

**JOINT REGIONAL PLANNING PANEL
Western Region**

JRPP No.	PPSWES-6
DA No.	10.2019.43.1
Local Government Area	Oberon Council
Proposed Development	Timber/Bark Processing and Landscape Supply Facility
Street Address	24 & 26 Endeavour Street OBERON 68 Hawken Street OBERON
Applicant/Owner	Applicant: Borg Plantations C/- Sam Coles (Borg Plantations) Owners: Borg Group Pty Limited, Woodchem Australia Pty Limited & Oberon Council.
Exhibition Period	25 July 2019 – 25 August 2019
Number of Submissions	One (1) – No objections
Regional Development Criteria (section 4.10 of the act)	<p><u>Waste Management Facilities – Designated Development</u></p> <p>Section 4.10 of the <i>Environmental Planning and Assessment Act 1979</i> controls what can be declared designated development. The proposed extractive industry is classified as designated development under clause 32 of Schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i> because it is will have a intended handling capacity greater than 30,000 tonnes per year of waste containing wood or wood related materials (1)(b)(iii).</p> <p>Designated development requires an Environmental Impact Statement with the development application and requires a comprehensive assessment of the impacts of the development proposal.</p> <p><u>Regionally Significant Development</u></p> <p>Schedule 7, Section 7 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> outlines particular designated development for which regional panels may be authorised to exercise consent authority functions of councils.</p> <p>Section 7(c) has identified waste management facilities or works which meet the requirements for designated development under clause 32 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> as being development suitable for a regional panel.</p>
Integrated Development (Section 4.46 of the Act)	<p>The development proposal is considered to be Integrated Development as defined under section 4.46 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) as the application seeks the following approvals from the Environment Protection Authority (EPA) and the Roads and Maritime Services (RMS):</p> <ul style="list-style-type: none"> • An Environment Protection Licence under section 43(b), 48 and 55 of the Protection of the Environment Operations

	<p>Act 1997.</p> <ul style="list-style-type: none"> • Consent to carry out works over a public road in accordance with section 138 of the Roads Act 1993. <p>The NSW Environment Protection Authority (EPA) in correspondence dated 20 September 2019 granted their General Terms of Approval for the proposal noting that a separate application to the EPA is required to obtain an environment protection license, should consent be granted.</p> <p>The Roads & Maritime Service (RMS) in correspondence dated 8 October 2019 provided General Terms of Approval for the proposal.</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • SEPP 33 Hazardous and Offensive Industry • SEPP 44 Koala Habitat Protection • SEPP 55 Remediation of Land • SEPP Infrastructure (2007) • SEPP (Vegetation in Non-Rural Areas) 2017 • Oberon Local Environmental Plan 2013 • Oberon Development Control Plan 2001
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Council Report with recommended conditions (Nov 2019) • Environmental Impact Statement (Apr 2019) • EIS - Appendix A to N (Apr 2019) • Amended Appendix F - Traffic Impact Study (Sep 2019)
Recommendation	That the Western Region Joint Regional Planning Panel issue conditional consent.
Report by	Dylan Furnell, Town Planner Oberon Council
Report date	26 November 2019

1. EXECUTIVE SUMMARY

1.1 Reason for consideration

This application is submitted to the Regional Planning Panel Western Region for determination in accordance with the requirements of Sections 2.12, 2.15 & 2.16 of the *Environmental Planning and Assessment Act 1979*.

The proposed development is a new Bark/Timber Processing and Landscape Supply Facility which is classified as designated development in accordance with clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*. The development is proposed to have capacity to handle greater than 30,000 tonnes of wood related waste products per year.

Section 7(c) of Schedule 7 of the *Environmental Planning and Assessment Act 1979* specifies this type of waste management facility as development for which regional planning panels may be authorised to exercise consent authority functions of councils.

1.2 Description of proposed development

The application is seeking consent for "Bark/Timber Processing and Landscape Supplies Production Facility". The area of the proposed facility will occupy approximately 5 hectares of land in total. The entirety of Lot 18 in DP 1249431 (0.5 hectares) will be developed plus approximately a 3.3 hectare portion of Lot 34 in DP 1228591 and a 1.2 hectare portion of Lot 33 in DP 1228591.

The subject allotments are currently operating in a variety of land uses, however all portions of the allotments subject to this development are currently vacant. A recently approved development for an extractive industry exists near to the development site on lot 33. The proposed access/egress to the site for all vehicles will be through lot 18 on Hawken Street, where the entrance point will be located approximately 300 metres from the Hawken Street/Albion Street intersection. The site is 300 metres north of the residential zone of Oberon with most noise generating activities being located approximately 500 metres from the residential zone.

The applicant for the submission is Borg Plantations Pty Limited and the owner of the land is Borg Group Pty Limited, Oberon Council and Woodchem Australia Pty Limited, who have all consented to the lodgement of the development application. The applicant has engaged Jackson Environment and Planning (the consultant) to assist with the application and preparation of the Environmental Impact Statement (EIS) as amended.

An outline of the proposal includes the following:

- A 5-hectare development area with a capacity to process 99,000 tonnes per annum of wood related waste products, creating landscaping materials for commercial sale.
- The proposal seeks to process materials such as bark, clean pallets and sawdust into the landscaping material. The waste wood will be shredded, screened and sold as mulch and landscaping products.
- Materials to be sourced primarily from the adjoining timber milling and MDF plant.
- A new site entrance is proposed over existing Lot 18 in DP 1249431 (68 Hawken Street OBERON) with the capacity to accommodate 23 metre B-Double trucks.
- A weigh bridge and site office will be installed near the site entry in which all non-staff vehicles will be required to enter the facility via the weigh bridge. Parking and a wheel wash will also be installed at the entrance to the site.
- The internal loop access road will be developed to ensure that all vehicles will be able to enter and exit the site in a forward direction.

- Loading and unloading areas will be clearly marked and separated to minimise vehicle conflicts.
- Incoming loads will be inspected prior to unloading to ensure contaminated materials are removed (e.g. treated pallets). Contaminated materials will then be stored separately and disposed of lawfully.
- The entire site is to be sealed with concrete or other hardstand and bio swales will be implemented to improve quality of water runoff and reduce soil disturbance. Dust will be controlled via misting systems and gross pollutant traps will be installed to treat water runoff.
- A stormwater detention pond is proposed, which will hold a 1 in 100 year rainfall event. This detention pond will be available for fire fighting purposes.
- The processing of materials is proposed to operate 7am to 6pm Monday to Friday and 8am to 1pm on Saturdays. Processing of materials will not occur on Sundays and public holidays.
- The site is proposed to be accessible for loading and unloading activities 24 hours per day, 7 days per week.

As the site is completely undeveloped, substantial infrastructure and construction work will be required prior to operations. This includes the construction of the weighbridge, site office, hardstand areas, detention pond and earth berm among others. Substantial earthworks will be required in levelling the site as well as building the proposed earth berm.

1.3 Development history of the site

Lot 18 in DP 1240431 – 68 Hawken Street, Oberon

Subdivision of the site was approved via development application 10.2012.44.1 and subsequently modified. The development application allowed the creation of 27 lots on the site in which Lot 18 is one of these created lots. The purpose of the subdivision was to create industrial zoned allotments, extending the industrial estate east along Albion Street. Since the subdivision Lot 18 has remained vacant and has not been the subject of any other development applications.

Lot 33 & 34 in DP 1228591 – 26 Endeavour Street, Oberon

The only relevant development application on the site is for Soil extraction (extractive industry), development number 10.2019.19.1 which was approved on 20 June 2019. The extractive industry site is located east of the proposed development on Lot 33. The development proposes to extract approximately 29,600 cubic metres of soil for use on other Borg sites within the nearby locality. It is most likely that some of this extracted soil will be used in the construction of the proposed earth berm and for levelling the development site.

Both Lots 33 and 34 were originally used for agricultural purposes originally. The development of the timber processing facilities on adjoining and adjacent allotments led to the contamination of Lot 33, particularly the Kings Stockyard Creek, which has now been rehabilitated.

1.4 Compliance with planning regulations

The subject land is within the IN1 – General Industrial zone primarily with approximately 1.2 hectares of the proposal within the RU1 Primary Production Zone under the *Oberon Local Environmental Plan 2013*. Development for the purposes of a waste or resource management facility is permissible with consent on land within the IN1 Zone under both the *Oberon Local Environmental Plan 2013*. Waste or resource management facilities are not permissible within the RU1 – Primary Production zone, however due to the allowances under section 5.3 of the *Oberon Local Environmental Plan 2013* it is deemed that the development could be allowable. In particular, as the majority of waste management

activities will be taking place within the boundaries of the IN1 – General Industrial zone it is deemed that impacts to the RU1 – Primary Production zone are minimal and that the proposal is consistent with the objectives of both zones. The proposed waste development is classified as designated development in accordance with clause 32 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Waste or resource management facilities are not a nominated permissible use in the RU1 Primary Production zone under the *Oberon Local Environmental Plan 2013*. Waste or resource management facilities are permissible with consent on land in a prescribed zone pursuant to Division 23 of *State Environmental Planning Policy (Infrastructure) 2007*. Section 120 of SEPP (Infrastructure) states that the RU1 Zone is a prescribed zone and therefore a waste or resource management facility is permissible with consent.

