

NORTHERN REGIONAL PLANNING PANEL

ADDENDUM 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	116 over two public exhibition periods.
Recommendation	Approval, subject to conditions
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011)	CIV > \$5M - Council interest
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Environmental Planning and Assessment Regulation 2000</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy No 44 – Koala Habitat Protection</i> • <i>State Environmental Planning Policy No 33 – Hazardous and Offensive Industry</i> • <i>State Environmental Planning Policy No 55 – Remediation of Land</i> • <i>Tamworth Regional Local Environmental Plan 2010</i> • <i>Tamworth Regional Development Control Plan 2010</i>
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Record of Deferral 2. Independent External Review of Council's Assessment 3. Applicants Independent External Review of Development Proposal 4. Further Public Submissions following Deferral Notice 5. TRC Organics Facility Information Session Document – September 2020 6. Additional Information provided by Applicant 7. Amended Recommended Conditions of Consent 8. Amended NSW EPA General Terms of Approval 9. External Referral responses from Water NSW and TfNSW
Report prepared by	The Planning Hub - Town Planning Consultant
Report date	15 September 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarized 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?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

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.

Table of Contents

1. BACKGROUND	5
2. PURPOSE OF REPORT	6
3. SUMMARY OF RECOMMENDATION	6
4. RESPONSE TO DEFERRAL REASONS	6
5. SUBMISSIONS	25
6. THE SUITABILITY OF THE SITE	39
7. THE PUBLIC INTEREST	40
8. CONCLUSION	40
9. RECOMMENDATION	40

Attachments

1. RECORD OF DEFERRAL – NORTHERN REGIONAL PLANNING PANEL
2. INDEPENDENT EXTERNAL REVIEW OF COUNCIL'S ASSESSMENT – THE PLANNING HUB
3. INDEPENDENT EXTERNAL REVIEW OF DEVELOPMENT PROPOSAL – TALIS CONSULTING
4. FURTHER PUBLIC SUBMISSIONS FOLLOWING DEFERRAL NOTICE
5. TRC ORGANICS FACILITY INFORMATION SESSION DOCUMENT – SEPTEMBER 2020
6. ADDITIONAL INFORMATION PROVIDED BY APPLICANT
7. AMENDED RECOMMENDED CONDITIONS OF CONSENT
8. AMENDED GENERAL TERMS OF APPROVAL ISSUED BY THE NSW ENVIRONMENT PROTECTION AUTHORITY – NSW EPA
9. EXTERNAL REFERRAL RESPONSES FROM WATER NSW AND TfNSW

1. BACKGROUND

On 19 February 2020, the Northern Regional Planning Panel (the Panel) considered DA2020-0138 which proposes the construction of Organics Recycling Facility at 284 Gidley-Appleby Road, Gidley.

The Panel raised three key issues relating to the proposed development which are as follows:

1. *The Panel believes it would be prudent for Council to commission an independent external review of the development proposal. The review would comment on the adequacy of the assessment process and report including its recommendations and the proposed conditions of development consent considering the submissions received on the proposal. The review would be undertaken by either a suitably qualified consulting firm or a council of similar size and population to Tamworth Regional Council. The review report would be made public.*
2. *The Panel had concerns about the adequacy of the current application in certain key respects, being:*
 - *The effects and acceptability of leachate discharges on neighbouring land uses and receiving water bodies;*
 - *Certainty about water sources to meet the operational needs of the proposal and evidence that the proposed sources would be acceptable to Water NSW;*
 - *The effectiveness of contaminant identification and handling procedures, including Work, Health and Safety aspects;*
 - *Safety issues on those roads that function as both school bus and truck routes for the proposal;*
 - *The need, if any, for intersection upgrades to ensure safe and efficient traffic flows when traffic from the proposal is added to base traffic;*
 - *Clarification as to whether management according to AS4454 is appropriate for liquid wastes and, if not, what alternative system is proposed;*
 - *Clarification of the implications of the NSW Environment Protection Authority's proposed prohibition of heat in processing operations, particularly whether pasteurizing could occur; and*
 - *Provision of adequate specifications for the contents of the required management plans, including the environmental, construction and operational plans.*
3. *The Panel also believed that stronger regulatory measures would be needed meaning additional conditions are required, including:*
 - *A pre-commissioning environmental and compliance audit to ensure all relevant measures are in place before operations commence;*
 - *Environmental and compliance audits of the facility undertaken after one year of operations and then every three thereafter;*
 - *The abovementioned audits to be undertaken by a suitably qualified and experienced person or company to be approved before appointment by Council's Director of Planning. The auditor(s) must be independent of the applicant and operator of the facility. The audit reports are to be completed within three months of the nominated dates, are to be made*

public and are to include any recommendations needed to achieve compliance with all consent conditions and conditions in associated approvals; and

- *The Council is to report on actions it has taken to address the auditor's recommendations. Such reports are to be completed and made public within three months of the dates of receipt of audit reports.*

The panel noted that it sees in principle the benefit in a facility of the type proposed as it would remove a significant volume of materials from the waste stream and process them into useful products. The Panel further noted that they believe that the site of the proposed development is capable of satisfactorily accommodating a resource recovery facility provided that it is carefully designed and effectively managed and regulated.

The Panel subsequently resolved to defer determination of the matter pending submission of additional information to resolve the aforementioned issues (refer to Record of Deferral at **Attachment 1**).

2. PURPOSE OF REPORT

The purpose of this addendum assessment report is to respond to the reasons for deferral by the Northern Regional Planning Panel (the Panel) for the construction of Organics Recycling Facility at 284 Gidley-Appleby Road, Gidley.

3. SUMMARY OF RECOMMENDATION

That the Panel determine DA2020-0138 which proposes the construction of Organics Recycling Facility at 284 Gidley-Appleby Road, Gidley pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting a Consent subject to the revised conditions contained in this report (refer to **Attachment 7** to this report).

4. RESPONSE TO DEFERRAL REASONS

Issue 1 – Independent Review

The Panel believes it would be prudent for Council to commission an independent external review of the development proposal. The review would comment on the adequacy of the assessment process and report including its recommendations and the proposed conditions of development consent considering the submissions received on the proposal. The review would be undertaken by either a suitably qualified consulting firm or a council of similar size and population to Tamworth Regional Council. The review report would be made public.

Response

An independent external review of Council's assessment of the development proposal was undertaken by The Planning Hub (refer to **Attachment 2** to this report). The independent external

review included an assessment of the adequacy of Council's assessment process, assessment report, recommendation and proposed conditions of consent.

The independent external review identified some insufficiencies in the application and assessment that required addressing and concluded that subject to the provision of additional information from the applicant to address the issues raised by the Panel and the insufficiencies identified within the peer review Council's assessment can be considered adequate and be finalised for review by the Panel.

In addition, the applicant commissioned an independent external review of the adequacy of the application and documentation submitted in support of the proposal. This was undertaken by Talis Consultants, refer to **Attachment 3** to this report.

The independent external reviews both provided recommendations that were to be incorporated into the proposal / included as conditions of consent. The independent external reviews have been made public as attachments (**Attachment 2** and **3** to this report).

Additional information has been submitted by the applicant to address both the findings and recommendations of the reviews and the issues raised by the Panel as detailed in this Addendum Assessment Report. Additional conditions have also been included in the in the Recommended Conditions of Consent (**Attachment 7** to this report) to ensure the proposal appropriately addresses all concerns raised and any potential impacts are appositely minimised and managed.

Details of each insufficiency identified by the Planning Hub in the independent external review of Council's Assessment Report and how they have been addressed in additional information provided by the applicant is outlined in the table below.

