing compliance matters. The technical assessment reports submitted to support the application (particularly as they relate to air quality and noise impacts) are also the product of recording/monitoring of existing site conditions.

	In this regard, the assessment of DA 2017/600 has not simply been undertaken as a desktop analysis. Being a 'designated development', the application assessment has been extensive.
Notification of Development Application	
It was commented that the application should have been advertised more broadly.	Comment: The application (and all subsequent amendments) were placed on public exhibition in accordance with the minimum public exhibition requirements of Schedule 1 of the <i>Environmental Planning and Assessment Act 1979</i> .
It was commented that the Development Application (as originally submitted) was placed on public exhibition at busiest time of the year (i.e. December). If more time had been allowed for submissions, there would have been a lot more objections.	Comment: It is acknowledged that the application as originally submitted was advertised from 22 November 2017 to 22 December 2017 (just prior to the holiday period), however, the public exhibition process occurred in accordance with the relevant legislative requirements. The legislation does not require additional time during the Christmas holiday period. It is noted that the advertising of the subsequent amendments did not occur during this period and as such it is considered there has been sufficient opportunity for the general public to comment on the proposed development.
Vibration	
One objector indicated that no vibration report had been submitted as part of the proposed development.	Comment: A Vibration Assessment prepared by Tim Fitzroy & Associates/Heilig & Partners Pty Ltd was provided with the original Environmental Impact Statement (Attachment 8 of the EIS). This report has been reviewed and deemed satisfactory by Council's technical staff and NSW EPA. It is considered potential vibration matters can be suitably managed on the site as part of the proposed development. In this regard, it is considered this concern has been appropriately addressed in the lodgement documentation.

Land use definition and permissibility	
Legal advice sought by one of the objectors considers that the development is properly characterised as “offensive industry” which is a prohibited land use within the IN1 zone under BLEP 2012. In this regard, it was considered that Council would be unable to grant consent to the application.	Comment: This matter has been addressed previously within this report in addressing the requirements of <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i>.
Comments were made that the proposal is more akin to a “crushing quarry”.	Comment: Quarry activities are most appropriately categorised as an ‘extractive industry’, defined within the BLEP as follows: <i>extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.</i> The proposed development is best defined as a ‘resource recovery facility’, defined within the BLEP 2012 as follows: <i>resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.</i> This land use falls under the parent definition of a waste or resource management facility. The applicable land use has been considered by the NSW Department of Planning and Environment in the preparation of the SEARs and it is not considered the proposed activities comprise an ‘extractive industry’.

Hazardous materials	
Specific concerns have been raised with respect to the handling and management of asbestos on the subject site. One submitter commented that asbestos particles have been found in the drains directly to the north of the subject site. Another noted that as soon as a skip is dropped, asbestos particles would become airborne immediately. Another submission commented that it is difficult to believe that the business operators are yet to record a finding, given other businesses in the locality had recorded such findings on their own properties.	Comment: Council received a number of complaints during 2018 that alleged that dust and in particular hazardous asbestos were being generated by activities associated with the operation of the waste/resource management facility on the subject premises. A number of detailed site inspections of the subject premises and interviews were conducted by Council Officers that did not substantiate the claims. Despite the site investigations finding no evidence to support the concerns, complaints continued to be received by Council alleging a significant risk to public health was occurring. To further establish the facts of the dust risk from the subject premises, Council engaged Environmental Analysis Laboratory (a NATA accredited independent laboratory located at Southern Cross University, Lismore) to install three dust monitoring units on the waste/resource management facility in July 2018. Beginning in July 2018 Environmental Analysis Laboratory (EAL) installed and have maintained three dust monitoring units on the subject premises. Monthly analysis of the dust collected from the air (mg/m²/month), and in particular analysis for asbestos fibres has been completed for all of the three units. EAL analysis results have been reviewed by Council's Environmental Health Officer and no abnormal results for total dust (mg/m²/month) or detection of asbestos fibres have been identified from the three dust monitoring points. Maintenance of the three dust monitoring points and monthly analysis by EAL is continuing at the subject premises. With respect to the management of waste during operation of the premises, waste from demolition and construction sites will

	be screened in accordance with the Waste Control Plan. Staff will be trained in the identification of cladding products including gyprock, plasterboard, fibrocement, composite and timber. Specific Asbestos Awareness Training will be provided to staff to improve identification, segregation and handling of asbestos containing material (ACM). Following collection of construction and demolition waste from remote sites by Ben's Bobcats vehicles or contractors, the waste is transported to the subject site for sorting, crushing (where appropriate), temporary storage and offsite transport for reuse, recycling or disposal. The Waste Management Plan indicates that separate control plans are in place for the following: ○ Quality Control; ○ Waste Acceptance; ○ Recycling; ○ Dust Control; ○ Staff and Training; and ○ Incidents, Records and Reporting. These control plans are described in detail within the overall Waste Management Plan and will be implemented during operation.
Within their submission, one objector commented that <i>"the full testing and public release of such testing should be completed by the EPA and independent Scientific Authorities, with no business or financial associations with Council employees or the proprietor of the business"</i>.	Comment: The specific testing that should be carried out is not clearly stated within the submission. Based on the other concerns raised in the submission, it is considered this statement relates to potential air quality/noise impacts on the surrounding locality. The subject application (and all subsequent amendments) has been referred to NSW Environment Protection Authority (EPA) as Designated and Integrated Development pursuant to the EP&A Act.
Contamination	
Following concerns that the existing facility is potentially contaminating nearby properties,	Comment: Council notes that the Ecoteam report only identified asbestos containing

one objector engaged an independent consultant (Ecoteam) to prepare an Environmental Site Assessment. The objectives of this investigations were as follows: • To determine and document whether soil contamination is likely to have occurred from past and present land usage; • Assess the risk to human health; and • Determine the need for further investigations. The following conclusions/recommendations were provided: • Further soil testing is suggested in locations of Samples 003 & 006 to confirm the presence or absence of potential F3 hydrocarbon contamination. • The main health risk to sensitive receptors at surrounding commercial and residential premises (including 15-17 Northcott Crescent and 8 Toona Lane) is exposure to airborne asbestos fibres (dust), particularly Crocidolite (blue asbestos) as these fibres present the highest risk of lung damage. • We recommend air monitoring for asbestos fibres be undertaken immediately on subject property boundaries (including both 15-17 Northcott Crescent and 8 Toona Lane) and, also those adjacent to the concrete crushing facility, to ensure that staff, residents and visitors are not exposed to adverse health risks. Property owners have duty of care to ensure workers, tenants and visitors are safe from potential asbestos exposure. • We also recommend a detailed site investigation (DSI) be conducted along the boundary of 8 Toona Lane and 19-21 Northcott Crescent to determine the depth and extent of asbestos contamination in the soil on 8 Toona	materials (ACM) on limited and very specific parts of the neighbouring Toona Lane property. After discussing the report with the author, the Ecoteam report also failed to establish a definitive link between the ACM samples found on the Toona Lane property and any specific source of ACM. Notwithstanding this, Council has considered this information and without any specific assistance from Ecoteam, Council conducted further investigations to establish if a risk to human health could be confirmed for the residents of 8 Toona Lane. Based on the investigation undertaken by Council (including inspection of the 8 Toona Lane property) and the information presently available, Council is of the view that the risk is at worst very low. This advice has been provided to the property owner. Council is particularly mindful that past landuse across NSW has left a legacy of buried waste materials on undeveloped land. This may be the case for the Toona Lane property. Council has not been able to establish that 19-21 Northcott Crescent was a source of the ACM found on 8 Toona Lane by the Ecoteam study. Council has also been unable to establish the presence of any further ACM at 8 Toona Lane or 19-21 Northcott Crescent. Council has investigated the 19-21 Northcott Crescent site and has not found evidence of other hazardous materials at the subject premises. Council's investigations have included a series of detailed site inspections and sampling for potential contaminants (see further information below). Council has reviewed records of recovered aggregate monitoring kept by North Coast Recycling as required under the EPA "Resource Recovery Order for recovered
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Lane. Asbestos in soil can become mobilised and ingested or inhaled by sensitive receptors. • It may be appropriate to undertake site survey (with appropriate WHS and Personal Protective Equipment (PPE)) to identify the accurate location of the property boundaries beforehand. • Following the DSI, we further recommend the erection of a fence between the properties 8 Toona Lane and 19-21 Northcott Crescent to ensure residential tenants (including children) are not able to access the concrete crushing facility. We also recommend dust suppression during concrete crushing activities and more appropriate management of stormwater runoff from hardstand areas on 19-21 Northcott Crescent to prevent further contamination migrating downslope onto 8 Toona Lane.	aggregate 2014". The records of the analysis of recovered aggregate materials from the subject premises were satisfactory. Council does note that asbestos and aromatic hydrocarbons such as organochlorines are not identified by the EPA Resource Recovery Order as requiring monitoring for the sale of recovered aggregate product. As such, these potential contaminants were not tested for in the aggregate analysis undertaken by North Coast Recycling that has been viewed by Council. The requirements of the resource recovery order is a considered position of the State Environment Protection Authority which has oversight over a wide range of industrial activities and considerable technical support behind environmental protection and public safety policy matters. Ballina Shire Council has appropriately qualified and trained staff to make assessments and determine proper actions that might be needed to respond to any land contamination matter. Council has investigated the issues raised and applied recognised contaminated land investigation protocols and methods in reviewing the Environmental Site Assessment submitted. <u>Council sampling undertaken</u> Council engaged the Environmental Analysis Laboratory EAL (Southern Cross University) to undertake sampling, analysis of samples and reporting in relation to potential contaminants at 19-21 Northcott Crescent. EAL is a NATA accredited and experienced in contaminated land investigations. The sampling undertaken included soil and aggregate samples as well as dust collected from dust traps located on the
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	land. The analysis examined the material collected for the presence of a variety of heavy metals, pesticides (including organochlorines), hydrocarbons and asbestos. The sample analysis undertaken did not detect the presence of asbestos or organochlorines. Further, none of the other results returned outcomes of concern with respect to the standards applicable for industrial land.
Air quality and dust impacts	
Concerns were raised regarding dust impacts as a result of trucks and skip bins not being suitably covered. Concerns were also raised regarding dust on roads.	Comment: A condition is recommended to be imposed on the consent requiring dust to be managed using water suppression, re-establishment of vegetation cover, stockpile management, covering loads, preventing spoil tracking onto roads and halting works on site in extreme wind events. This condition also makes reference to the NSW EPA 'No Dust No Fuss: Guidelines for controlling dust from construction sites'. A condition is also recommended to be imposed requiring the body of any vehicle or trailer used to transport waste or excavation spoil to be covered before leaving the premises to prevent any spillage or escape of any dust, waste or spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site is to be removed before leaving the premises. A condition is also recommended requiring the preparation of a dust management plan to be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of any Occupation Certificate. The management plan is required to identify all potential dust generating activities (loading, unloading, crushing, vehicle movements etc) and specify mitigation measures to minimise dust emissions, monitoring requirements and complaint handling procedures.

	It is considered the proposed impacts can be suitably managed by way of the recommended conditions of consent (and future EPL issued).															
One objector sought an independent review of submitted Air Quality Assessment (AQA) report prepared by Tim Fitzroy & Associates. The review, prepared by Ambience Audio Services dated 20 August 2018, considers that the proponent has not satisfactorily demonstrated that the proposed expansion of the existing site can operate in accordance with the appropriate air quality criteria. In particular, the air quality assessment has not considered the risk of hazardous emissions, despite evidence to indicate that the current operations are resulting in asbestos emissions affecting neighbouring land holdings. The currently proposed mitigation measures are considered to be limited in scope, and are not clearly documented in a manner that can be included in conditions of approval, or in a site based management plan that can be adopted by the operator.	Comment: The Air Quality Assessment (AQA) reports prepared by Tim Fitzroy & Associates as part of the proposal (including the most recent assessment dated 20 December 2018) have been reviewed by Council's technical staff and referred to the NSW Environment Protection Authority (EPA). NSW EPA issued General Terms of Approval on 17 April 2019 (amended on 5 November 2019). The issue of General Terms of Approval indicates that the air quality issues raised can be suitably addressed subject to the recommended conditions of consent and requirements of a future EPL. In this regard, the methodology and results contained within the documentation submitted is considered appropriate having regard for legislative requirements and the matters raised in the SEARs.															
Objectors raised concerns regarding what is considered a safe amount of airborne dust.	Comment: The air quality goals from which the assessment has been carried out is based on criteria from the NSW Office of Environment and Heritage (OEH). The air quality criteria is provided below: <table><tr><th>Pollutant</th><th>Averaging Time</th><th>Criteria¹</th></tr><tr><td>TSP</td><td>Annual</td><td>90µg/m³</td></tr><tr><td>PM₁₀</td><td>Maximum 24 hours Annual</td><td>50µg/m³ 30µg/m³</td></tr><tr><td>PM_{2.5}</td><td>Maximum 24 hours Annual</td><td>25µg/m³ 8µg/m³</td></tr><tr><td>Dust deposition</td><td>Annual</td><td>Maximum incremental increase of 2g/m²/month over background levels Maximum cumulative level of 4g/m²/month (project and background)</td></tr></table>	Pollutant	Averaging Time	Criteria ¹	TSP	Annual	90µg/m ³	PM ₁₀	Maximum 24 hours Annual	50µg/m ³ 30µg/m ³	PM _{2.5}	Maximum 24 hours Annual	25µg/m ³ 8µg/m ³	Dust deposition	Annual	Maximum incremental increase of 2g/m ² /month over background levels Maximum cumulative level of 4g/m ² /month (project and background)
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	Note: 1. The impacts of the project pollutants must be combined with existing background levels before comparison with the relevant impact assessment criteria. Source: Approved Methods, NSW EPA 2017 The amended Air Quality Assessment (AQA) report prepared by Tim Fitzroy & Associates dated 20 December 2018 has indicated that the applicable OEH criteria will not be exceeded as part of the proposed development.
Submissions received included claims that dust monitors had been deactivated/tampered with.	Comment: Comments on the proponent's compliance with development consent conditions is provided earlier in this section. Council presently has no evidence of tampering with dust monitoring equipment. With respect to the proposed expansion, a condition is recommended to be imposed on the consent requiring three dust deposition gauges to be installed to measure the effectiveness of dust suppression on site. If dust deposition exceeds 4g/m²/month, then additional dust suppression activities are required to be undertaken. This requirement can only be modified/removed with the written approval of the appropriate regulatory authority. A further condition is recommended requiring the operation of dust deposition gauges and monitoring to be carried out in accordance with Australian Standard 3580.10. 01 (2003) Particulates – Deposited Matter – Gravimetric Method and approved method AM-19 referred to in <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i>, December 2007. The responsible person must certify to the Principal Certifying Authority (PCA) that the monitoring has been undertaken in accordance with these standards.
Concerns were raised regarding the crushing of materials in the open (i.e. outside the shed) and resulting impacts on air quality.	Crushing and pulverising have been identified as two separate activities within the proposal.

	The Environmental Noise Impact Assessment report prepared by CRG Acoustics dated 20 December 2018 states that the pulveriser is a hydraulic jaw that slowly crushes larger items ('squeeze action'), and is not impulsive in nature. The Air Quality Assessment (AQA) report prepared by Tim Fitzroy & Associates dated 20 December 2018 indicates that approximately 30% of the concrete, bricks and tiles requiring crushing will also require pulverising. Pulverising of large concrete pieces (into smaller pieces suitable for crushing) will occur on the eastern end of Pad 1A as shown on the development plans. Page 3 of the AQA report has indicated that outdoor <u>pulverising</u> activities will occur not more than 30 minutes per day. With respect to the <u>crushing</u> of materials, Operating Condition O2.6 within the General Terms of Approval (GTA) issued by NSW EPA requires that all crushing of material must be undertaken within Shed 3. The AQA report concludes that the resultant particulate levels from all activities associated with the proposal (including pulverising and crushing of materials) at the nearest sensitive receptor would be significantly less than OEH criteria. It should be noted that the amended Air Quality Assessment (AQA) report states that the changes to the layout as part of the most recent amendment to the application (December 2018) are likely to reduce the emissions from the site due to the removal of the conveyor belt transfer of crushed waste to the storage bins by placing the storage bins immediately adjacent to the crushing area with the crushed material transferred through holes in the common wall between the crushing shed and the storage bins. Refer to comments made within <i>xii) Air and microclimate</i> under Section 4.15(1)(b) of this report.
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	Subject to compliance with the recommended conditions of approval and the requirements of a future Environment Protection Licence (EPL), the proposed activities are considered acceptable having regard for air quality impacts.
The submissions received reference the 'unknown nature' of dust (asbestos, organochlorines etc) and potential health impacts.	The amended Air Quality Assessment (AQA) report states that emissions have not been calculated for hazardous materials such as asbestos and organochlorines on the basis that these substances will be identified via a visual screening process when waste arrives at the site. The applicant has indicated that specific asbestos and hazardous substance awareness training will be provided to staff to improve identification, segregation and handling of hazardous materials. The source of hazardous materials will be identified and the relevant entity responsible for the hazardous substances will be required to collect the substances. Further details are contained in the Waste Management Plan. Council received a number of complaints during 2018 that alleged that dust and in particular hazardous asbestos were being generated by activities associated with the operation of the waste/resource management facility on the subject premises. A number of detailed site inspections of the subject premises and interviews were conducted by Council Officers that did not substantiate the claims. Despite the site investigations finding no evidence to support the concerns, complaints continued to be received by Council alleging a significant risk to public health was occurring. To further establish the facts of the dust risk from the subject premises, Council engaged Environmental Analysis Laboratory (a NATA accredited independent laboratory located at Southern

	Cross University, Lismore) to install three dust monitoring units on the waste/resource management facility in July 2018. Beginning in July 2018 Environmental Analysis Laboratory (EAL) installed and have maintained three dust monitoring units on the subject premises. Monthly analysis of the dust collected from the air ($\text{mg}/\text{m}^2/\text{month}$), and in particular analysis for asbestos fibres has been completed for all of the three units. EAL analysis results have been reviewed by Council's Environmental Health Officer and no abnormal results for total dust ($\text{mg}/\text{m}^2/\text{month}$) or detection of asbestos fibres have been identified from the three dust monitoring points. Maintenance of the three dust monitoring points and monthly analysis by EAL is continuing at the subject premises.
One submission commented that the proposal for dust generating activities to occur within the shed and installing a sprinkler system is a simplistic approach to dust management. Inadequacy of two sprinklers to mitigate dust was also a concern within other submissions. It was recommended a minimum moisture content be prescribed for continuous operation that will eliminate dust as an on-going operating procedure. Conditions of consent should require facilities to wet-down loads before tipping for effective dust compression, and should specifically preclude any outside dumping of loads. Another objector commented that sieving activities are most effective with dry materials and questioned how dust mitigation would be managed.	Comment: The applicant has indicated that roof sprinklers within Shed 3, Shed 4 and the Aggregate Storage Area are to be used when dust is visible. The use of water is a key element of dust suppression, and has been supported by the NSW Environment Protection Authority in issuing their General Terms of Approval (GTAs). A condition is recommended to be imposed requiring three dust deposition gauges to be installed and monitored during operation to measure the effectiveness of dust suppression on site. If dust deposition exceeds $4\text{g}/\text{m}^2/\text{month}$, then additional dust suppression activities shall be undertaken.
Concerns were raised regarding the generation of dust from trucks turning on the 'dirt bed' on the site.	Comment: To reduce dust impacts, the applicant has indicated that all portions of the site which will be regularly trafficked by vehicles will be sealed. This is to be

	required via the recommended conditions of consent. A condition is also recommended requiring the preparation of a dust management plan to be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of any Occupation Certificate. The management plan is required to identify all potential dust generating activities (loading, unloading, crushing, vehicle movements etc) and specify mitigation measures to minimise dust emissions, monitoring requirements and complaint handling procedures.
Concerns were raised with respect to the operation of the site during windy conditions, which could increase dust impacts.	Comment: A condition is recommended to be imposed on the consent requiring construction works to be halted on site in extreme wind events (in accordance with 'No Dust No Fuss: Guidelines for controlling dust from construction sites'.
One objector commented on the lack of air filtering systems.	Comment: It is noted that the majority of dust generating activities are to be carried out within the shed and the provision of suitable dust suppression measures (i.e. sprinklers) have been considered adequate in addressing air quality impacts. This has been confirmed in Council's assessment of the proposal and the issue of General Terms of Approval (GTAs) from NSW EPA. Having regard for the above, an industrial air filtering system has not been proposed as part of the development.
Objectors have raised concerns regarding the potential contamination of food/food grade products as a result of the proposed development.	Comment: The objectives of the IN1 General Industrial Zone include the provision of a wide range of industrial and warehouse land uses, which includes food manufacturing and processing of products. It is acknowledged that such uses are sensitive to dust and contamination. Council's technical staff and NSW EPA have concluded that the potential air quality impacts associated with the proposal can

	be suitably managed during operation. Refer to comments made within <i>xii) Air and microclimate</i> under Section 4.15(1)(b) of this report.
Noise impacts	
One submittor stated that they do not agree with the classification of the Wollongbar area as an Urban Area under Table 2.1 of the <i>Industrial Noise Policy 2000</i> (now replaced by the Noise Policy for Industry 2017). Despite the presence of the Bruxner Highway and associated traffic volumes and noise, the residential area of Wollongbar is more appropriately classified as a Suburban Area, which has more restrictive amenity noise criteria under Table 2.1 of the Industrial Noise Policy (2000).	Comment: Council's Environmental Health Section has commented that while the classifications contained within Noise Policy for Industry can be subjective, the southern area of Wollongbar (i.e. the residential area closest to the subject site) is most appropriately categorised as an Urban Area, given the traffic volumes and resulting noise from the adjacent Bruxner Highway. The most recent NIA (dated 20 December 2018) refers to most the recent Noise Policy for Industry standards. 'Suburban' is defined within Table 2.3 Determining which of the residential receiver categories applies states that <i>Suburban – an area that has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry. This area often has the following characteristics: evening ambient noise levels defined by the natural environment and human activity.</i> <i>Urban – an area with an acoustical environment that:</i> • <i>Is dominated by 'urban hum' or industrial source noise, where urban hum means the aggregate sound of many identifiable, mostly traffic and/or industrial related sound sources</i> • <i>Has through-traffic with characteristically heavy and continuous traffic flows during peak periods</i> • <i>Is near commercial districts or industrial districts</i> • <i>Has any combination of the above</i>

	Having regard for the above, the proposed development has been assessed in accordance with the requirements of the Noise Policy for Industry 2017.
In commenting on subsequent amendments to the application, one objector commented that <i>“no obvious amendments to noise have been made, other than updated modelling due to repositioning of on-site activity. Noise generating activities are now located closer to other businesses and industrial uses within the estate and remains a key concern”</i> .	Comment: An updated Environmental Noise Impact Assessment prepared by CRG Acoustics (dated 20 December 2018) was submitted with the most recent amendments to the proposal. The amended proposal (including noise report) has been reviewed by Council's technical staff and referred to the NSW Environment Protection Authority (EPA) as Integrated Development.
One objector has requested that to <i>“ensure confidence in the findings and verify the methodology”</i> , a review of the submitted noise assessment by a suitably qualified and experienced acoustic engineer recognised by the Association of Australian Acoustic Consultants, should be undertaken.	Comment: The most recent amendment to the Environmental Noise Impact Assessment has been referred to the NSW Environment Protection Authority (EPA). General Terms of Approval have been issued by NSW EPA in relation to the proposed development (as amended). In this regard, an independent review of the submitted noise assessment is not warranted.
It was commented that the sorted waste (tin, glass, plastic) is presently compressed by a pounding excavator bucket which has been a major source of noise pollution. While the submission acknowledges that these activities will no longer occur, it was commented that no alternative has been provided for the processing of these materials (approximately 40% of the waste delivered).	Comment: The most recent amendment to the Environmental Noise Impact Assessment indicates that compression of waste material through impactive means (i.e. by excavator bucket actively impacting materials into skip bins) is not to be undertaken. Waste material can be compressed if the excavator bucket is laid on the materials then pressed down, avoiding impacts.
A submission was received raising concerns that the proposed shed was to be open on all sides. It was also commented that construction materials should be suitable for acoustic attenuation purposes. Objectors have commented that the proposed sheds must be closed and sealed.	Comment: The following comments are provided in relation to Sheds 3 and 4. <u>Shed 3</u> The stacker from the crushing equipment within Shed 3 will project out of the eastern wall of the shed onto Pad 1A via an existing opening. The existing roller door on the northern elevation is to be kept closed during operations.

	The amended Environmental Noise Impact Assessment prepared by CRG Acoustics (dated 20 December 2018) has recommended that Shed 3 is to be constructed as per NDC Plan 7 (Revision E) (Attachment 1) and have no gaps or holes between the connections with the roof and walls and with the walls and ground to ensure a minimum noise reduction of 13 dB is achieved along walls which have no openings (i.e. the northern and southern walls of Shed 3). <u>Shed 4</u> The applicant has indicated that proposed Shed 4 (to be constructed on existing Pad 2) will be open sided on the northern elevation. A 6 metre wide opening is proposed to the eastern elevation to enable trucks to enter and exit. The southern and eastern elevations will be fully enclosed. The amended Environmental Noise Impact Assessment prepared by CRG Acoustics (dated 20 December 2018) has recommended that Shed 4 is to be constructed as per NDC Plan 6 (Revision F) (Attachment 1) and have no gaps or holes between the connections with the roof and walls and with the walls and ground. This will ensure a minimum noise reduction of 13 dB is achieved along walls which have no openings (i.e. the western and southern walls of Shed 4). Conditions are recommended to be imposed on any consent granted to ensure shed construction (including openings) comply with the NIA report recommendations.
One submission commented that no 'sound wall' has been proposed as part of the noise mitigation measure for the development.	Comment: Sound walls have not been recommended within the noise report as a necessary mitigation measure to achieve the required noise levels. The amended Environmental Noise Impact Assessment prepared by CRG Acoustics (dated 20 December 2018) has recommended a number of mitigation

	measures to ensure the proposed development achieves the required levels. The southern, eastern and western walls of the aggregate storage bin shed are to be of solid construction (i.e. tilt-up concrete panels) and be a height of 6 metres.
Other matters	
Concerns have been raised with respect to Ballina Shire Council's use of the facility.	Comment: This matter has been addressed separately to the assessment of the subject development application. Notwithstanding, the following information is provided with respect to Council's use of the facility. It should be noted that while Council has historically used the facility, this has not occurred since 2018. Council utilised the facility between 1 March 2018 and 8 June 2018. Council's financial records indicate that Council utilised the North Coast Recycling Facility for the disposal of waste at times between 2015 and 2018. During this period, Council specifically ceased use of the North Coast Recycling facility in June 2016 following compliance investigations. Council's use of the facility recommenced in October 2016 after issue of a final occupation certificate for the development. During 2018, staff were issued with further instructions not to utilise the facility having regard for compliance investigations and the issue of a preventative action notice to Bencat Pty Ltd under the Protection of the Environment Operations Act on 23 February 2018. In this regard, the facility is no longer used by Ballina Shire Council.
Objectors have raised concerns regarding the devaluing of properties following the proposed expansion.	Comment: With respect to the devaluing of properties which may be impacted by the site operations, the proposed development (which comprises an expansion of the existing resource recovery facility) is a permissible land use within the IN1 zone. It

	is not considered this issue is relevant to the application as the anticipated amenity impacts are able to be suitably mitigated. The devaluing of residential properties is not a specific planning consideration.
Complaints have been made during the assessment of the application regarding the non-publication of submissions received.	Comment: Council's guidelines surrounding the publication of submissions indicate that Council may determine a submission is not suitable for public viewing. Specifically, submissions that contain comments about other applications or issues rather than the application's merits or contains information not related to the current application (i.e. making reference to unapproved or unresolved compliance issues). Council has reviewed each submission received against the requirements of the procedure for the publication of submissions. Any submissions that did not meet the criteria were not published on Council's DAs Online website. Members of the public who made a submission that was not published by Council were individually notified in writing of the reasons for non-publication. These submitters were also made aware that their submissions would still be considered as part of the assessment of the application, were forwarded to the relevant government agencies and provided to the Northern Regional Planning Panel.
Confusion over who is the regulatory authority (Ballina Shire Council and NSW Environment Protection Authority)	Comment: At present, up to 6,000 tonnes of waste per year may be processed on site pursuant to Clause 34 Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>. The expanded facility (which seeks approval to process up to 30,000 tonnes of construction waste annually) will comprise a "scheduled activity" and require an Environment Protection Licence (EPL) to be issued by the NSW Environment Protection Authority (EPA).

	Until such time an EPL is issued for the subject premises, Ballina Shire Council is the regulatory authority for the existing operations. It is noted NSW EPA has previously inspected the site and provided General Terms of Approval (GTAs) for the proposed expansion. However, NSW EPA only has an advisory role until such time an EPL is issued and the development is commenced.
Traffic and parking	
Objectors to the proposal have commented that vehicles parked on Northcott Crescent result in reduced width and visibility and is a road safety concern. It was also commented that the road network has not been planned for this type of development.	Comment: Traffic and access considerations associated with the proposed development have been assessed by Council's Civil Services Division and Roads and Maritime Services (both in their response to the SEARs and comments received during the assessment of the application). These matters have been previously addressed within the Infrastructure SEPP and DCP sections of this report.
Traffic Impact Assessment (TIA) submitted is simplistic and turning movements are only shown using a basic radius, rather than a full vehicle tracking or swept path diagram. Only a visual sight line analysis provided. It was also commented that the TIA has no accurate figures to predict traffic flows, only assumptions.	Comment: Council's Civil Services Division has carried out an assessment of the proposed development. A preliminary swept path analysis was provided to Council's Civil Service Division on 21 August 2019. A condition is recommended to be imposed on the consent requiring a Vehicle Management Plan to be submitted to and approved by Council prior to issue of the Construction Certificate. The plan is required to be prepared in accordance with AS 2890.2 and include the following minimum requirements: • The maximum size of vehicles servicing the site. • The service vehicle travel path through the site and associated swept path analysis.

	• Restriction on the hours vehicles can service the development. It should be noted that RMS have raised no further issues with respect to the adequacy of the revised Traffic Impact Assessment (TIA) as provided with the most recent amendment to the application.
One submission received commented that all required car parking should be formalised on site.	Comment: Within a Request for Additional Information issued to the applicant on 6 September 2018, Council requested the plans for the proposed development be amended to indicate the proposed location for the parking spaces required under DA 2012/88, in addition to the parking spaces required as part of the subject Development Application. The applicant commented that NDC Plan 5 illustrates the location of parking spaces approved via DA 2012/88.3 as well as those proposed within the current application. The design plans have been adjusted to provide 10 additional car parking spaces which will be fully sealed. A disabled access space was approved as part of DA 2012/88.3. Council's Civil Services Division has reviewed the amended plans and no further issues are raised with respect to car parking. It is considered this matter has been suitably addressed.
Suitability of site	
Close proximity to residential areas	Comment: The proximity of the proposed development to residential areas has been a key consideration in the assessment of the application. The nearest residential area (i.e. Wollongbar village) is located approximately 230 metres to the north of the subject site. <u>Air quality</u>

	With respect to air quality impacts on residential areas, the particulate matter assessment contained within the Air Quality Assessment (AQA) report indicates that particulate levels at the nearest sensitive receptor would be significantly less than OEH criteria. Therefore, particulate matter emissions from the site are not considered to be a significant issue, and more refined assessment is not considered necessary. Refer to <i>xii) Air and microclimate</i> for further discussion. <u>Noise</u> It was noted within the Environmental Noise Impact Assessment Report that all residential receivers are located in close proximity to the Bruxner Highway. As such, the recorded noise levels are comprised predominantly of road traffic noise. The nearest existing industrial activities are greater than 150 metres from the nearest receivers and therefore existing industrial noise at the receivers is expected to be significantly below road traffic noise. The report states that onsite activity noise emissions have the potential to impact upon surrounding noise sensitive receivers and has been assessed in accordance with the NSW "Noise Policy for Industry" to ensure an acceptable noise amenity of 62 dB(A) can be achieved. For the surrounding industrial operations to the east, west and south, the recommended amenity noise level of 70dB(A) in accordance with the current NSW "Noise Policy for Industry" has been adopted. The report concluded that the site is suitable for the proposed operations, subject to the recommended acoustic treatments. Refer to <i>xvi) Noise and vibration</i> for further discussion.
A number of submissions received have indicated that the proposed development would be better suited to an alternative site.	Comment: Resource recovery facilities are permitted with consent within the IN1 General Industrial zone. As such, the proposed land use, subject to compliance

One objector stated this should be near an existing refuse centre rather than in the middle of a light industrial and residential area. One objector suggested that such a facility may be better suited to Ballina Shire Council's own waste facility.	with all other matters for consideration (including management of impacts on adjoining land uses) is permissible on the subject site. The proposal involves the expansion of the existing resource recovery facility on the site, which has previously been approved on the site via DA 2012/88.
Objectors have commented that the land area is too small and does not provide a sufficient buffer for noise and dust impacts.	Comment: The subject land is 1.366 hectares in area, which complies with the 1000m² minimum lot size requirement applicable to the land. The location of the Russellton Industrial Estate (which includes the subject land) was fully assessed at the time that the industrial zoning was applied. It is noted the minimum lot size provisions were also applied at this time. The technical reports submitted with respect to noise and air quality demonstrate that the relevant targets can be achieved subject to the identified mitigation measures, which would be required by way of the recommended conditions of consent. In this regard, it is not considered the size of the subject land would reasonably warrant refusal of the application.
The location of the subject site within a 'light industrial' area was referenced in a number of submissions. It has been commented that light or general industrial zone not suitable for heavy or potentially offensive and hazardous industries. Concerns were also raised that the proposed development would be incompatible with surrounding businesses.	Comment: The subject site is zoned IN1 General Industrial under the provisions of the BLEP 2012. The IN2 Light Industrial zone as per the Standard Instrument LEP has not been adopted in the Ballina Shire. It should be noted that the IN3 Heavy Industrial zone as per the Standard Instrument LEP has also not been adopted in the BLEP 2012. Given the existing resource recovery operations (and proposed expansions) are permissible within the IN1 zone, this is considered the most appropriate land use for such activities.

Ecologically sustainable development	
Concerns have been raised that the proposal includes <i>“inefficient machinery selection and practices”</i> .	Comment: The submission does not comment specifically as to how the machinery and practices are inefficient. Notwithstanding this, the equipment identified within the application has been the subject of modelling in preparing the noise and air quality reports, which demonstrate the relevant targets/objectives can be met. On this basis, it is not considered reasonable to request the proposed machinery be upgraded. It should be noted that the particulars of processing equipment is not specifically limited by the existing development consent via DA 2012/88. Condition ‘6.9 Noise’ of DA 2012/88 only required that the crusher be located inside of the shed. As a measure of environmental protection, the associated consent conditions relating to noise (Condition 6.9), hours of operation (Condition 6.10) and dust management (Condition 6.12) were included to generally regulate the waste handling processes as a means of protecting the environment, no matter what plant or equipment was used on the subject premises.
Objectors have commented that the use of water to mitigate dust is unsustainable.	Comment: The use of water is a key element of dust suppression, and has been supported by the NSW Environment Protection Authority (EPA) in issuing their General Terms of Approval. However, it is noted that this is not the sole measure to manage dust impacts on the site. The proposal also involves the sealing of all trafficable areas, which will assist in the management of dust on the site. A condition is recommended to be imposed on the consent requiring a dust management plan to be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Occupation Certificate. If Council is not the

	PCA, a copy of the plan is required to be provided to Council. The applicant has indicated that a visual inspection of deposited dust around the boundary of the site will be completed daily to provide an indication of the effectiveness of the dust control measures. A condition is recommended to be imposed requiring three dust deposition gauges to be installed and monitored during operation to measure the effectiveness of dust suppression on site. If dust deposition exceeds 4g/m²/month, then additional dust suppression activities shall be undertaken. Given a number of measures to reduce dust are to be employed on the site, it is considered the use of water will not result in unreasonable impacts with respect to environmental sustainability.
Potential for a precedent to be set	
It was commented that there are no businesses elsewhere in NSW which involve the crushing and grinding of commercial waste in proximity to residential areas.	Comment: It is acknowledged that there are no similar businesses within the Ballina Shire or surrounds. However, the existing operations (and proposed expansion the subject of this application) is permissible within the IN1 zone. The location of the Russellton Industrial Estate (which includes the subject land) was fully assessed at the time that the industrial zoning was applied.
A number of objectors have commented that should the application be approved, this would set a precedent for Ballina and surrounding local government areas.	Comment: An existing resource recovery facility is located on the site. The subject development relates to the expansion of this use, which is permissible in the IN1 zone subject to development consent. It is considered the potential adverse impacts on neighbouring properties can be suitably managed subject to the recommended conditions of consent and the requirements of a future EPL issued for the development. Each development application must be assessed on its planning merits and the granting of development consent to a

	particular application does not set a legal precedent for other similar developments.
One objector makes reference to other cement crushing facilities in the Northern Rivers region, including the Stotts Creek Resource Recovery Centre (Tweed Shire LGA), and the Ballina Waste Centre (167 Southern Cross Drive Ballina). It was commented that these facilities are supported by existing tested infrastructure with significant investment in machinery, management plans and resources, monitoring instrumentation, record keeping etc. It was also commented that both facilities are located away from other businesses and residential areas.	Comment: The technical reports submitted have indicated that the plant and machinery proposed is suitable in achieving the relevant targets/objectives with respect to noise and air quality. On this basis, it is not considered reasonable to request the proposed machinery be upgraded. As previously stated, the existing site operations (and proposed expansion the subject of this application) is permissible within the IN1 zone. The location of the Russellton Industrial Estate (which includes the subject land) was fully assessed at the time that the industrial zoning was applied. It has been demonstrated that the potential impacts associated with the development can be suitably managed by way of the identified mitigation measures, which are included within the recommended conditions of consent. In this regard, it is considered suitable investment has been made to facilitate the proposed expansion and the issues raised do not reasonably warrant refusal of the application.
Letters of support	
A number of submissions were received in support of the proposal. The matters raised are summarised as follows: • The recycling business is beneficial to the environment and the local community and businesses. • Employment of local people. • The business has reduced the need for building waste to be sent to landfill. • Local and accessible. • Cost effective, particularly with rising building costs and cost of disposing of waste at Council's waste facility • If the development meets Council and EPA requirements, the proponent should be able to operate. • Proximity of the site to major road systems.	Comment: Council notes the number of submissions received in support of the proposal. As previously discussed, it is considered the proposed expansion meets the objectives of the IN1 General Industrial zone as it encourages employment opportunities and the efficient use of resources (i.e. resource recovery). It is considered the potential adverse impacts on neighbouring properties can be suitably managed subject to the recommended conditions of consent and the requirements of a future EPL issued for the development.

