

DATE OF DETERMINATION	23 September 2020
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Stephen Gow, James Treloar and Stephen Bartlett
APOLOGIES	None
DECLARATIONS OF INTEREST	Paul Mitchell declared a non-significant conflict as the applicant's acoustic consultant, Oliver Mullor, was employed at EMM Consulting while he was CEO of that company. Mr Mullor was not under Mr Mitchell's supervision and he has had no contact with him for the last 10 years. The Panel was satisfied that the association

Public meeting held via teleconference on Wednesday, 23 September 2020, opened at 4:15pm and closed at 7:10pm.

MATTER DETERMINED

PPSNTH-11 – Tamworth Regional Council – DA2020-0138 at 284 Gidley Appleby Road, Gidley – Organic Recycling Facility (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposal is permissible in the RU1 zone and is consistent with relevant zone objectives
2. The proposal will be socially and environmentally beneficial because it will remove a significant volume of materials from the waste stream and process them into useful products. In this regard the proposal is consistent with relevant waste strategies, particularly the NSW Waste Avoidance and Recovery Strategy 2014-2021, the Northern Inland Regional Waste Strategy 2017-2021 and the Tamworth Regional Council Integrated Waste Management and Resource Recovery Strategy.
3. The site of the proposed development is suitable for the intended use. It is sufficiently close to Tamworth to be reasonably accessible, has direct access to major roads, is large enough to enable the development to be well separated from neighbours and is free of environmental constraints.
4. The proposal has been rigorously assessed in a process that has included two independent peer reviews. A suite of conditions has been imposed to ensure that the new facility will operate in a satisfactory manner and that the Stage 2 component involving the receipt and processing of offal and dissolved air flotation sludge will only operate if a successful trial is completed beforehand.
5. The proposal is well designed and incorporates all safeguards needed to ensure that potential environmental impacts will be either avoided or effectively mitigated.
6. The panel has carefully considered all issues raised by objectors and believes they have been resolved by the design and siting of the facility, proposed management measures and/or conditions to be

imposed. There are no residual issues that would cause unacceptable impacts sufficient to warrant refusal of the application.

7. For the reasons given above approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Condition 6 – deleted ‘the’ in second line before ‘construction’.
- Condition 19 updated to include the following detail:
 - Reference to endorsed documentation detailed in Condition 23 and 24;
 - Inclusion of the preparation of Biosecurity Management Plan.
 - Inclusion of the management plans to be prepared by a suitably qualified person and submitted to Councils Director of Planning and Compliance and any relevant external agency for approval prior to the release of a construction certificate.
 - Inclusion of management plans to take into consideration any outcomes as a result of the staged introduction and trial of Stage 2 waste and to be amended accordingly as required by Councils Director of Planning and Compliance and any relevant external agency.
- Condition 20 updated to replace consent authority with Council’s Director of Planning and Compliance;
- Condition 23 updated to remove reference to Talis Documentation as all recommendations relevant to the subject application have been included as conditions and this has been double checked;
- Condition 24 updated to include section 7-12 of the Biosecurity Risk Assessment;
- Condition 25 (Staging Condition moved as it is a key condition) amended to increase the review period of Stage 1 waste to 12 months and detail that Stage 2 waste cannot commence until such time the Director of Planning and Compliance & NSW EPA are satisfied the above requirements have been met and compliance with Conditions 26 is achieved.
- Condition 26 (new condition) detailing the requirements of the trial period in line with discussions at the meeting.
- Condition 27 (new condition) requiring results of trial period to be submitted to Council’s Director of Planning and Compliance & NSW EPA for review and approval prior to completion of the trial period.
- Condition 36 moved from Advisory notes;
- Condition 37 moved from Advisory notes;
- Condition 39 replaced with “The Traffic Management Plan approved in accordance with condition 6 is to be fully complied with for the full duration of the project’s construction phase.”
- Condition 72 updated to replace consent authority with Council’s Director of Planning and Compliance and include requirement of the audit to verify all relevant management and mitigation measures are implemented before operations commence.
- Condition 73 (new condition) included in line with Talis recommendations for an independent commissioning assessment to verify the facility’s performance in accordance with relevant Australian Standards and NSW EPA Resource Recovery Orders in relation to pasteurisation.
- Condition 77 updated to replace consent authority with the Roads Authority;
- Condition 89 updated to replace consent authority with Council’s Director of Planning and Compliance;
- Condition 92 updated to replace consent authority with Council’s Director of Planning and Compliance;
- Condition 93 updated to replace consent authority with Council’s Director of Planning and Compliance; and
- Condition 98 moved from Advisory notes.


