

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNTH-11
DA Number	DA2020-0138
LGA	Tamworth Regional Council
Proposed Development	Organic Recycling Facility
Street Address	284 Gidley Appleby Road, GIDLEY NSW 2340
Applicant/Owner	Tamworth Regional Council
Date of DA lodgement	24 September 2019
Number of Submissions	Total = 110 over two public exhibition periods.
Recommendation	Approval, subject to conditions.
Regional Development Criteria (Schedule 7 of the SEPP (State and regional Development) 2011	CIV > \$5M - Council interest
List of all relevant 4.15 matters	<p>State Environmental Planning Policies (SEPPs):</p> <ul style="list-style-type: none"> ○ SEPP (State and Regional Development) 2011 ○ SEPP (Infrastructure) 2007 ○ SEPP 33 – Hazardous and Offensive Industry ○ SEPP No.44 – Koala Habitat Protection ○ SEPP No.55 – Remediation of Land <p>The Tamworth Regional Local Environmental Plan 2010 The Tamworth Regional Development Control Plan 2010</p>
List all documents submitted with this report for the Panel's consideration	<p>Annexure 1 Development Plans</p> <p>Annexure 2 Supporting documentation including reports, studies and assessments</p> <p>Annexure 3 Submissions</p> <p>Annexure 4 Recommended Conditions of Consent</p> <p>Annexure 5 General Terms of Approval issued by the NSW Environment Protection Authority dated 13 November 2019 (including amendment letters dated 22 November 2019, 23 January 2020 and 24 January 2020)</p> <p>Annexure 6 External Referral Agency Responses</p>
Report prepared by	Dan Whale – Senior Development Assessment Planner
Report date	05 February 2020

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?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.11EF)?

Not Applicable

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

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

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

Executive Summary:**Reason for consideration by the Northern Regional Planning Panel:**

The application has been referred to the Northern Regional Planning Panel (NRPP) pursuant to Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011* as the proposed development has a "capital investment value" of more than \$5 million and Tamworth Regional Council is both the Applicant and landowner.

Brief Description of Proposal:

The proposal facility would have the capacity to process 35,000 tonnes per annum of Food Organics (FO), Garden Organics (GO) and Category 3 organic materials comprising meat, fish and fatty foods, fatty and oily sludges and organics of animal and vegetable origin. The proposed facility will utilise Tunnel Composting System (TCS) technology within an enclosed facility to process material into soil product suitable for use in landscaping and agricultural production. The proposal would commence operation in parallel with the introduction of a FOGO kerbside collection service within the Tamworth Local Government Area.

Permissibility:

The applicable planning instrument is the Tamworth Regional Local Environmental Plan 2010 (TRLEP) under which the subject site is zoned RU1 Primary Production. The proposed use is defined as a 'resource recovery facility', which forms part of a broader land use definition of a 'waste or resource management facility' which is a permissible development with consent. The proposal is integrated development pursuant to the *Water Management Act 2000* and *Protection of the Environment Operations Act 1997*. The proposal is designated development in accordance with *Schedule 3 of the Environmental Planning & Assessment Regulation 2000 (EP&A Regs)* and as a result an Environmental Impact Statement (EIS) has been prepared and submitted with the application.

Background:

Background

It is identified that Tamworth Regional Council previously submitted a Development Application (DA2017/0229) for an Organics Recycling Facility on Lot 2 DP 1119834 Basil Brown Drive, Westdale. A decision on DA2017/0229 was deferred by the Northern Joint Regional Planning Panel due to concerns over the suitability of the location of the facility and potential impacts on the operations of Tamworth Regional Airport. DA2017/0229 was subsequently withdrawn by Tamworth Regional Council and investigations undertaken into alternate locations for the facility which has ultimately led to submission of the subject development application.

Under the current Environmental Protection Licence (EPL) issued by Environmental Protection Authority (EPA), The Forest Road Waste Management Facility (FRWMF) owned and operated by Tamworth Regional Council is only able to process and compost a maximum of 15,000 tonnes per annum (tpa) of garden organics(GO). The FRWMF has reached capacity of its current operational footprint and is not able to support further organics processing. The proposed facility would enable diversion of organic material from landfill to produce a beneficial commercial product and extend the lifespan of the FRWMF. The commencing of operations at this facility would be in parallel with the renewal of the TRC's Waste Collection Contract, including introduction of a FOGO kerbside collection service.

Pre Lodgement Timeframe:

- May 2019 - Notification letter distributed by mail to residents within 2km of the Site;
- June 2019 - Notification letter distributed by mail to residents within 2km of the Site notifying of upcoming Community Information Session.
- June 2019 - Planning Focus Meeting (Govt. agencies) & site inspection held.
- July 2019 - Community Information Session held at the Tamworth Community Centre.
- August 2019 - Follow up letter and summary report provided via email to attendees of the Community Information Session.
- Sept 2019 - PDA Meeting held between Council staff (Applicant) and development assessment staff.
- 24 Sept 2019 - DA2020-0138 lodged and accepted.

Consultation:

The application was advertised and notified to adjoining and nearby landowners. The proposed development was placed on public exhibition over the following periods;

- 30 September 2019 to 28 October 2019; and
- 18 November 2019 to 17 December 2019.

The second public exhibition period occurred due to an administrative error which resulted in the application not being correctly exhibited as per the SEARs requirements and as per the *Environmental Planning & Assessment Regulation 2000 (EP&A Regs)*, specifically clauses 6 & 7 of Schedule 2.

Over the course of the two public exhibition periods a total of 110 submissions were received by Council. Over fifty (50) submissions were considered informal given they did not comply with EP&A Regulations in terms of the level of detail required to accompany a submission (e.g. name,

address). Furthermore, several objectors re-lodged their submissions during the second notification period.

Issues raised within the all public submissions have been addressed within the body of this report. All of the submissions received by Council are contained in **ANNEXURE 3**.

Key Issues

Key issues identified within the submissions received by Council was the potential for the proposed facility to detrimentally impact upon the health and safety of the surrounding locality by way of increased traffic, noise, odour, stormwater/wastewater management, groundwater and biosecurity. It is deemed that the applicant has addressed the above issues within the submitted Environmental Impact Statement (EIS) and that proposed measures to be implemented as part of both the Construction and Operational Environmental Management Plans for the development will serve to ensure that potential impacts are mitigated. Ultimately the development will be subject to ongoing monitoring and regulation pursuant to an Environment Protection Licence (EPL) issued by the NSW Environment Protection Authority (EPA).

The subject development application was referred both externally to various government agencies (refer **ANNEXURE 6**), and also internally to several Council divisions as part of Council's assessment of the proposed development. No objections have been raised with the proposal subject to compliance with recommended conditions of consent.

Recommendation:

It is recommended that DA2020-0138 be approved subject to the recommended conditions contained in **ANNEXURE 4**.

DESCRIPTION OF THE PROPOSAL:

The applicant seeks consent for the construction of an organics recycling facility which would have the capacity to process 35,000 tonnes per annum of Food Organics (FO), Garden Organics (GO) and Category 3 organic materials comprising meat, fish and fatty foods, fatty and oily sludges and organics of animal and vegetable origin. The proposed facility will utilise Tunnel Composting System (TCS) technology within an enclosed facility to process the material into a variety of soil conditioners and composted mulches suitable for use in landscaping and agricultural production. The facility will comprise of the following;

<i>Weighbridge:</i>	Dimensions of the weighbridge facility are provided by the weighbridge plan. Final design at detailed design phase
<i>Site Office:</i>	<p>The site office building will be 156m² in size and 3.6m high.</p> <p>The site office building has been designed to achieve compliance with National Construction Code (NCC) and Disability (Access to Premises – Buildings) Standards 2010.</p>
<i>Equipment Shed:</i>	The equipment shed is for storage and servicing of equipment and vehicles to be used on site. The shed is 840m ² in size and 7.9m high. Vehicular access to the shed will be via four (4) roller doors, with three located on the eastern wall of the shed and the fourth on the western wall.

<i>Receivals Shed:</i>	<p>The receivals shed is 2,178m² in size and 9.0m high. The shed will receive organic material collected directly from kerbside pick up vehicles and other commercial vehicles.</p> <p>Organic materials will be processed to remove contaminants before being processed through a shredder. Once these processes are complete, the material is transported into the tunnel composting shed.</p>
<i>Tunnel Composting Shed:</i>	<p>The tunnel composting shed is connected to the adjacent receivals shed and will comprise 7 enclosed tunnels for pasteurisation of the organic material. The tunnels (approximately 210m² in size and 5m high) will be arranged side by side.</p> <p>The system is supported by a biofilter with an integrated humidifier and a leachate collection system. Each tunnel is self-operating and comprises an air duct system, blowers, process water collection and recycling systems and various process control features (temperature, pressure, etc.). The tunnel floor allows the inflow of leachate and outflow of air into the composting material. Access to each tunnel is via a large front door, which during the pasteurisation process is locked airtight so as to contain any odour and leachate within the shed building.</p>
<i>Biofilter:</i>	<p>The biofilter is positioned adjacent to the tunnel composting shed to filter all exhaust air from the tunnel system and receivals shed for treatment and final discharge.</p> <p>The biofilter is designed to minimise any potential offensive odours and deodorize the exhaust air. The biofilter comprises a fan, humidifier, a roofed biofilter facility and biofilter media. The roof will protect the biofilter material primarily from exposure to environmental elements and provide improved performance to ensure biological removal of odorous compounds.</p>
<i>Maturation Pads:</i>	<p>The maturation pads are designed to provide a controlled area for the final stage of the composting process and comprises an area of approximately 21,000m² paved with Pavement Type 5 which is identified as being suitable for process areas in accordance with the NSW EPA Guidelines.</p> <p>Batches will be transported directly from the tunnels to the maturation area in a grid format that aligns directly with the tunnels.</p> <p>The preliminary engineering design has identified that the area will have a nominal gradient of 2% within the centre of the maturation pad downslope, a nominal convergent north gradient of 4% and a nominal convergent south gradient of 6%.</p> <p>Such gradients are identified as being sufficient to:</p> <ul style="list-style-type: none"> • Drain all stormwater and excess process water from the maturation area to the leachate dam;

	<ul style="list-style-type: none"> • Prevent run on and run off of storm water and surface water; • Prevent leachate contaminating the subsoil; and • Prevent pooling of water on working surfaces. <p>All working surfaces will be constructed from inert, low-permeability materials and will be capable of withstanding extreme weather events and supporting the load of material and machinery without sustained damage thus protecting and maintaining the gradient.</p> <p>A dispatch area for the facility outputs is provided adjacent the maturation area to enable the compost to be loaded onto vehicles for dispatch off-site from the facility. The area will again be paved with Pavement Type 5 suitable for process areas in accordance with the NSW EPA Guidelines.</p> <p>Dedicated drainage lines will transport any storm water runoff water from this area to the leachate dam.</p>
<i>Leachate Dam:</i>	<p>The leachate dam has been sized to accommodate 16ML as determined in the Water Balance (Appendix N). The leachate dam has been designed with a freeboard and spillway that can accept a 1-in-10 year 24-hr rainfall event for additional storage and reuse. It is unlikely that the leachate dam would reach capacity however, should monitoring identify the need, excess leachate would be pumped to an adequately sized on-site storage tank to ensure dam levels remain suitable for site operations and accommodating leachate runoff generated during rainfall events.</p>
<i>Landscaping:</i>	<p>Site landscaping will be established as part of the subject development in accordance with the submitted landscape plan. In light of ongoing drought conditions, conditions will be imposed requiring that a monetary bond be paid to Council in relation to the required landscaping works so as to ensure that such works are undertaken once drought conditions ease.</p>
<i>Ancillary Infrastructure/works:</i>	<p>Internal & perimeter security fencing (with vermin mesh), wash bay (wheel wash), operational lighting (including along internal access roads), internal signage, rainwater tanks, sealed internal access roads and car parking areas will all be constructed ancillary to the proposed facility.</p> <p>An onsite sewage management system such as an aerated wastewater treatment system, or similar, is proposed for use on site as there are no existing sewer services in the area.</p> <p>Initial site works entailing site stripping, clearing and rubbish removal and cut and fill earthworks.</p>

Table 1 – Facility structures and works

Operation of the facility

General

- The facility is proposed to operate from 7:45am to 5:00pm Monday to Sunday. All site activities to be performed between 7:45am to 5:00pm Monday to Sunday, with the exception of the fan/water sprays/aeration system which will operate on a continuous cycle as required.
- Once operational the facility will employ approximately 6 full-time employees.
- An Operational Environmental Management Plan will be prepared for the facility which will include a Waste Management Plan (WMP).