Table 12: Response to issues raised in public submissions

The application was referred to a number of government agencies for comment and responses were received (**Attachment 5**). The relevant issues raised are detailed below (Table 13):

Submission issues raised	Response
NSW Environment Protection Authority (EPA) issued General Terms of Approval on 17 April 2019 (amended on 5 November 2019).	Comment: The General Terms of Approval have been incorporated into Schedule 1 of the draft conditions of consent (Attachment 2).
The NSW Office of Environment and Heritage (OEH) provided the following comments with respect to the proposal: • We have reviewed the documents submitted, including Attachment 3 – Ecological Assessment and Attachment 4 – Cultural Heritage Assessment, and provide comments on biodiversity and Aboriginal Cultural Heritage (ACH) matters below. We have not identified any issues related to flooding or NPWS estate. • Following our review of the <i>Northcott Crescent Wollongbar Ecological Assessment</i> prepared by Blackwood Ecological Services, the OEH advises that we have no further comments to add or concerns about direct impact to the remaining biodiversity values on the site from the proposal. Potential indirect impacts to off-site biodiversity values that could be caused by sediment and erosion from run off during earth works and construction are considered the highest risk to biodiversity. Best practice erosion and sediment control measures should be included as standard conditions of approval. Other potential indirect impacts to offsite but adjacent biodiversity values during ongoing operations should be addressed as an integral part of the site's management planning and/or under any operational licences that may be required from the EPA. • Following our review of the <i>Northcott Crescent Wollongbar, NSW: Aboriginal Cultural Heritage Assessment</i> (March 2017) prepared by Everick Heritage Consultants Pty Ltd for Newton Denny Chapelle Pty Ltd, the OEH notes the assessment undertaken is consultation with local Aboriginal knowledge-holders concluded that the proposal is unlikely to impact known or unknown Aboriginal objects. The OEH further notes the	Comment: The comments made by OEH with respect to biodiversity are noted. Conditions are recommended to be imposed on the consent with respect to erosion and sediment control during construction works. The comments made with respect to biodiversity and Aboriginal Cultural Heritage are also noted. Conditions have been recommended to be imposed on the consent ensuring the recommendations of the Aboriginal Cultural Heritage Assessment are carried out during construction works.

report concluded that no further Aboriginal cultural heritage assessment is required to inform the development process and the evidence to support that conclusion has been provided. We agree with both findings and have no further comments on the proposal.	
NSW Department of Primary Industries (Agriculture) did not provide any additional comments with respect to the proposal (or subsequent amendments) over and above the requirements of the SEARs.	Comment: No further action or assessment required.
NSW Department of Primary Industries (Fisheries) commented that as the proposal is not located within key fish habitat nor will it involve impacts to key fish habitat, no issues are raised with respect to the proposal.	Comment: No further action or assessment required.
Roads and Maritime Services (RMS) provided the following comments with respect to the proposal: • The Engineering Services Report under Attachment 5 of the application has identified that the proposed development will result in an increase in daily vehicle trips generated by the proposed development. • Council should be satisfied that the development application has addressed peak hourly traffic and road safety impacts on surrounding local roads and intersections. • All vehicles should enter and leave the site in a forward manner. Driveways and internal manoeuvring areas should be designed in accordance with AS2890 to Council specifications. The site access should be designed to accommodate the swept path of the largest vehicle accessing to the site. RMS have indicated that no issues are raised with respect to subsequent amendments.	Comment: The matters raised have been previously addressed within the Infrastructure SEPP section of this report.
NSW Department of Planning and Environment (DPE) has commented that there are no issues of State or regional significance that apply to the proposal. It was recommended the General Terms of Approval provided by NSW EPA be included in the development consent for the proposal, should development consent be granted.	Comment: The General Terms of Approval issued by NSW EPA have been incorporated into Schedule 1 of the draft conditions of consent (Attachment 2). All public submissions received have been previously addressed

DPE also noted the ongoing concerns raised by the general public in relation to contamination, hazardous waste processing, and potential noise and air quality impacts upon surrounding sensitive receivers. DPE recommended Council and the NRPP ensure these concerns are adequately and appropriately addressed before determining the subject development application.	within Section 4.15(1)(d) of this report.
--	---

Table 13: Response to issues raised by government agencies

Section 4.15(1)(e) The public interest

The proposal is generally considered to be within the public interest in allowing for the expansion of a facility for the processing and reuse of waste materials.

The proposed development is consistent with the objects of the *Environmental Planning and Assessment Act 1979* in that it promotes the orderly and economic use and development of land.

It is noted that there has been significant public interest and objection to the proposed expansion, particularly with respect to noise and air quality impacts in the locality. The proposal is likely to have some impacts on nearby industrial properties being in close proximity to the subject site. Notwithstanding this, it has been assessed that the anticipated impacts can be suitably addressed and are to be managed by way of the recommended conditions, should consent be granted.

The proposed development is in the interests of the Federal, State and Local Governments, and also the community in that it is consistent with the principles of ESD and the NSW Waste Management Strategy, which requires waste to be reused or recycled rather than placed in landfills.

Section 7.11 Development Contributions Plan/s

The Ballina Shire Roads Contribution Plan, Version 4.1 is applicable to the proposed development.

Council's Civil Services Division have carried out an assessment of the proposal and the applicable contributions. The applicable contributions are included in Schedule 2 of the Draft Conditions (**Attachment 2**).

Conclusion

The proposed development has been assessed under the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposal is consistent with the objectives of the Act and is considered to be within the public interest as it will serve the interests of the community by providing a facility to lawfully process waste materials while not unreasonably impacting upon amenity or the environment.

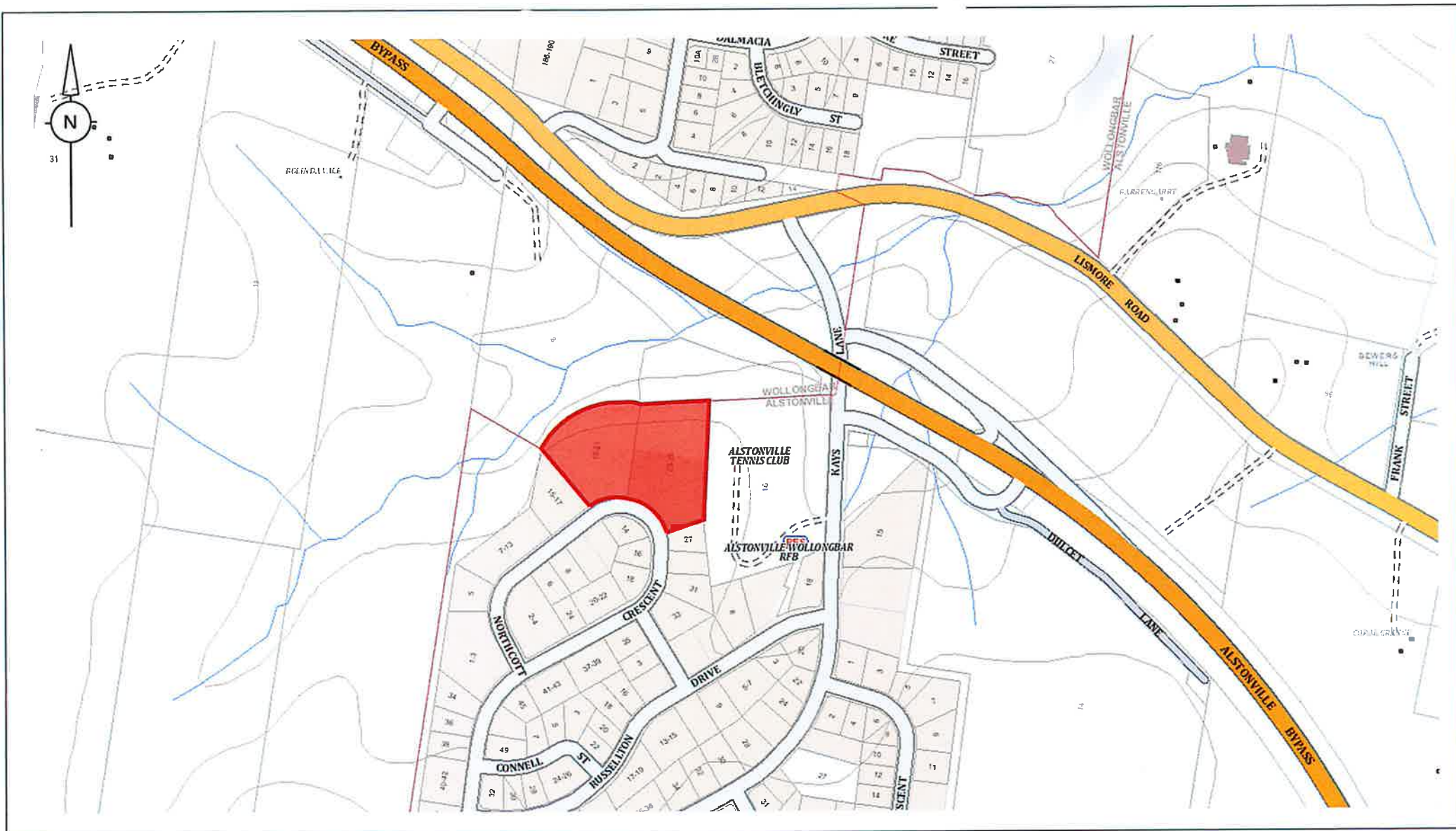
In relation to the issues raised regarding noise, air quality and waste management, these matters have been addressed and subject to compliance with the recommended conditions of consent (and requirements of a future Environmental Protection Licence) it is not considered the proposed development will result in unacceptable impacts on the locality.

The remaining concerns do not reasonably warrant refusal of the application.

Recommendation

The Development Application 2017/600 for the 'Expansion of an existing resource recovery facility to process up to 30,000 tonnes per annum of construction waste and to carry out associated building, infrastructure and earthworks at Lot 1 DP 1237064, 19 Northcott Crescent, Alstonville be **APPROVED** subject to the conditions and General Terms of Approval attached.

Attachment 1 – Proposed Plans



LEGEND:

SITE BOUNDARY

SOURCE PLAN: www.maps.six.nsw.gov.au - accessed 13.09.16

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 Surveyors Planners Engineers

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 CASINO 100 Barker St. Casino 2470 PH: 6662 5000
 ABN: 66 220 045 469

PLAN 1 - LOCATION

CLIENT: THE GRAHAM FAMILY TRUST

LOCATION: LOT 60 & 61 DP789127
 19 NORTHCOTT CRESCENT
 WOLLONGBAR NSW

DATE: 04.05.17
 SCALE: NTS

REF: 17/070
 DRAWN: bk



REV	DATE	AMENDMENT
A		
B		
C		
D		
E		

SOURCE PLAN: N/A
K:\jobs\2017\17070 - the graham family trust\planning\planning plans\add plans\cad files\17070 - the graham family trust - newdwg - plan 2 - approved boundary adjustment

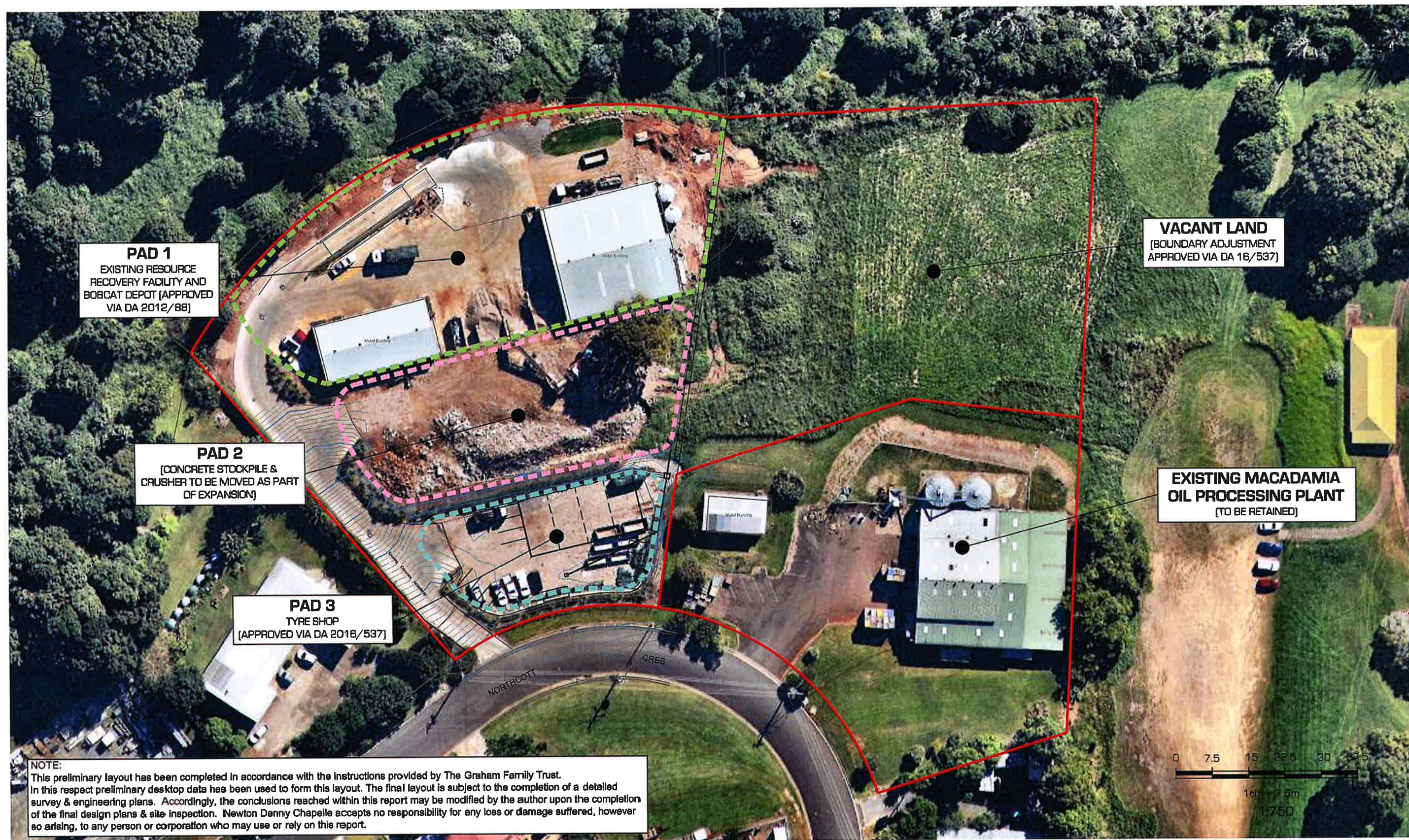
NDC
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Surveyors Planners Engineers
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CASINO 100 Barker St, Casino 2470 PH: 6662 5000
ABN: 86 220 045 469

PLAN 2 - APPROVED BOUNDARY ADJUSTMENT (DA 16/537)

CLIENT: THE GRAHAM FAMILY TRUST

LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW

DATE: 04.05.17 REF: 17/070
SCALE: 1 : 750 @ A3 DRAWN: bk



REV	DATE	AMENDMENT
A		
B		
C		
D		
E		

SOURCE PLAN: N/A
k:\jobs\2017\17070 - the graham family trust\planning\planning plans\ndc plans\cad files\17070 - the graham family trust - rev e.dwg - plan 3 - existing and approved

NDC
Newton Denny Chapelle
Surveyors Planners Engineers
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ABN: 88 220 045 489

PLAN 3 - EXISTING AND APPROVED USES.

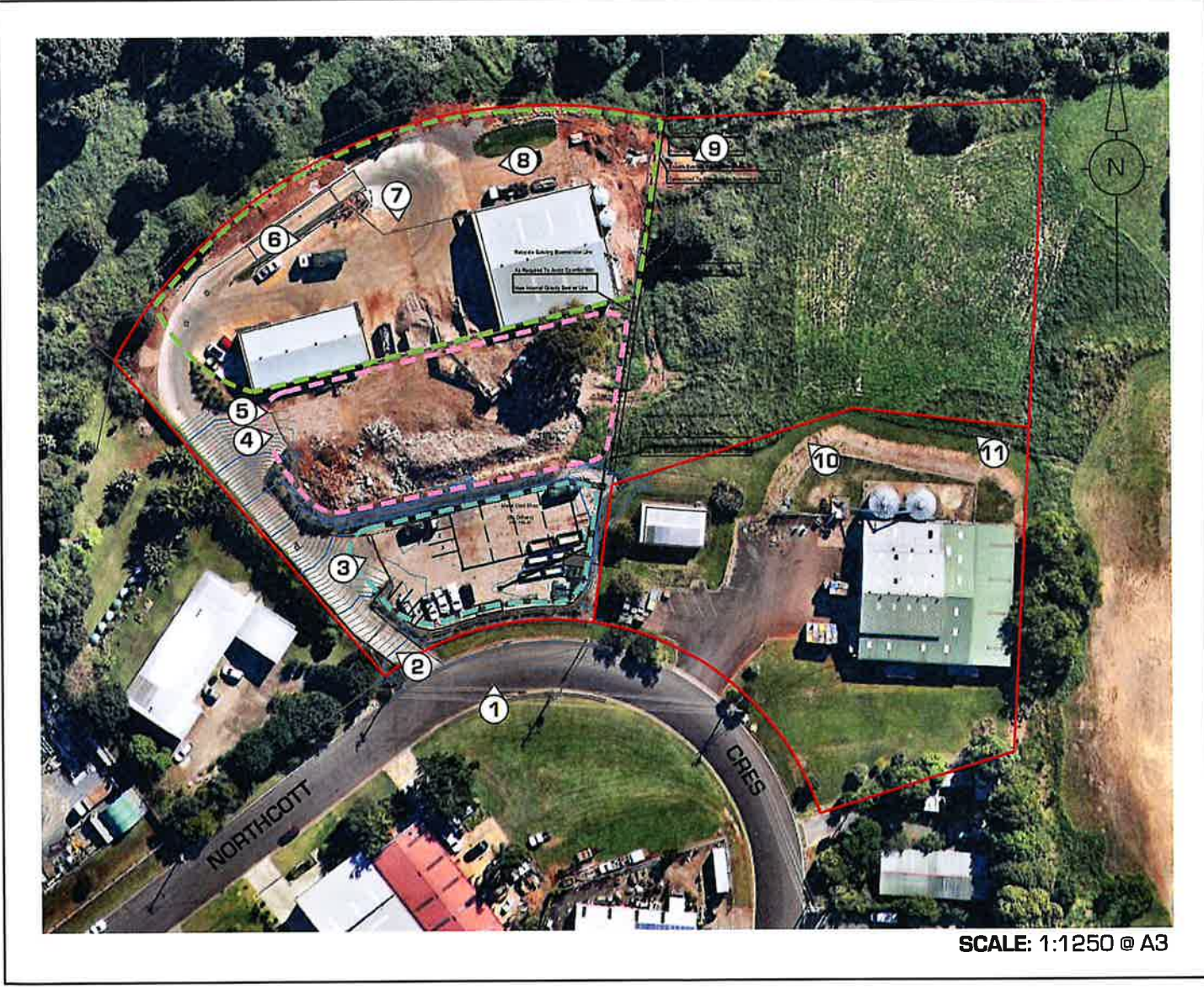
CLIENT: THE GRAHAM FAMILY TRUST

LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW

DATE: 04.05.17 REP: 17/070
SCALE: 1:750 @ A3 DRAWN: bk



NOTE:
This preliminary layout has been completed in accordance with the instructions provided by The Graham Family Trust. In this respect preliminary desktop data has been used to form this layout. The final layout is subject to the completion of a detailed survey & engineering plans. Accordingly, the conclusions reached within this report may be modified by the author upon the completion of the final design plans & site inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however so arising, to any person or corporation who may use or rely on this report.

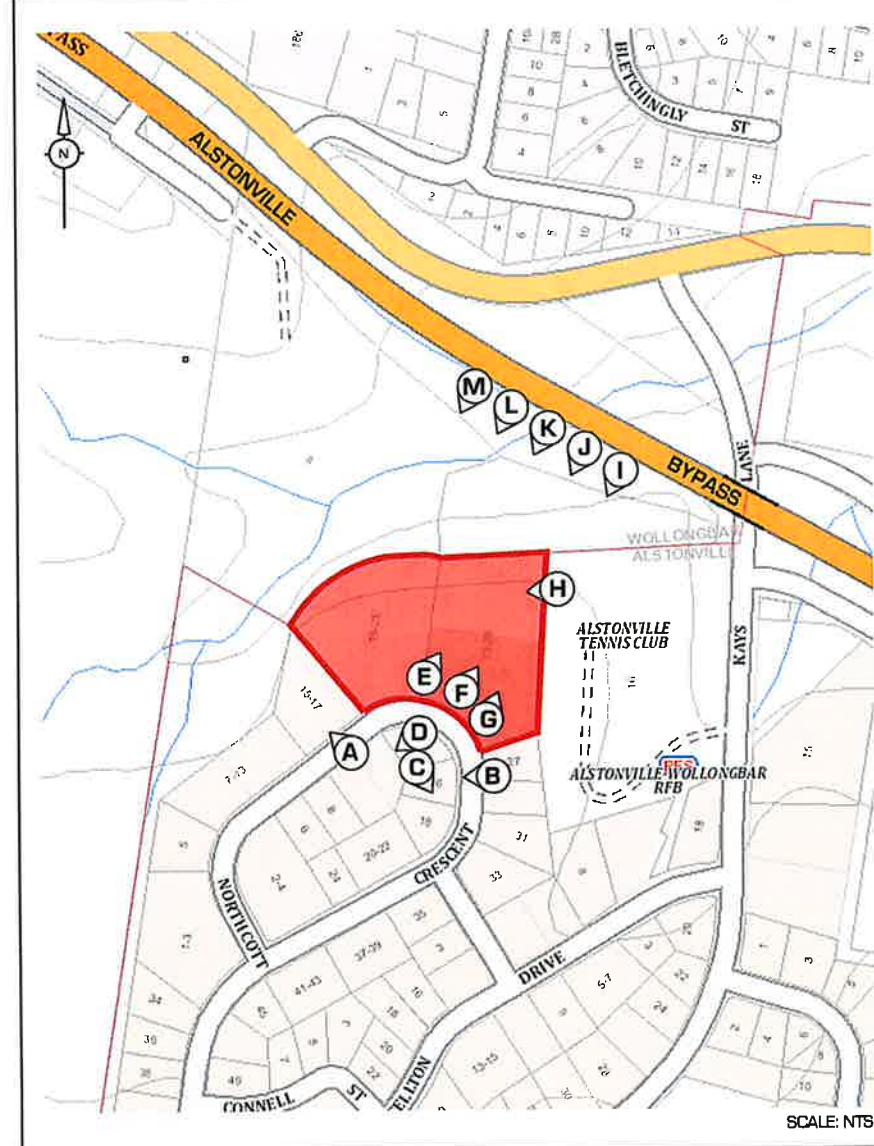
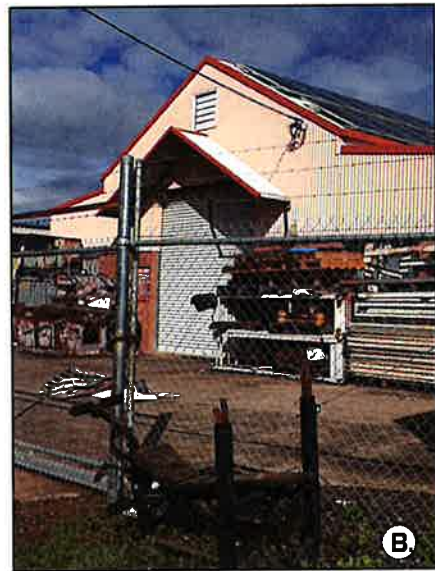


REV	DATE	AMENDMENT
A		
B		
C		
D		
E		

SOURCE PLAN: N/A
k:\jobs\2017\17070 - the graham family trust\planning\planning plans\ndc plans\cad files\17070 - the graham family trust - rev e.dwg - plan 4a - photographic plates

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ABN: 86 220 045 469

PLAN 4A - PHOTOGRAPHIC PLATES OF SITE
CLIENT: THE GRAHAM FAMILY TRUST
LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW
DATE: 04.05.17
SCALE: AS ABOVE
REF: 17/070
DRAWN: bk



NOTE:
This preliminary layout has been completed in accordance with the instructions provided by The Graham Family Trust. In this respect preliminary desktop data has been used to form this layout. The final layout is subject to the completion of a detailed survey & engineering plans. Accordingly, the conclusions reached within this report may be modified by the author upon the completion of the final design plans & site inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however so arising, to any person or corporation who may use or rely on this report.

REV	DATE	AMENDMENT
A		
B		
C		
D		
E		

SOURCE PLAN: N/A
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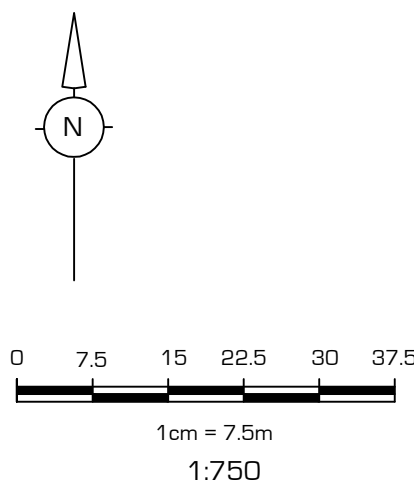
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ABN: 88 220 045 489

PLAN 4B - PHOTOGRAPHIC PLATES EXTERNAL VIEWS

CLIENT: THE GRAHAM FAMILY TRUST

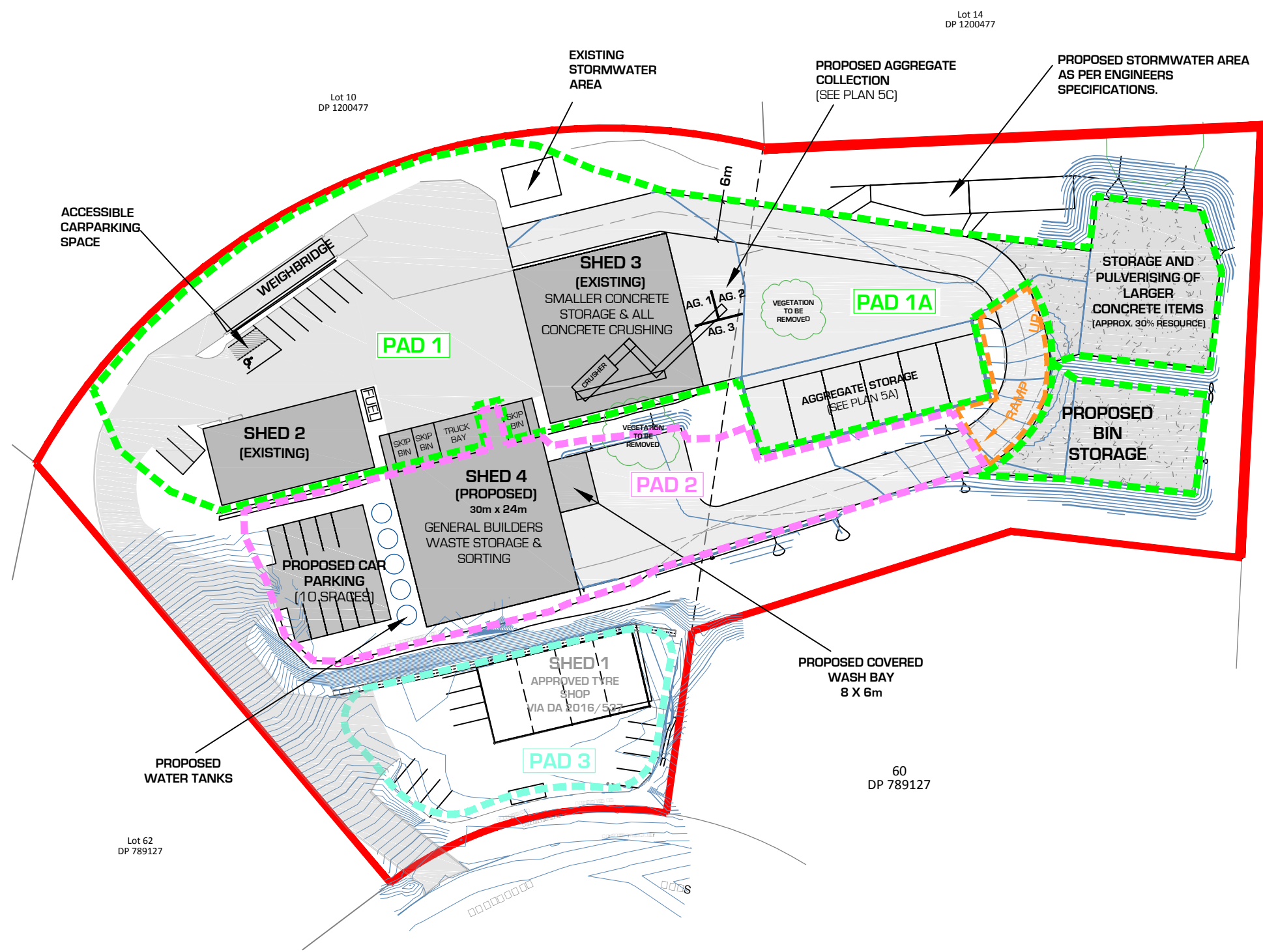
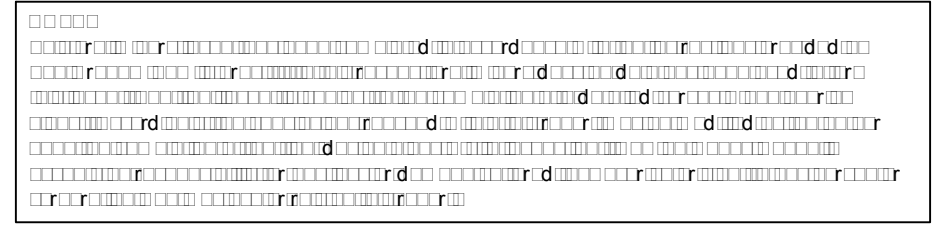
LOCATION: LOT 60 & 61 DP789127
19 NORTHCOOT CRESCENT
WOLLONGBAR NSW

DATE: 04.05.17 REF: 17/070
SCALE: AS ABOVE DRAWN: bk



LEGEND

- SITE BOUNDARY
- SEALED SURFACE
- ALL WEATHER GRAVEL SURFACE
- PAD 1 & 1A
- PAD 2
- PAD 3



NOTE:
ALL DIMENSIONS ARE TO BE
CONFIRMED BY DETAILED
DESIGN

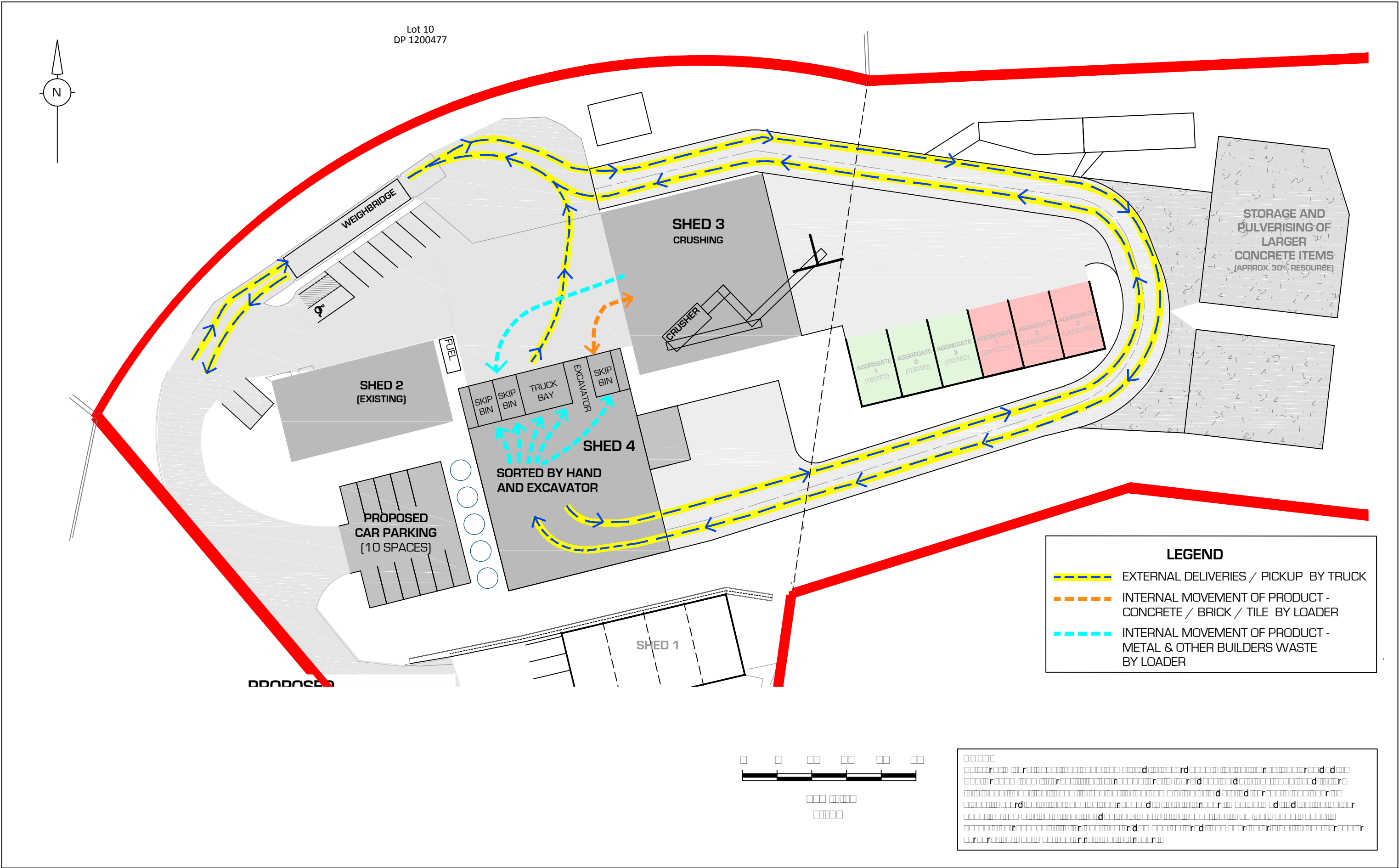
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B	13.02.18	PROPOSED DEVELOPEMENT LAYOUT
C	29.05.18	PROPOSED DEVELOPEMENT LAYOUT
D	31.05.18	PROPOSED DEVELOPEMENT LAYOUT
E	26.11.18	PROPOSED DEVELOPEMENT LAYOUT AND SHED
F	18.12.18	SHED, SPRINKLER, WASH DOWN BAY