Insufficiency Identified	Comment
Insufficient information provided with the application for assessment against State Environmental Planning Policy No 55 – Remediation of Land	<p>A Preliminary Site Investigation prepared by East West has been submitted by the applicant in support of the proposal (refer to Attachment 6 to this report).</p> <p>The investigation concludes that the proposed development area within the site has low potential for contaminants of concern and does not necessitate further investigation as evidenced by the results of the contamination analysis.</p> <p>On the basis of the investigation undertaken of the proposed development area, the land is considered suitable for its intended use therefore satisfying the requirements of State Environmental Planning Policy No 55 – Remediation of Land.</p>

<p>Insufficient information provided to address the likely impacts of the development associated with leachate and contamination and water supply and traffic and transport.</p>	<p>Additional information was provided by the applicant to address the Panel's concerns and the insufficiencies identified in the independent peer review surrounding potential for leachate discharge onto adjoining properties and its impacts on surrounding land uses and waterways, water supply and traffic and transport issues (refer to Attachment 6 to this report).</p> <p>It is considered that the additional information provided by the applicant sufficiently addresses the key concerns raised by the panel and the insufficiencies identified in the independent peer review. Further details on the information provided and how it specifically addresses the issues raised by the panel is provided in the subsequent sections of this report.</p>
<p>Insufficient information provided to address all external referrals.</p>	<p>Information provided with the application and the previous assessment report was considered to be insufficient in addressing the external referral responses provided by the following external authorities:</p> <ul style="list-style-type: none"> • Transport for NSW (TfNSW) • John Holland Rail • Air Services Australia • Essential Energy <p>Transport for NSW (TfNSW)</p> <p>The application was referred to TfNSW (previously RMS) in accordance with Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. TfNSW provided comments to assist the consent authority in making a determination. Council provided a response to each comment raised by TfNSW in the assessment report.</p> <p>Council's response considered and implemented some of the TfNSW recommendations however countered others. Additional information was requested from the applicant to specifically address the TfNSW referral and the amended information was re-referred to TfNSW for comment.</p>

	<p>Additional Information was provided by the applicant which was re-referred to TfNSW who provided further comment in which was reviewed by Council's Manager of Development Engineering and Manager of Infrastructure and Works. Further details on the proposed management of the surrounding road network and intersections is provided in the subsequent sections of this report.</p> <p>John Holland Rail</p> <p>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.</p> <p>John Holland provided a recommended condition in relation to fencing of the rail corridor which was previously omitted from the recommended conditions. This recommended condition has been included as an advisory note in in the Recommended Conditions of Consent (Attachment 7 to this report).</p> <p>Air Services Australia</p> <p>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.</p> <p>Council's assessment did not specifically address their referral response in the assessment report or the conditions of consent. Air Services Australia recommended which have been included in the Recommended Conditions of Consent (Attachment 7 to this report).</p> <p>Essential Energy</p> <p>The proposal was referred to Essential Energy for review and comment. Essential Energy</p>
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	<p>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. This recommended condition has been included as an advisory note in the Recommended Conditions of Consent (Attachment 7 to this report).</p>
<p>Insufficient information provided to adequately address all issues raised in public submissions.</p>	<p>In line with the key concerns raised by the panel a number of public submissions raised concern in relation to the potential for leachate discharge onto adjoining properties and its impacts on surrounding land uses and waterways, water supply and traffic and transport issues resulting from the proposal.</p> <p>As detailed additional information was provided by the applicant to address the insufficiencies identified in the application in relation to the potential for leachate discharge onto adjoining properties and its impacts on surrounding land uses and waterways, water supply and traffic and transport issues (refer to Attachment 6 to this report).</p> <p>Further details on the information provided and how it specifically addresses the issues raised by the panel and in the public submission is provided below.</p>

Issue 2 – Adequacy of Information Relating the Proposed Operation of the Facility

The Panel had concerns about the adequacy of the current application in certain key respects, being:

- *The effects and acceptability of leachate discharges on neighbouring land uses and receiving water bodies;*
- *Certainty about water sources to meet the operational needs of the proposal and evidence that the proposed sources would be acceptable to Water NSW;*
- *The effectiveness of contaminant identification and handling procedures, including Work, Health and Safety aspects;*
- *Safety issues on those roads that function as both school bus and truck routes for the proposal;*
- *The need, if any, for intersection upgrades to ensure safe and efficient traffic flows when traffic from the proposal is added to base traffic;*

- *Clarification as to whether management according to AS4454 is appropriate for liquid wastes and, if not, what alternative system is proposed;*
- *Clarification of the implications of the NSW Environment Protection Authority's proposed prohibition of heat in processing operations, particularly whether pasteurizing could occur; and*
- *Provision of adequate specifications for the contents of the required management plans, including the environmental, construction and operational plans.*

Response

Leachate

Additional information was provided by the Applicant to address the Panel's concerns surrounding potential for leachate discharge onto adjoining properties and its impacts on surrounding land uses (refer to **Attachment 6** to this report).

The additional information provided by the applicant in relation to leachate management included the following supplementary information:

- Review of leachate capture and storage systems and likelihood of leachate overflows against guideline criteria;
- Predicted leachate water quality;
- Design of stormwater systems to manage leachate overflows within the site;
- Review of potential impacts of leachate water in the event of an overflow;
- Management of leachate to minimise potential impacts including:
 - monitoring of volume/depth in leachate dam
 - source controls to reduce leachate strength
 - operational and environmental water quality monitoring, including for leachate, stormwater and groundwater
 - management of overflows when they occur to minimise impacts on environment and neighbours.

The review of the leachate capture and storage systems concludes that it has been designed in accordance with the requirements of the NSW Environment Protection Authority (NSW EPA) Guidelines and has provided a leachate dam that is significantly larger than the recommended minimum size outlined in the guidelines to ensure any risk or potential impact adjoining properties is appropriately minimised and managed.

The review details that the NSW EPA will be the regulatory authority for the operation of the proposed facility and have issued their General Terms of Approval (GTAs) in support of the proposal. The issuing of the GTAs indicates the NSW EPA's satisfaction with the proposed facility and the design and management of leachate capture and storage systems.

In addition, the operator of the facility will be required to obtain an Environment Protection License (EPL) from the NSW EPA which will contain monitoring requirements relating to leachate management.

The review also includes a comparative analysis of the proposal against an existing organic recycling facility operating in the Lake Macquarie LGA that implements the tunneling compost system and is operating at a similar capacity as proposed. The analysis demonstrates that the leachate capture and storage system proposed is significantly larger than the existing one at the

Lake Macquarie facility and has been designed to ensure leachate can be appropriately managed onsite and to minimise any risk of discharge onto adjoining properties.

Accurate predictions about the likely quality of leachate from the proposal cannot be made until operation has commenced and it is likely to be highly variable. The leachate will contain varying concentrations of organic matter, nutrients, metals and other inorganic constituents, and sediment. It will be heavily diluted by clean rainfall and stormwater runoff over the large maturation pad and operational area.

It is probable that during the times of greatest leachate generation (by volume), during large storm events, the leachate concentration will be weakest and heavily diluted. The leachate that is captured in the leachate dam is not expected to contain high or problematic concentrations of pathogenic organisms, given that the leachate source will be the pasteurised compost. Stormwater must travel a large distance over gently undulating terrain before reaching the Peel River. The intervening lands are low gradient, agricultural land and the soils and vegetation on these lands would have ample capacity to assimilate nutrients in stormwater from the site and the broader catchment area that drains to these lands. Leachate from the facility is not expected to contain any toxic or hazardous constituents in strengths that would be detrimental to adjoining lands or waterways.

The discharge pathway for any leachate overflows would be controlled so as to minimise potential impacts on neighboring land uses, particularly the nearest adjoining landowner to the south. A drainage diversion is proposed to divert stormwater from the facility (and any leachate overflow) to the east and along a maximum flow path within the subject property under the control of Council, before leaving the site. Currently stormwater runoff from the proposed location of the facility follows a flow path to the south, via a series of dams, before crossing the southern property boundary and discharging south to the adjoining farmland. The proposed diversion will extend the runoff flow path within the subject site to further dilute the leachate and minimise the potential risk of contamination. Please refer to figure 1 below in relation to the overland stormwater drainage flow path.

