



PEER REVIEW OF ASSESSMENT OF DEVELOPMENT APPLICATION

Proposed Organic Recycling Facility
284 Gidley-Appleby Road, Gidley

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DOCUMENT INFORMATION

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1.0 Executive Summary

The Planning Hub has been engaged by Tamworth Regional Council to undertake an independent peer review of their assessment of the Development Application **DA-2020/0138** for an Organics Recycling Facility at 284 Gidley-Appleby Road, Gidley.

The site is zoned RU1 Primary Production under the Tamworth Regional Local Environmental Plan (LEP) 2010 and sits within an established rural area within the Tamworth Regional LGA. The proposed 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.

1.1 Statutory Context

Tamworth Regional Council are the owner of the subject land and the applicant for the Development Application. In accordance with State Environmental Planning Policy (State and Regional Development) 2011, the application is classified as Regionally Significant Development as it has a Capital Investment Value (CIV) of over \$5 million and Council is the owner of the land and the applicant. Therefore, the application is to be determined by the Northern Regional Planning Panel (NRPP).

In addition to being Regionally Significant Development, the development is classified the development as Designated Development under the *Environmental Planning & Assessment Regulation 2000* (EP&A Regs). In accordance with Clause 3 and 32 of Schedule 3, the development is classified as 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.

The development has also been classified as integrated development in accordance with Clause 4.46 of the Environmental Planning and Assessment Act 1979 (EPA&A Act) under the following legislation:

- *Protection of the Environment Operations Act 1997* – In accordance with Clause 12 and 34 of Schedule 1, the proposed development will require an Environmental Protection License as it is a scheduled activity and requires referral to the NSW Environmental Protection Authority (EPA);
- *Water Management Act 2000* – The proposal includes works with 40m of a watercourse (ephemeral stream) and was deemed to be integrated development and require a controlled activity approval.

1.2 Assessment

The application was assessed by Council and referred to the NRPP for determination on the 19 February 2020. The matter was deferred by the NRPP for a number of reasons one of which being the requirement of Council to commission an independent external review of the proposal to comment on the adequacy of the assessment process and report including the recommendations and proposed conditions of consent of consent with consideration of the submissions received.

The peer review has been undertaken to review the Council's assessment of the application and recommended conditions of consent in accordance with the Record of Deferral issued by the Northern Regional Planning Panel. The following matters were taken into consideration as part of this peer review:

- The relevant matters listed in section 4.15 of the Environmental Planning and Assessment Act 1979;
- The prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- The findings and recommendations of Council's Assessment Report;
- The submission received from the community and external agencies and authorities; and
- The recommended conditions of consent.

The peer review has found the following:

- The application was correctly classified as regionally significant development, designated development and integrated development by Council and referred to the relevant authorities for review and concurrence;
- Council's assessing officer undertook a satisfactory exhibition process in accordance with the relevant legislation and undertook a second exhibition to correct an administrative error in the original exhibition process to ensure due process;
- Council's assessing officer undertook a generally satisfactory assessment of the proposal against the relevant matters of consideration under Section 4.15 of the EP&A Act;
- Council's review and response to the public submissions received is generally adequate; and
- Council's assessment of the likely impacts of the proposal including environmental impacts on both the natural and built environments, and social and economic impacts in the locality is deemed to be generally satisfactory.

The following insufficiencies were identified within Council's assessment:

- Insufficient information provided with the application for assessment against SEPP 55;
- Insufficient information provided to address the likely impacts of the development associated with leachate and contamination and water supply and traffic and transport;
- Insufficient information provided to address all external referrals; and
- Minor amendments required to the conditions of consent prior to determination to ensure issues raised in submissions received are adequately addressed.

1.3 Summary

This peer review concludes that the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to further information being provided to address information gaps and the additional recommended conditions of consent and modified conditions being imposed. In summary, the additional recommended conditions of consent will ensure the development will:

- Appropriately monitors and manage leachate;
- Appropriately monitors waste entering the facility;
- Ensure the environmental impact mitigation measures of the endorsed reports are implemented during construction and operation of the facility;
- Ensure that regular monitoring of the facility is undertaken to ensure all necessary measures and protocols are in place to minimise the impact of the proposal;

On that basis, Council's assessment can be considered adequate.

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A Review of Council's Response to Submissions

The Planning Hub

2.0 Introduction

The Planning Hub has been engaged by Tamworth Regional Council to undertake an independent peer review of their assessment of the Development Application **DA-2020/0138** for an Organics Recycling Facility at 284 Gidley-Appleby Road, Gidley.

The peer review has been undertaken to review the Council's assessment of the application and recommended conditions of consent in accordance with the Record of Deferral issued by the NRPP on 19 February 2020.

The following matters were taken into consideration to determine the adequacy of Council's assessment of the application, its recommendation and recommended conditions of consent:

- The relevant matters listed in section 4.15 of the *Environmental Planning and Assessment Act 1979*;
- The prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- The findings and recommendations of Council's Assessment Report;
- The submission received from the community and external agencies and authorities; and
- The recommended conditions of consent.

This peer review is supported by a Review of Council's Response to Submissions which is provided as an attachment in **Appendix A**.

2.1 Background

The peer review has been undertaken to review the Council's assessment of **DA-2020/0138**, recommendation to the Northern Regional Planning Panel and recommended conditions of consent.

DA-2020/0138 was lodged on the 24th of September 2019 for the construction of an organic recycling facility and associated works at Lot 61 DP 707563, Gidley-Appleby Road, Gidley.

The site is commonly known as 284 Gidley-Appleby Road, Gidley and legally described as Lot 61, DP 707563. The site is generally rectangular with a frontage of 590m to Gidley-Appleby Road and sits within an established rural area within the Tamworth Regional LGA.