SOURCE PLAN: N/A
k:\jobs\2017\17070 - the graham family trust\planning\planning plans\ndc plans\cad files\17070 - the graham family trust - rev i (rev f).dwg - plan 5 - proposed development

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ABN: 86 220 045 469

PLAN 5 - PROPOSED DEVELOPMENT OVERVIEW
CLIENT: THE GRAHAM FAMILY TRUST **REV F**
LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW
DATE: 18.12.18 REF: 17/070
SCALE: 1 : 750 @ A3 DRAWN: bk

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REV	DATE	AMENDMENT
A	06.07.17	
B	13.02.18	PROPOSED DEVELOPEMENT LAYOUT
C	29.05.18	PROPOSED DEVELOPEMENT LAYOUT
D	31.05.18	PROPOSED DEVELOPEMENT LAYOUT
E	26.11.18	PROPOSED DEVELOPEMENT LAYOUT AND SHED
F	18.12.18	SHED, SPRINKLER, WASH DOWN BAY

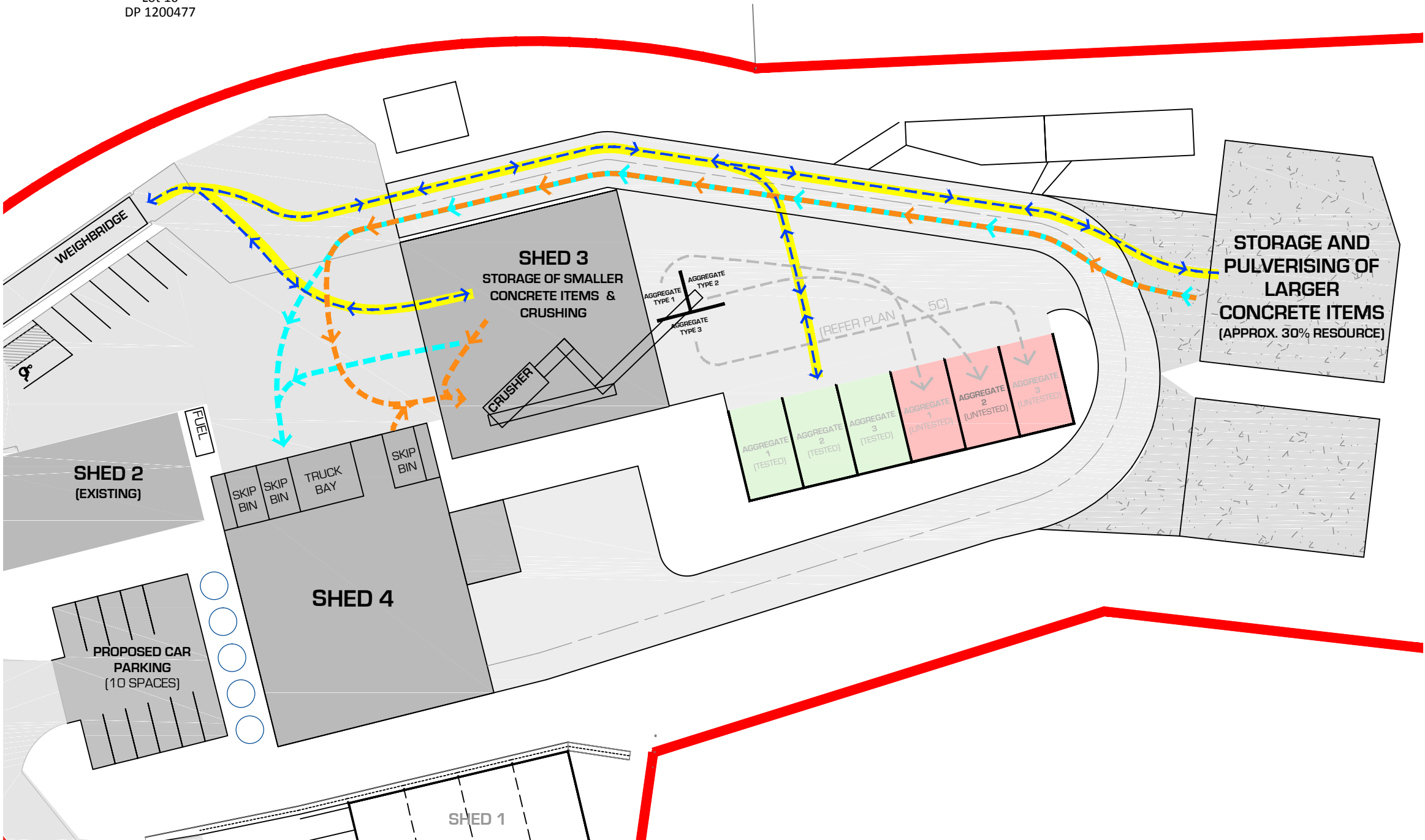
SOURCE PLAN: N/A
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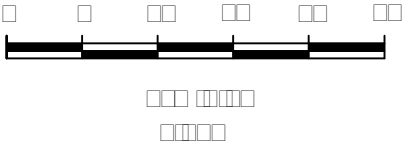
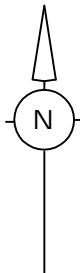
PLAN 5A - PROPOSED DEVELOPMENT DETAIL
BUILDERS WASTE
CLIENT: THE GRAHAM FAMILY TRUST
LOCATION: LOT 60 & 61 DP789127
19 NORTH COTT CRESCENT
WOLLONGBAR NSW
DATE: 18.12.18 REF: 17/070
SCALE: 1 : 400 @ A3 DRAWN: bk/cp

REV F

Lot 10
DP 1200477

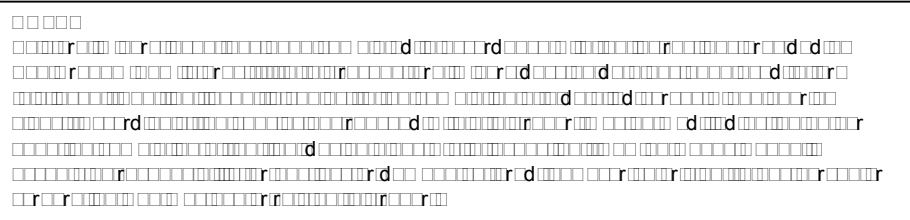


SQUEEZE MECHANISM ATTACHED
TO EXCAVATOR



LEGEND

- EXTERNAL DELIVERIES / PICKUP BY TRUCK
- INTERNAL MOVEMENT OF PRODUCT - CONCRETE / BRICK / TILE BY LOADER
- INTERNAL MOVEMENT OF PRODUCT - METAL & OTHER BUILDERS WASTE BY LOADER



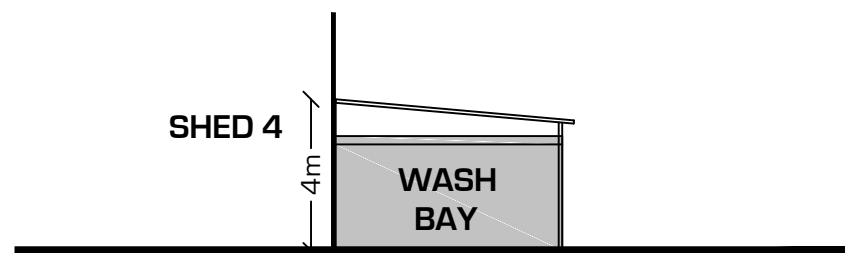
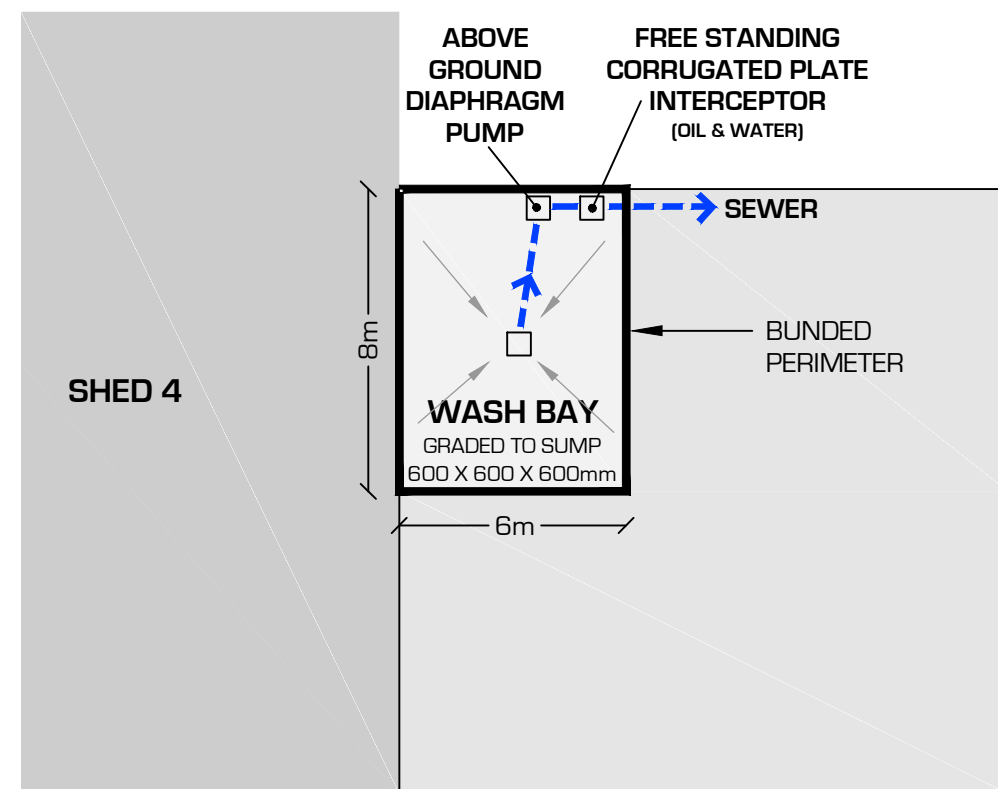
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B	13.02.18	PROPOSED DEVELOPEMENT LAYOUT
C	29.05.18	PROPOSED DEVELOPEMENT LAYOUT
D	31.05.18	PROPOSED DEVELOPEMENT LAYOUT
E	26.11.18	PROPOSED DEVELOPEMENT LAYOUT AND SHED
F	18.12.18	SHED, SPRINKLER, WASH DOWN BAY

SOURCE PLAN: N/A
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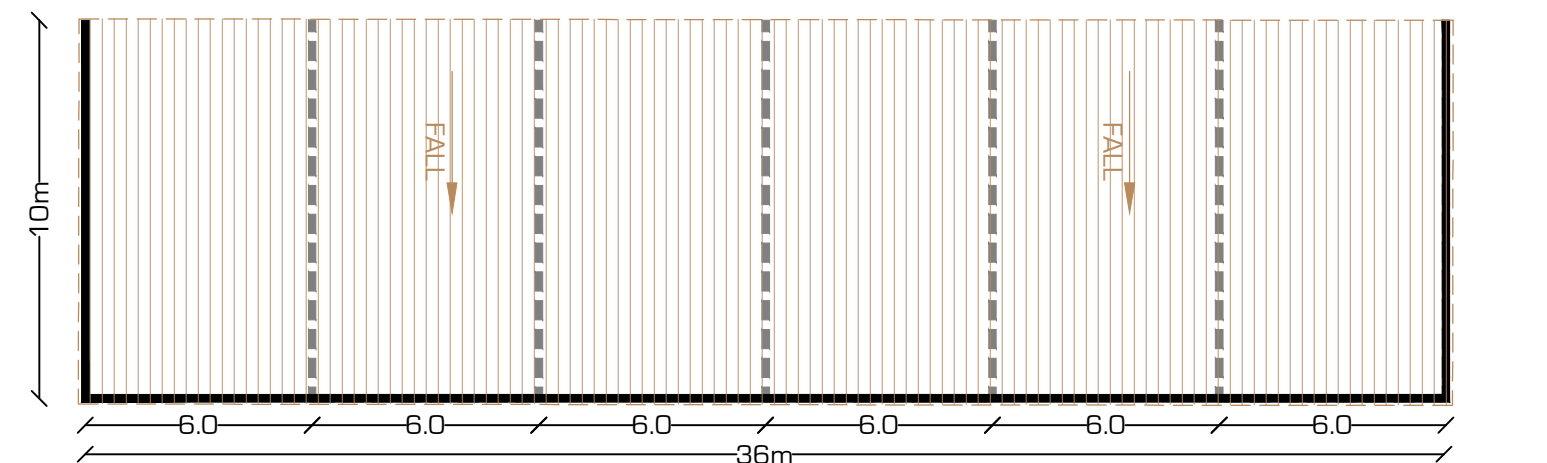
NBS
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CASINO 100 Barker St. Casino 2470 PH: 6662 5000
ABN: 86 220 045 469

**PLAN 5B - PROPOSED DEVELOPMENT DETAIL
CONCRETE, BRICK & TILE**
CLIENT: THE GRAHAM FAMILY TRUST
LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW
DATE: 18.12.18 REF: 17/070
SCALE: 1 : 400 @ A3 DRAWN: bk/cp

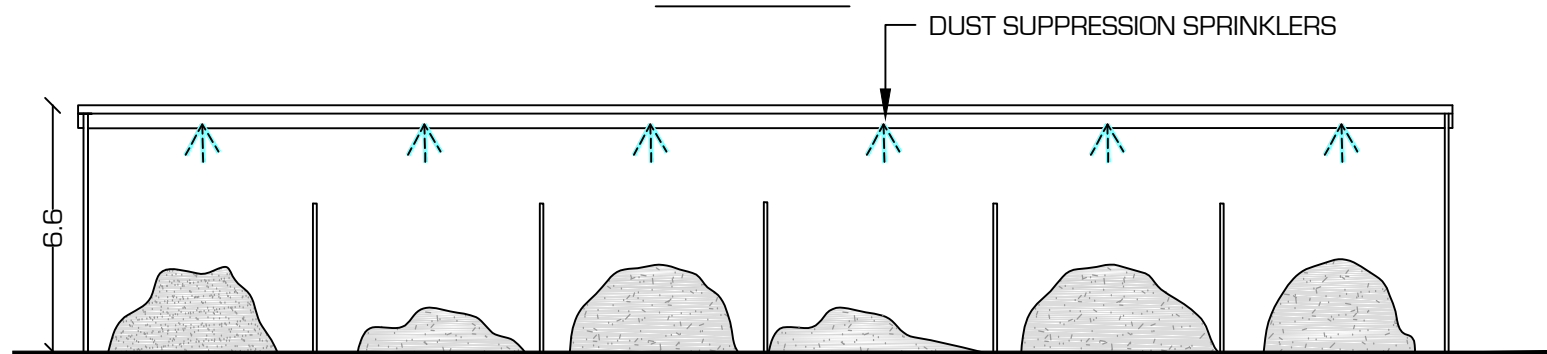
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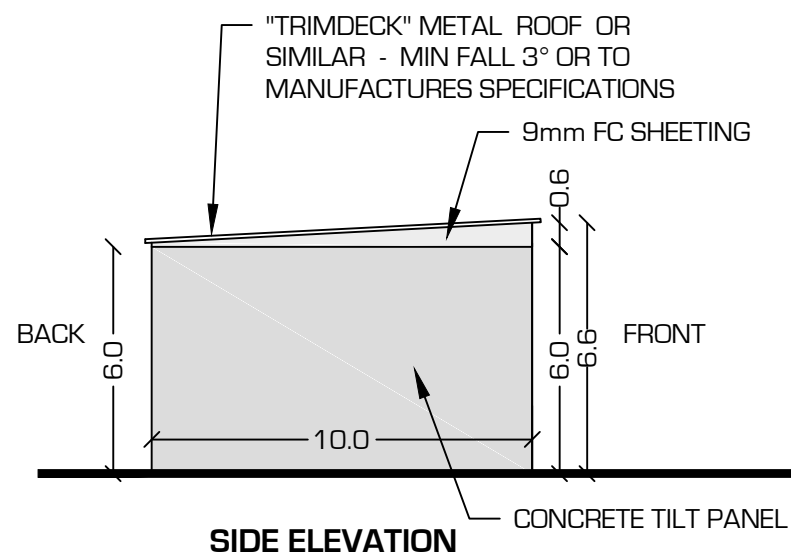
WASHDOWN BAY CONCEPT PLAN



FLOOR PLAN

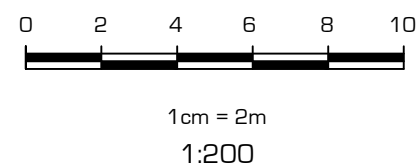


FRONT ELEVATION



SIDE ELEVATION

AGGREGATE STORAGE BIN CONCEPT PLAN

[illegible]

REV	DATE	AMENDMENT
A	06.07.17	
B	13.02.18	PROPOSED DEVELOPEMENT LAYOUT
C	29.05.18	PROPOSED DEVELOPEMENT LAYOUT
D	31.05.18	PROPOSED DEVELOPEMENT LAYOUT
E	26.11.18	PROPOSED DEVELOPEMENT LAYOUT AND SHED
F	18.12.18	SHED, SPRINKLER, WASH DOWN BAY

SOURCE PLAN: N/A

k:\jobs\2017\17070 - the graham family trust\planning\planning plans\ndc plans\cad files\17070 - the graham family trust - rev i (rev f).dwg - plan 5d-proposed aggregate and wash bay


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 ABN: 86 220 045 469

PLAN 5D - PROPOSED AGGREGATE BAYS & WASH BAY

CLIENT: THE GRAHAM FAMILY TRUST

REV F

LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW

DATE: 18.12.18
SCALE: 1 : 300 @ A3

REF: 17/070
DRAWN: bk

Figure 6

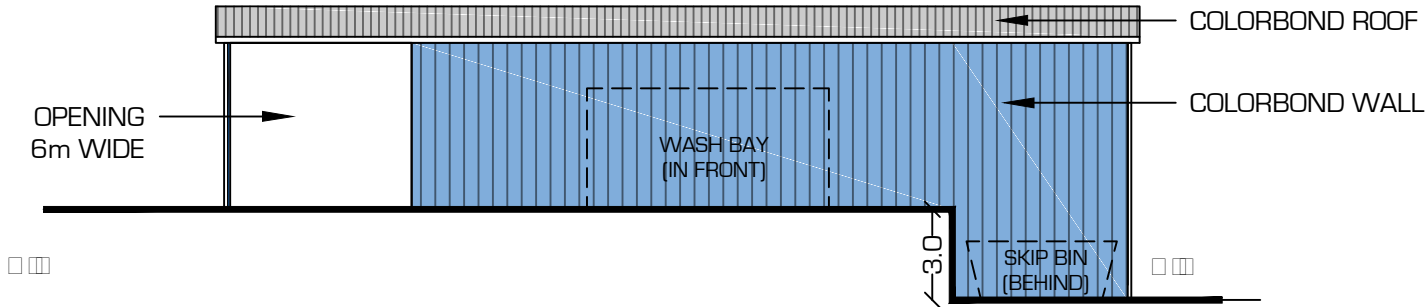
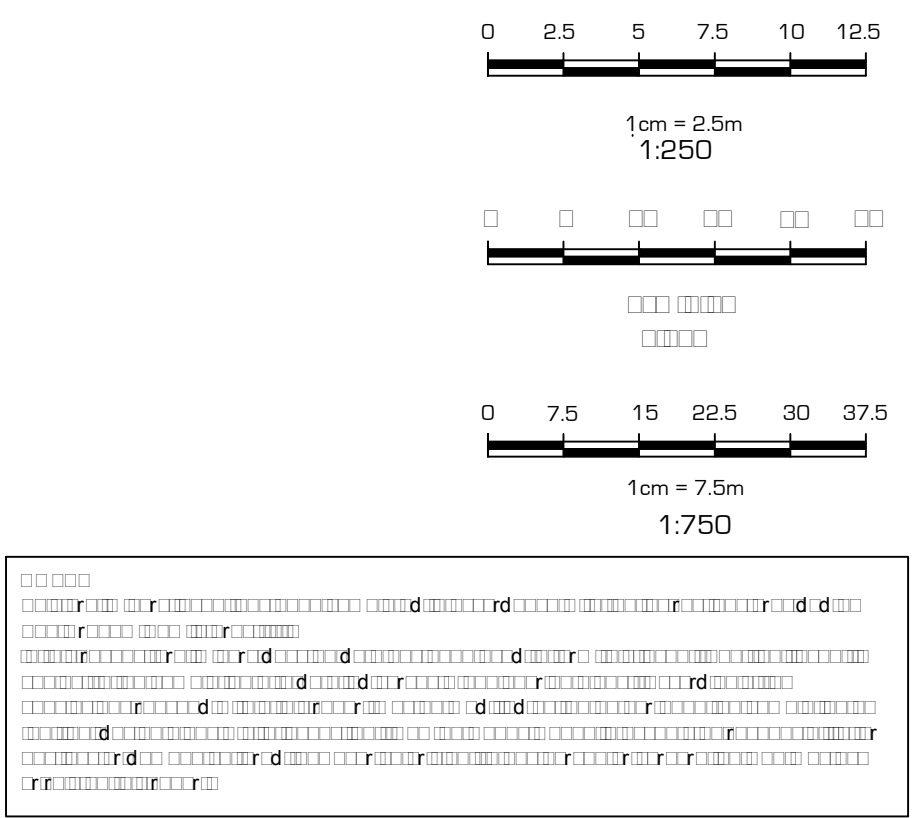
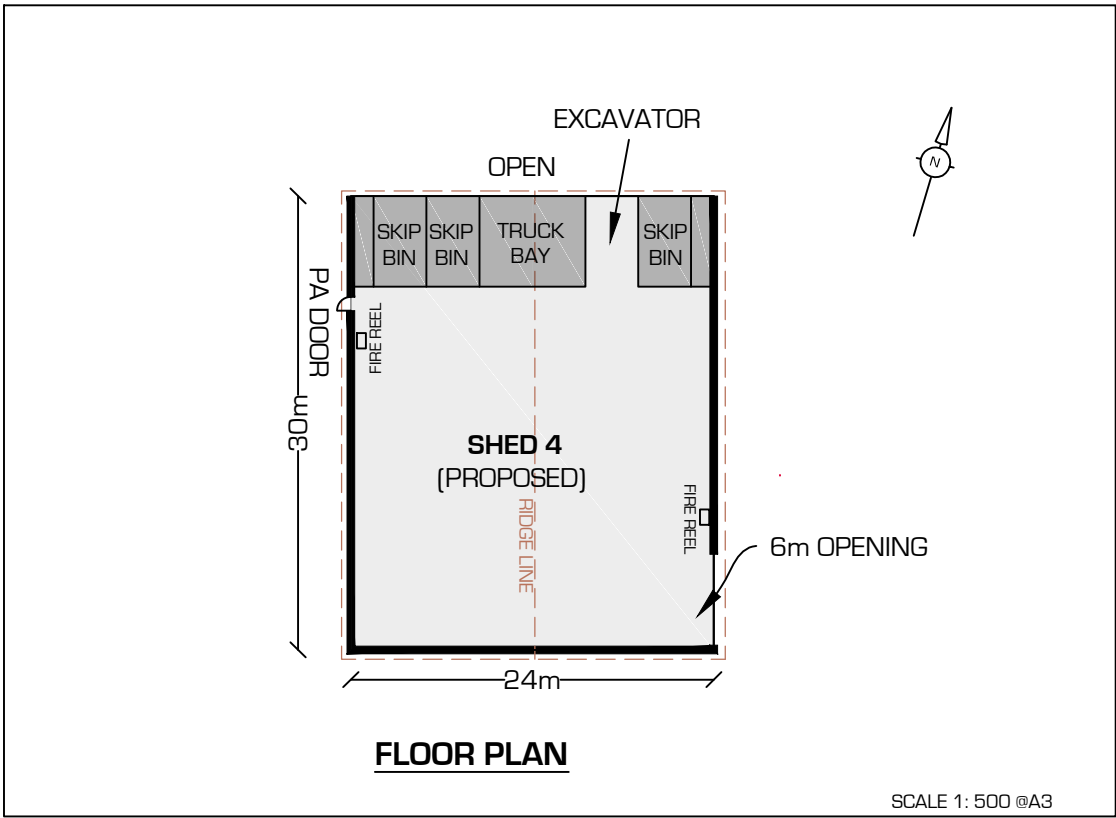
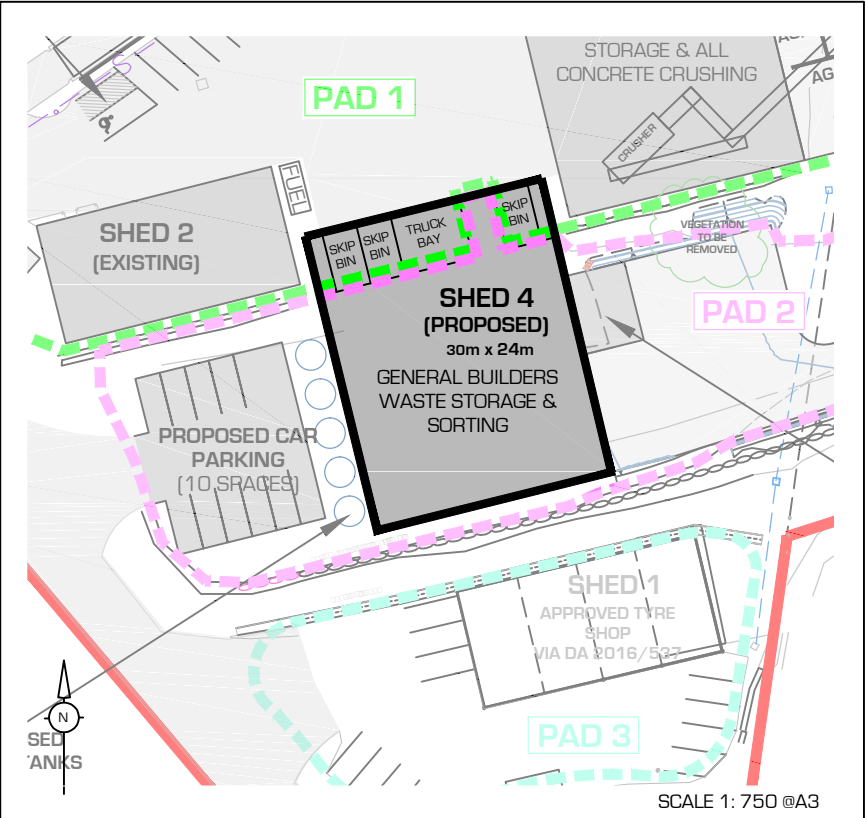
Figure 6 displays two bar charts comparing the number of publications across different categories. The left chart shows the distribution of publications by year (2018-2022), with a significant increase in 2022. The right chart shows the distribution of publications by country (USA, Canada, UK, Germany, France, Italy, Japan, China, India, Brazil, Australia, South Korea, Russia, Mexico, Argentina, Chile, Colombia, Peru, Venezuela, Ecuador, Cuba, Haiti, Dominican Republic, Puerto Rico).

The left chart shows the following approximate values:

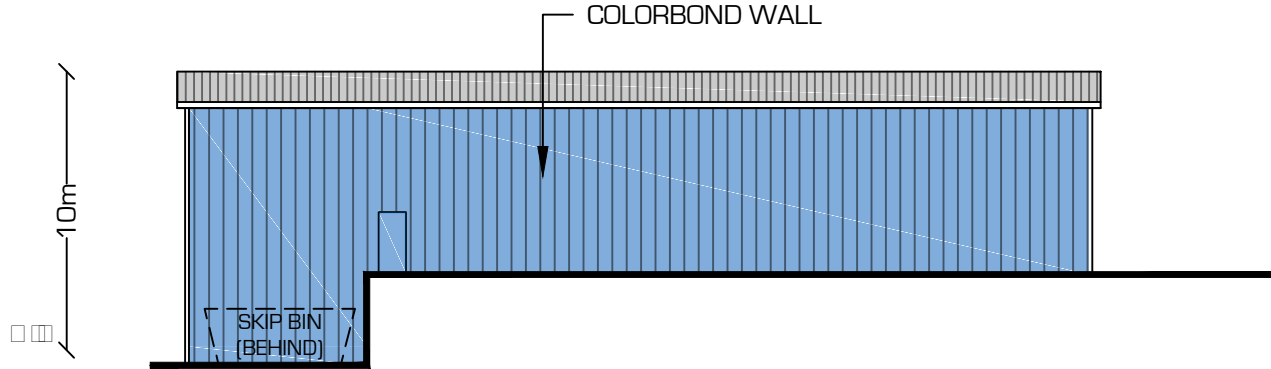
Year	Publications
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2019	~15
2020	~20
2021	~25
2022	~35

The right chart shows the following approximate values:

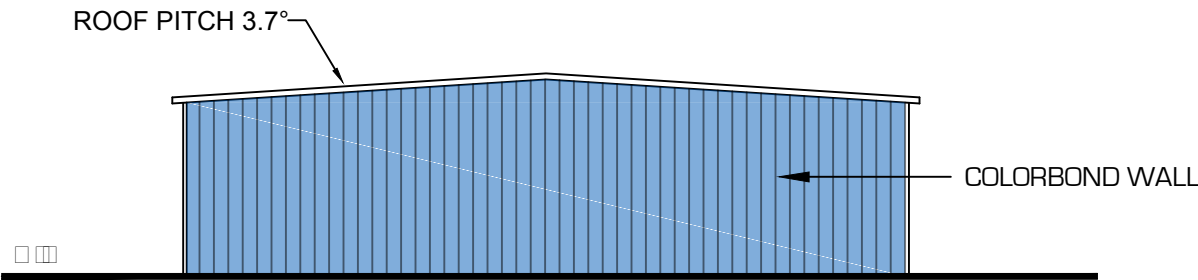
Country	Publications
USA	~10
Canada	~5
UK	~5
Germany	~5
France	~5
Italy	~5
Japan	~5
China	~5
India	~5
Brazil	~5
Australia	~5
South Korea	~5
Russia	~5
Mexico	~5
Argentina	~5
Chile	~5
Colombia	~5
Peru	~5
Venezuela	~5
Ecuador	~5
Cuba	~5
Haiti	~5
Dominican Republic	~5
Puerto Rico	~5



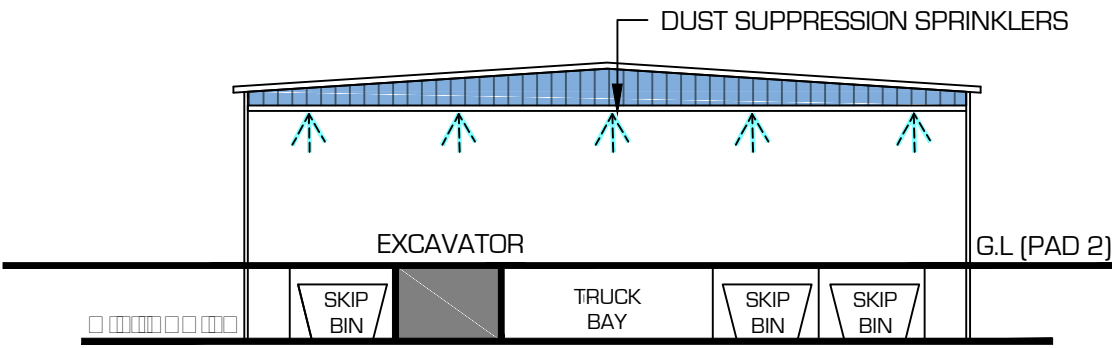
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

SCALE 1: 250 @A3

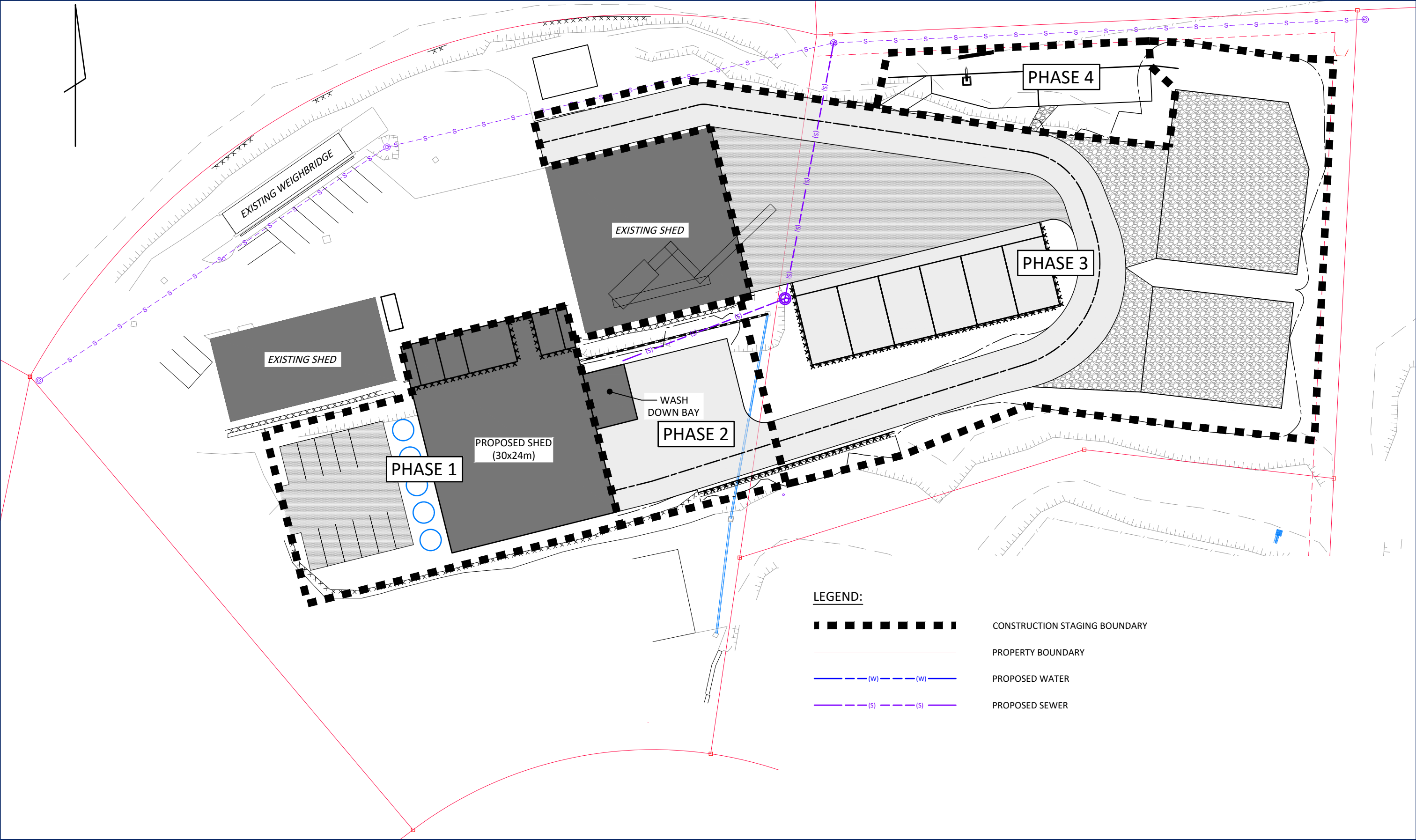
REV	DATE	AMENDMENT
A	06.07.17	
B	13.02.18	PROPOSED DEVELOPEMENT LAYOUT
C	29.05.18	PROPOSED DEVELOPEMENT LAYOUT
D	31.05.18	PROPOSED DEVELOPEMENT LAYOUT
E	26.11.18	PROPOSED DEVELOPEMENT LAYOUT AND SHED
F	18.12.18	SHED, SPRINKLER, WASH DOWN BAY

SOURCE PLAN: N/A
k:\jobs\2017\17070 - the graham family trust\planning\planning plans\ndc plans\cad files\17070 - the graham family trust - rev i [rev f].dwg - plan 6 - shed

NBC
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LISMORE 31 Carrington St. Lismore 2480 PH: 6622 1011
CASINO 100 Barker St. Casino 2470 PH: 6662 5000
ABN: 86 220 045 469

PLAN 6 - CONCEPT SHED DESIGN
SHED 4
CLIENT: THE GRAHAM FAMILY TRUST
LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW
DATE: 18.12.18 REF: 17/070
SCALE: AS ABOVE DRAWN: bk

