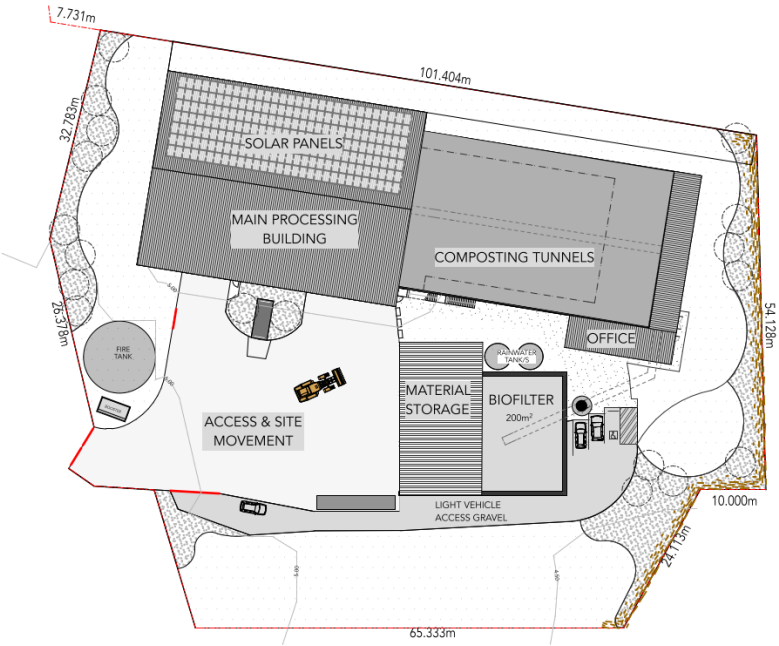


NORTHERN REGIONAL PLANNING PANEL

Panel Reference	PPSNTH-23
DA Number	DA19/0803
LGA	Tweed Shire
Proposed Development	<p>Approval is sought for the construction and operation of a new Organics Processing Facility (OPF) at the subject site. The proposed OPF also seeks approval to compost organic wastes, and manufacture and distribute a range of soil, compost & mulch products.</p> <p>#</p> 
Street Address	298 Bartletts Road, Environ
Applicant/Owner	SoilCo Pty Limited / Tweed Shire Council
Date of DA lodgement	20 November 2019
Number of Submissions	<p>Four public submissions were received, three of which were objecting to the proposed development. The fourth submission was from the Gold Coast Airport.</p> <p>Submissions have also been received from/on behalf of the following Public Authorities:</p> <ul style="list-style-type: none"> • Environmental Protection Agency (EPA); and

	<ul style="list-style-type: none"> • Transport for NSW (TfNSW).
Recommendation	Approval with conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	<p><i>Composting facilities or works, which meet the requirements for Designated Development under clause 13 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.</i></p> <p>The proposed development is Designated Development pursuant to clauses 13(a), 13(b)(i), 13(b)(ii) and 13(b)(v) of Schedule 3 to the EP&A Regulations 2000.</p> <p>Having a CIV of \$8.25 million and being Council related development over \$5 million, the Northern Regional Planning Panel is the determining authority, pursuant to clause 3 of Schedule 7 of the State & Regional Development SEPP.</p>
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • <u>List all of the relevant environmental planning instruments: s4.15(1)(a)(i)</u> SEPP No. 33 – Hazardous and Offensive Development SEPP No. 44 – Koala Habitat Protection SEPP No. 55 - Remediation of Land SEPP (Infrastructure) 2007 Tweed Local Environmental Plan 2014 • <u>List any relevant development control plan: s4.15(1)(a)(iii)</u> Tweed DCP Section A2 – Site Access & Parking Code Tweed DCP Section A3 - Development of Flood Liable Land Tweed DCP Section A13 – Socio-Economic Impact Assessment Tweed DCP Section A15 – Waste Minimisation & Management Tweed DCP Section A16 – Preservation of Trees or Vegetation Tweed DCP Section A19 – Biodiversity & Habitat Management
List all planning legislation requirements that the consent authority <u>must</u> consider	<ul style="list-style-type: none"> • Clause 13 of SEPP 33 – Hazardous and Offensive Development; • Clause 7 of SEPP 55 – Remediation of Land; • Clause 104 of SEPP (Infrastructure) 2007; and • Clause 2.3(2), 5.10(8), 7.2(3), 7.3 and 7.10 of the Tweed LEP 2014.

	All of the applicable consent considerations associated with the abovementioned SEPP's and LEP clauses have been addressed within the body of this report.
List all documents submitted with this report for the Panel's consideration	Section 4.15 Assessment Report including proposed conditions of consent. Architectural Plans associated with the proposed development.
Report prepared by	Colleen Forbes (Team Leader Development Assessment)
Report date	8 July 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

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

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

Conditions

Have draft conditions been provided to the applicant for comment?

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

Assessment Report and Recommendation

FILE NO: DA19/0803

REPORT TITLE:

Development Application DA19/0803 for an organic waste management facility (NRPP) at Lot 1 DP 590220 & Lot 5 DP 221825; No. 298 Bartletts Road EVIRON

SUMMARY OF REPORT:

Council is in receipt of a development application seeking consent for the construction and operation of a new Organics Processing Facility (OPF) at the subject site, which is located at Bartletts Road, Eviron.

The subject site, which is approximately 35ha in area, incorporates the existing Stotts Creek Resource Recovery Centre (SCRRC). It is proposed to locate the OPF in the north eastern portion of the site, using the existing access associated with the SCRRC.

The proposed facility would, once operational, be capable of undertaking the following activities:

- Composting of 25,000 tonnes per annum (tpa) of Food and Garden Organics (FOGO);
- Manufacture 27,500 tpa of soil conditioners by blending of soil, compost and mulch products; and
- Storage and distribution of 27,500 tpa of soil, compost and mulch products that are produced on site.

The proposed volumes of material associated with the composting of food and organics trigger the provisions of clause 13 of Schedule 3 of the *Environmental Planning and Assessment (EP&A) Regulation 2000*, resulting in the proposal being classified as Designated Development.

In addition, the proposed development meets the Regional Development Criteria under Schedule 3 of the EP&A Act 1979, being a Council related development over \$5 million. As such, the Northern Regional Planning Panel is the determining authority for the proposed development.

Being Designated Development, the proposed use requires the approval of the Environment Protection Agency (EPA), who following a detailed assessment and several requests for information from the proponent, has issued General Terms of Approval for the development.

The proposed hours of operation (composting and processing operations) are:

- 7:00am to 7:00pm, Monday to Friday.
- 8:00am to 4:00pm, Saturday, Sunday and Public Holidays.

A range of infrastructure is proposed to be constructed at the site, including:

- A processing building;
- Composting tunnels;
- Water and air management infrastructure
- Office & amenity structure; and
- Pavements & landscaping.

#

The main issues arising from the assessment of this application include:

- The management of odour and noise associated with the processing of the FOGO; and
- The management of leachates from green waste.

Being Designated Development, the proponent was required to prepare an Environmental Impact Statement in accordance with the requirements of the Secretary's Environmental Assessment Requirements (SEAR's). The proposed development is considered to have satisfactorily addressed the SEAR's. The application was forwarded to relevant public authorities and their comments are incorporated into the assessment report. The proposed development was advertised in accordance with the provisions of the EP&A Act, with four submissions received. The issues raised within the submissions largely relate to odour, noise and traffic. These are detailed later in this report.

A detailed assessment has been undertaken against all relevant legislation, including the Tweed LEP 2014 and the Tweed Development Control Plan 2008.

Potential impacts arising from the proposed development include: traffic impacts; noise impacts; odour impacts; and stormwater drainage impacts. The proposal was supported by a number of documents (including but not limited to): Architectural Plans; Traffic Impact Assessment; Noise Impact Assessment; Stormwater Quality Management Plan; and Odour Impact Assessment. A detailed assessment of the potential impacts associated with the proposed development is provided within the body of this report.

Council's Development Assessment Unit, Environmental Health Unit, Water & Wastewater Unit, Roads & Stormwater Unit, Development Engineering Unit, Building Unit and Sustainability & Environment Unit have assessed the proposed development with regard to potential impacts arising from the proposed development. No objections were raised by Council officers, subject to the imposition of relevant conditions of consent, including General Terms of Approval from the EPA.

There are a number of planning legislation requirements that the consent authority must consider. A detailed assessment of the relevant clauses is noted within the report. A summary is noted below:

- **Clause 13 of State Environmental Planning Policy (SEPP) No 33 – Hazardous and Offensive Development.** Council officers are satisfied that the proposal is not a hazardous industry and appropriate management strategies will be imposed to manage any offensive impacts associated with the proposal;
- **Clause 7 of SEPP No 55 – Remediation of Land.** The proponent's assessment of the subject site concluded that the land is not contaminated and is suitable for the proposed development. Council officers are satisfied that the proposed development meets the provisions of clause 7 of SEPP 55;

- **Clause 104 of Infrastructure SEPP 2007 – Traffic Generating Development.** Clause 104 requires the consent authority to consider accessibility of the site as well as traffic / transport impacts associated with the development. Council officers are satisfied that the proposed development meets the provisions of clause 104 of the Infrastructure SEPP;
- **Clause 2.3(2) of the Tweed Local Environmental Plan 2014 – Zone objectives and Land Use Table.** Clause 2.3 (2) states that the consent authority must have regard for the objectives for development in a zone when determining a development application in respect of land within the zone. The proposed development is considered to satisfy the zone objectives for the subject site;
- **Clause 5.10(8) of the Tweed Local Environmental Plan (LEP) 2014 – Heritage Conservation.** Clause 5.10(8) requires the consent authority to consider the effects of the proposed development on cultural heritage significance. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clause 5.10(8) of the Tweed LEP 2014;
- **Clause 7.2(3) of the Tweed LEP 2014 – Earthworks.** Clause 7.2(3) requires the consent authority to consider effects and potential impacts on the site and surrounding locality as a result of the proposed earthworks. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clause 7.2(3) of the Tweed LEP 2014;
- **Clause 7.3 of the Tweed LEP 2014 – Flood Planning.** The provisions of clause 7.3 require the consent authority to consider potential impacts and compatibility of the proposed development in terms flooding. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clause 7.3 of the Tweed LEP 2014; and
- **Clause 7.10 of the Tweed LEP 2014 – Essential Services.** Clause 7.10 requires the consent authority to consider essential services for the proposed development. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clause 7.10 of the Tweed LEP 2014;

In summary, the proposed development is considered satisfactory, subject to the imposition of suitable conditions of consent to address and mitigate key issues relating to potential impacts arising from the proposed development. The application has been assessed in detail against the relevant matters for consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, including impact assessment, suitability of the site and public interest, and is considered satisfactory.

As such, it is recommended that the proposed development be approved, subject to conditions documented in the recommendation at the end of this report.

REPORT:

Applicant: Soilco Pty Ltd
Owner: Tweed Shire Council
Location: Lot 1 DP 590220 & Lot 5 DP 221825; No. 298 Bartletts Road EVIRON
Zoning: SP2 - Infrastructure (Waste Management Facilities)
Cost: \$8,225,448.00

SITE AND SURROUNDS:

The subject site has a total area of 35.01 hectares (ha) and is located at Bartletts Road, Eviron (approximately 10km north east of Murwillumbah).

The proposed OPF is located within the north eastern portion of the SCRRC site (as shown in Figure 1 below), which was formerly partially occupied by a dog pound (demolished in 2019 in accordance with DA19/0376). The OPF site is void of vegetation.



Figure 1 – Proposed OPF location (shown in red) within the SCRRC site

The majority of the site is utilised for the Stotts Creek Resource Recovery Centre (SCRRC), which includes the following areas:

- A weighbridge and associated building at the entrance to SCRRC;
- A series of capped landfill cells to the south of the OPF site;
- An active landfill cell and waste sorting area to the south of the OPF site;
- Administrative buildings in the northwest area of the SCRRC;
- An approved Materials Recovery Facility (MRF) building;
- Bulk waste transfer station;
- Community Recycling Centre;
- Hazardous waste building;
- Small vehicle transfer station; and

- A green waste processing area.

The site immediately to the north is an existing quarry and approved Waste Management Facility (construction and demolition waste – approved by the JRPP in December 2016). Land to the north, east and west of the site is primarily used for sugar cane production. The nearest dwelling houses to the development site are shown in Figure 2 below (marked as R1, R2 and R3).



Figure 2 – Location of nearby dwellings (R1, R2 and R3)

BACKGROUND:

The application has been submitted by SOILCO, having been successful in the tender for the construction and the operation of the proposed OPF on behalf of Tweed Shire Council (TSC).

SOILCO is a producer of organic soil improvers, manufacturing a range of soil, compost and mulch products. SOILCO's head office is located in Kembla Grange NSW. SOILCO currently operates organics waste facilities at Kembla Grange and "Wogamia", 15km west of Nowra, where it operates a sand & soil quarry, and composting facility.

TSC currently generates 40,500 tonnes of household waste per annum, of which approximately 13,000 tonnes are food organics and garden organics (FOGO), collected in a compulsory bin-based service from households. This FOGO is currently taken to the SCRRC where it is bulk loaded out for processing elsewhere. There is currently no organics processing facility within the Northern Rivers of NSW with sufficient capacity to receive this material.

In addition to the Council bin-based organics, approximately 5,000 tonnes per annum of self-haul garden organics is received and processed at the SCRRC.

TSC was awarded \$2.1 million in grant funding under the NSW Environment Protection Authority (EPA) 'Waste Less, Recycle More' program for the establishment of an organics processing facility.

Council issued an Expression of Interest for the construction and operation of an organics processing facility in October 2018, and from this, four companies were invited to submit tenders in January 2019.

Council announced SOILCO as the successful tenderer in May 2019. As the successful tenderer, SOILCO is required to obtain the appropriate approvals from local government and the EPA to construct and operate the facility.

Presently, FOGO is received at the SCRRC in rigid waste trucks, it is then sorted, with any contamination sent to landfill and the remaining organics sent to an external facility for further processing. The OPF would provide an opportunity to process all the organic waste received at the SCRRC on-site and reduce the need for further transportation prior to its final dispatch as compost.

Whilst the proposed facility would be located within the SCRRC, it would be operated separately under a license arrangement with Tweed Shire Council.

PROPOSED DEVELOPMENT:

Overview

The Proposal seeks approval to construct and operate a new, purpose-built, Organics Processing Facility (OPF), located at Stotts Creek, that would receive and process up to 25,000 tonnes per annum (tpa) of food organics and garden organics (FOGO). The OPF would manufacture a range of quality assured soil, compost and mulch products for distribution off site.

The proposal involves:

- The construction of a new building for the purpose of receipt and processing of food and garden organic waste;
- The construction of four enclosed, aerated tunnels, specifically designed for the aerobic composting of FOGO;
- The construction of three storage bays for storage and distribution of soil, compost and mulch;
- The provision for air management equipment and construction of a biofilter;
- The provision for water management equipment and construction of storage tanks for re-use of water on site; and
- The construction of a new office and amenities building, associated car parking and landscaping.

The proposed infrastructure would be a purpose-built facility, with buildings that would be used for the following activities:

- FOGO delivery, inspection and processing (shredding and screening);
- FOGO processed in enclosed aerated tunnels would be unloaded and inspected;
- Finished products, including compost and mulch, would be stored;
- Compost and mulch would be screened and refined;
- Composts and soils would be mixed into blends to produce a range of soil conditioning products; and
- Products would be loaded for transport off site. Refer to Figure 3 below for the overall site layout for the proposal.

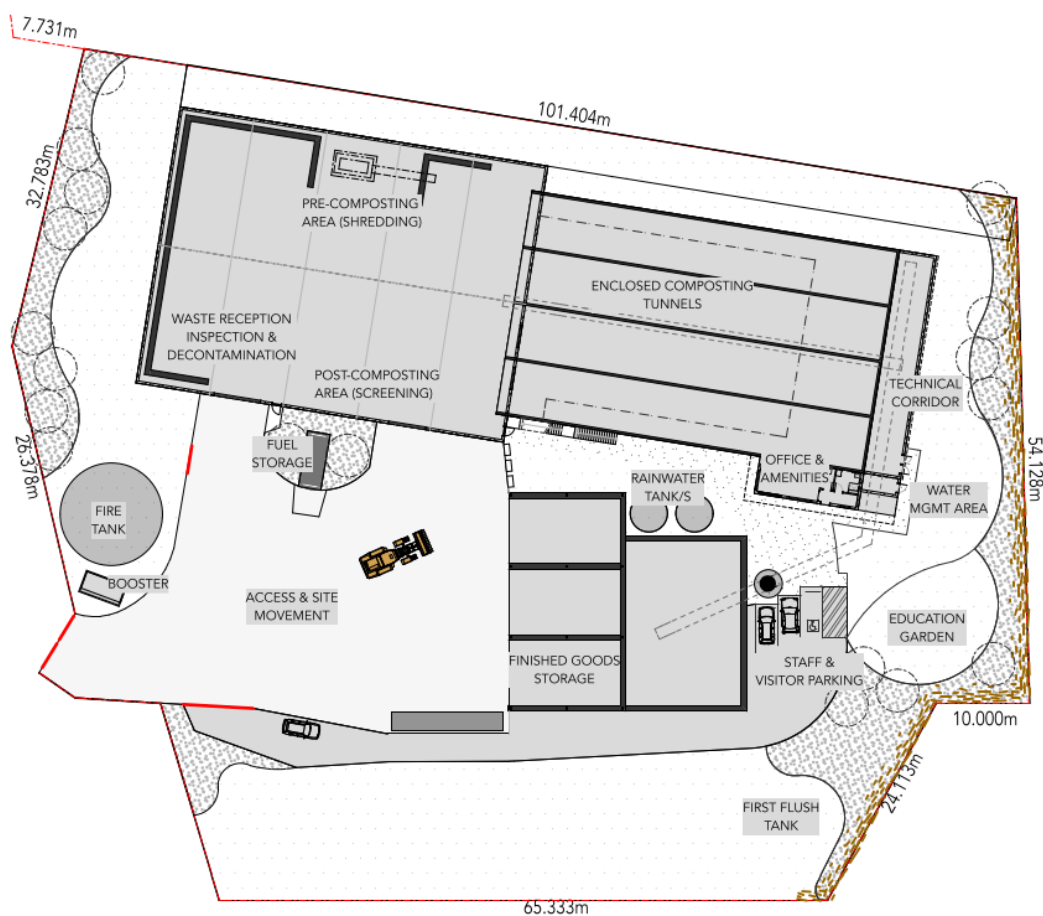


Figure 3 – Proposed Operational Plan

The proponent's EIS provides the following overview of the infrastructure to be constructed at the facility including: the Processing Building; Composting Tunnels; Office & Amenity; and Pavements & Landscaping.

Table 3-1 Description of Organics Processing Building and Functional Areas

Function	Description
Main Processing Building	<ul style="list-style-type: none">• Portal steel frame building.• Galvanised steel column and trusses.• Colourbond wall and roof sheeting and gutters.• Concrete floor drained to leachate system.• Two roller doors for building access.• Central ductwork for transfer of building process air to tunnels, humidifier and biofilter.• North facing solar array flush mounted to roof.
Waste Reception, Inspection and Decontamination Area	<ul style="list-style-type: none">• Concrete floor draining to leachate system.• Located at western end of main processing building with concrete push wall.• Appropriate signage to co-ordinate traffic movements as well as the unloading of materials.• Bins, with appropriate signage for the short-term storage of contamination materials and recovered commodities.
Pre-Composting Area (Mobile Shredding & Screening)	<ul style="list-style-type: none">• Concrete floor draining to leachate system.• Located on northern side of main processing building with concrete push wall.• Mobile slow speed shredder with bio basket for size reduction of FOGO following inspection and prior to mixing.• Mobile Screen for further particle size classification and removal of plastic and metal contamination prior to composting if required.
Post Composting Area (Screening, Shredding, Quality Testing and Release)	<ul style="list-style-type: none">• Concrete floor draining to leachate system.• Located on southern side of main processing.• Mobile screen for further particle size classification and removal of contamination prior to maturation.