Section 79C(a)(i) requires a consent authority to consider relevant Environmental Planning Instruments. This includes the following State Environmental Planning Policies as follows:

- SEPP 33 Hazardous and Offensive Industry
- SEPP 44 Koala Habitat Protection
- SEPP 55 Remediation of Land
- SEPP Infrastructure (2007)
- SEPP (Vegetation in Non-Rural Areas) 2017

Section 79C(a)(iii) also requires the consent authority to consider the *Oberon Development Control Plan*. The parts considered to be specifically relevant are as follows:

- Part A – “Rural development” - Rural 1 (a) Zone
- Part D – “Commercial & Industrial Development”
- Part F – “Vehicle Circulation & Parking”

1.5 Consultation

The development proposal has been placed on public exhibition in accordance with legislative requirements after the issuing of the Secretaries Environmental Assessment Requirements (SEAR's).

The exhibition period was from:

- 25 July 2019 – 25 August 2019

Notification of the proposal was given to landowners within a radius of approximately one (1) kilometre of the subject site as well as advertisements placed in the local newspaper (*Oberon Review*) and Council's website.

One (1) submission was received during the notification period with no objections to the development. The submission included information regarding the existing use of the National Parks and Wildlife depot operations. This includes primarily helicopter landings in and out of the depot which may impact or be impacted from any tall antennae or towers if proposed.

1.6 Recommendation

The proposed development has been assessed on its merits and the public interest and in accordance with the legislative and regulatory provisions. Based on the documentation submitted with the application, the proposal is **recommended for approval** subject to conditions of consent.

2. EVALUATION OF DEVELOPMENT APPLICATION

2.1 Proposed development

The development application seeks consent for waste or resource management facility on the land. The proposal will occupy an area of approximately 5 hectares of land over Lot 18 in DP 1249431 and Lot 33 & 34 in DP 1228591. The remaining land within lots 33 and 34 will continue to be utilised for its current uses.

The site is approximately 500 metres north of the residential zoning of Oberon. The subject site has been primarily used for agricultural activities historically and is currently vacant. Some portions of lots 33 and 34 are currently used for the storage of timber. The site is identified on the locality map in Figure 1.

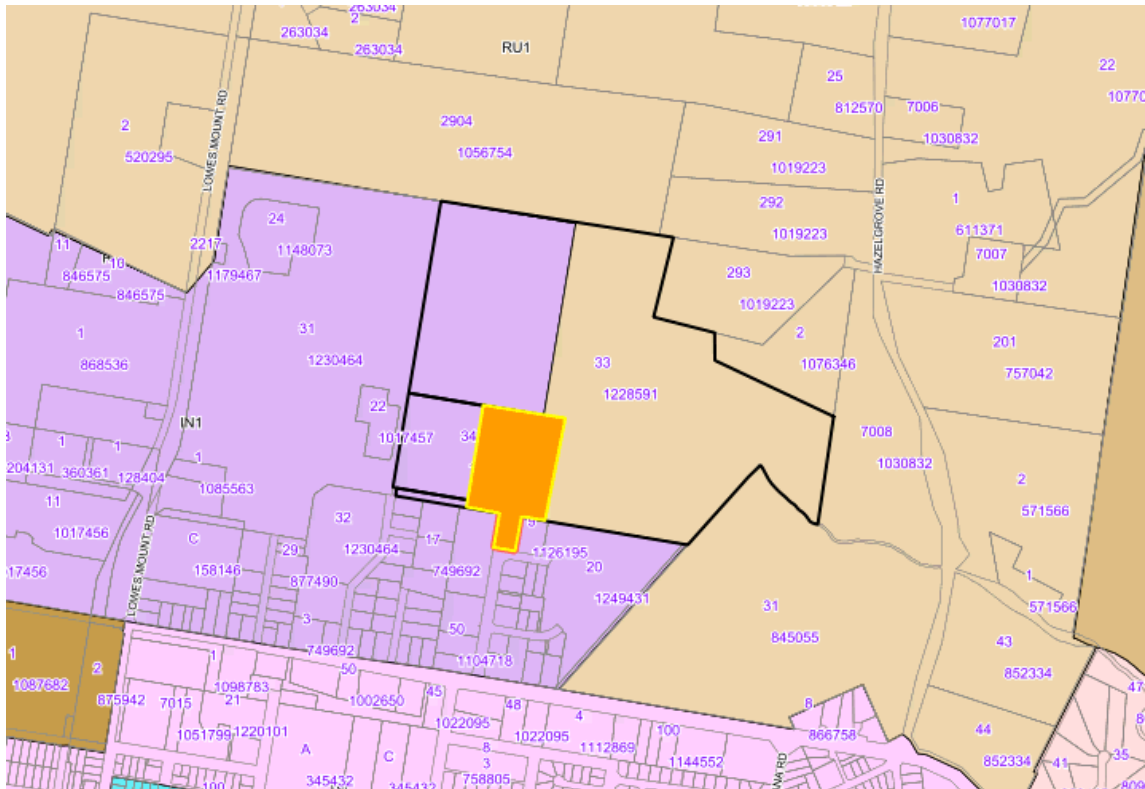


Figure 1 – Locality map showing the footprint of the site (Yellow/Orange)

Figure 1 shows the footprint of the facility in comparison to the locality. The residential zone (R1) is located south of the development (light pink) with the industrial zone (IN1) located south and west of the development. The rural land (RU1) is located north-east and east of the development site.



Figure 2 – 2018 aerial image of the approximate development footprint (Green)

The existing development area and surrounds are shown in figure 2. The majority of lot 34 (west) is used for general timber storage currently, whilst the remainder of the site and surrounding lots are vacant. To the south-east is an existing forestry depot which is currently operational. The existing stand of trees located in the centre of the proposed site is proposed to be retained.

Figure 3 (next page) shows the site layout. The site layout plan shows the entrance and weighbridge on current lot 18 (southern portion of the site). The majority of the site is bounded by a 10 metre high, 20 metre wide earth berm which extends along the eastern, northern and western boundaries. The centre of the development site holds the processing area, truck parking, quarantine and mobile plant storage areas. All unprocessed material is to be held in the north-western corner and processed materials held along the eastern side of the site. The water detention pond is located in the north-eastern corner of the site with swale drains along all boundaries to be directed to the detention pond. A wheel wash will be situated just north of the weigh bridge and firefighting water stored in two tanks located in the south-eastern corner of the site.

