

Ballina Shire Council
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BALLINA NSW 2478

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BALLINA NSW 2478

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Locality Plan - DA 2019/223

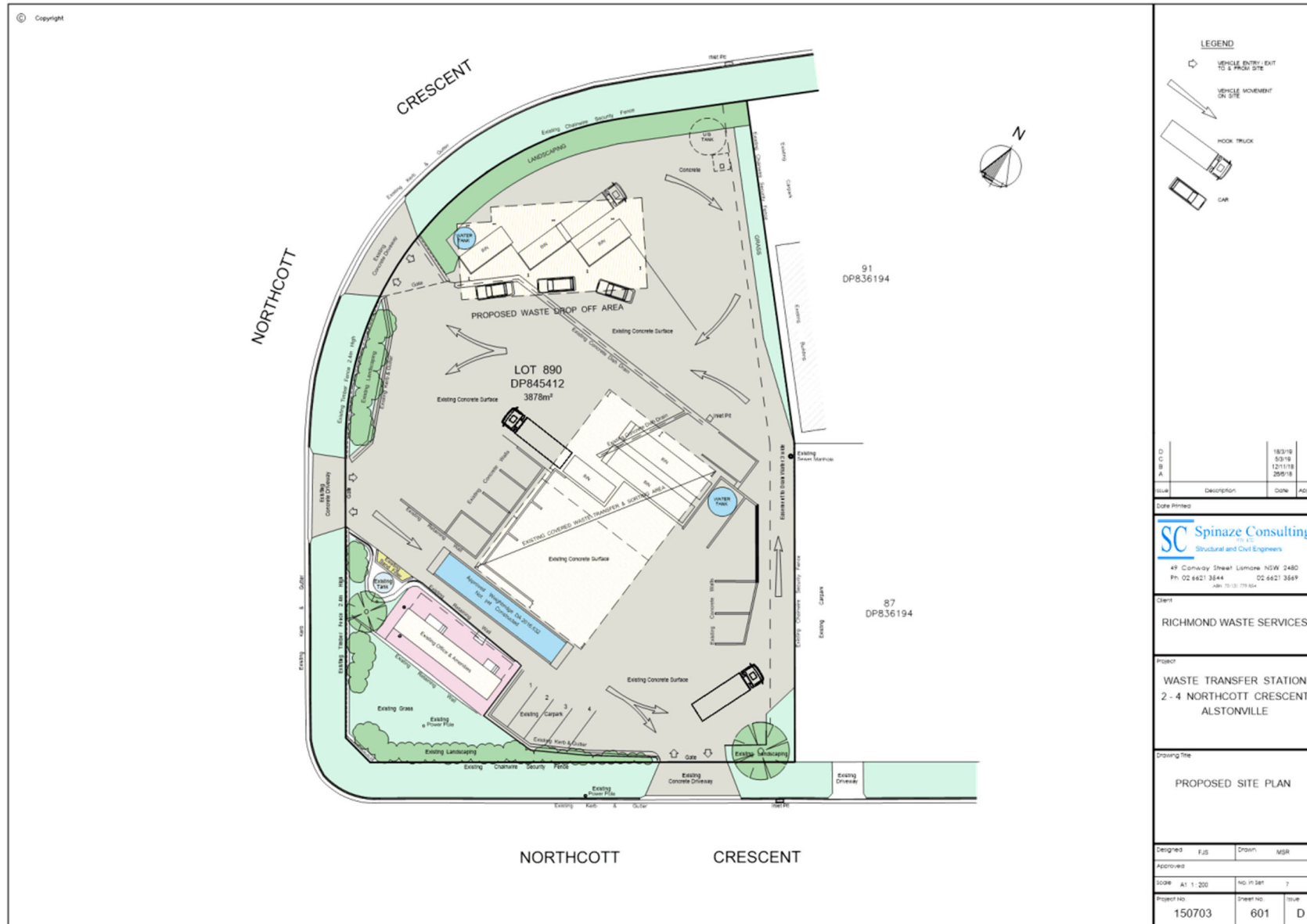
ballina shire council
geographical information system