Table 3-2 Organics Composting Infrastructure

Function	Description
Enclosed Composting Tunnels	<ul style="list-style-type: none"> • Located at the eastern end of the processing building. • Concrete floor, wall and ceiling with airtight doors, in-ground air supply channels ("spigot floor"). • Leachate collection and drainage to leachate system. • Sprinklers for composting irrigation (using leachate).
Technical Corridor for Composting Tunnels	<ul style="list-style-type: none"> • Portal steel frame building. • Galvanised steel column and trusses. • Colourbond wall and roof sheeting and gutters. • Located at the rear of the tunnels. • Contains fan, water control and data reading device for each tunnel. • Data relay system to site office computer for Supervisory Control and Data Acquisition.
Finished Goods Storage Area	<ul style="list-style-type: none"> • Undercover storage area with concrete push walls to rear and side located to the south of the composting tunnels. • Internal bay spacing for separation of finished goods batches / products. • Portal steel frame building, open sided. • Galvanised steel column and trusses. • Eave height of 6m with gable roof with 7.5-degree pitch. • Colourbond roof sheeting and gutters. • Concrete floor with water runoff and drainage to sump.
Odour Management Area	<ul style="list-style-type: none"> • Located to the east of the finished goods maturation and stockpile area. • Ductwork for transfer of process air from building and tunnels to humidifier. • Air management system (humidifier) for saturation/cooling of air and removal of dust prior to biofilter. • Air supply ductwork to biofilter. • Biofilter with in-ground air channels, surface water collection and drainage to leachate sump. Sprinkler systems for irrigation of non-potable water to avoid material drying out.
Water Management Area	<ul style="list-style-type: none"> • Below ground, leachate storage tank with collection from processing building and tunnels and recirculation piping to water management system. • Above ground non-potable rainwater collection tank with recirculation to water management system and outflow piping. • Water management system including sediment removal screen and buffer tank to mix leachate with potable and non-potable water supplies. Recirculation piping to composting tunnels. • Overflow of non-potable water from rainwater collection tank to existing stormwater pond. • Bunding, where required, for external surface stormwater runoff capture from external pavements and return to leachate storage tanks for reuse.

Table 3-3 Facility Infrastructure

Function	• Description
Site Office, Amenities and Technical Corridor	<ul style="list-style-type: none"> • Air-conditioned office with associated amenities. • Location for process control computer, • PLC within technical corridor. • Separated light vehicle access.
Visitor & Staff Parking Area	<ul style="list-style-type: none"> • Staff and visitor vehicle parking spaces. • Asphalt roads with surface water collection and drainage. • Appropriate signage to co-ordinate all pedestrian and traffic movements.
Site access and inter-site movement roads	<ul style="list-style-type: none"> • External pavements / roads with water runoff and drainage for OPF access (within nominated area only). • Separate heavy vehicle access to OPF. • Entry and exit to organics processing building. • Loading area for distribution of finished goods. • Parking of heavy vehicles & mobile processing equipment. • Maintenance access to air and water management infrastructure. • Surface water collection and drainage to first flush storage tank. • Fuel storage area (above ground tank within bunded container with sump and level alarms). • Appropriate signage to co-ordinate all pedestrian, traffic and mobile equipment movements.
Fire Services	<ul style="list-style-type: none"> • Water supply line connection at facility boundary for hose reels. • Above ground water storage tank with hydrant and booster connections.
Electrical Services	<ul style="list-style-type: none"> • Upgrade as required with new transformer within SCRRC. • External lighting for car parking and hardstand. • Solar including inverter (refer to processing building).

Table 3-4 Proposed Plant and Equipment

Function	Description
<p>Front End Loader</p> 	<p>Volvo L90F (or similar). 4.0m³ high tip bucket.</p>
<p>Telehandler</p> 	<p>JCB 527-58 (or similar). 1.0m³ GP bucket, fork tynes & road sweeper.</p>
<p>Shredder</p> 	<p>Komptech Crambo 3400 (or equivalent). Slow speed, dual shaft shredder. Armoured shafts, hard faced and bio cartridge.</p>
<p>Screen</p> 	<p>Komptech Multistar S3 (or similar) On hook lift platform with hydraulically lowering wheels and towing attachment for manoeuvring on site</p>
<p>Storage Bins</p>	<p>Hooklift containers for storage of waste materials removed during inspection, decontamination or extracted from the screening equipment. Bins for transfer of waste materials to hooklift containers (from unloading and inspection area)</p>

Composting Infrastructure and Processes

With regard to composting infrastructure and processes, the proponent has identified that the proposal would utilise aerobic composting methods that include the following process control points:

- *“Receipt: unloading in nominated area depending on incoming material type;*
- *Sorting and size reduction: shredding and screening of materials in order to create more uniform sizing and remove contamination;*
- *Batching: accumulation and placement within composting tunnels;*
- *Pasteurisation: controlled microbiological transformation of organic materials under aerobic and thermophilic conditions for a designated number of days, turns and specified temperature (plus 55°C);*

- *Composting: aerobic conditions continued to be maintained as per pasteurisation for a designated number of days, turns and specified temperature (below 55°C); and*
- *Maturation: Although the compost temperature is close to ambient during the curing phase, chemical reactions continue to occur that make the remaining organic matter more stable and suitable for use with plants. Drying of material from above 40% during pasteurisation and composting to approximately 25% prior to screening and quality release is also preferred."*

#

Composting Tunnels

The EIS notes that the composting tunnels consist of a "...sealed concrete structure with an airtight door at the building which is equipped with an open / close lifting mechanism for front end loader access. The slab houses a series of parallel PVC pipes laying lengthwise which are incorporated in the concrete. These pipes have tapered plastic nozzles (spigots) that provide the mechanism for supply of air and collection of leachate and is known as the "aeration floor".

The functional description for the tunnel operation is stated as follows:

- *The front doors are shut and provide a seal. Water is introduced at high level from sprinkler pipe work running along the walls;*
- *Air is introduced from the rear of the aerated floor via the spigot pipe system;*
- *Leachate derived from the decomposing waste drains into the spigot floor pipe system and is collected at the front of the tunnels for treatment by the water management system; and*
- *The tunnels are operated as individual units with separate process controls.*

The "spigot floor" in each tunnel provides air through to the material and accepts leachate for transfer away."



Figure 3-6 Construction of the spigot floor utilised for the composting tunnels



Figure 3-7 Loading of enclosed tunnels with FOGO at SOILCOs Kembla Grange facility (NSW)

Tunnel Air Management

In terms of tunnel air management, the EIS notes that each tunnel "...has its own centrifugal fan that blows a mixture of fresh air and process air through the air plenum via the spigot pipes to the composting material. Pressurised air flows through the material mixture from the spigots ensuring intensive contact between the air and the mixture. In this way, the composting process can be controlled properly, and aerobic conditions can be maintained in the complete batch of material being processed. The mixture of fresh air and process air is set using the computer controlled, electrically actuated valves.

The re-circulation air supply valve is mechanically linked to the fresh air supply valve and its operation is exactly opposite to the fresh air-supplying valve. If less re-circulation air is supplied, more fresh air is automatically blown through the material.

Each composting tunnel has its own aeration system and is connected to two central air ductworks:

- 1. the central fresh air supply ductwork; and*
- 2. the central process air discharge ductwork for the warm and humid air released during the composting process going to the biofilter.*

The discharge air connection to the tunnels is equipped with a motorised air valve, which ensures that a separate negative pressure is kept inside each tunnel. Negative pressure is maintained throughout the process in order to prevent polluted and odorous air being released inside the processing building."

Building Air Management

With regard to building air management, the EIS states that "...Air is continuously drawn from the processing building in order to maintain negative pressure at all times. The air from the processing building is discharged using axial flow fans and a central duct located in the ridge of the building. Air flow is measured on the suction side of the fans and this data is displayed on the visualisation computer.

The air flow rate can be adjusted by setting the fan's capacity as the fan is equipped with a frequency transformer. A temperature control for the biofilter air supply is built into the control software.

The minimum and maximum values are entered and adjusted using the computer. When the minimum temperature is reached, the fans' capacity drops. When the maximum temperature is reached, the fans' capacity increases.

Some of the air evacuated from the areas is used as fresh air for the tunnels. A constant air supply pressure is required in the tunnels' fresh air supply duct to adequately control the process. A by-pass connection to the biofilter fans is built-in as the volume of air required by the tunnel varies. Based on the pressure measurement feedback, the by-pass valve is activated. The pressure can be set using the computer.

Figure 3-9 provides an example of the central building ductwork installed at SOILCO's Kembla Grange facility."

#



Figure 3-9 Example of central ductwork for extraction of process air from the building

Humidification of Process Air

The proponent's EIS details that a humidifier is "...installed prior to the biofilter. The humidifier unit removes (scrubs) dust particles and ensures the air flowing to the biofilter has a stable temperature and moisture level. This is essential for maintaining optimum conditions within the substrate of the biofilter. After the air humidifying process, the air flows to the biofilters. Droplet dischargers are mounted on the output side to prevent too much water being transported to the biofilters.

Figure 3-10 provides an example of the humidifier and ductwork installed at SOILCO's Kembla Grange facility. The equipment is located on top of the tunnels due to the reduced footprint of the facility. The proposed humidifier and ductwork for the SCRRC OPF is located outside the building at the rear of the tunnels behind the fan corridor."

#



Figure 3-10: Example of humidifier and ductwork

#

Biofilter

The EIS also notes that after humidification, "...the process air is delivered to a plenum underneath the biofilter. The biofilter consists of a concrete basin divided into different distribution fields. The biofilter floor consists of perforated concrete slabs supported by walls which allow the air to flow evenly under the complete distribution field. The process air is blown into an air plenum, flows under the biofilter floor and from here through the biofilter substrate which consists of a mixture of very coarse hardwood timber mixed with coarse softwood bark. The biofilter material is specified and inspected prior to delivery and installation in order to verify compliance, optimise air flow capacity and life, limiting pressure loss and providing good moisture holding capacity.

The proposed biofilter is not covered. An open biofilter is exposed to weather, with any water captured and transferred to the leachate storage system for use in the composting process.”

#

Access, Parking and Hardstand Areas

Access to the proposed OPF will be via an upgraded existing bitumen road leading from the SCRRC weighbridge. A boom gate would be located at the OPF entrance, which would be linked to the ticketing system at the SCRRC weighbridge for security.

It is proposed that heavy vehicles would enter the site and empty all waste within the proposed building. No organic waste would be unloaded outside the building. Loading of compost and soil products into heavy vehicles would be undertaken on the hardstand apron in front of the building.

Three car parks would be provided for site staff and visitors, with parking available for a minimum of one articulated vehicle.

Construction traffic would access the site via the former Dog Pound access road. This would be subsequently closed prior to commissioning of the OPF, as shown in Figure 4 below.

The EIS notes that the operational area of the OPF would be covered by hardstand or buildings and that all hardstand areas (approximately 1,180m²) would be serviced by appropriate drainage, dust suppression systems and appropriate signage to coordinate traffic. The hardstand includes all external areas where heavy and light waste vehicles park or wait to load/unload, if necessary.

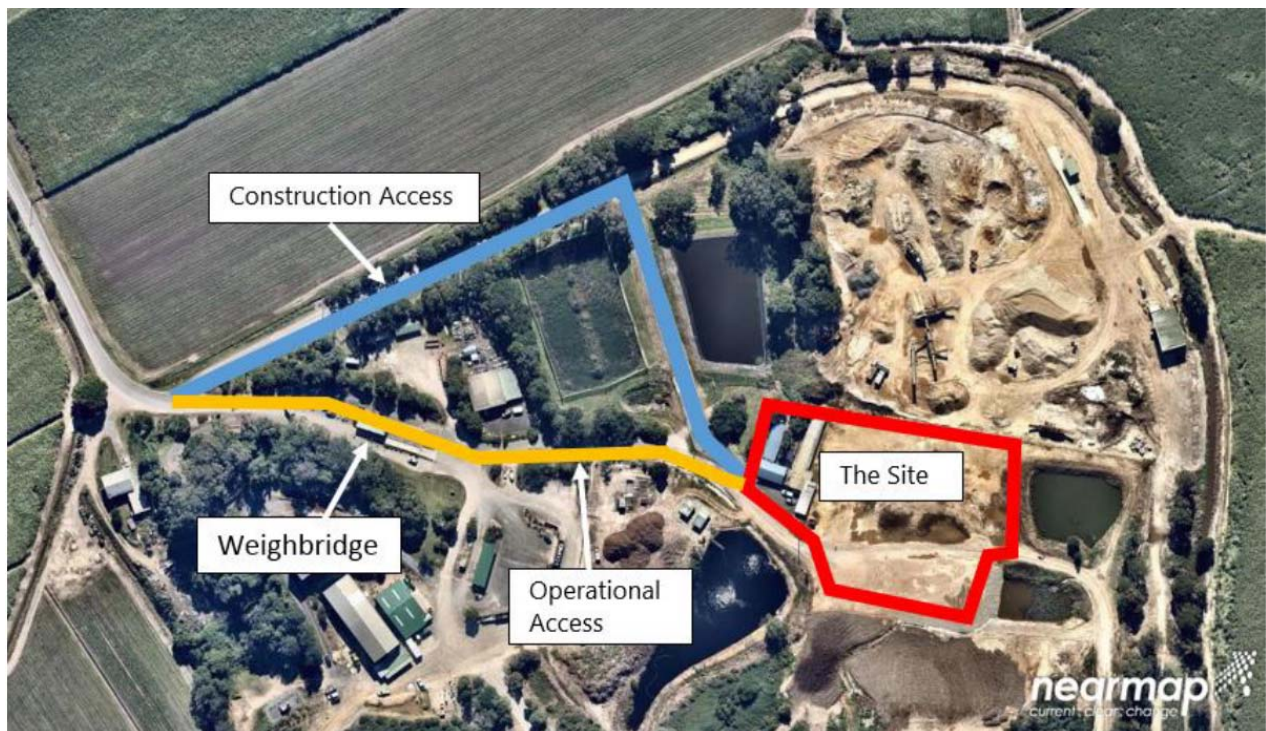


Figure 4 – Site Access Plan

Organics Processing Facility (OPF) Process

The proposed OPF would process the received material and process the material in the following stages.

- **Stage 1 – Feedstock Receive.** Once the vehicle had been weighed in at the SCRRC weighbridge, all loads carrying feedstock for the OPF would be verified as the vehicle enters the Site. A site operator would check the suitability of the feedstock for the OPF with the driver. It would then be directed to the unloading area inside the processing building.

The unloading supervisor would assess each load with respect to compliance with the feedstock specifications:

- Any loads that visually do not meet the specification with respect to contamination would be moved to a quarantine hardstand area for detailed inspection by SOILCO;
 - Any loads that contain hazardous materials would be moved to a hazardous waste quarantine area for detailed inspection by SOILCO; and
 - All loads that are not suitable for processing through the OPF due to excess contamination or hazardous materials, would be removed from site and disposed of at a suitably licenced facility.
- **Stage 2 – Sorting and Size Reduction (Shredding).** After pre-sorting, products would then be processed with a slow speed shredder. A slow speed machine is used to keep noise and dust generation to a minimum, whilst ensuring that any physical contaminants (e.g. plastic, glass, rubber) remain intact to make it easier for removal when further sorting takes place after composting.
- **Stage 3 – Mixing.** Unloading and any necessary mixing would be undertaken indoors within the mixing area in front of the aerated tunnels by a Front-End Loader. Once the material is mixed to specification it would be moved by the Loader to the designated aerated tunnel.
- **Stage 4 – In Vessel Aerated Tunnel Pasteurisation and Composting.** The material would be loaded by Loader into one of the four purpose built aerated tunnels for in-vessel composting. The material in each tunnel would be given a batch number, which would follow it through the process to point of sale. All data recorded during the process would be referenced to the batch number. Using an intermediate turning or screening process after each phase is achieved ensures compliant compost and mulch for refining prior to being moved to a small maturation area.
- **Stage 5 – Refining.** The matured material is removed from the enclosed tunnels and screened. The fines fraction would be transferred by the Front End Loader to either a manufacturing area for further value adding or a storage area ready for distribution. The oversized fraction would be re-introduced to the composting stream for further processing. All composts manufactured at the facility would meet Australian Standard 4454 and any relevant Resource Recovery Orders.
- **Stage 6 – Product Manufacturing.** The fines fraction would be used in the manufacture of both bulk and bagged products. Imported sand and soil may be mixed with the fines in line with

SOILCO's product specifications and customer requirements. SOILCO's process control system ensures that best management practices would be adopted, and all measures are taken to minimise risks. Composts, soil conditioners and mulches would be manufactured to conform to Australian Standard AS-4454:2012 and relevant NSW EPA Resource Recovery Orders for land application of organics. These standards set out minimum requirements for composted products being applied to land. By following these procedures, products of consistent quality would be produced.

- **Stage 7 – Product Supply Chain.** The finished products would be exported from the site to distribution outlets or direct to commercial customers and jobs. Some product would be bagged on site and made available to Tweed Shire Council constituents via the SCRRC sales area.

#

Operating Hours

Operating hours for the proposed OPF are:

- 7am to 7pm Monday – Friday; and
- 8am to 4pm Saturday, Sunday & Public Holidays

DEVELOPMENT NEEDS & ALTERNATIVES:

The EIS notes that the NSW Government has recognised that to meet *the NSW Waste Avoidance and Resource Recovery (WARR) Strategy 2014-21* targets, a significant investment in recycling infrastructure across NSW will be required.

It is also noted that the TSC *Waste Management Strategy* identifies that the FOGO service presents the most cost effective opportunity to TSC to achieve a significant improvement in resource recovery performance.

From a strategic point of view, the WARR Strategy identifies FOGO waste as “...*the major untapped waste sources in the municipal solid waste stream*”, with up to 40% of waste in household red lid bins sent to landfill is food and garden waste that could be composted.

The EIS notes that all source separated kerbside FOGO collected within the Tweed LGA is currently sent to the SCRRC before being sorted and sent offsite for further processing. The proposed OPF is of strategic importance as it will eliminate the need to export waste to an external facility.

As stated in the EIS, the proposed OPF will provide a solution for processing all organic waste collected by TSC, with the facility providing for 25,000 tpa of recycling capacity by processing FOGO into compost.



Several alternatives were considered, these being: Option 1 – business as usual; Option 2 – construct a new facility at an alternative site; or Option 3 – upgrade the existing SCRRC facility to provide for the proposed OPF.