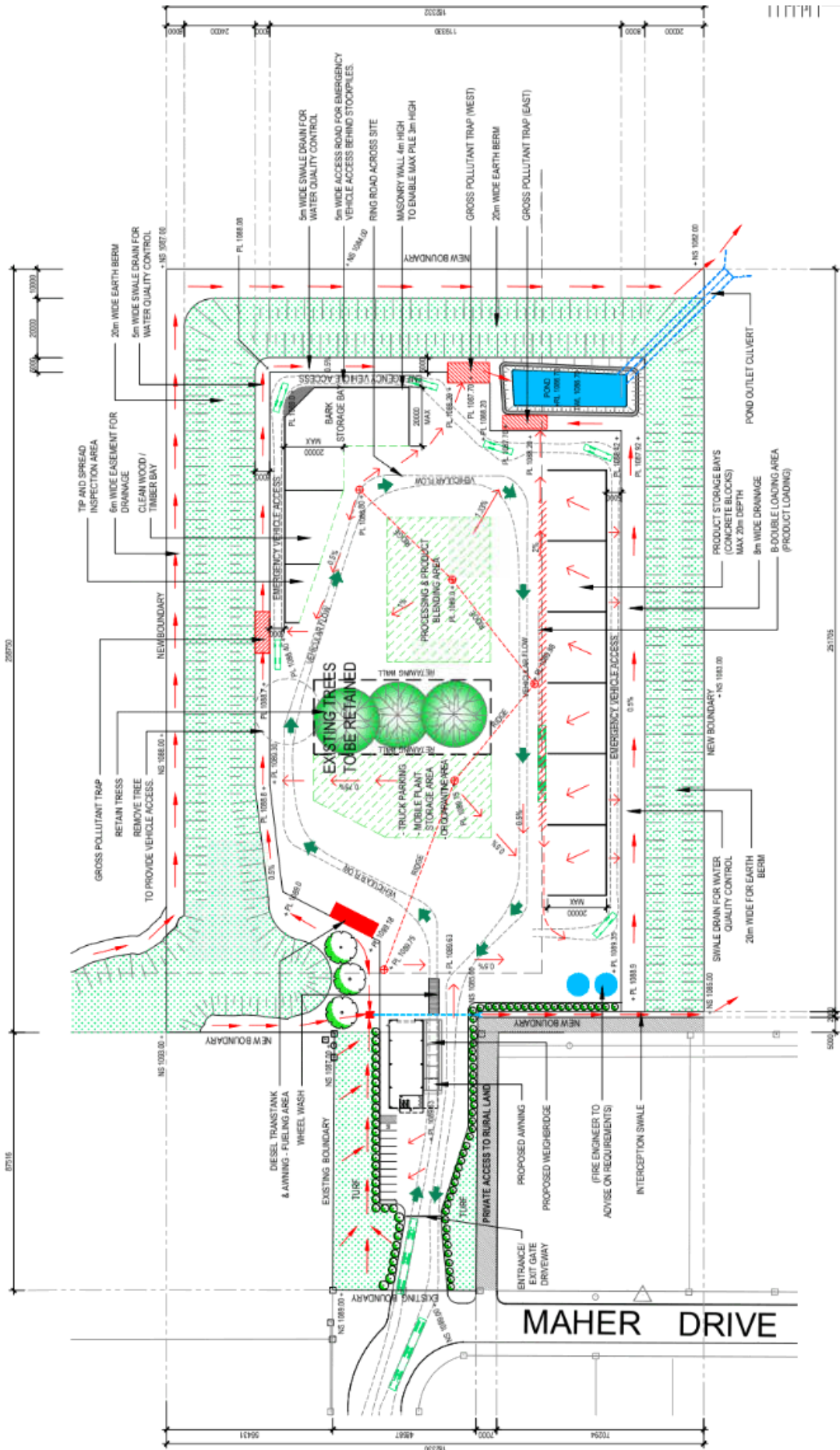


Figure 3 – Detailed Site Layout Plan

The proposal will seek to process up to 99,000 tonnes of bark and other timber products such as sawdust and untreated timber pallets. By using a variety of machinery the materials will be processed to mulch by grinders and shredders with screening by a trammel for sizing processed material. No composting is proposed and all products will be transport from the site shortly after processing.

The proposal is for 24 hours per day 7 days per week operations for truck haulage. Other hours for the processing activities are proposed to be between 7:00am to 6.00pm Monday to Friday. Saturday hours are proposed from 8.00am to 1.00pm. No processing is proposed to be undertaken on Sundays or Public Holidays although the 24 hours truck haulage is proposed to continue on these days.

The NSW Environmental Protection Authority has provided it's General Terms of Approval restricting the hours of operation and operational activities to the following:

Construction Activities

Monday to Friday	7.00 am to 6.00 pm
Saturday	8.00 am to 1.00 pm
Sunday / Public Holidays	No Work

Operational Activities

Monday to Saturday	7.00 am to 6.00 pm
Saturday	8.00 am to 1.00 pm
Sunday / Public Holidays	No Work

- Deliveries of wood waste to the premises, sourced from the Oberon Timber Complex only, Monday to Sunday (24 hrs).

The proponents proposed operating hours match the NSW Environmental Protection Authority's general terms of approval in this instance and thus are supported.

2.2 Land ownership and tenure

The subject land is owned by various owners. Lot 18 in DP 1249431 is owned by Oberon Council. Lot 33 in DP 1228591 is owned by Borg Group Pty Limited and Lot 34 in DP 1228591 is owned by Woodchem Australia Pty Limited. All property owners have consented to the lodgement of the application and are supportive of the use of the land for waste processing purposes.

2.3 Site description

The site of the waste processing facility is on a vacant portion of land which is varying in topography. The site slopes downward from a maximum height of 1089 metres on the southern boundary of the development site to a minimum of 1082 metres along the northern boundary of the development site. The surrounds of the site are varying with vacant agricultural land to the northeast and east and established industrial development to the west, south. To the north and the south-east of the site is industrial zoned land that is largely vacant at current.



Figure 4: Location of the proposed development as viewed from the southern boundary (Hawken Street)



Figure 5: The development site as viewed from the weigh bridge location (looking north-west)



Figure 6: The development site as viewed from the weight bridge location (looking south).

Further afield to the north and northeast is vacant rural land and large lot residential land. Rural land continues north-east and east of the site, with forestry land also located within the locality. Further southeast there is large lot residential land, with the general residential land located southeast and south of the development site. Southwest and west of the site is entirely industrial.

There are a number of residential dwelling sites which may be impacted by noise and dust generated by the proposal. Dwellings within the residential zone and the industrial buffer may be situated close enough to be impacted. It is however unlikely those impacts will be greater than current impacts of the existing timber factories.

2.4 Statutory Assessment Requirements

The proposed development is for a Waste and Resource Management Facility which will be classified as designated development in accordance with clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

Section 7(c) of the *State Environmental Planning Policy (State and Regional Development) 2011* has identified waste management facilities or works which meet the requirements for designated development under clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000* as being development suitable for a regional panel.

In accordance with Section 4.46 of the *Environmental Planning and Assessment Act 1979* the proposal is integrated development as the application seeks the following approvals from the Environment Protection Authority (EPA) and the Roads and Maritime Services (RMS):

- An Environment Protection Licence under section 43(b), 48 and 55 of the Protection of the *Environment Operations Act 1997*.
- Consent to carry out works over a public road in accordance with section 138 of the *Roads Act 1993*.

2.5 Environmental Planning and Assessment Act 1979

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires a consent authority to assess the impacts of development and to take into account certain matters as are relevant to a development the subject of a development application.

An evaluation of the development proposal against the relevant heads of consideration in section 4.15 of the *Environmental Planning and Assessment Act 1979* is contained in Table 1 below.

Table 1 – Assessment under 4.15 of the Environmental Planning & Assessment Act 1979

4.15(1)(a)(i) Any environmental planning instrument
<p>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</p> <p>The development is not considered to be potentially hazardous industry as per the definition within clause 3 of the above SEPP. Due to the potential impacts of dust and noise on the nearby residential zone it is considered that the development is a potentially offensive industry under the definition with in the SEPP.</p> <p>To ensure that the noise and vibration levels emitted from the development are reasonable the proposal seeks to:</p> <ul style="list-style-type: none">• Construct a 10 metre high earth berm surrounding the processing site.• Construct a 2.5 metre high noise attenuation fence along the south-east boundary.• Restrict operating hours to daytime hours, preventing work on Sundays and public holidays.• Using best practice noise suppression on equipment. <p>In regard to dust emission the proposals EIS states that the development is not likely to generate dust which is beyond the thresholds allowable. Modelling shows that potentially sensitive receptors are unlikely to be impacted.</p> <p>The matters of consideration by consent authorities as prescribed by clause 13 are as follows:</p> <ol style="list-style-type: none">(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and(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(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(e) any likely future use of the land surrounding the development. <p>A hazard analysis was undertaken and included within the provided EIS to assist in ensuring a low to moderate risk level is achieved by the development. The EPA was referred the development as part of the integrated development process in which they have approved the development with a number of general terms of approval. These terms will be made a condition of the development consent.</p>

State Environmental Planning Policy (Infrastructure) 2007

The RU1 – Primary Production zone does not allow for waste treatment facilities as development which is permissible with consent as prescribed by the Oberon Local Environmental Plan 2013. The Infrastructure SEPP allows for Waste or Resource Management Facilities as development permissible with consent within a prescribed zone (Division 23, Clauses 120 & 121). The RU1 – Primary Production zone is listed as a prescribed zone within clause 120. The majority of the development will be undertaken within the IN1 – General Industrial zone which is also listed as a prescribed zone within clause 120, however the Oberon Local Environmental Plan 2013 allows for Waste or Resource Management Facilities within the IN1 – General Industrial zone.

State Environmental Planning Policy No. 44 – Koala Habitat

The land is land in which the Koala Habitat SEPP applies under clause 6 within Part 2. The applicants EIS which includes information surrounding the vegetation within the development area indicates that no native vegetation is located within the development area. The information was provided by an environmental ecologist and therefore meets the requirement under clause 7 as to whether the land is potential koala habitat in which it is not.