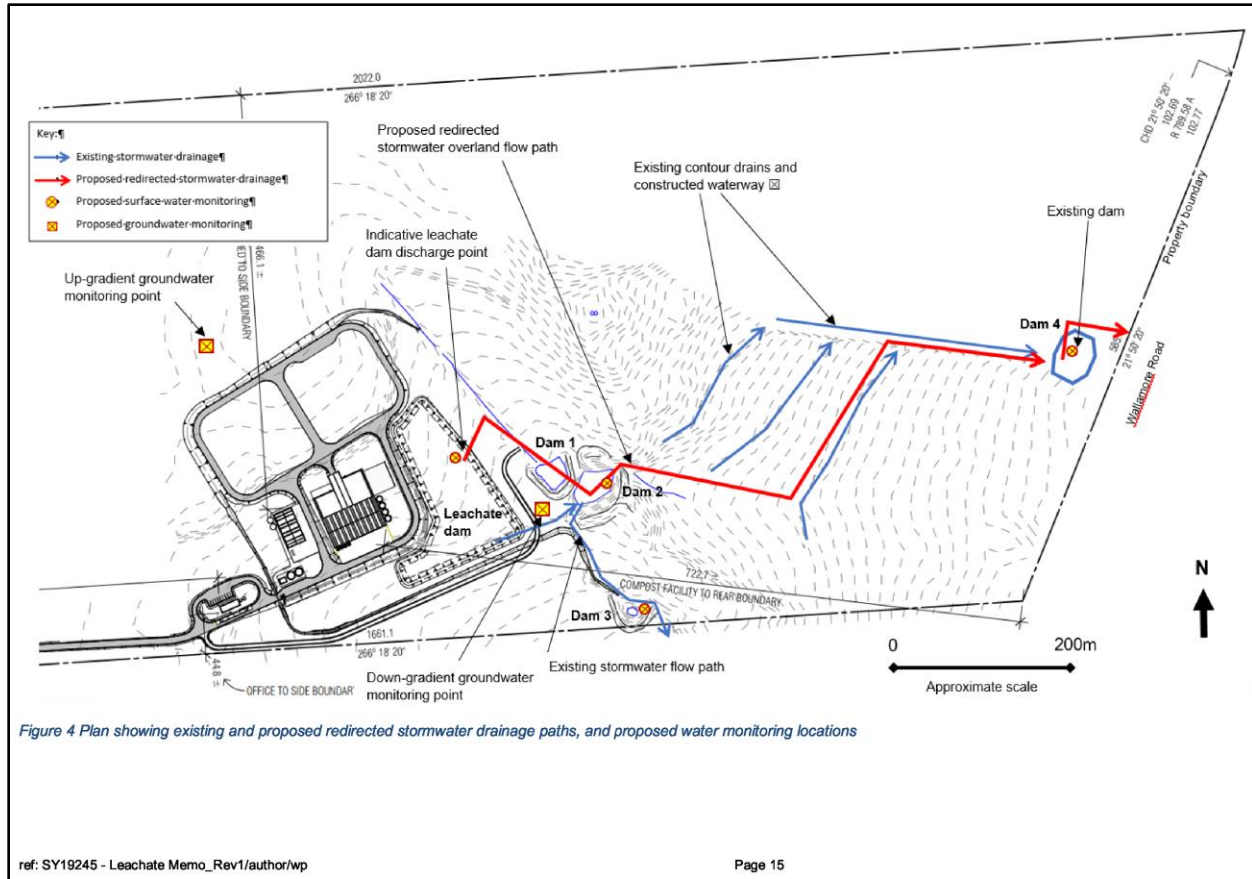


Figure 1: Plan showing existing and proposed stormwater drainage paths, and proposed water monitoring locations – *Supplementary Information – Leachate Management prepared by Pitt & Sherry, dated 26 June 2020.*

Leachate quality within the leachate dam will be monitored as part of a broader water quality monitoring program for the site as required for the Environmental Protection License (EPL) for the facility. Specific details on the monitoring program will be outlined prior to the issuing of the EPL and will be included as part of the Operational Environmental Management Plan. An indicative program would include, as a minimum:

- Detail on the monitoring locations, frequency and parameters to be tested, as agreed with EPA and in line with the issued EPL;
- Proposed surface water monitoring locations, which are expected to include four on-Site and four off-Site (downstream) points, including:
 - Leachate dam (near outlet)
 - Stormwater Dam 2 downstream of leachate dam (near outlet)
 - Stormwater Dam 3 near southern boundary
 - Stormwater Dam 4 near eastern site boundary (final discharge point of stormwater from Site)
 - Four off-site downstream locations on neighboring properties, selected based on identification of potential off-site flow paths and receiving water locations;
- Proposed groundwater monitoring locations, which are expected to include:

- Groundwater monitoring bore up-gradient of processing area, nominally to the north-west of the maturation pad
- Groundwater monitoring bore down-gradient of processing area, nominally to the east of the leachate dam;
- Analytes to include, as minimum: pH, EC, TSS, Oil and Grease, BOD, Total Phosphorus, Total Nitrogen, Ammonia, Metals (to be determined);
- Monitoring frequency to include:
 - Monthly leachate quality monitoring for the first year of operation
 - Quarterly for all monitoring points (potentially reducing to 6-monthly over time dependent on results)
 - Daily during any leachate overflow, monitoring at the leachate discharge point and downstream stormwater dams on the site.

In addition, the following condition has been included in the Amended Draft Conditions of Consent (**Attachment 7** to this report) to accurately identify the leachate being produced by the facility to ensure it can be appropriately managed:

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.

A minimum of eight (8) groundwater bores (four onsite and four offsite) (or otherwise as agreed to by NSW EPA and Council's Director of Planning and Compliance) required for the testing and monitoring of groundwater 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.

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. Based on the leachate laboratory analysis the Hazard and Risk Assessment is to be updated to provide guidance on the potential impacts on surrounding land uses and receiving water bodies. A copy of the Updated Hazard and Risk Assessment is to be provided to the consent authority.

It is considered that the additional information provided by the applicant, the amended GTAs provided by the NSW EPA and the additional recommended conditions of consent adequately address the leachate concerns raised by the Panel.

Water Sources

Additional information was provided by the Applicant to address the Panel's concerns relating to the certainty of water sources to meet the needs of the proposed facility and evidence that the proposed sources are acceptable to Water NSW (refer to **Attachment 6** to this report).

The information provided with the original application demonstrated that the facility will be provided with sufficient water supply for the operation of the facility during average weather conditions. During periods of below average rainfall, and particularly in drought, stormwater and leachate capture may be inadequate to meet the water needs of the site. Under these conditions process water would be largely reliant on supplementary water.

The supplementary water supply is proposed to be provided by existing bores onsite as identified in the AquaNorth pump testing report provided with the application. The pump testing report detailed that the existing bore supply could yield a maximum of 60,000L a day.

The existing bores are currently identified for stock and domestic use and a new bore with a larger diameter and increased depth should be provided for production use to ensure sufficient capacity could be provided.

Assuming the existing supply rate can be achieved, a yield of around 60,000 L of water per day could be supplied. Such a water supply would be sufficient to supplement reuse of stormwater and leachate and meet the production demands during expected dry weather conditions.

Should the bore supply prove inadequate or pump yields be lower than predicted, the option exists to tanker water to the site. If water supply became critically deficient, organic waste processing rates could be reduced by diverting waste elsewhere, such as to the existing Forest Road landfill. A relevant factor is that during drought conditions there is typically a significant reduction in received garden organics, so this may support a lower processing rate at the facility with reduced water demand.