In summary, the EIS notes that Option 3 best meets the objectives of the proposal due to the location and suitability of the existing SCRRC site. In addition to the creation of two new fulltime jobs, the EIS notes that the proposed OPF will “...*provide an opportunity to:*

- *Facilitate current and future recycling of organics, including source specific waste materials such as commercial food waste and agricultural and forestry residues;*
- *Provide extra capacity for the recovery of organic materials; and*
- *Make a positive contribution to NSW WARR targets”.*

AERIAL PHOTO:

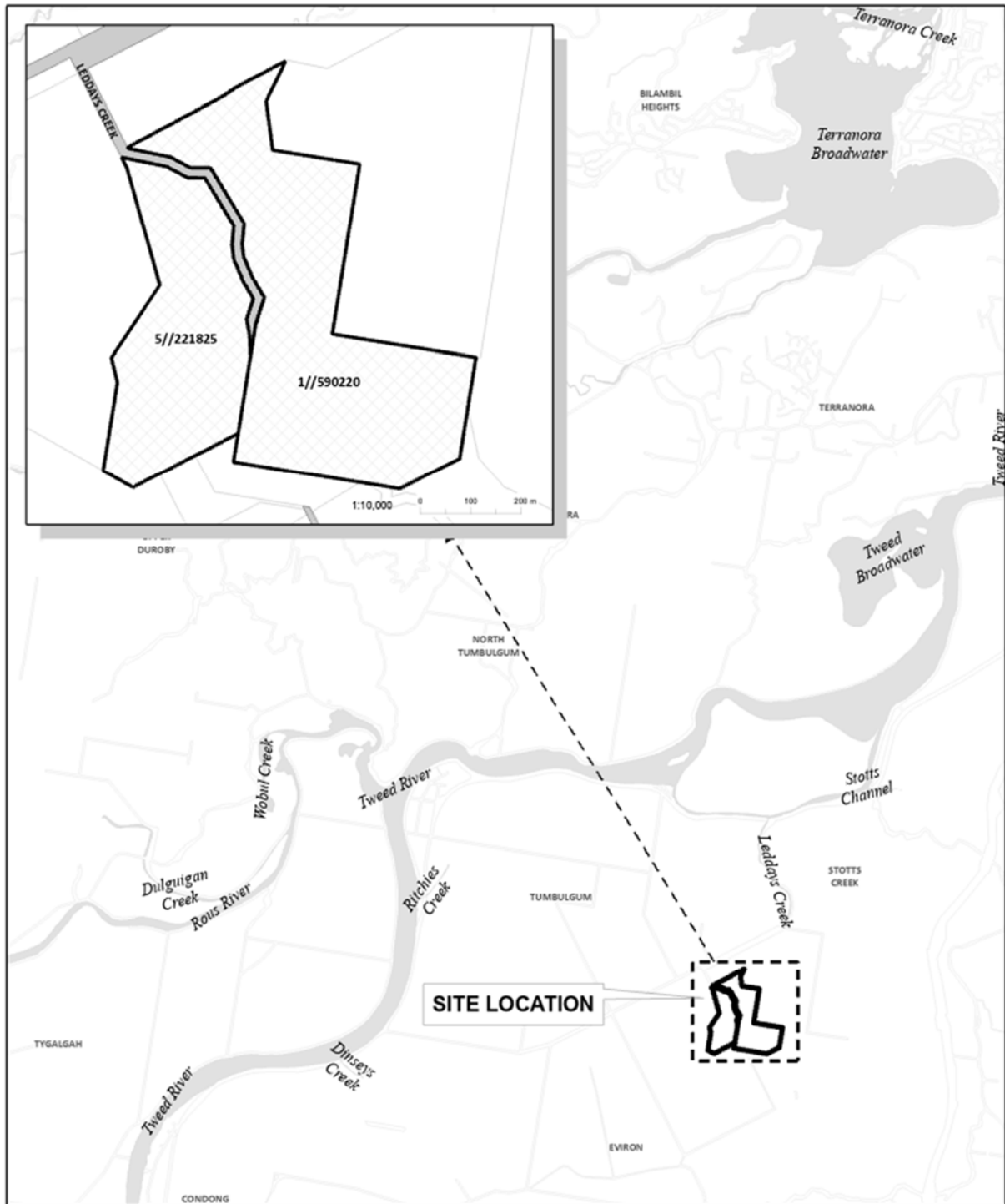


 <p>1:5,000 A4 Portrait 0 50 100 m</p> <p>DO NOT SCALE ESRI ONLY - NOT CERTIFIED</p> <p>Map Projection: Universal Transverse Mercator Horizontal Datum: Gaeleitic Datum of Australia 1994 Grid: Map Grid of Australia, Zone 56</p> <p>GDA</p>	 <p>Civic and Cultural Centre 3 Tumbalong Road Myerburn NSW 2484 PO Box 878 Myerburn NSW 2484</p> <p>TWEED SHIRE COUNCIL</p> <p>T (02) 6670 2400 / 1300 262 872 F (02) 6670 2429 W www.tweed-shire.nsw.gov.au E planning@tweed.nsw.gov.au</p>	<p>Aerial Photography April 2018</p> <p>Lot 1 DP 590220 and Lot 5 DP 221825 298 Bartletts Road, EVIRON</p>	<p>© 2018 Imagery - Tweed Shire Council © Cadastre - Tweed Shire Council <i>Boundaries shown should be considered approximate only.</i></p>
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Author: G. Lunn - GIS Date Printed: 30 June 2020

SITE PLAN:



Site Plan

Lot 1 DP 590220 and Lot 5 DP 221825
298 Bartletts Road, EVIRON

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Coordinate System - MGA Zone 56
Datum - GDA 94

Cadastral: 30 June, 2020
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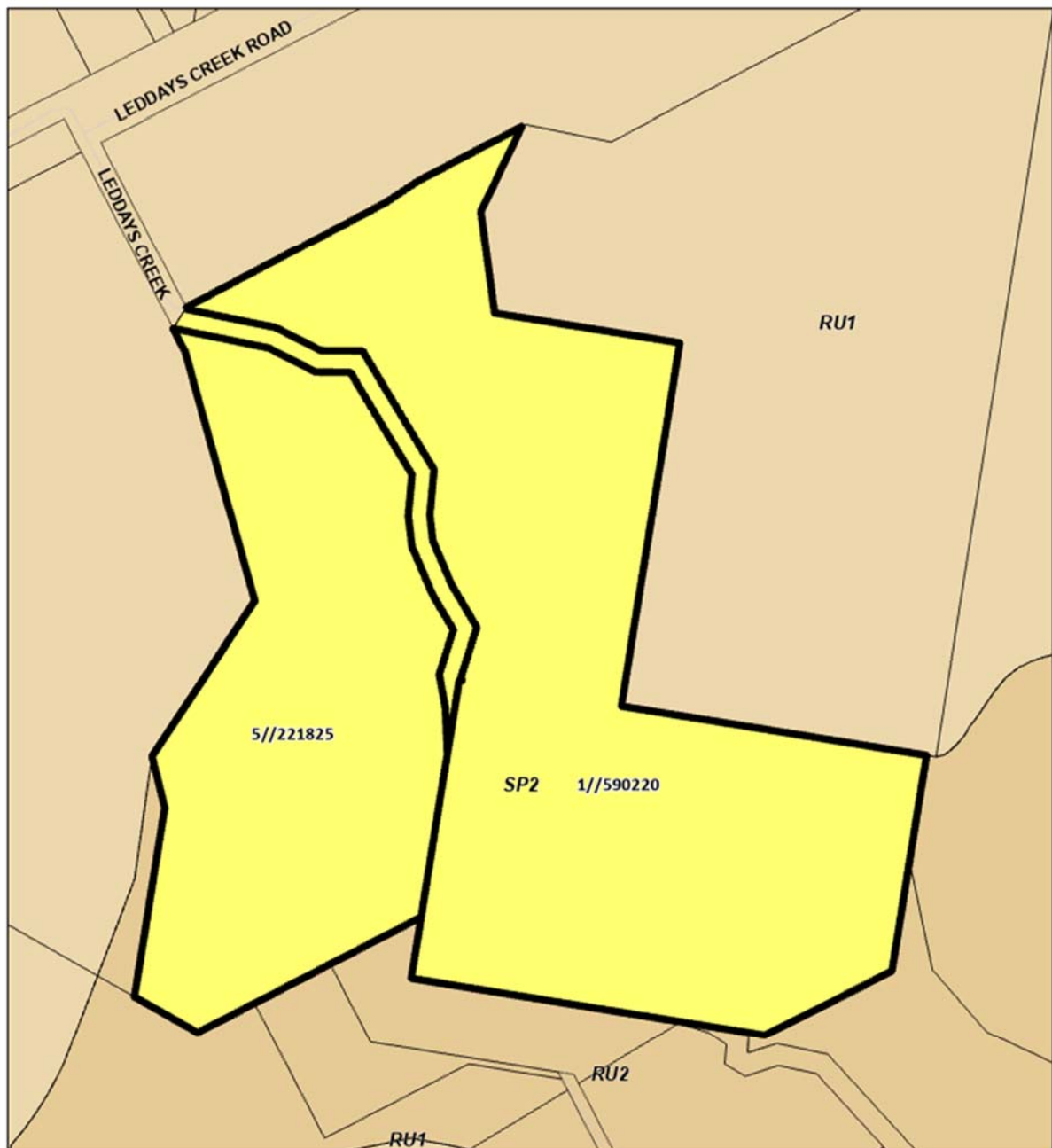
TWEED
SHIRE COUNCIL

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Author: C. Lees - Information Technology

Date Printed: 30 June, 2020

ZONING DIAGRAM:



Subject Land

Subject Land

Tweed Local Environmental Plan 2014

RU1 Primary Production

RU2 Rural Landscape

SP2 Infrastructure



Site Plan - Local Environmental Plan

Lot 1 DP 590220 and Lot 5 DP 221825
298 Bartletts Road, EVIRON

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Date Printed: 30 June 2020

CONSIDERATIONS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT REGULATIONS 2000:

Schedule 3 – Designated Development

Part 1 of Schedule 3 of the Environmental Planning & Assessment (EP&A) Regulations relates specifically to the types of development that is considered as Designated Development. If a proposal triggers any of the thresholds associated with a particular use, it is declared to be designated development for the purposes of the EP&A Act and the development application must be accompanied by an Environmental Impact Statement (EIS). In addition, any objectors to the proposal have rights of appeal on merit. An assessment of the clauses of Schedule 3 applicable to the proposed development is noted below.

13 Composting facilities or works

Clause 13 relates to **composting facilities or works** (being works involving the controlled aerobic or anaerobic biological conversion of organic material into stable cured humus-like products, including bioconversion, biodigestion and vermiculture) —

- (a) that **process more than 5,000 tonnes per year of organic materials**, or
- (b) that are **located** —
 - (i) in or **within 100 metres of a natural waterbody**, wetland, coastal dune field or environmentally sensitive area, or
 - (ii) **in an area of high watertable**, highly permeable soils, acid sulphate, sodic or saline soils, or
 - (iii) within a drinking water catchment, or
 - (iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or
 - (v) **on a floodplain**, or
 - (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

The proponent has identified that the provisions of Clause 13(a), 13(b)(i), 13(b)(ii) and 13(b)(v) apply.

32 Waste management facilities or works

Clause 32 incorporates a number of thresholds applying to waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste.

However, it is noted that Clause 32(2)(b) states that Clause 32 does not apply to “...development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule”. Given the specific reference to Clause 13 (composting facilities), it is considered that Clause 32 does not apply in this instance.

As a result of clause 13 being applicable, the proposed development is considered Designated Development and an EIS has been prepared to address the specific requirements issued by the Department, as noted below.

Secretary's Environmental Assessment Requirements (SEAR's)

Given that the proposal is considered to be Designated Development, the proponent was required to request Secretary's Environmental Assessment Requirements (SEAR's) from the Department of Planning & Environment (Department).

The SEAR's issued by the Department in June 2019 requires the proponent to prepare an Environmental Impact Statement (EIS), including an assessment of all potential impacts of the proposed development on the existing environment (including cumulative impacts if necessary) and develop appropriate measures to avoid, minimise, mitigate and / or manage these potential impacts. The EIS assessment must assess the matters raised in the following table.

Secretary's Environmental Assessment Requirements (SEAR's)	Proponent Comments	Council Comments
<ul style="list-style-type: none"> • strategic context - including: <ul style="list-style-type: none"> - a detailed justification for the proposal and suitability of the site for the development; and - a demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCP's), or justification for any inconsistencies; - a list of any approvals that must be obtained under any other Act or law before the development may be lawfully carried out; and - a description of how the proposed expansion integrates with existing on-site operations.# 	<p>Reference is made to Section 2 of the EIS.</p> <p>Reference is made to Section 5 of the EIS.</p> <p>Reference is made to Section 5 of the EIS.</p> <p>Reference is made to Section 3 of the EIS.</p>	<p>The proponent has provided a detailed justification for the proposal & suitability of the site.</p> <p>It is considered that the proposal is consistent with all applicable legislation.</p> <p>The proponent has provided a list of approvals under other Acts that must be obtained.</p> <p>The proponent has noted that the proposed OPF will operate separately under a licence arrangement with TSC, whilst utilising the existing arrangements for the SCRRC</p>
<ul style="list-style-type: none"> • waste management - including: 		<p>The proponent's EIS has incorporated a detailed</p>

Secretary's Environmental Assessment Requirements (SEAR's)	Proponent Comments	Council Comments
<ul style="list-style-type: none"> - details of the type, quantity and classification of waste to be received at the site; - details of the resource outputs and any additional processes for residual waste; - details of waste handling including transport, identification, receipt, stockpiling and quality control; and - the measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021. 	Reference is made to Sections 5.7 of the EIS.	<p>assessment with regard to waste management.</p> <p>Appropriate conditions of consent have been applied to ensure the proposal meets the aims and objectives of the applicable guidelines for resource recovery facilities.</p>
<p>hazards and risk – including a preliminary risk screening undertaken in accordance with the <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> (SEPP 33) and <i>Applying SEPP 33</i> (DoP, 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development. Should preliminary screening indicate that the project is "potentially hazardous" a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (DoP, 2011).</p>	Reference is made to Section 8.13 of the EIS.	The proponent has undertaken an assessment against SEPP 33, concluding that the proposal is <u>not</u> hazardous development and as such a PHA is not considered necessary.
<ul style="list-style-type: none"> • air quality - including: <ul style="list-style-type: none"> - a description of all potential sources of air and odour emissions; - an air quality impact assessment in accordance with relevant Environment Protection Authority Guidelines; and - a description and appraisal of air quality impact mitigation and monitoring measures. 	Reference is made to Section 8.4 and Appendix E of the EIS.	The proponent has supported the proposed development with an Air Quality Assessment in relation to air quality, and odour. It is considered that the proposed development has satisfactorily addressed the air quality provisions of

Secretary's Environmental Assessment Requirements (SEAR's)	Proponent Comments	Council Comments
		the SEAR's, subject to conditions of consent.
<ul style="list-style-type: none"> • noise and vibration - including: <ul style="list-style-type: none"> - a description of all potential noise and vibration sources during construction and operation, including road traffic noise; - a noise and vibration assessment in accordance with relevant Environment Protection Authority Guidelines; and - a description and appraisal of noise and vibration mitigation and monitoring measures. 	Reference is made to Sections 8.5 and Appendix F of the EIS.	The proponent has supported the proposed development with an Noise Impact Assessment in relation to noise and vibration. It is considered that the proposed development has satisfactorily addressed the noise and vibration provisions of the SEAR's, subject to conditions of consent.
<ul style="list-style-type: none"> • soil and water - including: <ul style="list-style-type: none"> - Description of local soils, topography, drainage and landscapes; - Details of water usage for the proposal including existing and proposed water licencing requirements in accordance with the Water Act 1912 and/or the Water Management Act 2000; - Assessment of potential impacts on floodplain and stormwater management and any impact to flooding in the catchment; - Details of sediment and erosion controls; - Detailed site water balance; - An assessment of potential impacts on the quality and quantity of surface and groundwater resources; - Details of the proposed stormwater and wastewater management systems (including sewage), water monitoring program and other measures to 	Reference is made to Sections 8.4, 8.5, 8.6 and Appendix B & I of the EIS.	The proponent has undertaken a detailed analysis soil and water impacts associated with the proposed development. Appropriate conditions have been applied, including GTA's from the EPA, which relate specifically to leachate management and stormwater discharge.

Secretary's Environmental Assessment Requirements (SEAR's)	Proponent Comments	Council Comments
<p>mitigate surface and groundwater impacts;</p> <ul style="list-style-type: none"> - Characterisation of the nature and extent of any contamination on the site and surrounding area; and - Description and appraisal of impact mitigation and monitoring measures. 		
<ul style="list-style-type: none"> • traffic and transport - including: <ul style="list-style-type: none"> - details of road transport routes and access to the site; - road traffic predictions for the development during construction and operation; - an assessment of impacts to the safety and function of the road network; and - the details of any road upgrades required for the development. 	<p>Reference is made to Sections 8.7 and Appendix J of the EIS.</p>	<p>The proponent has prepared a Traffic Impact Assessment which addresses the suitability of the site, traffic impacts and road upgrade requirements.</p> <p>Applicable conditions of consent have been applied in this regard.</p>
<ul style="list-style-type: none"> • biodiversity - including: <ul style="list-style-type: none"> - Description of any potential vegetation clearing needed to undertake the proposal and any impacts to flora and fauna. 	<p>Reference is made to Sections 8.12 of the EIS.</p>	<p>The proposed development is considered to have satisfactorily addressed all of the SEAR's requirements with regard to biodiversity.</p>
<ul style="list-style-type: none"> • visual impacts – including an impact assessment at private receptors and public vantage points. 	<p>Reference is made to Sections 8.8 of the EIS.</p>	<p>The proponent has undertaken an assessment of potential visual impacts associated with the development. Appropriate conditions of consent have been applied in this regard.</p>
<ul style="list-style-type: none"> • heritage –Aboriginal and non-Aboriginal cultural heritage. 	<p>Reference is made to Sections 8.10 and 8.11 of the EIS.</p>	<p>The proponent has undertaken a review of the proposed development in terms of Aboriginal and non-Aboriginal cultural</p>

Secretary's Environmental Assessment Requirements (SEAR's)	Proponent Comments	Council Comments
		heritage. Council officers are satisfied with the assessment, subject to a condition of consent in relation to any finds during construction.

CONSIDERATIONS UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

(a) (i) The provisions of any environmental planning instrument

Tweed Local Environmental Plan 2014

Part 1 Preliminary

Clause 1.2 - Aims of the Plan

The aims of this plan as set out under Section 1.2 of this plan are as follows;

- (1) This Plan aims to make local environmental planning provisions for land in Tweed in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) *to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents, including, but not limited to, consistency with local indigenous cultural values, and the national and international significance of the Tweed Caldera,*
 - (b) *to encourage a sustainable, local economy, small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed Shire,*
 - (c) *to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, the built environment, and cultural heritage,*
 - (d) *to promote development that is consistent with the principles of ecologically sustainable development and to implement appropriate action on climate change,*
 - (e) *to promote building design which considers food security, water conservation, energy efficiency and waste reduction,*
 - (f) *to promote the sustainable use of natural resources and facilitate the transition from fossil fuels to renewable energy,*
 - (g) *to conserve or enhance the biological diversity, scenic quality, geological and ecological integrity of the Tweed,*
 - (h) *to promote the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect or enhance the environmental significance of that land,*

- (i) *to conserve or enhance areas of defined high ecological value,*
- (j) *to provide special protection and suitable habitat for the recovery of the Tweed coastal Koala.*

The proposed development, in providing a vital service for the Tweed LGA and facilitating sustainable economic growth, is considered to be in accordance with the aims of this plan, subject to conditions of consent.

1.4 Definitions

Under this Plan, the proposed development is considered to be a “Resource Recovery Facility”, defined as follows;

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

A Resource Recovery Facility is a type of **Waste or Resource Management Facility**, which means any of the following:

- (a) *a resource recovery facility,*
- (b) *a waste disposal facility,*
- (c) *a waste or resource transfer station,*
- (d) *a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).*

Part 2 Permitted or prohibited development

2.1 Land use zones

The subject site is zoned SP2 – Infrastructure (Waste Management Facility). The proposed Resource Recovery Facility is permitted with consent in the SP2 zone.

2.3 Zone objectives and Land Use Table

The objectives of the **SP2 Waste Management Facility** zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposed development, being a type of Waste or Resource Management Facility is considered to be entirely consistent with the SP2 zone objectives.

Clause 4.3– Height of Buildings

Clause 4.3(2) states that the height of any building on any land is not to exceed the maximum height shown on the Height of Buildings Map. It should be noted that the subject site is not mapped as having a maximum building height. Accordingly, Clause 4.3 is not considered to be applicable.

Clause 4.4 – Floor Space Ratio

Floor Space Ratio provisions associated with clause 4.4 are not applicable to the proposed development.

Part 5 Miscellaneous provisions

5.10 – Heritage conservation

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Tweed,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The proponent's EIS notes that a search was undertaken at a National, State and Local level to determine whether any items of non-indigenous heritage significance occur within or around the subject site. A search of the National Heritage Register and the NSW Register identified no items of non-indigenous significance. A search of the TLEP 2014 identified five local heritage items within a 10km radius of the site, including:

- Duranbah Public School Honour Role, located 7.4km east the site;
- War memorial gates, located 7.5km north west of the site;
- Ferry Approach, located 8.3km north west of the site;
- St Peter's Anglican Church, located 7.4km north west of the site; and
- Tumbulgum Hall, located 8.2km north west of the site.