State Environmental Planning Policy No. 55 – Remediation of Land

The EIS's 'Contaminated Site Assessment' has found that the subject development site is not contaminated in any regard. The assessment found that a stockpile of topsoil is located on the site which is recommended for removal prior to the use commencing; however the topsoil was not tested for contaminants. The rest of the development site was tested with no contaminants being found. Other machinery, equipment and stockpiled materials including bricks and chipboard should also be removed prior to the development being commenced. As this material is within the proposed development area it is necessary, therefore there is high confidence in this occurring prior to development.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Land within the IN1 – General Industrial zone is land which applies to this SEPP. The EIS indicates that the development site does not trigger the biodiversity offset scheme under the Biodiversity Conservation Act 2017 and the proposal does not propose to clear the trees which exist in the centre of the development site.

Oberon Local Environmental Plan 2013

Permissibility

A 'waste or resource management facility' is permissible with consent within the IN1 – General Industrial zone, as it is included within 'any other development not specified in item 2 or 4' which is listed as permissible with consent in the land use table.

Within the RU1 – Primary Production zone 'Waste or Resource Management Facility' also comes under the 'any other development not specified in item 2 or 4' which is listed as prohibited in the land use table.

IN1 Zone Objectives

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

The development is an industrial land use which will generate a number of employment opportunities for the locality. The development is not likely to unreasonably impact on existing industries located nearby to the development and with noise and dust mitigation methods will not further impact residential properties within the general locality. The industrial use is considered a reasonable use of the industrial zoning.

RU1 Zone Objectives

- To encourage sustainable primary production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable other forms of development associated with primary production activities, which may require an isolated location or which support tourism or recreational activities.

The development is a use which is considered to be somewhat inconsistent with the general objectives of the zone. As the use is not a permitted use within the zone the development does not align well with the objectives. Although the objectives do not align, there are likely to be no impact from the development on existing agricultural activities which are being undertaken nearby due to the location of the development on the zone boundary. The mitigation methods proposed will ensure that detrimental impacts are not felt by surrounding rural land uses.

6.1 – Earthworks

- 1) The development is considered not to have a detrimental impact to the locality in regard to proposed earthworks. Proposed earth berms are likely to have a positive impact on the locality by mitigating noise generation etc.
- 2) The development requires consent and the earthworks are inconsistent with the exempt provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- 3) The following matters to be addressed:
 - (a) The proposed earthworks, together with the extensive drainage network proposed are not likely to impact natural watercourses or drainage patterns negatively.
 - (b) The earthworks will make the land more developable by levelling etc. The proposed earth berm can be removed in the future should redevelopment be proposed.
 - (c) The fill is proposed from a recently approved extractive industry on site.
 - (d) The earth berm will reduce the impact of the activity on the surrounding uses by reducing noise and dust impacts.
 - (e) No excavated material proposed to be relocated off site. Fill will be obtained from recently approved extractive industry located on site.
 - (f) There is a limited likelihood of disturbing relics according to the provided EIS.
 - (g) Not likely to impact on drinking water catchments or waterways in the locality.
 - (h) Drainage infrastructure will mitigate any impacts from sedimentation, dust and other contaminants in the soil.

6.3 – Riparian land and watercourses

The subject land does include land which is designated as a riparian land or watercourse as per the *Oberon Local Environmental Plan 2013* mapping. As the watercourse is located

well away from the development site, it is not envisaged that the development will impact negatively on the waterways or habitats associated.

6.6 – Development within a designated buffer area

Although the development is located within the designated buffer of the “Oberon Timber Complex” the buffer is designed to protect the industrial land uses and as such this development is no threat.

4.15(1)(a)(ii) Any proposed instrument that is or has been placed on exhibition

There are no draft environmental planning instruments applicable to the proposal.

4.15(1)(a)(iii) Any development control plan

Part A – Rural Development

A.2.1 – General Policy

- a) The development is not located on land which is deemed to be prime crop and pasture land. The portion of RU1 zoned land is not considered to be of high quality, and the majority of the development is located within the IN1 zone.
- b) The development is located within the IN1 zone and a small portion on the edge of the RU1 zone which reduces the potential for complaints in relation to farming practices on the remaining RU1 land.
- c) The non-agricultural development is carried out so that it minimises:
 - i. Land degradation via its containment within an earth berm and capture of all stormwater.
 - ii. The stormwater capture within the development area should ensure that drainage patterns surrounding are not reasonably altered.
 - iii. Through stormwater capture and filtration ground water and other watercourses are unlikely to be polluted.
 - iv. The nature of the development is not likely to increase the spread of noxious plants or animals.
 - v. The nature of the activities is likely to slightly increase the chance of grass fire ignition. The firefighting utilities within the design are considered to be appropriate in being able to readily contain any potential fire to the development area within the earth berm boundary.
- d) The development will not impact the family farm unit on surrounding properties.
- e) The development will be located in a position that is not likely to increase the cost to ratepayers.
- f) The development is likely to generate employment opportunities for local residents which are considered a positive.

A.2.6 – Specific Aspects

- a) The developments location on the edge of the RU1 zoned land and predominately within the IN1 zone will ensure that fragmentation of prime crop and pasture land will not occur.
- b) The development will not result in the concentration of non-agricultural uses and is not likely to have the effect of:
 - i. Inhibiting or restricting farming or forestry practices by way of increased

complaints or land management problems.

- ii. All services are near to the development site and Council will not be required to extend utilities etc. at the cost of the ratepayer.
- c) Not Applicable.
- d) In general the development meets the following principles in relation to land degradation:
- i. The development area is already predominantly cleared, as is all surrounding land.
 - ii. Development is not required to be phased.
 - iii. All excavation work will be used within the earth berm and other areas of the site.
 - iv. Drainage design is incorporated in the overall design of the facility. All stormwater will be initially captured and filtered through a variety of methods which will reduce immediate water run off and increase the quality of stormwater.
 - v. Sedimentation is not likely result once the development is operational. Vegetation on the earth berm etc. will reduce sedimentation and erosion from occurring outside of the development area.
 - vi. The berm is to vegetated to reduce erosion and sedimentation.
- e) No water tanks will be visually prominent from outside the development site.
- f) Not Applicable

A.3.1 – Flooding

It is not deemed that the development is at considerable risk of flood and the subject land is not recognised by Council records as being liable to flood. Detentions ponds will ensure that the flood risk is further minimised.

A.3.2 – Bush Fire

The development has a minimal bush fire risk and is consistent with the following in regard to bush fire risk minimisation:

- a) It is not required to create a perimeter road as part of the development. Earth berm will separate the use from surrounding vegetation and grassland.
- b) The access into the urban township is considered to be appropriate in addressing evacuation risks.
- c) There is a minimal fire risk to proposed buildings.
- d) Fire fighting resources will be available on site as well as a substantial water supply to reduce the risk of fire spreading to or from the development.
- e) It is not required that the building or plant be fire resistant.

A.4.2 – Stormwater Drainage

The development has sufficient stormwater engineering solutions to address both water volume and quality including detention ponds, vegetation and drain filters etc.

A.4.3 – Building Setback from Roads

The development is setback from the road over 20 metres as required by the clause.

Part D – Commercial & Industrial Development

D.4.1 – Building Setback

The clause is designed for large industrial or commercial buildings and therefore is not relevant to the majority of the development. The weigh bridge/site office is located further than 6 metres and therefore complies.

D.4.4 – Parking

Parking is provided, however it is not behind the building line due to the design of the site. There is a car park in front of the building which is not likely to impact on the amenity or aesthetic of the industrial land.

D.4.5 – Access Driveways & D.4.6 – Site Access

The development allows for both cars and trucks up to B-double to enter and exit the site in a forward direction.

Part F – Vehicle Circulation & Parking

F.5.7 – Industrial

The statement of environmental effects indicates 7 new permanent jobs will be created from the development. According to this parking table, for a factory, this would result in the need for at least 6 (5.25) car parking spaces which is provided within the plans. The development proposes 9 car parking spaces which is deemed sufficient when including customer related parking needs on occasion etc.

F.7.2 – Design for Disabled

One (1) accessible parking space has been provided which is sufficient for this development.

F.7.3 – Landscaping

The inclusion of Turf and shrubs to the front of the development and parking area will ensure that the locality retains a reasonable level of amenity and aesthetic.

4.15(1)(a)(iia) Any planning agreement

There are no planning agreements applicable to the subject site or to this development application.

4.15(1)(a)(iv) The regulations (to the extent that they prescribe matters for the purpose of this paragraph)

There are no applicable regulations to this development application.

4.15(1)(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the

locality

Context and setting

The development site is undeveloped land situated on the fringe of the agricultural and industrial zones on the northern edge of the Oberon urban area. The existing use of the site is as agricultural grazing land or more recently for general storage of timber prior to processing. The land is predominantly cleared of vegetation outside of a small stand of pine trees which are located within the development footprint. The site plan states that these trees are to be retained within the centre of the development area.