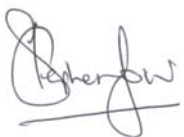



The conditions of consent are attached at Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Odour, dust and particulate matter
- Contamination impacts
- Water use
- Traffic impacts and site access
- Noise impacts
- Adequacy of consultation
- Biosecurity risk
- Impact on value of surrounding properties
- Health risks
- Quality of technical information
- Appropriateness of use for site and locality
- Potential impacts of methane emissions including on the local flora and fauna
- Precedent set by development
- Types of material and volumes to be accepted by facility
- Concern that more appropriate technology exists to be used
- Whether development meets EP&A criteria

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues two independent peer reviews were carried out in relation to the proposal and, appropriate conditions have been imposed addressing environmental and health risks, and a trial of the proposed stage 2 operations.

PANEL MEMBERS	
 Paul Mitchell (Chair)	 Stephen Gow
 Penny Holloway	 James Treloar
 Stephen Bartlett	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-11 – Tamworth Regional Council – DA2020-0138
2	PROPOSED DEVELOPMENT	Organic Recycling Facility
3	STREET ADDRESS	284 Gidley Appleby Road, Gidley
4	APPLICANT/OWNER	Tamworth Regional Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy 33 – Hazardous and Offensive Industry ○ State Environmental Planning Policy No 44 – Koala Habitat Protection ○ State Environmental Planning Policy No 55 – Remediation of Land ○ Tamworth Regional Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Tamworth Regional Development Control Plan 2010 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 5 February 2020 • Written submissions during public exhibition: 116 • Submission on behalf of Council: 13 February 2020 • Late submission from objector: 14 February 2020 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In objection – John Simon, Jill Morphett, Scott Barwick on behalf of Tim and Joanne Barwick, David McKinnon, Doug White, Richard Morphett, Peter Gill, Mark Lyden on behalf of Jill and Richard Morphett, Emma Stilts on behalf of Manilla Community Renewable Energy Inc and Julian Johnson on behalf of Proten Tamworth Pty Ltd ○ Council assessment officer – Dan Whale and Sam Lobsey ○ On behalf of the applicant – Dan Coe • Supplementary Council assessment report: 15 September 2020 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Bill Williams, Richard Morphett, Jillian Morphett, Scott Barwick, David McKinnon, David McKinnon on behalf of Tom O'Dwyer, Doug White, John Simon, Peter Gill and Helen Aylwin ○ Council assessment officer – Mairead Hawes and Sam Lobsey ○ On behalf of the applicant – Bruce Logan, Stephen Masters and Adam Bishop

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 19 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, James Treloar and Stephen Bartlett ○ <u>Council assessment staff</u>: Dan Whale, Sam Lobsey, Ross Briggs and Steve Brake • Final briefing to discuss council's recommendation, 19 February 2020, 5:30 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, James Treloar and Stephen Bartlett ○ <u>Council assessment staff</u>: Dan Whale, Sam Lobsey, Ross Briggs and Steve Brake • Final briefing to discuss council's recommendation, 23 September 2020, 3 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, James Treloar and Stephen Bartlett ○ <u>Council assessment staff</u>: Dan Whale, Mitch Gillogly, Sam Lobsey, Ross Briggs, Steve Brake, Mairead Hawes and Lachlan Rodgers
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the supplementary council assessment report