The EIS concluded that the proposed development is unlikely to impact upon any culturally significant places, buildings or landscapes and that the proposed earthworks are unlikely to uncover any non-indigenous heritage items.

The provisions of clause 5.10(8) state that the consent authority must consider the following:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

The proponent's EIS notes that an AHIMS search was undertaken with no recorded items of Indigenous heritage identified within the vicinity of the site.

As shown in Figure 5 below, the SCRRC site is partly mapped as a Predictive Aboriginal cultural heritage area, with the proposed OPF site (shown in red below) not within the mapped area.



Figure 5 – Predictive Cultural Heritage mapping (shown in blue)

Council officers reviewed the proposal with regard to clause 5.10(8) of the TLEP 2014. Given the heavily modified and disturbed condition of the OPF site (which is removed from the Predictive Aboriginal cultural heritage mapping and there being no registered sites in the vicinity), the proponent's assessment is considered to be adequate and no further assessment is considered necessary and referral to the Tweed Byron Local Aboriginal Land Council (TBLALC) is not required.

A standard condition has been applied as a precautionary approach in the event of any unexpected finds during construction activities. Accordingly, the proposed development is considered to satisfy the provisions of clause 5.10.

Clause 5.11 – Bush fire hazard reduction

The proposed development does not incorporate any bushfire hazard reduction work. An assessment of the development with regard to bushfire is detailed later in this report.

Part 7 Additional local provisions

7.1 Acid sulfate soils

Figure 6 – Proposed Cut (red) and Fill (green) of the Site

Clause 7.2(3) incorporates matters of which the consent authority must be considered before granting consent:

(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

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

Council officers and the EPA have assessed the proposed earthworks in terms of potential impact upon flooding and stormwater drainage. No objections are raised, subject to conditions of consent.

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

Given the existing use of the overall SCRRC site as a Resource Recovery Facility, redevelopment of the site is considered unlikely.

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

Council officers have assessed the proposed development in terms of soil being treated, relocated or removed from the site. Applicable conditions have been applied in this regard.

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

The proposed earthworks associated with the development are not considered to affect the amenity of adjoining properties, given its location within the SCRRC property.

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

The proposed development is likely to require fill, particularly given that the area proposed for the OPF is considered uncontrolled fill. Appropriate conditions have been applied in this regard.

(d) the likelihood of disturbing relics,

As noted above, Council officers are satisfied that the proposed development will not impact upon any relics. As a precautionary measure, a condition has been applied with regard to the discovery of any artefacts during construction.

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

The proposed development is not located within Council's drinking water catchment, nor is it located in an environmentally sensitive area. Appropriate conditions of consent have been applied to mitigate any potential impacts upon the surrounding environment.

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

The proponent has proposed a number of mitigation measures and safeguards measures to avoid and minimise any potential impacts associated with the development. Appropriate conditions of consent have been applied by Council and the EPA.

(g) the proximity to, and potential for adverse impacts on, any heritage item, archaeological site, or heritage conservation area.

As noted above, it is considered that the proposed development will not impact upon any cultural heritage items. As a precautionary measure, a condition has been applied with regard to the discovery of any artefacts during construction.

As required by Clause 7.2(3), Council has considered the proposed development in terms of earthworks. It is considered that Clause 7.2 has been satisfied, subject to the imposition of appropriate conditions of consent.

7.3 Flood planning

The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

Clause 7.3(3) notes that development consent must not be granted to development on land at or below the flood planning level unless the consent authority is satisfied that the development:

(a) is compatible with the flood hazard of the land, and

Council officers have reviewed the proposed development in terms of potential flooding impacts. The OPF site is identified as being partially affected by the Design Flood Level (DFL), which is specified as RL 3.8M AHD (refer to Figure 7 below). Council's flooding assessment concluded that the proposal is considered to be acceptable, subject to conditions of consent.

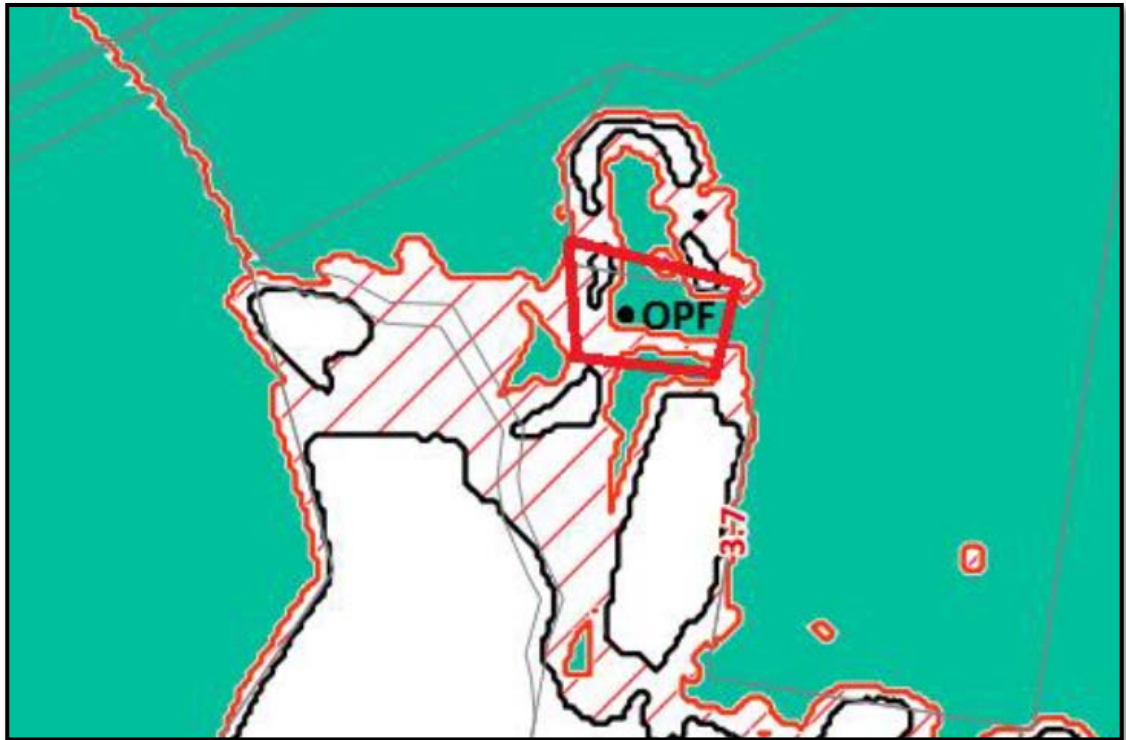


Figure 7 – Plan showing Flood Levels across the site

(b) is compatible with the flood hazard of the land, and

Council officers have undertaken an assessment of the proposed development, in terms of flooding. It is noted that the northern portion of the overall SCRR site is mapped as being impacted by high flow flooding. However, the OPF site is not affected.

(c) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

The proposed development incorporates minor filling, up to 0.6m, which is not considered to increase the potential flood affectation of other development or properties.

(d) incorporates appropriate measures to manage risk to life from flood, and

The proposed development is not considered to result in a risk to life from flood, noting that the OPF is proposed to have a finished floor level of RL 4.5m AHD (which is a 700mm freeboard above the DFL).

(e) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

Appropriate conditions of consent have been applied to ensure that the proposed development will not adversely affect the environment, cause avoidable erosion, destroy riparian vegetation or reduce stability of watercourses.

(f) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Council officers are satisfied that the proposal will not have any significant flooding impact, with the development not considered likely to result in unsustainable social and economic costs in terms of flooding.

As required by Clause 7.3(3), Council has considered the proposed development in terms of flood planning. It is considered that Clause 7.3 has been satisfied, subject to the imposition of appropriate conditions of consent

Clause 7.6 - Stormwater Management

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

Although the provisions of clause 7.6 do not apply to the subject site, being zoned SP2 – Infrastructure, a detailed assessment in terms of stormwater management has been undertaken. Refer to further detail later in this report.

Clause 7.10 – Essential Services

This clause outlines that consent must not be granted to development unless the consent authority is satisfied that essential services such as **water, electricity, sewerage, stormwater drainage and vehicular access** are available or that adequate arrangements have been made to make them available when required.

Power and telephone services are available to the subject site.

Connection to the existing reticulated water supply is available. It is noted that there are two existing 20mm and 50mm water meters at the SCRRC, which is considered sufficient for the supply of water for office / amenities and site use for small flows. However, the existing water supply does not meet firefighting requirements. In this regard, the proponent will need to provide private tank storage and pumps, as noted in the bushfire assessment within this report.

An onsite sewerage management facility is proposed to treat and dispose of waste water. Refer to detailed assessment later in this report.

Stormwater management is considered satisfactory, subject to conditions. Refer to detailed assessment later in this report.

Vehicle access is considered to be acceptable.

Overall, the proposed development is considered to be in accordance with clause 7.10, subject to conditions of consent.

Having regard to the above assessment, the subject application is considered to be in accordance with the provisions of the Tweed Local Environmental Plan 2014.

State Environmental Planning Policies

SEPP No. 33 - Hazardous and Offensive Development

SEPP 33 aims to:

- *ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account; and*
- *ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.*

Clause 3 of the SEPP provides definitions of potentially hazardous industry and potentially offensive industry. The proponent's EIS recognises that the proposed development incorporates certain activities which *"...may involve handling, storing or processing a range of material, which, in the absence of controls, may create risk outside of operational borders to people, property or the environment."*

As required by Clause 12 of the SEPP, the proponent has prepared a preliminary hazard analysis in accordance with current guidelines. The risk analysis concludes that *"...chemical or hazardous materials would not be stored at the site in quantities that pose a hazard and a preliminary hazard analysis was not required for the proposal."* The EIS incorporates an assessment of the potential hazards and risks with the proposal, noting that with the mitigation measures proposed, *"...the residual risk for hazards is considered to be low."*

Clause 13 of the SEPP provides for certain matters that the consent authority must consider in determining the proposed development. Council's assessment against the provisions of Clause 13 of SEPP 33 is noted below.

13 Matters for consideration by consent authorities

In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):

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

As noted above, the proponent has addressed the relevant guidelines published by the Department of Planning relating to hazardous or offensive development, in this case, the *Hazardous and Offensive Development Application Guidelines Applying SEPP 33, 2011*.

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

The proposed development was referred to the EPA for approval. Following a detailed review process, with particular regard to noise and odour impacts, leachate management and stormwater discharge, general terms of approval have now been issued by the EPA. The application was also referred to other public authorities for comment, as noted later in this report.

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

The proponent's assessment of SEPP 33 identified that the proposed development is not classified as a potentially hazardous industry. No further assessment is considered necessary in this regard.

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

The proponent has provided an assessment of alternative options for development of the site, concluding that the proposed OPT is the most suitable and appropriate land use. The proponent's assessment is concurred with in terms of feasible alternatives.

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

The land surrounding the overall SCRRF site is largely used for sugar cane production, with the exception of existing quarry site to the north, which has an approval as a Resource Recovery Facility. Given the flood liability of the surrounding area, it is unlikely that the land use of the sugar cane areas will change in the future. This conclusion is supported by DPI – Agriculture, who note that the surrounding area incorporates regionally significant farmland which is highly important for supporting agriculture in the North Coast region.

Council officers are satisfied that proposed development is not a hazardous industry. In terms of being an offensive industry, appropriate assessments have been undertaken by the proponent in terms of developing strategies to manage likely air, noise, vibration and water emission impacts. The EPA has assessed the proposal with regard to such strategies and has issued general terms of approval for the proposed development.

As such, the proposed development is considered to meet the specific provisions of Clause 13 of SEPP 33.

SEPP No. 44 - Koala Habitat Protection

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.

Whilst the proponent has acknowledged that SEPP 44 applies, the EIS notes that “...*the site exists entirely as cleared land with no trees located within the boundaries of the site. Therefore SEPP 44 is not applicable to this site.*”

Council officers concur with the proponent’s assessment, noting that there are no Koala Food Trees occurring on site; and that the OPT site did not support Potential Koala Habitat. As such, the provision of Clause 8 of the SEPP (Core Koala Habitat) do not apply and a plan of management is not required.

SEPP No. 55 - Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land for the purposes of reducing risk of harm to human health or any other aspect of the environment.

Clause 7 of the SEPP provides for certain matters that the consent authority must consider and be satisfied with prior to determining the proposed development. Council’s assessment against the provisions of Clause 7 of SEPP 55 is noted below.

7 Contamination and remediation to be considered in determining development application

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

(a) it has considered whether the land is contaminated, and

Whilst the proponent has undertaken a Geotechnical Investigation (*Soil Surveys 2019*), it was not considered to incorporate an assessment against Clause 7 of SEPP 55. Further information was requested in this regard, whereby the proponent provided a response.

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

The proponent’s response to Council’s request for information identified that “... *the site is not located in an area that has previously been subject to landfilling and has not been subject to any other contaminating activities. The land is suitable for the proposed use.*”

- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.**

The proponent's response to Council's request for information identified that "...no remediation is required prior to the site being used for the proposed use."

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

As noted above, the proponent's response to Council's request for further information concluded that the land is not contaminated and remediation is not required.

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

Council officers are satisfied with the investigation undertaken and the conclusions made by the proponent in response to Council's request for further information. No further information or investigation was required in this regard.

- (4) The land concerned is:**

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

Council officers are satisfied that the proponent's assessment of the subject site was carried out generally in accordance with the Contaminated Land Management Act 1997 and the proposed development is considered to meet the specific provisions of Clause 7 of SEPP 55.

SEPP (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to identify the environmental assessment category of different types of development and identify matters to be considered in the assessment process.

Clause 104 of the ISEPP provides for certain matters relating to traffic generating development that the consent authority must consider and be satisfied with prior to determining the proposed development. Council's assessment against the provisions of Clause 104 of the ISEPP is noted below.

104 Traffic-generating development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

(a) new premises of the relevant size or capacity, or

The proposed OPF (being a type of waste or resource management facility) is a land use specified in Column 1 of Schedule 3 of the ISEPP. Accordingly this clause applies to the proposed development.

(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

Not applicable to the proposed development.

(2) In this clause, relevant size or capacity means:

(a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

Column 2 of the Schedule 3 refers to waste or resource management facilities of any size or capacity. As such, clause 104 applies to the proposed development.

(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity

specified opposite that development in Column 3 of the Table to Schedule 3.

Not applicable to the proposed development.

(3) Before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to the RTA within 7 days after the application is made, and

As noted above, the application was referred to the Transport for NSW (TfNSW) for consideration.

(b) take into consideration:

(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

TfNSW has provided comments on the proposed development, to assist the consent authority in making a determination. TfNSW identified potential concerns with the intersection of Tweed Valley Way and Leddays Creek Road, noting that the consent authority needs to be satisfied that heavy vehicles can turn safely without the need for further roadworks. Council officers have reviewed the intersection and are satisfied that heavy vehicles can turn safely. Further details in this regard is provided later in this report.

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

Accessibility of the site is considered to be satisfactory. The proposed development proposes to use the existing road network to access and exit the site.

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

As noted above, access to the subject site is limited to public road only. Movement of freight by rail to the site is not available.

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

The proponent has prepared a Traffic Impact Assessment, which concludes that there are no major traffic impacts associated with the proposed development and operations of the OPF

on the surrounding road network. Subject to conditions of consent, Council officers concur with this conclusion.

(4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

A copy of the determination will be provided to TfNSW.

It is considered that the proposed development meets the specific provisions of Clause 104 of ISEPP.

Clause 121 of the ISEPP provides for certain waste or resource management facilities to be permitted with consent. The proposed development meets the provisions of:

- Clause 121(1) being a resource management facility in a prescribed zone SP2 Infrastructure (Waste Management Facility).

SEPP (State and Regional Development) 2011

Clause 23 of Schedule 1 of the State & Regional Development SEPP sets out criteria for certain waste and resource management facilities that trigger state significant development.

The proposed development does not meet the thresholds of Clause 23 of Schedule. As such, it is not considered to be state significant development and the NRPP is the determining authority.

SEPP (Vegetation in Non-Rural Areas) 2017

The Vegetation in Non-Rural Areas SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas.

Given that the OPF site is void of vegetation, it is considered that the provisions of the SEPP are not applicable in this instance.

(a) (ii) The Provisions of any Draft Environmental Planning Instruments

There are no draft EPI's applicable to the proposed development.

(a) (iii) Development Control Plan (DCP)

Tweed Development Control Plan

A2 - Site Access and Parking Code

Access

The site is accessed via Bartletts Road from Leddys Creek Road which provides a link to Tweed Valley Way, a major arterial road. The road consists of a rural formation having a bitumen sealed surface, 6.2m in width and formed shoulders of more than 1m on each side. The existing road network is considered to be sufficient for the existing use and proposed improvements on the site.

The site is currently accessed at the termination of Bartletts Road (refer to Figure 8 below. During construction access is proposed provided on an existing side road (old Dog Pound access road) to separate construction traffic from the general public accessing the SCRRC. Refer to Figure 9 below.



Figure 8 – Bartletts Road leading into the SCRRC site

Following completion of the OPT works, access shall be provided via the existing weighbridge on the SCRRC site for vehicles entering and existing the OPT site. It should be noted that an improved access into the SCRRC site is proposed as part of a masterplan for the overall site.



Figure 9 – Plan showing road access to site

Parking

DCP A2 requires a minimum of one articulated vehicle for waste or resource transfer stations. There are no other parking requirements for staff or customer parking for such a use. In this regard, the proponent's Traffic Impact Assessment (*PSA Consulting, October 2019*) noted the following:

“As the site is an existing facility with an increase in vehicles to the site, there is currently provisions for multiple articulated vehicle parking spaces. As such there is not expected to be any adverse effects due to parking layout and servicing.

As there is no requirement for staff/customer parking, it is recommended that the number of staff parking be based on the existing and expected staff demand.”

Council officers have reviewed the proposed development with regard to access and parking provisions. It is noted that the proponent has identified manoeuvring areas for articulated vehicles which shall be loaded / unloaded within the facility only – refer to Figure 10 below.

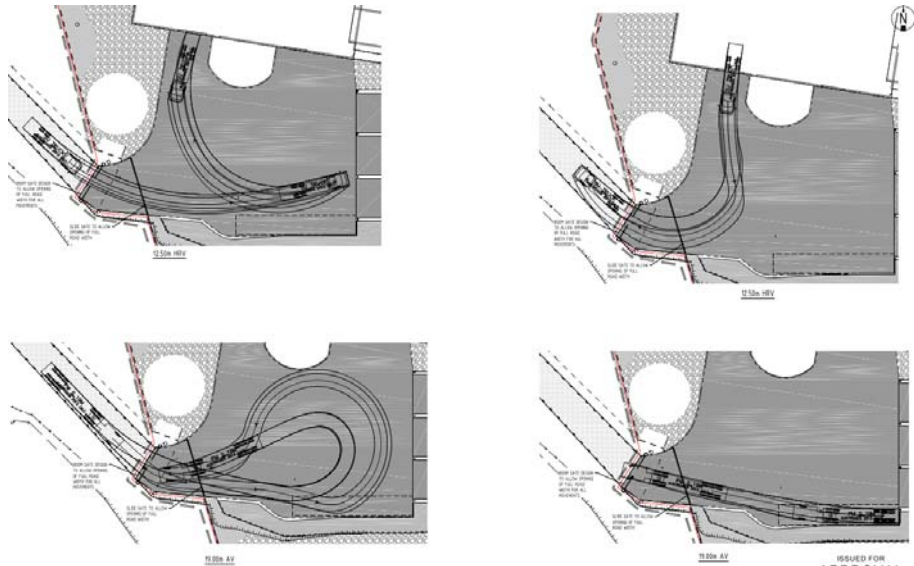


Figure 10 – Plan showing heavy vehicle swept paths

A site specific parking demand of three designated spaces for staff and one space for an articulated vehicle is proposed (refer to Figure 11 below). It is considered the hard stand area provides sufficient space to identify additional parking should the need arise.