Installation and use of a groundwater bore(s) is subject to approvals under the Water Management Act 2000 including a water access license, water supply work and water use approval. The relevant licenses and approvals cannot be obtained until such time the application is approved and the detailed design phase of the development is progressed.

Water NSW has advised that they have no objection to the intended bore water supply but that further groundwater assessment is required as part of a future application to be submitted to the Natural Resource Access Regulator (NRAR) for determination. An application for an Amended Water Supply / Use Approval was lodged with NRAR on 1 September 2020 to upgrade the existing stock and domestic bore to commercial production in support of the proposal.

In addition, Talis Consultants were engaged by the applicant to provide an additional peer review of the documentation provided and provide recommendations for the applicant to implement in the detailed design phase of the proposal (refer to **Attachment 6** to this report).

The additional peer review identified some inconsistencies between the information provided with the original application and the additional information provided by the Applicant in regards to water balance however detailed that these inconsistencies only resulted in minor differences in the in the final calculations and are therefore not considered significant. The applicant subsequently provided further information that addressed the inconsistencies identified.

Talis details that a subsequent water balance analysis will be undertaken during the detailed design phase based on the technology solution selected and supporting infrastructure and is of the view, that based on the modelling works completed to date, the climatic conditions of the region and the topography of the site, the subsequent water balance and the associated surface water and leachate management systems for the site will comply with the relevant standards.

It is considered that the information provided has sufficiently addressed the Panel's concerns in relation to water supply and will be further addressed in the detailed design phase of the proposal if approved.

Contaminant Identification and Handling Procedures

The Operational Environmental Management Plan template provided by the applicant (refer to **Attachment 6** to this report) includes parameters for the implementation of an appropriate Contamination Management Plan during the operation of the facility.

The Contamination Management Plan will be prepared to support the Operational Environmental Management Plan and will be prepared in accordance with the following minimum requirements:

- the General Terms of Approval issued by the NSW EPA and relevant Work Health and Safety requirements;
- The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Departments Hazardous and Offensive Development Application Guidelines – Applying SEPP 33
- Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
 - All relevant Australian standards
 - The Environment Protection Manual for Authorised Officers: Bunding and Spill Management – Technical Bulletin (EPA, 1997).

The templates for the Construction Environmental Management Plan and Operational Environmental Management Plan are to be included in the approval documentation to ensure they are appropriately implemented and prepared in accordance with the templates and endorsed documentation.

In addition, the following conditions of consent have been included in the recommended conditions of consent to ensure the implementation of the relevant environmental management plans in line with the recommendations of the supporting documentation lodged with the application:

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*

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

It is considered appropriate contaminant identification and handling processes will be implemented in the operation of the facility as required through the implementation of the Operational Environmental Management Plan

Road Safety

Concern was raised by the Panel in relation to safety issues that may result from the proposal due to increased truck movements on the surrounding network which are also used as bus routes.

As identified in the Traffic Impact Assessment lodged in support of the application there are a number of existing bus stops and routes on Gidley Siding Road, Wallamore Road, Oxley Highway and Appleby Lane.

The applicant has been in consultation with the local bus providers in relation to the potentially impact bus stops and routes. Tamworth Bus Lines have advised that as their bus stop is currently located along an approved heavy vehicle haulage route, their bus stop has been designed in accordance with the requirements for school bus stops along haulage routes.

Hannafords Bus Service have advised that their bus stops along Gidley Siding Road and Wallamore Road are currently not designed in accordance to the requirements for school bus stops along haulage routes.

Therefore, to ensure the impacts of the proposal on road safety and the existing bus stops and routes in proximity to the proposal the following conditions have been included in the Recommended Conditions of Consent (**Attachment 7** to this report):

Prior to the issue of Construction Certificate

The developer is to, in consultation with bus service providers, undertake an audit of any existing bus stop locations along Appleby Lane, Gidley Appleby Road, Gidley Siding Road, Wallamore Road and at the intersection of Oxley Highway and Appleby Lane to determine whether any upgrade works are required based on the increased number of heavy vehicles using the roads.

The findings of the audit are to be provided to Council's Director of Planning and Compliance for approval before any works, if required, are commenced.

Prior to the issue of Occupation Certificate

If upgrade works are deemed to be required to the existing bus stop facilities along Appleby Lane, Gidley Appleby Road, Gidley Siding Road, Wallamore Road and at the intersection of Oxley Highway and Appleby Lane, all works are to be completed prior to issue of the Occupation Certificate.

Intersection Capacity and Upgrades

A key concern raised by the Panel and in the public submissions was the existing capacity of the intersections in proximity to the proposal and the potential impacts the proposal will have on the surrounding road network as a result of increased traffic movements.

Additional information was provided by the applicant comprising a Revised Traffic Impact Assessment and Swept Path Analysis that detail the proposed traffic volumes and movements resulting from the proposal and relevant upgrades required to the surrounding road network (refer to **Attachment 6** to this report). The additional information was provided to Transport for NSW (TfNSW) for review and comment.

The following details how the applicant proposes to address the impact of the proposal on each of the relevant intersections and the comments provided by TfNSW.

Oxley Highway and Appleby Lane Intersection

Based on the existing traffic volumes the Oxley Highway and Appleby Lane Intersection requires a basic right-turn lane (BAR) and a shortened auxiliary left turn lane –(AUL(S)). The proposal will only result in an additional 5 peak hour turn movements at this intersection.

The intersection was upgraded in 2017 by TfNSW to provide an auxiliary left turn lane. As part of these works the requirements for a right turn lane were investigated by TfNSW but not implemented for a range of reasons.

There is an existing widened shoulder at the intersection that currently provides access to private properties and a bus stop on the opposite side of the intersection. The applicant proposes to line mark the existing widened shoulder opposite the Oxley Highway and Appleby Lane intersection to achieve a minimum Austroads basic right-turn (BAR) treatment and address the increase in turning traffic over the life of the development. The impacts arising from the transfer of highway traffic onto the shoulder are proposed to be managed by routine monitoring for pavement defects and intervention to re-construct pavement where defects are identified.

TfNSW have reviewed the proposed arrangement and noted that any proposed changes to the intersection must consider the ongoing safe operation of these property accesses and the bus stop facility. In addition, they detailed that the Consent Authority should obtain strategic drawings and swept path analysis demonstrating that the required pavement geometry will be available for the warranted treatment, including any adjustments to road shoulders and drainage, prior to any change in line-marking. Where shortfalls in geometry are identified then such shortfalls must be addressed by suitable pavement upgrades prior to the commencement of development traffic.

The additional information provided by the applicant was also referred to Council's Manager of Development Engineering who advised they agreed with TfNSW comments and detailed that the developer should be required design and upgrade the intersection to achieve a full BAR treatment capable of supporting a 26m B-double passing a 26m B-double. As the widened shoulder at the intersection currently supports other activities, including private access, access to layover parking, and a bus stop, these elements should be addressed in the assessment and associated detailed design.

Therefore, to address the required upgrades the following conditions have been included in the Recommended Conditions of Consent (**Attachment 7** to this report):

Transport for NSW shall be consulted with respect to a Works Authorisation Deed (WAD) and/or Section 138 concurrence for all works on Oxley Highway. A copy of the WAD and/or Section 138 concurrence shall be provided to Tamworth Regional Council prior to issue of the Construction Certificate.

The intersection of Oxley Highway with Appleby Lane shall be upgraded to incorporate a Basic Auxiliary Right Turn Treatment (BAR). The BAR shall be designed to cater for 26m B-double vehicles, and shall address the safety of pre-existing uses taking access off the current widened shoulder formation.