Projection: GDA94 / MGA zone 56
Date: 26/02/2020

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Issue	Description	Date	App'd
A		12/11/18	
Date Printed:			
<p>SC Spinaze Consulting Structural and Civil Engineers 49 Conway Street Lismore NSW 2480 Ph 02 6621 3644 02 6621 3669 Web: 75 19 775 654</p>			
Client:			
RICHMOND WASTE SERVICES			
Project:			
WASTE TRANSFER STATION 2 - 4 NORTHCOTT CRESCENT ALSTONVILLE			
Drawing Title:			
EXISTING SITE PLAN			
Designed	FJB	Drawn	MJR
Approved:			
Scale:	A1: 1:200	No. in Set:	7
Project No.	150703	Sheet No.	600
Issue			A



LEGEND

- VEHICLE ENTRY/EXIT TO & FROM SITE
- VEHICLE MOVEMENT ON SITE
- HOOK TRUCK
- CAR

ISSUE	DESCRIPTION	DATE	APPROVED
		18/3/19	
		15/3/18	
		12/11/18	
		25/9/18	

Date Printed:

SC Spinaze Consulting
Structural and Civil Engineers

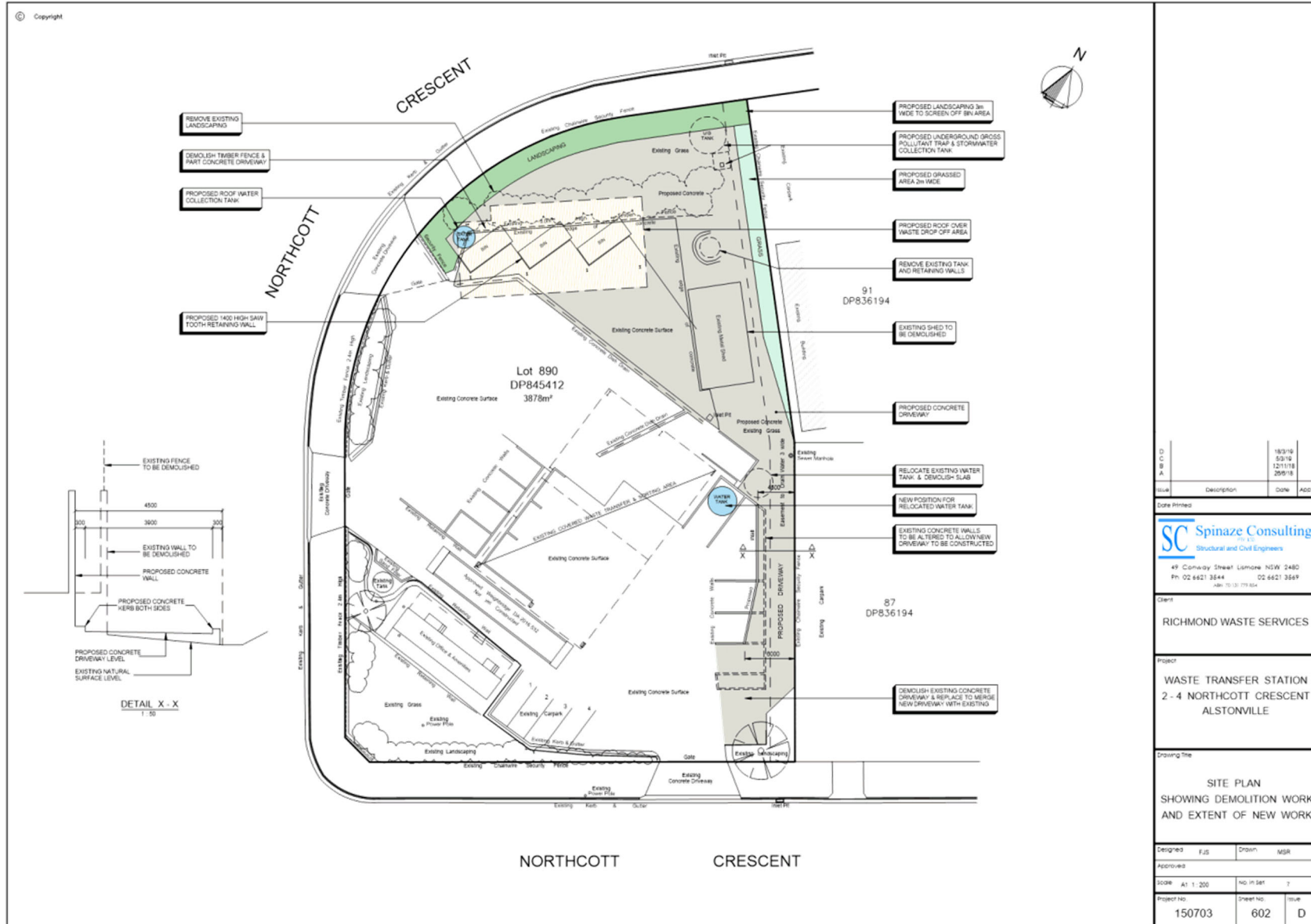
49 Conroy Street Lismore NSW 2480
Ph: 02 6621 3644 02 6621 3669
Mob: 04 31 779 604