Surrounding the development site is existing industrial development to the south, west and south-east with agricultural land to the north and north-east. The existing industrial buildings are varying in scale and density with the Oberon timber complex featuring a number of multistorey buildings to the west of the development site. The buildings located to the south are smaller in comparison with the majority being single storey sheds with varying footprints.

As the development is to be surrounded by an earth berm 10 metres high the majority of the activity within will not be seen from outside of the immediate development site. This will minimise the visual impact on rural residential properties to the north of the site. There are no residential properties or public recreation areas etc. located near the development site and as such residential properties are unlikely to be significantly impacted.

Access, transport and traffic

The use is not likely to generate a substantial traffic increase on roads outside of the immediate area. The applicants Traffic Impact Study (Barker Ryan Stewart, 12 September 2019) states that approximately 70% of loads will be locally sourced with 30% coming from either Somersby or Charmhaven. Approximately 66 truck movements are expected daily which would equate to an average of 46 movements locally with 20 movements coming from Somersby/Charmhaven. The local roads to be impacted from increased heavy vehicle traffic are Lowes Mount Road, Albion Street, Hawken Street and Endeavour Street. Both O'Connell and Duckmaloi Roads are likely to be impacted from the movements to and from sites outside of BORG's Oberon precinct.

The Traffic Impact Study has undertaken a swept path analysis which indicates that all roads and intersections impacted by the development are suitable for B-Doubles to manoeuvre. The internal access roads are also suitable with forward direction movement possible into, around and out of the development site at all times for vehicles up to the size of B-Doubles. Parking is considered appropriate with 9 parks provided along with 1 accessible park. With a total number of jobs created being 7 (as stated within the Statement of Environmental Effects).

Public domain

Being an industrial development located predominantly within the industrial estate it is deemed that the development will not impact the public domain nor contribute to it.

Utilities

The proposed development will require power, water and sewer utilities, all of which are available. Water and Power is available along Hawken Street and into the existing BORG manufacturing plant and can be easily extended at the cost of the applicant. The closest sewer line runs along the northern part of lot 18 which is very close to the proposed location of the site office.

Heritage

There are no heritage items within close proximity of the proposed development. The closest heritage item is approximately 750 metres to the south and there is no direct line of site between the development and the heritage item (I27). No heritage conservation area impacts on the development site.

In regard to aboriginal heritage an AHIMS search was completed within 200 metres of the site in which there were no items of interest found.

Other land resources

A small portion of the site is zoned as RU1 – Primary Production zone. This section of land is cleared and may be suitable for grazing. Only approximately 1 hectare of land will be impacted by the development and become directly unsuitable for grazing. The development is not likely to significantly reduce the productivity of the remainder of the RU1 – Primary Production land which surrounds the development.

Water

The requirement for water is for both operational and dust suppression over the site. The applicant proposes to use a stormwater detention pond of approximately 1.5 mega litres to both reduce the required usage of mains water and increase the water quality of stormwater which is released from the pond by allowing settlement of solids etc. The applicant also proposes to use gross pollutant traps and swales to further reduce the pollutants in the stormwater prior to both its reuse and release into waterways etc.

There is an increase in overall flows post development to 9.64 mega litres up from the existing 6.67 mega litres. The amount of suspended solids and phosphorus within the treated stormwater will be down on existing levels even with an increase in pollutants prior to treatment. The amount of nitrogen will increase by approximately double even with sedimentation and water filtration. The report concludes that this increase “will not result in ecological stress occurring at any point in the catchment”.

It is also proposed that 2 or 3 of the leaky weirs that exist between the development site and the Kings Stockyard Creek will be replaced or repaired to slow the velocity of the water. Overall with all the mitigation methods proposed being constructed it is unlikely that Kings Stockyard Creek and other watercourses further downstream will be significantly impacted by both water quality or velocity issues.

Soils

Analysis of the existing soils by Envirowest Consulting Pty Ltd indicates that the development area is not contaminated with asbestos, petrochemicals or other pollutants. Nearby is a stockpile of material, in development application 10.2019.19.1 for a proposed soil extraction site within lot 33 it was identified that this stockpile included soils removed from Kings Stockyard Creek in its remediation from a past contamination event. This material is not to be removed from the site due to its increased levels of contamination.

It is not likely that the development will contaminate land outside of the direct development site. Land surrounding the site which is zoned RU1 – Primary Production will still be suitable for grazing or other production uses in the future. There is unlikely to be a significant increase in sedimentation or erosion of soils in the nearby area due to the stormwater detention pond proposed as well as vegetation being planted throughout the earth berm and general development area.

Air and microclimate

The potential for odour to be an impact to dwellings, schools and other sensitive receptors

is minimal due to the nature of the development. Todoroski Air Sciences Pty Ltd undertook an analysis of the potential air quality impact of the development on behalf of the applicant. The report indicates that the air quality pre and post development are similar and that no impact is likely to be felt by sensitive receptors through either odour or dust.

To ensure that potential impacts to surrounding land uses and sensitive receptors are minimised the applicant proposes the following methods during the operational phase:

- Assess and work to the weather conditions (e.g. stop work if dust cannot be reasonably mitigated).
- Check weather forecasts prior to handling materials.
- Switch off engines when not in use.
- Fit vehicles and plant with pollution reduction devices where possible.
- Maintain and service vehicles according to manufacturers specifications.
- Monitor dust generation during activities.
- Keep exposed surfaces and stockpiles to a minimum.
- Cover or dampen exposed surfaces and stockpiles if dust emissions visible, or if there is potential for dust emissions.
- Minimise dust generation by undertaking earthworks when topsoil and subsoil stockpiles are moist and/or wind speeds are under 10m/s.
- Reduce drop heights of materials from machinery where possible.
- Dampen material when excessively dusty during handling.

Dust is the most likely air quality problem from the development and with the mitigation techniques such as covering stockpiles and wetting down materials as proposed above it is deemed that the impact is unlikely to unreasonably impact on neighbouring properties.

Flora and fauna

Narla Environmental Pty Ltd was engaged by the applicant to undertake a full flora and fauna assessment for the site. The assessment indicates that a once natural waterway runs through the development site, however this has already been removed and replaced with manmade channels and pipelines for stormwater. The development area features no native community types with a high volume of exotic species located within the area. A single species (three individual trees) being the Paddy's River Box were found within the survey area. The survey area being a 10km radius of the development site. There is no likely impact to the trees from the development.

Three (3) threatened fauna species were found within the survey area however there was no indication that the activities proposed would endanger any habitat or food source for these species. A further three (3) migratory species were also identified and it was concluded that the development would not significantly impact on these species. There were also no identified serious or irreversible impacts within the report.

Overall a significant amount of non-native foraging vegetation (8.15 hectares) will be removed to enable the development. There will be no impact to native vegetation and only a small amount of potential habitat will be removed which is already of poor condition according to the report. There are minimal overall impacts to flora and fauna and it is considered acceptable to undertake the development in this regard.

Waste

Jackson Environment and Planning Pty Ltd conducted the waste management plan for the applicant. The construction and demolition phase will result in approximately 250 tonnes of mixed materials being sent to landfill along with small amount of waste associated with employees. This is an unavoidable factor during construction. During the operational

phase recycling of BORG's materials from both the Oberon factory and other BORG factories will increase up to 98,357 tonnes per annum (99% of intake material). The remainder will be approximately 149 tonnes of scrap metal (<1%) and approximately 495 tonnes of other residual waste (<1%).

The facility is designed as a recycling plant with the goal of creating mulch and other wood based landscape supplies for use commercially. The facility will increase the amount of wood recycling possible for BORG across both Oberon and its other facilities. It is a positive development in this regard as it will enable BORG to be more environmentally friendly long term.

Energy

The development will use energy from both electricity sources through the mains powerline plus its fuel driven plant machinery and trucks etc. Sections of the Environmental Impact Statement indicate that in an effort to reduce emissions and fuel use trucks and other fuel driven plant will be switched off when not in use.

Noise and vibration

Spectrum Acoustics were engaged on behalf of the applicant in relation to noise and vibration impacts. The predicted operational noise levels modelling indicate that there is potential for exceedance of the noise level criterion under some circumstances. To ensure that the acoustics remain under the thresholds for compliance the earthen mound has been proposed by the applicant. There is also an acoustic barrier fence proposed along the southern boundary of the site to ensure that the maximum reduction is achieved. The report indicates that at a worst case scenario level internal sound levels within sensitive receptors such as schools and residences could reach approximately 27 dB(A) with windows open or 12 dB(A) with windows closed.

During construction the noise level within sensitive receptors may be increased at times up to 39 dB(A) internally which remains compliant with the 45 dB(A) limit. Vibration during construction will be low and compliant with building damage criteria according to the report. The limitation on construction hours to the general hours allowed by the EPA is considered to be appropriate in this instance in minimising impact on sensitive receptors and residences.