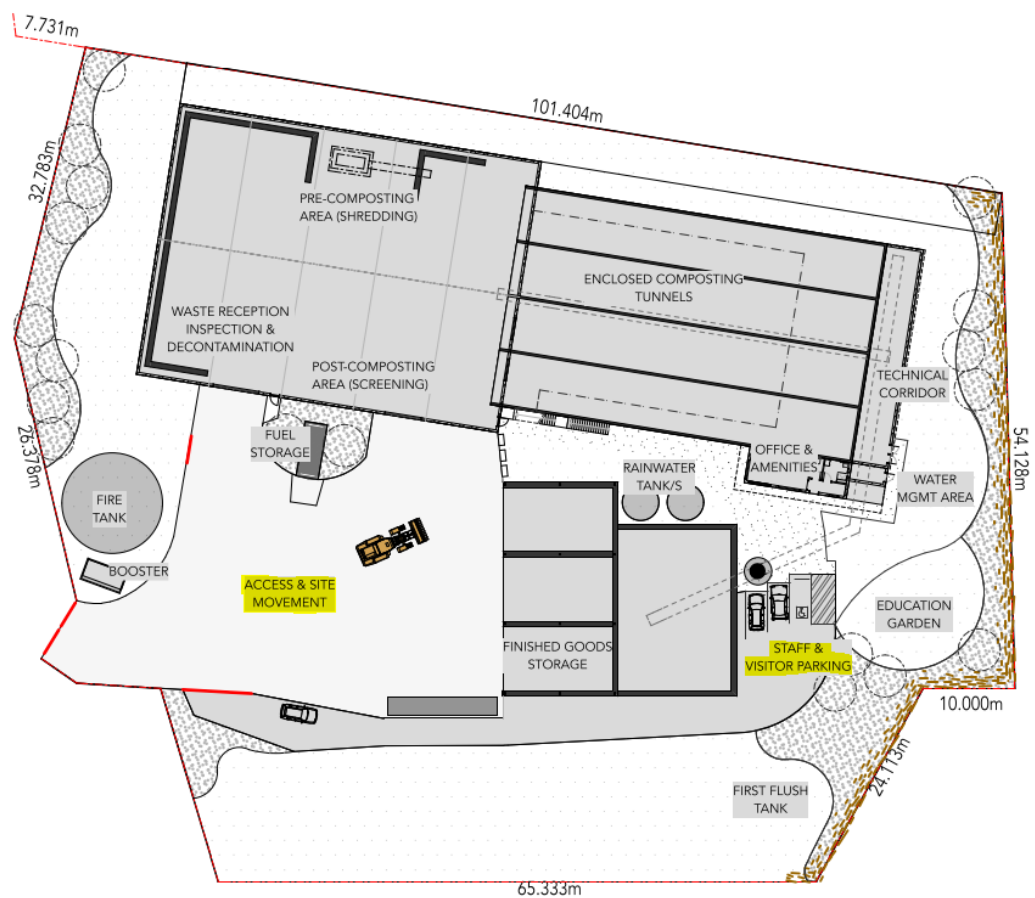


Figure 11 – Plan showing access & parking areas

Overall, the proposed development is considered to satisfy the provisions of DCP A2.

A3 - Development of Flood Liable Land

Council officers have undertaken a review of the proposal against the provisions of Section A3. The site is identified as partially affected by the Design Flood Level (DFL) which is specified as RL 3.8m AHD (refer to Figure 12 below). The finished floor level of the proposed facility is RL 4.5m AHD, which is above the DFL plus 500mm freeboard.

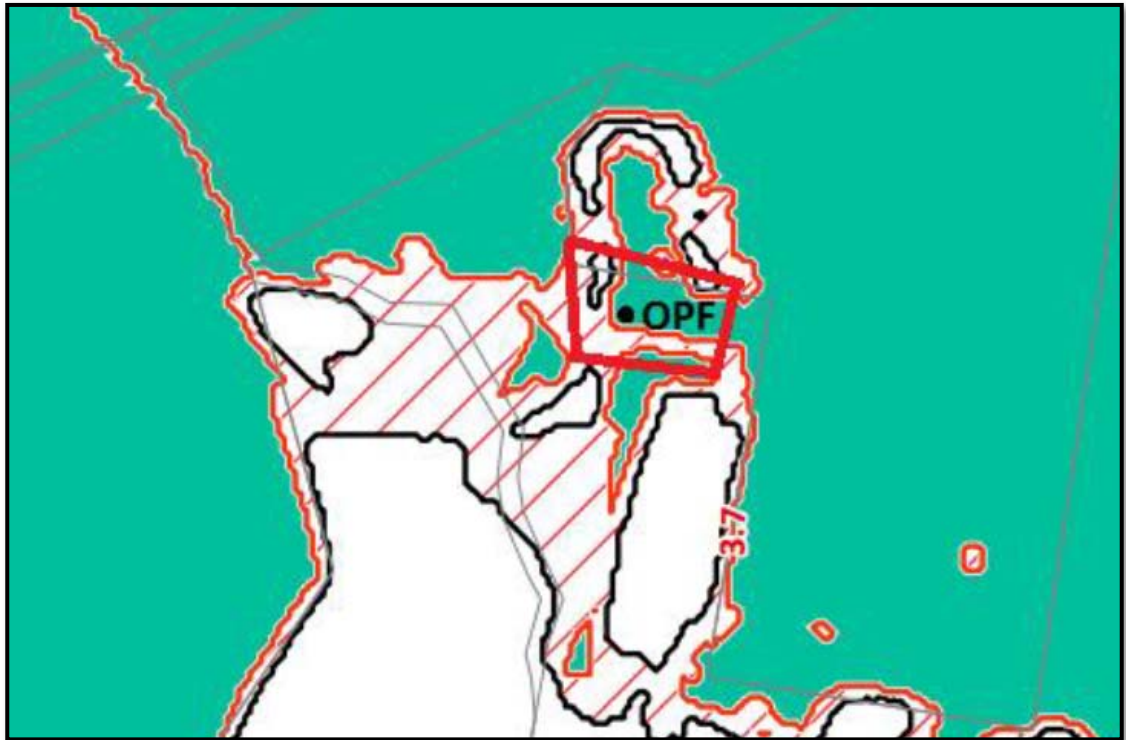


Figure 12 – Plan showing Flood Levels across the site

Council officers are satisfied that the proposed development complies with the provisions of DCP Section A3.

A13 - Socio-Economic Impact Assessment

Section A13 requires a socio-economic assessment to accompany any application that is Designated Development. The proponent's EIS incorporates an assessment against the provisions of Section A13 of the DCP. The assessment identified likely economic impacts (such as the creation of increased local full time employment position and reduction in waste transferred to landfill), as well as an analysis of impacts resulting from the development. The report concludes that the proposal will result in positive socio-economic outcomes. Council officers concur with the conclusions of the report and the proposed is considered to comply with the provisions of Section A13 of the DCP.

A15 - Waste Minimisation and Management

The proponent's EIS notes the following:

"Given that the wider site consist of a resource recovery centre, all waste that is unable to be processed at the OPF (i.e. contamination) would be disposed of at the SCRRC, with any material that can be recycled (eg brick / concrete) done so accordingly. It is considered that the preparation of a management plan is not required for the purposes of the development application assessment. A waste management plan would be included as part of the Site Specific Management Plan for the OPF."

Council officers have reviewed the application from a waste management perspective, noting that waste processing activities need to be controlled for waste, dust, leachate, odour etc, which are generally regulated by way of an Environmental Protection Licence, which is issued by the EPA.

The proposed development is considered to comply with the provisions Section A15 of the DCP.

A16 - Preservation of Trees or Vegetation

Council officers have reviewed the application with respect to Section A16 of the DCP, with it noted that the proposal does not involve the removal of any prescribed vegetation. Therefore, the proposal is considered to comply with Section A16 of the DCP.

A19 – Biodiversity & Habitat Management

A review of the proposed development against the provisions of Section A19 has been undertaken by Council officers. Whilst it is noted that the overall SCRRC site supports greater than 2500m² of bushland, no red flagged areas or other habitat values occur within or immediately adjacent to the OPF site. Accordingly, it is considered that the proposed development complies with the provisions of Section A19 of the DCP.

(a)(iiia) Any planning agreement or any draft planning agreement under section 7.4

Not Applicable – there are no planning agreements or draft planning agreements associated with the proposed development

(a) (iv) Any Matters Prescribed by the Regulations

Clause 92(a) Government Coastal Policy

This policy has been repealed.

Clause 92(b) Applications for demolition

There is no demolition proposed as part of this application.

Clause 93 Fire Safety Considerations

Clause 93 of the Regulations is not applicable to the proposed development.

Clause 94 Buildings to be upgraded

Clause 94 of the Regulations is not applicable to the proposed development.

- (a) **(v) Any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*)**

Tweed Shire Coastline Management Plan 2005

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. This Plan does not apply to the subject site.

Tweed Coast Estuaries Management Plan 2004

This Plan applies to the Cudgen Creek and Cudgen Lake, Cudgera Creek and Mooball Creek systems and does not apply to the subject site.

Coastal zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)

This Plan applies to the Cobaki and Terranora Broadwater and does not apply to the subject site.

- (b) **The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality**

Amenity - Noise

The proponent's EIS was accompanied by an Environmental Noise Assessment (TTM, October 2019), which reviewed the potential amenity impacts upon surrounding residences (shown in Figure 13 below) as a result of noise associated with the proposed OPF.

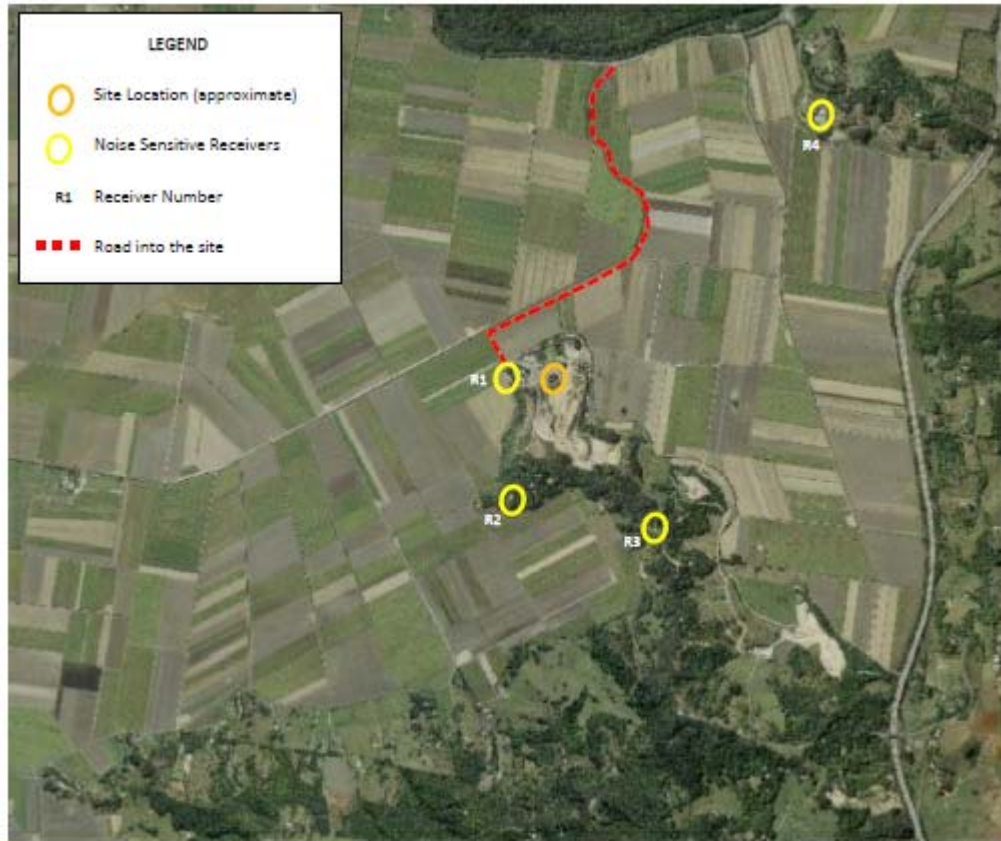


Figure 13 – Plan showing Noise Sensitive Receivers

Council officers undertook a review of the initial Noise Assessment, whereby the following was noted:

- *“Similar noise sources are expected at the OPF which include car and heavy vehicle movements, earth moving machinery, material shredder and composting processing fans;*
- *The air management system including biofilter fans will be operational up to 24 hours a day;*
- *Maximum noise level event assessment not completed as not operating at night (fans are continuous operation);*
- *Noise levels from sources associated with the OPF are predicted to comply with the LAeq assessment criteria in all instances (including 24 hour fan operation);*
- *Road traffic noise impacts generated by the proposed development (6 additional trips per hour) are negligible and no noise mitigation measures are proposed;*

- *Construction activities (dozer, trucks, concrete pumps, cranes and rollers) to be managed in accordance with the Interim Construction Noise Guideline (DECC, July 2009);*
- *Predicted construction noise levels would comply and no noise mitigation measures or management strategies are required for construction activities between 7am and 6pm; and*
- *The consultant predicts compliance at the nearest noise sensitive receivers subject to the Crambo shredder being located inside the processing shed at all times."*

Whilst it was acknowledged that the proposal will require an Environmental Protection Licence issued by NSW EPA, Council officers requested further information in relation to:

- Details of proposed noise / vibration monitoring and mitigation measures including a noise management plan that considers the proposed hours of operation including 24 hour operation of air management systems.

The EPA also issued their own request for information with regard to the following:

- Unattended noise monitoring data does not meet the requirements of the Noise Policy for Industry;
- Operational noise predictions for Receiver 1 do not compare a combination of noise sources against the relevant noise criteria; and
- Noise modelling for operational noise sources does not reflect the likely locations of these items within the detailed site plan.

In response to Council's and the EPA's request for further information, the proponent submitted a revised Noise Assessment (TTM March 2020), which concludes that *"...Noise generated by the site is predicted to comply with the criteria of the NSW Noise Policy for Industry during the proposed operating hours with implementation on the recommendations detailed"* and that *"...Construction noise levels were assessed at the nearest noise sensitive receivers and were predicted to comply with the daytime criteria of the Interim Construction Noise Guideline without the need for mitigation measures."*

The recommendations noted within the revised noise assessment include:

- *"The Crambo shredder shall be located inside the processing shed at all times;*
- *The processing shed shall be constructed of minimum 0.42mm BMT steel;*
- *Roller doors of the processing shed may remain open during processing activities;*
- *Construction activities should be conducted during standard daytime hours of:*
 - *Monday to Friday 7am – 6pm*
 - *Saturday 8am – 1pm."*

It is noted that the GTA's applied by the EPA require that all material loading / unloading operations inside the processing building must be undertaken when the doors are closed. The GTA's also require that all operations undertaken within the processing building (i.e. material handling, sorting, screening and composting tunnels operations) must be undertaken when doors are closed.

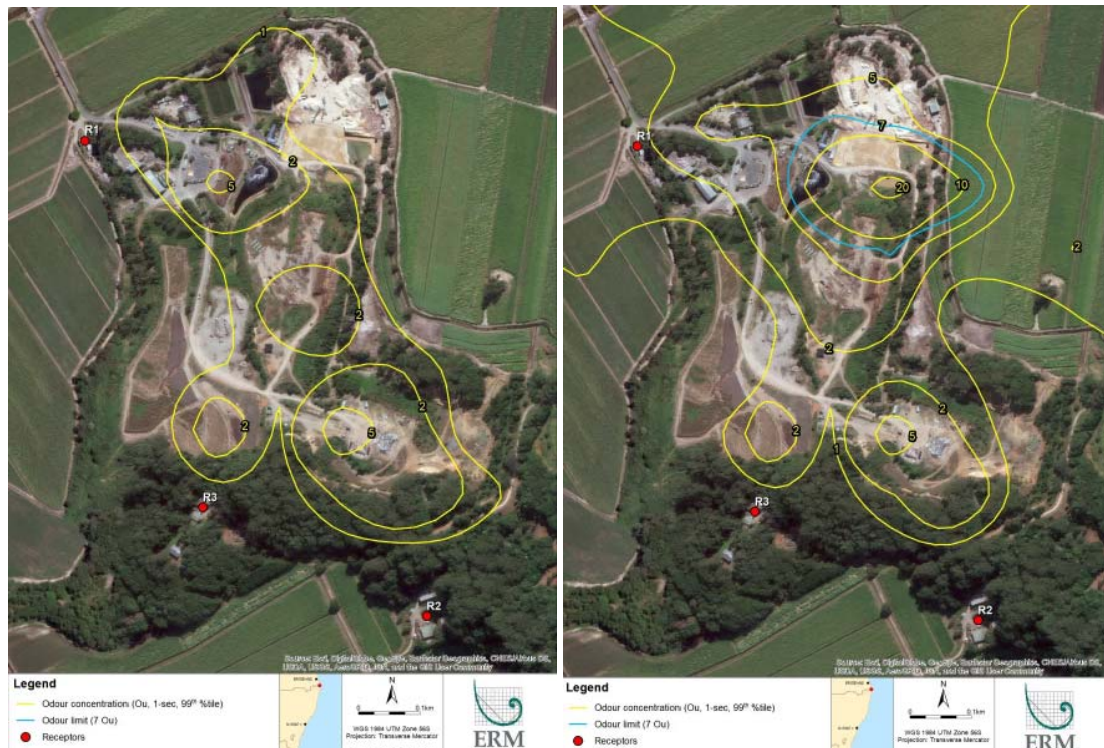
In addition to the revised noise assessment, the proponent requested that Council apply a suitable condition requiring a Noise Management Plan (noting that one would be prepared as part of the Site Specific Management Plan) that is consistent with the EPA's GTA's.

Having reviewed the revised Noise Assessment and the EPA requirements (i.e. detailed criteria that must be met during construction and operations and in managing complaints), Council officers are satisfied with the proposed development in terms of potential noise impacts, subject to conditions of consent.

Air Quality - Odour

The proponent's EIS was also accompanied by an Odour Assessment (*ERM Australia Pacific Pty Ltd, October 2019*), which reviewed the potential odour impacts upon surrounding residences (shown in Figure 14 below) as a result of the proposed OPF. The assessment provided modelling of the current and future odour concentrations as noted in Figures 15 and 16 below.





Figures 15 & 16 – Current odour concentrations (left) and proposed operations (right)

Council officers undertook a review of the initial Odour Assessment, whereby the following was noted:

- *“Prepared in consultation with Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA, 2016);*
- *Dust impacts considered negligible due to use of sealed roads and dust generating activities being indoors;*
- *When OPF becomes operational, all receipt, sorting and composting of garden, food and wood wastes will occur in the OPF;*
- *Building doors would be open for all operational hours and the tunnel doors closed;*
- *A water management system (underground) will mix leachate with potable and non-potable water to be reused in composting. All leachate will be processed and reused for the OPF; and*
- *Odour concentrations will increase from current levels however will remain below 7 OU criterion for residential receivers.”*

Whilst it was acknowledged that the proposal will require an Environmental Protection Licence issued by NSW EPA, Council officers requested further information in relation to:

- Details of proposed odour / air quality monitoring and mitigation measures including an air quality site management plan that considers the proposed 24 hour operations, leachate gases and surrounding land uses.

As detailed later in this report, the EPA also issued their own initial request for information on 28 February 2020 with regard to air quality (odour) concerns.

In response to Council's and the EPA's request for further information, the proponent submitted an updated Air Quality (Odour) Assessment (ERM, March 2020), incorporating revised modelling of odour concentrations (refer to Figure 17 below) and concluded that *"...Results from the dispersion modelling predicted the 7 OU (99th percentile) criterion does not extend to the nearby residences for current operations. Odour concentrations are predicted to increase from current levels once the OPF is operational, however concentrations are predicted to remain well below the 7 OU criterion, particularly at the receptors south of the RRC."*



Figures 17 – Revised modelling of future odour concentrations

In addition to the updated odour assessment, the proponent requested that Council apply a suitable condition requiring an Air Quality Management Plan (noting that one would be prepared as part of the Site Specific Management Plan) that is consistent with the EPA's GTA's.