The above conditions will ensure that during the detailed design phase the safety of the existing users of the shoulder and the environmental impact of the required upgrades are appropriately managed and will be reviewed by TfNSW and Council prior to approval to ensure the required works can be appropriately accommodated.

Manilla Road and Appleby Lane Intersection

As a result of background traffic growth, including redirection of regional traffic following the recent upgrade and sealing of Appleby Lane, the intersection of Appleby Lane with Manilla Road already meets the warrant for an Austroads shortened auxiliary left turn (AUL-S) treatment. The proposed development is only expected to generate 3 additional peak hour left turn movements.

The intersection was upgraded in 2018 to provide a channelised right-turn. As part of the works the requirements for a left turn lane were investigated by Tamworth Regional Council and TfNSW but not implemented due to the difficult land acquisition required to accommodate the upgrade works.

To enable an AUL(S) treatment the following work would be required:

- Property acquisition to avoid conflict with corner of adjacent property
- New earthworks and additional pavement
- Stormwater / Drainage upgrades
- Relocation of Telstra pillar / services

The applicant does not propose to provide the warranted intersection upgrades works and proposes interim risk management measures of advanced warning signage and ongoing monitoring of safety performance of the intersection until such time the upgrades works are undertaken.

TfNSW reviewed the proposed arrangement and detailed that they see merit in the proposed interim management measures as the applicant is the Roads Authority with respect to acquisition and has the capacity to monitor road performance and deliver a future upgrade. TfNSW noted that the proposed approach does not provide certainty of how and when the applicant will be required to provide the warranted treatment, TfNSW recommends the Consent Authority identify the proposed timeframe for completing the warranted treatment.

The proposed arrangement was referred to Council's Manager of Development Engineering for review and comment. Development Engineering detailed that they are of the view that assigning responsibility for construction of the AUL(S) to the Applicant would be inappropriate. They have formed this opinion based on the following considerations:

- Completion of the upgrade and sealing of the western end of Appleby Lane has attracted more traffic to this part of the regional network, and to the Appleby Lane / Manilla Road intersection. As such, the warrants for an AUL(S) have recently slipped from "just under" to "just over".
- The additional traffic generated by the proposal is very modest in comparison to the underlying increases in traffic that is being experienced at the intersection, as detailed below:
 - The proposal will only generate 2 to 3 additional movements per hour at the intersection;

- The vehicle movements will only likely be undertaken by standard Council garbage trucks. The Swept Path Analysis provided in the Additional Information (**Attachment 6**) was prepared based on the worst-case scenario of B-Double Truck Movements however vehicles of that size associated with the proposal are unlikely to use this intersection;
 - The movements will only consist of a left turn which is unlikely to cause traffic safety issues or impacts on the wider network;
 - There is no history of accidents at this intersection relating to trucks turning left; and
 - The level of service of the intersection is currently A and post development will remain as A and the impacts of the increased truck movements on the intersection will be negligible with no measurable increase in delays or queuing.
- There are sub-regional network initiatives in the pipeline that will change the dynamics of this intersection, and likely trigger the need for improvements including the introduction of an AUL(S) or similar treatment, amongst a raft of other similar intersection upgrades and pavement realignments between Oxley Highway, Moonbi Gap, and New England Highway.

Council's Manager of Development Engineering detailed that the nexus between the proposal and the upgrades that will ultimately be required at the Appleby Lane / Manilla Road intersection are tenuous. It would be disproportionate to pin the upgrade on the development. Rather, such upgrades are seen as being driven by broader network demands.

The proposal was also referred to Council's Manager of Infrastructure and Works who detailed that the risk associated with the lack of AUL(s) treatment at that particular location is relatively low, for the following reasons:

- Although the AUL(s) treatment provides rear end protection to left turning traffic, these vehicles are not having to give way in order to turn left, so are always able to enter the intersection at a reasonable speed without ever having to come to a full stop.
- The left turn from Manilla Road onto Appleby Lane is greater than 90 degrees, so allows a slightly higher speed entry than a conventional T-intersection, reducing the risk to a level that is lower than anticipated by the warrant.
- The traffic volumes through the intersection are currently only slightly higher than the warrant.

Council's Manager of Infrastructure and Works detailed that a 4-5 year timeframe to allow the upgrade of the Manilla/Appleby intersection would be appropriate as part of the conditions for the above mentioned development.

Council's Manager of Infrastructure and Works comments were sent through to TfNSW for review who detailed that given the risk management strategy, Council being the Roads Authority and the timeframe provided they had no objection to the proposed interim management measures.

On that basis the following conditions have been included in the Recommended Conditions of Consent (**Attachment 7** to this report):

The intersection of Manilla Road with Appleby Lane shall be provided with additional advance warning signage for the left turn movement off Manilla Road on to Appleby Lane.

The interim management measures of additional advance warning signage for the left turn movement off Manilla Road on to Appleby Lane for the intersection of Manilla Road with Appleby Lane are to be monitored and the safety performance is to be reviewed on an annual basis for five

years from the commencement of operation of the facility. At the end of the five-year monitoring period the intersection is to be upgraded to include the Austroads shortened auxiliary left-turn (AUL-S) treatment as detailed in the TfNSW Correspondence, dated 4 September 2020.

Appleby Lane and Gidley Appleby Road intersection

Due to existing vegetation and the geometry of the road the sight lines for the Appleby Lane and Gidley Appleby Road intersection are compromised. The applicant has detailed that while the speed limit of Appleby Lane is 100km/hr, due to the tight curve radius on the through road at the intersection of nominally 160m, the operating speed on the road would be less due to driver behaviour.

Austroads Guide to Road Design Part 3: Geometric Design (2016) Section 3.6, provides a methodology for estimating the operating speed of rural roads (typical 85th percentile) where speeds are largely controlled by the horizontal curvature.

The Austroads Guide notes that the operating speed of the road can be affected by the following characteristics, especially for different vehicle classes:

- road grade
- cross-section
- surface conditions.

The Operating Speed Model is based on observed driver behaviour on Australian roads. The three key components of the model are:

- section operating speeds
- acceleration on straights
- deceleration on curves.

Using the Operating Speed Model, the operating speed for the Appleby Lane approaches to the intersection would be 75km/hr. If sight lines are improved, it is not expected that traffic speeds would increase. However, it is expected that road user safety would improve as drivers would have improved visibility of the tight curve.

The swept path analysis provided (refer to **Attachment 6** to this report) details the required truck movements occurring within the existing extent of the intersection however the applicant's Traffic Impact Assessment recommends the intersection to be widened to improve traffic movements.

The additional information was referred to Council's Manager of Development Engineering for review and comment. Development Engineering detail that the existing intersection is to be provided with additional pavement to appropriately accommodate the vehicle movements based on the following:

- The management plan for the facility directs all outbound traffic to this intersection, and a proportion of inbound traffic will also opt to access the site from Appleby Lane. As such, the intersection should be formatted to facilitate safe movement of the design vehicles.
- It is entirely inappropriate that design vehicles should find it necessary to cross to the wrong side of Appleby Lane, let alone impinge on shoulder pavement of unknown capacity.

- The applicant's consultants argue that land acquisition would be necessary to facilitate the originally proposed pavement augmentations. However, the proposed improvements can be carried out without the need to invoke any property acquisition. The road boundaries in question were adjusted a number of years ago.

Development Engineering is therefore of the view that the conditions in respect of the Gidley Appleby Road / Appleby Lane intersection should include the requirement for the geometry to be upgraded, and the installation of advanced warning signage.

On that basis the following conditions have been included in the Recommended Conditions of Consent (**Attachment 7** to this report):

The intersection of Gidley Appleby Road with Appleby Lane shall be upgraded to facilitate the movement of design vehicles in the outbound direction from Gidley Appleby Road while remaining within their designated carriageways. Additional advance warning signage shall be provided for drivers approaching the intersection in either direction on Appleby Lane.