The proposed 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.

Tamworth Regional Council are the owner of the subject land and the applicant for the Development Application. In accordance with State Environmental Planning Policy (State and Regional Development)

2011 the application is classified as Regionally Significant Development as it has a Capital Investment Value (CIV) of over \$5 million and Council is the owner of the land and the applicant. Therefore, the application is to be determined by the Northern Regional Planning Panel.

The application was assessed by Council and referred to the NRPP for determination on the 19 February 2020. The matter was deferred by the NRPP for a number of reasons one of which being the requirement of Council to commission an independent external review of the proposal to comment on the adequacy of the assessment process and report including the recommendations and proposed conditions of consent of consent with consideration of the submissions received.

This peer review has been prepared in response to the Record of Deferral issued by the Northern Regional Planning Panel.

3.0 Consistency of Development with Relevant Legislation

The following provides a summary of the development and Council's assessment consistency with the relevant legislation.

3.1 Classification of Application

As detailed the development has been correctly classified by Council's assessing officer as being Regionally Significant Development in accordance with Clause 3 in Schedule 7 of (State and Regional Development) 2011.

In addition to being Regionally Significant Development, Council's assessing officer has correctly classified the development as Designated Development under the Environmental Planning & Assessment Regulation 2000 (EP&A Regs). In accordance with Clause 3 and 32 of Schedule 3, the development is classified as 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) was prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued. The adequacy of the EIS and supporting documentation lodged with the application is being reviewed by an external consultant to confirm its adequacy.

The development has also been classified as integrated development in accordance with Clause 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act) under the following legislation:

- *Protection of the Environment Operations Act 1997* – In accordance with Clause 12 and 34 of Schedule 1 the proposed development will require an Environmental Protection License as it is a scheduled activity and requires referral to the NSW Environmental Protection Authority (EPA);

- *Water Management Act 2000* – The proposal includes works with 40m of a watercourse (ephemeral stream) and was deemed to be integrated development and require a controlled activity approval. The application was referred to the Natural Resource Regulator who advised that the development did not include works in waterfront land and was not deemed to be a controlled activity.

4.0 Consistency with Strategic Planning Framework

The following provides a review of the proposal's consistency with the relevant strategic planning framework.

4.1 NSW Waste Avoidance and Resource Recovery Strategy 2014–2021

Reducing waste generation and keeping materials circulating within the economy are priorities for NSW. To meet this challenge, the NSW Environment Protection Authority (EPA) prepares a new Waste Avoidance and Resource Recovery (WARR) Strategy every five years. The NSW Waste Avoidance and Resource Recovery Strategy 2014–2021 (WARR) was released in 2014 with the key areas of focus identified in the strategy consisting of supporting investment in much-needed infrastructure, encouraging innovation and improving recycling behaviour.

The proposal is considered consistent with the strategy, in particular the key result areas of increasing recycling, diversion of waste from landfill and managing problem wastes better.

Council's assessment of the proposal did not specifically address the NSW WARR, however the proposal is considered consistent and no further assessment is required.

4.2 Northern Inland Regional Waste Strategy 2017-2021

Northern Inland Regional Waste (NIRW) represents a voluntary grouping of twelve Councils, including Tamworth Regional Council. The Strategy recognises that each NIRW member Council continues to independently implement its own waste management and resource recovery strategy whilst being committed to continued collaboration for improved waste management planning and service delivery regionally.

The NIRW Regional Waste Strategy is based on pursuit of effective waste management and resource recovery across the region including:

- better outcomes
- reduced costs
- increased flexibility
- better service provision

The proposal is considered consistent with the strategy as it positively contributes to a distinctive regional approach to sustainable waste management and resource recovery and is consistent with the principles and objectives of the NSW WARR which forms the basis of this strategy.

Council's assessment of the proposal did not specifically address the NIRW Strategy, however the proposal is considered consistent and no further assessment is required.

4.3 Tamworth Regional Council Community Strategic Plan 2017-2027

Tamworth Regional Council Community Strategic Plan 2017-2027 is the major strategic document developed to guide the delivery of services and facilities over the next decade, and outlines the goals of the elected Council. The Plan identifies actions that Council will undertake to achieve those goals and deliver successful, measured outcomes.

The proposal is considered consistent with the strategic plan in particular the key objective of asset management planning and efficient use of resources as it results in an additional waste management facility that reduces waste input into landfill and provides additional recycling and reuse methods that will benefit the community.

Council's assessment of the proposal did not specifically address the strategic plan, however the proposal is considered consistent and no further assessment is required.

4.4 Tamworth Regional Council Integrated Waste Management and Resource Recovery Strategy

This document sets out Tamworth Regional Council's ambitions for sustainable waste management incorporating increased resource recovery or recycling. The Integrated Waste Management and Resource Recovery Strategy comprises seven key strategic themes that are consistent with the *Waste Avoidance and Resource Recovery Strategy* and the Northern Inland Regional Waste Strategy:

- Avoid and reduce waste generation
- Increase recycling
- Increase Community Recycling, and Improve Problem Waste Capture
- Reduce littering
- Reduce illegal dumping of waste
- Sustainable, integrated waste management
- Internal Council Waste Management Initiatives

The proposal is considered consistent with the strategy as it is consistent with the key strategic themes and is a direct result from the implementation of the strategy. Council's assessment of the proposal did not specifically address the strategy, however the proposal is considered consistent and no further assessment is required.

5.0 Consistency of Council's Assessment with Section 4.15 of the *Environmental Planning and Assessment Act 1979*

The following provides an overview of Council's assessment process in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPA&A Act).