Following a review of the proponent's updated odour assessment, the EPA issued an additional request for further information, requiring the following:

- Further detail on the operation processes, nominating the expected quantities and streams of waste for the OPF (i.e. expected food and garden organics ratio);
- Further detail to clarify unclear assumptions for the assessment of odour emissions; and
- Additional information to clarify uncertainty regarding the qualitative assessment of particulate matter.

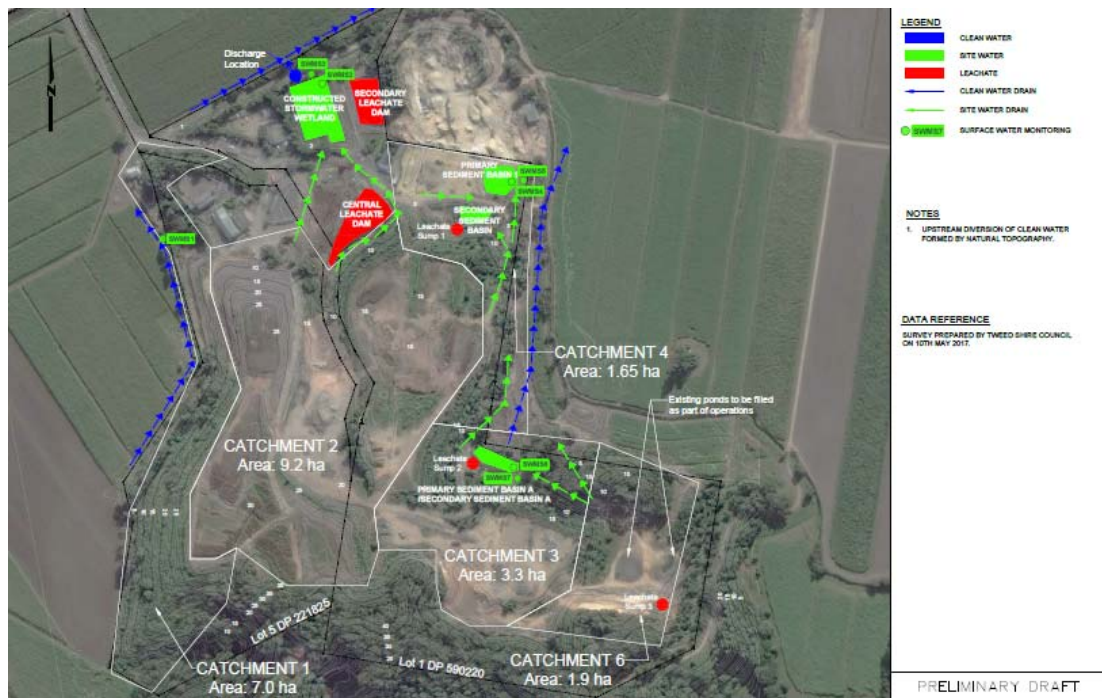
At this point of the assessment, the proponent met directly with the EPA to discuss the outstanding odours matters, largely because they felt that their EIS had detailed the requested information relating to the matters raised by the EPA.

Following the meeting with the proponent, and as noted later in this report, initial General Terms of Approval (GTA's) were issued by the EPA on 8 May 2020. However, representation from the proponent was made on 13 May 2020 requesting variations to the initial GTA's. Following further consideration of the issues raised by the proponent, the EPA issued a revised set of GTA's on 21 May 2020.

Having reviewed the updated Odour Assessment and the EPA requirements (i.e. the prevention of the emission of offensive odours beyond the boundary of the premises and the requirement for an Air Quality and Odour Management Plan), Council officers are satisfied with the proposed development in terms of potential air quality (odour) impacts, subject to conditions of consent.

Stormwater / Leachate Management

The proponent's EIS was accompanied by a Stormwater Management Plan (*Greentec Consulting, April 2018*), which incorporates a review of the existing stormwater management conditions (refer to Figure 18 below) and existing EPA licence requirements, as well as a review incorporating the proposed OPF (refer to Figures 19 and 20 below).



Figures 18 – Existing stormwater management conditions



Figures 19 – Proposed stormwater management conditions

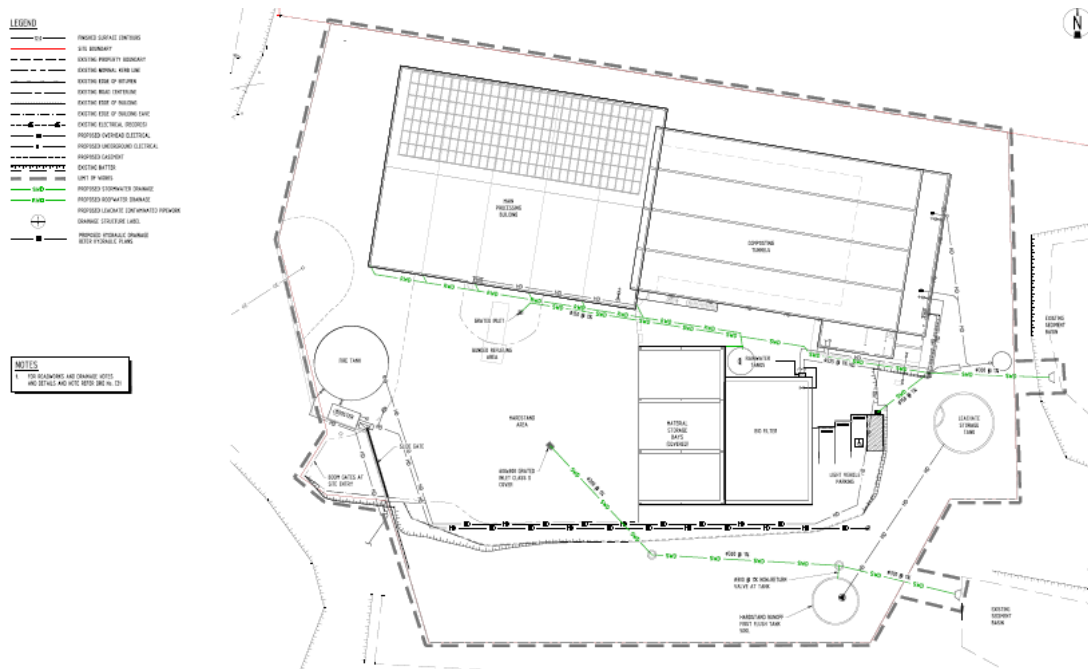


Figure 20 – Proposed stormwater management design

It is noted that the Stormwater Management Plan (SWMP) incorporates a number of actions relating to the capping of various catchment areas within the SCRRC site. In this regard, the SWMP states that *“...Based on the outcomes of water balance and applicable licence criteria, the key driver for water management is related to capping management and as such applying the highest standard of capping for each operational stage sees a significant reduction in leachate and site water management requirements.”* The SWMP incorporates a number of recommendations, based on the outcomes of the water balance and stormwater management plan.

The EPA has reviewed the proposed development in terms of leachate management and stormwater discharge. As noted later in this report, the EPA required additional information in relation to:

- stormwater impacts on the operational aspects of an uncovered biofilter and proposed management measures to ensure the filter will operate effectively in a rainfall event;
- details on the pathway of stormwater collected in the leachate tank, including of the collection and storage systems;
- details on the design, location and management of the stormwater first flush system;
- further information on the processes for construction, maintenance and ongoing monitoring of the leachate tank with particular regard to potential impact of groundwater flows and groundwater quality; and
- further information on flooding mitigation measures in relation to the location of the first flush system, underground storage tank inlets and storage areas.

The proponent provided a detailed response to the EPA’s request for further information. The response detailed the design of the proposed biofilter (refer to Figure 21) and capacity of the leachate storage system in a design rain event.

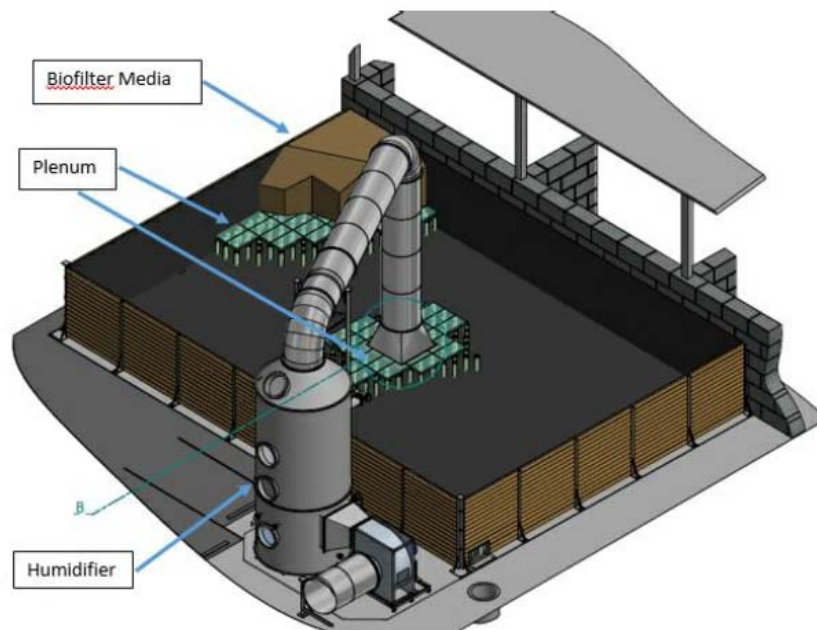


Figure 21 – Proposed Biofilter cross section

The proponent also provided additional detail on the biofilter design and maintenance process. In terms of the pathway of stormwater collected into the leachate tank, the proponent provided a flow chart (refer to Figure 22) and further detail on the leachate storage locations and volumes. Additional information was also provided with regard to; the first flush diversion system and how it integrates with the existing approved infrastructure; construction of the leachate storage pits and tanks and associated monitoring process; as well as flood mitigation measures.

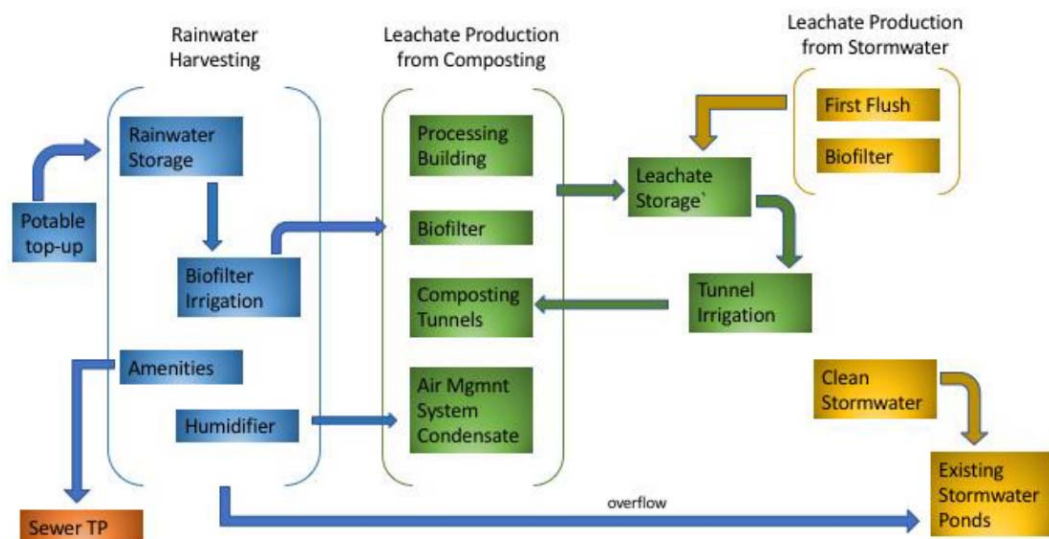


Figure 22 – Flow chart for site water management

No further information was required by the EPA in terms of stormwater / leachate management.

Having reviewed the proponent's SWMP and the EPA requirements (i.e. a leachate storage system designed, operated and maintained in a manner that ensures it can capture the leachate and runoff generated by any 1 in 10yr 24hr storm event without overflowing), Council officers are satisfied with the proposed development in terms of potential noise impacts, subject to conditions of consent.

Traffic Generation

As noted previously, the proponent's EIS is supported by a Traffic Impact Assessment, which incorporates a review of the traffic generation resulting from the proposed development. In summary, the Traffic Impact Assessment concludes that there is no major impact upon the local road network.

The application was forwarded to Traffic for NSW (TfNSW) as traffic generating development. As noted later in this report, TfNSW raised concerns with the intersection of Tweed Valley Way and Leddays Creek Road in terms of not meeting Austroads Guidelines for length of turning lanes on Tweed Valley Way.

The intersection of Tweed Valley Way and Leddays Creek Road is identified by the red circle in Figure 23 below, which also shows the access to the proposed OPF as a red dashed line. Figure 24 is a photo of a collection vehicle turning into Leddays Creek Road from Tweed Valley Way, which gives an indication of the available sight distances for vehicles turning at the intersection.



Figure 23 – Access to the subject site



Figure 24 – Photo from Tweed Valley Way turning into Leddays Creek Road

Council officers reviewed the application with regard to the issues raised by TfNSW, with the following comments noted:

“A review of the intersection found that the CHR is 120m and the AUL is 130m. The sightdistance to the north for a vehicle turning right at the intersection is over 400m. A review of the crash history at the intersection does not show any crashes in the most recent 5 year data. It would be unreasonable to condition this development to extend the CHR and AUL in consideration of the TfNSW comments.

The intersection is considered satisfactory.”

Overall, Council officers consider that the road network will not be adversely impacted by the traffic generated by the proposed development.

Erosion & Sediment Control

Council officers have reviewed the proposal with regard to erosion and sediment control, noting that where possible, all surfaces shall be treated to reduce sediment laden water runoff by the establishment of vegetation and mulch. Hardstand areas, drains and channels are to be stabilised and protected with rock armouring, geotextiles or other appropriate stabilisation techniques. It is also noted that the EPA GTA's require an Erosion and Sediment Control Plan to be prepared and implemented. Accordingly, Council officers are satisfied with the proposed development in terms of erosion and sediment control, subject to conditions of consent.

Visual Impact

The proponent's EIS incorporated a visual impact assessment, as required by the SEAR's. The EIS reviewed the proposal in terms of potential lighting impacts and visual impacts from the proposed structures, providing a view of the subject site from Leddays Creek Road (refer to Figure 25 below).

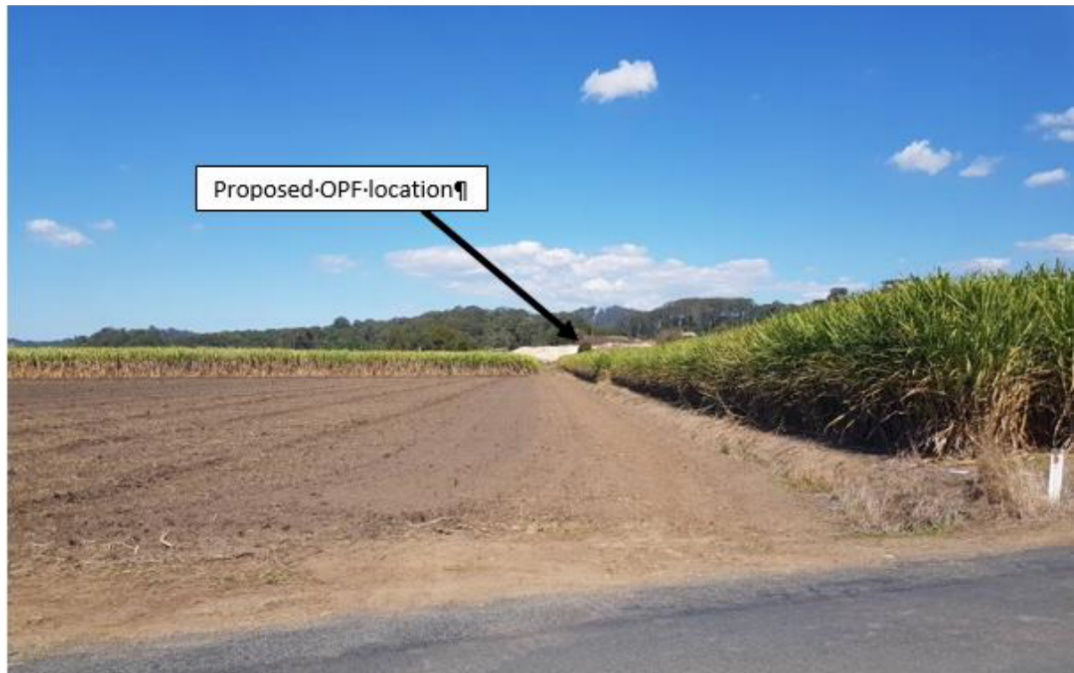


Figure 25 – View of the proposed OPF from Leddays Creek Road

The EIS concluded that the proposed OPF will have a negligible visual impact on the surrounding area. Council officers concur with this conclusion, noting that appropriate conditions have been applied to mitigate any potential lighting impacts on sensitive receptors.

Risk of Bird Strike

The Gold Coast Airport Pty Ltd (GCAPL) raised concerns with the high population of the Australian White Ibis at the SCRRC, noting the proposed construction of the OPF could have the potential to displace the current populations of the Ibis towards the Airport, which would pose a significant risk in terms of bird strike if the Ibis were to transit across the Airport's airspace.

Figure 26 below provides an aerial view of the location of the SCRRC site in relation to the Gold Coast Airport (approximately 13km).



Figure 26 – Aerial view of distance from the SCRRC site to the Gold Coast Airport

In order to mitigate against wildlife strike risk, the GCAPL requested that the following conditions be applied to any approval of the proposed development:

- *“Tweed Shire Council and Soilco communicate to Gold Coast Airport the dates of commencement for construction works;*
- *Tweed Shire Council and Soilco communicate all changes in wildlife activity on site to Gold Coast Airport;*
- *All unprocessed food and organic material be completely enclosed / covered at the processing facility to prevent attraction of Australian White Ibis and other hazardous wildlife;*
- *Open external product storage only to be used for processed mature compost;*
- *Tweed Shire Council implements a wildlife hazard management program that focuses on dispersing Australian White Ibis and other hazardous species from Stotts Creek Landfill. This program must consider the potential hazards to aircraft*

operations due to relocation of hazardous wildlife species to sites closer to the airport or flight paths and incorporate appropriate monitoring and mitigation strategies.”

The GCAPL submission also noted that “...it would be beneficial if Tweed Shire Council actively reengages with and attends future Ibis Management Coordination Group (IMCG) meetings of which GCAPL is a member. This group provides a key forum to coordinate effective management of this high risk species across the region.”

Having reviewed the GCAPL’s submission, the following response was provided by Council’s Waste management Unit:

“SoilCo have been in direct communication with the Gold Coast airport in relation to the concerns they have with the proposed Organics Processing Facility.

Council has requested that any concerns that the Gold Coast Airport has with the operational performance of the Landfill (Environmental Protection Licence number EPL12181) and the Resource Recovery Centre (Environmental Protection Licence number EPL6108) at Stotts Creek, that they be raised directly with Council as a separate issue to the organics processing facility.

The Gold Coast Airport is aware that Council continues to monitor ibis and other known nuisance birds at several locations throughout Tweed Shire that are in closer proximity to the Gold Coast Airport than the Stott Creek Resource Recovery Centre. Council continues to be a financial member of the Ibis Management Coordination Group and has noted that ibis numbers have been relatively low at the Stotts Creek Landfill in recent years.”

Given that the issues raised by the GCAPL are directly related to the overall SCRRRC (as opposed to the OPF), it is not considered appropriate to apply the requested conditions to this application. In this regard, it is noted that TSC is in communication with the GCAPL in to this matter. It is also noted that the EPA will require all operations undertaken within the processing building when doors are closed, which reduce attraction to the Ibis and other wildlife.