Receivals

- Material delivered to the site will be received into the large fully-enclosed and air controlled receivals shed or liquid waste storage tanks for processing.
- The receivals shed will be equipped with automatic closing access doors to minimise emissions of dust, odour and litter.
- The receivals building will include bunding of hardstand areas and will provide for decontamination, screening, storage, shredding and mixing of materials prior to loading into the composting tunnels.
- Inspection and screening of received organics will be conducted within the receivals shed and loads with excessive contamination will be rejected. Any physical items of contamination will be manually removed prior to processing.

Pasteurisation

- Following delivery into the receivals shed, materials are decontaminated, screened, shredded and mixed before being loaded into tunnels for pasteurisation. The facility will utilise a two-stage tunnel composting process comprised of:
 - 28 days' residence time (2 x 14 days) to guarantee pasteurisation. During the first 14 days composting process, the material will be pasteurised at around 55-65 degrees Celsius to destroy any pathogens and weed seeds.
- The biological activities in this product will have significantly declined over the pasteurization period, allowing progression to the outside maturation phase of operations.

Maturation

- The pasteurised product from the tunnels will be transported by front end loader to the maturation area in stockpiles of up to 3 metres in height.
- Stockpiles will be formed in windrows 40m in length allowing the compost to mature for up to 6-8 weeks with some windrow moistening and turning as required.

Composting Monitoring, Sampling and Testing Procedures

- The composting process will be monitored in accordance with framework provided by AS4454 (Composts, soil conditioners and mulches standards) and an Environmental Management System (EMS) approved by TRC and the NSW EPA.
- Material sampling, quality testing, field testing and operational auditing will also be undertaken, with such procedures including:

- Temperature testing of each compost batch on a daily basis;
- Moisture testing of each compost batch on a weekly basis or as required;
- pH testing of compost as required;
- Oxygen and/or carbon dioxide testing of compost batches as required;
- Product maturity using Solvita test kits or equivalent; and
- Identification of physical and chemical contaminants in the final product.

Safe Storage and Disposal of Process Residuals and Contaminated Organics

- The facility is designed to securely store all organic materials, contaminated products and process residues that are unable to be processed at the facility, until they can be disposed of at a suitably licenced facility.

Final Product

- The proposed ORF will produce various grades of soil conditioners and composted mulches,
- Chemical properties within the soil conditioners will be fit-for-purpose and in accordance with NSW EPA requirements
- The facility will undertake ongoing material sampling, quality testing, field testing and operational auditing as previously detailed within this report.
- As specified within the General Terms of Approval issued by NSW EPA, any unacceptable material (e.g. physical contaminants) will be removed through manual picking and/or screening methods and will be classified, stored onsite within receivals and processing shed and transported to a suitably licenced facility for disposal within required timeframes as specified by NSW EPA.

Plant and Equipment

A range of plant and equipment is likely to be required for operation of the proposed facility including Shredder/Grinder; Wheel Loader; Screen; Conveyor; Windrow Turner. The final plant and equipment used on-site will be determined by the operator of the facility.

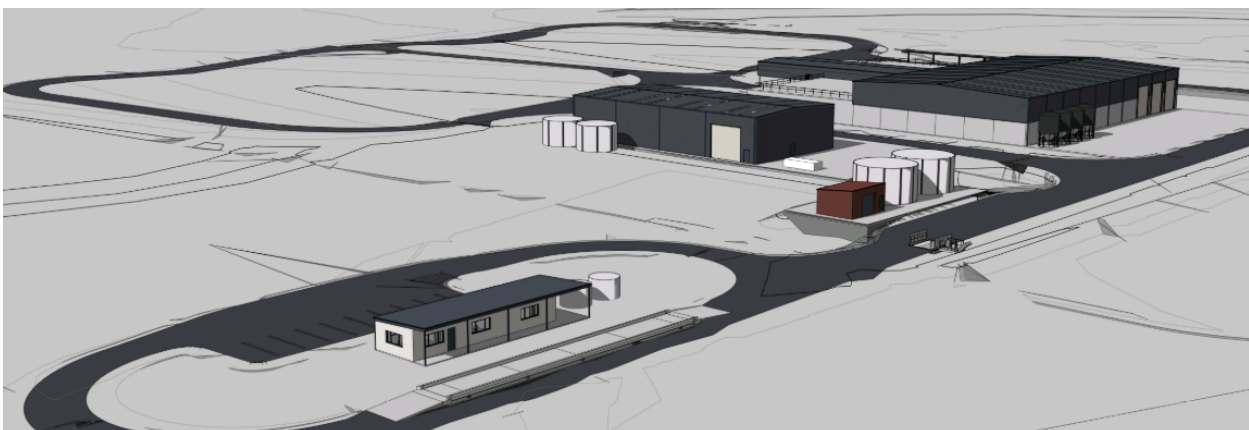


Figure 1 – 3D Perspective of facility

A complete set of the Architectural Plans is contained with **Annexure 1**

Subject Site & Locality:

The proposed facility is located at 284 Gidley Appleby Road, Gidley (Lot 61 DP 707563) and contains a total site area of 117.5ha. The site is located approximately 15km from the Tamworth

CBD (Figure 2) and has a long agricultural land use history involving both cropping and grazing pursuits.

The footprint of the facility is approximately 11 hectares in size and is located on the southern boundary. The topography of the site and surrounding area is generally flat, with a gentle undulation running west to east towards the Peel River which is located approximately 700m east of the subject property.

Surrounding development includes a mix of agricultural land uses ranging from general cropping and grazing activities to large scale intensive poultry operations. The surrounding area includes several rural dwellings within a 1km radius of the proposed development.

The subject site enjoys frontage and uninterrupted access to Gidley Appleby Road which is a bitumen sealed road. Access to Oxley Highway and Manilla Road which are both classified road is via Appleby Lane.

The proposal will require the extension/upgrading of the existing services in order to adequately service the facility.

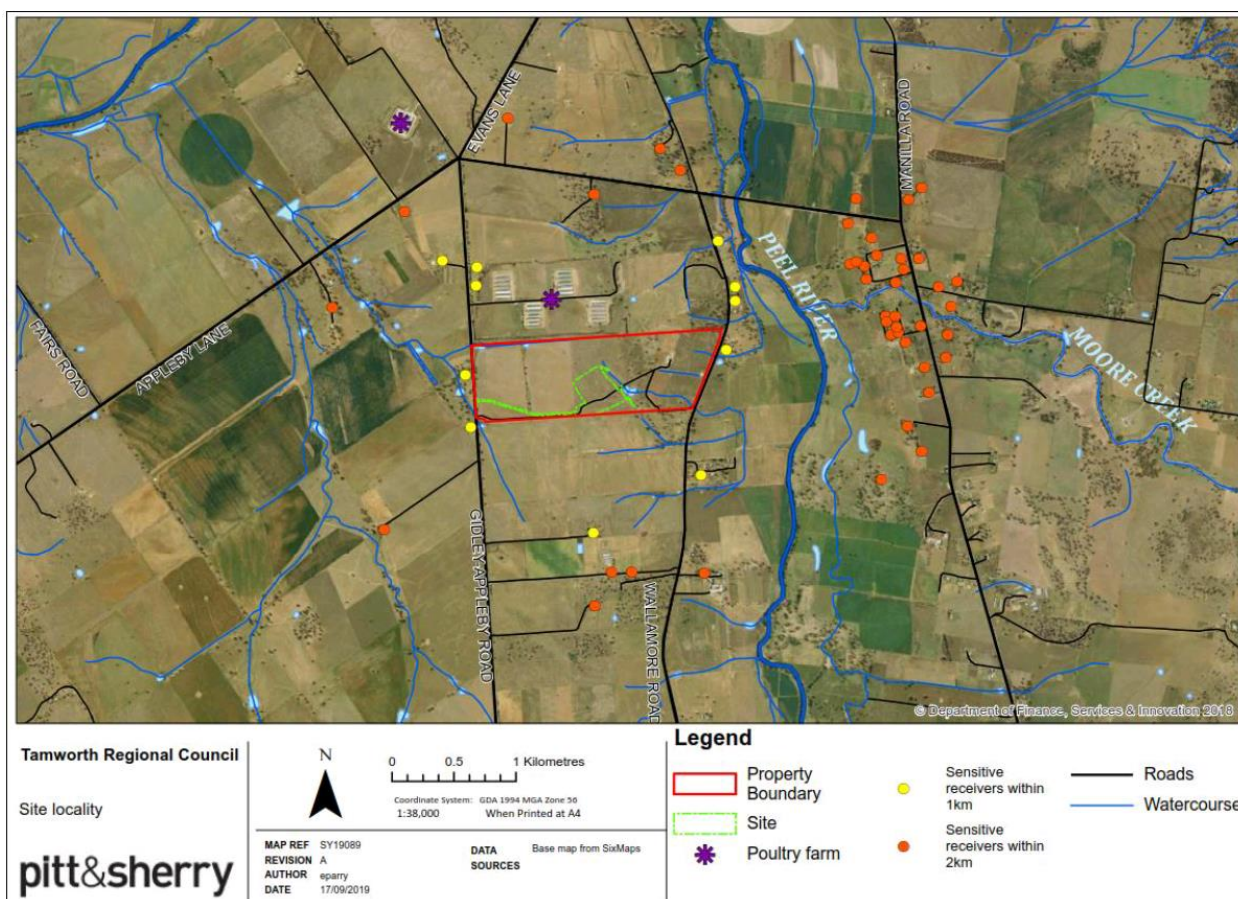


Figure 2 – Site Locality Plan

Referrals:

In accordance with Section 4.46 of the Environmental Planning and Assessment Act 1979 (EPAA), the application triggers integrated development provisions requiring separate General Terms of Approval from:

Relevant Legislation	Matter requiring approval	Relationship to this development
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<i>Protection of the Environment Operations Act 1997</i>	Restricts the carrying out of a range of potentially polluting activities without the issue of an Environmental Protection License	<p>Schedule 1 of this Act identifies activities that require environmental protection licenses under this Act. Council has reviewed the range of scheduled activities and have determined that the development as proposed is likely to require an Environmental Protection License.</p> <p>The proposed development was referred to the NSW EPA. The NSW EPA provided General Terms of Approval on 13 November 2019 (including amendment letters dated 22 November 2019, 23 January 2020 and 24 January 2020), attached in ANNEXURE 5.</p>
<i>Water Management Act 2000</i>	Water use approvals, water management approvals and approvals to carry out works on water front land. Land within 40m of a watercourse	<p>The proposal includes works with 40m of a watercourse (ephemeral stream). The development was referred to the Natural Resource Access Regulator who advised the proposal is not occurring on waterfront land and is therefore not considered integrated development. (ANNEXURE 6).</p>

Table 2 – Integrated Referral Government Agencies

The application was also referred externally to the following agencies for comment/consideration:

- The NSW Department of Primary Industries – Agriculture (DPI Agriculture);
- NSW Roads & Maritime Services (RMS);
- NSW Department of Planning, Industry & Environment – Biodiversity & Conservation Division (DPIE-BCD);
- Civil Aviation Safety Authority (CASA);
- Airservices Australia (AA);
- Essential Energy (EE);
- Local Aboriginal Lands Council (LALC);
- John Holland Rail (JHR); and
- Water NSW

Comments and recommendations have been received from each of the above agencies, with copies of each response provided in **ANNEXURE 6** to this report. The above agencies have reviewed the proposed development and raised no objections subject to compliance with the recommended conditions of consent.