5.1 The Provisions of Any Environmental Planning Instrument

5.1.1 Biodiversity Conservation Act 2016

A Fauna and Flora Assessment was lodged with the application which investigated 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.

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.

Council's assessment of the proposal against the Biodiversity Conservation Act 2016 and referral to NSW Department of Planning, Industry & Environment – Biodiversity & Conservation Division is deemed to be adequate.

5.1.2 Consistency with the Tamworth Regional Local Environmental Plan (LEP) 2010

The subject site is zoned RU1 Primary Production under the provisions of the Tamworth Regional Local Environmental Plan (LEP) 2010. The proposed development comprises the construction of an Organics Recycling Facility which is defined as a Resource Recovery Facility under the LEP.

A Resource Recovery Facility is defined under the LEP as:

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

Resource Recovery Facilities are permitted with consent in the RU1 zone.

Council's assessment of the proposal against the LEP and the objectives of the RU1 zone is deemed to be adequate. In addition, the NRPP have confirmed that they agree with Council's definition of the proposal and its permissibility within the zone. In addition, they have confirmed they believe that the site is capable

of satisfactorily accommodating a resource recovery facility provided it is carefully designed and effectively managed and regulated.

5.2 Consistency with Relevant State Environmental Planning Polices

Council's assessment reviewed the proposal against the following relevant State Environmental Planning Polices (SEPPs):

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.33 – Hazardous or Offensive Industry
- State Environmental Planning Policy No.44 – Koala Habitat Protection
- State Environmental Planning Policy No.55 – Remediation of Land

5.2.1 State Environmental Planning Policy (State and Regional Development) 2011

Tamworth Regional Council are the owner of the subject land and the applicant for the Development Application. In accordance with State Environmental Planning Policy (State and Regional Development) 2011 the application is classified as Regionally Significant Development as it has a Capital Investment Value (CIV) of over \$5 million and Council is the owner of the land and the applicant. Therefore, the application is to be determined by the Northern Regional Planning Panel.

The proposal and Council's assessment is considered to be consistent with the SEPP.

5.2.2 State Environmental Planning Policy (Infrastructure) 2007

The application was correctly classified as Traffic Generating Development in accordance with Schedule 3 of the Infrastructure SEPP as it is a waste or resource management facility of any size. The application was referred to the Roads & Maritime Services (RMS) in accordance with Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. The proposal was also referred to the rail authority (John Holland Rail) in accordance with Clause 85 of the SEPP due to the site being adjacent to the rail corridor.

The RMS provided comments to assist the consent authority in making a determination. Council provided a response to each comment raised by the RMS in the assessment report. Council's response has considered and implemented some of the RMS recommendations however has countered others. Given that Traffic and Transport are a key concern of the community, it is recommended that the applicant provides a revised Traffic Report that specifically addresses the RMS comments and the public submissions relating to traffic and transport.

The revised report would then be provided to RMS for review and further comment to ensure the proposal is considered to be reasonable from a road safety perspective. Subject to the provision of revised information and re-referral to the RMS for further comment Council's assessment against the SEPP can be considered adequate.

5.2.3 State Environmental Planning Policy No.33 – Hazardous or Offensive Industry

Council has assessed the potential impact of the proposal and proposed mitigation and minimisation measures to be incorporated in accordance with the SEPP. Council's assessment and implementation of appropriate conditions of consent is considered to be consistent with the SEPP.

5.2.4 State Environmental Planning Policy No.44 – Koala Habitat Protection

A Flora and Fauna Assessment was lodged in support of the proposal and reviewed by Council. Council's assessment deemed that the subject development would not result in significant detrimental impacts to any areas of koala habitat on the subject property. The proposal and Council's assessment is considered to be consistent with the SEPP.

5.2.5 State Environmental Planning Policy No.55 – Remediation of Land

The information lodged with the application and Council's assessment of the proposal against SEPP 55 is not deemed to be adequate. In accordance with Clause 7 of SEPP 55, the previous agricultural use of the land is specified in Table 1 of the contaminated land planning guidelines and therefore before determining an application for consent to carry out development that would involve a change of use the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Council's assessment of the proposal against SEPP 55 is reliant on the findings of a Geotechnical Assessment lodged with the application. The Geotechnical Assessment is not considered to be an adequate report that specifies the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

A Preliminary Site Investigation prepared by a suitably qualified consultant must be undertaken in accordance with the contaminated land planning guidelines to adequately satisfy the requirements of and allow an assessment under SEPP 55.

6.0 The Provisions of Any Draft Environmental Planning Instrument

No Draft Environmental Planning Instrument is applicable to the site or proposal.

7.0 The Provisions of Any Development Control Plan

7.1 Tamworth Regional Development Control Plan (DCP) 2010

The Tamworth Regional Development Control Plan (DCP) 2010 does not contain specific provisions relating to waste management facilities and therefore Council's assessment was undertaken against the following sections of the DCP:

- Other Types of Development

- Environmental Controls

Based on Council's assessment the proposal results in a variation to the required car parking rate. The rate applied to the development by Council and in the Traffic Report provided with the application is the rate for general industrial uses being 1 parking space is required per 75m² of Gross Floor Area (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 the parking control. The applicant has identified that a total of 6 staff will be in attendance at the facility at any one time. The requirement for 466 car parking spaces is deemed to be unreasonable and excessive given the nature of the proposed operations.

The proposed development will provide 10 on-site car parking spaces adjacent to the site office. The proposed development is deemed to adequately cater for on-site parking/vehicle movements of both light and heavy vehicles and will be required to comply with relevant Australian Standards.