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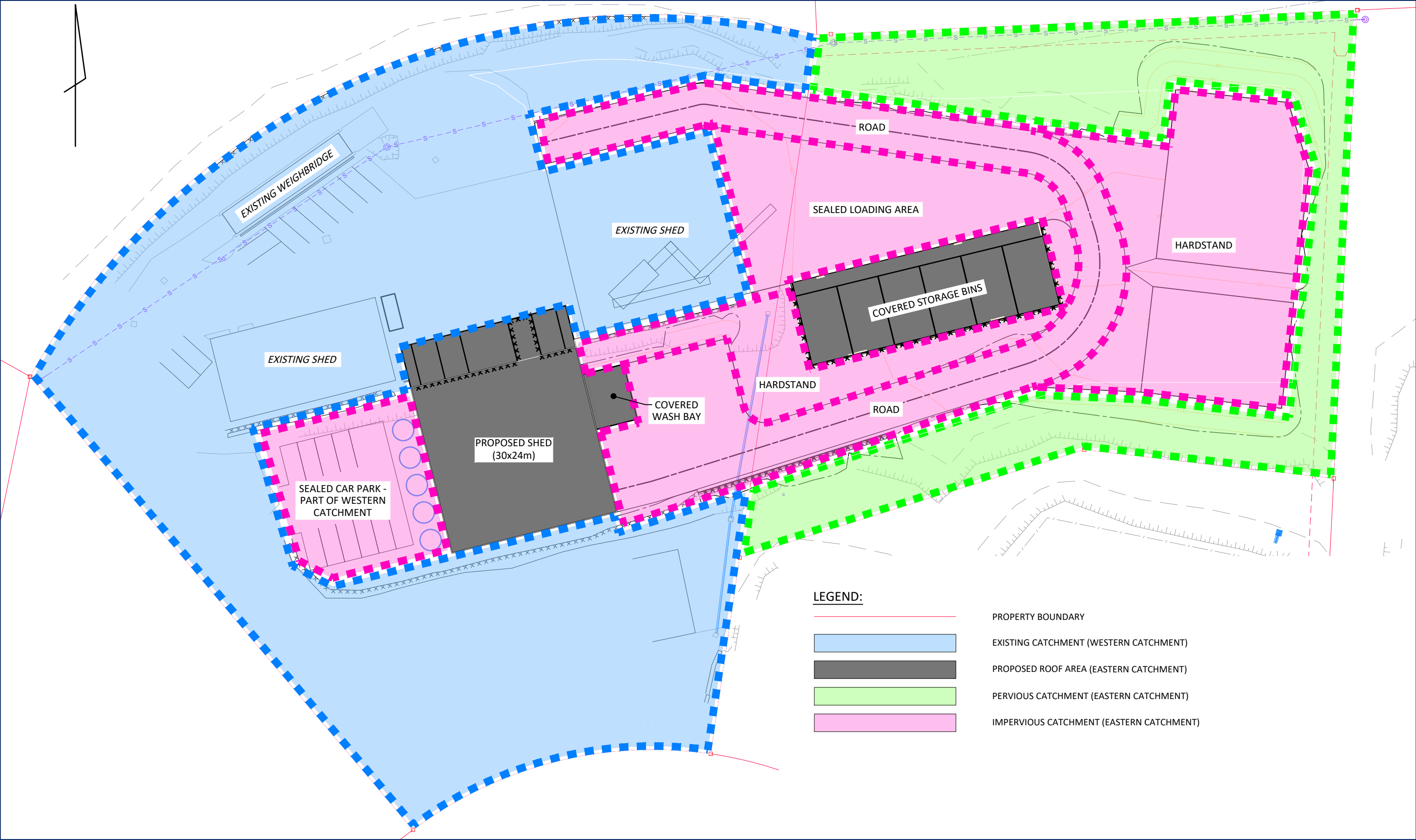
REV	DATE	DESCRIPTION
A	19.12.18	FOR APPROVAL

SOURCE PLAN: N/A
CAD File Name: K:\Jobs\2017\17070 - The Graham Family Trust\Engineering\Drawings\17070-DA-PL-08.dwg

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Surveyors Planners Engineers
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LISMORE 31 Carrington St. Lismore 2480 PH: 6622 1011
CASINO 100 Barker St. Casino 2470 PH: 6662 5000
ABN: 86 220 045 469

PLAN 8
CONSTRUCTION STAGING PLAN

CLIENT: THE GRAHAM FAMILY TRUST
LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW
DATE: 19.12.2018
SCALE: 1:500 @ A3
DRAWN: DY
REF: 17070-DA-PL-08



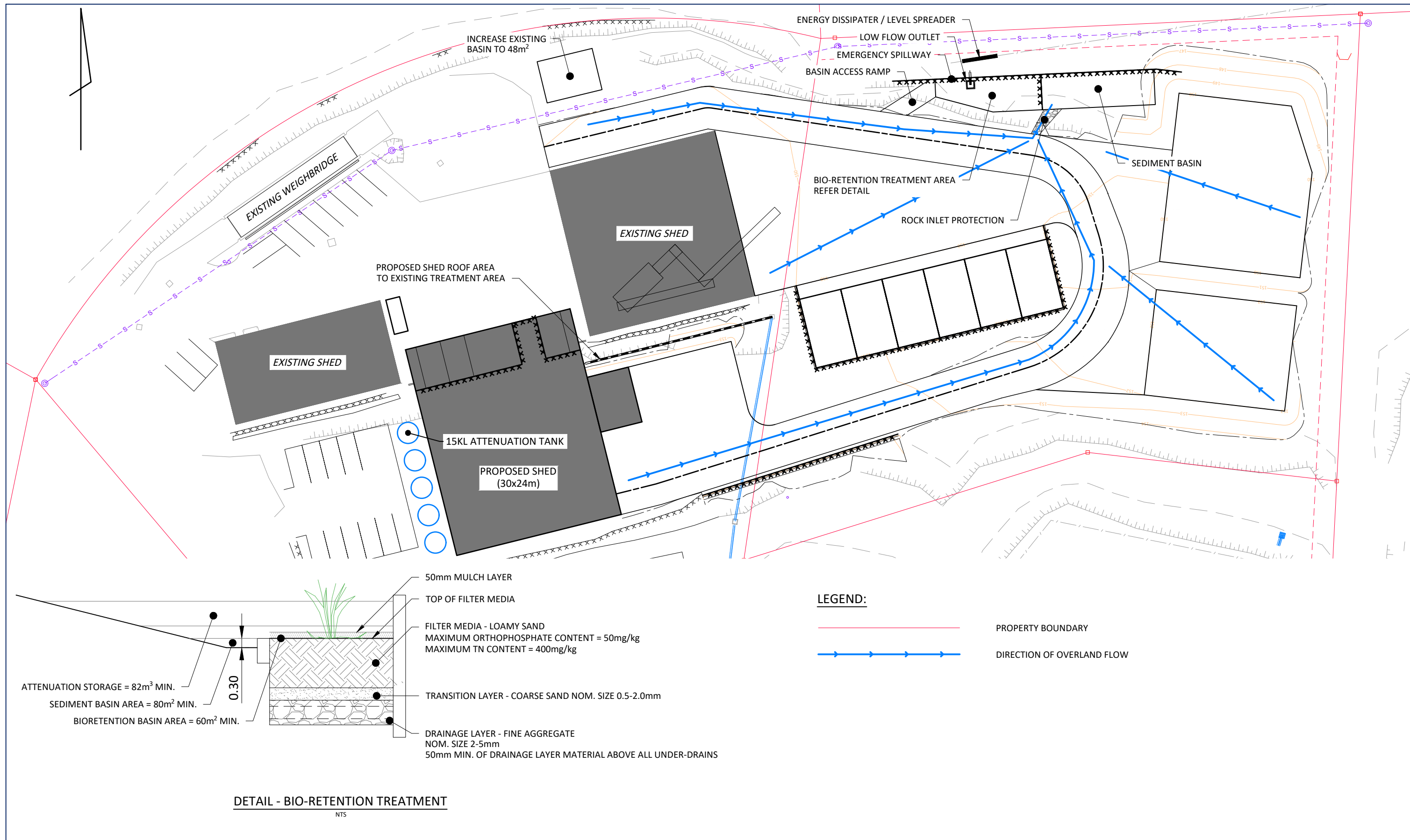
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A	05.12.18	FOR APPROVAL

SOURCE PLAN: N/A
CAD File Name: K:\Jobs\2017\17070 - The Graham Family Trust\Engineering\Drawings\17070-DA-CI-07.dwg

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CASINO 100 Barker St. Casino 2470 PH: 6662 5000
ABN: 86 220 045 469

PLAN 7
STORMWATER CATCHMENTS PLAN
CLIENT: THE GRAHAM FAMILY TRUST
LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW
DATE: 02.07.2018
SCALE: 1:500 @ A3
DRAWN: DY
REF: 17070-DA-CI-07

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N E W T O N D E N N Y C H A P E L L E



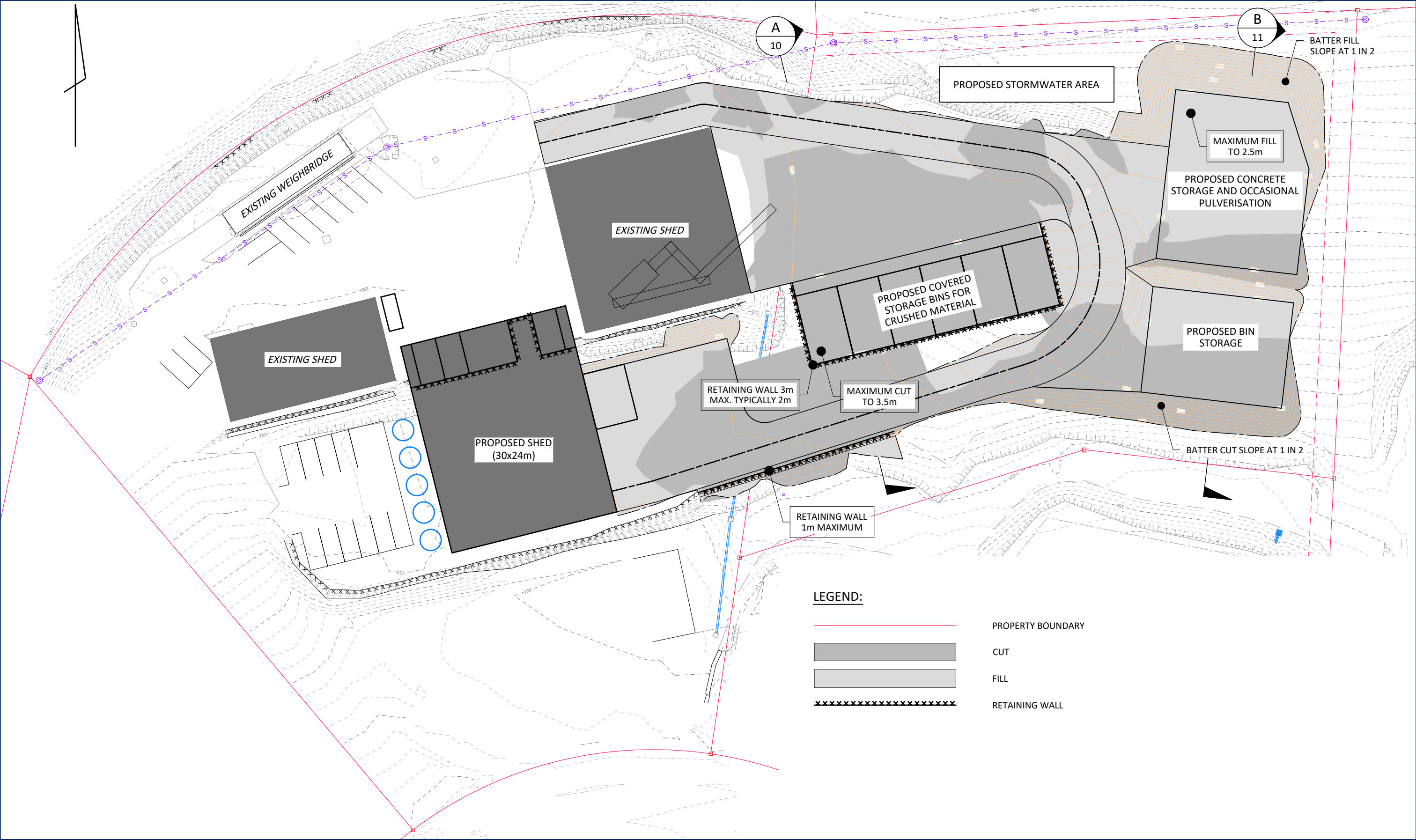
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SOURCE PLAN: N/A
CAD File Name: K:\Jobs\2017\17070 - The Graham Family Trust\Engineering\Drawings\17070-DA-CI-08.dwg

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Surveyors Planners Engineers
Email: office@newtondennychapelle.com.au
LISMORE 31 Carrington St. Lismore 2480 PH: 6622 1011
CASINO 100 Barker St. Casino 2470 PH: 6662 5000
ABN: 86 220 045 469

PLAN 8
STORMWATER TREATMENT PLAN
CLIENT: THE GRAHAM FAMILY TRUST
LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW
DATE: 02.07.2018
SCALE: 1:500 @ A3
DRAWN: DY
REF: 17070-DA-CI-08

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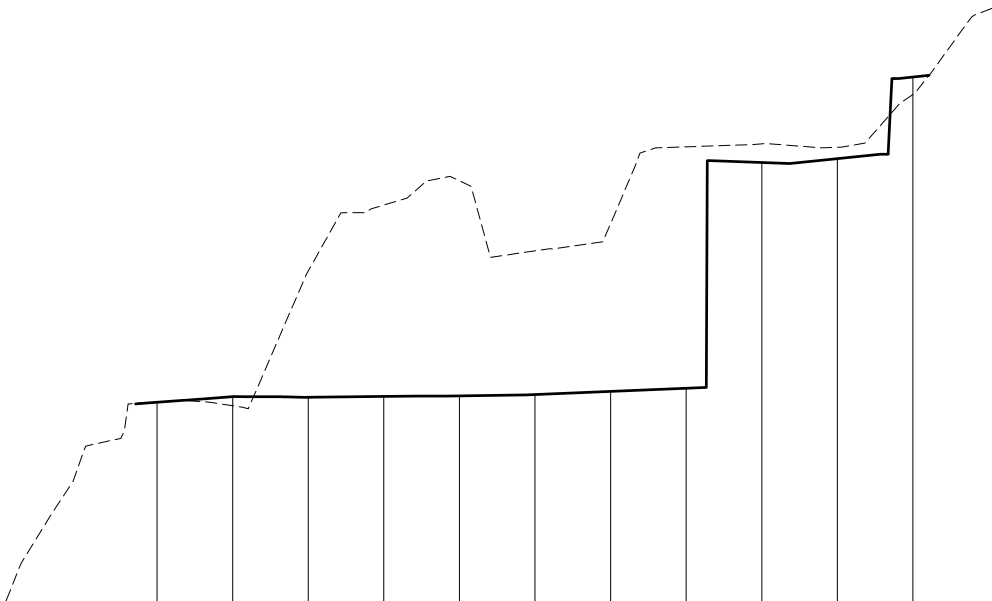
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A	05.12.18	FOR APPROVAL

SOURCE PLAN: N/A
CAD File Name: K:\Jobs\2017\17070 - The Graham Family Trust\Engineering\Drawings\17070-DA-CI-09.dwg

NDG
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PLAN 9
BULK EARTHWORKS PLAN
CLIENT: THE GRAHAM FAMILY TRUST
LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW
DATE: 02.07.2018
SCALE: 1:500 @ A3
DRAWN: DY
REF: 17070-DA-CI-09

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DATUM R.L. 146.00

DESIGN SURFACE			149.903	149.977	149.969	149.980	149.988	150.005	150.047	150.089	153.074	153.125	154.205			
EXISTING SURFACE	147.270	149.171	149.906	149.858	151.637	152.512	152.833	151.906	152.266	153.282	153.321	153.276	153.974	155.094	155.116	
CHAINAGE	0	5	10	15	20	25	30	35	40	45	50	55	60	65	65.28	

BULK EARTHWORKS SECTION - SECTION A

HORIZONTAL SCALE 1:500
VERTICAL SCALE 1:100

REV	DATE	DESCRIPTION
A	05.12.18	FOR APPROVAL

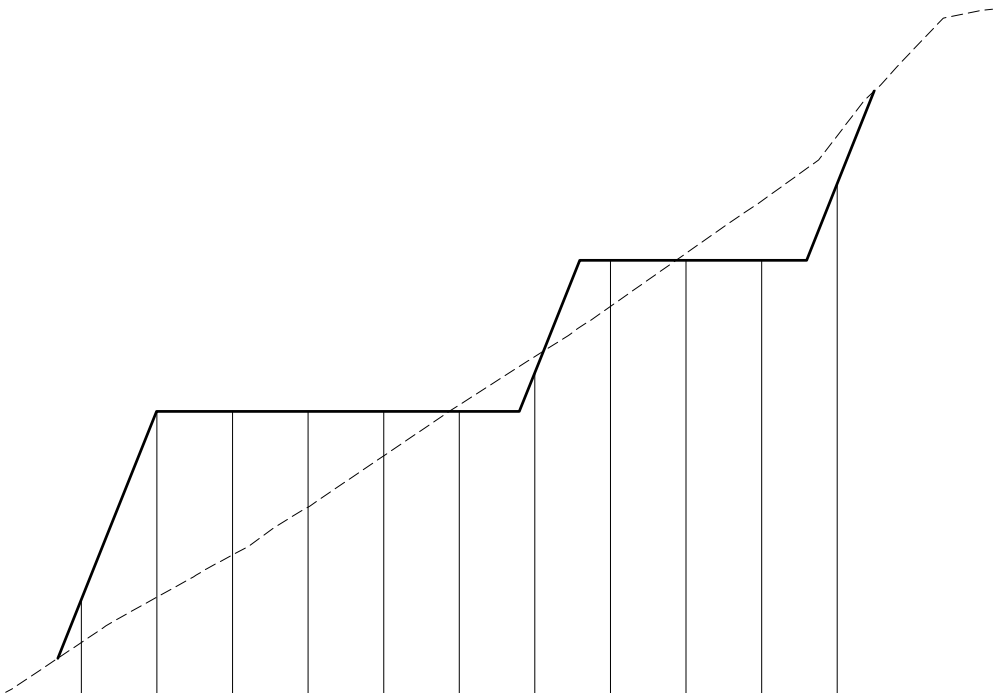
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Surveyors Planners Engineers
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LISMORE 31 Carrington St. Lismore 2480 PH: 6622 1011
CASINO 100 Barker St. Casino 2470 PH: 6662 5000
ABN: 86 220 045 469

PLAN 10 BULK EARTHWORKS - SECTION A	
CLIENT:	THE GRAHAM FAMILY TRUST
LOCATION:	LOT 60 & 61 DP789127 19 NORTHCOTT CRESCENT WOLLONGBAR NSW
DATE:	02.07.2018
SCALE:	1:500 @ A3
DRAWN:	DY
REF:	17070-DA-CI-10

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DATUM R.L. 145.00

DESIGN SURFACE			147.514	150.000	150.000	150.000	150.000	150.000	150.514	152.000	152.000	152.000	153.014				
EXISTING SURFACE	146.286	146.944	147.544	148.103	148.736	149.413	150.086	150.727	151.389	152.091	152.782	153.647	154.779	155.315	155.319		
CHAINAGE	0	5	10	15	20	25	30	35	40	45	50	55	60	65	65.28		

BULK EARTHWORKS SECTION - SECTION B

HORIZONTAL SCALE 1:500
VERTICAL SCALE 1:100

REV	DATE	DESCRIPTION
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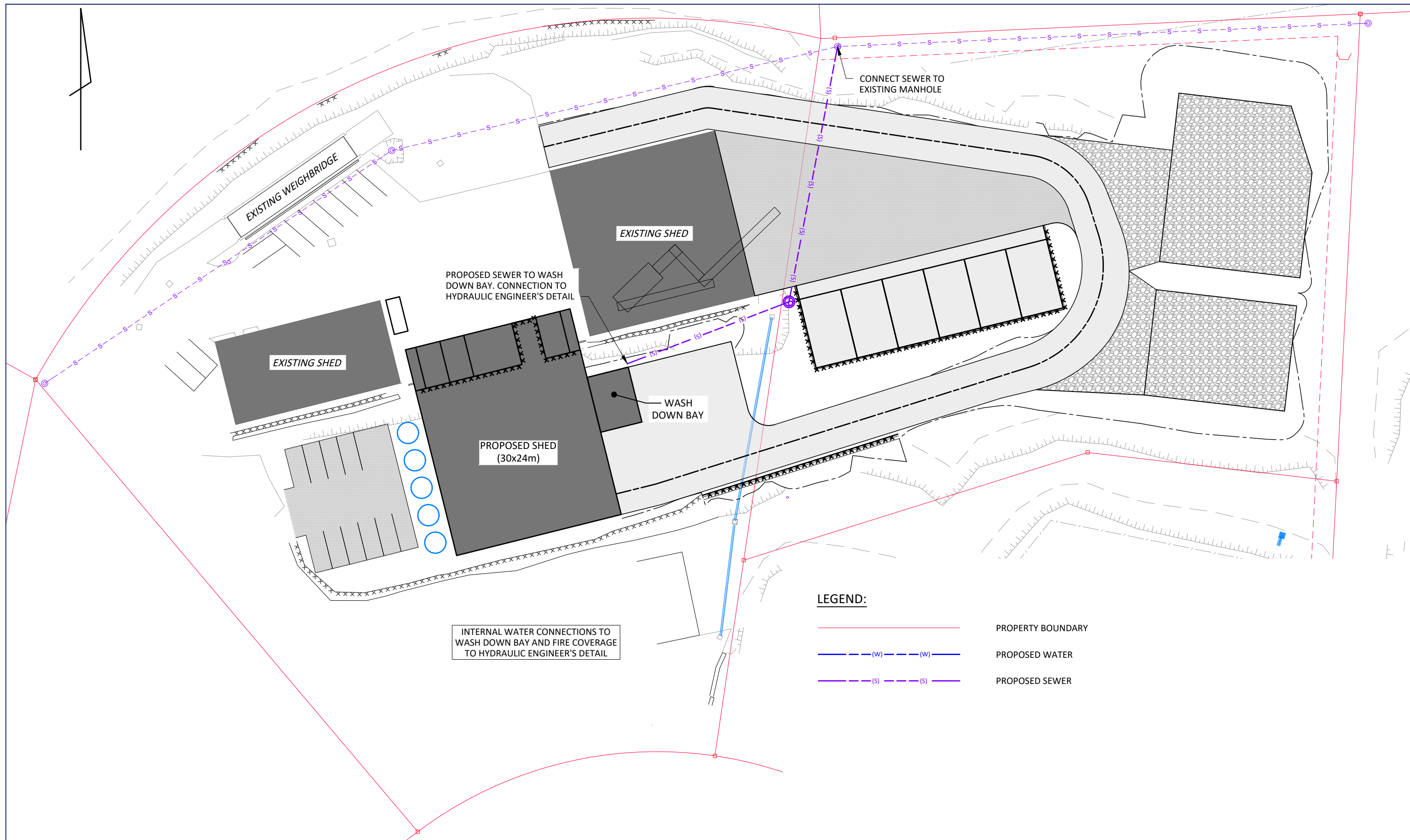
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ABN: 86 220 045 469

PLAN 11 BULK EARTHWORKS - SECTION B	
CLIENT:	THE GRAHAM FAMILY TRUST
LOCATION:	LOT 60 & 61 DP789127 19 NORTHCOTT CRESCENT WOLLONGBAR NSW
DATE:	02.07.2018
SCALE:	1:500 @ A3
DRAWN:	DY
REF:	17070-DA-CI-11

PLAN 12 NOT USED



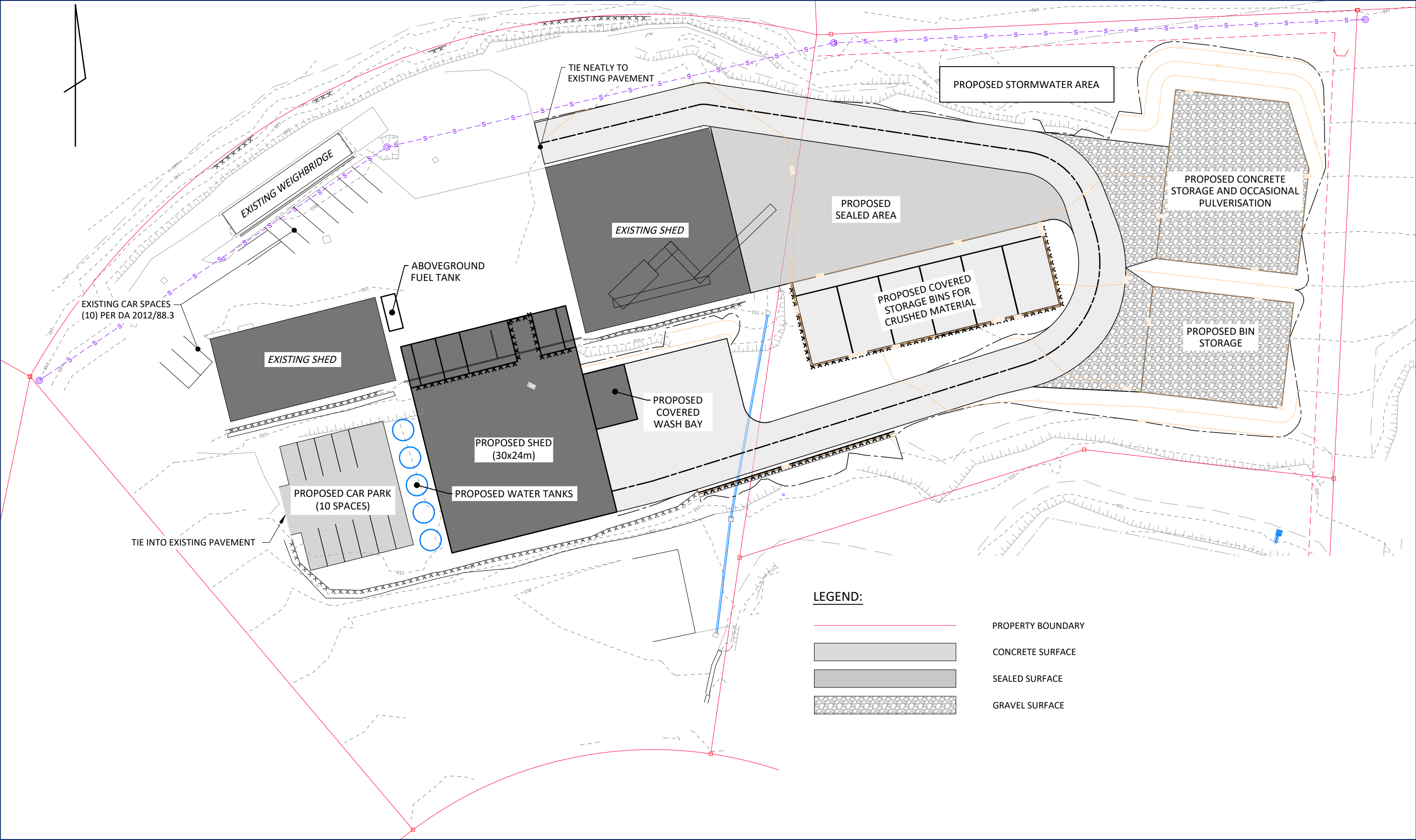
REV	DATE	DESCRIPTION
A	05.12.18	FOR APPROVAL

SOURCE PLAN: N/A
 CAD File Name: K:\Jobs\2017\17070 - The Graham Family Trust\Engineering\Drawings\17070-DA-CI-13.dwg


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 LISMORE 31 Carrington St. Lismore 2480 PH: 6622 1011
 CASINO 100 Barker St. Casino 2470 PH: 6662 5000
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PLAN 13
ENGINEERING SERVICES PLAN
 CLIENT: THE GRAHAM FAMILY TRUST
 LOCATION: LOT 60 & 61 DP789127
 19 NORTHCOTT CRESCENT
 WOLLONGBAR NSW
 DATE: 02.07.2018
 SCALE: 1:500 @ A3
 DRAWN: DY
 REF: 17070-DA-CI-13

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REV	DATE	DESCRIPTION
A	05.12.18	FOR APPROVAL

SOURCE PLAN: N/A
CAD File Name: K:\Jobs\2017\17070 - The Graham Family Trust\Engineering\Drawings\17070-DA-CI-14.dwg

NDC
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CASINO 100 Barker St. Casino 2470 PH: 6662 5000
ABN: 86 220 045 469

PLAN 14
CIVIL WORKS PLAN
CLIENT: THE GRAHAM FAMILY TRUST
LOCATION: LOT 60 & 61 DP789127
19 NORTHCOTT CRESCENT
WOLLONGBAR NSW
DATE: 02.07.2018
SCALE: 1:500 @ A3
DRAWN: DY
REF: 17070-DA-CI-14

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Attachment 2 – Draft Conditions of Consent

DA 2017/600 – Draft Conditions

GENERAL

1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including:

Plans prepared by	Drawing No.	Drawing Title	Dated
Newton Denny Chapelle	17/070, Rev F	Plan 5 – Proposed Development Overview	18 December 2018
Newton Denny Chapelle	17/070, Rev F	Plan 5A – Proposed Development Detail Builders Waste	18 December 2018
Newton Denny Chapelle	17/070, Rev F	Plan 5B – Proposed Development Detail Concrete, Brick and Tile	18 December 2018
Newton Denny Chapelle	17/070, Rev F	Plan 5C – Proposed Development Detail Crushed Aggregate Testing and Storage	18 December 2018
Newton Denny Chapelle	17/070, Rev F	Plan 5D – Proposed Aggregate Bays & Wash Bay	18 December 2018
Newton Denny Chapelle	17/070, Rev F	Plan 6 – Concept Shed Design Shed 4	18 December 2018
Newton Denny Chapelle	17/070, Rev E	Plan 7 – Existing Shed Design Shed 3	18 December 2018
Newton Denny Chapelle	17070-DA-PL-08, Rev A	Plan 8 – Construction Staging Plan	19 December 2018
Newton Denny Chapelle	17070-DA-CI-07, Rev A	Plan 7 – Stormwater Catchments Plan	5 December 2018
Newton Denny Chapelle	17070-DA-CI-08, Rev A	Plan 8 – Stormwater Treatment Plan	20 December 2018
Newton Denny Chapelle	17070-DA-CI-09, Rev A	Plan 9 – Bulk Earthworks Plan	5 December 2018
Newton Denny Chapelle	17070-DA-CI-10, Rev A	Plan 10 – Bulk Earthworks – Section A	5 December 2018
Newton Denny Chapelle	17070-DA-CI-11, Rev A	Plan 11 – Bulk Earthworks – Section B	5 December 2018
Newton Denny Chapelle	17070-DA-CI-13, Rev A	Plan 13 – Engineering Services Plan	5 December 2018
Newton Denny Chapelle	17070-DA-CI-14, Rev A	Plan 14 – Civil Works Plan	5 December 2018
Report prepared by	Report Title		Dated
Newton Denny Chapelle	Response to information requests within letter dated 20 December 2018		20 December 2018
Newton Denny Chapelle	Environmental Impact Statement		October 2017 (as amended by

		'Update to Section 3.2 – Proposed Development' dated December 2018)
Newton Denny Chapelle	Response to Requests for Additional Information	20 December 2018
Blackwood Ecological Services	Flora and Fauna Assessment	23 March 2017
Everick Heritage Consultants	Cultural Heritage Assessment	21 March 2017
Newton Denny Chapelle	Engineering Services Report (Revision D)	14 November 2018
Tim Fitzroy & Associates	Waste Management Plan	9 August 2017
CRG Acoustics	Noise Impact Assessment	20 December 2018
Tim Fitzroy & Associates/Heilig & Partners	Vibration Assessment	9 August 2017
Tim Fitzroy & Associates	Air Quality Assessment	20 December 2018
Tim Fitzroy & Associates	SEPP 33 Assessment	9 August 2017

except as modified by any condition in this consent.

2. Commencement of occupation or use

Occupation or use of the premises for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and a final Occupation Certificate has been issued by the Principal Certifying Authority (PCA), unless alternative arrangements have been made with Council.

3. Environmental Protection Licence

Prior to any works being undertaken within the premises to which this development consent applies, the applicant shall have applied and obtained from the New South Wales Environment Protection Authority an Environment Protection Licence to operate the proposed business within the premises.

4. No advertising signage to be displayed

No advertising sign(s) is to be erected or displayed without prior submission of a Development Application to, and approval from, Council, unless the proposed signage is consistent with the terms and conditions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

5. Roof material

The roof material of the proposed development shall have low reflective index characteristics and the colour shall not be prominent against the background. As far as practicable, finishes should comprise earthy or subdued tones. Unpainted zincalume, white, off white and light grey are not acceptable.

6. Building to comply with NCC

All aspects of the building design shall comply with the performance requirements of the National Construction Code (NCC) so as to achieve and maintain acceptable standards of structural efficiency, safety, health, and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions,
- (b) formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision.
- (c) combination of (a) and (b).

Details are to be included with the plans and specification accompanying a Construction Certificate application.

7. Driveway construction

The driveways and parking bays within the development are to be constructed of reinforced concrete or similar paved material. All trafficable parts of the site and areas used for storage of equipment and materials, including skip bins etc, shall be sealed to prevent dust generation. Gravel areas where proposed must be of all weather, dust free construction. All driveway areas are to be adequately graded and drained to stormwater treatment areas. These areas must discharge to Council's stormwater system to ensure that stormwater is not directed onto adjoining properties.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building)

The following conditions in this section of the consent must be complied with prior to the issue of any Construction Certificate relating to the approved development.

8. Long Service Levy

In accordance with Section 6.8(1)(b) of the EP & A Act (formerly Section 109F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

9. Construction Certificate

Prior to construction of the approved development it is necessary to obtain a Construction Certificate. Either Council or an appropriately accredited certifier may issue a Construction Certificate. A separate application, complete with detailed plans and specifications, must be made to the Principal Certifying Authority for a Construction Certificate.

10. Trade Waste

The applicant shall complete and submit to Council a Trade Waste application and pay the associated fee. Please note that this application may be subject to the Department of Industry concurrence process.

A Trade Waste report should be undertaken by suitably competent and qualified trade waste consultant addressing all trade waste measures.

The following information is to be included within the Trade Waste Report:

- The proposed rate of discharge, including:
 - average per day, and maximum per day and per hour
 - Hours of the day during which discharge takes place.
- Site plan, including:
 - Location and details of proposed liquid trade waste pre-treatment facilities
 - details on pre-treatment equipment maintenance
 - proposed connection point to the sewerage system
 - exclusion of stormwater to sewerage system

- Physical and chemical characteristics of the discharge, including:
 - nature of source
 - expected maximum and average concentrations of pollutants, and
 - temperature and pH
 - Material Safety Data Sheets (MSDS) shall also be supplied for assessment of products that can be found in the trade waste proposed for discharge.

11. Car parking and vehicular access

The development not including the tyre shop (DA 2016/285) shall provide 21 parking spaces on-site. The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1:2004. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

12. Car parking for disabled

The design of all disabled car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6: 2009. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

13. Vehicle Management Plan

Prior to the issue of the Construction Certificate, the applicant shall submit a Vehicle Management Plan for vehicles servicing the site. The plan must be in accordance with AS2890.2 and include the following minimum requirements:

- The maximum size of vehicles servicing the site.
- The service vehicle travel path through the site and associated swept path analysis.
- Restrictions on the hours vehicles can service the development.

14. Landscape plan

Prior to issue of a Construction Certificate, a landscape plan is to be submitted to and approved by Council. The landscape plan shall include additional plantings on the northern portion of the site and shall consist of local endemic species only.

15. Stormwater management plan

The provision of stormwater controls on site shall be in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 – Section 3.9 – Stormwater Management and generally in accordance with the Site Stormwater Management Plan by Newton Denny Chapelle contained within the Engineering Services Report dated 14 November 2018. The stormwater management plan shall make provision for the attenuation and the spreading of flows such that flows emanating from the site match the predevelopment condition. Measures are to be incorporated into the design which prevent the discharge of concentrated stormwater from the site and ensure the receiving environment is protected against erosion for all storm events up to the 1% AEP event. Overland flow paths must not be impeded by structures or landscaping. A detailed design must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

16. Stormwater maintenance plan

The applicant shall be required to develop a Stormwater Maintenance Plan to ensure that Stormwater Controls are maintained in an appropriate condition such that the identified treatment and attenuation targets stipulated within the Stormwater Management Plan are achieved on an ongoing basis. A report must be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

17. Review of existing stormwater controls

Prior to the issue of a construction Certificate, certification must be provided to the Principal Certifying Authority that all stormwater works required under DA 2012/88.3 (as modified on 3 October 2013) have been provided in accordance with approved Construction Certificate Plan and approved Stormwater Management Plan. This certification must be provided by a registered certified practicing engineer competent in the field of stormwater design and familiar with all aspects of the project. If the review identifies deficiencies in the existing stormwater systems, then the rectification works that are required are to be included into the design plans and approved as part of this Construction Certificate.