Internal referrals within Council were made to the following divisions:

- Development Engineering;
- Regulatory Services- Environmental Health; and
- Tamworth Regional Airport Manager

Comments and recommendations have been received from each of the above Council divisions who have reviewed the proposed development and raised no objections subject to compliance with the recommended conditions of consent.

ASSESSMENT

Section 4.15 of the EPAA requires the consent to consider the following matters, where relevant, to the proposal:

The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations.

Environmental Planning and Assessment Regulation 2000

Under the provisions of Clauses 13 and 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the proposed Organics Recycling Facility (ORF) is 'designated development', as it involves:

- 'compositing facilities or works' that process more than 5,000 tonnes per year of organic materials, and
- 'waste management facilities or works' that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials.

As a result, an Environmental Impact Statement (EIS) prepared in accordance with section 4.12 of the EPAA and Schedule 2 to the EP&A Regulation, Secretary's Environmental Assessment Requirements (SEARs) were issued.

Biodiversity Conservation Act 2016

A Fauna and Flora Assessment (FFA) (**ANNEXURE 2**) was undertaken to investigate the impacts associated with the construction and operation of the facility and whether the proposal triggered entry into the Biodiversity Offset Scheme (BOS). The FFA determined one endangered native vegetation community was present within the study area, Grey Box Grassy woodland or open forest of the Nandewar Bioregion and New England Tableland Bioregion; however it was not within the building footprint of the facility. All other areas within the study area are cleared land and considered Category 1 – Exempt Land.

The FFA considered the impacts of the proposal and concluded that the BOS threshold was not exceed as the project would not:

- Clear more than one (1) hectare of native vegetation;
- Impact land mapped on the Biodiversity Values Map;
- Significantly impact any threaten species population, or threatened ecological communities list under the Biodiversity Conservation Action 2016;
- Impact any Area of Outstanding Biodiversity Values.

Following review of the FFA, Council staff determined that the clearing associated with the facility exceeds the threshold (1 hectare) for the applicable minimum lot size and therefore referral to NSW Department of Planning, Industry & Environment – Biodiversity & Conservation Division (BCD) was deemed to be required.

The BCD requested further information relating to the plot data collected and the type of vegetation to be cleared based on the FFA concluding entry into the BOS was not triggered. Supplementary information provided by the applicant, which included additional plot data and photographs, historical aerial imagery, demonstrated to the BCD, that the subject land to be

cleared to facilitate the development could reasonably be considered Category 1 – Exempt land (pursuant to Local Land Services Act 2013) and therefore the development does not trigger entry into the Biodiversity Offset Scheme.

State Environmental Planning Policy (State and Regional Development) 2011

The EPAA was updated when the *Environmental Planning and Assessment Amendment Act 2017* was passed NSW Parliament in November 2017. Most changes commenced on 1 March 2018.

One of the changes resulted in the relocation of the provision for regionally significant development to Part 4 and Schedule 7 of the SEPP (State and Regional) 2011. The application has been referred to the Northern Regional Planning Panel (NRPP) pursuant to Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 as the proposed development has a “capital investment value” of more than \$5 million and Tamworth Regional Council is both the Applicant and landowner.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)

In accordance with the provisions of Schedule 3 within SEPP Infrastructure, being a ‘waste or resource management facility’, the proposed development must be referred to Transport for NSW – Roads & Maritime (formally NSW RMS) and consideration of any response is required. Council received a response from TfNSW on 28 October 2019 (refer **ANNEXURE 6**) which is discussed within the body of this report.

In accordance with the provisions of clause 85 within SEPP Infrastructure, being development in or adjacent to rail corridors, the proposed development must be referred to the rail authority (in this instance John Holland Rail) and consideration of any response is required. The referral response provided by John Holland Rail relating to the subject development is provided within **ANNEXURE 6** to this report.

State Environmental Planning Policy No.33 – Hazardous or Offensive Industry (SEPP 33)

SEPP 33 requires the consent authority to consider whether the proposal is a potentially hazardous or offensive industry that without the implementation of appropriate impact minimisation measures would, or potentially would, pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment.

In this regard, hazardous industry is limited to industrial developments which after all minimisation measures proposed have been employed; the industry would still pose a significant risk to the surrounding community and/or environment. The consent authority is required to undertake a preliminary risk screening analysis to determine if the proposal is deemed, by definition, to be a potentially hazardous or offensive industry. Should it be deemed that the development is potentially hazardous, a preliminary hazard assessment would be required.

A preliminary risk screening was completed, as part of the submitted Hazard & Risk Report (HRR)(**ANNEXURE 2**), and it was demonstrated the quantities of dangerous goods proposed to be stored on-site are well below the screening thresholds and do not trigger the requirement for a Preliminary Hazard Assessment to be undertaken in this instance.

The subject development will be required to adopt the mitigation measures recommended in Table 5 of the HRR and best management practices as part of its ongoing operations, with an Operational Environmental Management Plan (OEMP) and Waste Management Plan (WMP) to be implemented with respect to day to day operation of the facility.

State Environmental Planning Policy No.44 – Koala Habitat Protection (SEPP 44)

SEPP 44 requires the consent authority to be satisfied that the development will not have a detrimental impact on core koala habitat.

A Flora & Fauna Assessment has been undertaken in relation to the subject development and is contained in **ANNEXURE 2**. The assessment includes a test of significance pursuant to section 7.3 of the *Biodiversity Conservation Act 2016* undertaken in relation to the koala species. The test of significance concludes that the proposed development is unlikely to result in significant impacts upon the koala species given that the site contains only secondary koala food trees and that it is proposed to remove a single existing tree only from the site as part of the subject works, with all other existing trees to be retained. Approximately 11 hectares of understorey (groundcover) clearing will be required to accommodate the required infrastructure, however this is deemed to be of negligible impact on koala species within the area.

In summary, it is deemed that the subject development would not result in significant detrimental impacts to any areas of koala habitat on the subject property.

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)

Pursuant to SEPP 55, Council is required to consider the potential for contamination to exist upon the subject property and therefore whether the site is suitable for the proposed land use. A review of Council records and a search of the NSW EPA Contaminated Land Record does not suggest that any known contaminating land activities have been located on or adjacent to the site area.

A Geotechnical Assessment (**ANNEXURE 2**) was undertaken for the subject site which involved a walkover survey of the site and excavation of five test pits across the site. The site revealed no visual (e.g. soil staining or vegetation dieback) or odour indicators of contamination upon the site. It is noted that no targeted soil testing for contamination has been undertaken.

It is also acknowledged that past agricultural activities conducted upon the site are likely to have included use of herbicides and pesticides and other farm chemicals, and that inappropriate storage and use of farm chemicals can potentially cause contamination of land. Localised contamination can also occur in locations where chemicals are stored and/or mixed. Investigations undertaken upon the subject site have revealed no evidence of such activities occurring within the proposed development area.

Based upon the above, it is deemed that the site is suitable for the proposed development given that no evidence is available to suggest that contamination is an issue for the property.

New England North West Regional Plan 2036

In accordance with the New England North West Regional Plan 2036, the facility will process organic material generated from a multitude of sources across the local community. Organic waste processing will 'value-add' to the provision of commercial grade compost, which is a green industry, being ultimately focussed on increasing the life of the existing waste management facility.

Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)

The subject site is zoned RU1 Primary Production and the proposed use is defined as a 'resource recovery facility', which forms part of a broader land use definition of a 'waste or resource management facility' which is a permissible development with consent.

Resource Recovery Facilities are defined within the TRLEP as:

'a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage,

transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration’.

The objectives of the RU1 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To permit subdivision only where it is considered by the Council to be necessary to maintain or increase agricultural production.*
- *To restrict the establishment of inappropriate traffic generating uses along main road frontages.*
- *To ensure sound management of land which has an extractive or mining industry potential and to ensure that development does not adversely affect the extractive industry.*
- *To permit development for purposes where it can be demonstrated that suitable land or premises are not available elsewhere.*

The subject development is not deemed to be contrary to development objectives for the RU1 land zone as follows:

- The subject development will add to the diversity of existing land uses within the subject locality.
- No fragmentation or alienation of resource lands will result from the proposed development.
- Ongoing compliance with the recommended conditions consent will result in mitigation of potential impacts and/or conflicts with surrounding land uses.
- Anticipated traffic generation levels resultant from the subject development are not deemed inappropriate for the locality given the rural setting, existing land uses within the immediate area and the fact that the development does not front a main road.
- The location of a waste or resource management facility within a rural zoned area is deemed suitable in that it is a permissible land use (with consent). The operation of such a facility within a rural setting also allows for increased mitigation of potential impacts due to separation distances that can be achieved from potential receptors.

Tamworth Regional Development Control Plan 2010 (TRDCP 2010)

TRDCP 2010 specifies development control guidelines for various types of development, including residential, commercial, industrial or subdivision and includes specific development issues such as flooding and heritage and precinct specific development controls.