Council's assessment of the proposal against the DCP and justification for the parking variation based on the information provided with the application is deemed to be adequate.

8.0 The Provisions of Any Planning Agreement or Draft Planning Agreement

No Planning Agreement or Draft Planning Agreement is applicable to the site or proposal.

9.0 The Regulations

As detailed the proposal was correctly identified as being Designated Development In accordance with Clause 3 and 32 of Schedule 3 of the *Environmental Planning & Assessment Regulation 2000* (EP&A Regs).

As a result, an Environmental Impact Statement (EIS) was prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued. The adequacy of the EIS and supporting documentation lodged with the application is being reviewed by an external consultant to confirm its adequacy.

10.0 The Likely Impacts of the Development

Council's assessment of the likely impacts of the proposal including environmental impacts on both the natural and built environments, and social and economic impacts in the locality is deemed to be generally satisfactory with the following areas requiring further information.

10.1 Contamination and Leachate

Contamination and Site Suitability

As detailed the information lodged with the application and Council's assessment of the proposal against SEPP 55 is not deemed to be adequate. In accordance with Clause 7 of SEPP 55, the previous agricultural

use of the land is specified in Table 1 of the contaminated land planning guidelines and therefore before determining an application for consent to carry out development that would involve a change of use the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Council's assessment of the proposal against SEPP 55 is reliant on the findings of a Geotechnical Assessment lodged with the application. The Geotechnical Assessment is not considered to be an adequate report that specifies the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

A Preliminary Site Investigation prepared by a suitably qualified consultant must be undertaken in accordance with the contaminated land planning guidelines to adequately satisfy the requirements of and allow an assessment under SEPP 55.

Leachate and Contamination

A specific concern raised by the NRPP and in the public submissions was in relation to leachate and the potential for contamination as a result of the operation of the proposed facility. A review of the documentation lodged with the application was undertaken by Talis Consultants to assist the NRPP and ensure its adequacy to allow for the application to progress to determination.

The review provided the following recommended conditions of consent to ensure the issue of leachate and impacts on groundwater can be appropriately managed:

Monthly leachate monitoring and testing is required for a period of twelve months following the commencement of operations to determine the composition of leachate generated from the facility.

An assessment is required to be prepared, to the satisfaction of the consent authority and other relevant authorities, to determine suitable locations for the installation of a series of groundwater bores and the testing parameters to monitor groundwater conditions. Bores are to be installed prior to site works commencing to enable the collection of baseline data with routine monitoring undertaken on a quarterly basis whilst the facility is in operation.

The NSW EPA undertook a review of the NRPP's record of deferral and have amended their General Terms of Approval (GTA's) to address the NRPP's concerns.

It is considered that the further recommended conditions of consent and amended GTAs provided by the NSW EPA, is adequate to address the leachate and contamination concerns raised in the submissions.

10.2 Traffic and Transport

A Traffic Impact Statement was prepared in support of the proposal which assessed the potential traffic impacts from the construction and operation of the development on the surrounding road network. The application was referred to the Roads & Maritime Services (RMS) in accordance with Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. The RMS provided comments to assist the consent

authority in making a determination. Council provided a response to each comment raised by the RMS in the assessment report.

Council's response has considered and implemented some of the RMS recommendations however has countered others. Given that Traffic and Transport are a key concern of the community, it is recommended that the applicant provides a revised Traffic Report that specifically addresses the RMS comments and the public submissions relating to traffic and transport.

The revised report would then be provided to RMS for review and further comment to ensure the proposal is considered to be reasonable from a road safety perspective.

10.3 Water Supply and Usage

A review of Council's response to issue of water supply and usage is deemed to be insufficient with further information required from the applicant surrounding the certainty of water sources to meet the operational needs to the proposal and evidence that the proposed sources would be acceptable to Water NSW.

This is consistent with the issues raised by the NRPP in the Record of Deferral. Additional information is to be provided by the applicant to address water supply and usage associated with the proposal. In line with the Peer Review of the Documentation provided by Talis Consultants, the following is recommended to address the water supply and usage issue raised by the NRPP:

- The water balance be reviewed to ensure that extreme dry conditions have been adequately considered so that a more accurate estimate of bore water use can be provided as part of the Proposal; and
- Further consideration on reducing reliance on the groundwater bore(s) through the technology procurement and detailed design stages.

10.4 Noise and Air Quality Impacts

Noise and air quality impacts were raised in a number of submissions and are identified as a likely impact of a proposal of this nature. A number of specialist studies were provided to address the potential for noise and air quality impacts of the proposal that recommend a number of mitigation and impact minimisation measures to be implemented as part of the proposal.

Council reviewed the specialist studies and has conditioned the preparation and implementation of the following management plans:

- Construction Environmental Management Plan;
- Operational Environmental Management Plan;
- Noise Management Plan;
- Waste Management Plan;
- Pest & Weed Management Plan;
- Bushfire Management Plan.

- Soil & Water Management Plan

The management plans are conditioned to be prepared in accordance with the endorsed specialist studies that were submitted in support of the proposal and are to be implanted during construction and operation of the proposal. The application and effectiveness of the management plans will be reviewed on a regular basis to ensure the impacts of the proposal are appropriately minimised.

11.0 The Suitability of the Site for the Development

Council's assessment of the suitability of the site for the proposal is deemed to be adequate subject to the provision of additional information from the applicant to address the issues raised by the NRPP and the insufficiencies identified within this peer review.

In addition, the NRPP have confirmed that they are of the opinion that the proposed use is permissible on the site and that the site is capable of satisfactorily accommodating a resource recovery facility provided it is carefully designed and effectively managed and regulated.