SCHEDULE 2

Prior to Work Commencing

1. The approved development which is the subject of this development consent must not be commenced until:
 - a) A construction certificate for the building work has issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
 - b) The person having the benefit of the development consent has;
 - i) Appointed a Principal Certifying Authority for the building work, and
 - ii) Notified the Principal Certifying Authority that the person will carry out the building work as an owner-builder, if that is the case, and;
 - c) The Principal Certifying Authority has, no later than 2 days before the building work commences;
 - i) Notified the council and council (if the council is not the consent authority) of his or her appointment, and
 - ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
 - i) Appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
 - ii) Notified the Principal Certifying Authority of any such appointment, and

- iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - iv) Give at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 2. The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
 - a) The name, address and telephone number of the principal certifying authority for the work, and
 - b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) A statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 3. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a) Must be a standard flushing toilet, and
 - b) Must be connected to a public sewer, or
 - c) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- 4. The contractors engaged to undertake development on public land or infrastructure must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- 5. Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the "Blue Book" Managing Urban Stormwater –Soils and Construction (Landcom 2004). The ESCP is to be implemented prior to the commencement of any construction works.
- 6. A Traffic Management Plan (TMP) detailing how movements in and out of the site during construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Council for approval. The associated Traffic Control Plans (TCP's) are to be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-1996 and the RMS current version of the "Traffic Control at Worksites" manual. All TCP are to be implemented prior to the commencement of any works undertaken within the road reserve.

Advisory Note: The TCP's must consider the impact at key intersections, especially the Oxley Highway and Appleby Lane and how these will be managed.

- 7. Pursuant to section 68 of the Local government Act 1993, the following approvals must be obtained;

- a) Carry out water supply work;
 - b) Carry out sewer work;
 - c) Carry out stormwater work; and
 - d) Installation of an Onsite Sewage Management System.
8. 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.

Prior to issue of a Construction Certificate

9. In accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Section 7.12 Development Contributions Plan 2013, \$159,969.66 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_{PY} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

- \$C_{PY}** Is the amount of the contribution at the date of Payment
- \$C_{DC}** Is the amount of the contribution as set out in this development consent
- CPI_{PY}** Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS
- CPI_{DC}** Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

The monetary contributions shall be paid to Council prior to the issue of the first Construction Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

The Tamworth Regional Council Section 7.12 Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

10. A stormwater servicing strategy for the development site shall be prepared and submitted to the Roads Authority for approval in accordance with the requirements of Part 3 of Council's current version of the Engineering Design Guidelines for Subdivisions and Developments.

The stormwater servicing strategy for this development must also include calculations, design drawings and associated commentary for the following at a minimum:-

- a) Stormwater detention for the range of 1:1 To 1:100 year ARI event(s) to reduce the developed flow rate to the pre-developed flow rate;
- b) Minor stormwater network;
- c) Any other Q100 overland flow paths; and
- d) Details of the interface between the site drainage and the existing water course at the

outlet from the site.

The stormwater servicing strategy to be approved by the Roads Authority shall be used to address the required stormwater drainage design for the development site.

11. Design calculations, detailed engineering drawings and construction specifications, specific to the works, are required for the following, as a minimum, to ensure all works are designed and constructed in accordance with recognised and accepted standards and guidelines:-

- a) Leachate dam sizing and design.

The engineering drawings shall be submitted to Council for approval prior to the issue of a Construction Certificate.

All engineering drawings and the associated specifications are to be certified by a Chartered Professional Engineer or a Registered Surveyor.

12. Section 138 approval from Council under the Roads Act 1998 is required to construct vehicle crossings for this development. Detailed construction plans shall be provided to Council for approval.
13. 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.
14. Approval from the Local Traffic Committee shall be obtained for any proposed regulatory signage and/or line marking.
15. A Construction Management Plan must be prepared by a suitably qualified person and submitted to Council's Director of Planning and Compliance for approval prior to the release of a construction certificate.
16. Retaining walls greater than 0.6m above finished ground level or other approved methods necessary to prevent movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by a qualified, practising Structural Engineer. Details are to be included with any Construction Certificate application.
17. A Wildlife Monitoring and Management Plan is to be prepared and submitted for approval by the Tamworth Regional Airport Manager prior to the release of a construction certificate. The plan must address the recommendations outlined within Section 7 of the Wildlife Hazard Assessment Report prepared by Avisure, dated April 2020.
18. A Landscaping Plan including the location and details of all vegetative screening and fencing (vermin proof or otherwise) is to be provided for the site prior to the release of a construction certificate.
19. The following management plans shall be prepared by a suitably qualified consultant in accordance with the mitigation and management measures recommended in the endorsed supporting documents referenced in conditions 23 and 24 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; and
- h) Biosecurity Management Plan.