Site Access and Gidley Appleby Road

Based on the sight distances provided the proposed access to and from the site on Gidley Appleby Road is deemed to be reasonable and will not adversely impact traffic or surrounding properties.

AS4454 and Liquid Waste Management

The Applicant's Independent Peer Review undertaken by Talis Consultants provided in **Attachment 3** includes a review of the proposal against the relevant requirements AS4454 Composts, Mulches and Oil Conditions.

As detailed in the Peer Review, Clause 3.2.1 of AS4454 relates to pasteurisation and states:

"Any product supplied or described as 'pasteurised' shall have had the whole of its mass subjected to either of the following:

a) Appropriate turning of outer material to the inside of the windrow so the whole mass is subjected to a minimum of three turns with the internal temperature reaching a minimum of 55°C for three consecutive days before each turn. Pasteurisation occurs as a result of a time/temperature relationship.

Where higher risk materials including manure, animal waste, food or grease trap wastes are used as feedstock, a longer time at 55°C or higher and more turns may be necessary in order to counter reinfection by the outside of the pile when turned. For these higher risk materials the core temperature of the compost mass shall be maintained at 55°C or higher for 15 days or longer, during this period the windrow shall be turned a minimum of five times (consistent with: Standards for the use or disposal of sewerage sludge, Regulation 503, US EPA)..."

Clause 3.2.2 AS4454 relates to composting and states:

"Any product supplied or described as 'compost' shall:

a) Comply with Clause 3.2.1..."

Therefore, the management of liquid wastes, such as the grease trap waste proposed to be accepted at the facility, in accordance with AS4454 is appropriate, as long as the abovementioned criteria is achieved.

The proposed process includes a pasteurisation cycle of 14 days, with temperatures reaching 55-65°C. Following the initial 14 days cycle, the tunnel batch will be loaded into another tunnel for a second 14-day cycle, with temperatures reaching 50-55°C.

On that basis the following conditions have been included in the Recommended Conditions of Consent (**Attachment 7** to this report):

Any product processed at the facility is to meet the relevant standard (AS4454), Composting Guideline 2016 and / or any specific Resource Recovery Orders and Exemptions.

EPA's Prohibition of Heat in Processing

The Applicant's Independent Peer Review undertaken by Talis Consultants provided in **Attachment 3** includes a review of the proposal and the NSW EPA's prohibition of heating in processing. O3.7 of the GTAs issued by the NSW EPA states the following in relation to the use of heat in processing:

Processing must not involve additional, artificial or external heat (thermal) or chemical processing, beyond that generated by the composting process described in the environmental impact statement Tamworth Organics Recycling Facility Environmental Impact Statement, 23 September 2019 relating to the development.

In accordance with Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act), thermal treatment means the processing of waste by burning, incineration, thermal oxidation, gasification, pyrolysis, plasma or other thermal treatment processes.

The processing of organic material via in-vessel composting does not constitute thermal processing based on the definition of thermal treatment in Schedule 1 of the POEO Act. The process of in-vessel composting utilises the heat generated from the decomposition process to achieve pasteurisation.

The GTAs issued by the NSW EPA were amended in response to the issues raised by the Panel to appropriately address the concerns relating to the use of heat in processing. The Amended GTAs are provided in **Attachment 8** to this report.

Management Plans

Additional information was provided by the Applicant to provide adequate specifications for the preparation of the required management plans, including the environmental, construction and operational plans (refer to **Attachment 6** to this report).

A template for both the Construction Environmental Management Plan and Operational Environmental Management Plan have been provided that ensure the relevant management plans will be prepared and implemented in accordance with the following:

- The recommendations of the documentation provided in support of the development application;
- The recommendations of the independent peer reviews;
- The relevant conditions of consent; and
- The General Terms of Approval issued by the NSW EPA.

The templates for the Construction Environmental Management Plan and Operational Environmental Management Plan are to be included in the approval documentation to ensure they are appropriately implemented and prepared in accordance with the templates and endorsed documentation.

In addition, the following conditions of consent have been included in the recommended conditions of consent to ensure the implementation of the relevant environmental management plans in line with the recommendations of the supporting documentation lodged with the application:

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*

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

It is considered that sufficient information has been provided to ensure adequate specifications are provided for the preparation of the required management plans.

Issue 3 – Regulatory Measures for the Operation of the Facility

The Panel also believed that stronger regulatory measures would be needed meaning additional conditions are required, including:

- A pre-commissioning environmental and compliance audit to ensure all relevant measures are in place before operations commence;*
- Environmental and compliance audits of the facility undertaken after one year of operations and then every three thereafter;*
- The abovementioned audits to be undertaken by a suitably qualified and experienced person or company to be approved before appointment by Council's Director of Planning. The auditor(s) must be independent of the applicant and operator of the facility. The audit reports are to be completed within three months of the nominated dates, are to be made public and*

are to include any recommendations needed to achieve compliance with all consent conditions and conditions in associated approvals; and

- *The Council is to report on actions it has taken to address the auditor's recommendations. Such reports are to be completed and made public within three months of the dates of receipt of audit reports.*

Response

In accordance with the key issues raised by the Panel and in the independent external review undertaken by The Planning Hub the following additional conditions relating to regulatory measures for the operation of the facility have been included in the Recommended Conditions of Consent (**Attachment 7** to this report):

Prior to issue of the Occupation Certificate the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) by a suitably qualified and experienced person or company approved before appointment by Council's Director of Planning and Compliance. To ensure all relevant measures are in place and be approved before operations commence.

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;*
- e) recommend measures or actions to improve the environmental performance of the development, and any strategy, plan or program required under this consent; and*
- f) be made public within three months of receipt of the report.*

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 made public within three months of receipt of the report.

The above conditions are deemed to provide adequate regulatory measures that will ensure environmental compliance of the facility prior to and during the operation of the facility. The audit will ensure the facility is operating in accordance with all conditions of consent including the General Terms of Approval issued by the NSW EPA (**Attachment 6** to this report).

5. SUBMISSIONS

An additional eleven (11) submissions have been received from 8 individuals since the Panel meeting on 19 February 2020, refer to Attachment 4 to this report. The submissions were submitted to the Planning Panels Secretariat for consideration (refer to **Attachment 4** to this report).

In addition, one on one consultation sessions with the surrounding property owners were undertaken by the applicant in August 2020 and a public meeting was held by the applicant on 5 September 2020 to discuss their key concerns and provide further information in relation to the proposed development consideration (refer to **Attachment 5** to this report).

A review of the additional submissions and the one on one consultation seminars has been undertaken and a response to each key issue raised is provided below.

Issue Raised	Comment
<p>Leachate, Contamination and proximity of the proposal to the Peel River</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>As detailed additional information was provided by the Applicant to address the Panel's concerns surrounding potential for leachate discharge onto adjoining properties and its impacts on surrounding land uses (refer to Attachment 6 to this report).</p> <p>The additional information provided by the applicant in relation to leachate management</p>