While there are no specific controls pertaining to the subject development contained within TRDCP 2010, general development specifications provided within the ‘Other Types of Development Controls’ & ‘Environmental Controls’ sections of TRDCP 2010 are applicable to the subject proposal as follows:

<i>Parking</i>	The proposed development adequately caters for on-site parking/vehicle movements of both light and heavy vehicles and will be required to comply with relevant Australian Standards.
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	<p>The proposed development will provide 10 on-site car parking spaces adjacent to the site office as per the development plans in ANNEXURE 1.</p> <p>TRDCP 2010 requires that for development of this nature (industry), 1 parking space is required per 75m² of GFA or 1 space per 2 employees (whichever is greater). Given the development has a GFA of almost 35,000m², approximately 466 car parking spaces would be required for the development to comply with TRDCP parking controls.</p> <p>The applicant has identified that a total of 6 staff will be in attendance at the facility at any one time.</p> <p>The requirement for 466 car parking spaces is deemed to be unreasonable and excessive given the nature of the proposed operations. Therefore the proposed variation to TRDCP parking requirements is recommended to be supported in this instance given that proposed on-site parking numbers exceed staff numbers for the site, thus exceeding the lesser parking requirement of TRDCP 2010.</p>
<i>Landscaping</i>	<p>Site landscaping will be established as part of the subject development in accordance with the submitted landscape plan.</p> <p>Proposed landscaping is deemed satisfactory and will comprise low maintenance, drought and frost tolerant species. In light of ongoing drought conditions, conditions are proposed requiring that a monetary bond be paid to Council in relation to the required landscaping works so as to ensure that such works are undertaken once drought conditions ease.</p>
<i>Outdoor Lighting</i>	<p>A condition of consent is proposed requiring that any outdoor lighting be compliant with <i>AS4282 Control of Obtrusive Effects of Outdoor Lighting</i>.</p>
<i>Outdoor Signage</i>	<p>The proposal does not involve the erection of any outdoor signage that would require consent to be obtained from Council.</p>
<i>Bushfire Prone Land</i>	<p>The subject site is not identified as containing bushfire prone land.</p>
<i>Environmental Effects</i>	<p>It is considered that the EIS submitted as part of the subject development application has addressed the potential impacts of the development on the surrounding environment.</p> <p>Furthermore, the recommended conditions of consent provides an appropriate level of environmental protection for the both the immediate and wider localities through mitigating measures to reduce potentially detrimental impacts of the operations of the facility on the existing environment and associated amenity.</p>
<i>Soil & Erosion Control</i>	<p>Implementation and maintenance of sediment and erosion control</p>

	<p>measures during the construction phase of the development is proposed as a condition of consent.</p> <p>Sediment & erosion control measures will also be required to be maintained once the facility is operational should landscaping measures be unable to be completed due to ongoing drought conditions.</p>
<i>Vegetation</i>	<p>The site is largely cleared of vegetation due to land clearing undertaken in association the historical use of the property for agricultural purposes.</p> <p>Whilst the FFA determined one endangered native vegetation community was present within the study area, Grey Box Grassy woodland or open forest of the Nandewar Bioregion and New England Tableland Bioregion, it is located outside of the footprint of the development. . All other areas within the study area are considered Category 1 – Exempt Land) with not further approvals required.</p>
<i>Waste Management:</i>	<p>General waste storage and disposal arrangements for the facility have been identified within the EIS provided as part of the subject application.</p> <p>General terms of approval provided by NSW EPA also address the management of waste at the facility including the disposal of unsuitable materials that are removed from the recycling process via screening of materials received at the facility.</p>
<i>Noise</i>	<p>Controls relating to potential noise impacts over both the construction and operational phases of the subject development have been addressed within the GTAs issued by the NSW EPA. No further consideration is deemed necessary in this regard.</p>
<i>Geology</i>	<p>Geology has been addressed within the EIS for the development, specifically within a Geological Assessment that has been undertaken for the subject site by Regional Geotechnical Solutions Pty Ltd.</p> <p>The assessment provides recommendations for the undertaking of proposed earthworks and the construction of foundations and pavements considering identified geological constraints upon the site. Conditions are proposed that require the preparation and implementation of Environmental Management Plans during both the construction and operational phases of the development to further assist in mitigating any detrimental geological impacts.</p>

Table 3 – Assessment of proposal pursuant to Other Types of Development Controls - TRDCP 2010

Tamworth Regional Council Section 7.12 (Indirect) Contributions Plan

In accordance with the provisions of the Plan, the Applicant has obtained a Registered Quantity Surveyors Detailed Cost Summary Report. Council staff have reviewed the Report and advise that a contribution of \$159,969.66 is payable. A condition of consent is proposed to be imposed in this regard.

a) *The provisions of any planning agreement or draft planning agreement.*

The proposal and the site are not the subject of a planning agreement or a draft planning agreement.

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.*

Traffic and Transport

A Traffic Impact Assessment (TIA) (**ANNEXURE 2**) has been prepared to assess potential traffic impacts from the construction and operation of the ORF on the surrounding road network in consideration of AUSTROADS Guidelines and RTA – Guide to Traffic Generating Development.

The subject site will be serviced via a single driveway access point off Gidley Appleby Road which will be upgraded to service the proposed development (widen to permit the entry and exit of the largest vehicle (B-Double) simultaneously). The facility will be serviced via a range of vehicles including kerbside collection vehicles, dual axle tipper, semi-trailer tipper, truck and trailer, quad dog and trailer, B double truck, maintenance vehicles, private staff vehicles and small commercial vehicles. Access to the facility will be restricted to commercial operators only with general public access not permitted.

Vehicle Movements

Based upon traffic modelling undertaken and additional operational information provided by the applicant, approximately 146 vehicle movements will occur to and from the site each day (73 vehicles in and 73 vehicles out). It is noted that of these 146 movements, approximately 60 will constitute light vehicles such as private staff vehicles and small utes and trucks associated with commercial businesses (tree loppers, landscapers etc). The remaining 86 movements are deemed to constitute that of heavy vehicles such as waste collection vehicles, truck and trailer, quad dog and trailer combinations.

In order to determine the impact on the surrounding road network, traffic volume data was collected across several days via manual and electronic traffic counters at the following intersections;

- Oxley Highway/Appleby Lane;
- Manilla Road/Appleby Lane;
- Gidley Appleby Road/Appleby Lane/Evans Lane;
- Gidley Siding Road/Gidley Appleby Road; and
- Wallamore Road/Gidley Siding Road.

Based on the traffic data collected it was determined that the AM peak hour occurs between 8:00am and 9:00am and the PM peak hour occurs between 3:30pm and 4:30pm. The facility is expected to generate up to 40 heavy vehicle movements (20 vehicles in and 20 vehicles out) during both the AM peak hours and the PM peak hour.

Based on the traffic volume data and the anticipated additional traffic volumes generated by the facility in peak periods, a SIDRA Analysis contained within the TIA was carried out to determine the pre and post development traffic volumes at the intersections. Additional traffic volumes within peak periods are outlined in Figure 3;

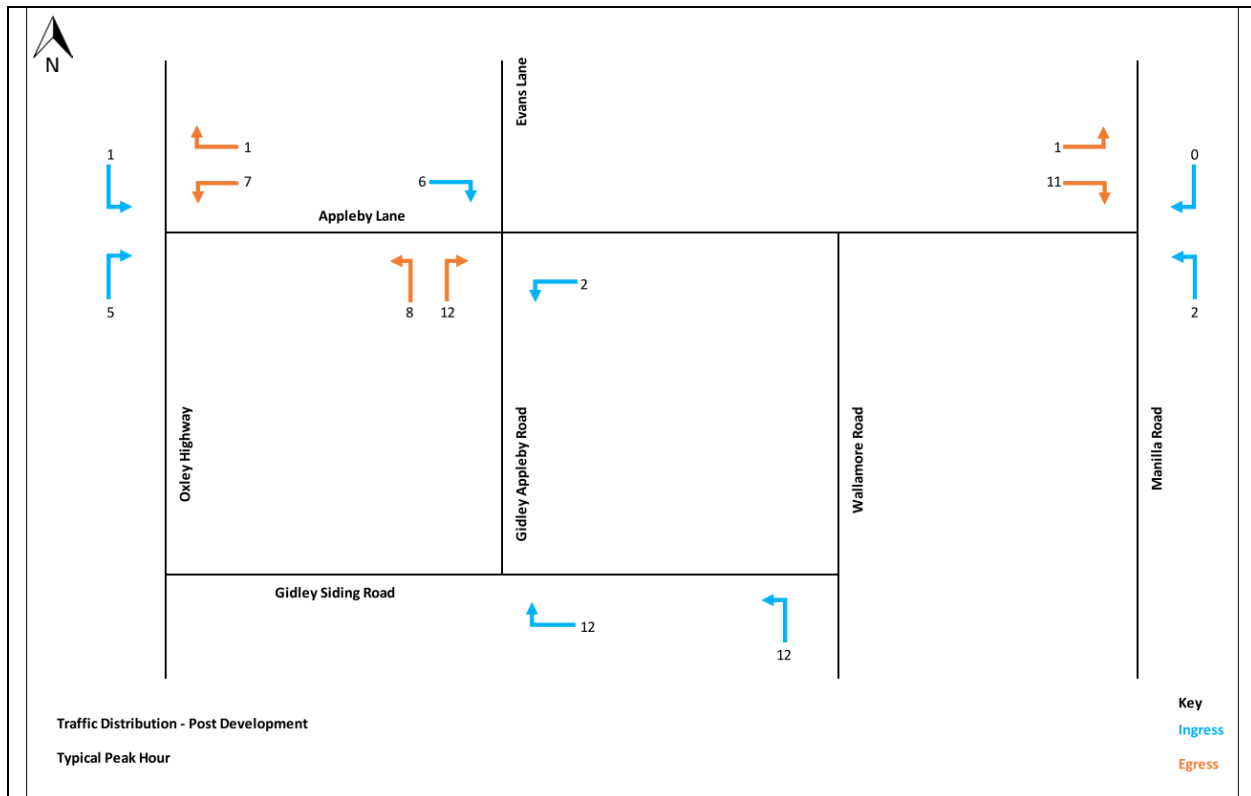


Figure 3 – Additional traffic movements full development.

The traffic distribution post development does not result in a significant increase in traffic volume at any of the intersections. The largest increase in traffic volume is twelve (12) vehicles movements which over a 1 hour peak period is considered minor. It is noted, that several of these intersections are utilised by agricultural enterprises within the surrounding area and have higher existing traffic volumes as a result.

The commonly used measure of intersection performance, as defined by Roads and Maritimes Services (RMS), is vehicle delay. Within the TIA, an indication of the average delay is provided and this is then translated to a Level of Service (LoS). A LoS A is considered the highest performing intersection whilst LoS F is considered to be a failing intersection. The SIDRA Analysis determined that all intersections are currently operating at LoS A with the development not reducing the current LoS at any intersection. Whilst the development will result in a minor increase in the average delay at some intersections, it still meets the warrants for a LoS A. Therefore, it is considered the proposal will not result in an unreasonable impact on the operation of any intersection.

As part of the operation of the facility it is intended to erect a “no left turn” sign at the exit of the property in order to effectively distribute traffic to Appleby Lane and then via Manilla Road or Oxley Highway which are both state highways. This requirement forms part of the conditions of consent.

Safe Intersection Sight Distance

The Safe Intersection Sight Distance (SISD) has been assessed for vehicles at the following intersections:

- Oxley Highway-Appleby Lane - sight distance to vehicles on the Oxley Highway
- Manilla Road-Appleby Lane - sight distance to vehicles on Manilla Road
- Gidley Appleby Road-Appleby Lane-Evans Lane - sight distance to vehicles on Appleby Lane

- Gidley Siding Road-Gidley Appleby Lane - sight distance to vehicles on Gidley Appleby Road
- Wallamore Road-Gidley Siding Road - sight distance to vehicles on Gidley Siding Road; and
- Site Access-Gidley Appleby Road - sight distance to vehicles on Gidley Appleby Road.

The SISD has been assessed against the Austroads Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections (2017). The speed limit on all the above roads is 100km/h. The SISD requirements for a 100km/h road (with a conservative reaction time of 2.5 seconds) is 262m. The observed sight distance from each intersection was greater than 300m in both directions. As such, the available sight distance at all intersections exceeds the Austroads requirements for site distances.

Crash Data

Recent crash data for roads within the vicinity of the site have been obtained from NSW Centre for Road Safety mapping available online. Based upon crash history data, a total of four (4) crashes have occurred in the past 5 years on roads forming part of proposed transport routes. All crashes have occurred in different locations and have constituted different crash types. It is therefore deemed reasonable to conclude that there are no identifiable crash patterns in the vicinity of the subject property.

Transport for NSW - Roads & Maritimes Services

Pursuant to Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007* (The SEPP), 'waste or resource management facility' of any size or capacity must be referred to Transport for NSW – Roads & Maritime Services (RMS) for consideration.