(c) Suitability of the site for the development

On-Site Sewage Management (OSSM)

The proposed development incorporates which incorporates a toilet, basin and kitchen in terms of staff amenities. The proponent has proposed an on-site sewerage management (OSSM) facility to treat and dispose of waste water. The EIS was supported by a Wastewater Disposal Plan (*Larry Cook Consulting, October 2019*), which proposed a 3000L Aerated Water Treatment System (AWTS) with covered drip irrigation in the landscaped garden to the east of the Compost Tunnels (as shown in Figure 27 below).

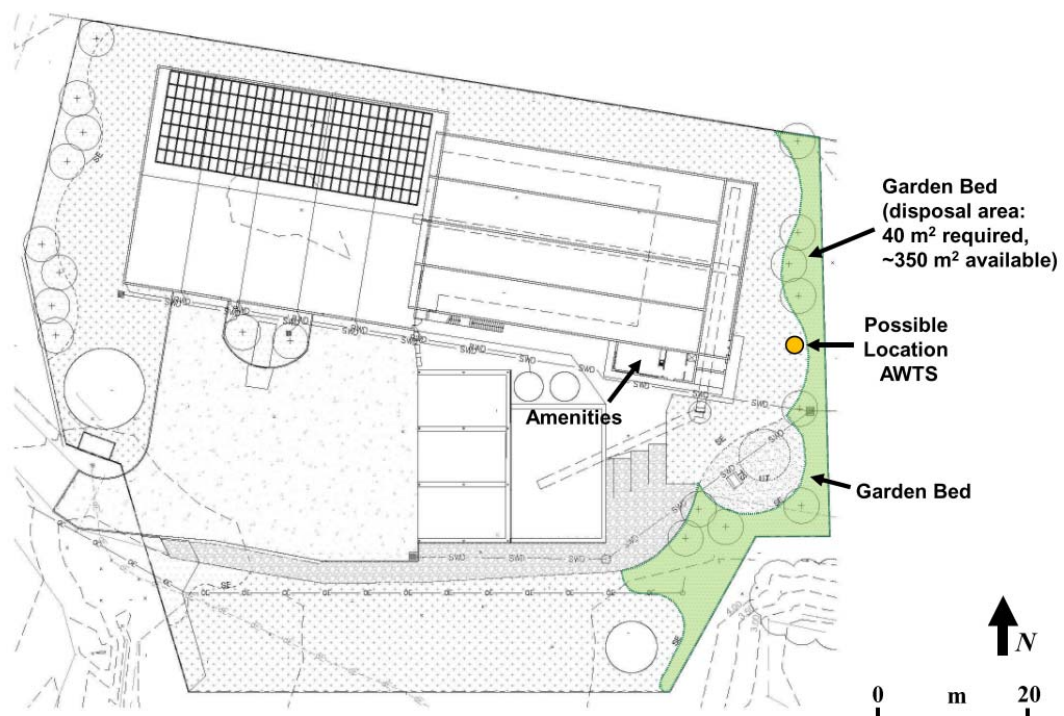


Figure 27 – Location of the proposed OSSM facility

Council officers have reviewed the proposed OSSM facility, noting the following:

“The report provides design specifications and recommendations for an on-site sewage management system to service the office and ablution amenities.

It is considered the recommended wastewater treatment system, effluent land application area, size and location are adequate for the proposed development when assessed in accordance with AS 1547/2012.”

An appropriate condition of consent has been applied in this regard.

Groundwater

Council officers reviewed the proposed development in terms of potential impact upon the groundwater. It was noted that groundwater quality is monitored on a regular basis as part of the SCRRC’s Environmental Protection Licence conditions. The proponent’s EIS noted that there will be no disturbance of groundwater, however, the Geotechnical Investigation (Soil Surveys, September 2019) stated that groundwater was encountered at 2.4 and 2.5m in two boreholes and that “...whilst groundwater was not encountered in all boreholes at the time of investigation, groundwater may be present and would fluctuate due to seasonal and climatic variations.”

Further information was requested of the proponent, to confirm the depth of excavation and whether works are likely to intercept groundwater. It was noted that where groundwater is

likely to be intercepted, a dewatering management plan that considers acid sulfate soil will be required.

The proponent provided a response to Council's concerns, noting that the proposal includes minor fill and minimal excavation (service trenches, footings) typically less than 1.0m below ground level. The underground leachate storage tank will require a depth of 2.8m however will be positioned away from areas with higher groundwater to remove the requirement for dewatering.

Council officers were satisfied with the response provided, subject to conditions of consent.

Natural Hazards - Bushfire

Part of the subject site is mapped as bushfire prone land, as noted in Figure 28 below.

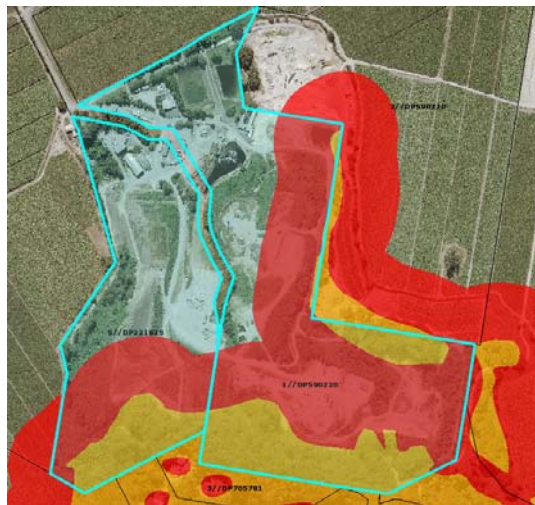


Figure 28 – Bushfire Prone Land (vegetation posing a hazard is shaded orange and the associated buffer is shaded red)

The proponent's EIS notes that the bushfire hazard is a narrow strip of vegetation to the east and south east of the OPF site. The proposed buildings associated with the development are located approximately 10m from the bushfire hazard area.

The EIS addresses the aims and objectives of *Planning for Bushfire Protection* (PFBP) 2006, with regard to: the non-permanent occupation of the building which is to be constructed of fire-resistant materials; the provision of a defensible space which has been designed to provide fire truck access; appropriate separation between the hazard and the buildings; access to the site, which is designed for heavy vehicles; management of fuel loads; and available water supply for firefighting purposes.

The EIS also incorporates several recommendations to reduce potential impacts of bushfire, these being:

- Implementation of an Emergency Evacuation Plan; and
- Implementation of a Pollution Incident Response Management Plan as required under the Protection of the Environment Operations Act 1997 for holders of an Environmental Protection Licence.

The report concludes that the protection provisions proposed for the OPF and recommendations noted above comply with the aims and objectives of the PFBP, 2006 (which was the applicable version at the time of lodgement). The assessment does not consider that any specific bushfire conditions are considered necessary for the proposed development.

Council officers concur with the proponent's bushfire assessment.

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

The application was initially placed on public exhibition (notified and advertised) for a 30 day period from Wednesday 4 December 2019 to Friday 3 January 2020.

Unfortunately the exclusion period requirements of Clause 16 of Schedule 1 of the EP&A Act (between 20 December and 10 January inclusive) were not applied to the initial exhibition period.

Accordingly, the proposed development was re-advertised for 30 days from **15 January to 14 February 2020**. During this period Council received four public submissions. The issues raised by the submissions are discussed in the table below.

Summary of Objections	Proponent / Officer Response
Odour Impacts to nearby residences	<p><u>Proponent's response:</u></p> <p><i>The submissions received from two members of the public relate to the predicted odour impacts of the proposed OPF. The Odour Assessment prepared by ERM (ERM (2019)) has used local meteorological and terrain data, along with odour concentrations from existing facilities that process food and garden organics waste to prepare a dispersion model that reflects the odour impacts on surrounding sensitive receptors. The assessment follows a conventional approach concludes that whilst odour concentrations are predicted to increase from current levels once the OPF is operational, concentrations will remain well below the 7 OU criterion outlined in ERM (2019), particularly at the receptors south of the RRC.</i></p> <p><i>It is noted in one submission that air management fans are proposed to operate 24 hours per day, this is in order to maintain aerobic conditions within the composting tunnels. These aerobic conditions are required to ensure that anaerobic decomposition does not occur, this would be much more odorous than the proposed activity.</i></p>

	<p><u>Council Officer Comment:</u></p> <p>Council officers and the EPA have undertaken a detailed review of the proposed development in terms of air quality.</p> <p>As noted within the body of this report, appropriate conditions of consent have been applied in order to minimise and mitigate potential odour impacts, so as to maintain the residential amenity for neighbouring properties.</p> <p>The objection is not considered to warrant refusal of the proposal development.</p>
Noise impact upon nearby residences	<p><u>Proponent's response:</u></p> <p><i>Two of the public submissions identified noise as a potential impact of the proposal. Operational noise levels generated by the site and its operation have been modelled by TTM and are predicted to be below the relevant NSW guidelines at the closest residential receivers and therefore additional mitigation is not required. However SOILCO would adopt a series of mitigation measures outlined in Section 8.2.4 of the EIS to ensure that the facility does not have any noise impacts at any residential receptors.</i></p> <p><u>Council Officer Comment:</u></p> <p>Council officers and the EPA have undertaken a detailed review of the proposed development in terms of potential noise impact.</p> <p>As noted within the body of this report, appropriate conditions of consent have been applied in order to minimise and mitigate potential noise impacts, so as to maintain the residential amenity for neighbouring properties.</p> <p>The objection is not considered to warrant refusal of the proposal development.</p>
Traffic Impact	<p><u>Proponent's response:</u></p> <p><i>The Facility would generate up to 10 movements at the Tweed Valley Way / Leddays Creek Road intersection in total per peak hour. SIDRA intersection analysis undertaken by PSA Consulting has determined that there is no major impact on</i></p>

	<p><i>the Tweed Valley Way Leddays Creek Road intersection by the additional development traffic.</i></p> <p><u>Council Officer Comment:</u></p> <p>As noted within the body of this report, Council officers have undertaken an assessment of the proposed development in terms of traffic generation associated with the OPF. In this regard, it is considered that the local road network will not be adversely impacted by the proposed development.</p> <p>The objection is not considered to warrant refusal of the proposal development.</p>
Impact upon Property Values	<p><u>Proponent's response:</u></p> <p><i>SOILCO has designed a facility that would have minimal off-site environmental impacts. Indeed, the facility would remove the need to sort and store putrescible organic wastes elsewhere in the SCRRC that are in closer proximity to residential receptors. The construction and operation of the Facility is therefore not anticipated to reduce any residential property values in the vicinity of the SCRRC.</i></p> <p><u>Council Officer Comment:</u></p> <p>Impact upon property value is not a valid planning consideration under the EP&A Act.</p> <p>The objection is not considered to warrant refusal of the proposal development.</p>
Bird Activity Concerns from the Gold Coast Airport	<p><u>Proponent's response:</u></p> <p><i>The submission from Gold Coast Airport focused on the population of Australian White Ibis deemed to be located at the SCRRC. SOILCO notes that the site is composed entirely of cleared land and that there would be no disturbance to potential Ibis habitat as part of the proposal. The proposal provides for all unprocessed organic waste received at the facility to be stored internally and only mature compost and sand and soil products for blending would be stored in the external covered bunkers. SOILCO would also communicate the commencement of the construction activities to Gold Coast Airport and advise of any changes in bird activity on the site.</i></p>

	<p><u>Council Officer Comment:</u></p> <p>It is considered that the proponent's proposed management of potential impact to the Ibis habitat and communications with the Gold Coast Airport is appropriate. It is also noted that the management of Ibis to minimise any potential impact upon the airport is an integral component of the management of the overall SCRRC.</p>
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Public Authority Submissions

Environment Protection Authority (EPA)

The proposed development was referred to NSW EPA as Integrated development the EPA initially requested further information on 13 February 2020 (noise) and 28 February 2020 (stormwater and odour) with regard to:

- Unattended noise monitoring data does not meet the requirements of the Noise Policy for Industry;
- Operational noise predictions for Receiver 1 do not compare a combination of noise sources against the relevant noise criteria;
- Worst –case highest predicted noise level at receiver does not account for a combination of sources;
- Noise modelling for operational noise sources does not reflect the likely locations of these items within the detailed site plan;
- The Odour Assessment does not include detailed information of the expected operations;
- The Odour Assessment has unclear assumptions for the assessment of odour emissions;
- There is uncertainty regarding the qualitative assessment of particulate matter;
- No addition controls are assessed in the Odour Assessment;
- stormwater impacts on the operational aspects of an uncovered biofilter and proposed management measures to ensure the filter will operate effectively in a rainfall event;
- details on the pathway of stormwater collected in the leachate tank, including of the collection and storage systems;
- details on the design, location and management of the stormwater first flush system;
- further information on the processes for construction, maintenance and ongoing monitoring of the leachate tank with particular regard to potential impact of groundwater flows and groundwater quality; and
- further information on flooding mitigation measures in relation to the location of the first flush system, underground storage tank inlets and storage areas.

The proponent subsequently provided a response to the above mentioned matters as well as a revised Noise Assessment and updated Air Quality Assessment on 30 March 2020.

Having reviewed the additional information provided by the proponent, the EPA requested additional information on 24 April 2020, noting the following:

- the revised Odour Assessment does not include sufficient evidence to demonstrate that the adopted emission rates are representative of the proposed operations and waste streams. Due to the lack of detailed discussion and information, it is unclear if adopted emission rates account for all odour generating activities inside the processing building and other stages of the processing.

At this point of the assessment, the proponent met directly with the EPA to discuss the outstanding odours matters, largely because they felt that their EIS had detailed the information relating to the matters raised by the EPA.

Initial General Terms of Approval (GTA's) were issued by the EPA on 8 May 2020. However, representation from the proponent was made on 13 May 2020 requesting variations to the initial GTA's. Concerns raised by the proponent largely related to noise monitoring and reporting requirements, odour control requirements and waste limits. Following further consideration of the issues raised by the proponent, the EPA issued a revised set of GTA's on 21 May 2020.

The GTA's relate to:

- Pollution of waters;
- Waste;
- Noise limits;
- Operation conditions in terms of odour, dust, stormwater / sediment control (at construction and operation phases), leachate management and noise; and
- Monitoring and recording requirements.

The GTA's provided by the EPA have been included in the attached list of recommended conditions of consent.

Transport for NSW (TfNSW)

TfNSW provided traffic comments on the proposed development on 30 January 2020. The TfNSW comments noted the following:

"We note that access to the facility will be from Tweed Valley Way, via Leddays Creek Road and Bartletts Road. The junction of Tweed Valley Way and Leddays Creek Road is serviced by an eastbound CHR right-turn lane and a westbound AUL left-turn lane on Tweed Valley Way. The posted speed limit on that road is 100km/h.

Section 2.1.3 (page 7) of the Traffic Impact Assessment estimates the length of the right-turn lane (CHR) to be 95m long and the AUL 120m long. The length of these lanes does not meet Austroads Guidelines as they should be 169m and 150m long respectively for the posted speed limit.

As such, the Consent Authority needs to be satisfied that the impact of through and turning traffic has been adequately addressed at that intersection, to ensure heavy vehicles can make the turn safely, without the need for further roadworks. Please refer

As noted earlier in this report, Council officers have reviewed the road network associated with the proposed development and consider that the existing intersection of Tweed Valley Way and Leddays Creek Road is satisfactory and that the local road network will not be adversely impacted by the proposed development.

(e) Public interest

The proposed development is considered to be in the public interest in that the proposal would facilitate current and future recycling of organics; provide extra capacity for the recovery of organic materials; and make a positive contribution to NSW Waste Avoidance and Resource Recovery Strategy targets. It is considered that any potential impacts from the development can be mitigated, subject to conditions of consent, such that the development can proceed and public interest issues are balanced.

Section 7.11 Developer Contributions

Section 7.11 developer contribution charges have been applied to the proposed development as follows:

CP4 – Tweed Road Contribution Plan

Existing trips

12,400 tpa (kerbside collection)

3,400 tpa (self haul)

These have **not** been included in the calc's below.

No site credit applied – would be exhausted by existing approvals...

Proposed / Additional from existing (25,000 tpa max)

12,600 tpa (kerbside collection) / 6.5 (tonnes/vehicle) = 1938 trips in = 3876 trips total (in/out)

10,000 tpa (sand and soil) / 18.5 (tonnes/vehicle) = 541 trips in = 1082 trips total (combination of sand in / compost out)

16,100 tpa (composted product) / 18.5 (tonnes/vehicle) = 870 - 541 = 329 x 2 trips = 658 trips total (in / out)

TOTAL

= 5616 trips / 365 days = **15.3863 trips per day** (less 40% employment generation)

CP18 – Council Administration Contribution Plan

[Commercial development is charged at a rate of \$381.35 per 300m² GFA. \$2252.11 per ET at the time of calculation]

= Processing Building + Composting Tunnels + Storage Area

= 1,200 + 1114.14 + 294.84

= 2,611.98m² / 300

= 8.7066 x \$381.35

= \$3,320.26 / \$2,252.11

= **1.4743ET**

OPTIONS:

1. Approve the application in accordance with the recommendation; or
2. Refuse the application with stated reasons for refusal.

Option 1 is recommended.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The proponent and objectors have the right of appeal in the NSW Land Environment Court if dissatisfied with the determination.

POLICY IMPLICATIONS:

Nil

CONCLUSION:

The proposed development is considered suitable for the site as it is a permissible form of development and is compatible with and complimentary to the overall SCRRE. All relevant planning considerations have been taken into account in the assessment of the application. It is considered that the proposal would facilitate current and future recycling of organics; provide extra capacity for the recovery of organic materials; and make a positive contribution to NSW Waste Avoidance and Resource Recovery

Strategy targets. As such, the proposed OPF is considered to warrant approval, subject to conditions of consent.

UNDER SEPARATE COVER:

The proponent's set of Architectural Plans

RECOMMENDATION:

That Development Application DA19/0803 for an organic waste management facility (NRPP) at Lot 1 DP 590220 & Lot 5 DP 221825; No. 298 Bartletts Road EVIRON, be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Environmental Impact Statement and associated responses to requests for information and the following plans:
 - **DA03 (Issue 01) - Site Plan** prepared by Stuart Mason Designs and dated 6 November 2019;
 - **DA04 (Issue 01) - Operation Plan** prepared by Stuart Mason Designs and dated 6 November 2019;
 - **DA05 (Issue 01) - Floor Plan** prepared by Stuart Mason Designs and dated 6 November 2019;
 - **DA06 (Issue 01) - Office Floor Plan** prepared by Stuart Mason Designs and dated 6 November 2019;
 - **DA07 (Issue 01) - Elevations** prepared by Stuart Mason Designs and dated 6 November 2019;
 - **DA08 (Issue 01) - Sections** prepared by Stuart Mason Designs and dated 6 November 2019; and
 - **DA09 (Issue 01) - Perspective** prepared by Stuart Mason Designs and dated 6 November 2019,

except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]

4. Any business or premises proposing to discharge wastewater containing pollutants differing

from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.

[GEN0190]

5. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

6. Bushfire Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

- (a) The entire Organics Processing Facility site must be maintained to the standard of an 'Inner Protection Area' as outlined within Planning for Bush Fire Protection 2019 for the life of the development.

[GEN0320]

7. Stormwater management shall be in general accordance with the Stormwater Management Plan prepared by GREENTEC Consulting dated April 2019, except where varied by the conditions of this consent.

[GENNS01]

8. Erosion and Sediment Control shall be designed, installed and maintained in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[GENNS02]

9. Geotechnical investigations and assessment of the subject site shall be in accordance with the recommendations and requirements as specified in the Geotechnical Report undertaken by Soil Surveys dated September 2019, except where varied by the conditions of this consent.

[GENNS03]

10. The developments car park and internal vehicular circulation shall be designed and constructed in accordance with Council's Development Control Plan A2 "*Site Access and Parking Code*", providing a minimum 2 coat bitumen spray seal.