The vehicle noise from trucks coming to and going from the site will not increase, primarily because of the existing operations within BORG having truck movements occurring at all. It is also considered that due to the haulage routes being on state roads and the heavy vehicle bypass (Albion Street), and on industrial estate roads the noise is to be expected. No movements are proposed through residential localities which will ensure that truck movements at any hour of the day or night is not likely to have unreasonable noise impacts.

Natural hazards

The development is not identified as being bush fire prone according to mapping within the Oberon Local Environmental Plan 2013. The surrounding grass land is proposed to be made bush fire prone land within future updates to the mapping which is expected within the next 12 months. No buildings within the development area are within 50 metres of grass land and therefore it is considered that the threat of bush fire to these buildings is manageable without increased construction requirements. The proposal includes a stormwater detention and fire fighting utilities within the development footprint which will also reduce the potential for fire to impact the development or spread from the development.

The development is not within a flood prone area according to Councils records and mapping. The addition of stormwater detention and drainage infrastructure will ensure that the risk of flooding is reduced to both the development site and sites downstream.

Technological hazards

The land was assessed by Envirowest Consulting Pty Ltd on behalf of the applicant as part of a broader contaminated site assessment. Under SEPP 55 the site was required to undergo a site assessment due to the historical use of the land. The testing of the development site ascertained that no asbestos was located on the site. Levels of all metals, pesticides, PCB and hydrocarbons were below the commercial or industrial land-use thresholds (located within Appendix P).

A number of fuels and other chemicals are proposed to be stored on site including Diesel, Oils, Coolants, degreasers, brake fluid, grease drum cartridges and gas cylinders. The Kings Stockyard Creek is the closest waterway and most likely to experience contamination should a spill or leak occur. A number of bores are located within the locality in the case that a significant leak causes contamination of the ground water. In the case of a major spill the liquid will enter the drainage system before being captured within the stormwater detention basin, prior to entering any drainage system or waterway off site. A spill control kit and designated storage areas will be maintained on site to reduce the risk of spills or leaks.

Safety, security and crime prevention

Risks from machinery and plant movements are clearly present however a number of factors severely reduce the likelihood of injury or accidents occurring. By ensuring that all vehicles can move in a forward direction at all time the risk of collision is reduced. Hazards from chemicals and other flammable products are mitigated through correct storage etc. and are overall not considered to be a potentially hazardous development. Normal methods for safety such as site inductions etc. should ensure that risks are appropriately minimised.

Security and crime prevention is a minimal risk for the proposed development due to the nature of the activity. With deliveries from other sites occurring 24 hours and 7 days per week it is not likely that the site will be vacant for large periods of time. A weigh bridge and site office will be situated at the entrance of the facility and will prevent unauthorised vehicles from entering the site, thus reducing the chance of theft occurring.

Social impacts in the locality

The social benefits of the development are minimal. An increase in the number of available jobs within the local area may benefit the community socially, however as local unemployment is reasonably low the benefit of this is minimal. The location of the development within the industrial estate and away from residential areas will ensure that there are minimal anti-social impacts such as noise, dust and general operational complaints from neighbouring properties.

Economic impact in the locality

The development proposes the creation of 7 full time employment opportunities following the construction phase which is likely to employ another 5 persons. This will benefit the local community by increasing opportunities for employment and potentially reducing unemployment within the area. The recycling of BORG's products will also have the potential to reduce operating costs by introducing a resale value for currently unused

waste products etc.

Construction

The construction of the development site is proposed to take approximately 3 months. During this time higher than normal noise levels and dust generation may occur which will likely impact neighbouring properties in the short term. Sedimentation will be controlled throughout construction and the EPA's construction hours will be maintained. The location of the site dictates that construction should be relatively free from impacts to neighbouring properties in regard to road disruptions or blockages etc.

Cumulative impacts

The cumulative impacts of the proposed development along with the existing industrial activities occurring within BORG's main facility and the industrial estate in general are negligible. The heavy vehicle bypass will ensure that increased numbers of trucks on the road will not be felt within the residential locality. Noise and vibration impacts are sufficiently mitigated and are unlikely to increase the impact when compared to the existing noise and vibration levels. Air quality is not likely to be further increased when compared to the impacts of the main BORG facility, particularly with mitigation methods such as covering the material and wetting down the material.

Flora, fauna, water quality and soil quality is not likely to be significantly impacted due to the development. The design of the development will ensure that the majority of potentially harmful impacts will be maintained within the development site. This includes such hazards such as oil or fuel spills which will be retained within the detention basin should a major spill occur. Natural hazards such as fire or flood are very unlikely due to the location of the site. The risk of fire spreading out of the site and to neighbouring land is minimal due to the design of the development. Overall the cumulative impacts of the development with the existing industrial uses nearby are not likely to be unreasonable of further impact on the urban or rural localities.

4.15(1)(c) The suitability of the site for the development

Does the proposal fit in the locality?

The proposed development is located within predominantly the IN1 – General Industrial zone with some of the land within the RU1 – Primary Production zone. The proposal is consistent with the industrial uses which surround the development site in regards to its scale and impacts. Due to the location near existing industrial land uses the impact to nearby rural uses will be negligible and is not likely to increase cumulatively from the existing levels. The existing nearby and neighbouring land uses do not impact on the proposals ability to operate or be constructed. Overall the development is consistent with the locality and should not unreasonably detract from either the rural or industrial uses surrounding.

Are the site attributes conducive to development?

The site attributes are conducive to the development. The topography is relatively flat and with some earthworks will be sufficient for the proposed development. Natural hazards such as fire and flood are minimal at worst. There is no heritage items or conservation areas impacted by the development and prime agricultural land is generally unaffected outside of the approximately 1 hectare which is within the development site. Overall the location of the development is considered reasonable and conducive to this development.

4.15(1)(d) Any submissions made in accordance with the Act or Regulations

Public submissions

The development was notified to the public for a period of 30 days. It was notified via post to properties surrounding the development to a radius of 1 kilometre of the development site. An advert was also placed within the Oberon Review on four occasions during the notification period and notices were placed at the development site during the notification period.

A single submission was received by NSW National Parks and Wildlife on 27 August 2019 who are a neighbouring property of the development site. The submission was not against the development. The submission stated:

- NPWS would like to identify that helicopters do enter and exit the workshop site to undertake normal works programs, and during the bush fire fighting period.
- NPWS would like to ask that if any tall antenna or towers are to be constructed on the site by BORG Plantations, that a simple letter be sent to the NPWS to identify this aerial hazard, so we can brief pilots on the approach to the workshop.
- NPWS has no objection to the proposed develop lodged by BORG Plantations.

The development received no further submissions from the public and therefore can proceed without the need to address these submissions.

Submissions from public authorities

The NSW Roads and Maritime Services (RMS) and the NSW Environmental Protection Authority (EPA) were notified as part of the integrated development process. Both agencies responded with general terms of approval as per the requirements.

The EPA response was received on 20 September 2019. The general terms of approval are within the recommended conditions of consent as condition number 8. Generally the EPA approved of the development subject to a number of conditions.

The RMS response was received on 8 October 2019. The general terms of approval are within the recommended conditions of consent as condition number 9. Generally the RMS approved of the development subject to a number of conditions.

4.15(1)(e) The public interest

The development is considered to be in the public interest.

Development contributions

The Oberon Development Contributions & Water Management Works Plan (Amendment) 2004 require that commercial and/or industrial development pay developer contributions at either 0.25% of the development cost or 4 x ET (whichever is greater).

The two calculations equate to the following until July 2020 when the contributions charges are subject to change:

Development cost (\$7,251,330.00) x 0.25% (0.0025) = \$18,128.32

4 x ET (\$18,050.98) = \$72,203.92

According to the Contributions Plan the contributions payable would be \$72,203.92 as it is the greater amount. If paid after June 30 2020 this figure will change slightly.

3. CONCLUSION

The development of a Timber/Bark Processing and Landscape Supply Facility within the proposed development area is considered to be a permissible development within the IN1 – General Industrial. Whilst not normally permissible within the RU1 – Primary Production zone, clause 5.3 of the Oberon Local environmental Plan dictates that in this instance the development can be permissible due to it being located on the zone boundary. The development is consistent with the zone objectives within both zones and therefore the development is consistent with the requirement of clause 5.3.