Following review of the proposed development, the RMS provided the following comments to assist the consent authority in making a determination;

Comments from RMS	Council's Response
<p>The existing intersection of the Oxley Highway and Appleby Lane was assessed as having an Austroads Basic Right Turn (BAR) and Basic Left Turn (BAL) facilities for turning traffic. It only has a widened sealed western shoulder and Urban Auxiliary Left Turn (AULs). The widening for what might accommodate a BAR will need to be confirmed that it meets the required design and pavement standard for a BAR. The existing line marking will need to be amended to indicate it can be used by through traffic to pass a turning vehicle.</p>	<p>A basic right (BAR) is the lowest level treatment for this type of intersection and is warranted in Austroads for any low traffic intersection.</p> <p>Based on the existing traffic volume a BAR treatment is warranted. This intersection was recently upgraded by council to an RMS approved design without a BAR treatment. It is considered that given the proposed development will result in an additional 5 peak hour turn movements, that it is unreasonable for this intersection to be upgraded as part of this development.</p> <p>Council will continue to monitor the increase in traffic and the operation of this intersection.</p>
<p>Intersection of Manilla Road and Appleby Lane was assessed as having a Channelised Right</p>	<p>Requirements for an AUL(s) are met at the end of a 10 year planning horizon. As the</p>

<p>Turn (CHR) and AUL. It appears from the photos in the TIA (Traffic Impact Assessment) there is only an existing southbound right-turning facility and no northbound AUL for left-turning traffic. The TIAs traffic distributions (Fig. 20) for 2029 indicates an Austroads AULs is required.</p>	<p>development is only expected to generate 2 additional peak hour left turn movements from Manilla Road it is considered unreasonable to require an intersection upgrade as part of this development. This intersection was recently upgraded by council to an RMS approved design without a AUL treatment.</p> <p>Based on the growth factors applied, this intersection will require AUL(s) at the 10 year horizon regardless of the traffic expected to be generated by this development.</p>
<p>Any further development in the area could trigger a need to upgrade the existing Appleby Road connections to the Oxley Highway and Manilla Road to higher standards in the future due to the limited remaining capacity of these intersections</p>	<p>Council will continue to monitor increases in traffic on Appleby Lane and the impact this has on the intersections with the Oxley Highway and Manilla Road.</p>
<p>The only swept paths in the TIA indicated a conflict will occur between B-Doubles entering and exiting towards Appleby Road because of the width of the Appleby Gidley Road at the access. No other swept paths were provided for the other key intersections along the transport routes between the Oxley Highway and Manilla Road. All vehicles should be able to enter and exit the site safely.</p>	<p>A condition of consent requires the upgrading of the site access to enable entry and exit of the largest design vehicle (B-Double) simultaneously.</p>
<p>No consideration was given to mitigating any impacts on existing school bus routes along the proposed transport routes.</p>	<p>Haulage routes are unlikely to have a significant impact on bus routes. A search of the school bus routes identifies 3 stops at Appleby Lane in the morning and afternoon. It is considered given the relatively low increase in traffic volumes that the proposal will not have a significant impact on the operation or safety of the bus routes.</p>
<p>Construction of the proposed facility will increase turning traffic at key intersections, especially the Oxley Highway and Appleby Lane. The Traffic Management Plan (TMP) will need to consider how these impacts will be safely managed.</p>	<p>A condition of consent requires the preparation of a Traffic Management Plan (TMP) prior to works commencing. An advisory note has been included to identify the TMP must consider the impact at key intersections, especially the Oxley Highway and Appleby Lane and how these will be managed.</p>
<p>A Road Occupancy Licence (ROL) will be required from Roads and Maritime for any</p>	<p>No works are proposed at Oxley</p>

traffic control measures implemented at these intersections.	Highway/Appleby Lane and Manilla Road/Appleby Lane intersections; therefore a Road Occupancy Licence (ROL) is not required.
<p>Should the consent authority wish to condition the preparation of a Code of Conduct for the construction and operations of the facility, this could include, but not be limited to;</p> <ul style="list-style-type: none"> 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 & regular toolbox meetings. d) a complaint resolution and disciplinary procedure. e) any community consultation measures for peak haulage periods. 	A condition of consent requires the preparation of a Code of Conduct for the construction and operations of the facility.

Table 4 – Council response to RMS referral response.

Air Quality and Odour

The Applicant has submitted an Air Quality Impact Assessment (AQIA) (**ANNEXURE 2**) which provides an assessment of potential air quality and odour impacts during construction and operation of the proposed facility.

Dust

The AQIA indicates that during construction of the facility, primary emissions will be dust generated as a result of vehicle movements, material handling and windblown dust from exposed areas. These sources of dust will be temporary in nature and are anticipated to occur intermittently over the construction phase of the development. Vehicles and plant would also generate particulate emissions from exhausts. The assessment has identified that it is unlikely the construction phase of the development would generate offensive dust impacts within the surrounding locality.

The materials to be processed at the facility include materials listed as Category 1, 2 & 3 waste pursuant to the *Environmental Guidelines: Composting and Related Organics Processing Facilities (December 2004)*. Whilst these materials are generally moist, the modelling has assumed that the materials are dusty as a conservative measure.

Activities associated with the day to day operation of the facility with potential to result in dust emissions from the site include the transport, processing and handling of organic recycling materials. Sealing of all internal vehicular manoeuvring and parking areas along with the implementation of wheel wash infrastructure will assist in reducing potential dust nuisance associated with transport aspects of the proposed operations. Furthermore, the organic materials

are generally moist and do not contribute to dust emissions. It is noted the AQIA modelling has assumed that the materials are dusty as a conservative measure. The management of dust will form part of the Construction Management Plan and Operational Management Plan to be implemented for the development.

Overall, the modelling has established that the predicted dust levels associated with operation of the facility post-construction are low and unlikely to lead to exceedance of NSW EPA assessment criteria.

Odour

To predict the likely odour impact during operations, air dispersion modelling has been undertaken to calculate the level of dilution of odours emitted from the source at the point that such odour reaches surrounding sensitive receptors. The main sources of potential odour emission from the facility are identified as the biofilter, emissions from processing of input materials, the processed material stock piles, material handling activities and on-site water storage (leachate dams).

The applicant has indicated that the purpose built biofilter is designed to achieve odour removal efficiencies of more than 90%. Even though the main building will be fully enclosed and air controlled, there is still potential for some odour emissions to escape at times when the doors are opened for access into the building. To estimate potential odour emissions, the different processes occurring in the main building which include stockpiling of waste material received, stockpiling of shredded material and shredding of material, were considered as part of odour modelling.

The facility provides a water (leachate) storage dam which will be aerated, and the aerated leachate is proposed to be reused in operations associated with the ORF, which will significantly reduce the risk that the leachate will become anaerobic and also reduces the organic loading in the leachate dam that treats the water before release from the site. These measures serve to reduce the potential for water being stored to become anaerobic.

It is noted that the existence of poultry farms within 3.0km of the proposed facility have potential to generate odour emissions within the vicinity of the proposed facility. It is also identified that the character of the odour generated from such poultry farms would be different to the potential odour generated by the subject facility. The AQIA has assessed the potential cumulative impacts of all potential odour from both the ORF and surrounding poultry farms.

The results of odour modelling within the AQIA indicate that predicted odour levels from existing sources (i.e. poultry farms) would be above the odour assessment criterion at all locations and the addition of the ORF would also be above odour assessment criterion. The estimated change to existing odour levels within the subject locality that could be associated with addition of the proposed facility ranges from <1 odour unit (OU) to 2 OU for the various sensitive receiver locations identified within the assessment report. It is considered that the anticipated level of change in odour is unlikely to be noticed relative to the level of existing odour impacts which would already be experienced at the sensitive receiver locations.

Odour mitigation and monitoring requirements will form part of the Operational Environmental Management Plan and Environmental Protection Licence (EPL) issued for the facility by the NSW EPA. Such requirements include monitoring of weather and noise conditions via installation of a weather station that utilises the sigma theta method to measure inversion conditions.

In summary, the facility (when considered as a stand alone facility or cumulatively) will not result in a noticeable increase to odour for nearby sensitive receptors given existing odour levels from existing poultry operations. Once the facility is in operation, the EPA has indicated that odour monitoring data will be reviewed at regular intervals and that further measures will be imposed as required.

Noise and Vibration

Noise

A Noise and Vibration Impact Assessment (NVIA) (**ANNEXURE 2**) has quantified potential construction noise emissions as well as operational noise emissions pertaining to receipt, processing and off-site transportation. The NVIA adopted a worst case modelling scenario for the assessment to represent maximum noise emissions during construction and operation of the facility.

The assessment concluded that traffic noise generated by construction will likely exceed the affected Noise Management Level (NML) of 45dBA at residential properties R4 and R5 (shown in Figure 4) when driveway and internal road construction works are located within proximity of Gidley Appleby Road. As the construction progresses further east (approximately 250m) the affected sensitive receivers will be less affected and compliance achieved. It is demonstrated that all other receivers (residential and commercial) comply with the NML.

The assessment concluded that the operational noise levels will be exceeded at the closest residence; however this residence is located upon the subject property which is owned by Tamworth Regional Council. The results of the assessment demonstrate that operational noise levels comply with the relevant EPA Industrial Noise Policy criteria at all privately owned residential receivers during calm and prevailing meteorological conditions. It is noted the operational noise levels will be exceeded at the adjoining commercial receiver (poultry farm), however based on the operational noise generated by the poultry farm, it is not considered to significantly impact the ongoing operation of the adjoining intensive agricultural industry or create any additional land use conflicts.

It is understood that several items of plant associated with the processing equipment (e.g. tunnel ventilation fans, aerators and pumps) have the potential to operate 24 hours per day in association with composting, leachate, liquid waste and stormwater processes. The assessment concludes that sleep disturbance is not anticipated, as emissions from transient noise events are predicted to remain below the EPA screening criterion for sleep disturbance. A part of the General Terms of Approvals issued by the EPA noise monitoring is required to be carried out during night time operations.