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). The Management Plans must be prepared by a suitably qualified person and submitted to Council's Director of Planning and Compliance and any relevant external agency for approval prior to the release of a construction certificate.

The management plans shall take into consideration any outcomes as a result of the staged introduction and trial of Stage 2 waste and as per condition 26 and if required, the above management plans be amended accordingly as required by Council's Director of Planning and Compliance and any relevant external agency.

- 20. An assessment is required, to the satisfaction of Council's Director of Planning and Compliance 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.
- 21. The developer is to obtain an Amended Water Supply / Use Approval from the Natural Resource Access Regulator (NRAR) for the upgrade of the existing stock and domestic bore onsite to commercial production in support of the proposal.
- 22. 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.

General

- 23. The development shall take place in accordance with the attached endorsed plans and supporting documents:
 - a) The Environmental Impact Statement (and attached supporting information except where superseded below), prepared by Pitt & Sherry, dated 23 September 2019
 - b) Site Plans, prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA001,002, Revision P2, dated 16 September 2019;
 - c) Landscape Plan, prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA008, Revision P2, dated 16 September 2019;
 - d) Office Building, prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA101,102,103, Revision P2, dated 16 September 2019;
 - e) Weighbridge Plan , prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA105, Revision P2, dated 16 September 2019;
 - f) Process Building , prepared by Edwards + Simpson, Project No. 19013, Drawing

Number DA201,202,203,204, Revision P2, dated 16 September 2019;

- g) Fire Pump Shed, prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA701,702,703, Revision P1, dated 6 September 2019;
- h) Equipment Shed, prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA801,802,803 and 804, Revision P2, dated 16 September 2019;
- i) Drainage & Stormwater Management Plan, prepared by Pitt & Sherry, Drawing No. SY19093-C03, Revision B, dated 23 September 2019.
- j) Wildlife Hazard Assessment Report, prepared by Avisure, dated April 2020.
- k) Traffic Impact Assessment, prepared by Pitt & Sherry, Revision 02, dated 28 April 2020.
- l) Traffic Impact Assessment Update, prepared by Pitt & Sherry, dated 18 August 2020.
- m) Supplementary Information – Leachate Management, prepared by Pitt & Sherry, dated 26 June 2020.
- n) Tamworth Organics Recycling Facility – Response to Stormwater and Water Balance Queries, prepared by Pitt & Sherry, dated 19 August 2020.
- o) Preliminary Contaminated Site Investigation, prepared by East West Enviro, dated 23 July 2020

24. The mitigation and management measures recommended in the endorsed supporting documents, must be implemented throughout the construction phase and operation of the facility;

- a) Section 7.0-12.0 of the Biosecurity Risk Assessment, prepared by Scolexia, dated January 2020
- b) Section 8 of the Air Quality Impact Assessment , prepared by Todoroski Air Science, dated 19 September 2019;
- c) Section 6 of the Noise & Vibration Impact Assessment , prepared by Muller Acoustic Consulting, dated September 2019;
- d) Section 5 of the Fauna & Flora Assessment , prepared by Eco Logical, dated 17 September 2019;
- e) Section 4 of the Archaeological Due Diligence Assessment , prepared by Eco Logical, dated 18 September 2019;
- f) Section 5.4 and 7 of the Geotechnical Assessment, prepared by Regional Geotechnical Solutions, dated 14 August 2019;

- g) Section 3.3 of the Risk Hazard Assessment, prepared by Pitt & Sherry, dated 10 October 2019;
- h) Section 7 of the Wildlife Hazard Assessment Report, prepared by Avisure, dated April 2020.
- i) Supplementary Information – Leachate Management, prepared by Pitt & Sherry, dated 26 June 2020.
- j) Construction Environmental Management Plan Template, prepared by Pitt & Sherry, Revision 00, dated 2 July 2020.
- k) Operational Environmental Management Plan Template, prepared by Pitt & Sherry, Revision 03, dated 2 July 2020.