12.0 Any Submissions made in Accordance with this Act or the Regulations

12.1 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.

Council staff undertook a review of all submissions received during the public exhibition periods and provided a response in their assessment report. A review of the submissions and the adequacy of Council's response has been undertaken and is provided in **Appendix A**.

The review of the submissions and the adequacy of Council's response has found:

- Council’s assessing officer has undertaken a satisfactory exhibition process in accordance with the relevant legislation and undertook a second exhibition to correct an administrative error in the original exhibition process to ensure due process.
- That Council’s assessing officer’s response detailed throughout the assessment report to submission received is generally adequate and addresses each of the above key issues raised in the submissions with the following issues requiring further information:
 - the certainty of water sources to meet the operational needs to the proposal and evidence that the proposed sources would be acceptable to Water NSW; and
 - Impacts on the surrounding road network and if upgrades are required in line with comments received from NSW Roads & Maritime Services.

The above issues requiring further information were also raised by the NRPP in their Record of Deferral and require a response from the applicant which will be assessed by an external consultant to ensure the issues are appropriately addressed and a supplementary assessment report will be provided.

12.2 External Referrals

In addition to public notification the application was referred to the following external authorities for review and comment:

- The NSW Department of Primary Industries – Agriculture
- NSW Roads & Maritime Services (RMS)
- NSW Environmental Planning Authority (EPA)
- NSW Department of Planning, Industry & Environment – Biodiversity & Conservation Division
- Civil Aviation Safety Authority
- Air Services Australia
- Essential Energy
- Local Aboriginal Lands Council
- John Holland Rail
- Water NSW

The referral responses from each external authority were provided with Council’s Assessment Report. Council’s consideration of each referral agency’s responses is deemed to be generally adequate and is reflected in their assessment and recommended conditions of consent. The following referrals require further information to ensure they have been properly considered.

12.2.1 NSW Roads & Maritime Services (RMS)

The application was referred to the Roads & Maritime Services (RMS) in accordance with Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. The RMS provided comments to assist the consent authority in making a determination. Council provided a response to each comment raised by the RMS in the assessment report.

Council's response has considered and implemented some of the RMS recommendations however has countered others. Given that Traffic and Transport are a key concern of the community, it is recommended that the applicant provides a revised Traffic Report that specifically addresses the RMS comments and the public submissions relating to traffic and transport.

The revised report would then be provided to RMS for review and further comment to ensure the proposal is considered to be reasonable from a road safety perspective.

12.2.2 John Holland Rail

The proposal was referred to John Holland Rail due to the site's proximity to the rail corridor. John Holland Rail reviewed the application and provided a referral detailing their requirements for the development in relation to the rail corridor land. Council sought further clarification on some requirements. John Holland Rail then provided an amended referral that only included the following recommended condition:

Council must, within 3 months of receiving written advice from RailCorp, install and maintain fencing along the rail corridor boundary in accordance with JHR's engineering standards should RailCorp require. Council is liable for and indemnifies RailCorp and JHR against all claims for which RailCorp and JHR are or may become liable, in connection with the fencing between Lot 61 DP 707563, being the subject development site and Lot 1 DP 1077646 being the rail corridor.

The above condition has not been included in the recommended conditions of consent and therefore Council have not adequately considered John Holland Rail's referral.

12.2.3 Air Services Australia

The proposal was referred to Air Services Australia for review and comment. Air Services Australia raised no objection to the proposal however requested that ongoing consultation occurred in relation to construction commencing and that the proposed bird monitoring and management should not only apply during operation, but also during construction.

Council's assessment did not specifically address their referral response in the assessment report or the conditions of consent. It is therefore recommended that the following condition is included to appropriately address the referral response:

Consultation between the proponent(s), the airport, and Air Services Australia is required in relation to any plant or crane operations planned during construction.

12.2.4 Essential Energy

The proposal was referred to Essential Energy for review and comment. Essential Energy raised no objection to the proposal in their referral response however made comments relating to work in proximity to their infrastructure. Council's assessment report or conditions of consent did not address the comments made by Essential Energy. It is therefore recommended that the following condition is included to appropriately address the referral response:

Activities within electrical easements and infrastructure must meet the requirements of ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure and be carried out in accordance with the Work near Overhead Power Lines and Work near Underground Assets Codes of Practice.

12.2.5 NSW Environmental Planning Authority (EPA)

As detailed the development is classified as integrated development as will require an Environmental Protection License as it is a scheduled activity and was therefore referred to the EPA. The EPA reviewed the application and provided their General Terms of Approval (GTAs).

Initial review of the application by the NRPP raised concern with the detail provided surrounding the potential for leachate and contamination of surrounding properties and water bodies.

A supplementary review of the record of Deferral has also been undertaken by the NSW Environmental Protection Authority (EPA) who have provided amended General Terms of Approval to further address some of the key issues raised in the submissions and by the NRPP. The new measures included in the amended GTAs comprises:

- Further protection and monitoring measures to protect surface water and groundwater from pollution; and
- Further resource recovery management requirements relating to odour and pollution to ensure impacts on surrounding development is minimised.

These GTAs will be included in the amended Draft Conditions of Consent which will accompany the supplementary assessment report.

13.0 The Public Interest

Council's assessment of the public interest is deemed to be generally adequate based on the following:

- Council's assessing officer has undertaken a satisfactory exhibition process in accordance with the relevant legislation and undertook a second exhibition to correct an administrative error in the original exhibition process to ensure due process;
- Council's review and response to the public submission received is generally adequate; and
- Council's assessment of the likely impacts of the proposal including environmental impacts on both the natural and built environments, and social and economic impacts in the locality is deemed to be generally satisfactory.