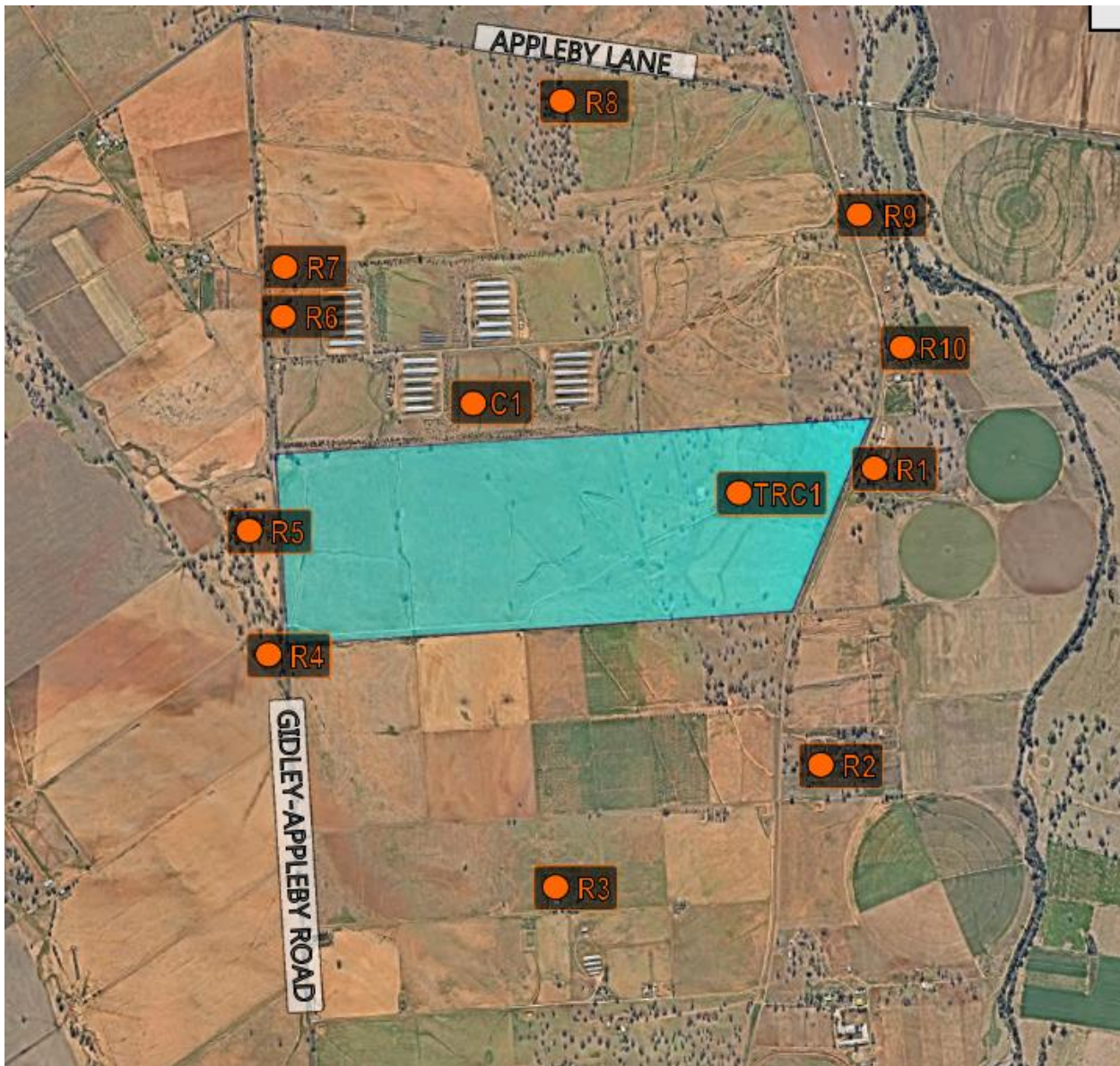


Figure 4 – Locality Plan showing Sensitive Receivers

The NVIA recommends that a Noise Management Plan (NMP) be prepared and implemented for the construction and operational phases of the development to ensure noise impacts are minimised. This requirement forms part of the conditions of consent.

Traffic Noise

Once operational, the majority of inbound heavy vehicle movements to the ORF site will occur from the south, with approximately 60% inbound via Wallamore Road - Gidley Siding Road - Gidley-Appleby Road, 30% inbound via Oxley Highway - Appleby Lane - Gidley-Appleby Road and 10% inbound via Manilla Road - Appleby Lane - Gidley- Appleby Road. Outbound heavy vehicle traffic will be restricted to right turn only onto Gidley-Appleby Road utilising Appleby Lane to access either the Oxley Highway (60%) or Manilla Road (40%) respectively.

The modelling demonstrated that noise levels from vehicles associated with the facility would remain below the relevant day criteria for receivers (closest receivers is approximately 20m) with the exception of receivers adjacent to the Oxley Highway. However the existing road traffic noise exceeds the relevant criteria. In circumstances where existing noise levels already exceed the criteria, the NSW Road Noise Policy (RNP) states that any additional increase in total traffic noise

levels should be limited to 2dB. The increase in operational road traffic noise levels is predicted to be 0.1 dB above the existing levels, therefore, within the allowable increase as per the RNP

Furthermore, a noise compliance assessment report must be lodged with the EPA within 90 days of commencement of typical operations to confirm the noise limits at residential receivers do not exceed the noise limits identified in the GTA's.

Vibration

The potential for vibration impacts have also been reviewed as part of the submitted NVIA. The review identifies that vibration impacts from the ORF would be negligible. The Construction Noise Strategy (Transport for NSW, 2012) sets out safe working distances to achieve the human response criteria for vibration. The minimum distance to achieve the residential human response criteria for continuous vibration using an >18 tonne roller is 100m. This is significantly less for wheeled plant, such as wheel loaders and trucks proposed to be used on-site for the ORF. The nearest privately-owned residential receiver to the ORF is in excess of 800m from the proposed facility, while the nearest residential receiver to the proposed intersection upgrade works is approximately 175m away. Therefore, human exposure to vibration as a result of the proposed development is not expected.

Soil and Geology

The construction of facility will include a number of soil disturbance activities including: vegetation removal (grasses & 1 x tree), topsoil stripping, clearing of land, excavation and trenching, road works, stockpiling and the use of temporary access roads. These activities have the potential to increase the erosion of soil on the site and also generate sediment laden runoff, which could affect the surrounding environment. The EIS indicates that the overall site erosion hazard is low due to the proposed disturbance areas are not excessive, the site gradient is very low and the rainfall activity of the site is also low. It is identified that potential erosion impacts can be managed via installation of appropriate sediment & erosion controls. The EIS identifies that a Soil & Water Management Plan should be prepared and implemented for the construction phase of the development and this recommendation has been included as a recommended condition of consent.

Stormwater & Wastewater Management

The design of the proposed facility is aimed at preventing uncontrolled discharge of potentially contaminated water (including leachate and stormwater) from the site. This will be achieved by diverting leachate and stormwater via appropriately lined drainage channels to suitably sized and lined storage dams. Captured stormwater will then be reused in the operation of the facility as required.

The proposed development includes three separate drainage systems as described below and in Figure 5:

- 1) Stormwater Diversion - clean stormwater from areas surrounding the site will be diverted to the existing stormwater dams on site to align with existing site conditions and separate it from processing areas within the site;
- 2) Non-Process Water System - stormwater from non-process areas within the site will drain into the existing stormwater dams; and
- 3) Process Water System - stormwater and run-off from process areas within the site will drain into a leachate dam.

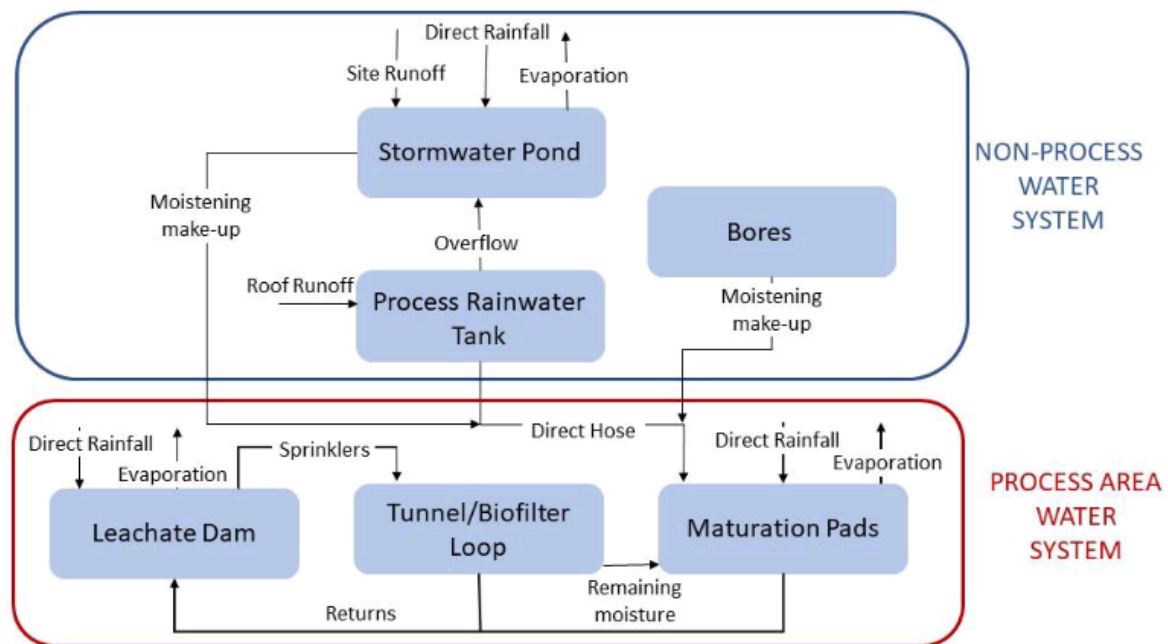


Figure 5 – Site water balance schematic

Stormwater

All clean stormwater will be diverted to either the rainwater tanks or two existing stormwater dams for reuse within throughout the site. Water collected in the stormwater dam may be used to meet the process demands of the facility and will be in accordance with harvestable rights provisions of the *Water Management Act 2000*. The rainwater collected from the building rooftops will supply most on-site requirements including the wheel wash and wash down of receivals area. To minimise impacts on surface water and hydrology, the proposal includes stormwater retention facilities including roof rainwater harvesting tanks, a stormwater dam and vegetative landscaping.

Wastewater

Any surface water that comes into contact with material processing and/or storage areas is managed as leachate. All leachate run-off generated will be directed to the proposed leachate dam via lined drainage channels, which will prevent leachate from contaminating the subsoil.

The leachate dam capacity of 16 ML based on the results of the site water balance modelling. This capacity includes:

- Minimum EPA requirement: capacity to capture runoff from a 1 in 10 year, 24 hour storm event (approximately 99 mm rain depth) from all processing areas. This equates to approximately 3.1 ML storage; and
- Additional storage capacity (approximately 13 ML) to manage operational water needs and minimise the risk of leachate overflow.

The leachate dam is significantly larger than what is required by the EPA in order to provide additional freeboard and capacity to cater for larger storm events. The current design includes an additional storage freeboard to cater for a 1-in-10 year 24-hr rainfall event, however this will be refined as part of the detailed design process prior to the release of a construction certificate. It is considered unlikely that the proposed leachate dam would reach capacity however, should monitoring identify the need, excess leachate can be pumped from the dam into a dedicated

storage tank on-site to ensure dam levels remain suitable for site operations. An emergency spillway from the leachate dam would be directed to the east following the existing overland flow path, to join the Peel River (approximately 1.0km to the east).

Collected leachate water would be reused in the composting process. It is currently planned to only reuse leachate water in the first stage of composting - pasteurisation, which occurs in the tunnels. This is to minimise the risk of transfer of pathogens from leachate back in to the maturing compost. Further investigations and monitoring may determine that it is acceptable to also use leachate in the maturation stage, and this would further assist in management of leachate water.

The leachate management system will be compliant with the NSW EPA's Environmental Guidelines for Composting and Related Organics Processing Facilities (DEC 2004). It is noted that NSW EPA are the regulatory authority for the facility and have reviewed the proposed design and are satisfied that it can be compliant.

Therefore, it is likely that the cumulative impact to water resources in the area as a result of the proposed facility is limited.

Groundwater

The majority of water used in operation of the facility will be from on-site dams and rainwater tanks, with supplementary water supplied via an upgrade of the existing two bores. Any works pertaining to a new or upgraded bore, would be subject to licensing and other approvals with Water NSW which would be sought post development consent. The application was referred to Water NSW who advised any application would likely be referred to the Department of Planning, Industry and Environment (DPIE) for a groundwater assessment to determine if the additional extraction would impact on adjoining bores. If the applicant is located in the Peel Alluvium, there is no guarantee that an extraction limit will be recommended. The response from Water NSW is contained in **ANNEXURE 6**.