25. The receipt and processing of waste is to be undertaken in accordance with the following stages:

- **Stage 1 Waste** – The receipt and processing of category 1, category 2 and category 3 waste (excluding offal and Dissolved Air Floatation (DAF) sludge; and
- **Stage 2 Waste**– The receipt and processing of offal and Dissolved Air Floatation (DAF) sludge.

For Stage 1 waste, a review of the environmental performance of the facility for a period of twelve months and the satisfactory assessment of the biofilter performance must be submitted to Council's Director of Planning and Compliance & NSW EPA for review and approval to ensure the facility can perform to the required standards and process Stage 1 waste appropriately.

Stage 2 waste must not commence operation until such time Council's Director of Planning and Compliance & NSW EPA are satisfied the above requirements have been met and compliance with Conditions 26 is achieved.

26. Pursuant to Section 4.17 of the *Environmental Planning & Assessment Act 1979*, Stage 2 waste is limited to a trial period of 12 months from the date of commencement of the trial. Written notice of the commencement of the trial must be provided to Council.. Prior to the Stage 2 trial commencing, the following documentation prepared by a suitably qualified environmental consultant must be provided to Council's Director of Planning and Compliance & NSW EPA for review and approval:

- a) Details on how Stage 2 waste is to be received and processed on site;
- b) Details of how environmental compliance is to be monitored and reported in line with the NSW EPA GTA's, Environmental Protection Licensing Requirements and the relevant conditions of consent.
- c) Details on the activities that will occur as part of the trial including but not limited to, source of waste, volume of waste, handling and decontamination processing (where applicable ensure it does not contain any contaminants prior to processing), odour management, integration with other waste etc.
- d) Details of ongoing operations required should the trial period be deemed successful in accordance with the requirements of Condition 19.

27. Prior to the completion of the trial period (minimum 4 weeks), the applicant is to provide results

of the environmental compliance monitoring undertaken during the trial to Council's Director of Planning and Compliance & NSW EPA for review and approval.

If Council's Director of Planning and Compliance & NSW EPA are satisfied that the facility is performing to the required standards as set out in Condition 26, the receipt and processing of Stage 2 waste will no longer be limited to a trial period. Details of environmental monitoring must be made publicly available on an annual basis.

28. The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents unless otherwise as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
29. All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.
30. All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
31. All building work must be carried out in accordance with the provisions of the disability (Access to Premises - Buildings) Standards 2010.
32. Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.
33. To protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause nuisance to residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282.
34. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
35. The Applicant shall consult with, as required:
 - a) Essential Energy;
 - b) Natural gas company; and
 - c) A telecommunications carrier.

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).

36. The landowner must, within 3 months of receiving any written advice from RailCorp, install and maintain fencing along the rail corridor boundary in accordance with JHR's engineering standards should RailCorp require. The landowner 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.

37. 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.

General Terms of Approval

38. The development shall be carried out in accordance with the General Terms of Approval (or as otherwise varied by the issue of the Environmental Protection License) issued by the NSW Environment Protection Authority dated 13 November 2019 (including amendment letters dated 22 November 2019, 23 January 2020, 24 January 2020 and 24 July 2020), attached in **ATTACHMENT A**.

During Construction

General

39. The Traffic Management Plan approved in accordance with condition 6 is to be fully complied with for the full duration of the project's construction phase.
40. The approved Traffic Control Plans (TCP's) shall be maintained at all times when work is undertaken within a dedicated road reserve.
41. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal.
42. An identification survey prepared by a Registered Surveyor is to be prepared at set out stage of the construction works to ensure that the facility is sited in accordance with the approved site plan
43. If an item suspected to be a relic, as defined by the Heritage Act 1977 is discovered on the site or during any ancillary road works, all work must cease immediately and the Heritage Council notified as to the location of the relic. Work cannot proceed until the requirements of the Heritage Council have been fulfilled.
44. A representative from Tamworth Local Aboriginal Land Council shall be present onsite and during ancillary road works during initial vegetation clearing and topsoil stripping.
45. Consultation between the proponent(s), the Tamworth Regional Airport, and Air Services Australia is required in relation to any crane operations planned during construction.
46. Erosion and sediment control measures in accordance with the approved ESCP are to be maintained by the developer at all times.
47. The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Development Engineering Division.
48. If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Development Engineering Division is required.
49. Any damage caused to Council infrastructure as a result of works undertaken for the

development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.

50. Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
51. The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.
52. Unless otherwise agreed to by Council's Director of Planning and Compliance, work for this development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday: 7.00am to 6.00pm;

Saturday: 8.00am to 1.00pm;

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

The Developer shall be responsible to instruct and control his contractors regarding the hours of work.

53. In the event that any contamination (a concentration of substances above that naturally present that poses, or is likely to pose an immediate or long term risk to human health or environment) is discovered work must immediately cease and the Council's Senior Environmental Health Officer must be contacted to arrange an inspection.

Stormwater

54. An on-site stormwater detention system shall be provided to ensure that the post developed flow rate does not exceed the pre-developed flow rate discharging from the site. Flows shall be controlled across the range of 1:1 year ARI to 1:100 year ARI events for the entire site prior to release to the approved point of discharge.
55. All hardstand runoff discharging from the proposed development site, buildings and works shall be conveyed to the approved point of discharge by an approved conveyance system complying with AS3500.3 (as amended) and in accordance with the current version of the Engineering Minimum Standards for Subdivisions and Developments.
56. Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:-
 - a) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;
 - b) Temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
 - c) All overland surface flow paths must have a practical and satisfactory destination with

- due consideration to erosion and sediment control during all stages of development.
- d) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted; and
 - e) All overflow from rainwater tanks shall be collected and piped to the approved point of discharge. The approved point of discharge for the development site is defined as the existing unnamed watercourse crossing the eastern boundary of the development site (following detention of developed flows).

Internal Roads, Access and Parking

- 57. All internal driveways and parking areas shall be constructed with a base course of adequate depth to accommodate heavy vehicle loading.
- 58. The new vehicle crossover for access/egress on Gidley Appleby Road shall have a width designed such that two B-doubles trucks can pass each other to allow the entering / exiting concurrently. The new crossover shall be sealed from the edge of Gidley Appleby Road to the property boundary as a minimum.
- 59. All internal driveways, parking areas and vehicle turning areas shall be designed in accordance with the requirements of AS2890.1-2004 "Parking Facilities - Off Street Parking".
- 60. All parking bays shall be permanently marked out on the pavement surface and shall be clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of onsite parking and loading/unloading facilities.
- 61. The direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and driveway access and in the interest of traffic safety and convenience. In this regard all vehicles entering and exiting the site shall do so in a forward direction only.

External Road Upgrades

- 62. 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.
- 63. 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.
- 64. 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.
- 65. 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.

Allotment Filling

66. Any allotment filling shall meet the requirements of AS3798-2007 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.
67. Any allotment filling that may be required for the development site shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.

Certification of the allotment filling shall be provided by a geotechnical testing authority registered

Inspections

under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction, as “controlled fill”.

68. It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations, 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.

Prior to Occupation

69. The occupation or use of the whole or any part of a new building must not commence unless an occupation certificate has been issued in relation to the building or part.

Prior to issue of an Occupation Certificate

70. All works as required by these conditions of consent shall be complete.
71. The Operational Environmental Management Plan must be prepared by a suitably qualified person and submitted to Council’s Director of Planning and Compliance for approval prior to the release of an occupation certificate.
72. 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. The Independent Environmental Audit is to verify all relevant management and mitigation measures are implemented before operations commence.
73. An independent commissioning assessment is to be undertaken 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. The assessment is to be completed after 1 months of operation and provided to Council’s Director of Planning and Compliance & NSW EPA for review and approval.
74. 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.
75. A “No Left Turn” sign must be erected at the exit of the facility onto Gidley Appleby Road prior to the release of an occupation certificate.
76. Any signage and/or line marking approved by the Local Traffic Committee shall be installed prior

to issue of an occupation certificate.