18. Covering of waste – stormwater contamination

All waste material is to be covered whilst it is processed and stored on site to prevent the contamination of stormwater. In the pulverisation area, large concrete items are required to be stored under a tarpaulin. Overland flow paths are to be directed away from waste storage areas to mitigate the risk of stormwater contamination. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issuing of any Construction Certificate.

19. Sealing of trafficable areas

All trafficable parts of the site and areas used for storage of equipment and materials, including skip bins etc, shall be sealed to prevent dust generation, details to be included in Construction Certificate plans.

20. Acoustic treatment

Identified acoustic construction measures, as specified in recommendations of Environmental Noise Impact Assessment dated 20 December 2018 prepared by CRG Acoustics, shall be incorporated into the final construction plans.

- The facility hours of operation to be limited to the following:
 - Vehicles will operate from the site 6am to 6pm Monday to Friday and 6am to 1pm Saturday.
 - Sorting, pulverising, crushing and screening will be limited to 7am to 6pm Monday to Friday, with not more than 5 hours of crushing on any given day.
- Compression of waste material through impactive means (i.e. by excavator bucket actively impacting materials into skip bins) is not to be undertaken. Waste material can be compressed if the excavator bucket is laid on the materials then pressed down, avoiding impacts.
- Trucks and heavy equipment (i.e. loaders) are to be restricted to a posted speed limit of 5km/h. Signage is to be erected onsite at prominent locations (i.e. along western access road/driveway).
- Dump trucks are to be switched off when being loaded.
- The northern roller door of Shed 3 is to be kept closed at all times.
- Sheds 3 and 4 are to be constructed as per the plans and have no gaps or holes between the connections with the roof and walls and with the walls and ground to ensure a minimum noise reduction of 13 dB is achieved along walls which have no openings (i.e. northern and southern walls of Shed 3 and the western and southern walls of Shed 4).

- The southern eastern and western walls of the aggregate storage bin shed are to be of solid construction (i.e. tilt-up concrete panels) and be a height of 6 metres.
- Onsite drivers/operators (i.e. bobcat, truck, loaders, excavators and crusher/screen) be instructed to operate equipment in a manner that does not generate unnecessary noise, through avoiding excessive revving of motors, and avoidance of impact with solid objects.
- No alarm bells or paging systems should be used. Cordless telephones are a suitable substitute.
- Permanent onsite vehicles have a modified beeper installed (commonly termed a 'croaker', as they sound similar to a frog croak).
- Onsite machinery are to be fitted with exhaust controls that minimise noise pollution in accordance with current legislation and industry best practices.
- All engines are to be maintained and tuned to manufacturer's specifications so as to minimise exhaust emissions.
- Provide the nearest noise sensitive receiver (refer to Figure 2 in Appendix A) with a contact number should any problem arise. In the event of a noise complaint, the complaint must be dealt with sensitively and respectfully, with the noise abated as soon as possible. A complaint register must also be completed and stored (refer to Appendix B of the report for an example of a complaint register).

21. **Acoustic treatment**

The acoustic consultant is to provide certification to the Principal Certifying Authority (PCA) prior to the release of the Construction Certificate, that the recommended acoustic treatments have been incorporated into the construction plan.

22. **Car wash bay**

The car wash bay shall be covered, bunded and drained to sewer via a Council approved pre-treatment device. Full details are to be provided in a Section 68 application and shall be approved by Council's Trade Waste Officer prior to the issue of the Construction Certificate. Drainage details are to be incorporated into the hydraulic plans.

23. **Developer contributions**

Prior to issue of a Construction Certificate where building work is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979:

Contribution Plan/Development	Adopted
Servicing Plan	
Cumbalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
Ballina Shire Roads Contribution Plan Version 4.1	26 July 2018
Ballina Shire Open Spaces and Community Facilities Contributions Plan 2016	1 January 2017
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

The Contribution amounts applicable at the time this consent is issued are as per Schedule 2 (**attached**).

24. **Developer charges**

Prior to issue of a Construction Certificate where building work is proposed, payment to council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 2000. The amount payable will be the assessed additional equivalent tenements generated by the development multiplied by the charge applicable at the time of payment.

Certificates of Compliance pursuant to Section 306 of the Water Management Act 2000 shall be deemed to have been issued where the required charges have been paid and all construction works required by the water supply authority for the development have been completed.

The charges are currently guided by the following development servicing plans:

Water Authority	Supply	Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Council		Ballina Shire Council Water Supply Infrastructure Development Servicing Plans	27 February 2015
Ballina Shire Council		Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 February 2015
Rous Water		Development Servicing Plan for Bulk Water Supply	15 June 2016

The Development Servicing Plans provide for the indexing of charges and are also subject to amendment and replacement. The charges payable are the charges set by the water supply authorities at the time payment is made. Copies of the Development Servicing Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

It should be noted that Ballina Shire Council acts as Rous Water's agent in the collection of Rous Water Bulk Water Supply Charge for developments that are connected to the Ballina Shire water supply.

The charges applicable at the time this consent is issued are included in Schedule 2 (**attached**).

25. **Fire Safety Schedule**

Prior to the issue of the Construction Certificate, either the Council or an appropriately accredited certifier shall issue a Fire Safety Schedule for the proposed development. In accordance with Clause 168(1) of the *Environmental Planning and Assessment Regulation 2000*, a Fire Safety Schedule must specify the fire safety measures (both existing and proposed to be installed) that should be implemented in the building premises. The Fire Safety Schedule must deal with the whole of the building and not only

to the part of the building to which this consent applies as provided for in Clause 168(3), *Environmental Planning and Assessment Regulation 2000*.

It is an offence to fail to provide a Fire Safety Schedule in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with prior to commencement of construction works relating to the approved development.

26. Notice of Commencement and Appointment of Principal Certifying Authority

Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit to Council the following information:

- Written notification of the name and details of the Principal Certifying Authority (PCA); and
- The date of commencement and details of the Development Consent and associated Construction Certificate.

The above information is to be submitted at least two days prior to the commencement of any works, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

27. Traffic control

All traffic control shall be in accordance with the Roads and Maritime Services "Traffic Control at Work Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council prior to the commencement of construction.

DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with during the course of carrying out the construction works relating to the approved development.

28. Resource recovery exemption

Any material the subject of a resource recovery exemption received at the development site shall be accompanied by documentation as to the material's compliance with the exemption conditions and shall be provided to the Principal Certifying Authority or the Council upon request.

29. Dust management

Dust shall be managed using water suppression, re-establishment of vegetation cover, stockpile management, covering loads, preventing spoil tracking onto roads and halting works on site in extreme wind events. Further guidance can be sourced from 'No Dust No Fuss: Guidelines for controlling dust from construction sites' NSW EPA.

30. Construction

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

31. Site contamination

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principal Certifying Authority.

32. Waste management

All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility unless managed in accordance with a current resource recovery order and exemption.

It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.

33. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 shall be implemented in full during the construction period.

34. Sediment and erosion control measures

To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works. These are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:

- The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land
- Service trenches being backfilled as soon as practical
- Downpipes being connected as soon as practical or the use of temporary downpipes
- Buffer vegetation zones being retained on sites that adjoin roadways, drainage systems and or watercourses
- Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

35. Covering of stockpiles

Suitable covering and protection is to be provided to all stockpiles to ensure that no material is removed from the site by wind, causing a nuisance to neighbouring properties.

36. Sediment and waste materials

The discharge of sediment and waste materials including concrete waste, paint, plaster and the like material into any roadway, natural or constructed drainage system, watercourse and/or adjoining land constitutes a breach of development approval conditions. Council's Authorised Officers may issue a Clean Up Notice, Prevention Notices and/or an on-the-spot fine in accordance with the Protection of the Environment Operations Act 1997.

37. Covering of vehicles and trailers

The body of any vehicle or trailer used to transport waste or excavation spoil shall be covered before leaving the premises to prevent any spillage or escape of any dust, waste or spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site shall be removed before leaving the premises.

38. Noise control

All work, including demolition, excavation and building work shall comply with Australian Standard AS 2436:2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and *NSW Interim Construction Noise Guidelines* (DECC 2009).

39. Source of fill material

The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The supplier of the fill material must certify to the Principal Certifying Authority (PCA) at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

40. Stormwater management plan

The applicant shall be required to implement the approved Stormwater Management Plan during the construction phase. Details must be submitted to The Principal Certifying Authority prior to other construction works commencing demonstrating compliance with the requirements of the approved Stormwater Management Plan.

41. Damage to Council infrastructure

Damage to any grass verge, footpath, kerb and guttering, utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted on telephone 6686 4444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

42. Aboriginal Objects Find Procedure

If it is suspected that Aboriginal material has been uncovered as a result of development activities within the Project Area:

- a) Work in the surrounding area is to stop immediately;
- b) A temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- c) An appropriately qualified archeological consultant is to be engaged to identify the material; and
- d) If the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRP) (2010).

43. Aboriginal Human Remains

Although it is unlikely that human remains will be located at any stage during earthworks within the Project Area, should this event arise all works must halt in the immediate area to prevent any further impacts to the remains. The site should be cordoned off and the remains themselves should be left untouched. The nearest police station (Ballina) the Jali Local Aboriginal Land Council and the Department of Planning, Industry & Environment (DPIE) Regional Office (Coffs Harbour) are all to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the site for criminal activities, the Aboriginal community and the DPIE should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

In all dealings with Aboriginal human remains, the Proponent should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific measures.

44. Notifying the DPIE

If Aboriginal cultural materials are uncovered as a result of development activities in the Project Area, they are to be registered as Sites in the AHIMS managed by the DPIE. Any management outcomes from the site will be included in the information provided to the AHIMS.

45. Conservation Principles

All effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent, DPIE and the Aboriginal community.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Unless otherwise stated all conditions referred to in other sections of this consent must be complied with together with the following conditions prior to occupation or use.

46. Occupation Certificate

An Occupation Certificate is to be obtained prior to commencement of use or occupation of the premises. Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.

47. Height of Shed 4

A surveyor certificate verifying the maximum height of Shed 4 does not exceed 10 metres is to be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

48. Fire safety certificate

On completion of the erection of the building, the owner is required to provide Council with a Final Fire Safety Statement for the proposed development and shall certify that all essential (fire safety) services installed in the building have been inspected and tested by a competent fire safety practitioner and were found to have been designed and installed to be capable of operating to the minimum standard required by the Building Code of Australia (BCA).

The Final Fire Safety Statement to which this consent applies must be in the approved form and be provided in accordance with Clause 171 of the *Environmental Planning and Assessment Regulation 2000*.

It is an offence to fail to provide a Fire Safety Statement in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

49. Trade Waste

Prior to issue of the Occupation Certificate, all pre-treatment equipment as outlined in the Trade Waste Approval shall be installed, inspected and commissioned. A pre-operation inspection is required by Council that demonstrates compliance with the requirements of the Liquid Trade Waste approval (required by Condition 10 of this consent).

50. Noise Impact Assessment Report

The acoustic consultant shall provide the Principal Certifying Authority (PCA) with certification that the construction measures comply with the acoustic specifications identified in the Noise Impact Assessment Report dated 20 December 2018 or as amended, by CRG Acoustics, prior to the release of any Occupation Certificate.

51. Car parking (standard)

The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.

52. Car parking (disabled)

The construction of all disabled car parking spaces is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.6: 2009. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.

53. Stormwater

Prior to the issue of an Occupation Certificate, certification must be provided to the Principal Certifying Authority that all stormwater works have been provided in accordance with the approved Construction Plan and the approved Stormwater Management Plan. Overland flow paths must not to be impeded through structures or landscaping and must direct stormwater flows to the public drainage system and not onto adjoining properties. This certification is to be provided by a registered certified practicing engineer competent in the field of stormwater design and familiar with all aspects of the project.

54. Driver's Code of Conduct

Prior to the issue of an Occupation Certificate the applicant shall prepare a *Code of Conduct* for haulage operators, this is to include but not necessarily be limited to;

1. A map of the primary haulage route highlighting critical locations.
2. Any safety initiatives applicable to specific haulage route.
3. An induction process for vehicle operators and regular toolbox meetings.
4. A complaint resolution and disciplinary procedure.

Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate.

55. Dust Management Plan

A Dust Management Plan shall be prepared for the site. The management plan shall identify all potential dust generating activities (loading, unloading, crushing, vehicle movements etc) and specify mitigation measures to minimise dust emissions, monitoring requirements and complaint handling procedures. The dust management plan shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to the release of any Occupation Certificate. If Council is not the PCA a copy of the plan shall be provided to Council.

CONDITIONS OF USE/DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

56. Occupation Certificate

The building is not to be occupied until a final occupation or interim occupation certificate has been issued by the Principal Certifying Authority (PCA).

57. Fire safety statement

The owner of the building must provide Council with an annual Fire Safety Statement at least once in each twelve months certifying that the essential and statutory fire safety measures in the building have been inspected and tested by a competent person and were found to have been designed, installed and capable of operating to the minimum standard required by the current Fire Safety Schedule.

The Annual Fire Safety Statement must be in the approved form in accordance with Clause 175, *Environmental Planning and Assessment Regulation 2000*.

A copy of the Annual Fire Safety Statement together with a copy of the Fire Safety Schedule are to be forwarded to the Commissioner, NSW Fire Brigades, and a copy of the Fire Statement and Schedule, prominently displayed in the building.

It is an offence to fail to provide an Annual Fire Safety Statement and to fail to prominently display the current Annual Fire Safety Statement and current Fire Safety Schedule within the building in accordance with the requirements of Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.

58. Loading and unloading

All loading and unloading of goods are to be carried out off-street and wholly within the site.

59. Vehicular access

Vehicular entry to and exit from the site shall be in forward direction.

60. Car parking

All vehicles associated with the conduct operation of the business on the subject allotment shall be parked wholly within the allotment and not within the adjoining street system.

61. Vehicle management

The operation of the business shall be in accordance with the vehicle management plan approved as part of the Construction Certificate.

62. Stormwater management

The approved stormwater management systems shall be maintained in a suitable standard to achieve the outcomes identified in the approved stormwater management plan and maintenance of these systems shall be undertaken in accordance with the approved stormwater maintenance plan.

63. Waste management

Operational waste management activities at the site shall be in accordance with the 'Standards for Managing Construction Waste in NSW' (State of New South Wales and the NSW Environment Protection Authority 2019) and Waste Management Plan prepared by Tim Fitzroy & Associates dated 9 August 2017.

64. Resource recovery order

Prior to the sale and/or reuse of processed construction and demolition waste, testing shall be undertaken in accordance with the requirements of the relevant resource recovery order. Materials that do not comply with the resource recovery order shall either be disposed of at a place that can lawfully receive it or be the subject of a specific resource recovery exemption/order.

65. Waste management

Waste, including hazardous and/or industrial waste, arising from the operational activities must be stored, transported and disposed of in accordance with the requirements of NSW EPA and SafeWork NSW pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997;
- (b) Protection of the Environment Operations (Waste) Regulation 2014;
- (c) Waste Avoidance and Resource Recovery Act 2001;
- (d) New South Wales Work Health & Safety Act 2011; and
- (e) The Work Health & Safety Regulation 2017.

66. Dust deposition gauges – installation

Three dust deposition gauges shall be installed to measure the effectiveness of dust suppression on site. If dust deposition exceeds 4g/m²/month, then additional dust suppression activities shall be undertaken. This requirement can only be modified/removed with the written approval of the appropriate regulatory authority.

67. Dust deposition gauges – operation

Operation of dust deposition gauges and monitoring must be carried out in accordance with Australian Standard 3580.10. 01 (2003) Particulates – Deposited Matter – Gravimetric Method and approved method AM-19 referred to in *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*, December 2007. The responsible person must certify to the Principal Certifying Authority (PCA) that the monitoring has been undertaken in accordance with these standards.

68. Prescribed hours of operation

Activities carried out on the land pursuant to this consent (not including initial construction works) shall only be undertaken in accordance with;

- Vehicles shall only operate between 6.00am and 6.00pm Monday to Friday and 6.00am to 1.00pm Saturdays
- Sorting, pulverising, crushing and screening shall only occur between 7.00am to 6.00pm Monday to Friday with not more than 5 hours of crushing on any given day.

No crushing, pulverising and screening shall occur on Saturdays.

No operation of vehicles, crushing, pulverising and screening shall occur on Sundays or Public Holidays.

69. Ground maintenance

Ground maintenance involving the use of power equipment, including lawn mowers and leaf blowers, shall be restricted to between 7.30am and 6.00 pm, Mondays to Fridays inclusive and 8.00am and 1.00pm on Saturdays.

70. Environmental Noise Impact Assessment

Operation of the site shall be in accordance with recommendations included in the Environmental Noise Impact Assessment dated 20 December 2018 prepared by CRG Acoustics, including the below:

- Compression of waste through impactive means (i.e. by excavator bucket actively impacting materials into skip bins) shall not be undertaken. Waste material can be compressed if the excavator bucket is laid on the materials then pressed down, avoiding impacts
- Trucks and heavy equipment are to be restricted to a posted speed of 5 km/hr. Signage is to be erected onsite at prominent locations
- Dump trucks are to be switched off when being loaded
- The northern roller door of Shed 3 is to be kept closed at all times.
- No alarm bells or paging systems should be used on-site
- Permanent onsite vehicles shall have a modified beeper installed i.e. croaker
- Provide contact details to identified noise sensitive receiver, as identified in report, and
- Maintain a complaint register on-site and present for review upon request of regulatory staff.

71. Liquid storage

All liquid chemicals, fuels and oils shall be stored in tanks or containers inside suitable bund(s). Bund(s) are to be designed, constructed and maintained in accordance with AS 1940-2004 storage and Handling of Flammable and Combustible Liquids.

72. Clean up equipment

Clean up equipment including suitable absorbent material shall be stored on site to effectively deal with liquid contaminants such as oils and chemical spills.

73. Emissions

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

74. Maintenance of plant and equipment

All plant and equipment installed or used in or on the premises shall be maintained in a serviceable condition and operated in a proper and efficient manner at all times.

75. Pollution incidents

In the event of a pollution incident on the premises, that has caused, is causing, or is likely to cause harm to the environment, the incident shall be reported in accordance with the requirements of section 148 of the *Protection of the Environment Operations Act 1997* (POEO Act).

76. Dust Management Plan

The operational activities at the site shall be in accordance with the requirements of the approved dust management plan.

77. External lighting

All external lighting to be installed and operated on site shall comply with AS 4282:1997 "Control of the obtrusive effects of outdoor lighting".

78. Landscaping

Landscaping is to be provided on the site in a manner that does not impede surveillance or result in concealment areas.

79. General Terms of Approval – NSW Environment Protection Authority

Operation of the premises is to occur in accordance with the General Terms of Approval issued 17 April 2019 (amended 5 November 2019) and the Environment Protection Licence (EPL) issued for the premises.

ADVISORY MATTERS

1. **Disability Discrimination Act 1992**

The granting of this consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992 (DDA)*. The applicant is advised to investigate any liability that may apply under that Act. *Australian Standard AS 1428 – Design for Access and Mobility* should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

Compliance with the BCA does not guarantee compliance with the DDA. The BCA provides important access provisions however:

- a) it does not cover all developments that are subject to the provisions of the DDA;
- b) it focuses primarily on access for people with disabilities which affect their mobility and does not address other disabilities, such as sensory disabilities; and
- c) while it mandates improved access for people with disabilities, it is not framed in terms of “equality of access.”

You are therefore advised to investigate your liability under the DDA with respect to any existing and proposed future works.

2. **Protection of the Environment**

The development is to be operated in accordance with the provisions of the Protection of the Environment and Operations Act 1997 as it applies to issues of air quality, noise generation, water and wastewater quality.

3. **Noise control**

Use of the premises/services/equipment/ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the *Protection of the Environment & Operations Act 1997*.

4. **WorkCover requirements**

The premises shall be operated in accordance with the requirements of the WorkCover Authority.

5. **Wastewater management advice**

All work carried out in connection with this approval must comply with any applicable standard established by the Local Government (Approvals) Regulation 1993, the Local Government (Water, Sewerage and Drainage) Regulation 1993, or by or under the Act.

6. **Smoke Free Environment**

As required by the Smoke-free Environment Act 2000 smoking is banned within 4 metres of the pedestrian entrance or exit of the building used for non-residential purposes. ‘No smoking’ signage is recommended to support public awareness of the smoking ban. On the spot fines may be issued to those who do not comply with the 4 metre requirement.

Advisory Note:

The applicant is advised to take care in ensuring that no damage is done to or unauthorised modifications are carried out on either Council's or any other organisation's underground infrastructure assets. Any Council sewer, stormwater or water main or other organisation owned electricity supply or telecommunication facility is not to be damaged or altered in any way without the necessary approvals being obtained beforehand from the relevant server.

You are advised to contact the following:

- Council - for information on sewer, water supply & stormwater
- Rous Water - Water Supply for Rous Water Authority controlled areas
- "Dial Before You Dig" - for other service infrastructure

The information relating to your property is to be obtained prior to any works commencing.

SCHEDULE 1

NSW Environment Protection Authority General Terms of Approval Dated 17 April 2019

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1578573

Ballina Shire Council
The General Manager
Po Box 450
BALLINA NSW 2478

Attention: Georgia Lee

Notice Number 1578573
File Number EF13/8198
Date 17-Apr-2019

Re: Expansion of resource recovery facility located at Lot 1 DP 1237064, 19 - 21 Northcott Crescent Alstonville.

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application (DA) and accompanying information provided for DA 2017/600 received by the Environment Protection Authority (EPA) on 13 February 2019.

EPA has reviewed the information provided including public submissions 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 attachment. If Ballina Shire 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.

In assessing the proposal EPA has identified that the issues raised through the environmental assessment and public submissions could be managed by the mitigation measures proposed in the project documents and our General terms of Approval.

Page 1

General Terms of Approval - Issued



Notice No: 1578573

- If you have any questions, or wish to discuss this matter further please contact Luke Davison on 02 6659 8250.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Hunter', written over a dotted line.

Scott Hunter
Unit Head Waste Compliance
Environment Protection Authority
(by Delegation)

General Terms of Approval - Issued



Notice No: 1578573

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 DA2017/600 submitted to Ballina Shire Council on 20 December 2018;
- amended environmental impact statement dated December 2018 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including:
 1. Environmental Noise Impact Assessment, CRG Acoustics, 20 December 2018; and
 2. Air Quality Assessment, Tim Fitzroy & Associates, 20 December 2018.
 3. Engineering Services Report - Expansion of Builders Waste Recycling Service, Newton Denny Chapelle, June 2018.
 4. All other plans and reports identified in section 3.2.11 of the amended environment impact statement, dated 20 December 2018.

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.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and in meaning the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other limits
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Page 3

General Terms of Approval - Issued



Notice No: 1578573

NA building and demolition As defined in the POEO Act, as in Recovery of general 30,000 T of waste per waste force from time waste annum

Note: For the purpose of clarifying Condition L2.1, the maximum total limit of waste consisting of building and demolition waste that can be received at the premises for the purpose of recovery of general waste is 30,000 tonne per annum.

L2.2 The applicant must have in place and implement procedures to identify and prevent the acceptance of any waste not permitted by this licence to be accepted at the premises.

L3. Noise limits

L3.1 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurements parameters used in Column 2.

Point 1

Location	Lot and DP number	Noise limit dB(A)	Noise limit dB(A)	Noise limit dB(A)
		Morning shoulder	Morning shoulder	Day
		LA1 (1 minute)	LAeq (15 minute)	LAeq (15 minute)
8 Toona Lane, Wollongbar	Lot 10, DP12000477	63	57	63

Point 2

Location	Lot and DP number	Noise limit dB(A)	Noise limit dB(A)	Noise limit dB(A)
		Morning shoulder	Morning shoulder	Day
		LA1 (1 minute)	LAeq (15 minute)	LAeq (15 minute)
2 Bowers Close, Wollongbar	Lot 6, DP814058	59	57	62

Point 3

Location	Lot and DP number	Noise limit dB(A)	Noise limit dB(A)	Noise limit
		Morning shoulder	Morning shoulder	Day
		LA1 (1 minute)	LAeq (15 minute)	LAeq (15 minute)
14 Dulcet Lane, Alstonville	Lot 13, DP1059499	51	57	49

L3.2 For the purposes of condition L3.1:

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

Page 4

General Terms of Approval - Issued



Notice No: 1578573

L3.3 The noise limits set out in condition L3.1 apply under all meteorological conditions except for the following:

- A. Wind speeds greater than 3 meters/second at 10 meters above ground level
- B. Stability category F temperature inversion conditions and wind speeds greater than 2 meters/second at 10 meters above ground level; or
- C. Stability category G temperature inversion conditions.

L3.4 For the purpose of condition L3.3 data recorded by a Bureau of Meteorology Meteorological station at Ballina Airport AWS (station number 058198) must be used to determine meteorological conditions.

L3.5 To determine compliance:

- A. with the noise limits in condition L3.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 meters or less from the property boundary closest to the premises; or
 - within 30 meters of a dwelling facade, but not closer than 3m, where any dwelling on the property is situated more than 30 meters from the property boundary closest to the premises; or, where applicable
 - within approximately 50 meters of the boundary of a National Park or a Nature Reserve.
- B. with the noise limits in condition L3.1, 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 condition L3.5(A)

L3.6 A non-compliance of condition L3.1 will still occur where noise generated from the premises is in excess of the appropriate limit when measured:

- at a location other than an area prescribed by conditions L3.5(A) and L3.5(B); and/or
- at a point other than the most affected point at a location.

L3.7 For the purpose of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L3.8 Construction is permitted between the hours 7:00am to 6:00pm Monday to Friday, and Saturdays between 8:00am to 1:00pm, with no construction permitted on Sundays and Public Holidays.

Definition

- LA10(15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

General Terms of Approval - Issued



Notice No: 1578573

- Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the Environment Protection Authority in October 2017.
- Noise 'sound pressure levels' for the purpose of conditions L3.1 to L3.7.

L4 Hours of operation

L4.1 All construction work at the premises must only be conducted between 7:00am to 6:00pm Monday to Friday and 7:00am to 1pm Saturday (construction work must not occur on Sundays or Public Holidays).

L4.2 Activities at the premises, other than construction work, must only occur:

- Vehicles must only operate between 6:00am and 6:00pm Monday to Friday and 6:00am and 1:00pm Saturday.
- Sorting, pulverising, crushing and screening must only occur between 7:00am and 6:00pm Monday to Friday and 7:00am to 1:00pm Saturday.

Note: The operation of vehicles, crushing, pulverising and screening must not take place on Sundays or Public Holidays.

L4.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1 or L4.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L4.4 Crushing at the premises must only take place for a maximum of five hours a week. Records of crushing must be kept including dates and times when crushing occurred and provided to the EPA when requested.

L4.5 The hours of operation specified in conditions L4.1, L4.2 and L4.4 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

O1. Odour

O1.1 No Condition of this approval identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

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 defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with conditions of a licence directed at minimising odour.

General Terms of Approval - Issued



Notice No: 1578573

02. Dust

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

02.2 The premises must be maintained in a condition that minimises and/or prevents emission of dust from the premises at all times.

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

02.4 Prior to the issuing of an Environment Protection Licence, the proponent must prepare and implement an Air Quality Management Plan (the AQMP) for the premises. The AQMP must include the following information for all emission sources at the site:

- Reactive and proactive management strategies;
- Key performance indicators;
- Monitoring methods;
- Location, frequency and duration of monitoring;
- Record keeping;
- Response mechanisms; and
- Compliance reporting.

02.5 The premises must be designed to not preclude the retrofit of additional mitigation measures for dust emissions, including the retrofit of complete enclosure.

02.6 All crushing of material must be undertaken within Shed 3 identified on figure labelled *Plan 5 - Proposed Development Overview* contained in document prepared by Newton Denny Chapelle, dated 20 December 2018.

02.7 A wet suppression system for managing dust emissions must be installed within Shed 3, Shed 4 and the Aggregate Storage Bays as identified in the figure labelled *Plan 5 - Proposed Development Overview* contained in document prepared Newton Denny Chapelle, dated 20 December 2018. The wet suppression system must be operated at all times whenever activities are occurring at the premise.

03. Stormwater/sediment control - Construction and Operation Phase

03.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented Prior to the issue of any Environment Protection Licence for the premises. 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 all construction and operational activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (the Blue book).

Page 7

General Terms of Approval - Issued



Notice No: 1578573

Monitoring and recording conditions

M1 Monitoring records

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

M1.2 All records required to be kept by the licence must be:

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

M1.3 The following records must be kept in respect of any samples required to be collected:

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

M2. Testing methods - concentration limits

M2.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with: any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

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

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

M3. Requirement to Monitor Noise

General Terms of Approval - Issued



Notice No: 1578573

M3.1 Compliance with Condition L3.1 must be assessed by attended noise monitoring in accordance with condition L3.5:

- A. at each one of the locations listed in Condition L3.1;
- B. occur at the time of commencement of typical processing activity;
- C. occur during the day as defined in the Noise Policy for Industry for a minimum of 30 minutes of duration in the day period for typical processing activity.

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.

R2 Noise Monitoring Report

R2.1 noise compliance assessment report must be submitted to the EPA within 60 days of the issue of the approval. The assessment must be prepared by a suitably qualified and experienced acoustic consultant and include, but not limited to:

- A. an assessment of compliance with noise limits presented in Condition L3.1; and
- B. an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L3.1.

General Conditions

G1 All vehicles entering and exiting the premises must have their weights recorded at the weigh-bridge.

Special conditions

E1 Financial Assurance

E1.1 A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as 'Authorised Deposit-taking Institutions' under the Banking Act 1959 of the Commonwealth of Australia and supervised by the Australian Prudential Regulatory Authority (APRA) must be provided to the EPA either in full within 6 months of the issue of the licence, or in three installments. The financial assurance must be in the favour of the EPA to an agreed amount. The financial assurance is required to secure or guarantee funding for works or programs required by or under this licence.

E1.2 The licensee must provide the EPA, along with the original counterpart guarantee, confirmation in writing that the financial institution providing the guarantee is subject to supervision by the Australian Prudential Regulatory Authority (APRA).

General Terms of Approval - Issued



Notice No: 1578573

E1.3 The financial assurance must contain a term that provides that any money claimed can be paid to the EPA, at the written direction of the EPA, to any other person.

E1.4 The financial assurance must be maintained during the operation of the facility and thereafter until such time that the EPA is satisfied that the premises is environmentally secure.

E1.5 The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be claimed out by the licence which has not been undertaken by the licence holder.

E1.6 The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.

E1.7 The licensee must provide to the EPA the original counterpart guarantee within five working days of the issue of:

- A. the financial assurance required by condition E1.1, and
- B. the adjusted financial assurance as required by condition E1.3 and E1.6.

E1.8 The EPA may claim on a financial assurance under s303 of the POEO Act if a licensee fails to carry out any work or program required to comply with the conditions of this licence.

E2 Environment Obligations of Licensee (works and programs)

E2.1 While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:

- A. clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
- B. In the event(s) that any waste is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
- C. Provide all monitoring data as required by the conditions of this licence or as directed by the EPA.

General Terms of Approval - Issued



Notice No: 1578573

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.

General Terms of Approval - Issued



Notice No: 1578573

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.

General Terms of Approval - Issued



Notice No: 1578573

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

General Terms of Approval - Issued



Notice No: 1578573

- 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,

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.

NSW Environment Protection Authority
Varied Condition L4.2 and L4.4 for General Terms of Approval
Issued 17 April 2019 (Variation Dated 5 November 2019)

Environmental Planning and Assessment Act 1979

Part 4 Modification Application
- EPA Comments



Notice No. - 1587908

The General Manager
Ballina Shire Council
PO Box 450

BALLINA SHIRE COUNCIL
ABN 53 929 887 369

BALLINA NSW 2478

Attention: Georgia Lee

Notice Number 1587908
File Number EF13/8198
Date 05-Nov-2019

Re: Expansion of resource recovery facility located at Lot 1 DP1237064, 19-21 Northcott Crescent Alstonville.

I refer to the email from Ballina Shire Council (Council) received by the Environment Protection Authority (EPA) on 4 November 2019 regarding the general terms of approval (GTA) for DA 2017/600 issued on 17 April 2019.

The EPA has varied conditions **L4.2** and **L4.4** within GTA notice numbers 1578573 and 1579256 to be consistent with the information provided as part of DA 2017/600 regarding the hours of operation for sorting, pulverising, crushing and screening activities.

Condition **L4.2** in the general terms of approval has been varied from:

L4.2 Activities at the premises, other than construction work, must only occur:

- Vehicles must only operate between 6:00am and 6:00pm Monday to Friday and 6:00am and 1:00pm Saturday.
- Sorting, pulverising, crushing and screening must only occur between 7:00am and 6:00pm Monday to Friday and 7:00am to 1:00pm Saturday.

Note: The operation of vehicles, sorting, crushing, pulverising and screening must not take place on Sundays or Public Holidays.

Page 1

Part 4 Modification Application - EPA Comments



Notice No. - 1587908

to:

L4.2 Activities at the premises, other than construction work, must only occur:

- Vehicles must only operate between 6:00am and 6:00pm Monday to Friday and 6:00am and 1:00pm Saturday.
- Sorting, crushing, pulverising and screening must only occur between 7:00am and 6:00pm Monday to Friday.

Note: Sorting, crushing, pulverising and screening must not take place on Saturdays. The operation of vehicles, sorting, crushing, pulverising and screening must not take place on Sundays or Public Holidays.

Condition **L4.4** in the general terms of approval has been varied from:

L4.4 Crushing at the premises must only take place for a maximum of five hours a day, Monday to Saturday, during operating hours as identified in condition L4.2. Records of crushing must be kept including dates and times when crushing occurred and provided to the EPA when requested.

to:

L4.4 Crushing at the premises must only take place for a maximum of five hours a day, Monday to Friday, during operating hours as identified in condition L4.2. Records of crushing must be kept including dates and times when crushing occurred and provided to the EPA when requested.

If Council grants development approval for this proposal these varied conditions, along with other conditions identified in notices 1578573 and 157925, should be incorporated into the consent.

The GTA are related to the development as proposed in the documents and information currently provided to the 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 necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its GTA need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact Luke Davison on 02 6659 8250.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Luke Davison', followed by a horizontal dotted line.

SCHEDULE 2

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Roads Contribution Plan V4.1 (2018)	5206	equivalent residential allotment	\$12,498.00	3.4046	\$42,551.21
Roads Administration V4.1 (2018)	5207	equivalent residential allotment	\$187.00	3.4046	\$636.67
TOTAL					\$43,187.88

Attachment 4 – SEARs 1141



Mr Ben Graham
PO Box 1138
LISMORE NSW 2480

17/04861
SEAR 1141

Dear Mr Graham

**Resource Recovery Facility
19 & 21 Northcott Crescent, Alstonville (Lot 60 & 61 DP 789127)
Secretary's Environmental Assessment Requirements (SEAR) No. 1141**

Thank you for your request for the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the above development proposal. I have attached a copy of these requirements.

In support of your application, you indicated that your proposal is both designated and integrated development under Part 4 of the *Environmental Planning and Assessment Act 1979* and requires an approval under the *Protection of the Environment Operations Act 1997*.

In preparing the SEARs, the Department has consulted with the Environment Protection Authority, Office of Environment and Heritage, Department of Industry and the Roads and Maritime Services. A copy of their requirements for the EIS are attached.

If other integrated approvals are identified before the Development Application (DA) is lodged, you must undertake direct consultation with the relevant agencies, and address their requirements in the EIS.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then it will require an additional approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of the Environment on (02) 6274 1111.

Should you have any further enquiries, please contact Max Chipchase, Planning Services, at the Department on (02) 9274 6304.

Yours sincerely

Chris Ritchie
Director
Industry Assessments
as delegate of the Secretary

11/4/17.

Environmental Assessment Requirements

Section 78A (8) of the *Environmental Planning and Assessment Act 1979*.