	<p>included the following supplementary information:</p> <ul style="list-style-type: none"> • Review of leachate capture and storage systems and likelihood of leachate overflows against guideline criteria; • Predicted leachate water quality; • Design of stormwater systems to manage leachate overflows within the site; • Review of potential impacts of leachate water in the event of an overflow; • Management of leachate to minimise potential impacts including: <ul style="list-style-type: none"> ○ monitoring of volume/depth in leachate dam ○ source controls to reduce leachate strength ○ operational and environmental water quality monitoring, including for leachate, stormwater and groundwater ○ management of overflows when they occur to minimise impacts on environment and neighbours. <p>The review of the leachate capture and storage systems concludes that it has been designed in accordance with the requirements of the NSW Environment Protection Authority (NSW EPA) Guidelines and has provided a leachate dam that is significantly larger than the recommended minimum size outlined in the guidelines to ensure any risk is minimised.</p> <p>The review details that the NSW EPA will be the regulatory authority for the operation of the proposed facility and have issued their General Terms of Approval (GTAs) in support of the proposal. The issuing of the GTAs indicates the NSW EPA's satisfaction with the proposed facility and the design and management of leachate capture and storage systems.</p> <p>In addition, the operator of the facility will be required to obtain an Environment Protection License (EPL) from the NSW EPA which will contain monitoring requirements relating to leachate management.</p>
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	<p>The review also includes a comparative analysis of the proposal against an existing organic recycling facility operating in the Lake Macquarie LGA that implements the tunneling compost system and is operating at a similar capacity as proposed. The analysis demonstrates that the leachate capture and storage system proposed is significantly larger than the existing one at the Lake Macquarie facility and has been designed to ensure leachate can be appropriately managed onsite and to minimise any risk of discharge onto adjoining properties.</p> <p>Accurate predictions about the likely quality of leachate from the proposal cannot be made until operation has commenced and it is likely to be highly variable. The leachate will contain varying concentrations of organic matter, nutrients, metals and other inorganic constituents, and sediment. It will be heavily diluted by clean rainfall and stormwater runoff over the large maturation pad and operational area.</p> <p>It is probable that during the times of greatest leachate generation (by volume), during large storm events, the leachate concentration will be weakest and heavily diluted. The leachate that is captured in the leachate dam is not expected to contain high or problematic concentrations of pathogenic organisms, given that the leachate source will be the pasteurised compost. Stormwater must travel a large distance over gentling undulating terrain before reaching the Peel River. The intervening lands are low gradient, agricultural land and the soils and vegetation on these lands would have ample capacity to assimilate nutrients in stormwater from the site and the broader catchment area that drains to these lands. Leachate from the facility is not expected to contain any toxic or hazardous constituents in strengths that would be detrimental to adjoining lands or waterways.</p> <p>The discharge pathway for any leachate overflows would be controlled so as to minimise potential impacts on neighboring land uses, particularly the nearest adjoining landowner to the south. A drainage diversion</p>
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	<p>is proposed to divert stormwater from the facility (and any leachate overflow) to the east and along a maximum flow path within the subject property under the control of Council, before leaving the site. Currently stormwater runoff from the proposed location of the facility follows a flow path to the south, via a series of dams, before crossing the southern property boundary and discharging south to the adjoining farmland. The proposed diversion will extend the runoff flow path within the subject site to further dilute the leachate and minimise the potential risk of contamination.</p> <p>Leachate quality within the leachate dam will be monitored as part of a broader water quality monitoring program for the site as required for the Environmental Protection License (EPL) for the facility. Specific details on the monitoring program will be outlined prior to the issuing of the EPL and will be included as part of the Operational Environmental Management Plan. An indicative program would include, as a minimum:</p> <ul style="list-style-type: none"> • Detail on the monitoring locations, frequency and parameters to be tested, as agreed with EPA and in line with the issued EPL; • Proposed surface water monitoring locations, which are expected to include four on-Site and four off-Site (downstream) points, including: <ul style="list-style-type: none"> ○ Leachate dam (near outlet) ○ Stormwater Dam 2 downstream of leachate dam (near outlet) ○ Stormwater Dam 3 near southern boundary ○ Stormwater Dam 4 near eastern site boundary (final discharge point of stormwater from Site) ○ Four off-site downstream locations on neighboring properties, selected based on identification of potential off-site flow paths and receiving water locations; • Proposed groundwater monitoring locations, which are expected to include:
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	<ul style="list-style-type: none"> ○ Groundwater monitoring bore up-gradient of processing area, nominally to the north-west of the maturation pad ○ Groundwater monitoring bore down-gradient of processing area, nominally to the east of the leachate dam; <ul style="list-style-type: none"> • Analytes to include, as minimum: pH, EC, TSS, Oil and Grease, BOD, Total Phosphorus, Total Nitrogen, Ammonia, Metals (to be determined); • Monitoring frequency to include: <ul style="list-style-type: none"> ○ Monthly leachate quality monitoring for the first year of operation Quarterly for all monitoring points (potentially reducing to 6-monthly over time dependent on results) ○ Daily during any leachate overflow, monitoring at the leachate discharge point and downstream stormwater dams on the site. <p>In addition, the following condition has been included in the Amended Draft Conditions of Consent (Attachment 7 to this report) to accurately identify the leachate being produced by the facility to ensure it can be appropriately managed:</p> <ul style="list-style-type: none"> • <i>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.</i> • <i>A minimum of eight (8) groundwater bores (four onsite and four offsite) (or otherwise as agreed to by NSW EPA and Council's Director of Planning and Compliance) required for the testing and monitoring of groundwater 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.</i>
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	<ul style="list-style-type: none"> • <i>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. Based on the leachate laboratory analysis the Hazard and Risk Assessment is be updated to provide guidance on the potential impacts on surrounding land uses and receiving water bodies. A copy of the Updated Hazard and Risk Assessment is to be provided to the consent authority.</i>
Water Supply	<p>Additional information was provided by the Applicant to address the Panel's concerns relating to the certainty of water sources to meet the needs of the proposed facility and evidence that the proposed sources are acceptable to Water NSW (refer to Attachment 6 to this report).</p> <p>The information provided with the original application demonstrated that the facility will be provided with sufficient water supply for the operation of the facility during average weather conditions. During periods of below average rainfall, and particularly in drought, stormwater and leachate capture may be inadequate to meet the water needs of the site. Under these conditions process water would be largely reliant on supplementary water.</p> <p>The supplementary water supply is proposed to be provided by existing bores onsite as identified in the AquaNorth pump testing report provided with the application. The pump testing report detailed that the existing bore supply could yield a maximum of 60,000L a day.</p> <p>The existing bores are currently identified for stock and domestic use and a new bore with a larger diameter and increased depth should be provided for production use to ensure sufficient capacity could be provided.</p> <p>Assuming the existing supply rate can be achieved, a yield of around 60,000 L of water per day could be supplied. Such a water supply would be sufficient to supplement</p>

	<p>reuse of stormwater and leachate and meet the production demands during expected dry weather conditions.</p> <p>Should the bore supply prove inadequate or pump yields be lower than predicted, the option exists to tanker water to the site. If water supply became critically deficient, organic waste processing rates could be reduced by diverting waste elsewhere, such as to the existing Forest Road landfill. A relevant factor is that during drought conditions there is typically a significant reduction in received garden organics, so this may support a lower processing rate at the facility with reduced water demand.</p> <p>Installation and use of a groundwater bore(s) is subject to approvals under the Water Management Act 2000 including a water access license, water supply work and water use approval. The relevant licenses and approvals cannot be obtained until such time the application is approved and the detailed design phase of the development is progressed.</p> <p>Water NSW has advised that they have no objection to the intended bore water supply but that further groundwater assessment is required as part of a future application to be submitted to the Natural Resource Access Regulator (NRAR) for determination. An application for an Amended Water Supply / Use Approval was lodged with NRAR on 1 September 2020 to upgrade the existing stock and domestic bore to commercial production in support of the proposal.</p> <p>In addition, Talis Consultants were engaged by the Applicant to provide an additional peer review of the documentation provided and provide recommendations for the applicant to implement in the detailed design phase of the proposal (refer to Attachment 6 to this report).</p> <p>The additional peer review identified some inconsistencies between the information provided with the original application and the additional information provided by the Applicant in regards to water balance however</p>
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	<p>detailed that these inconsistencies only resulted in minor differences in the in the final calculations and are therefore not considered significant. The applicant subsequently provided further information that addressed the inconsistencies identified.</p> <p>Talis details that a subsequent water balance analysis will be undertaken during the detailed design phase based on the technology solution selected and supporting infrastructure and is of the view, that based on the modelling works completed to date, the climatic conditions of the region and the topography of the site, the subsequent water balance and the associated surface water and leachate management systems for the site will comply with the relevant standards.</p> <p>It is considered that the information provided has sufficiently addressed the Panel's concerns in relation to water supply and will be further addressed in the detailed design phase of the proposal if approved.</p>
<p>Assessment Process</p>	<p>In line with the concerns raised in the public submissions and by the Panel in relation to the assessment process for the proposal based on Council being the applicant an independent external review of Council's assessment of the development proposal was undertaken by The Planning Hub (refer to Attachment 2 to this report). The independent external review included an assessment of the adequacy of Council's assessment process, assessment report, recommendation and proposed conditions of consent.</p> <p>The independent external review identified some insufficiencies in the application and assessment that required addressing and concluded that subject to the provision of additional information from the applicant to address the issues raised by the Panel and the insufficiencies identified within this peer review Council's assessment can be considered adequate and be finalised for review by the Panel. The external review</p> <p>In addition, the Applicant commissioned an independent external review of the adequacy</p>