Potential issues relating to noise are not likely to impact residential properties at a greater level than the existing industrial uses. The addition of the earthen berm and the acoustic fencing will ensure that the operational noise remains under the required limits as dictated by the NSW EPA. Operations will also be restricted during night time hours to ensure that noise is further limited during this time. Dust and other air quality impacts will be mitigated through covering materials as well as wetting down uncovered materials. The impact of dust on the locality is not likely to be unreasonable. Other issues surrounding the contamination of water courses through chemical spillage etc. or through the release of nutrients is not likely due to the proposal of a stormwater detention basin and other filtration methods. Soils and productive land is not likely to be impacted from the development and all grazing land nearby will be safe from potential contamination.

Natural hazards such as bush fire or flooding are not likely to impact on the development site and should a fire start, fire fighting utilities and water supply is sufficient on the site to reduce the potential impacts. Grassland will at a later date become a bush fire prone area within the mapping however the design of the site maintains that buildings on the site are located at least 50 metres from vegetation. Access to the site is appropriate in regard to all vehicles up to the size of a B-double, and all will be able to manoeuvre around the site in a forward direction at all times. Traffic within the residential locality will not be impacted as heavy vehicles will be directed along Albion Street when travelling from out of town. When travelling between BORG's manufacturing plant and the proposed facility trucks will be travelling predominantly on Hawken Street, Lowes Mount Road and Albion Street.

Biodiversity is not impacted, in relation to both flora and fauna. The development area was entirely clear of native vegetation and no threatened species were detected on the site, although some were detected within the survey area which is not likely to be impacted from the development. No habitat will be removed except for some grazing land which is likely not to impact native fauna due to the amount of grazing land still available surrounding. The development is not likely to impact on the locality visually both due to the existing locality being predominantly industrial and because of the significant earthen berm surrounding the facility which will be vegetated. There are also no heritage items or conservation areas near the development site.

Economically the development will result in an increase in both construction jobs and operational jobs for the local area. 7 full time jobs are expected to be created for the operations and 5 for the construction phase which is a positive for the community. Socially the increase in employment will be a benefit to the community. There is not likely to be any issues between the subject development site and neighbouring properties from a land use incompatibility perspective due to neighbouring uses being industrial in nature, and residential dwellings are not located close to the site.

Overall the development is considered to have mitigatable impacts which are not unreasonable in the context of the locality. Impacts to residential properties are negligible and the benefits socially and economically are clear. There is minimal environmental impact to native flora and fauna or waterways and soil. The development of a timber/bark processing and landscape supply facility should therefore be granted consent.

4. DRAFT CONDITIONS OF CONSENT

Proposal: Timber/Bark Processing and Landscape Supply Facility

Address: 24 & 26 Endeavour Street OBERON & 68 Hawken Street OBERON

Western Region JRPP (PPSWES-6)

Oberon Council (DA 10.2019.43.1)

GENERAL

1. General terms of approval

The development shall be carried out in accordance with the approved stamped plans and supporting documents set out in the table below, except where modified by any conditions of this consent.

In the event of any inconsistency between conditions of this development consent and the approved plans and supporting documents, the conditions of this development consent prevail. If there is any inconsistency between the plans and documentation referred to in the table, the most recent document shall prevail to the extent of the inconsistency.

Document	Author	Date
Environmental Impact Statement	Jackson Environment and Planning Pty Ltd	2 April 2019
Revised Traffic Impact Study (app. F)	Barker Ryan Stewart	12 September 2019
Proposed Landscape Plan	BORG Construction	20 February 2019
Site Plan	BORG Construction	9 November 2018
Vehicle Movement Plan	BORG Construction	9 November 2018

Reason: To confirm and clarify the terms of Council's approval.

2. Processing limits

The total amount of material processed on the site in accordance with this consent shall not exceed 99,000 tonnes. The total annual extraction from the site shall not exceed 99,000 tonnes (measured from the date of commencement of this consent).

Reason: To ensure compliance with the application and approved plans and to confirm and clarify the terms of Council's approval.

3. Haulage Route

The haul route for trucks accessing the site and transporting materials to and from the site shall be in accordance with the approved plans and documentation.

Reason: To confirm and clarify the terms of Council's approval.

4. Protection of amenity

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

Reason: To ensure the development does not unreasonably impact on the amenity of the surrounding area.

5. Business identification signage

A business identification sign is to be erected adjacent to the entrance gate of the subject site containing the name of the operator and the phone number, postal address and email address of the permanent site contact so that complaints or any other issues relating to operation of the facility can be received and addressed in a timely manner. The erection or installation of any other advertising signage is prohibited.

Reason: To provide relevant contact details to the public and restricts advertising.

PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS CONSENT

6. Notification of commencement

The applicant is to provide written notification to Council of the intended date of commencement of extractive operations under this consent no less than two (2) weeks prior to commencement.

Reason: To inform Council of commencement of operations.

7. Hours of Operation

The hours of operation of the extractive industry are limited to the hours specified in the following table.

Days	Hours
Construction activities	
Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday & Public Holiday	No works permitted
Operational activities	
Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday & Public Holiday	No works permitted

Note: Deliveries of wood waste to the premises, sourced from the Oberon Timber Complex only are allowed Monday to Sunday (24 hrs).

Reason: To ensure the operations of the development are consistent with the application and approved plans.

8. EPA General Terms of Approval

- Except as expressly provided by these General terms of Approval (GTAs) or by any conditions of consent granted by Oberon Council or the conditions of an in-force environment protection licence issued by the Environmental Protection Authority, works and activities must be carried out in accordance with the proposal contained in:
 - Development Application 10.2019.43.1 submitted to Oberon Council, and
 - Any other additional information provided to council.
- Should any conflict exist between the above mentioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council or the conditions of an in-force environment protection licence issued by the EPA.
- An Environmental Management Plan must be prepared and implemented within 3 months of development consent being granted and prior to the commencement of any surface disturbance. The plan must include, but be limited to:

- i. The identification and mitigation of potential impacts to surface water and soils. The plan must make reference to the requirements outlined in the document *"Managing Urban Stormwater: Soils and Construction (Landcom, 2004);*
 - ii. Air quality (dust) management measures;
 - iii. Waste handling measures. The EPA notes that a Waste Management Plan has already been prepared as part of the EIS. This plan should be reviewed to ensure that it reflects the operations as approved by Council; and
 - iv. Noise management measures.
- Hours of Operation

Construction Activities: Construction activities related to the Proposal must only be undertaken during the following hours:

 - 7 am to 6 pm, Monday to Friday;
 - 8 am to 1pm, Saturday; and
 - At no time on Sunday's or Public Holidays.

Except where superseded by the condition above, construction activities must be undertaken in accordance with the "interim Construction Noise Guidelines" (DECC, 2009) or any revision.

Operational Activities: Operational activities related to the Proposal may only be undertaken during the following hours:

 - 7 am to 6 pm, Monday to Friday;
 - 8 am to 1 pm Saturday;
 - At no time on Sundays or Public Holidays; and
 - Deliveries of wood waste to the premises, sourced from the Oberon Timber Complex only, Monday to Sunday (24 Hours).
- An appropriately designed and sized wheel wash must be installed at the premises prior to the commencement of operations to minimise the potential for sediment to be tracked from the premises.
- Acoustic noise barriers must be constructed around the site. A 10m east bund must be constructed along the western, northern, eastern and part of the southern boundaries. A 2.5m fence, fitted with shade cloth, must be constructed along the south-eastern boundary (as per Table 18.1 of EIS).
- Stockpiles of waste materials, organic material (including timber and mulch), processed products and landscaping supplies must be limited to 3 m in height.
- Trucks entering and leaving the premises that are carrying loads on public roads must be covered at all times, except during loading and unloading.
- The internal access road must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).
- All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms.
- The proponent must apply for and hold an in-force environment protection licence issued by the Environmental Protection Authority prior to the proponent carrying out any scheduled activities under the Protection of the Environment Operations Act 1997 as proposed.

9. RMS General Terms of Approval

- Quantity of material processed onsite is to be limited to a maximum of 99,000 tonnes per annum.
- The consent holder shall comply with all heavy vehicle access restrictions (as per the National Heavy Vehicle Regulator NHVR) and shall ensure that all heavy vehicles associated with the facility travel by the approved haul routes only, being:
 - Lowes Mount Road – Albion Street – Hawken Street
 - Great Western Highway – O'Connell Road – Albion Street – Hawken Street, and/or

- Great Western Highway – Jenolan Caves Road – Duckmaloi Road – Albion Street – Hawken Street (noting that at the time of this consent, B-Doubles are restricted to 19m on parts of this route).
- The consent holder is to ensure that no more than 16 heavy vehicle movements occur between the Great Western Highway and the site during any hourly period. Electronic records of heavy vehicle arrival and departure times at site shall be maintained while ever the facility is operating and are to be provided to staff of any regulatory authority if requested.
- Retailing of products to the general public is not permitted at the site (unless approved under a separate DA Proposal or modification which has included assessment of the traffic impacts).
- The consent holder shall prepare and implement a driver code of conduct applicable to all heavy vehicles associated with the facility, with measures including (but not limited to):
 - Site inductions, toolbox meeting and disciplinary procedures to facilitate continuous improvement initiatives and incident awareness.
 - Truckloads are to be covered at all times when being transported to minimise dust and loss of material onto roads which may form a traffic hazard.
 - Restriction of heavy vehicle deliveries and departures so they occur outside of school us pick up / drop off times (both on rural roads and through towns) to minimise potential interactions between heavy vehicles and buses or children.
 - Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, prevent mobile phone use while driving, and promote adherence to posted speed limits.
 - Scheduling of heavy vehicle movement to minimise length of convoys / platoons.
 - Scheduling of transport and other mitigation measures for local climate conditions affecting safety of visibility (e.g. fog, wet weather).