Designated Development

SEAR Number	1141
Proposal	Expansion of an existing resource recovery facility to process up to 30,000 tonnes per annum of construction and demolition waste.
Location	19 & 21 Northcott Crescent, Alstonville (Lots 60 & 61 DP 789127)
Applicant	Ben Graham
Date of Issue	11 April 2017
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> .
Key Issues	The EIS must include an assessment of all potential impacts of the proposed development on the existing environment (including cumulative impacts if necessary) and develop appropriate measures to avoid, minimise, mitigate and/or manage these potential impacts. As part of the EIS assessment, the following matters must also be addressed: • strategic context – including: – a detailed justification for the proposal and suitability of the site for the development; – a demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCPs), or justification for any inconsistencies; and – a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out. – a description of how the proposed expansion integrates with existing on-site operations; and – a description of any additional licence(s) or approval(s) required to carry out the proposed development. • waste management – including: – details of the type, quantity and classification of waste to be received at the site; – details of the resource outputs and any additional processes for residual waste; – details of waste handling including, transport, identification, receipt, stockpiling and quality control; and – the measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the <i>NSW Waste Avoidance and Resource Recovery Strategy 2014-21</i>. • hazards and risk – including: – the Environmental Impact Statement must include a preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development. – should preliminary screening indicate that the project is "potentially hazardous" a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk

Assessment (DoP, 2011).

- **air quality** – including:
 - a description of all potential sources of air and odour emissions;
 - an air quality impact assessment in accordance with relevant Environment Protection Authority guidelines; and
 - a description and appraisal of air quality impact mitigation and monitoring measures.
- **soil and water** – including:
 - existing and proposed water licensing requirements in accordance with the Water Act 1912 and/or the Water Management Act 2000;
 - a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant Water Sharing Plan, Floodplain Management Plan or water source embargo;
 - a description of local soils, topography, drainage and landscapes;
 - details of sediment and erosion controls;
 - a detailed site water balance;
 - an assessment of potential impacts on the quality and quantity of surface and groundwater resources;
 - an assessment of flooding impacts including potential impacts to and resulting from the development;
 - details of the proposed stormwater and wastewater management systems (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts;
 - details of leachate collection and management;
 - characterisation of the nature and extent of any contamination on the site and surrounding area; and
 - a description and appraisal of impact mitigation and monitoring measures.
- **traffic and transport** – including:
 - details of road transport routes and access to the site;
 - road traffic predictions for the development during construction and operation;
 - an assessment of impacts to the safety and function of the road network; and the details of any road upgrades required for the development;
 - a traffic and transport study prepared in accordance with the Roads and Maritime's *Guide to Traffic Generating Developments 2002*; and
 - a Traffic Impact Assessment in accordance with Roads and Maritime Services guidelines.
- **noise and vibration** – including:
 - a description of all potential noise and vibration sources during construction and operation, including road traffic noise;
 - a noise and vibration assessment in accordance with the relevant Environment Protection Authority guidelines; and
 - a description and appraisal of noise and vibration mitigation and monitoring measures.
- **biodiversity** – including:
 - accurate predictions of any vegetation clearing on site or for any road upgrades;
 - a detailed assessment of the potential impacts on any threatened species, populations, endangered ecological communities or their habitats, groundwater dependent ecosystems and any potential for offset requirements; and
 - a detailed description of the measures to avoid, minimise, mitigate and offset biodiversity impacts.
- **heritage** – including:
 - an Aboriginal cultural heritage assessment in accordance with Office of Environment and Heritage guidelines; and
 - an assessment of non-Aboriginal cultural heritage.
- **visual** – including an impact assessment at private receptors and public vantage points.

Environmental Planning Instruments and other policies	The EIS must assess the proposal against the relevant environmental planning instruments, including but not limited to: • <i>State Environmental Planning Policy (Infrastructure) 2007</i>; • <i>State Environmental Planning Policy No. 33 Hazardous and Offensive Development</i>; • <i>State Environmental Planning Policy No. 44 Koala Habitat Protection</i>; • <i>State Environmental Planning Policy No. 55 Remediation of Land</i>; and • <i>Ballina Shire Local Environmental Plan 2012</i>; • Relevant development control plans and section 94 plans.
Guidelines	During the preparation of the EIS you should consult the Department's Register of Development Assessment Guidelines which is available on the Department's website at planning.nsw.gov.au under Development Proposals/Register of Development Assessment Guidelines. Whilst not exhaustive, this Register contains some of the guidelines, policies, and plans that must be taken into account in the environmental assessment of the proposed development.
Consultation	During the preparation of the EIS, you must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult with the: • Environment Protection Authority; • Office of Environment and Heritage; • Department of Primary Industries; • Roads and Maritime Services; • Ballina Shire Council; and • The surrounding landowners and occupiers that are likely to be impacted by the proposal. Details of the consultation carried out and issues raised must be included in the EIS.
Further consultation after 2 years	If you do not lodge an application under Section 78A (8) of the <i>Environmental Planning and Assessment Act 1979</i> within 2 years of the issue date of these SEARs, you must consult with the Secretary in relation to any further requirements for lodgement.



Department of
Primary Industries

OUT17/13440

30 March 2017

Bianca Thornton
Student Planner
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001
bianca.thornton@planning.nsw.gov.au

Dear Bianca

SEAR's Request – EAR ID No. 1141 Expansion of Waste Management Facility, 19 & 21 Northcott Crescent, Wollongbar (Lots 60 & 61 DP 789127)

Thank you for the opportunity to provide Secretary Environmental Assessment Requirements (SEAR) for the above proposal as per your correspondence dated 17 March 2017.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend. It is noted that the subject land is located on land zoned IN1 General Industrial however consideration of any potential off-site impacts to surrounding agricultural land and resources is requested.

NSW DPI Agriculture provides SEARs (Attachment 1) and a range of publications to assist consent authorities, community and proponents in addressing the recommended SEARs (Attachment 2).

Should you require clarification on the information contained in this response, please contact Resource Management Officer Selina Stillman on 02 66261215.

Yours sincerely

A handwritten signature in blue ink that reads 'Liz Rogers'.

Liz Rogers
Manager Agricultural Land Use Planning

Attachment 1: SEARs Recommendations

Issue and desired outcome	Detail / Requirement
Site Suitable for development	- Identify any potential landuse conflict risk with surrounding agricultural operations and dwellings, and outline management practices to minimise odour, dust and noise from sensitive receptors. The DPI Land Use Conflict Risk Assessment Guide may assist with this process. - Include a map to scale showing the operational and infrastructure details including separation distances from sensitive receptors.
Consideration for impacts to agricultural resources and land	- Describe the current and potential <i>Important Agriculture Land</i> in the surrounding locality. - Demonstrate that all significant impacts on current and potential agricultural developments and resources can be reasonably avoided or adequately mitigated. - Detail the expected life span of the proposed development
Suitable and secure water supply	- Estimated water demand and water availability should be clearly outlined in the proposal. The source of water and any sanitisation methods to be detailed in the application. - Outline any impacts to water use from agriculture and mitigation measures if required.
Surface & Groundwater protected	- Proposed development design, operation and by-product management should be undertaken to avoid nutrient and sediment build up and minimise erosion, off site surface water movement and groundwater accession. - The proposal should detail how design and operation will be undertaken for by-product management in accordance with best practice to prevent excess build-up of nutrients and salts in the soil profile and increase the risk of leaching. A monitoring program should be developed.
Biosecurity Standards met	- Include a biosecurity (pests, weeds and disease) risk assessment outlining potential plant, animal and community risks. - Develop a biosecurity response plan to deal with identified risks as well as contingency plans for any failures. Including monitoring and mitigation measures in weed, disease and pest management plans as relevant.
Suitable traffic movements	Consideration of the route for movements needs to be taken into account so that impacts on sensitive receptors are minimised (eg noise, dust, volume of traffic). This should include consideration of Travelling Stock Reserves¹ (TSR) and the movement of livestock or farm vehicles along / across the affected roads
Visual amenity achieved	Amenity impacts are assessed and any necessary response to mitigate visual impacts is described and illustrated.
Adequate consultation with community	- Consult with the owners / managers of affected and adjoining neighbours and agricultural operations where relevant about the proposal, the likely impacts and suitable mitigation measures. - Establish a complaints register that includes reporting and investigating procedures and timelines, and liaison with Council in relation to complaint issues.

Attachment 2: Guidelines for assessment

Title	Location
Land Use Conflict Risk Assessment Guide	www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/lucra
Agricultural Issues for Landfill Developments	http://www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/landfill-developments
Infrastructure Proposals on Rural Land	http://www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/infrastructure-proposals



The Director General
NSW Planning and Environment
GPO Box39
Sydney 2001

Attention: Bianca Thornton

Notice Number 1551064
File Number EF16/9692
Date 07-Apr-2017

**RE: Revised SEARs for Expansion of an Existing Waste or Resource Management Facility,
Northcott Cresnet, Wollongbar**

I refer to your request for the Environment Protection Authority's (EPA) requirements for the environmental assessment (EA) in regard to the above proposal received by EPA on 17 March 2017.

The EPA has considered the details of the proposal as provided by Newton Denny Chapelle and has identified the information it requires to issue its general terms of approval in Attachment A. In summary, the EPA's key information requirements for the proposal include an adequate assessment of:

1. Baseline conditions that exist at the site of the proposed development
2. Potential environmental impacts arising from the proposed development and its ongoing activities including noise air and water issues.
3. Possible management and mitigation processes that will be implemented to protect the environment from these impacts.

In carrying out the assessment, the proponent should refer to the relevant guidelines as listed in Attachment B and any relevant industry codes of practice and best practice management guidelines.

Please note that this response does not cover biodiversity or Aboriginal cultural heritage issues, which are the responsibility of the Office of Environment and Heritage.

The Proponent should be made aware that any commitments made in the EA may be formalised as approval conditions and may also be placed as formal licence conditions.

The Proponent should be made aware that, consistent with provisions under Part 9.4 of the *Protection of the Environment Operations Act 1997* ("the Act") the EPA may require the provision of a financial assurance and/or assurances. The amount and form of the assurance(s) would be determined by the EPA and required as a condition of an Environment Protection Licence ("EPL").



In addition, as a requirement of an EPL, the EPA will require the Proponent to prepare, test and implement a Pollution Incident Response Management Plan and/or Plans in accordance with Section 153A of the Act.

Yours sincerely

A handwritten signature in black ink, appearing to read "S. Hunter", written over a horizontal dotted line.

Scott Hunter

Unit Head

Waste & Resource Recovery

(by Delegation)

ATTACHMENT A: EIS REQUIREMENTS FOR
Waste or Resource Management Facility, Northcott Crescent,
Wollongbar

How to use these requirements

The EPA requirements have been structured in accordance with the DIPNR EIS Guidelines, as follows. It is suggested that the EIS follow the same structure:

- A. Executive summary
- B. The proposal
- C. The location
- D. Identification and prioritisation of issues
- E. The environmental issues
- F. List of approvals and licences
- G. Compilation of mitigation measures
- H. Justification for the proposal



A Executive summary

The executive summary should include a brief discussion of the extent to which the proposal achieves identified environmental outcomes.

B The proposal

1. Objectives of the proposal

- The objectives of the proposal should be clearly stated and refer to:
 - a) the size and type of the operation, the nature of the processes and the products, by-products and wastes produced
 - b) a life cycle approach to the production, use or disposal of products
 - c) the anticipated level of performance in meeting required environmental standards and cleaner production principles
 - d) the staging and timing of the proposal and any plans for future expansion
 - e) the proposal's relationship to any other industry or facility.

2. Description of the proposal

General

- Outline the production process including:
 - a) the environmental "mass balance" for the process – quantify in-flow and out-flow of materials, any points of discharge to the environment and their respective destinations (sewer, stormwater, atmosphere, recycling, landfill etc)
 - b) any life-cycle strategies for the products.
- Outline cleaner production actions, including:
 - a) measures to minimise waste (typically through addressing source reduction)
 - b) proposals for use or recycling of by-products
 - c) proposed disposal methods for solid and liquid waste
 - d) air management systems including all potential sources of air emissions, proposals to re-use or treat emissions, emission levels relative to relevant standards in regulations, discharge points
 - e) water management system including all potential sources of water pollution, proposals for re-use, treatment etc, emission levels of any wastewater discharged, discharge points, summary of options explored to avoid a discharge, reduce its frequency or reduce its impacts, and rationale for selection of option to discharge.
 - f) soil contamination treatment and prevention systems.
- Outline construction works including:
 - a) actions to address any existing soil contamination
 - b) any earthworks or site clearing; re-use and disposal of cleared material (including use of spoil on-site)
 - c) construction timetable and staging; hours of construction; proposed construction methods
 - d) environment protection measures, including noise mitigation measures, dust control measures and erosion and sediment control measures.

- Include a site diagram showing the site layout and location of environmental controls.

Air

- Identify all sources or potential sources of air emissions from the development.
Note: emissions can be classed as either:
 - *point (e.g. emissions from stack or vent) or*
 - *fugitive (from wind erosion, leakages or spillages, associated with loading or unloading, conveyors, storage facilities, plant and yard operation, vehicle movements (dust from road, exhausts, loss from load), land clearing and construction works).*
- Provide details of the project that are essential for predicting and assessing air impacts including:
 - a) the quantities and physio-chemical parameters (e.g. concentration, moisture content, bulk density, particle sizes etc) of materials to be used, transported, produced or stored
 - b) an outline of procedures for handling, transport, production and storage
 - c) the management of solid, liquid and gaseous waste streams with potential for significant air impacts.

Noise and vibration

- Identify all noise sources or potential sources from the development (including both construction and operation phases). Detail all potentially noisy activities including ancillary activities such as transport of goods and raw materials.
- Specify the times of operation for all phases of the development and for all noise producing activities.
- For projects with a significant potential traffic noise impact provide details of road alignment (include gradients, road surface, topography, bridges, culverts etc), and land use along the proposed road and measurement locations – diagrams should be to a scale sufficient to delineate individual residential blocks.

Water

- Provide details of the project that are essential for predicting and assessing impacts to waters including:
 - a) the quantity and physio-chemical properties of all potential water pollutants and the risks they pose to the environment and human health, including the risks they pose to Water Quality Objectives in the ambient waters (as defined on <http://www.environment.nsw.gov.au/ieo/index.htm>, using technical criteria derived from the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*, ANZECC 2000)
 - b) the management of discharges with potential for water impacts
 - c) drainage works and associated infrastructure; land-forming and excavations; working capacity of structures; and water resource requirements of the proposal.
- Outline site layout, demonstrating efforts to avoid proximity to water resources (especially for activities with significant potential impacts e.g. effluent ponds) and showing potential areas of modification of contours, drainage etc.
- Outline how total water cycle considerations are to be addressed showing total water balances for the development (with the objective of minimising demands and impacts on water resources). Include



water requirements (quantity, quality and source(s)) and proposed storm and wastewater disposal, including type, volumes, proposed treatment and management methods and re-use options.

Waste and chemicals

Provide details of the quantity and type of both liquid waste and non-liquid waste generated, handled, processed or disposed of at the premises. Waste must be classified according to the EPA's *Waste Classification Guidelines 2014 (as amended from time to time)*

- Provide details of liquid waste and non-liquid waste management at the facility, including:
 - a) the transportation, assessment and handling of waste arriving at or generated at the site
 - b) any stockpiling of wastes or recovered materials at the site
 - c) any waste processing related to the facility, including reuse, recycling, reprocessing (including composting) or treatment both on- and off-site
 - d) the method for disposing of all wastes or recovered materials at the facility
 - e) the emissions arising from the handling, storage, processing and reprocessing of waste at the facility
 - f) the proposed controls for managing the environmental impacts of these activities.
- Provide details of spoil disposal with particular attention to:
 - a) the quantity of spoil material likely to be generated
 - b) proposed strategies for the handling, stockpiling, reuse/recycling and disposal of spoil
 - c) the need to maximise reuse of spoil material in the construction industry
 - d) identification of the history of spoil material and whether there is any likelihood of contaminated material, and if so, measures for the management of any contaminated material
 - e) designation of transportation routes for transport of spoil.
- Provide details of procedures for the assessment, handling, storage, transport and disposal of all hazardous and dangerous materials used, stored, processed or disposed of at the site, in addition to the requirements for liquid and non-liquid wastes.
- Provide details of the type and quantity of any chemical substances to be used or stored and describe arrangements for their safe use and storage.
- Reference should be made to the guidelines: EPA's *Waste Classification Guidelines 2014 (as amended from time to time)*

ESD

- Demonstrate that the planning process and any subsequent development incorporates objectives and mechanisms for achieving ESD, including:
 - a) an assessment of a range of options available for use of the resource, including the benefits of each option to future generations
 - b) proper valuation and pricing of environmental resources
 - c) identification of who will bear the environmental costs of the proposal.

3. Rehabilitation

- Outline considerations of site maintenance, and proposed plans for the final condition of the site (ensuring its suitability for future uses).

4. Consideration of alternatives and justification for the proposal

- Consider the environmental consequences of adopting alternatives, including alternative:
 - a) sites and site layouts
 - b) access modes and routes
 - c) materials handling and production processes
 - d) waste and water management
 - e) impact mitigation measures
 - f) energy sources
- Selection of the preferred option should be justified in terms of:
 - a) ability to satisfy the objectives of the proposal
 - b) relative environmental and other costs of each alternative
 - c) acceptability of environmental impacts and contribution to identified environmental objectives
 - d) acceptability of any environmental risks or uncertainties
 - e) reliability of proposed environmental impact mitigation measures
 - f) efficient use (including maximising re-use) of land, raw materials, energy and other resources.

C The location

1. General

- Provide an overview of the affected environment to place the proposal in its local and regional environmental context including:
 - a) meteorological data (e.g. rainfall, temperature and evaporation, wind speed and direction)
 - b) topography (landform element, slope type, gradient and length)
 - c) surrounding land uses (potential synergies and conflicts)
 - d) geomorphology (rates of landform change and current erosion and deposition processes)
 - e) soil types and properties (including erodibility; engineering and structural properties; dispersibility; permeability; presence of acid sulfate soils and potential acid sulfate soils)
 - f) ecological information (water system habitat, vegetation, fauna)
 - g) availability of services and the accessibility of the site for passenger and freight transport.

2. Air

- Describe the topography and surrounding land uses. Provide details of the exact locations of dwellings, schools and hospitals. Where appropriate provide a perspective view of the study area such as the terrain file used in dispersion models.
- Describe surrounding buildings that may effect plume dispersion.

Provide and analyse site representative data on following meteorological parameters:

- a) temperature and humidity
- b) rainfall, evaporation and cloud cover
- c) wind speed and direction
- d) atmospheric stability class
- e) mixing height (the height that emissions will be ultimately mixed in the atmosphere)
- f) katabatic air drainage
- g) air re-circulation.

3. Noise and vibration

- Identify any noise sensitive locations likely to be affected by activities at the site, such as residential properties, schools, churches, and hospitals. Typically the location of any noise sensitive locations in relation to the site should be included on a map of the locality.
- Identify the land use zoning of the site and the immediate vicinity and the potentially affected areas.

4. Water

- Describe the catchment including proximity of the development to any waterways and provide an assessment of their sensitivity/significance from a public health, ecological and/or economic perspective. The Water Quality and River Flow Objectives on the website: <http://www.environment.nsw.gov.au/ieo/index.htm> should be used to identify the agreed environmental values and human uses for any affected waterways. This will help with the description of the local and regional area.

5. Soil Contamination Issues

- Provide details of site history – if earthworks are proposed, this needs to be considered with regard to possible soil contamination, for example if the site was previously a landfill site or if irrigation of effluent has occurred.

D Identification and prioritisation of issues / scoping of impact assessment

- Provide an overview of the methodology used to identify and prioritise issues. The methodology should take into account:
 - a) relevant NSW government guidelines
 - b) industry guidelines
 - c) EISs for similar projects
 - d) relevant research and reference material
 - e) relevant preliminary studies or reports for the proposal
 - f) consultation with stakeholders.
- Provide a summary of the outcomes of the process including:
 - a) all issues identified including local, regional and global impacts (e.g. increased/ decreased greenhouse emissions)
 - b) key issues which will require a full analysis (including comprehensive baseline assessment)
 - c) issues not needing full analysis though they may be addressed in the mitigation strategy
 - d) justification for the level of analysis proposed (the capacity of the proposal to give rise to high concentrations of pollution compared with the ambient environment or environmental outcomes is an important factor in setting the level of assessment).

E The environmental issues

1. General

- The potential impacts identified in the scoping study need to be assessed to determine their significance, particularly in terms of achieving environmental outcomes, and minimising environmental pollution.
- Identify gaps in information and data relevant to significant impacts of the proposal and any actions proposed to fill those information gaps so as to enable development of appropriate management and mitigation measures. This is in accordance with ESD requirements.

Note: The level of detail should match the level of importance of the issue in decision making which is dependent on the environmental risk.

Describe baseline conditions

- Provide a description of existing environmental conditions for any potential impacts.

Assess impacts

- For any potential impacts relevant for the assessment of the proposal provide a detailed analysis of the impacts of the proposal on the environment including the cumulative impact of the proposal on the receiving environment especially where there are sensitive receivers.
- Describe the methodology used and assumptions made in undertaking this analysis (including any modelling or monitoring undertaken) and indicate the level of confidence in the predicted outcomes and the resilience of the environment to cope with the predicted impacts.
- The analysis should also make linkages between different areas of assessment where necessary to enable a full assessment of environmental impacts e.g. assessment of impacts on air quality will often need to draw on the analysis of traffic, health, social, soil and/or ecological systems impacts; etc.
- The assessment needs to consider impacts at all phases of the project cycle including: exploration (if relevant or significant), construction, routine operation, start-up operations, upset operations and decommissioning if relevant.
- The level of assessment should be commensurate with the risk to the environment.

Describe management and mitigation measures

- Describe any mitigation measures and management options proposed to prevent, control, abate or mitigate identified environmental impacts associated with the proposal and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
- Proponents are expected to implement a 'reasonable level of performance' to minimise environmental impacts. The proponent must indicate how the proposal meets reasonable levels of performance. For example, reference technology based criteria if available, or identify good practice for this type of activity or development. A 'reasonable level of performance' involves adopting and implementing technology and management practices to achieve certain pollutant emissions levels in economically

viable operations. Technology-based criteria evolve gradually over time as technologies and practices change.

- Use environmental impacts as key criteria in selecting between alternative sites, designs and technologies, and to avoid options having the highest environmental impacts.
- Outline any proposed approach (such as an Environmental Management Plan) that will demonstrate how commitments made in the EIS will be implemented. Areas that should be described include:
 - a) operational procedures to manage environmental impacts
 - b) monitoring procedures
 - c) training programs
 - d) community consultation
 - e) complaint mechanisms including site contacts
 - f) strategies to use monitoring information to improve performance
 - g) strategies to achieve acceptable environmental impacts and to respond in event of exceedences.

4. Air

Describe baseline conditions

Provide a description of existing air quality and meteorology, using existing information and site representative ambient monitoring data.

Assess impacts

- Identify all pollutants of concern and estimate emissions by quantity (and size for particles), source and discharge point.
- Estimate the resulting ground level concentrations of all pollutants. Where necessary (e.g. potentially significant impacts and complex terrain effects), use an appropriate dispersion model to estimate ambient pollutant concentrations. Discuss choice of model and parameters with the EPA.
- Describe the effects and significance of pollutant concentration on the environment, human health, amenity and regional ambient air quality standards or goals.
- Describe the contribution that the development will make to regional and global pollution, particularly in sensitive locations.
- For potentially odorous emissions provide the emission rates in terms of odour units (determined by techniques compatible with EPA procedures). Use sampling and analysis techniques for individual or complex odours and for point or diffuse sources, as appropriate.

Note: With dust and odour, it may be possible to use data from existing similar activities to generate emission rates.

- Reference should be made to . *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (DEC, 2016); *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (DEC, 2007); *Assessment and Management of Odour from Stationary Sources in NSW* (DEC, 2006);



Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW (DEC, 2006); Load Calculation Protocol for use by holders of NSW Environment Protection Licences when calculating Assessable Pollutant Loads (DECC, 2009).

Describe management and mitigation measures

- Outline specifications of pollution control equipment (including manufacturer's performance guarantees where available) and management protocols for both point and fugitive emissions. Where possible, this should include cleaner production processes.

5. Noise and vibration

Describe baseline conditions

- Determine the existing background (LA90) and ambient (LAeq) noise levels in accordance with the *NSW Industrial Noise Policy*.
- Determine the existing road traffic noise levels in accordance with the *NSW Environmental Criteria for Road Traffic Noise*, where road traffic noise impacts may occur.
- The noise impact assessment report should provide details of all monitoring of existing ambient noise levels including:
 - a) details of equipment used for the measurements
 - b) a brief description of where the equipment was positioned
 - c) a statement justifying the choice of monitoring site, including the procedure used to choose the site, having regards to the definition of 'noise sensitive locations(s)' and 'most affected locations(s)' described in Section 3.1.2 of the *NSW Industrial Noise Policy*
 - d) details of the exact location of the monitoring site and a description of land uses in surrounding areas
 - e) a description of the dominant and background noise sources at the site
 - f) day, evening and night assessment background levels for each day of the monitoring period
 - g) the final Rating Background Level (RBL) value
 - h) graphs of the measured noise levels for each day should be provided
 - i) a record of periods of affected data (due to adverse weather and extraneous noise), methods used to exclude invalid data and a statement indicating the need for any re-monitoring under Step 1 in Section B1.3 of the *NSW Industrial Noise Policy*
 - j) determination of LAeq noise levels from existing industry.

Assess impacts

- Determine the project specific noise levels for the site. For each identified potentially affected receiver, this should include:
 - a) determination of the intrusive criterion for each identified potentially affected receiver

- b) selection and justification of the appropriate amenity category for each identified potentially affected receiver
- c) determination of the amenity criterion for each receiver
- d) determination of the appropriate sleep disturbance limit.
- Maximum noise levels during night-time period (10pm-7am) should be assessed to analyse possible affects on sleep. Where LA1(1min) noise levels from the site are less than 15 dB above the background LA90 noise level, sleep disturbance impacts are unlikely. Where this is not the case, further analysis is required. Additional guidance is provided in Appendix B of the *NSW Environmental Criteria for Road Traffic Noise*.
- Determine expected noise level and noise character (e.g. tonality, impulsiveness, vibration, etc) likely to be generated from noise sources during:
 - a) site establishment
 - b) construction
 - c) operational phases
 - d) transport including traffic noise generated by the proposal
 - e) other services.

Note: The noise impact assessment report should include noise source data for each source in 1/1 or 1/3 octave band frequencies including methods for references used to determine noise source levels. Noise source levels and characteristics can be sourced from direct measurement of similar activities or from literature (if full references are provided).

- Determine the noise levels likely to be received at the most sensitive locations (these may vary for different activities at each phase of the development). Potential impacts should be determined for any identified significant adverse meteorological conditions. Predicted noise levels under calm conditions may also aid in quantifying the extent of impact where this is not the most adverse condition.
- The noise impact assessment report should include:
 - a) a plan showing the assumed location of each noise source for each prediction scenario
 - b) a list of the number and type of noise sources used in each prediction scenario to simulate all potential significant operating conditions on the site
 - c) any assumptions made in the predictions in terms of source heights, directivity effects, shielding from topography, buildings or barriers, etc
 - d) methods used to predict noise impacts including identification of any noise models used. Where modelling approaches other than the use of the ENM or SoundPlan computer models are adopted, the approach should be appropriately justified and validated
 - e) an assessment of appropriate weather conditions for the noise predictions including reference to any weather data used to justify the assumed conditions
 - f) the predicted noise impacts from each noise source as well as the combined noise level for each prediction scenario under any identified significant adverse weather conditions as well as calm conditions where appropriate
 - g) for developments where a significant level of noise impact is likely to occur, noise contours for the key prediction scenarios should be derived
 - h) an assessment of the need to include modification factors as detailed in Section 4 of the *NSW Industrial Noise Policy*.

- Discuss the findings from the predictive modelling and, where relevant noise criteria have not been met, recommend additional mitigation measures.
- The noise impact assessment report should include details of any mitigation proposed including the attenuation that will be achieved and the revised noise impact predictions following mitigation.
- Where relevant noise/vibration criteria cannot be met after application of all feasible and cost effective mitigation measures the residual level of noise impact needs to be quantified by identifying:
 - a) locations where the noise level exceeds the criteria and extent of exceedence
 - b) numbers of people (or areas) affected
 - c) times when criteria will be exceeded
 - d) likely impact on activities (speech, sleep, relaxation, listening, etc)
 - e) change on ambient conditions
 - f) the result of any community consultation or negotiated agreement.
- For the assessment of existing and future traffic noise, details of data for the road should be included such as assumed traffic volume; percentage heavy vehicles by time of day; and details of the calculation process. These details should be consistent with any traffic study carried out in the EIS.
- Where blasting is intended an assessment in accordance with the *Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration* (ANZECC, 1990) should be undertaken. The following details of the blast design should be included in the noise assessment:
 - a) bench height, burden spacing, spacing burden ratio
 - b) blast hole diameter, inclination and spacing
 - c) type of explosive, maximum instantaneous charge, initiation, blast block size, blast frequency.

Describe management and mitigation measures

- Determine the most appropriate noise mitigation measures and expected noise reduction including both noise controls and management of impacts for both construction and operational noise. This will include selecting quiet equipment and construction methods, noise barriers or acoustic screens, location of stockpiles, temporary offices, compounds and vehicle routes, scheduling of activities, etc.
- For traffic noise impacts, provide a description of the ameliorative measures considered (if required), reasons for inclusion or exclusion, and procedures for calculation of noise levels including ameliorative measures. Also include, where necessary, a discussion of any potential problems associated with the proposed ameliorative measures, such as overshadowing effects from barriers. Appropriate ameliorative measures may include:
 - a) use of alternative transportation modes, alternative routes, or other methods of avoiding the new road usage
 - b) control of traffic (eg: limiting times of access or speed limitations)
 - c) resurfacing of the road using a quiet surface
 - d) use of (additional) noise barriers or bunds
 - e) treatment of the façade to reduce internal noise levels buildings where the night-time criteria is a major concern

- f) more stringent limits for noise emission from vehicles (i.e. using specially designed 'quite' trucks and/or trucks to use air bag suspension)
- g) driver education
- h) appropriate truck routes
- i) limit usage of exhaust breaks
- j) use of premium muffles on trucks
- k) reducing speed limits for trucks
- l) ongoing community liaison and monitoring of complaints
- m) phasing in the increased road use.

4. Water

Describe baseline conditions

- Describe existing surface and groundwater quality – an assessment needs to be undertaken for any water resource likely to be affected by the proposal and for all conditions (e.g. a wet weather sampling program is needed if runoff events may cause impacts).
Note: Methods of sampling and analysis need to conform with an accepted standard (e.g. Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC 2004) or be approved and analyses undertaken by accredited laboratories).
- Provide site drainage details and surface runoff yield.
- State the ambient Water Quality and River Flow Objectives for the receiving waters. These refer to the community's agreed environmental values and human uses endorsed by the Government as goals for the ambient waters. These environmental values are published on the website: <http://www.environment.nsw.gov.au/ieo/index.htm>. The EIS should state the environmental values listed for the catchment and waterway type relevant to your proposal. NB: A consolidated and approved list of environmental values are not available for groundwater resources. Where groundwater may be affected the EIS should identify appropriate groundwater environmental values and justify the choice.
- State the indicators and associated trigger values or criteria for the identified environmental values. This information should be sourced from the ANZECC 2000 *Guidelines for Fresh and Marine Water Quality* (<http://www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html>) (Note that, as at 2004, the NSW Water Quality Objectives booklets and website contain technical criteria derived from the 1992 version of the ANZECC Guidelines. The Water Quality Objectives remain as Government Policy, reflecting the community's environmental values and long-term goals, but the technical criteria are replaced by the more recent ANZECC 2000 Guidelines). NB: While specific guidelines for groundwater are not available, the ANZECC 2000 Guidelines endorse the application of the trigger values and decision trees as a tool to assess risk to environmental values in groundwater.
- State any locally specific objectives, criteria or targets, which have been endorsed by the government e.g. the Healthy Rivers Commission Inquiries or the NSW Salinity Strategy (DLWC, 2000) (<http://www.environment.nsw.gov.au/salinity/government/nswstrategy.htm>).
- Where site specific studies are proposed to revise the trigger values supporting the ambient Water Quality and River Flow Objectives, and the results are to be used for regulatory purposes (e.g. to



assess whether a licensed discharge impacts on water quality objectives), then prior agreement from the EPA on the approach and study design must be obtained.

- Describe the state of the receiving waters and relate this to the relevant Water Quality and River Flow Objectives (i.e. are Water Quality and River Flow Objectives being achieved?). Proponents are generally only expected to source available data and information. However, proponents of large or high risk developments may be required to collect some ambient water quality / river flow / groundwater data to enable a suitable level of impact assessment. Issues to include in the description of the receiving waters could include:
 - a) lake or estuary flushing characteristics
 - b) specific human uses (e.g. exact location of drinking water offtake)
 - c) sensitive ecosystems or species conservation values
 - d) a description of the condition of the local catchment e.g. erosion levels, soils, vegetation cover, etc
 - e) an outline of baseline groundwater information, including, but not restricted to, depth to watertable, flow direction and gradient, groundwater quality, reliance on groundwater by surrounding users and by the environment
 - f) historic river flow data where available for the catchment.

Assess impacts

- No proposal should breach clause 120 of the *Protection of the Environment Operations Act 1997* (i.e. pollution of waters is prohibited unless undertaken in accordance with relevant regulations).
- Identify and estimate the quantity of all pollutants that may be introduced into the water cycle by source and discharge point including residual discharges after mitigation measures are implemented.
- Include a rationale, along with relevant calculations, supporting the prediction of the discharges.
- Describe the effects and significance of any pollutant loads on the receiving environment. This should include impacts of residual discharges through modelling, monitoring or both, depending on the scale of the proposal. Determine changes to hydrology (including drainage patterns, surface runoff yield, flow regimes, wetland hydrologic regimes and groundwater).
- Describe water quality impacts resulting from changes to hydrologic flow regimes (such as nutrient enrichment or turbidity resulting from changes in frequency and magnitude of stream flow).
- Identify any potential impacts on quality or quantity of groundwater describing their source.
- Identify potential impacts associated with geomorphological activities with potential to increase surface water and sediment runoff or to reduce surface runoff and sediment transport. Also consider possible impacts such as bed lowering, bank lowering, instream siltation, floodplain erosion and floodplain siltation.
- Identify impacts associated with the disturbance of acid sulfate soils and potential acid sulfate soils.
- Containment of spills and leaks shall be in accordance with EPA's guidelines section 'Bunding and Spill Management' at <http://www.epa.nsw.gov.au/mao/bundingspill.htm> and the most recent versions of the Australian Standards referred to in the Guidelines. Containment should be designed for no-discharge.
- The significance of the impacts listed above should be predicted. When doing this it is important to predict the ambient water quality and river flow outcomes associated with the proposal and to demonstrate whether these are acceptable in terms of achieving protection of the Water Quality and River Flow Objectives. In particular the following questions should be answered:

- a) will the proposal protect Water Quality and River Flow Objectives where they are currently achieved in the ambient waters; and
- b) will the proposal contribute towards the achievement of Water Quality and River Flow Objectives over time, where they are not currently achieved in the ambient waters.
- Consult with the EPA as soon as possible if a mixing zone is proposed (a mixing zone could exist where effluent is discharged into a receiving water body, where the quality of the water being discharged does not immediately meet water quality objectives. The mixing zone could result in dilution, assimilation and decay of the effluent to allow water quality objectives to be met further downstream, at the edge of the mixing zone). The EPA will advise the proponent under what conditions a mixing zone will and will not be acceptable, as well as the information and modelling requirements for assessment.

Note: The assessment of water quality impacts needs to be undertaken in a total catchment management context to provide a wide perspective on development impacts, in particular cumulative impacts.

- Where a licensed discharge is proposed, provide the rationale as to why it cannot be avoided through application of a reasonable level of performance, using available technology, management practice and industry guidelines.
- Where a licensed discharge is proposed, provide the rationale as to why it represents the best environmental outcome and what measures can be taken to reduce its environmental impact.
- Reference should be made to *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004), *Guidelines for Fresh and Marine Water Quality* ANZECC 2000), *Environmental Guidelines: Use of effluent by Irrigation* (DEC, 2004).