Subject to the provision of additional information from the applicant to address the issues raised by the NRPP and the insufficiencies identified within this peer review the proposal could be deemed to be in the public interest.

14.0 Adequacy of Council's Process and Assessment

Council's assessment of the application is deemed to be generally adequate based on the following:

- application was correctly classified as regionally significant development, designated development and integrated development by Council and referred to the relevant authorities for review and concurrence;
- Council's assessing officer undertook a satisfactory exhibition process in accordance with the relevant legislation and undertook a second exhibition to correct an administrative error in the original exhibition process to ensure due process;
- Council's undertook a generally satisfactory assessment of the proposal against the relevant matters of consideration under Section 4.15 of the EP&A Act;
- Council's review and response to the public submission received is generally adequate; and
- Council's assessment of the likely impacts of the proposal including environmental impacts on both the natural and built environments, and social and economic impacts in the locality is deemed to be generally satisfactory.

As detailed following insufficiencies were identified within Council's assessment:

- Insufficient information provided with the application for assessment against SEPP 55;
- Insufficient information provided to address the likely impacts of the development associated with water supply and traffic and transport;
- Insufficient information provided to address all external referrals.

Subject to the provision of additional information from the applicant to address the issues raised by the NRPP and the insufficiencies identified within this peer review Council's assessment can be considered adequate and be finalised for review by the NRPP.

15.0 Adequacy of the Recommended Conditions of Consent

A review of the recommended conditions of consent has been undertaken with consideration of the proposal, Council's assessment of the proposal, external referral responses and public submissions to ensure they are adequate for the application.

The review has found that the recommended conditions of consent are generally satisfactory with some insufficiencies as noted below:

- Inconsistencies in the hours of operation detailed in the conditions and the GTAs issued by the EPA;
- Insufficient conditions to address leachate monitoring and management;
- Insufficient conditions to address the receipt and storing of dangerous goods;
- Insufficient conditions to address waste monitoring;
- Omission of recommended condition from external authorities; and
- Insufficient conditions to address auditing of the proposal.

Recommended Amendments and Additional Conditions

The following details recommended amendments to the draft conditions to ensure they are adequate for consideration by the NRPP:

- Amend Condition 18 to ensure the Management Plans are prepared in accordance with the recommendations of supporting documentation lodged with the application. Revised wording provided below:

The following management plans shall be prepared in accordance with the mitigation and management measures recommended in the endorsed supporting documents and implemented throughout the construction phase and operation of the facility;

a) Construction Environmental Management Plan;

b) Operational Environmental Management Plan;

c) Noise Management Plan;

d) Waste Management Plan;

e) Pest & Weed Management Plan;

f) Bushfire Management Plan.

g) Soil & Water Management Plan

- Include the following condition in relation to the preparation of management plans:

All required management plans are to be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources' Guideline for the Preparation of Environmental Management Plans (2004).

- Amend Condition 42 and Condition 64 to ensure the hours of operation for construction and operation are consistent with the hours detailed in the GTAs issued by the NSW EPA.

- Include the following conditions in relation to leachate management:

Monthly leachate monitoring and testing is required for a period of twelve months following the commencement of operations to determine the composition of leachate generated from the facility.

An assessment is required to be prepared, to the satisfaction of the consent authority and other relevant authorities, to determine suitable locations for the installation of a series of groundwater bores and the testing parameters to monitor groundwater conditions. Bores are to be installed prior to site works commencing to enable the collection of baseline data with routine monitoring undertaken on a quarterly basis whilst the facility is in operation.

- Include the following conditions in relation to dangerous goods:

The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.

Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:

(a) all relevant Australian Standards;

(b) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management – Technical Bulletin (EPA, 1997).

In the event of an inconsistency between the above requirements, the most stringent requirement must prevail to the extent of the inconsistency.

- Include the following condition relating to waste monitoring:

From the commencement of operation, the Applicant must implement a Waste Monitoring Program for the development. The program must:

(a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;

(b) include suitable provisions to monitor the:

(i) quantity, type and source of waste received on site; and

(ii) quantity, type and quality of the outputs produced on site; and

(c) ensure that:

(i) staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited waste.

- Include the following condition in relation to odour monitoring:

The applicant must undertake monitoring of the performance of the biofilter, under normal operating conditions, within six months of operations commencing. Subsequent monitoring to be undertaken in accordance with the Odour Monitoring Plan prepared by the operator, which will be reflective of the feedstock accepted and processed at the facility. The performance of the biofilter should be assessed within six months of the biofilter medium being partially or fully replaced.

- Include the following condition in accordance with the John Holland Rail referral:

Council must, within 3 months of receiving written advice from RailCorp, install and maintain fencing along the rail corridor boundary in accordance with JHR's engineering standards should RailCorp require. Council is liable for and indemnifies RailCorp and JHR against all claims for which RailCorp and JHR are or may become liable, in connection with the fencing between Lot 61 DP 707563, being the subject development site and Lot 1 DP 1077646 being the rail corridor.

- Include the following condition in accordance with the Air Services Australia referral:

Consultation between the proponent(s), the airport, and Air Services Australia is required in relation to any plant or crane operations planned during construction.

- Include the following condition in accordance with the Essential Energy referral:

Activities within electrical easements and infrastructure must meet the requirements of ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure and be carried out in accordance with the Work near Overhead Power Lines and Work near Underground Assets Codes of Practice.

- Include the following conditions relating to independent environmental auditing:

Prior to issue of Occupation Certificate the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development to ensure the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development..