[GENNS04]

11. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council prior to the occupation of the building or issue of Interim or Final Occupation Certificate (whichever comes first), to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, an Occupation Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by

an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: Nil (to be confirmed at application)

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 7.11 Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(a) Tweed Road Contribution Plan:

15.3863 Trips @ \$2202 per Trips \$20,328.60

(\$1,807 base rate + \$395 indexation)

(\$13,552.40 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector10_4

(b) Extensions to Council Administration Offices

& Technical Support Facilities

1.4743 ET @ \$2252.11 per ET \$3,320.29

(\$1,759.90 base rate + \$492.21 indexation)

CP Plan No. 18

[PCC0215]

13. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

14. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development in accordance with Section D7.B2 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with Councils *Development Design Specification D7 - Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate Water Sensitive Urban Design principles and where practical, integrated water cycle management.

[PCC1105]

15. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

16. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.

[PCC1195]

17. In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Councils sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.

[PCC1255]

18. Three copies of detailed hydraulic plans shall be submitted with all Liquid Trade Waste Applications indicating the size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices must comply with AS3500.

[PCC1275]

19. Prior to the issue of a construction certificate the applicant shall obtain approval to install an on-site sewage management system.

[PCCNS01]

20. Application for a water meter (if applicable) shall be made to the supply authority detailing the size in accordance with Plumbing Code of Australia (PCA) and BCA requirements.

Individual metering beyond this point shall be managed by occupants. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

[PCCNS02]

21. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or delegate prior to issue of the first of any Construction Certificate. The detailed plan of landscaping shall be based on the Landscape Works Package - Stotts Creek Organics Processing Facility dated November 2011 prepared by Taylor Brammer Landscape Architects and shall reflect the following:
 - a. Comprise a proportion of 80% native species local to the Tweed Shire and suitable for the site; and
 - b. Include in the plant schedule the number of plants to be installed for each species and plant stock size.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

22. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

23. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved Management Plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

24. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been 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 consent authority and the 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 licence if any residential 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 inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
25. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
- [PCW0225]
26. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]
27. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing 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) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- [PCW0255]
28. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
- [PCW1085]

DURING CONSTRUCTION

29. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved trade waste agreement, approved construction certificate, drawings and specifications.
- [DUR0005]
30. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.
- [DUR0025]
31. The provision of 3 off street car parking spaces including parking for the disabled where applicable in addition to 1 parking space for an articulated delivery vehicle. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.
- [DUR0085]
32. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:
- Monday to Friday from 7.00am to 6.00pm
- Saturday from 8.00am to 1.00pm
- No work to be carried out on Sundays or Public Holidays
- The proponent is responsible to instruct and control subcontractors regarding hours of work.
- [DUR0205]
33. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).
- [DUR0375]
34. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.
- [DUR0405]
35. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2017.
- [DUR0415]
36. Excavation
- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.

- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- [DUR0425]
37. If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.
- Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.
- Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.
- Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.
- [DUR0435]
38. Any earthworks and filling shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing in accordance with Table 8.1, unless advised otherwise by an engaged Geotechnical Engineer.
- Notwithstanding earthworks and filling, the frequency of field density tests for trenches, including all trenches for services, shall be undertaken in accordance with Table 8.1 of AS 3798 (current version).
- [DUR0795]
39. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
 - Dust during filling operations and also from construction vehicles.
 - Material removed from the site by wind.
- [DUR1005]
40. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.
- [DUR2015]
41. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.
- [DUR2185]
42. Appropriate arrangements to the satisfaction of Council's General Manager or delegate shall

be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

43. The site shall not be dewatered unless written approval to carry out dewatering operations is received from Council's General Manager or delegate.

[DUR2425]

44. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

45. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

46. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

47. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

48. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

49. Pre-treatment devices (if applicable) must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. The pre-treatment device service frequency will be approved as part of the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[DUR2595]

50. A Liquid Trade Waste Services Agreement will be issued and a Liquid Trade Waste Approval Number allocated once the device (if applicable) has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

51. The development shall be constructed in accordance with the recommendations of the Environmental Noise Assessment (TTM, 24 March 2020, Reference: 19GCA0068 R01_6), Odour Assessment (ERM, 19 March 2020, Project No.: 0515136 Version V5), and approved management plans, or to the satisfaction of NSW Environment Protection Authority or Council's General Manager or delegate.

52. The exportation or importation of waste (including fill or soil) from or to the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW Environmental Protection Authority "Waste Classification Guidelines".

The importation of waste to the site is restricted to the following:

- a. Virgin excavated natural material (as defined in Schedule 1 of the Protection of the Environment Operations (POEO) Act);
- b. Any other waste-derived material subject to a resource recovery exemption under Part 9 Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

The exportation of waste from the site must be transported to a licenced waste facility or an approved site subject to a resource recovery order and exemption.

Any virgin excavated natural material or waste-derived fill material subject to a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifying Authority or Council on request.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

53. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

54. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

55. An occupation certificate is not to be issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.

[POC0225]

56. A Partial or Whole Occupation Certificate is to be obtained prior to the Occupation or the commencement of the use of the building.

Within 5 years from the date of issue of any Partial Occupation Certificate for part of a building an Occupation Certificate for the “Whole Building” must be applied for and obtained from the nominated Principal Certifying Authority.

[POC0355]

57. Prior to issue of an Occupation Certificate, all water sensitive design facilities are to be completed in accordance with the approved Water Management Plan.

[POC0995]

58. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.

[POC1035]

59. Prior to the occupation of any building and prior to the issue of any occupation certificate approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.

[POC1040]

60. Prior to the issue of an occupation certificate, the applicant or licensee must prepare, implement, and maintain an Air Quality and Odour Management Plan in consultation with a suitably qualified Odour Control Specialist to the satisfaction of NSW Environment Protection Authority.

61. Prior to the issue of an occupation certificate, the applicant or licensee must prepare, implement, and maintain a Noise and Vibration Management Plan in consultation with a suitably qualified Acoustic Consultant to the satisfaction of NSW Environment Protection Authority.

62. Groundwater monitoring bores shall be installed to the satisfaction of NSW Environment Protection Authority.

[POCNS01]

63. All landscaping must be completed in accordance with the approved detailed plan of landscaping to the satisfaction of Council’s General Manager or delegate prior to the issue of Occupation Certificate. Landscaping must be maintained at all times during the operational phase of the development.

[POCNS02]

USE

64. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

65. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0145]

66. Except as may be expressly provided in a licence approval under the Protection of the Environment Operations Act 1997 (POEO) Act, the licence holder must comply with section 120 of the POEO Act 1997 prohibiting the pollution of waters.

[USE0155]

67. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be

experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

68. Hours of operation of the business are restricted to the following hours:

- * 7.00am to 7.00pm - Mondays to Fridays
- * 8.00am to 4.00pm - Saturdays, Sundays, and Public Holidays
- * The use of the air management system outside of the above hours is permitted subject to noise not being audible in a habitable room of any residential premises
- * All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

69. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

70. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

[USE0245]

71. The development shall be carried out in accordance with the recommendations of the Environmental Noise Assessment (TTM, 24 March 2020, Reference: 19GCA0068 R01_6), Odour Assessment (ERM, 19 March 2020, Project No.: 0515136 Version V5), and approved management plans, or to the satisfaction of NSW Environment Protection Authority or Council's General Manager or delegate.

[USE0305]

72. All plant and equipment installed or used in or on the premises:

- Must be maintained in a proper and efficient condition, and
- Must be operated in a proper and efficient manner.

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

[USE0315]

73. No waste, except for the composted product and virgin excavated natural material, shall be stored outside the processing building. All wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of NSW Environment Protection Authority or Council's General Manager or delegate.

[USE0875]

74. All hazardous and/or dangerous goods shall be stored in accordance with requirements of SafeWork NSW.

[USE1035]

75. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[USE1055]

76. If a water meter is installed, a backflow containment device will be installed adjacent to Council's water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owner's expense.

[USE1455]

77. The processing building doors must be closed at all times except for vehicle entry and exit. All material loading and unloading operations inside the processing building must be undertaken when doors are closed.

78. The processing building shall be maintained under negative pressure at all times to the satisfaction of NSW Environment Protection Authority.

[USENS01]

Protection of the Environment Operations Act 1997

General Terms of Approval

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA19/0803 submitted to Tweed Shire Council on 20 November 2019;
- the Environmental Impact Statement titled *Organics Processing Facility Stotts Creek Resource Recovery Centre 298 Bartletts Road, Stotts Creek dated 7 November 2019 version 1* and the attached appendices
- the following revised documents, responses to submissions and letter addressing EPA technical (air) comments;
- Noise Assessment *Environmental Noise Assessment Organics Processing Facility at 298 Bartletts Road, Stotts Creek NSW version 6 dated 24 March 2020 written by TTM*
- Odour Assessment *Stotts Creek Organics Processing Facility Odour Assessment version 5 dated 19 March 2020 written by ERM Australia Pacific Pty Ltd*
- Submissions response letter addressed to Tweed Shire Council from Soilco and dated 30 March 2020
- Response to comments raised in a teleconference between EPA Technical Air Specialists and Soilco on 29 April 2020 captured in letter addressed to Tweed Shire Council dated 01 May 2020

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L1.2 The leachate storage system must be designed, operated and maintained in a manner that ensures it can capture the leachate and runoff generated by any 1 in 10yr 24hr storm event without overflowing.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
N/A	Food Waste	As defined in Schedule 1 of the POEO Act, as in force from time-to-time.	Composting Waste storage	See conditions L2.3 and L2.5
N/A	Garden Waste	As defined in Schedule 1 of the POEO Act, as in force from time-to-time.	Composting Waste storage	See conditions L2.3 and L2.5
N/A	Virgin excavated natural material	As defined in Schedule 1 of the POEO Act, as in force from time-to-time.	Resource recovery Waste storage	See conditions L2.3 and L2.5

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L2.3 The total amount of wastes received at the premises in any 12 month period must not exceed:

- For food waste and garden waste, a combined total of 25,000 tonnes.
- For virgin excavated natural material, a total of 10,000 tonnes.

L2.4 A maximum of 27,500 tonnes of soil conditioner can be manufactured and

distributed from the premises in any 12 month period.

L2.5 The authorised amount of waste (for the purposes of waste levy liability) permitted on the premises will be specified on the licence as determined by the Environment Protection Authority.

L3. Noise limits

L3.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Table L3.1 Noise limits at location of sensitive receivers

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LAFmax
Bartletts Rd, Eviron (Lot 8, DP 564356)	40	38	35	52
157 Hawkens Lane, Eviron (Lot 2, DP 705781)	40	35	35	52
Bartletts Rd, Eviron (Lot 1, DP 1159352)	40	35	35	52
17 Cudgen Rd, Stotts Creek (Lot 10, DP1014723)	40	35	35	52

L3.2 For the purposes of condition L3.1:

- Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- Evening means the period from 6pm to 10pm.
- Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

L3.3 Noise-enhancing meteorological conditions

- The noise limits set out in condition L3.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category F with wind speeds up to and including 2m/s at 10m above

	ground level.
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- b) For those meteorological conditions not referred to in condition L3.3(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.

L3.4 For the purposes of condition L3.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station installed at the premises.
- b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
 - i) Use of sigma-theta data (section D1.4).

L3.5 To assess compliance:

- a) with the LAeq(15 minutes) or the LAmax noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
 - i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
 - iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
 - iv) at any other location identified in condition L3.1
- b) with the LAeq(15 minutes) or the LAmax noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
 - i) at the reasonably most affected point at a location where there is no residence at the location; or,
 - ii) at the reasonably most affected point within an area at a location prescribed by condition L3.5 (a).

L3.6 A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5 (a) or L3.5 (b).

NOTE to L3.5 and L3.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L3.7 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L3.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

L3.9 All construction work at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and public holidays, unless inaudible at any residential premises.

Exceptions to construction hours

The following activities may be carried out outside the recommended construction hours:

- a) construction that causes LAeq(15minute) noise levels that are:
 - i) no more than 5dB above Rating Background Level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009); and
 - ii) no more than the Noise Management Levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses; or
- b) for the delivery of materials required by the police or other authorities for safety reasons; or
- c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

L3.10 The hours of construction specified in conditions L3.9 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Definition

LA10(15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Operating conditions

01. Activities must be carried out in a competent manner

01.1 Licensed activities must be carried out in a competent manner. This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, re-processing, transport and disposal of waste generated by the activity.

02. Maintenance of plant and equipment

02.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

03. Odour

03.1. The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the

relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

03.2. No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

03.3 All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of air pollutants from the premises.

03.4 The premises must be maintained in a manner that prevents and minimises the emission of air pollutants from the premises.

03.5 Maintain an odour complaint logbook. In the event of a complaint, conduct an immediate investigation of the odour sources, take appropriate action to eliminate any identified excessive odour, and document the outcomes of the investigation and the actions taken.

03.6 The processing building doors must be closed at all times except for vehicle entry and exit.

03.7 The processing building must be designed, constructed and maintained with complete enclosure and operated under negative pressure at all times.

03.8 All material loading and unloading operations inside the processing building must be undertaken when doors are closed.

03.9 All operations undertaken inside the processing building (i.e. material handling, sorting, screening and composting tunnels operations) must be undertaken when doors are closed.

03.10 The air drawn from the composting tunnels and the processing building must be connected to and treated by the biofilter.

03.11 No waste, except for the composted product and virgin excavated natural material, is to be stored outside the processing building.

03.12 Oversized compost and contaminated material extracted from the waste must be stored within the processing building under negative pressure and must be disposed of at a facility that can lawfully receive the waste.

04. Air Quality and Odour Management Plan

04.1 Prior to commencement of operations the licensee must prepare, implement and maintain, in consultation with an appropriately qualified Odour Control Specialist, an Air Quality and Odour Management Plan which describes measures to minimise odour impacts from the premises. The appropriately qualified Odour Control Specialist must be approved in writing by the EPA prior to preparing the Plan. The Plan must include, but not necessarily be limited to:

- a) objectives and targets
- b) key performance indicators
- c) identification of all point and diffuse sources of odour associated with the operation
- d) a detailed description of the odour mitigation methods and management,

and maintenance practices, that will be used throughout the operation to ensure offensive odour impacts do not occur off-site. The detailed description of the biofilter is to include the design specifications.

- e) benchmarking of the management practices at the premises against industry best practice for minimising odour emissions, including the design of the biofilter
- f) location, frequency and duration of proposed monitoring to ensure effectiveness of the odour mitigation and management methods
- g) details of proposed contingency measures (in addition to house-keeping measures), should odour impacts occur
- h) a communications strategy for handling potential odour complaints that includes recording, investigating, reporting and actioning
- i) an odour complaints register to be reported to the EPA as required in the Annual Return. The register must document investigations undertaken to identify the cause(s) of odour and action(s) to rectify the complaints
- j) system and performance reviews for continuous improvement.

04.2 Prior to commencement of operations, the licensee must provide the EPA with the Air Quality and Odour Management Plan.

04.3 The facility must be designed, constructed, operated and maintained in a manner that does not preclude the retrofit of air quality (including odour) emissions controls and management measures including the biofilter's design and any best practice or contingency measures identified in the Air Quality and Odour Management Plan.

04.4 Within 12 months of the commencement of operations the licensee must engage a suitably qualified and experienced odour control specialist to report on the odour emission performance, and the control and management efficiency of all odour emission sources at the premises. The odour control specialist chosen must be approved by the EPA in writing before commencing this work. The licensee must provide the EPA with a copy of this post commissioning study report. The report must include, but is not limited to:

- a) The results of post commissioning testing (odour and parameters) undertaken in accordance with the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales to demonstrate the odour control performance of all odour mitigation and management measures. This is to include, but not be limited to, testing to demonstrate the biofilter is achieving the control efficiency stated in the manufacturer's design specifications;
- b) Proposed odour management performance parameters that are consistent with the manufacturers' design specification provided for the biofilter. This is to include, the proposed on-going monitoring of the biofilter performance parameters to ensure compliance with the manufacture's design specification at all times;
- c) If applicable, any additional management works and/or management practices to ensure that odour emissions are minimised as far as is practicable; and
- d) Analysis of any odour complaints received.

O5. Dust

O5.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O5.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O6. Stormwater and sediment control - Construction Phase

O6.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

O7. Stormwater management - Operation Phase

O7.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

O8. Leachate Management

O8.1 The licensee must install and have operational on all leachate transfer pipes and storage tanks a leak detection system.

O9. Noise - Hours of Operation

O9.1 All work at the premises must only be conducted between 7am and 7pm Monday to Friday and between 8am and 4pm Saturdays, Sundays and public holidays.

Monitoring and recording conditions

M1. Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be: in a legible form, or in a form that can readily be reduced to a legible form; kept for at least 4 years after the monitoring or event to which they relate took place; and produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;

- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

M2 Meteorological Monitoring Station

M2.1 The meteorological weather station must be maintained to be capable of continuously monitoring the parameters specified in condition M2.2.

M2.2 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Table

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air Temperature at 2 metres	°C	Continuous	1 hour	AM-4
Air temperature at 10 metres	°C	Continuous	1 hour	AM-4
Wind direction at 10 metres	°C	Continuous	15 minute	AM-2 & AM-4
Wind speed at 10 metres	m/s (metres per second)	Continuous	15 minute	AM-2 & AM-4
Sigma theta	°C	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4
Total solar radiation	Watts per square metre	Continuous	15 minute	AM-2 & AM-4

Note 1 - Any other method approved in writing by the EPA

Note 2 - The weather monitoring instrumentation installed and operated at the site must have a stall speed or lower limit of measure for measuring wind speed less than 0.2 m/s.

M2.3 The proponent must maintain and calibrate the meteorological monitoring station in accordance with the reference test methods and manufacturer's specifications. Records of the calibration and maintenance must be made available to EPA upon request.

M3. Groundwater Monitoring

M3.1 Prior to the commencement of operations the licensee must install a groundwater monitoring bore located at site SS-BH09 identified in Plan C36 in Appendix B of the EIS.

M3.2 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by

analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Point 1 - Groundwater Monitoring Bore

Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
Alkalinity (as calcium carbonate)	mg/L	Every 6 months	Representative sample
Ammonia	mg/L	Every 6 months	Representative sample
Biochemical oxygen demand	mg/L	Every 6 months	Representative sample
Calcium	mg/L	Every 6 months	Representative sample
Chloride	mg/L	Every 6 months	Representative sample
Nitrate	mg/L	Every 6 months	Representative sample
pH	mg/L	Every 6 months	Probe
Potassium	mg/L	Every 6 months	Representative sample
Sodium	mg/L	Every 6 months	Representative sample
Sulfate	mg/L	Every 6 months	Representative sample

M4 Requirement to Monitor Noise

M4.1 Attended noise monitoring must be undertaken at the locations identified in condition L3.1 and in accordance with Condition L3.5 and must:

- a) occur 6 months after the issue of the occupation certificate; and
- b) every 6 months thereafter for a period of 2 years from the commencement of operations.

M4.2 Attended noise monitoring in condition M4.1 must occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:

- a) 1.5 hours during the day
- b) 30 minutes during the evening; and
- c) 1 hour during the night.
- d) Occur for three consecutive operating days.

M4.3 The licensee, following the receipt of a noise complaint and if requested by the EPA, must undertake noise monitoring as required in writing by the EPA.

M5 Recording of pollution complaints

M5.1 The results of any monitoring required to be conducted by this licence must be recorded and retained as set out in this condition.

M5.2 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M5.3 The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

M5.4 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.5 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M6.3 This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

R1 Annual Return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a) Statement of Compliance;
- b) Monitoring and Complaints Summary,
- c) Statement of Compliance - Licence Conditions
- d) Statement of Compliance - Requirement to prepare and test Pollution Incident Response Management Plan
- e) Statement of Compliance - Requirement to publish Pollution Monitoring Data; and
- f) Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

R1.2 An Annual Return must be prepared in respect of each reporting, except as provided below.

Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee,

- a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the ‘due date’).

R1.6 The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

R1.7 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R1.8 A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

R2. Notification of environmental harm

R2.1 Notifications must be made by telephoning the EPA’s Pollution Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

R3. Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

R3.5 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of each monitoring event required by condition M4.1. The noise compliance assessment report must be prepared by a suitably qualified and competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L3.1 and L3.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L3.1 and L3.3.

General Conditions

G1 Copy of licence kept at the premises

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.