Describe management and mitigation measures

- Outline stormwater management to control pollutants at the source and contain them within the site. Also describe measures for maintaining and monitoring any stormwater controls.
- Outline erosion and sediment control measures directed at minimising disturbance of land, minimising water flow through the site and filtering, trapping or detaining sediment. Also include measures to maintain and monitor controls as well as rehabilitation strategies.
- Describe waste water treatment measures that are appropriate to the type and volume of waste water and are based on a hierarchy of avoiding generation of waste water; capturing all contaminated water (including stormwater) on the site; reusing/recycling waste water; and treating any unavoidable discharge from the site to meet specified water quality requirements.
- Outline pollution control measures relating to storage of materials, possibility of accidental spills (e.g. preparation of contingency plans), appropriate disposal methods, and generation of leachate.
- Describe hydrological impact mitigation measures including:
 - a) site selection (avoiding sites prone to flooding and waterlogging, actively eroding or affected by deposition)
 - b) minimising runoff
 - c) minimising reductions or modifications to flow regimes
 - d) avoiding modifications to groundwater.
- Describe groundwater impact mitigation measures including:
 - a) site selection

- b) retention of native vegetation and revegetation
- c) artificial recharge
- d) providing surface storages with impervious linings
- e) monitoring program.
- Describe geomorphological impact mitigation measures including:
 - a) site selection
 - b) erosion and sediment controls
 - c) minimising instream works
 - d) treating existing accelerated erosion and deposition
 - e) monitoring program.
- Any proposed monitoring should be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* (DEC 2004).

5. Soils and contamination

Describe baseline conditions

- Provide any details (in addition to those provided in the location description - Section C) that are needed to describe the existing situation in terms of soil types and properties and soil contamination.

Assess impacts

- Identify any likely impacts resulting from the construction or operation of the proposal, including the likelihood of:
 - a) disturbing any existing contaminated soil
 - b) contamination of soil by operation of the activity
 - c) subsidence or instability
 - d) soil erosion
 - e) disturbing acid sulfate or potential acid sulfate soils.
- Reference should be made to *Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011); *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* (EPA, 2015).

Describe management and mitigation measures

- Describe and assess the effectiveness or adequacy of any soil management and mitigation measures during construction and operation of the proposal including:
 - a) erosion and sediment control measures

- b) proposals for site remediation – see *Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land* (Department of Urban Affairs and Planning and Environment Protection Authority, 1998)
- c) proposals for the management of these soils – see *Acid Sulfate Soil Manual* (Acid Sulfate Soil Advisory Committee 1998) and *Acid Sulfate Soils Assessment Guidelines* (Acid Sulfate Soil Advisory Committee 1998).

6. Waste and chemicals

Describe baseline conditions

- Describe any existing waste or chemicals operations related to the proposal.

Assess impacts

- Assess the adequacy of proposed measures to minimise natural resource consumption and minimise impacts from the handling, transporting, storage, processing and reprocessing of waste and/or chemicals.
- Reference should be made to: the EPA's *Waste Classification Guidelines 2014* (as in force from time to time)

Describe management and mitigation measures

- Outline measures to minimise the consumption of natural resources.
- Outline measures to avoid the generation of waste and promote the re-use and recycling and reprocessing of any waste.
- Outline measures to support any approved regional or industry waste plans.

7. Cumulative impacts

- Identify the extent that the receiving environment is already stressed by existing development and background levels of emissions to which this proposal will contribute.
- Assess the impact of the proposal against the long term air, noise and water quality objectives for the area or region.
- Identify infrastructure requirements flowing from the proposal (e.g. water and sewerage services, transport infrastructure upgrades).
- Assess likely impacts from such additional infrastructure and measures reasonably available to the proponent to contain such requirements or mitigate their impacts (e.g. travel demand management strategies).



F. List of approvals and licences

- Identify all approvals and licences required under environment protection legislation including details of all scheduled activities, types of ancillary activities and types of discharges (to air, land, water).

G. Compilation of mitigation measures

- Outline how the proposal and its environmental protection measures would be implemented and managed in an integrated manner so as to demonstrate that the proposal is capable of complying with statutory obligations under EPA licences or approvals (e.g. outline of an environmental management plan).
- The mitigation strategy should include the environmental management and cleaner production principles which would be followed when planning, designing, establishing and operating the proposal. It should include two sections, one setting out the program for managing the proposal and the other outlining the monitoring program with a feedback loop to the management program.

H. Justification for the Proposal

- Reasons should be included which justify undertaking the proposal in the manner proposed, having regard to the potential environmental impacts.

ATTACHMENT B: GUIDANCE MATERIAL

Title	Web address
Relevant Legislation	
<i>Contaminated Land Management Act 1997</i>	http://www.legislation.nsw.gov.au/#/view/act/1997/140
<i>Environmentally Hazardous Chemicals Act 1985</i>	http://www.legislation.nsw.gov.au/#/view/act/1985/14
<i>Environmental Planning and Assessment Act 1979</i>	http://www.legislation.nsw.gov.au/#/view/act/1979/203
<i>Protection of the Environment Operations Act 1997</i>	http://www.legislation.nsw.gov.au/#/view/act/1997/156
<i>Water Management Act 2000</i>	http://www.legislation.nsw.gov.au/#/view/act/2000/92
Licensing	
Guide to Licensing	www.epa.nsw.gov.au/licensing/licenceguide.htm
Air Issues	
Air Quality	
Approved methods for modelling and assessment of air pollutants in NSW (2016)	http://www.epa.nsw.gov.au/air/appmethods.htm
POEO (Clean Air) Regulation 2010	http://www.legislation.nsw.gov.au/#/view/regulation/2010/428
Noise and Vibration	
Interim Construction Noise Guideline (DECC, 2009)	http://www.epa.nsw.gov.au/noise/constructnoise.htm
Assessing Vibration: a technical guideline (DEC, 2006)	http://www.epa.nsw.gov.au/noise/vibrationguide.htm
NSW Industrial Noise Policy	http://www.epa.nsw.gov.au/resources/noise/ind_noise.pdf
Industrial Noise Policy Application Notes	http://www.epa.nsw.gov.au/noise/applicnotesindustnoise.htm
Draft Industrial Noise Guideline	http://www.epa.nsw.gov.au/resources/epa/150185-draft-industrial-noise-guide.pdf
Environmental Criteria for Road Traffic Noise (EPA, 1999)	http://www.epa.nsw.gov.au/resources/noise/roadnoise.pdf
Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects (DECC, 2007)	http://www.epa.nsw.gov.au/noise/railinfranoise.htm

Environmental assessment requirements for rail traffic-generating developments	http://www.epa.nsw.gov.au/noise/railnoise.htm
Waste, Chemicals and Hazardous Materials and Radiation	
Waste	
Environmental Guidelines: Solid Waste Landfills (EPA, 2016)	http://www.epa.nsw.gov.au/waste/landfill-sites.htm
Draft Environmental Guidelines - Industrial Waste Landfilling (April 1998)	http://www.epa.nsw.gov.au/resources/waste/envguidlins/industrialfill.pdf
EPA's Waste Classification Guidelines 2014	http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm
Resource recovery orders and exemptions	http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm
NSW Waste Avoidance and Resource Recovery Strategy 2014-2021	http://www.epa.nsw.gov.au/wastestrategy/warr.htm
Chemicals subject to Chemical Control Orders	
Chemical Control Orders (regulated through the EHC Act)	http://www.epa.nsw.gov.au/pesticides/CCOs.htm
National Protocol - Approval/Licensing of Trials of Technologies for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
National Protocol for Approval/Licensing of Commercial Scale Facilities for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
Water and Soils	
Acid sulphate soils	
Coastal acid sulfate soils guidance material	http://www.environment.nsw.gov.au/acidsulfatesoil/ and http://www.epa.nsw.gov.au/mao/acidsulfatesoils.htm
Acid Sulfate Soils Planning Maps	http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm
Contaminated Sites Assessment and Remediation	
Managing land contamination: Planning Guidelines – SEPP 55 Remediation of Land	http://www.epa.nsw.gov.au/clm/planning.htm
Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000)	http://www.epa.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf
Guidelines for the NSW Site Auditor Scheme - 2nd edition (DEC, 2006)	http://www.epa.nsw.gov.au/resources/clm/auditorguidelines06121.pdf
Sampling Design Guidelines (EPA, 1995)	http://www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf

National Environment Protection (Assessment of Site Contamination) Measure 1999 (or update)	http://www.scew.gov.au/nepms/assessment-site-contamination
Soils – general	
Managing land and soil	http://www.environment.nsw.gov.au/soils/landandsoil.htm
Managing urban stormwater for the protection of soils	http://www.environment.nsw.gov.au/stormwater/publications.htm
Landslide risk management guidelines	http://australiangeomechanics.org/admin/wp-content/uploads/2010/11/LRM2000-Concepts.pdf
Site Investigations for Urban Salinity (DLWC, 2002)	http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf
Local Government Salinity Initiative Booklets	http://www.environment.nsw.gov.au/salinity/solutions/urban.htm
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	http://www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	Contact the EPA on 131555
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf



Office of
Environment
& Heritage

Our Ref: DOC17/176080
Your Ref: SEARs 1141

Ms Bianca Thornton
Student Planner – Industry Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Ms Thornton

Re: Request for Revised Environmental Assessment Requirements for the Waste or Resource Management Facility Expansion, 19 & 21 Northcott Crescent, Wollongbar (Lots 60 & 61 DP 789127)

Thank you for your e-mail dated 20 March 2017 about the Waste/Resource Management Facility seeking revised Environmental Assessment Requirements (EARs) from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

We note that the project will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The revised Environmental Impact Statement (EIS) EARs provided by the OEH is limited to Aboriginal cultural heritage, biodiversity (threatened species, populations, ecological communities, or their habitats), OEH estate, historic heritage, acid sulphate soils, flooding, stormwater and coastal management.

Our previous EARs (1069) were issued for the Waste/ Resource Management Facility Expansion on 12 August 2016 (our reference DOC16/380413-2). We note, that the only change to the proposal is an increase in processing volume of waste material from 13,000 to 30,000 tonnes per annum.

Overall, the proponent should ensure the EIS is sufficiently comprehensive to enable unambiguous assessment of all direct and indirect impacts of the proposal. We consider the information presented below and within Attachment 1 necessary to deliver a comprehensive EIS for the proposal.

In particular, the EIS should assess the impacts of the proposal on:

1. Aboriginal cultural heritage values of the area in consultation with local Aboriginal knowledge holders. The EIS should consider the proximity to natural drainage lines in defining any relationships that may exist between the proposal and the Aboriginal cultural heritage values of the study area.
2. Threatened species and their habitat, particularly those species recorded in close proximity to the proposal site or where habitat features are present. These species include the Koala (*Phascolarctos cinereus*), Rough-shelled Bush Nut (*Macadamia tetraphylla*), Hairy Jointgrass (*Arthraxon hispidus*) and Thorny pea (*Desmodium acanthocladum*).
3. Native vegetation on and adjacent to the proposal site. The EIS should detail the avoidance, mitigation and offset strategies in place to address both direct and indirect impacts on native vegetation.

The full list of our requirements that may need to be addressed in the EIS is provided in **Attachment 1**. In preparing the EIS, the proponent should refer to the relevant guidance material listed in **Attachment 2**.

If you have any further questions about this issue, Ms Rachel Binskin, Regional Operations Officer, Regional Operations, OEH, can be contacted on 6659 8247 or at rachel.binskin@environment.nsw.gov.au.

Yours sincerely

Dimitri Young 31 March 2017

DIMITRI YOUNG
Senior Team Leader Planning, North East Region
Regional Operations

Contact officer: Rachel Binskin 6659 8247

Enclosure: Attachment 1 OEH Recommended Environmental Assessment Requirements for the Waste/Resource Management Facility Expansion, Wollongbar No 1141; Attachment 2 Guidance Material.

Attachment 1

OEH's Recommended Environmental Assessment Requirements (EARs) for Preparation of an Environmental Impact Statement

Expansion of Waste Management Facility

19 & 21 Northcott Crescent, Wollongbar

(Lots 60 & 61 DP 789127)

EAR No 1141.

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TABLE OF CONTENTS

A	The Proposal	2
B	Environmental Impacts of the Proposal	3
C	Aboriginal Cultural Heritage	4
D	Biodiversity	6
E	OEH Estate	9
F	Historic Heritage	10
G	Acid Sulfate Soils	11
H	Flooding, Stormwater and Coastal Management	12
I	Cumulative Impacts	13

A. The Proposal

The Environmental Impact Statement (EIS) should identify the environmental objectives for the proposal and clearly describe the proposal. These environmental objectives will guide decisions on environmental controls and management throughout the life of the proposal.

The objectives of the proposal should be clearly stated and refer to:

1. the size and type of the proposal and its operation;
2. all anticipated environment impacts, both direct and indirect, including level of vegetation / habitat clearing
3. the anticipated level of performance in meeting required environmental standards;
4. threatened species, populations, ecological communities and their habitats impacted upon;
5. the staging and timing of the proposal; and
6. the proposal's relationship to any other proposal.

The EIS should fully identify all of the processes and activities intended for the site and during the life of the proposal, including details of:

7. the location of the proposal and details of the surrounding environment;
8. the proposed layout of the site;
9. appropriate land use zoning;
10. ownership details of any residence and/or land likely to be affected by the proposal;
11. maps/diagrams showing the location of residences and properties likely to be affected and other industrial developments, conservation areas, wetlands, etc. in the locality that may be affected by the proposal;
12. all equipment proposed for use at the site;
13. chemicals, including fuel, used on the site and proposed methods for the transportation, storage, use and emergency management;
14. waste generation, storage and disposal;
15. a plan showing the distribution of any threatened flora or fauna species and the vegetation communities on or adjacent to the subject site, and the extent of vegetation proposed to be cleared should be provided; and
16. methods to mitigate any expected environmental impacts of the proposal.

B. Environmental Impacts of the Proposal

Impacts related to the following environmental issues need to be assessed, quantified and reported on:

- Aboriginal cultural heritage
- Biodiversity
- OEH Estate (land reserved or acquired under the *National Parks and Wildlife Act 1974*)
- Historic heritage
- Acid Sulfate Soils
- Flooding, Stormwater and Coastal Management
- Cumulative Impacts

The EIS should address the specific requirements outlined under each heading below and assess impacts in accordance with the relevant guidelines mentioned. A full list of guidelines is at **Attachment 2**.

C. Aboriginal Cultural Heritage

The EIS should contain:

1. A description of the Aboriginal objects and declared Aboriginal places located within the area of the proposal.
2. A description of the cultural heritage values, including the significance of the Aboriginal objects and declared Aboriginal places, that exist across the whole area that will be affected by the proposal, and the significance of these values for the Aboriginal people who have a cultural association with the land.
3. A description of any consultation with Aboriginal people regarding the proposal and the significance of any Aboriginal cultural heritage values identified through that consultation. The OEH advises that the proponent may utilise the OEH's *Aboriginal Consultation Requirements for Proponents 2010* as best practice guidelines for such consultation (these OEH requirements for consultation must be followed if the proposal requires an Aboriginal Heritage Impact Permit or the Aboriginal heritage assessment requires archaeological testing).
4. The views of those Aboriginal people regarding the likely impact of the proposal on their cultural heritage. If any submissions have been received as a part of the consultation requirements, then the report must include a copy of each submission and your response.
5. A description of the actual or likely harm posed to the Aboriginal objects or declared Aboriginal places from the proposal, with reference to the cultural heritage values identified.
6. A description of any practical measures that may be taken to protect and conserve those Aboriginal objects or declared Aboriginal places.
7. A description of any practical measures that may be taken to avoid or mitigate any actual or likely harm, alternatives to harm or, if this is not possible, to manage (minimise) harm.

In addressing these requirements, the proponent should refer to the following documents:

- a. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (OEH, 2010) - www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf. These guidelines identify a process that could be used to prepare Aboriginal cultural heritage assessments for development proposals assessed under Part 4 of the *Environmental Planning and Assessment Act 1979*.
- b. *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (OEH, 2010) - www.environment.nsw.gov.au/licences/consultation.htm. This document further explains the consultation requirements that are set out in clause 80C of the *National Parks and Wildlife Regulation 2009*. The process set out in this document must be followed and documented in the EIS if the proposal requires an Aboriginal Heritage Impact Permit or the Aboriginal heritage assessment requires archaeological testing.

- c. *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH, 2010) -

www.environment.nsw.gov.au/licences/archinvestigations.htm. The process described in this Code should be followed and documented where the assessment of Aboriginal cultural heritage requires archaeological testing to be undertaken.

Notes:

- An Aboriginal Site Impact Recording Form (<http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm>) must be completed and submitted to the Aboriginal Heritage Information Management System (AHIMS) Registrar, for each AHIMS site that is harmed through archaeological investigations required or permitted through these environmental assessment requirements.
- Under section 89A of the *National Parks and Wildlife Act 1974*, it is an offence for a person not to notify OEH of the location of any Aboriginal object the person becomes aware of, not already recorded on the Aboriginal Heritage Information Management System (AHIMS). An AHIMS Site Recording Form should be completed and submitted to the AHIMS Registrar (<http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm>), for each Aboriginal site found during investigations.

D. Biodiversity

Biodiversity impacts can be assessed using **either** the OEH BioBanking Scheme (Scenario 1) **or** a detailed biodiversity assessment (Scenario 2). The requirements for each of these approaches are detailed below.

The BioBanking Assessment Methodology can be used **either** to obtain a BioBanking statement under Scenario 1, **or** to assess impacts of a proposal and to determine required offsets without obtaining a statement under Scenario 2.

Under Scenario 2, if the required offset cannot be attained in its entirety, appropriate alternative options may be developed in consultation with OEH officers and in accordance with OEH policy to ensure that the final offset package adequately compensates biodiversity impacts.

I. Scenario 1 - Where a proposal is assessed under the OEH BioBanking Scheme:

The EIS should include a biodiversity assessment undertaken in accordance with the OEH BioBanking Scheme. This assessment should address the matters included in the following sections.

1. Where a BioBanking Statement is being sought under Part 7A of the *Threatened Species Conservation Act 1995* (TSC Act), the assessment must be undertaken by an accredited BioBanking assessor (as specified under Section 142B (1)(c) of the TSC Act 1995) and done in accordance with the *BioBanking Assessment Methodology and Credit Calculator Operational Manual* (DECCW, 2008). To qualify for a BioBanking Statement a proposal must meet the improve-or-maintain standard.
2. The EIS should include a specific Statement of Commitments that reflects all requirements of the BioBanking Statement including the number of credits required and any approved variations to impacts on Red Flags.
3. With regard to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, the EIS should identify and assess any relevant Matters of National Environmental Significance and whether the proposal has been referred to the Commonwealth or already determined to be a controlled action.

II. Scenario 2 - Where a proposal is assessed outside the OEH BioBanking Scheme:

The EIS should include a detailed biodiversity assessment, including assessment of impacts on threatened biodiversity, native vegetation and habitat. This assessment should address the matters included in the following sections.

1. A field survey of the site should be conducted and documented in accordance with relevant guidelines, including:
 - a. the *Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna -Amphibians* (DECCW, 2009)
 - b. *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC, 2004),

- c. Threatened species survey and assessment guideline information on www.environment.nsw.gov.au/threatenedspecies/surveyassessmentguidelines.htm

If a proposed survey methodology is likely to vary significantly from the above methods, the proponent should discuss the proposed methodology with OEH prior to undertaking the EIS, to determine whether OEH considers that it is appropriate.

- Recent (less than five years old) surveys and assessments may be used. However, previous surveys should not be used if they have:
- been undertaken in seasons, weather conditions or following extensive disturbance events when the subject species are unlikely to be detected or present, or
- utilised methodologies, survey sampling intensities, timeframes or baits that are not the most appropriate for detecting the target subject species,

unless these differences can be clearly demonstrated to have had an insignificant impact upon the outcomes of the surveys. If a previous survey is used, surveys for any additional entities listed under the *Threatened Species Conservation Act 1995* since the previous survey took place, must be undertaken and documented.

Determining the list of potential threatened species for the site should be done in accordance with the *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft* (DEC, 2004) and the *Guidelines for Threatened Species Assessment* (Department of Planning, July 2005). The OEH Threatened Species website <http://www.environment.nsw.gov.au/threatenedspecies/> and the *Atlas of NSW Wildlife* database should be the primary information sources for the list of threatened species present. The BioBanking Threatened Species Database, the Vegetation Types databases (available on OEH website at <http://www.environment.nsw.gov.au/biobanking/biobankingtspd.htm> and <http://www.environment.nsw.gov.au/biobanking/vegtypedatabase.htm>, respectively) and other data sources (e.g. PlantNET, Online Zoological Collections of Australian Museums (<http://www.ozcam.org/>), previous or nearby surveys etc.) may also be used to compile the list.

2. The EIS should contain the following information as a minimum:
- a. The requirements set out in the *Guidelines for Threatened Species Assessment* (Department of Planning, July 2005)
 - b. Description and geo-referenced mapping of study area (and spatial data files), e.g. overlays on topographic maps, satellite images and /or aerial photos, including details of map datum, projection and zone, all survey locations, vegetation communities (including classification and methodology used to classify), key habitat features and reported locations of threatened species, populations and ecological communities present in the subject site and study area.
 - c. Description of survey methodologies used, including timing, location and weather conditions.

- d. Details, including qualifications and experience of all staff undertaking the surveys, mapping and assessment of impacts as part of the EIS.
 - e. Identification of national and state listed threatened biota known or likely to occur in the study area and their conservation status.
 - f. Description of the likely impacts of the proposal on biodiversity and wildlife corridors, including direct and indirect and construction and operation impacts. Wherever possible, quantify these impacts such as the amount of each vegetation community or species habitat to be cleared or impacted, or any fragmentation of a wildlife corridor.
 - g. Identification of the avoidance, mitigation and management measures that will be put in place as part of the proposal to avoid or minimise impacts, including details about alternative options considered and how long term management arrangements will be guaranteed.
 - h. Description of the residual impacts of the proposal. If the proposal cannot adequately avoid or mitigate impacts on biodiversity, then a biodiversity offset package is expected (see the requirements for this at point 4 below).
3. An assessment of the significance of direct and indirect impacts of the proposal must be undertaken for threatened biodiversity known or considered likely to occur in the study area based on the presence of suitable habitat. This assessment must take into account:
 - a. the factors identified in s.5A of the *Environmental Planning & Assessment Act 1979*, and
 - b. the guidance provided by *The Threatened Species Assessment Guideline – The Assessment of Significance* (DECCW, 2007) which is available at: <http://www.environment.nsw.gov.au/resources/threatenedspecies/tsaguide07393.pdf>
4. The proposal must be designed to avoid and minimise impacts on biodiversity and offset remaining direct and indirect biodiversity impacts. In determining an appropriate offset package it is recommended that the EIS should:
 - a. Accord with the 13 OEH offsetting principles available at <http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm>
 - b. Use the BioBanking Assessment Methodology to determine the quantum of offsets required to compensate for those remaining biodiversity impacts.
 - c. Identify the conservation mechanisms to be used to ensure the in-perpetuity protection and management of proposed offset sites.
 - d. Include a specific Statement of Commitments for the proposed offset package which is informed by a., b. and c. above and by any consultation with OEH.
5. With regard to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, the EIS should identify any relevant Matters of National Environmental Significance and whether the proposal has been referred to the Commonwealth or already determined to be a controlled action

E. OEH Estate

The EIS should address the following with respect to land reserved under the *National Parks and Wildlife Act 1974*.

1. Where appropriate, likely impacts (both direct and indirect) on any adjoining and/or nearby OEH estate reserved under the *National Parks and Wildlife Act 1974*. Refer to the *Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water* (DECC, 2010). The guideline is available at:
<http://www.environment.nsw.gov.au/protectedareas/developmntadjoiningdecc.htm>

Note: Proposals which may impact marine protected areas should be referred to the Department of Primary Industries to determine the assessment and approval requirements

F. Historic Heritage

The EIS should address the following:

1. The heritage significance of the site and any impacts the proposal may have upon this significance should be assessed. This assessment should include natural areas and places of Aboriginal, historic or archaeological significance. It should also include a consideration of wider heritage impacts in the area surrounding the site.
2. The Heritage Council maintains the State Heritage Inventory which lists some items protected under the *Heritage Act 1977* and other statutory instruments. This register can be accessed through the Heritage Branch home page on the internet (<http://www.heritage.nsw.gov.au>). In addition, lists maintained by the National Trust, any heritage listed under the Australian Government's Environment Protection and Biodiversity Conservation Act 1999 and the local council should be consulted in order to identify any known items of heritage significance in the area affected by the proposal. These lists are constantly evolving and items with potential heritage significance may not yet be listed.
3. Non-Aboriginal heritage items within the area affected by the proposal should be identified by field survey. This should include any buildings, works, relics (including relics underwater), gardens, landscapes, views, trees or places of non-Aboriginal heritage significance. A statement of significance and an assessment of the impact of the proposal on the heritage significance of these items should be undertaken. Any policies/measures to conserve their heritage significance should be identified.

This assessment should be undertaken in accordance with the guidelines in the NSW Heritage Manual. The field survey and assessment should be undertaken by a qualified practitioner/consultant with historic sites experience. The Manager, OEH Heritage Division Conservation Team, can be contacted on telephone (02) 9873 8599 for a list of suitable consultants.

G. Acid Sulfate Soils

The EIS should address the following:

1. The potential impacts of the proposal on acid sulfate soils must be assessed in accordance with the relevant guidelines in the Acid Sulfate Soils Manual (Stone et al. 1998) and the Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004).
2. Describe mitigation and management options that will be used to prevent, control, abate or minimise potential impacts from the disturbance of acid sulfate soils associated with the proposal and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

H. Flooding, Stormwater and Coastal Management

The EIS should include an assessment of the following referring to the relevant guidelines in Attachment 2:

1. The potential effect of coastal processes and coastal hazards including potential impacts of sea level rise:
 - a. on the proposal; and
 - b. arising from the proposal.
2. Whether the proposal is consistent with any coastal zone management plans.
3. Whether the proposal is consistent with any floodplain risk management plans.
4. Whether the proposal is compatible with the flood hazard of the land.
5. Whether the proposal will significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.
6. Whether the proposal will 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.
7. Whether the proposal incorporates appropriate measures to manage risk to life from flood.
8. Whether the proposal is likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
9. The implications of flooding over the full range of potential flooding, including the probable maximum flood, should be considered as set out in the NSW Government Floodplain Development Manual. This should include the provision of:
 - a. Full details of the flood assessment and modelling undertaken in determining any design flood levels (if applicable), including the 1 in 100 year flood levels.
 - b. A sensitivity assessment of the potential impacts of an increase in rainfall intensity and runoff (10%, 20% and 30%) and sea level rise on the flood behaviour for the 1 in 100 year design flood if applicable.
10. All site drainage, stormwater quality devices and erosion / sedimentation control measures should be identified and the onsite treatment of stormwater and effluent runoff and predicted stormwater discharge quality from the proposal should be detailed.

I. Cumulative Impacts

The EIS should include an assessment of the following:

1. The cumulative impacts, including both construction and operational impacts, from all clearing activities and operations, associated edge effects and other indirect impacts on cultural heritage, biodiversity and OEH Estate in accordance with the *Environmental Planning and Assessment Act 1979*.
2. The cumulative impacts, including both construction and operational impacts, of the proponent's existing and proposed development and associated infrastructure (such as access tracks etc.) as well as the cumulative impact of the development in the context of other developments located in the vicinity.

Attachment 2 – EIS Guidance Material

Title	Web address
<u>Relevant Legislation</u>	
<i>Coastal Protection Act 1979</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+13+1979+cd+0+N
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
<i>Floodplain Development Manual</i>	http://www.environment.nsw.gov.au/floodplains/manual.htm
<i>Environmental Planning and Assessment Act 1979</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
<i>Fisheries Management Act 1994</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N
<i>Marine Parks Act 1997</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+64+1997+cd+0+N
<i>National Parks and Wildlife Act 1974</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
<i>Protection of the Environment Operations Act 1997</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N
<i>Threatened Species Conservation Act 1995</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+101+1995+cd+0+N
<i>Water Management Act 2000</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
<u>Aboriginal Cultural Heritage</u>	
<i>Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (2005)</i>	Available from DPE.
<i>Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)</i>	http://www.environment.nsw.gov.au/licences/consultation.htm
<i>Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)</i>	http://www.environment.nsw.gov.au/licences/archinvestigations.htm
<i>Aboriginal Site Impact Recording Form</i>	http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm
<i>Aboriginal Heritage Information Management System (AHIMS) Registrar</i>	http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm

Biodiversity

BioBanking Assessment Methodology (DECC, 2008)	http://www.environment.nsw.gov.au/resources/biobanking/08385bbassessmethod.pdf
BioBanking Assessment Methodology and Credit Calculator Operational Manual (DECCW, 2008)	http://www.environment.nsw.gov.au/biobanking/operationalmanual.htm
Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna -Amphibians (DECCW, 2009)	http://www.environment.nsw.gov.au/resources/threatenedspecies/09213amphibians.pdf
Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft (DEC, 2004)	http://www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf
Guidelines for Threatened Species Assessment (Department of Planning, July 2005)	Draft available from DPE
OEH Threatened Species website	http://www.environment.nsw.gov.au/threatenedspecies/
Atlas of NSW Wildlife	http://wildlifeatlas.nationalparks.nsw.gov.au/wildlifeatlas/watlas.jsp
BioBanking Threatened Species Database	http://www.environment.nsw.gov.au/biobanking/biobankingtsdpd.htm
Vegetation Types databases	http://www.environment.nsw.gov.au/biobanking/vegtypedatabase.htm
PlantNET	http://plantnet.rbgsyd.nsw.gov.au/
Online Zoological Collections of Australian Museums	http://www.ozcam.org/
Threatened Species Assessment Guideline - The Assessment of Significance (DECCW, 2007)	http://www.environment.nsw.gov.au/resources/threatenedspecies/tsaguide07393.pdf
Principles for the use of biodiversity offsets in NSW	http://www.environment.nsw.gov.au/biocertification/offsets.htm

OEH Estate

Land reserved or acquired under the NPW Act

List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
OEH Revocation of Land Policy	http://www.environment.nsw.gov.au/policies/RevocationOfLandPolicy.htm
Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)	http://www.environment.nsw.gov.au/resources/protectedareas/10509devadjdeccw.pdf

Water and Soils

Acid sulphate soils

Acid Sulfate Soils Planning Maps

<http://canri.nsw.gov.au/download/>

Acid Sulfate Soils Manual (Stone et al. 1998)

Manual available for purchase from:

<http://www.landcom.com.au/whats-new/the-blue-book.aspx>

Chapters 1 and 2 are on DPI's Guidelines Register at:

Chapter 1 Acid Sulfate Soils Planning Guidelines:

<http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Planning%20Guidelines.pdf>

Chapter 2 Acid Sulfate Soils Assessment Guidelines:

<http://www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Assessment%20Guidelines.pdf>

Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)

<http://www.derm.qld.gov.au/land/ass/pdfs/lmg.pdf>

This replaces Chapter 4 of the Acid Sulfate Soils Manual above.

Flooding and Coastal Management

Reforms to coastal erosion management

<http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm>

Floodplain development manual

<http://www.dnr.nsw.gov.au/floodplains/manual.shtml>

Guidelines for Preparing Coastal Zone Management Plans

Note: To be replaced by the Guidelines for preparing coastal zone management plans, 2013. This document will be available on OEH's website – currently available at

<http://www.environment.nsw.gov.au/coasts/coastalmgtdocs.htm>

Climate Change Impacts and Risk Management

<http://www.environment.gov.au/climate-change>

Water

Water Quality Objectives

<http://www.environment.nsw.gov.au/ieo/index.htm>

ANZECC (2000) Guidelines for Fresh and Marine Water Quality

http://www.mincos.gov.au/publications/australian_and_new_zealand_guidelines_for_fresh_and_marine_water_quality

Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones

<http://deccnet/water/resources/AWQGuidance7.pdf>

Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)

http://www.environment.nsw.gov.au/resources/legislation/approved_methods-water.pdf



File No: NTH16/00087

The Director
Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Bianca Thornton – Student Planner

Dear Sir / Madam,

Secretary's Environmental Assessment Requirements No. 1141 Waste Management Facility Expansion; Lots 60 & 61 DP 789127; 19 & 21 Northcott Crescent, Wollongbar

I refer to your email of 17 March 2017 requesting input to the Secretary's Environmental Assessment Requirements (EARs) for the abovementioned state significant development.

Roles and Responsibilities

The key interests for Roads and Maritime Services are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport.

Northcott Crescent is an unclassified local road under the *Roads Act 1993* (Roads Act) and Lismore City Council (Council) is the roads authority for this road. Council is responsible for setting standards and determining priorities. In accordance with Section 138 of the *Roads Act 1993* Council's approval is required prior to works being undertaken on this road. Roads and Maritime's concurrence is not required for unclassified roads.

Roads and Maritime is given the opportunity to review and provide comment on the subject development under Clause 16 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

Roads and Maritime Response

Roads and Maritime requests that the Environmental Assessment be supported by a Traffic Impact Assessment (TIA) prepared by a suitably qualified person in accordance with the Austroads Guide to Traffic Management Part 12, the complementary Roads and Maritime Supplement and RTA Guide to Traffic Generating Developments. The TIA is to address the following;

- The total impact of existing and proposed development on the road network with consideration for a 10 year horizon.
- The volume and distribution of traffic generated by the proposed development.
- Intersection sight distances at key intersections along the primary haul route.

Roads and Maritime Services

- Existing and proposed site access standards.
- Details of proposed improvements to affected intersections.
- Details of servicing and parking arrangements.
- Impact on public transport (public and school bus routes) and consideration for alternative transport modes such as walking and cycling.
- Impacts of road traffic noise and dust generated along the primary haul route/s.
- Consideration for Clause 16(1) of the Mining SEPP regarding;
 - Impact on school zones and residential areas.
 - Code of Conduct for haulage operators
 - Road safety assessment of key haulage route/s

Should Council wish to condition the preparation of a Code of Conduct for haulage operators, this could include, but not be limited to;

- a. A map of the primary haulage routes highlighting critical locations.
- b. Safety initiatives for haulage through residential areas and/or school zones.
- c. An induction process for vehicle operators and regular toolbox meetings.
- d. A complaint resolution and disciplinary procedure.
- e. Any community consultation measures for peak haulage periods.

Where road safety concerns are identified at a specific location along the identified haulage route/s, Roads and Maritime suggests that the TIA be supported by a targeted Road Safety Audit undertaken by suitably qualified persons.

The current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements are to be adopted for any proposed works on the classified road network.

The Developer would be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for any works deemed necessary on the classified road network. The developer would be responsible for all costs associated with the works and administration for the WAD

Further information on undertaking private developments adjacent to classified roads can be accessed at:

<http://www.rms.nsw.gov.au/projects/planning-principles/index.html>

Advice to the Consent Authority

Roads and Maritime highlights the Consent Authority is responsible for considering the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works deemed necessary to include as requirements in the conditions of development consent.