Within one year of the commencement of operation, and every three years after, unless the Consent Authority directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development. Audits must:

- (a) be led and conducted by a suitably qualified, experienced and independent team of experts;*
- (b) be carried out in consultation with the relevant agencies;*
- (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any strategy, plan or program required under this consent;*
- (d) review the adequacy of any approved strategy, plan or program required under this consent; and*
- (e) recommend measures or actions to improve the environmental performance of the development, and any strategy, plan or program required under this consent.*

Within three months of commissioning an Independent Environmental Audit, or within another timeframe agreed by the Consent Authority, a copy of the audit report must be submitted to the Consent Authority and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Consent Authority. The audit report together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations must also be

Subject to the above amendments and any other conditional requirements coming from additional information to be provided by the applicant the draft conditions would be considered adequate for consideration by the NRPP.

16.0 Conclusion

The Planning Hub has been engaged by Tamworth Regional Council to undertake a peer review of their assessment of the Development Application **DA-2020/0138** for an Organics Recycling Facility at Lot 61 DP 707563, Gidley-Appleby Road, Gidley.

The following matters were taken into consideration as part of this peer review:

- The relevant matters listed in section 4.15 of the Environmental Planning and Assessment Act 1979;
- The prescribed matters under the Environmental Planning and Assessment Regulation 2000;

- The findings and recommendations of Council’s Assessment Report;
- The submission received from the community and external agencies and authorities; and
- The recommended conditions of consent.

The peer review has found the following:

- The application was correctly classified as regionally significant development, designated development and integrated development by Council and referred to the relevant authorities for review and concurrence;
- Council’s assessing officer undertook a satisfactory exhibition process in accordance with the relevant legislation and undertook a second exhibition to correct an administrative error in the original exhibition process to ensure due process;
- Council’s undertook a generally satisfactory assessment of the proposal against the relevant matters of consideration under Section 4.15 of the EP&A Act;
- Council’s review and response to the public submission received is generally adequate; and
- Council’s assessment of the likely impacts of the proposal including environmental impacts on both the natural and built environments, and social and economic impacts in the locality is deemed to be generally satisfactory.

The following insufficiencies were identified within Council’s assessment:

- Insufficient information provided with the application for assessment against SEPP 55;
- Insufficient information provided to address the likely impacts of the development associated with leachate and contamination and water supply and traffic and transport;
- Insufficient information provided to address all external referrals; and
- Minor amendments required to the conditions of consent prior to determination to ensure issues raised in submissions received are adequately addressed.

Subject to the provision of additional information from the applicant to address the issues raised by the NRPP and the insufficiencies identified within this peer review Council’s assessment can be considered adequate and be finalised for review by the NRPP.

THE PLANNINGHUB

by Hawes & Swan

APPENDIX A

REVIEW OF COUNCIL'S RESPONSE TO SUBMISSIONS

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1.0 Introduction

This review of Council's response to submissions has been undertaken in support of the independent peer review of Tamworth Regional Council's assessment of the Development Application **DA-2020/0138** for an Organics Recycling Facility at 284 Gidley-Appleby Road, Gidley.

The application was assessed by Council and referred to the Northern Regional Planning Panel for determination on the 19 February 2020. The matter was deferred by the NRPP for a number of reasons one of which being the requirement of Council to commission an independent external review of the proposal to comment on the adequacy of the assessment process and report including the recommendations and proposed conditions of consent of consent with consideration of the submissions received.

This document has been prepared to review the adequacy of Council's response to community submissions received for the application to ensure Council have properly considered the submissions received in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA&A Act).

2.0 Exhibition and 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) 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.

3.0 Review of Council's Response to Submissions

Council staff undertook a review of all submissions received during the public exhibition periods and provided a response in their assessment report. A review of the submissions and the adequacy of Council's response has been undertaken. The key issues raised in the submissions can be summarised as the following:

- Dust and Odour
- Water Supply and Usage

- Expansion of the Facility
- Leachate and Contamination
- Traffic and Transport
- Biosecurity and Vermin
- Permissibility Impact on Rural Lands

The review of the submissions and the adequacy of Council's response to the key issues raised is provided below.

3.1 Dust and Odour

An Air Quality Impact Assessment (AQIA) was prepared in support of the application which assessed the potential dust and odour impact during construction and operation of the of the proposal.

The assessment concluded the following:

- 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.
- 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.
- the existence of poultry farms within 3km of the proposed facility have potential to generate odour emissions within the vicinity of the proposed facility and the AQIA has assessed the potential cumulative impacts of all potential odour from both the proposal and surrounding poultry farms;
- 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.

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 mitigation and monitoring requirements will also form part of the Operational Environmental Management Plan and Environmental Protection Licence (EPL) issued for the facility by the NSW Environmental Protection Authority (EPA).

Council's response to the submission issue of Odour and Dust impacts is considered to be adequate with the implementation of appropriate conditions relating to the preparation of a Construction Management Plan and Operational Management Plan and the General Terms of Approval and licensing requirements issued by the NSW EPA.

3.2 Water Supply and Usage

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.

A review of Council's response to issue of water supply and usage is deemed to insufficient with further information required from the applicant surrounding the certainty of water sources to meet the operational needs to the proposal and evidence that the proposed sources would be acceptable to Water NSW.

This is consistent with the issues raised by the NRPP in the Record of Deferral. Additional information is to be provided by the applicant to address water supply and usage associated with the proposal. In line with the Peer Review of the Documentation provided by Talis Consultants the following is recommended to address the water supply and usage issue raised by the NRPP:

- The water balance be reviewed to ensure that extreme dry conditions have been adequately considered so that a more accurate estimate of bore water use can be provided as part of the Proposal; and
- Further consideration on reducing reliance on the groundwater bore(s) through the technology procurement and detailed design stages.