10. Notification of commencement

The applicant is to provide written notification to Council of the intended date of commencement of the waste management facility under this consent no less than two (2) weeks prior to commencement.

Reason: To inform Council of commencement of operations.

11. Sediment and erosion control

Prior to the commencement of extractive operations, appropriate sediment and erosion controls are to be implemented and functional. The sediment and erosion control measures must remain in place and be functional during the life of the activity.

Reason: To protect the surrounding environment.

12. Operation of plant and equipment

The applicant is to ensure that all plant and equipment used on site is maintained in a proper and efficient condition, in a safe and working order; and operated in a proper and efficient manner.

Reason: To protect and minimise impacts on the surrounding environment.

13. Cultural heritage awareness

The applicant is to provide all plant operators that undertake initial ground disturbance within the site, with a cultural heritage induction to cover legislative requirements regarding Aboriginal cultural heritage, the importance of Aboriginal cultural heritage, the location of and protection measures applying to the site within the quarry, an introduction on how to identify Aboriginal objects and the procedure to be followed in the event that suspected Aboriginal material is uncovered within the site.

Reason: To ensure cultural heritage is understood and protected.

14. Cultural heritage management

If Aboriginal cultural objects or human remains are uncovered during extractive works, all works must cease in the immediate vicinity to prevent any further impacts on the object(s) or remains. Notification is to be made to the NSW Police, the Aboriginal community and the Office of Environment and Heritage as appropriate. Works are not to resume until written authorisation from the NSW Police and/or Office of Environment and Heritage is received.

Reason: To ensure appropriate action is taken upon discovery of Aboriginal cultural heritage items and/or human remains.

15. Complaints register

During the operational phases of the waste management facility activity, the applicant is to record details of all complaints received in a Complaints Register. The Register shall record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made (telephone, mail or email);
- (c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) The nature of the complaint;
- (e) Any action(s) taken by the Applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the Applicant in relation to the complaint, the reason(s) for no action being taken.

The Complaints Register shall be made available for inspection by the Council upon request.

Reason: To ensure complaints in relation to the proposed development are appropriately addressed.

16. Limit of clearing and operations

No works, activities or vegetation clearing shall occur outside of the project site boundary identified within the approved Environmental Impact Statement.

Reason: To ensure the development is contained within the approved area of operations.

17. Toilet facilities

Toilet facilities are to be provided at the work site at all times at the rate of one closet for every 20 persons employed at the site. If temporary closet accommodation is proposed, each closet must:

- (a) be at least 1050 mm wide, 1350 mm long and 2100 mm high (measured internally),
- (b) have a hinged door capable of being fastened from both inside and outside,
- (c) have sufficient walls and a roof to ensure privacy, each constructed of material that is weatherproof,
- (d) have a floor constructed of a material that is rigid and impervious,
- (e) be provided with a suitable receptacle for, and an adequate supply of, deodorising or fly-repelling fluid, and
- (f) comply with any relevant requirements of the Building Code of Australia.

Reason: To ensure adequate facilities are provided for workers.

18. Documentation

A copy of the approved documents and plans relating to this consent are to be kept by the waste management facility operator at all times and shall be made available for inspection upon request by Council or an authorised government agency.

Reason: To ensure the relevant approval documents are available for inspection.

19. Developer Contributions Charges

The developer contributions charges applicable to the development are prescribed by the Oberon Development Contributions & Water Management Works Plan (Amendment) 2004 and the Oberon 2019/20 Fees and Charges. The development will be charged a rate of 4 x ET which equates to the following if paid prior to July 1 2020. The full charges are due prior to commencement of the operations of the proposed facility.

	2019/20 1 x ET	2019/20 4 x ET
Sewer Supply Headworks	\$10,880.38	\$43,521.52
Water Supply Headworks	\$2,650.67	\$10,602.68
Public Open Space	\$234.37	\$937.48
Community Facilities	\$234.37	\$937.48
Emergency Services	\$280.41	\$1,121.64
Storm Water Drainage	\$771.55	\$3,086.20
Urban Roads	\$2,999.03	\$11,996.12
TOTAL	\$18,050.98	\$72,203.92

Reason: To ensure that the development contributes to maintain and provide local infrastructure and services.

20. Materials on Roadway

Materials from the operations of the development (such as bark chips, silt, etc) are not to be tracked off the site onto the roadway.

REASON: So that materials remain on the site and are not deposited in the kerb and gutter which could lead to water pollution of nearby watercourses.

21. External lighting not to cause a nuisance

Any exterior lighting associated with the development shall be designed and installed so that no light will be cast onto any adjoining property.

Reason: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land.

22. Number of car parking spaces

A total of five (9) off-street car parking spaces with at least one (1) accessible space is to be provided to the development as specified within the EIS. The car parking spaces are to have minimum dimensions as specified by the Australian Standard.

Reason:- to ensure there is sufficient car parking for the development.

23. Signs for visitor and employee parking

Suitable signs shall be erected within the property indicating the location of visitor and employee parking.

Reason:- to delineate the spaces suitable for visitor and employee parking.

24. Vehicles related to the development to be parked on the development site

All company and/or commercial vehicles associated with the use of the premises shall be parked within the confines of the site at all times.

Reason:- to ensure the use of the premises does not impact onto the street and affect surrounding development.

25. Vehicles to be on the subject land and not footpaths or roadways

All vehicles being serviced, repaired, or stored must be contained within the subject property and not on adjacent footpaths or roadways.

Reason:- to ensure vehicles associated with the use are contained within the subject property.

26. Vehicles driven in forward direction

All vehicles must be driven in a forward direction at all times when entering or leaving the premises.

Reason:- to preserve and enhance the safe operation of the car parking area.

27. Loading and unloading of vehicles

All vehicles being loaded and unloaded must stand wholly within the property.

Reason:- to contain all vehicle movements associated with the use within the subject property.

28. Submission of a Construction Certificate

Site works are not to commence until such time as Council has received a construction certificate for the proposed works. Council or an Accredited Certifier may issue construction certificates.

Note: Only the person who appointed the PCA may be the applicant for the Construction Certificate.

Reason:- To comply with the requirements of Section 81A of the Environmental Planning and Assessment Act.

29. Application for Drainage Works

Prior to the undertaking of any sewer or storm water drainage work an approval for these works under section 68 of the Local Government Act 1993 must be obtained.

Reason:- To ensure that the sewer and storm water drainage works involving Council infrastructure are to Councils satisfaction.

30. Do not discharge trade waste without approval

Trade waste material is not to be discharged into the sewer drainage pipelines or stormwater drainage systems, without first obtaining written approval from Council (Note:- this may necessitate the installation of an approved trade waste system including approved tanks, pits, sumps and arrestors).

Reason:- to prevent damage to Council's Wastewater Treatment Works and subsequent pollution of the Fish River and to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended.

PRESCRIBED CONDITIONS OF CONSENT

The following conditions are known as "Prescribed Conditions" and are required by the Environmental Planning and Assessment Regulation 2000 to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council's Development Department who will be happy to advise you as to whether or not the conditions are relevant to your consent.

1. All building work 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 or complying development certificate was made).

Reason:- So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulation 2000.

2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Reason:- So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulation 2000.

3. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
- in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Reason:- So that the development complies with the requirements imposed under Clause 98B of the Environmental Planning and Assessment Regulation 2000.

4. 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:

- showing the name, address and telephone number of the principal certifying authority for the work, and
- 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
- stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work is being carried out and must be removed when the work has been completed.

Note: This condition does not apply to building work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:- So that the development complies with the requirements imposed under Clause 98A of the Environmental Planning and Assessment Regulation 2000.

5. Any development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- i. protect and support the adjoining premises from possible damage from the excavation, and
 - ii. where necessary, underpin the adjoining premises to prevent any such damage.

NOTE: The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason:- So that the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulation 2000.

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