Working surfaces in the facility will be designed to ensure organics storage areas, active composting surfaces and associated access roads are constructed to prevent leachate migration into the subsoil and groundwater. The leachate collection and reuse facilities will include clay or soil liners that provide an effective barrier between groundwater and potential pollution sources. A groundwater monitoring program will be developed to include regular monitoring downslope of the leachate dam to detect potential contamination, with comparison to a reference bore over time. Strategies will be implemented in accordance with EPA Guidelines that minimise the potential for groundwater pollution from the facility and associated infrastructure.

Construction of the facility involves surface excavation for preparation of handstand foundations and subgrade preparation to establish required grades for drainage and services trenching. It is anticipated that earthworks would occur up to 3.0m below existing ground level. The excavation depth is not likely to encounter or intercept groundwater, nor is it anticipated to interfere with any aquifer as identified in the Geotechnical Report contained in **ANNEXURE 2**.

The requirement for preparation and implementation of a CEMP and OEMP will assist in mitigation of impacts on groundwater during the construction and operation phase

Aboriginal Archaeology

An Aboriginal Heritage Due Diligence Assessment (AHDD) (**ANNEXURE 2**) was undertaken to assess the potential for Aboriginal cultural heritage to be impacted by the proposed facility. The AHDD identified that the site has a low archaeological potential due to a lack of archaeologically sensitive landscape features being present on the site. The existing landscape shows high levels of previous disturbance due to agricultural operations, previous clearing, excavations, damming and earth stockpiling. Three aboriginal objects were found during the survey however none of these objects are located within the subject site and will therefore not be impacted. The proposed

development will not impact any known archaeological sites and is considered unlikely to impact any previously unrecorded Aboriginal sites or objects. The AHDD has identified that an Aboriginal Cultural Assessment (ACHA) is not required.

The application was referred to the Tamworth Local Aboriginal Land Council (TLALC) who advised that there held no objection to the proposal subject to a TLALC officer being present at the commencement of construction. A requirement for a Tamworth Local Aboriginal Land Council representative to be present on-site during initial vegetation clearing and topsoil stripping has been included as a recommended condition of consent.

Non-Indigenous Heritage

The subject site is not identified as a heritage listed in Schedule 5 of the TRELPA. There are no heritage items located within 50m of the subject site. There are three (3) local heritage items located within 1km of the subject site, with the proposal not anticipated to impact on any of the heritage listed items.

Visual Amenity

The visual character of the area immediately surrounding the subject property predominantly consists of a rural character comprising cleared land, scattered rural residences, farm buildings and poultry sheds.

The likely impacts on the landscape and visual amenity will be the result of the construction of a number of above ground structures, including equipment shed, office, receivals shed and lighting. The receival shed will be the highest structure on the site.

A requirement for a detailed landscaping plan to be submitted to Council for approval showing all landscaping for the site (including boundary screening) and details of proposed fencing (including vermin proof fencing) has been included as a recommended condition of consent prior to the issue of a construction certificate.

The topography surrounding the site is characterised by gentle undulations with gradients less than 5% allowing for visibility of the site from Gidley Appleby Road. However, the distance of the facility from the road is over 600m. The location of the site in a rural environment and the distance from viewing locations in the local area (such as the Gidley Appleby Road and three closest residences) significantly limits the visual impact of the facility. Parts of Gidley Appleby Road are also lined with trees which filter views into the site from the west. A significant amount of landscaping is proposed around the site including screening tree species (3m-4m min height) and a mixture of ground species and grasses around the office and entry. A condition of consent recommended which requires payment of a landscaping bond if all the landscaping cannot be completed due to current climatic conditions.

Control measures proposed to be implemented as part of the subject development to mitigate visual amenity impacts include:

- All structures with the potential to be visible from off-site locations will be finished in non-reflective natural tones which blend with the surrounding vegetation.
- Roofing materials will be non-reflective due to the proximity of the site to the Tamworth Regional Airport.
- Any required lighting will be directed downwards in accordance with the Australian Standard AS4282 - Control of Obtrusive Effects of Outdoor Lighting (1997).
- Any open work or storage areas visible from a public place or street will be fenced by masonry materials or pre-coloured metal cladding of a minimum 2m height. Fencing will be located behind the building setback.

- Landscaping will be provided in the front 5m of street setback, side and rear setbacks where visible from public places, and areas adjacent to building entrances and customer access points.
- Landscaping will comprise of only low maintenance, drought and frost tolerant species. Planting will be provided in scale with the height and bulk of the building.

Based upon the proposed implementation of the above measures, it is not anticipated that the development will be visually obtrusive or inconsistent with the existing agricultural character of the area, given the existence of several intensive poultry operations in close proximity to the subject site.

Bird Strike

The National Airports Safeguarding Framework: Guideline C (NASAG 2018) identifies organic waste and putrescible waste facilities as a high wildlife attraction risk and are considered incompatible within 3km of an airport, must be mitigated within 8km and monitored within 13km. The Site is located 10km from Tamworth Regional Airport and is therefore required to be monitored. A wildlife hazard assessment has been submitted (refer **ANNEXURE 2**).

It is identified that the risk of attracting birds increases on poorly managed sites that stockpile uncovered putrescible organics and release odour. The subject facility proposes an enclosed receivals shed and tunnel composting of material within an enclosed processing shed which will minimise the likelihood of attracting birds. It is acknowledged that some residual risk remains for birds to be attracted to stockpiled material on the maturation pad post-pasteurization, however this is considered to be a low risk when appropriately monitored/managed. Bird monitoring and management measures for the operational phase of the site will be included within the required Operational Environmental Management Plan (OEMP). The OEMP will include requirements for site cleanliness, threshold numbers of birds (identified from annual monitoring), managing spillage from trucks and redundancies if there is an equipment failure.

As identified earlier in this report, a previous development application (DA2017/0229) was lodged by Tamworth Regional Council for an Organics Recycling Facility at an alternate location in close proximity to Tamworth Regional Airport. That development application was deferred by the Joint Regional Planning Panel on the 16 November 2017 and ultimately withdrawn by Council based upon concerns raised over the suitability of the site and potential impacts on operations of the airport. The potential for bird strike on aircraft was a particular concern raised by the Panel. There are two key differences between the withdrawn application and this proposal. The first is the proximity of the new site being 13 km from the airport, compared to the original site which was location directly adjacent to the airport near the end of the runway. The second is the final design features of the proposed facility. The original facility was designed predominantly as an open aired facility whereas the new facility involves a fully enclosed tunnel composting process which will assist in mitigation of bird strike issues.

As the subject site is mostly cleared, it provides minimal habitat for bird species. However due to the nature of the proposed operations (organics recycling) and the proximity of the site to existing airport infrastructure, the development was referred to CASA & Airservices Australia (refer **ANNEXURE 6**) and Tamworth Regional Airport staff regarding risks to aircraft and airport operations. No major concerns were raised from any referral bodies provided appropriate management and mitigation measures are put in place to minimise the risk of attracting birds to the site and therefore reducing the bird strike risk.

A condition of consent is proposed requiring further investigations be undertaken and that mitigation measures outlined in Section 3 of the Wildlife Hazard Assessment be addressed prior to the release of construction certificate.

Biosecurity

The proposal involves the transportation of organic material for processing which has the potential to cause biosecurity risk to surrounding agricultural uses. A biosecurity risk assessment contained within the Hazard & Risk Report (**ANNEXURE 2**) considered the potential risks of the activities carried out on the land in relation to facility. The development application was referred to NSW Department Primary Industries – Agriculture (DPI – Ag) based on the facility having the potential to increase biosecurity risks'. Following review of the development application, DPI-Ag requested further information on the animal biosecurity hazards and the risks of these hazards in relation to the nearby poultry operations. Additional assessment was required to identify potential biosecurity risks at every critical control and assess the animal biosecurity risks associated with this proposal, including vermin and wild bird control, animal disease spread to the neighbouring and local poultry farms and re-inoculation of the maturing compost.

Based on the requirements of DPI-AG a Biosecurity Risk Assessment (BRA) was undertaken in relation to the proposed facility with several recommendations forming part of the report. The BRA was referred to DPI-AG who were satisfied the report and recommendations suitably address the biosecurity risk associated with the facility (refer **ANNEXURE 6**). The recommendations of the BRA as well as a general advisory note identifying the onus on the facility operator to comply with the *Biosecurity Act 2015* are recommended conditions of consent.

Bushfire

Although the site is not identified by the NSW Rural Fire Service as being bushfire prone land, the applicant has prepared a Bushfire Hazard Assessment and Management Plan (BMP), which aims to:

- Provide specific overarching strategies to guide bushfire management on the site;
- Enhance the resilience of future infrastructure associated with the facility;
- Protect human life from bushfires; and
- Mitigate the potential for ignition, spread and occurrence of bushfire within the site causing damage to infrastructure and assets.

It is considered that the management of the facility in accordance with the BMP will minimise the risk of bushfire.

c) The suitability of the site for the development

For the reasons discussed in this report and the information provided within the EIS, it considered that the site is suitable for the proposed development on the basis that the site is suitably zoned (RU1 Primary Production) and maintains an adequate buffer distance from the Tamworth urban area. There are no residences in immediate proximity to the proposed development (the closest residence is located in excess of 800m from the development site). The subject facility will be located approximately 10km from Tamworth Regional Airport. Further, the facility will have minimal impact on the landscape or visual amenity of the area once proposed screening is established and will require the removal of minimal vegetation (1 x tree) from the site. It is considered the proposal will not lead to an increase in land use conflicts with the surrounding agricultural uses based on the design, operation, proposed mitigation measures and conditions of consent. The site is accessed via the local road network and is in close proximity to the Oxley Highway and Manilla Road. The property is also considered to be well positioned in terms of its location relative to potential sources of composting material (e.g. the Baiada Oakburn Rendering Plant).

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

Public Submissions

The application was advertised and notified to adjoining and nearby landowners. The proposed development was placed on public exhibition over the following periods;

- 30 September 2019 to 28 October 2019; and
- 18 November 2019 to 17 December 2019.

The second public exhibition period occurred due to an administrative error which resulted in the application not being correctly exhibited as per the SEARs requirements and as per the *Environmental Planning & Assessment Regulation 2000 (EP&A Regs)*, specifically clauses 6 & 7 of Schedule 2.

Over the course of the two public exhibition periods a total of 110 submissions were received by Council. Over fifty (50) of the submissions received by Council were considered informal given they did not comply with EP&A Regulations in terms of the level of detail required to accompany a submission (e.g. name, address etc). Furthermore, several objectors re-lodged their submissions during the second notification period.

All public submissions received by Council are contained in **ANNEXURE 3**.

Council staff have undertaken a review of all submissions received during the public exhibition periods and provide the following response:

Issues addressed within the Report	
Issue Raised in Submission	Council Comment
Operation of the subject facility will result in odour emissions within the surrounding locality	This has been previously addressed in report under the heading Air Quality.
Potential impacts associated with dust & particulate matter emissions (from vehicles, composted material stockpiles, material loading, etc) from the proposed facility:	This has been previously addressed in report under the heading Air Quality.
Potential for stormwater runoff to result in contamination of groundwater, neighbouring properties and nearby riparian areas:	This has been previously addressed in report under the heading Stormwater Management, Wastewater Management and Groundwater.
Potential contamination impacts (dust, leaching from leachate dam, etc) resulting from operation of the facility:	This has been previously addressed in report under the heading Air Quality, Wastewater

	Management and Groundwater.
Concerns over viability of facility in terms of water supply and depletion of water availability/security for existing water users in the locality.	This has been previously addressed in report under the heading Groundwater.
Concerns over additional traffic numbers, ongoing road safety for local users and location of site access in relation to neighbouring residences:	This has been previously addressed in report under the heading Traffic.
There is limited on-site water supply for use in the event of fire.	This has been previously addressed in report under the heading Bushfire.
Concerns regarding noise impacts from the proposed facility	This has been previously addressed in report under the heading Noise.
Concerns over a lack of consultation with neighbours over the proposed development:	This has been previously addressed in report under the heading timeline pre DA and Consultation.
Proposed development will breach Biosecurity Act and will pose biosecurity risk to the region via acceptance of Category 3 waste	This has been previously addressed in report under the heading Biosecurity.