The provision of the information and supplementary assessment report will allow for the progression of the application to determination by the NRPP.

3.3 Expansion of the Facility

While the Environmental Impact Statement (EIS) references the possibility of expansion of the facility to process 50,000 tonnes in the future, the assessment of the proposal is based on the capacity of the facility not exceeding 35,000 tonnes.

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.

3.4 Leachate and Contamination

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.

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.

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 into the maturing compost.

The leachate management system will be compliant with the NSW EPA's Environmental Guidelines for Composting and Related Organics Processing Facilities (DEC 2004).

Initial review of the application by the NRPP raised concern with the detail provided surrounding the potential for leachate and contamination of surrounding properties and water bodies. A supplementary review of the record of Deferral has also been undertaken by the NSW Environmental Protection Authority (EPA) who have provided amended General Terms of Approval to further address some of the key issues raised in the submissions and by the NRPP. The new measures included in the amended GTAs comprises:

- Further protection and monitoring measures to protect surface water and groundwater from pollution; and
- Further resource recovery management requirements relating to odour and pollution to ensure impacts on surrounding development is minimised.

It is considered that Council's response, in association with the further recommended conditions of consent provided in the Peer Review and amended GTAs provided by the NSW EPA, is adequate to address the leachate and contamination concerns raised in the submissions.

3.5 Traffic and Transport

A Traffic Impact Statement was prepared in support of the proposal which assessed the potential traffic impacts from the construction and operation of the development on the surrounding road network.

The findings of the Traffic Impact Statement can be summarized as follows:

- 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).
- 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.
- 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. 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 SIDRA Analysis determined that all intersections are currently operating at Level of Service (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.

The application was referred to the Roads & Maritime Services (RMS) in accordance with Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. The RMS provided comments to assist the consent authority in making a determination. Council provided a response to each comment raised by the RMS in the assessment report.

Council's response has considered and implemented some of the RMS recommendations however has countered others. Given that Traffic and Transport are a key concern of the community, it is recommended that the applicant provides a revised Traffic Report that specifically addresses the RMS comments and the public submissions relating to traffic and transport.

The revised report would then be provided to RMS for review and further comment to ensure the proposal is considered to be reasonable from a road safety perspective.

3.6 Biosecurity and Vermin

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 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.

A Biosecurity Risk Assessment (BRA) was then prepared for 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. 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.

In addition to the recommendations of the BRA, 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:

- 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.

Council's response to the issue of biosecurity and vermin raised in the community submissions is deemed to be adequate with the implementation of appropriate conditions relating to compliance with the Biosecurity Act 2015 and the preparation of Operational and Environmental Management Plans.

3.7 Permissibility and Impacts on Rural Lands

The subject development is deemed to be correctly defined as a resource recovery facility under the provisions of the Tamworth Regional Local Environmental Plan (LEP) 2010. Resource recovery facilities are permitted with consent in the RU1 Primary Production zone.

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

The subject development is not deemed to inconsistent with the relevant 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.
- 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.

Subject to compliance with conditions of consent, it is considered that the subject development can co-exist within the locality without conflict.

The NRPP have confirmed that they agree with Council's definition of the proposal and its permissibility within the zone. In addition, they have confirmed they believe that the site is capable of satisfactorily accommodating a resource recovery facility provided it is carefully designed and effectively managed and regulated.

4.0 Review of Responses

As detailed above the review of the submissions and the adequacy of Council's response has found:

- Council's assessing officer has undertaken a satisfactory exhibition process in accordance with the relevant legislation and undertook a second exhibition to correct an administrative error in the original exhibition process to ensure due process.

- That Council's assessing officer's response detailed throughout the assessment report to submission received is generally adequate and addresses each of the above key issues raised in the submissions with the following issues requiring further information:
 - the certainty of water sources to meet the operational needs to the proposal and evidence that the proposed sources would be acceptable to Water NSW; and
 - Impacts on the surrounding road network and if upgrades are required in line with comments received from NSW Roads & Maritime Services.

The above issues requiring further information were also raised by the Northern Regional Planning Panel (NRPP) in their Record of Deferral and require a response from the applicant which will be assessed by an external consultant to ensure the issue is addressed and a supplementary assessment report will be provided. The provision of the information and supplementary report will allow for the progression of the application to determination by the NRPP.

5.0 Conclusion

This review of Council's response to submissions has been undertaken in support of the independent peer review of Tamworth Regional Council's assessment of the Development Application **DA-2020/0138** for an Organics Recycling Facility at 284 Gidley-Appleby Road, Gidley.

This document has been prepared to review the adequacy of Council's response to community submissions received for the application to ensure Council have properly considered the submissions received in accordance with Section 4.15 of the EPA&A Act. The review of the submissions and the adequacy of Council's response has found:

- Council's assessing officer has undertaken a satisfactory exhibition process in accordance with the relevant legislation and undertook a second exhibition to correct an administrative error in the original exhibition process to ensure due process.
- That Council's assessing officer's response detailed throughout the assessment report to submission received is generally adequate and addresses each of the above key issues raised in the submissions with the following issues requiring further information:
 - the certainty of water sources to meet the operational needs to the proposal and evidence that the proposed sources would be acceptable to Water NSW; and
 - Impacts on the surrounding road network and if upgrades are required in line with comments received from NSW Roads & Maritime Services.

The above issues requiring further information were also raised by the NRPP in their Record of Deferral and require a response from the applicant which will be assessed by an external consultant to ensure the issues are appropriately addressed and a supplementary assessment report will be provided. The provision of the information and supplementary report will allow for the progression of the application to determination by the NRPP.

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