If you have any further enquiries regarding the above comments please contact Liz Smith, Manager Land Use Assessment on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully



for Monica Sirol
Network & Safety Manager, Northern Region
24 March 2017

Attachment 2

NEWTON DENNY CHAPELLE SEAR # 1141 – ASSESSMENT CHECKLIST	
SEAR Requirements	EIS Reference
SEAR Number 1141	-
Proposal Expansion of an existing resource recovery facility to process up to 30,000 tonnes per annum of construction and demolition waste including earthworks, retaining walls, vegetation management works, stormwater infrastructure and erection of shed.	-
Location 19 & 21 Northcott Crescent, Alstonville (Lots 60 & 61 DP 789127)	
Applicant Ben Graham	-
Date of Expiry April 2019	-
General Requirements The EIS must meet the minimum form and content requirements in Clauses 6 and 7 of Schedule 2 of the EP&A Regulation 2000.	
Clause 6 a) the name, address and professional qualifications of the person by whom the statement is prepared	Page i
(b) the name and address of the responsible person,	Page i
(c) the address of the land:	Section 1.3
(d) a description of the development, activity or infrastructure to which the statement relates,	Section 3.2
(e) an assessment by the person by whom the statement is prepared of the environmental impact of the development, activity or infrastructure to which the statement relates, dealing with the matters referred to in this Schedule,	Section 4
(f) a declaration by the person by whom the statement is prepared to the effect that: (i) the statement has been prepared in accordance with this Schedule, and (ii) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates, and (iii) that the information contained in the statement is neither false nor misleading.	Page i

Attachment 2

Clause 7 (1) An environmental impact statement must also include each of the following:	-
(a) a summary of the environmental impact statement,	Page ii
(b) a statement of the objectives of the development, activity or infrastructure,	Section 3.1
(c) an analysis of any feasible alternatives to the carrying out of the development, activity or infrastructure, having regard to its objectives, including the consequences of not carrying out the development, activity or infrastructure,	Section 2.9
(d) an analysis of the development, activity or infrastructure, including:	-
(i) a full description of the development, activity or infrastructure, and	Section 3.2
(ii) a general description of the environment likely to be affected by the development, activity or infrastructure, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and	Section 2
(iii) the likely impact on the environment of the development, activity or infrastructure, and	Section 4
(iv) a full description of the measures proposed to mitigate any adverse effects of the development, activity or infrastructure on the environment, and	Section 3.2.12 and Attachments 5, 6, 7, 8 & 9.
(v) a list of any approvals that must be obtained under any other Act or law before the development, activity or infrastructure may lawfully be carried out,	Section 1.4
(e) a compilation (in a single section of the environmental impact statement) of the measures referred to in item (d) (iv),	Section 3.2.12
(f) the reasons justifying the carrying out of the development, activity or infrastructure in the manner proposed, having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development set out in sub clause [4].	Section 4.8
Key Issues	
Strategic Context – Including:	
• Justification and suitability of the site	Section 4
• Consistency with planning strategies, EPIs and DCPs	Section 4
• Approvals required prior to completing works	Section 1.4
• How the development integrates with existing operations	Section 3.2.6
• Additional licence(s) or approval(s) required to carry out the proposed development.	Section 1.4

Attachment 2

Waste Management - Including	
Details of the type, quantity and classification of waste to be received at the site;	Attachment 6
Details of waste handling including, transport, identification, receipt, stockpiling and quality control; and	Attachment 6
The measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the NSW Waste Avoidance and Resource Recovery Strategy 2014-21.	Attachment 6
Hazards and Risk - including:	
Preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 - Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011)	Attachment 10
Should preliminary screening indicate that the project is "potentially hazardous" a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 - guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (DoP, 2011).	N/a
Air Quality - including:	
A description of all potential sources of air and odour emissions;	
An air quality impact assessment in accordance with relevant Environment Protection Authority guidelines; and	Attachment 9
An air quality impact assessment in accordance with relevant Environment Protection Authority guidelines; and	Attachment 9
A description and appraisal of air quality impact mitigation and monitoring measures.	Attachment 9
Soil and water - including:	
Existing and proposed water licensing requirements in accordance with the Water Act 1912 and/or the Water Management Act 2000;	N/a No water licensing required.
A description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant Water Sharing Plan, Floodplain Management Plan or water source embargo;	N/a No Water Sharing Plan, Flood Plain Management Plan or water source embargo applies.
A description of local soils, topography, drainage and landscapes;	Section 2.6
Details of sediment and erosion controls;	Attachment 5
A detailed site water balance;	Attachment 5 & Section 6.2.2

Attachment 2

An assessment of potential impacts on the quality and quantity of surface and groundwater resources;	Attachment 5 & Section 6.2.2
An assessment of flooding impacts including potential impacts to and resulting from the development;	N/a Site not subject to flooding.
Details of the proposed stormwater and wastewater management systems (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts;	Attachment 5
Details of leachate collection and management;	Attachment 5
Characterisation of the nature and extent of any contamination on the site and surrounding area; and	Section 4.2.2
A description and appraisal of impact mitigation and monitoring measures.	Attachment 5
Traffic and transport - including:	
Details of road transport routes and access to the site;	Attachment 5
Road traffic predictions for the development during construction and operation;	Attachment 5
An assessment of impacts to the safety and function of the road network; and the details of any road upgrades required for the development;	Attachment 5
A traffic and transport study prepared in accordance with the Roads and Maritime's Guide to Traffic Generating Developments 2002; and	Attachment 5
A Traffic Impact Assessment in accordance with Roads and Maritime Services guidelines.	Attachment 5
Noise and vibration - including:	
A description of all potential noise and vibration sources during construction and operation, including road traffic noise;	Attachments 7 & 8
A noise and vibration assessment in accordance with the relevant Environment Protection Authority guidelines; and	Attachments 7 & 8
A description and appraisal of noise and vibration mitigation and monitoring measures.	Attachments 7 & 8
Biodiversity - including:	
Accurate predictions of any vegetation clearing on site or for any road upgrades;	Attachment 3
A detailed assessment of the potential impacts on any threatened species, populations, endangered ecological communities or their habitats, groundwater dependent ecosystems and any potential for offset requirements; and	Attachment 3
A detailed description of the measures to avoid, minimise, mitigate and offset biodiversity impacts.	Attachment 3

Attachment 2

Heritage - including:	
An Aboriginal cultural heritage assessment in accordance with Office of Environment and Heritage guidelines; and	Attachment 4
An assessment of non-Aboriginal cultural heritage.	Attachment 4
Visual – including:	
An impact assessment at private receptors and public vantage points.	Section 4.10

Environmental Planning Instruments and Other Policies	
State Environmental Planning Policy (Infrastructure) 2007;	Section 4.3
State Environmental Planning Policy No. 33 Hazardous and Offensive Development	Section 4.4
• State Environmental Planning Policy No. 44 Koala Habitat Protection;	Section 4.5
• State Environmental Planning Policy No. 55 Remediation of Land;	Section 4.6 & Section 4.2.2
• Ballina Shire Local Environmental Plan 2012;	Section 5.4.8
Ballina Development Control Plans	Section 4.2
Ballina S94 Contribution Plans	Section 4.7 & Attachment 5
Guidelines Reference should be made to the Department's Register of Development Assessment Guidelines	Noted
Consultation Consultation should occur with relevant authorities, service provider and community groups, with issues raised discussed within the EIS. Consultation should occur with the following:	-
Environment Protection Authority;	Section 1.6
Department of Primary Industries	Section 1.6
Roads and Maritime Services	Section 1.6
Ballina Shire Council	Section 1.6
Surrounding Landowners and Occupiers	Section 1.6
Further consultation after 2 years. If an application is not lodged within 2 years, further consultation required with the Secretary in relation to the SEARS.	Noted

Attachment 2

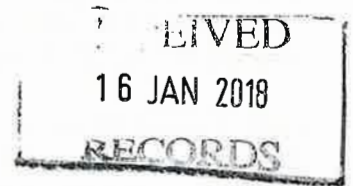
Additional Agency Requirements	EIS Reference
Department of Primary Industries (Agriculture)	
Consideration with respect to impacts on agricultural land in the vicinity of the site	Section 4.2.2
Consideration of bio-security risks	Section 4.2.2
Environmental Protection Authority	
Comprehensive Air Quality Assessment in accordance with EPA requirements	Attachment 9
Comprehensive Noise Assessment in accordance with EPA requirements.	Attachment 7
Comprehensive Vibration Assessment in accordance with EPA requirements.	Attachment 8
Comprehensive Water Assessment in accordance with EPA requirements.	Attachment 5
Comprehensive Waste Management information and procedures in accordance with EPA requirements.	Attachment 6
Consideration of ESD principles	Section 4.8
Office of Environment and Heritage	
Comprehensive Aboriginal Cultural Heritage Assessment in accordance with OEH requirements.	Attachment 4
Comprehensive assessment of flora and fauna and impacts on Threatened Species	Attachment 3
Roads and Maritime Services	
Traffic Impact Assessment required in accordance with RMS requirements	Attachment 5
Assessment of Impacts on Haulage Route	Attachment 6

Attachment 5 – Government Agency Responses



Office of
Environment
& Heritage

Our Ref: DOC17/592930
Your Ref: DA 2017/600



General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Attention: Ms Jessica Hutley

Dear Mr Hickey

Re: Integrated Development Application for an expansion of the existing resource recovery facility at 19-25 (Lots 60 and 61 DP 789127) Northcott Crescent, Alstonville

Thank you for your initial letter dated 15 November 2017 and subsequent corrected letter dated 23 November 2017 about the proposed expansion of the existing resource recovery facility at Northcott Crescent Alstonville seeking comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

Please also note, the Environment Protection Authority (EPA) is no longer part of the OEH and so this response does not consider matters relating to noise, air and water quality. Consequently, you should in the future seek information on these matters and/or any licensing requirements under the *Protection of the Environment Operations Act 1997* from the EPA separately. On this occasion, we have forwarded your letter to Mr Scott Hunter EPA Unit Head Waste Compliance for their separate response.

We understand the existing facility has been operating for some time and was originally approved under DA 2012/88. The current proposal is for an expanded facility that will process up to 30,000 tonnes of materials per annum and includes a building, earth works and associated infrastructure.

The OEH provided Environmental Assessment Requirements (EARs) for the proposal to the Department of Planning and Environment (DPE) on 12 August 2016 and 20 March 2017. These made specific mention of the Koala (*Phascolarctos cinereus*) and the Rough-shelled Bush Nut (*Macadamia tetraphylla*) Hairy Jointgrass (*Arthraxon hispidus*) and Thorny pea (*Desmodium acanthocladum*) as subject species for the site. These species and any native vegetation on or adjacent to the site were considered to require assessment, among other potential threatened species that might occur.

The EARs also included the standard of Aboriginal Cultural Heritage Assessment (ACHA) required as a component of the Environmental Impact Statement and the need for consultation with local Aboriginal knowledge holders. Specific mention was also made for considering drainage line

proximity to the relationships that may exist between the proposal and the Aboriginal cultural heritage values of the study area.

The OEH has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal and historic heritage, National Parks and Wildlife Service (NPWS) estate, flooding and estuary management. We have reviewed the documents submitted, including Attachment 3 - Ecological Assessment and Attachment 4 - Cultural Heritage Assessment, and provide comments on biodiversity and Aboriginal Cultural Heritage (ACH) matters below. We have not identified any issues related to flooding or NPWS estate.

Following our review of the *Northcott Crescent Wollongbar Ecological Assessment* prepared by Blackwood Ecological Services, the OEH advises that we have no further comments to add or concerns about direct impacts to the remaining biodiversity values on the site from the proposal. Potential indirect impacts to off-site biodiversity values that could be caused by sediment and erosion from run off during earth works and construction are considered the highest risk to biodiversity. Best practice erosion and sediment control measures should be included as standard conditions of approval. Other potential indirect impacts to offsite but adjacent biodiversity values during ongoing operations should be addressed as an integral part of the site's management planning and/or under any operational licences that may be required from the EPA.

Following our review of the *Northcott Crescent Wollongbar, NSW: Aboriginal Cultural Heritage Assessment* (March 2017) prepared by Everick Heritage Consultants Pty Ltd for Newton Denny Chapelle Pty Ltd, the OEH notes the assessment undertaken in consultation with local Aboriginal knowledge-holders concluded that the proposal is unlikely to impact known or unknown Aboriginal objects. The OEH further notes the report concluded that no further Aboriginal cultural heritage assessment is required to inform the development process and the evidence to support that conclusion has been provided. We agree with both findings and have no further comments on the proposal.

If you have any further questions about this issue, Mr Ross Wellington, Senior Conservation Planning Officer, Regional Operations, OEH, can be contacted on 6640 2511 or at ross.wellington@environment.nsw.gov.au.

Yours sincerely

 11 January 2018

DIMITRI YOUNG
Senior Team Leader Planning, North East
Regional Operations

Contact officer: ROSS WELLINGTON
6640 2511

DOC18/682277

The General Manager
PO Box 450
BALLINA NSW 2478

Attention: Mr Paul Hickey

Dear Mr Hickey,

Request for further information relating to Development Application 2017/600

I refer to the development application (DA) and accompanying information provided for DA 2017/600 received by the Environment Protection Authority (EPA) on 24 August 2018.

The EPA has reviewed the information provided and determined that further information is required before the general terms of approval can be approved. In order to further assess the environmental impacts from the proposed expansion to the resource recovery business the EPA requests the following additional information:

1. Air Quality

- The air quality assessment must be revised to ensure it has been conducted in accordance with the Approved Methods for Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);
- The air quality assessment does not assess the potential for short term fine particulate matter impacts (PM10 and PM2.5). The Approved Methods includes 24-hour average impact assessment criteria for both PM10 and PM2.5. This should be provided.
- The air quality assessment does not demonstrate that the proposed mitigation measures are sufficient to mitigate potential impacts of particulate matter, including 24-hour average PM10 and PM2.5. This should be reviewed and clarified.

2. Noise emissions

- An assessment of the applicability of the traffic noise provisions in accordance with section 2.4.1 of the *Noise Policy for Industry applies – Amenity noise levels in areas of high traffic noise, is required.*
- The assessment does not include any assessment of modifying factors corrections, as per Fact Sheet C of the Noise Policy for Industry, this should be provided.
- The assessment provided does not give any details of the acoustic rating of the proposed sheds and the attenuation assumed in the modelling for the proposed operation. An assessment of the reverberation and/ vibration likely to occur during operation is required.
- It is also not clear if the modelling included the crushing/screening in shed 3 with the doors open or closed and whether the truck movements were included travelling/manoeuvring on site and at what speed they were assumed to be travelling. This should be clarified.
- The management measures in the assessment report do not appear to include consideration of any mitigation along the access road. This should be provided.

If you wish to discuss the matter further please contact Luke Davison (02) 6659 8250

Yours sincerely

 14/9/18

SCOTT HUNTER
Unit Head Waste Compliance
Environment Protection Authority

General Terms of Approval - Issued



Notice No: 1578573

Ballina Shire Council
The General Manager
Po Box 450
BALLINA NSW 2478

Attention: Georgia Lee

Notice Number 1578573
File Number EF13/8198
Date 17-Apr-2019

Re: Expansion of resource recovery facility located at Lot 1 DP 1237064, 19 - 21 Northcott Crescent Alstonville.

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application (DA) and accompanying information provided for DA 2017/600 received by the Environment Protection Authority (EPA) on 13 February 2019.

EPA has reviewed the information provided including public submissions 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 attachment. If Ballina Shire 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.

In assessing the proposal EPA has identified that the issues raised through the environmental assessment and public submissions could be managed by the mitigation measures proposed in the project documents and our General terms of Approval.

General Terms of Approval - Issued



Notice No: 1578573

If you have any questions, or wish to discuss this matter further please contact Luke Davison on 02 6659 8250.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'S. Hunter', written over a horizontal dotted line.

Scott Hunter

Unit Head Waste Compliance

Environment Protection Authority

(by Delegation)

General Terms of Approval - Issued



Notice No: 1578573

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 DA2017/600 submitted to Ballina Shire Council on 20 December 2018;
- amended environmental impact statement dated December 2018 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including:
 1. Environmental Noise Impact Assessment, CRG Acoustics, 20 December 2018; and
 2. Air Quality Assessment, Tim Fitzroy & Associates, 20 December 2018.
 3. Engineering Services Report - Expansion of Builders Waste Recycling Service, Newton Denny Chapelle, June 2018.
 4. All other plans and reports identified in section 3.2.11 of the amended environment impact statement, dated 20 December 2018.

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.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and in meaning the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other limits
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General Terms of Approval - Issued



Notice No: 1578573

NA building and demolition As defined in the POEO Act, as in Recovery of general 30,000 T of waste per waste waste force from time waste annum

Note: For the purpose of clarifying Condition L2.1, the maximum total limit of waste consisting of building and demolition waste that can be received at the premises for the purpose of recovery of general waste is 30,000 tonne per annum.

L2.2 The applicant must have in place and implement procedures to identify and prevent the acceptance of any waste not permitted by this licence to be accepted at the premises.

L3. Noise limits

L3.1 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurements parameters used in Column 2.

Point 1

Location	Lot and DP number	Noise limit dB(A)	Noise limit dB(A)	Noise limit dB(A)
		Morning shoulder	Morning shoulder	Day
		LA1 (1 minute)	LAeq (15 minute)	LAeq (15 minute)
8 Toona Lane, Wollongbar	Lot 10, DP12000477	63	57	63

Point 2

Location	Lot and DP number	Noise limit dB(A)	Noise limit dB(A)	Noise limit dB(A)
		Morning shoulder	Morning shoulder	Day
		LA1 (1 minute)	LAeq (15 minute)	LAeq (15 minute)
2 Bowers Close, Wollongbar	Lot 6, DP814058	59	57	62

Point 3

Location	Lot and DP number	Noise limit dB(A)	Noise limit dB(A)	Noise limit
		Morning shoulder	Morning shoulder	Day
		LA1 (1 minute)	LAeq (15 minute)	LAeq (15 minute)
14 Dulcet Lane, Alstonville	Lot 13, DP1059499	51	57	49

L3.2 For the purposes of condition L3.1:

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

General Terms of Approval - Issued



Notice No: 1578573

L3.3 The noise limits set out in condition L3.1 apply under all meteorological conditions except for the following:

- A. Wind speeds greater than 3 meters/second at 10 meters above ground level
- B. Stability category F temperature inversion conditions and wind speeds greater than 2 meters/second at 10 meters above ground level; or
- C. Stability category G temperature inversion conditions.

L3.4 For the purpose of condition L3.3 data recorded by a Bureau of Meteorology Meteorological station at Ballina Airport AWS (station number 058198) must be used to determine meteorological conditions.

L3.5 To determine compliance:

- A. with the noise limits in condition L3.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 meters or less from the property boundary closest to the premises; or
 - within 30 meters of a dwelling facade, but not closer than 3m, where any dwelling on the property is situated more than 30 meters from the property boundary closest to the premises; or, where applicable
 - within approximately 50 meters of the boundary of a National Park or a Nature Reserve.
- B. with the noise limits in condition L3.1, 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 condition L3.5(A)

L3.6 A non-compliance of condition L3.1 will still occur where noise generated from the premises is in excess of the appropriate limit when measured:

- at a location other than an area prescribed by conditions L3.5(A) and L3.5(B); and/or
- at a point other than the most affected point at a location.

L3.7 For the purpose of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L3.8 Construction is permitted between the hours 7:00am to 6:00pm Monday to Friday, and Saturdays between 8:00am to 1:00pm, with no construction permitted on Sundays and Public Holidays.

Definition

- LA10(15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

General Terms of Approval - Issued



Notice No: 1578573

- Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the Environment Protection Authority in October 2017.
- Noise - 'sound pressure levels' for the purpose of conditions L3.1 to L3.7.

L4 Hours of operation

L4.1 All construction work at the premises must only be conducted between 7:00am to 6:00pm Monday to Friday and 7:00am to 1pm Saturday (construction work must not occur on Sundays or Public Holidays).

L4.2 Activities at the premises, other than construction work, must only occur:

- Vehicles must only operate between 6:00am and 6:00pm Monday to Friday and 6:00am and 1:00pm Saturday.
- Sorting, pulverising, crushing and screening must only occur between 7:00am and 6:00pm Monday to Friday and 7:00am to 1:00pm Saturday.

Note: The operation of vehicles, crushing, pulverising and screening must not take place on Sundays or Public Holidays.

L4.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1 or L4.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L4.4 Crushing at the premises must only take place for a maximum of five hours a week. Records of crushing must be kept including dates and times when crushing occurred and provided to the EPA when requested.

L4.5 The hours of operation specified in conditions L4.1, L4.2 and L4.4 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

O1. Odour

O1.1 No Condition of this approval identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

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 defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with conditions of a licence directed at minimising odour.

General Terms of Approval - Issued



Notice No: 1578573

O2. Dust

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

O2.2 The premises must be maintained in a condition that minimises and/or prevents emission of dust from the premises at all times.

O2.3 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O2.4 Prior to the issuing of an Environment Protection Licence, the proponent must prepare and implement an Air Quality Management Plan (the AQMP) for the premises. The AQMP must include the following information for all emission sources at the site:

- Reactive and proactive management strategies;
- Key performance indicators;
- Monitoring methods;
- Location, frequency and duration of monitoring;
- Record keeping;
- Response mechanisms; and
- Compliance reporting.

O2.5 The premises must be designed to not preclude the retrofit of additional mitigation measures for dust emissions, including the retrofit of complete enclosure.

O2.6 All crushing of material must be undertaken within Shed 3 identified on figure labelled *Plan 5 - Proposed Development Overview* contained in document prepared by Newton Denny Chapelle, dated 20 December 2018.

O2.7 A wet suppression system for managing dust emissions must be installed within Shed 3, Shed 4 and the Aggregate Storage Bays as identified in the figure labelled *Plan 5 - Proposed Development Overview* contained in document prepared Newton Denny Chapelle, dated 20 December 2018. The wet suppression system must be operated at all times whenever activities are occurring at the premise.

O3. Stormwater/sediment control - Construction and Operation Phase

O3.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented Prior to the issue of any Environment Protection Licence for the premises. 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 all construction and operational activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (the Blue book).

General Terms of Approval - Issued



Notice No: 1578573

Monitoring and recording conditions

M1 Monitoring records

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

M1.2 All records required to be kept by the licence must be:

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

M1.3 The following records must be kept in respect of any samples required to be collected:

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

M2. Testing methods - concentration limits

M2.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

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

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

M3. Requirement to Monitor Noise

General Terms of Approval - Issued



Notice No: 1578573

M3.1 Compliance with Condition L3.1 must be assessed by attended noise monitoring in accordance with condition L3.5:

- A. at each one of the locations listed in Condition L3.1;
- B. occur at the time of commencement of typical processing activity;
- C. occur during the day as defined in the Noise Policy for Industry for a minimum of 30 minutes of duration in the day period for typical processing activity.

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.

R2 Noise Monitoring Report

R2.1 noise compliance assessment report must be submitted to the EPA within 60 days of the issue of the approval. The assessment must be prepared by a suitably qualified and experienced acoustic consultant and include, but not limited to:

- A. an assessment of compliance with noise limits presented in Condition L3.1; and
- B. an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L3.1.

General Conditions

G1 All vehicles entering and exiting the premises must have their weights recorded at the weigh-bridge.

Special conditions

E1 Financial Assurance

E1.1 A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as 'Authorised Deposit-taking Institutions' under the Banking Act 1959 of the Commonwealth of Australia and supervised by the Australian Prudential Regulatory Authority (APRA) must be provided to the EPA either in full within 6 months of the issue of the licence, or in three installments. The financial assurance must be in the favour of the EPA to an agreed amount. The financial assurance is required to secure or guarantee funding for works or programs required by or under this licence.

E1.2 The licensee must provide the EPA, along with the original counterpart guarantee, confirmation in writing that the financial institution providing the guarantee is subject to supervision by the Australian Prudential Regulatory Authority (APRA).

General Terms of Approval - Issued



Notice No: 1578573

E1.3 The financial assurance must contain a term that provides that any money claimed can be paid to the EPA, at the written direction of the EPA, to any other person.

E1.4 The financial assurance must be maintained during the operation of the facility and thereafter until such time that the EPA is satisfied that the premises is environmentally secure.

E1.5 The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be claimed out by the licence which has not been undertaken by the licence holder.

E1.6 The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.

E1.7 The licensee must provide to the EPA the original counterpart guarantee within five working days of the issue of:

- A. the financial assurance required by condition E1.1, and
- B. the adjusted financial assurance as required by condition E1.3 and E1.6.

E1.8 The EPA may claim on a financial assurance under s303 of the POEO Act if a licensee fails to carry out any work or program required to comply with the conditions of this licence.

E2 Environment Obligations of Licensee (works and programs)

E2.1 While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:

- A. clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
- B. In the event(s) that any waste is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
- C. Provide all monitoring data as required by the conditions of this licence or as directed by the EPA.

General Terms of Approval - Issued



Notice No: 1578573

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.

General Terms of Approval - Issued



Notice No: 1578573

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.

General Terms of Approval - Issued



Notice No: 1578573

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

General Terms of Approval - Issued



Notice No: 1578573

- 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,

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.

Part 4 Modification Application - EPA Comments



Notice No. - 1587908

The General Manager
Ballina Shire Council
PO Box 450

BALLINA SHIRE COUNCIL
ABN 53 929 887 369

BALLINA NSW 2478

Attention: Georgia Lee

Notice Number 1587908
File Number EF13/8198
Date 05-Nov-2019

Re: Expansion of resource recovery facility located at Lot 1 DP1237064, 19-21 Northcott Crescent Alstonville.

I refer to the email from Ballina Shire Council (Council) received by the Environment Protection Authority (EPA) on 4 November 2019 regarding the general terms of approval (GTA) for DA 2017/600 issued on 17 April 2019.

The EPA has varied conditions **L4.2** and **L4.4** within GTA notice numbers 1578573 and 1579256 to be consistent with the information provided as part of DA 2017/600 regarding the hours of operation for sorting, pulverising, crushing and screening activities.

Condition **L4.2** in the general terms of approval has been varied from:

L4.2 Activities at the premises, other than construction work, must only occur:

- Vehicles must only operate between 6:00am and 6:00pm Monday to Friday and 6:00am and 1:00pm Saturday.
- Sorting, pulverising, crushing and screening must only occur between 7:00am and 6:00pm Monday to Friday and 7:00am to 1:00pm Saturday.

Note: The operation of vehicles, sorting, crushing, pulverising and screening must not take place on Sundays or Public Holidays.

Part 4 Modification Application - EPA Comments



Notice No. - 1587908

to:

L4.2 Activities at the premises, other than construction work, must only occur:

- Vehicles must only operate between 6:00am and 6:00pm Monday to Friday and 6:00am and 1:00pm Saturday.
- Sorting, crushing, pulverising and screening must only occur between 7:00am and 6:00pm Monday to Friday.

Note: Sorting, crushing, pulverising and screening must not take place on Saturdays. The operation of vehicles, sorting, crushing, pulverising and screening must not take place on Sundays or Public Holidays.

Condition **L4.4** in the general terms of approval has been varied from:

L4.4 Crushing at the premises must only take place for a maximum of five hours a day, Monday to Saturday, during operating hours as identified in condition L4.2. Records of crushing must be kept including dates and times when crushing occurred and provided to the EPA when requested.

to:

L4.4 Crushing at the premises must only take place for a maximum of five hours a day, Monday to Friday, during operating hours as identified in condition L4.2. Records of crushing must be kept including dates and times when crushing occurred and provided to the EPA when requested.

If Council grants development approval for this proposal these varied conditions, along with other conditions identified in notices 1578573 and 157925, should be incorporated into the consent.

The GTA are related to the development as proposed in the documents and information currently provided to the 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 necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its GTA need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact Luke Davison on 02 6659 8250.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Hunter', followed by a dotted line.

Part 4 Modification Application - EPA Comments



Notice No. - 1587908

Scott Hunter
Unit Head Waste Compliance
Environment Protection Authority
(by Delegation)

File No: NTH16/00087/04

Your Ref: 2017/600

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Jessica Hutley

Dear Sir / Madam,

**Development Application No. 2017/600 – Expansion of Existing Resource Recovery Facility (30,000tpa)
Lots 60 & 61 DP 789127, 19 & 21 Northcott Crescent, Alstonville**

I refer to your letter of 15 November 2017 requesting comment from Roads and Maritime Services in relation to the abovementioned development application.

Roles and Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

Northcott Crescent is a public (local) road. Ballina Shire Council is the Roads Authority for all public roads in the area pursuant to Section 7 of the *Roads Act 1993* (Roads Act). Roads and Maritime is the Roads Authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Council is responsible for setting standards, determining priorities and carrying out works on local roads.

In accordance with Clause 104 of the *State Environmental Planning Policy Infrastructure 2007* (ISEPP), Roads and Maritime is given the opportunity provide comment on traffic generating developments listed under Schedule 3.

Roads and Maritime Response

Roads and Maritime has reviewed the development application and provides the following comments to assist the Consent Authority in making a determination;

- The Engineering Services Report under Attachment 5 of the application has identified that the proposed development will result in an increase in daily vehicle trips generated by the proposed development.
- Council should be satisfied that the development application has addressed peak hourly traffic and road safety impacts on surrounding local roads and intersections.
- All vehicles should enter and leave the site in a forward manner. Driveways and internal manoeuvring areas should be designed in accordance with AS2890 to Council specifications. The site access should be designed to accommodate the swept path of the largest vehicle accessing to the site.

Upon determination of the application it would be appreciated if Council could forward a copy of the approval for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Matt Adams, A/Manager Land Use Assessment on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully

A handwritten signature in blue ink, appearing to be 'Liz Smith', with a long horizontal flourish extending to the right.

For Liz Smith
A/Network & Safety Manager, Northern Region
Date: 13 December 2017



OUT19/2745

04 March 2018

Ms Georgia Lee,
Town Planner
Development and Environmental Health
Ballina Shire Council
PO Box 450
BALLINA NSW 2478
council@ballina.nsw.gov.au

Dear Mr Wood

Development Application – 2017/600 – Expansion of an existing resource recovery facility to process up to 30,000 tonnes per annum of construction waste and to carry out associated building, infrastructure and earthworks. Lot 1 DP 1237064 – No. 19-21 Northcott Crescent Alstonville.

Thank you for the opportunity to provide input to the amended proposal as outlined in your letter of 13 February 2019.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend. Important issues are the potential impact on limited agricultural resources and the ability to rehabilitate the land to enable continued agricultural investment.

NSW DPI Agriculture has assessed the documentation provided and is satisfied that the proposed changes to the development as outlined in the amended proposal will cause minimal impacts to agricultural industries. The department is satisfied with the changes and mitigation measures proposed.

Should you require clarification on the information contained in this response, please contact Agricultural Land Use Planning Officer, John Galea on 0427 647 642.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Galea'.

John Galea
Agricultural Land Use Planning Officer

From: Ballina Shire Council
Sent: Friday, 27 April 2018 2:09 PM
To: Development and Environmental Health Group Support Staff
Subject: FW: ATTENTION: Georgia Lee

From: lilian.parker@dpi.nsw.gov.au [mailto:lilian.parker@dpi.nsw.gov.au] **On Behalf Of** Landuse Ag
Sent: Friday, 27 April 2018 2:04 PM
To: Ballina Shire Council
Cc: Landuse Ag
Subject: ATTENTION: Georgia Lee

DA 2017/600

Thank you for providing the amended proposal.

DPI Agriculture has nil comment.

Lilian

Agriculture
Landuse Planning | Education and Regional Services
DPI Agriculture | Department of Primary Industries
C/- 161 Kite Street | **Locked Bag 21** | Orange NSW 2800
T: 02 6391 3391 | F: 02 6391 3543 | E: landuse.ag@dpi.nsw.gov.au
www.trade.nsw.gov.au | www.dpi.nsw.gov.au

Primary Contact: Lilian Parker
E
mail
: lilian.parker@dpi.nsw.gov.au

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OUT18/11712

01 August 2018

Matthew Wood
Group Manager,
Development and Environmental Health
Ballina Shire Council
PO Box 450
BALLINA NSW 2478
council@ballina.nsw.gov.au

Attn: Georgia Lee

Dear Mr Wood

Development Application – 2017/600 – Expansion of an existing resource recovery facility to process up to 30,000 tonnes per annum of construction waste and to carry out associated building, infrastructure and earthworks. Lot 1 DP 1237064 – No. 19-21 Northcott Crescent Alstonville.

Thank you for the opportunity to provide input to the amended proposal as outlined in your letter of 13 July 2018.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend. Important issues are the potential impact on limited agricultural resources and the ability to rehabilitate the land to enable continued agricultural investment.

NSW DPI Agriculture has assessed the documentation provided and is satisfied that the proposed changes to the development as outlined in the amended proposal.

Should you require clarification on the information contained in this response, please contact Agricultural Land Use Planning Officer, John Galea on 0427 647 642.

Yours sincerely

John Galea
Agricultural Land Use Planning Officer

From: Ballina Shire Council
Sent: Thursday, 21 March 2019 4:28 PM
To: Georgia Lee
Subject: FW: DA2017/600 - Amended proposal - DPI Fisheries general referral response



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11 MARCH – JULY 2019

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From: Jonathan Yantsch

Sent: Thursday, 21 March 2019 4:16 PM

To: Ballina Shire Council

Subject: DA2017/600 - Amended proposal - DPI Fisheries general referral response

Attn: Georgia Lee

Hi Georgia

I refer to Council's general referral of an amendment to Development Application DA2017/600 involving the expansion of an existing resource facility on Lot 1 DP 1237064, 19 Northcott Crescent, Alstonville, Ballina LGA.

As the proposal will is not located within key fish habitat or involve impacts to key fish habitat, DPI Fisheries has no comment on this proposal.

Please contact me on the details below if you have any questions.

Regards

Jonathan

Jonathan Yantsch | Senior Fisheries Manager - Coastal Systems (North Coast)
Aquatic Environment

NSW Department of Primary Industries | Fisheries

1243 Bruxner Hwy | Wollongbar | NSW 2477

T: 02 6626 1375 | M: 0447 537 168 | E: jonathan.yantsch@dpi.nsw.gov.au



Department of
Primary Industries



Driving economic growth and increasing the value of primary industries in NSW

PERMIT APPLICATION FORMS & FISH HABITAT POLICIES:

www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats/toolkit

Submit permit applications via email to ahp.central@dpi.nsw.gov.au

NB: From date of receipt of application, please allow:

- 28 days for Permits, Consultations and Land Owner's Consent responses
- 40 days for Integrated Development Applications

KNOWN & EXPECTED DISTRIBUTION OF THREATENED FISH SPECIES:

www.dpi.nsw.gov.au/fishing/threatened-species/threatened-species-distributions-in-nsw

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Industry Assessments

Contact: Patrick Copas

Phone: (02) 9274 6273

Email: patrick.copas@planning.nsw.gov.au

Mr Matthew Wood
Group Manager
Development and Environmental Health
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Our Ref: SEAR 1141
Your Ref: DA 2017/600

Attn: Ms Georgia Lee

Dear Mr Wood

**Resource Recovery Facility Expansion – 19-21 Northcott Crescent, Alstonville
Review of Designated Development Application Submissions**

Thank you for your letter dated 15 June 2018, which forwarded copies of submissions received during the period of public exhibition for the above amended proposal in accordance with section 4.16(9) of the *Environmental Planning and Assessment Act 1979*.

The Department has reviewed the submissions and notes that there are no issues of State or regional significance that apply to the proposal. The Department does however note the concerns raised in relation to potential dust and noise impacts upon nearby residential and industrial receivers. The Department recommends Council ensure these concerns are adequately and appropriately addressed before determining the subject development application.

It is also noted that the Applicant intends to further amend their development application, which may result in the proposal being re-exhibited. Should this occur, the Department would appreciate the opportunity to review this amendment and any additional submissions received during re-exhibition.

In addition, it would be appreciated if a copy of Council's determination could be forwarded to the Department for our records. Should you have any enquiries, please contact Patrick Copas on the details above.

Yours sincerely

Chris Ritchie

Director

Industry Assessments

as delegate of the Planning Secretary



Industry Assessments

Contact: Patrick Copas

Phone: (02) 9274 6273

Email: patrick.copas@planning.nsw.gov.au

Mr Matthew Wood
Group Manager
Development and Environmental Health
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Our ref: SEAR 1141
Your ref: DA 2017/600

Attn: Ms Georgia Lee

Dear Mr Wood

**Resource Recovery Facility Expansion – 19-21 Northcott Crescent, Alstonville
Review of Designated Development Application Submissions**

Thank you for your letter dated 24 August 2018, which forwarded copies of submissions received during the third period of public exhibition for the above proposal in accordance with section 4.16(9) of the *Environmental Planning and Assessment Act 1979*.

The Department of Planning and Environment (the Department) has reviewed the submissions received during this period, and notes there are no issues of State or regional significance that apply to the proposal. The Department does however note the ongoing concerns raised by the general public in relation to potential contamination, noise and air quality impacts upon nearby residential and industrial receivers. The Department recommends Ballina Shire Council (Council) ensure these concerns are adequately and appropriately addressed before determining the subject development application.

It would be appreciated if a copy of Council's determination could be forwarded to the Department for our records. Should you have any enquiries, please contact Patrick Copas on the details above.

Yours sincerely

Chris Ritchie
Director

Industry Assessments

as delegate of the Planning Secretary

6/9/18.



Industry Assessments

Contact: Patrick Copas

Phone: (02) 9274 6273

Email: patrick.copas@planning.nsw.gov.au

Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Our ref: SEAR 1141
Your ref: DA 2017/600

Attn: Ms Georgia Lee

Dear Mr Hickey

**Resource Recovery Facility Expansion – 19-21 Northcott Crescent, Alstonville
Amended Designated Development Application – Fourth Public Exhibition Period**

Thank you for your email dated 21 March 2019, which forwarded copies of submissions received during the fourth period of public exhibition for the above proposal in accordance with section 4.16(9) of the *Environmental Planning and Assessment Act 1979*.

The Department of Planning and Environment (the Department) notes the Northern Regional Planning Panel (NRPP) is the determining authority for the proposal, in accordance with Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

The Department has reviewed the submissions received by Ballina Shire Council (Council) during the public exhibition period, and notes there are no issues of State or regional significance that apply to the proposal. The Department recommends the General Terms of Approval provided by the Environment Protection Authority be included in the development consent for the proposal, should development consent be granted.

The Department also notes the ongoing concerns raised by the general public in relation to contamination, hazardous waste processing, and potential noise and air quality impacts upon surrounding sensitive receivers. The Department recommends Council and the NRPP ensure these concerns are adequately and appropriately addressed before determining the subject development application.

It would be appreciated if a copy of the NRPP's determination could be forwarded to the Department for our records. Should you have any enquiries, please contact Patrick Copas on the details above.

Yours sincerely

Chris Ritchie

Director

Industry Assessments

as delegate of the Planning Secretary

23/4/19.