Table 5 – Issues raised within public submissions addressed within the Report

Issues raised not addressed within Report	
Issue raised in Submission	Council Comment
The development will result in devaluation of surrounding rural properties:	Impacts on the value of surrounding properties are not a planning based consideration in the assessment of a development application. It is considered that adequate mitigation measures will be implemented as part of the development. The proposal also constitutes permissible development (with consent) in the subject RU1 Primary Production zone.
Health risks associated with potential pathogens to be harboured within organic	The development will be conditioned in accordance with NSW EPA GTA's, DPI

matter processed at the facility:	Agriculture recommendations and relevant requirements issued by Council's Regulatory Services Division. Material processed by the facility will be composted in accordance with relevant standards, namely Australian Standard AS4454 Composts, Soil Conditioners and Mulches.
Concerns over the assessment of technical information:	<p>The development has been referred to the NSW EPA, along with other external government agencies and internal Council divisions who have reviewed the EIS, have assessed the development against relevant standards/guidelines and have provided recommendations relating to the operation of the facility.</p> <p>The facility will require its own Environmental Protection Licence issued by NSW EPA and will be subject to ongoing regulation by this authority.</p>
Concerns over reclassification of community land to operational land:	Upon any purchase of land by Council, there is a legislative requirement, under the Local Government Act 1993, to classify the use of the land as either 'Operational' or 'Community'. This is not reclassification, but an initial classification process. The land has not been reclassified. Council resolved to classify the land as 'Operational' at a Council Meeting, held 9 July 2019 following its purchase of the land. There will be no access to the subject facility for members of the general public, unless it is in a commercial capacity (e.g. tree loppers, landscapers, etc).
Definition of the proposed land use as Resource Recovery Facility as defined under TRLEP is incorrect/inaccurate; The proposed land use does not fit with rural land zoning (RU1), should be on Industrial or Special Activities zoned land; The proposed development does not satisfy development objectives for RU1 as specified within TRLEP 2010:	<p>The subject development is deemed to be both correctly and accurately defined as a resource recovery facility pursuant to TRLEP 2010 (refer to definition below).</p> <p><i>resource recovery facility</i> 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.</p> <p>A resource recovery facility constitutes permissible development (with consent) in the RU1 zone. Subject to compliance with</p>

	conditions of consent, it is considered that the subject development can co-exist within the locality without conflict. It is also deemed that the subject locality, being a low density rural setting is suitable for a development of this nature in terms of achieving necessary buffer distances, etc.
The proposed organics recycling facility operations do not meet Australian Standard AS4454-2003 Composts, soil conditioners and mulches:	The applicant has identified that the subject facility will operate in accordance with Australian Standard AS4454 Composts, Soil Conditioners and Mulches. The proposed compost technology and other aspects of the development design are in place to achieve conformance to AS4454.
The proposal does not satisfy the Rural Lands SEPP 2008:	The subject development has not been assessed against Rural Lands SEPP 2008 which was repealed in February 2019.
There is a conflict of interest with TRC being both the applicant and regulator.	Whilst Tamworth Regional Council is the applicant in this instance, the application will ultimately be determined independently by the Northern Regional Planning Panel. Ongoing regulation of the facility will be undertaken by NSW EPA.
Environmental concerns relating to methane emissions from the facility and potential impacts on flora & fauna in the area	The subject development has been referred to NSW EPA and NSW Environment & Heritage who have reviewed the EIS including supporting documentation. Both departments have assessed the development against relevant standards/guidelines and provided recommendations relating to operation of the facility. Subject to compliance with conditions of consent the development is not anticipated to have any detrimental impacts from an environmental perspective.
The establishment of an Organics Recycling Facility in Tamworth will open the region up to accepting/processing animal waste from other regions.	Acceptance of waste from other regions for processing at the subject facility will be at the discretion of the contractor operating the facility.
How will the contractor operating the facility be regulated/monitored?	The contractor will operate the facility under an Environmental Protection Licence regulated by NSW EPA.
TRC has a history of prosecutions for violations	Tamworth Regional Council are not the

of EPA conditions at its current licenced facility, how can TRC be trusted to regulate the proposed facility?	regulatory authority for the subject facility in this instance, NSW EPA will regulate the proposed operations.
The acceptance of Category 3 waste to the proposed facility appears to be an afterthought as the proposal appears to be structured around the principles of FOGO recycling	The subject facility has been designed to accommodate the acceptance of category 3 waste, with NSW EPA conditioning that category 1, 2 & 3 waste may be processed by the subject facility.
Environmental issues associated with proposed operations are in contravention of EP&A Act 1979 & EP&A Regulation 2000.	Environmental issues have been assessed during the NSW EPA's review of the subject application. Where relevant, conditions have been included within the GTAs issued by NSW EPA to ensure the mitigation of potential issues for the surrounding locality.
Proposed facility does not utilise the most effective technology available. A facility utilising Anaerobic Digestion processes would result in better commercial and environmental outcomes.	All processing technologies currently available were considered by Council as detailed within the submitted EIS, with the subject process of tunnel composting being chosen as the most effective option from a processing and economic perspective.
Will the proposed leachate dam be aerated or anaerobic as this will impact on odour emissions? Modelled odour emissions from dam in EIS were based on aerated dam.	The proposed leachate dam will be aerated as reflected in the odour modelling.
EIS identifies processing capacity of up to 50,000 tons however figures within the EIS and supporting documents are based upon 35,000 ton capacity.	While the EIS references the possibility of expansion in the future to 50,000 tons, the EIS and supporting documentation have been based upon the proposed 35,000 ton processing capacity. It is identified that any change to the capacity of the facility (which will be conditioned not to exceed 35,000 tons) would require further development consent via lodgement of a modification to the DA and also modification to the Environmental Protection Licence to be issued by NSW EPA which restricts the processing capacity of the facility.
EIS does not address clauses 6 & 7 of Schedule 2 EP&A Regulation as required by SEARs.	An addendum to the EIS was provided following identification that there was no administration section (re clauses 6 & 7 of Schedule 2 EP&A Regulation) within the original EIS.
Appendices B & C referenced within the EIS were not made publicly available during	Following identification of an administrative error regarding appendices B & C, the DA was

exhibition period.	re-exhibited with all appendices being made available.
Development Application form references a cost report in nominated cost of works section. This was not made publicly available.	The cost summary report supplied as part of the development application is not required to be made publicly available.
Crash data for Gidley-Appleby Road identified within EIS is incorrect.	Crash data obtained from interactive mapping supplied online by Transport for NSW was accurate at the time of reporting. It is noted that upon review of this mapping, an additional crash was identified that was not originally identified. It is also noted that only those crashes reported to relevant authorities appear on the interactive mapping and that additional incidents referred to in the submission may have occurred but were not reported.
Statement within EIS that there is no pedestrian, public transport or cycling facilities along transport route is incorrect. The roads are used for school bus routes and recreational cycling on a daily basis.	It is acknowledged that the transport routes providing access to the facility are used for school bus routes and recreational cycling on a daily basis. It is also identified that there are no pedestrian or cycling facilities located along these routes. Use of existing school bus stops is anticipated to continue unimpeded by the proposed facility.
The development poses general health and safety risks for surrounding residents due to the nature of operations proposed at the facility.	<p>The application was referred to NSW EPA and no concerns have been raised over potential human health issues from operation of the facility. The preparation of a Pollution Incident Response Management Plan (PIRMP) for the proposed facility will be required as a condition of any future Environment Protection License (EPL) issued by NSW EPA.</p> <p>Vermin control measures will form part of any Operational Environmental Management Plan required to be prepared and implemented as a condition of consent. Anticipated vermin prevention measures would include:</p> <ul style="list-style-type: none"> • perimeter fencing with vermin mesh; • enclosure of receival hall; • use of traps (if required); and • implementation of management procedures to ensure material is processed in a timely manner. <p>Concerns over potential human health issues</p>

	from airborne organic material have been addressed within the Air Quality Impact Assessment. Onsite operational procedures will be in place to protect worker health at the facility in accordance with industry standards for composting facilities.
<p>Concerns over safety at the facility relating to:</p> <ul style="list-style-type: none"> • Potential for biogas production; • Use of chemicals during processing processes; and • Physical contaminants within organic matter processed at the facility and also in final product. 	<p>The applicant has identified that biogas is not generated with this facility, as the Tunnel Composting technology operates as an aerobic (oxygen rich environment) process, not an anaerobic (oxygen deficient environment) process. Biogas is not considered as a potential hazard in this instance and therefore no Potentially Offensive Industry Assessment or Preliminary Hazard Assessment (PHA) is deemed required pursuant to SEPP 33.</p> <p>Compostable organic materials will be accepted at this facility. Processing will not involve the use of any chemicals. The output product is of an organic nature with high nutrient and fertilizer value. All output products will be required to satisfy legislative requirements before being sold or transported off-site.</p> <p>Material received at the facility is screened and decontaminated within the receipt hall prior to processing which aims to reduce physical contaminants within the end product. Contaminant removal is critical as output product must meet composting guidelines which have strict requirements around quantities of impurities in the final product.</p>

Table 6 – Issues raised within public submissions not addressed within the Report

e) The public interest.

As discussed in this report, concerns raised by both the Community and Government Authorities are noted and are addressed by the proposed mitigation measures and recommended conditions of consent.

Throughout the assessment of the application, consideration has been given to whether the proposed facility is in keeping with the public interest or will be detrimental to the Tamworth Regional Community. In this regard, the facility will recycle and reduce the amount of organic waste currently being disposed of in landfill and this in turn will expand the lifespan of the current Forest Road Waste Management Facility. This will result in environmental and economic benefits for the Community, whilst potential detriment impacts can be minimised by operational management measures. Rigorous consideration of potential impacts has been undertaken, with the conclusion being reached that subject to the implementation of a range of mitigation measures, there will be no significant detrimental impact.

CONCLUSION

The proposed development involves the construction and use of an organic waste processing and recycling facility to be accessed from Gidley Appleby Road, Gidley. The application is 'designated

development' and a detailed Environmental Impact Statement (EIS) that addresses the matters required by the Environmental Planning and Assessment Regulation and the NSW Department of Planning and Environment (SEAR's), has been submitted and assessed. The proposal has attracted 110 public submissions, which have raised a wide range of concerns. These concerns have been considered in the assessment of the application and where required, it is deemed that concerns raised can be mitigated by measures proposed to be implemented throughout both the construction and operational phases of the development.

In closing, the application has been assessed in accordance with the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979. The EIS is deemed to satisfactorily address the environmental impacts of the development and the mitigation measures proposed are considered appropriate to minimise any potential detrimental impacts. Overall, it is considered that the proposed development will have an acceptable and minimal environmental impact if constructed and operated in accordance with the conditions of consent and the Environment Protection License conditions of the NSW Environment Protection Authority. Accordingly, it is recommended that development consent be granted, subject to conditions.

RECOMMENDATION:

The application has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. The evaluation demonstrates that the proposal is satisfactory in terms of the matters for consideration identified in the legislation. It is recommended that the proposal be granted conditional development consent.



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