77. A Code of Conduct must be prepared and submitted to the Roads Authority for haulage operations and should include, but is not limited to the following:
- a) a map of the primary haulage route highlighting critical locations;
 - b) safety initiatives for haulage through residential/village areas and/or school zones;
 - c) an induction process for vehicles operators and regular toolbox meetings;
 - d) outbound traffic is restricted to right turns onto Gidley Appleby Road;
 - e) a complaint resolution and disciplinary procedure and register;
 - f) any community consultation measures for peak haulage periods.
78. The following intersections require give-way signage and line marking to be installed (if not already installed) at the minor roads interface prior to issue of an occupation certificate:
- a) Gidley Siding Road/ Gidley Appleby Road, and
 - b) Gidley Appleby Road/ Appleby Lane/ Evans Lane
79. In lieu of completing the landscaping nominated on the approved plan, a cash bond or bank guarantee to the value of the landscaping works must be paid to Tamworth Regional Council prior to the issue of an Occupation Certificate. The cash bond or bank guarantee will be returned when the water conservation measures allow the landscaping to be completed.
80. Sediment and erosion control measures for the site shall be established if the landscaping is unable to be completed in accordance with the approved plan. The sediment and erosion control measures must be installed prior to the issue of an Occupation Certificate and shall remain in place until such time as water conservation measures allow the landscaping to be completed.

Sediment erosion controls can include hay bales, sand bags and sediment fences and should be appropriate to be able to manage runoff created onsite.

All erosion and sediment controls should be checked at least once each week and after each rainfall event to ensure they are working properly.

Maintenance should include:

- a) Removing sediment trapped in sediment fences, catch drains or other areas;
- b) Repairing any erosion of drainage channels; and
- c) Repairing damage to sediment fences.

Continued Operations

81. The hours of operation are restricted to between 8:00am and 4:45pm, Monday to Sunday.
- Advisory Note: This does not preclude the operation of the fan/water sprays/aeration system which will operate on a continuous cycle if required or the arrival or departure of staff outside of hours.*
82. The sealing of the driveway(s), vehicular parking, manoeuvring and loading areas is to be maintained at all times.

83. All vehicle movements into and out of the development site shall be in a forward direction.
84. To ensure that the required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose, proposed parking area, service bays, truck docks, driveways, vehicular ramps and turning areas shall be maintained clear of obstruction and be used exclusively for their intended purpose. Under no circumstances are such areas to be used for the storage of goods or waste material.
85. 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.
86. 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.
87. 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.

88. All oils, fuels, solvents and fluids used on this premises are to be stored in a bunded area that is designed to hold 110% of the total volume of the largest container stored within the bund or 325% of the total volume of all containers stored within the bund. The bunded area to be covered by a suitable roof to prevent the collection of rainwater within the bunded area.

The construction of the bund is to comply with AS1940

A spill kit designed to handle all types of liquids used on the site must be stored adjacent to where the liquid are being used and/or stored.

89. 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 Council's Director of Planning and Compliance. The NSW Environmental Protection Authority must be notified of any breach of conditions of consent or to Environmental Protection Licence requirements immediately.

90. 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.
91. 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.
92. Within one year of the commencement of operation, and every three years after, unless Council's Director of Planning and Compliance 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.
93. Within three months of commissioning an Independent Environmental Audit, or within another timeframe agreed by Council's Director of Planning and Compliance, a copy of the audit report must be submitted to Council's Director of Planning and Compliance 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 Council's Director of Planning and Compliance. 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.
94. The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
95. The site must be maintained in a neat and tidy condition at all times.
96. The installed landscaping is to be maintained in a good condition at all times with diseased or dead plants being replaced as soon as possible.
97. The mitigation, commitment and management measures recommended in the endorsed environmental impact statement and supporting reports shall be implemented for the entirety of the development.

98. The facility operator shall comply with the Biosecurity Act 2015.

ATTACHMENT A – NSW Environment Protection Authority – General Terms of Approval