	<p>of the application and documentation submitted in support of the proposal was undertaken by Talis Consulting, refer to Attachment 3 to this report.</p> <p>The independent external reviews both provided recommendations that were to be incorporated into the proposal / included as conditions of consent. The independent external reviews have been made public as attachments (Attachment 2 and 3 to this report) to this report as requested by the Panel.</p> <p>Additional information has been submitted by the applicant to address both the findings and recommendations of the reviews and the issues raised by the Panel as detailed in this Addendum Assessment Report.</p>
Commercial Viability of the Facility	<p>The commercial viability of a proposed development is not a relevant consideration for the consent authority and does form part of the assessment of the development application. The commercial viability of the proposal has not been considered in the peer review or subsequent assessment undertaken by The Planning Hub and is for consideration by the applicant.</p>
Biosecurity Impacts	<p>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.</p> <p>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</p>

	<p>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 which is included in the draft conditions as an advisory note.</p> <p>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:</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>As detailed the following conditions of consent have been included in the recommended conditions of consent to ensure the implementation of the relevant environmental management plans in line with the recommendations of the supporting documentation lodged with the application:</p> <ul style="list-style-type: none"> • <i>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;</i> <ul style="list-style-type: none"> a) <i>Construction Environmental Management Plan;</i> b) <i>Operational Environmental Management Plan;</i> c) <i>Noise Management Plan;</i> d) <i>Waste Management Plan;</i> e) <i>Pest & Weed Management Plan;</i> f) <i>Bushfire Management Plan.</i> g) <i>Soil & Water Management Plan</i>
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	<ul style="list-style-type: none"> • <i>All required management plans are to be prepared in accordance with the endorsed templates and the Department of Infrastructure, Planning and Natural Resources' Guideline for the Preparation of Environmental Management Plans (2004).</i>
Dust and Odour Impacts	<p>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.</p> <p>The assessment concluded the following:</p> <ul style="list-style-type: none"> • 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

	<p>experienced at the sensitive receiver locations.</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>As detailed conditions have been included in the recommended conditions of consent that will ensure all required management plans are implemented during construction and operation of the facility.</p>
Devaluation of Land	<p>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.</p>
Food stock Waste Input	<p>The proposed facility has been designed to accommodate the acceptance of Category 3 waste (food stock waste). The NSW EPA reviewed the proposal and issued their GTAs detailing that the facility can process category 1, 2 & 3 waste.</p>

	<p>Whilst the facility can theoretically accept the proposed waste stream, the combination of feedstock will make it a unique operation and potentially lead to difficulties in maintaining an effective operation. Therefore, the proposal has been amended to incorporate the staged introduction of category 3 waste to ensure the facility can operate effectively and the potential impacts can be appropriately managed.</p> <p>The initial stages of operation will only accept Category 1, Category 2 and some Category 3 waste.</p> <p>The facility will be subject to an independent commissioning assessment which verifies the commissioning of the processing facility and its performance in accordance with relevant Australian Standards and NSW EPA Resource Recovery Orders in relation to pasteurisation. Operations would not be permitted to commence until this has occurred. This will ensure that the facility will perform to required standards and can process the initial feedstock.</p> <p>Documented, continued performance of the facility for a period of six months and the satisfactory assessment of the biofilter performance must be achieved prior to the introduction of offal and Dissolved Air Flootation (DAF) sludge into the process. Initially, the DAF sludge is to be tested prior to acceptance from each source as it may contain contaminants.</p>
<p>Acoustic Impacts</p>	<p>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.</p> <p>The preparation and implementation of the following management plans has been</p>

	<p>included in the Recommended Conditions of Consent (Attachment 7 to this report) to ensure the recommendations of the specialist studies are implemented:</p> <ul style="list-style-type: none"> • 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 <p>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 implemented 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.</p>
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6. THE SUITABILITY OF THE SITE

The proposed development has adequately addressed the key concerns raised by the Panel and in the subsequent independent peer reviews. As identified by the Panel the proposed facility will be beneficial as it will remove a significant volume of materials from the waste stream and process them into useful products. The Panel noted that they believe that the site of the proposed development is capable of satisfactorily accommodating a resource recovery facility provided that it is carefully designed and effectively managed and regulated.

The additional information provided by the applicant has sufficiently addressed the key issues raised by the Panel to ensure the facility is effectively managed and regulated and appropriate conditions have been included in the recommended conditions of consent to ensure all measures are appropriately implemented and any potential risk or impacts on the site and surrounding area are minimised.

The application was re-referred to the NSW EPA who have provided Amended General Terms of Approval in support of the proposal. In Addition, the application was re-referred to Transport for NSW (TfNSW) who raised no objection to the proposed development subject to the inclusion of their recommendations as conditions of consent to ensure the impacts on the surrounding road

network are minimised. Appropriate conditions in line the TfNSW recommendations have been included in the Recommended Conditions of Consent (**Attachment 7** to this report).

The site is therefore deemed suitable for the development as currently proposed.

7. THE PUBLIC INTEREST

The public interest is served through the detailed assessment of this DA under *the Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, Environmental Planning Instruments, Development Control Plan and policies.

That assessment has demonstrated that the proposed development has addressed the requirements of the relevant planning instruments and development controls applicable to it including the objectives of the zone.

The proposed development has also demonstrated that the site is suitable for the proposal. The proposal aims to provide a facility that will benefit the community by as it will remove a significant volume of materials from the waste stream and process them into useful products and all potential impacts will be appropriately minimised and managed.

Based on the above assessment, the proposal is considered to be in the interest of the public.

8. CONCLUSION

The purpose of this addendum assessment report is to respond to the reasons for deferral by the Northern Regional Planning Panel (the Panel) for the construction of Organics Recycling Facility at 284 Gidley-Appleby Road, Gidley.

The proposed development has adequately addressed the key concerns raised by the Panel and in the subsequent independent peer reviews and is not considered likely to have a significant and detrimental impact on the natural or built environment and is suitable for the site, having regard to its consistency with the relevant planning controls applicable to it.

9. RECOMMENDATION

That the Panel determine DA2020-0138 which proposes the construction of Organics Recycling Facility at 284 Gidley-Appleby Road, Gidley pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting a Consent subject to the revised conditions contained in this report (refer to **Attachment 7** to this report).

This report has been prepared by The Planning Hub due to Tamworth Regional Council being the landowner and applicant for the subject application. We certify that the assessment has been undertaken independently.

A handwritten signature in black ink, appearing to read 'L Rodgers'.

Lachlan Rodgers

Senior Town Planner (The Planning Hub)

A handwritten signature in black ink, appearing to read 'M Hawes'.

Mairead Hawes

Director (The Planning Hub)

Date 15/09/2020