Client:
RICHMOND WASTE SERVICES

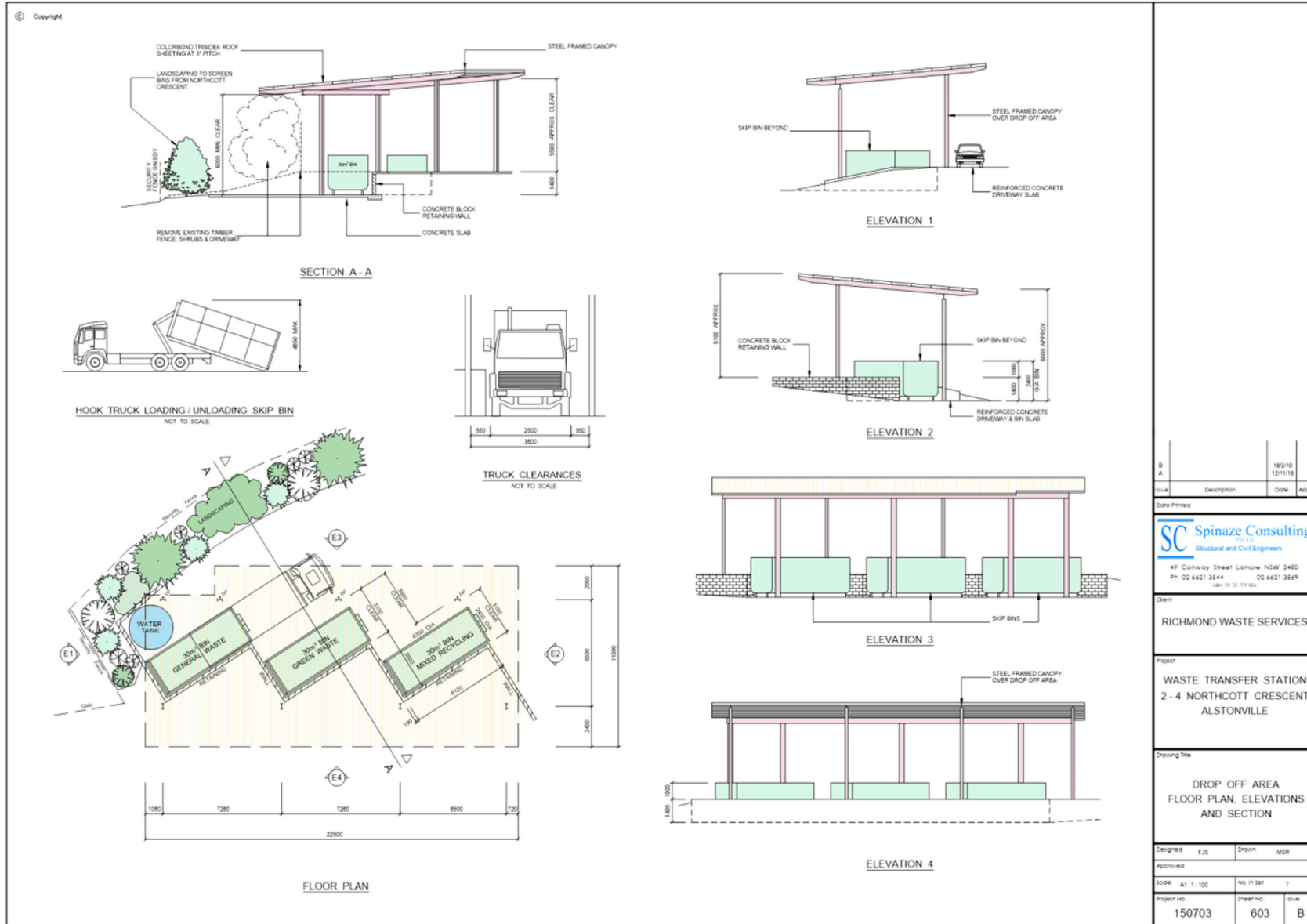
Project:
**WASTE TRANSFER STATION
2 - 4 NORTHCOTT CRESCENT
ALSTONVILLE**

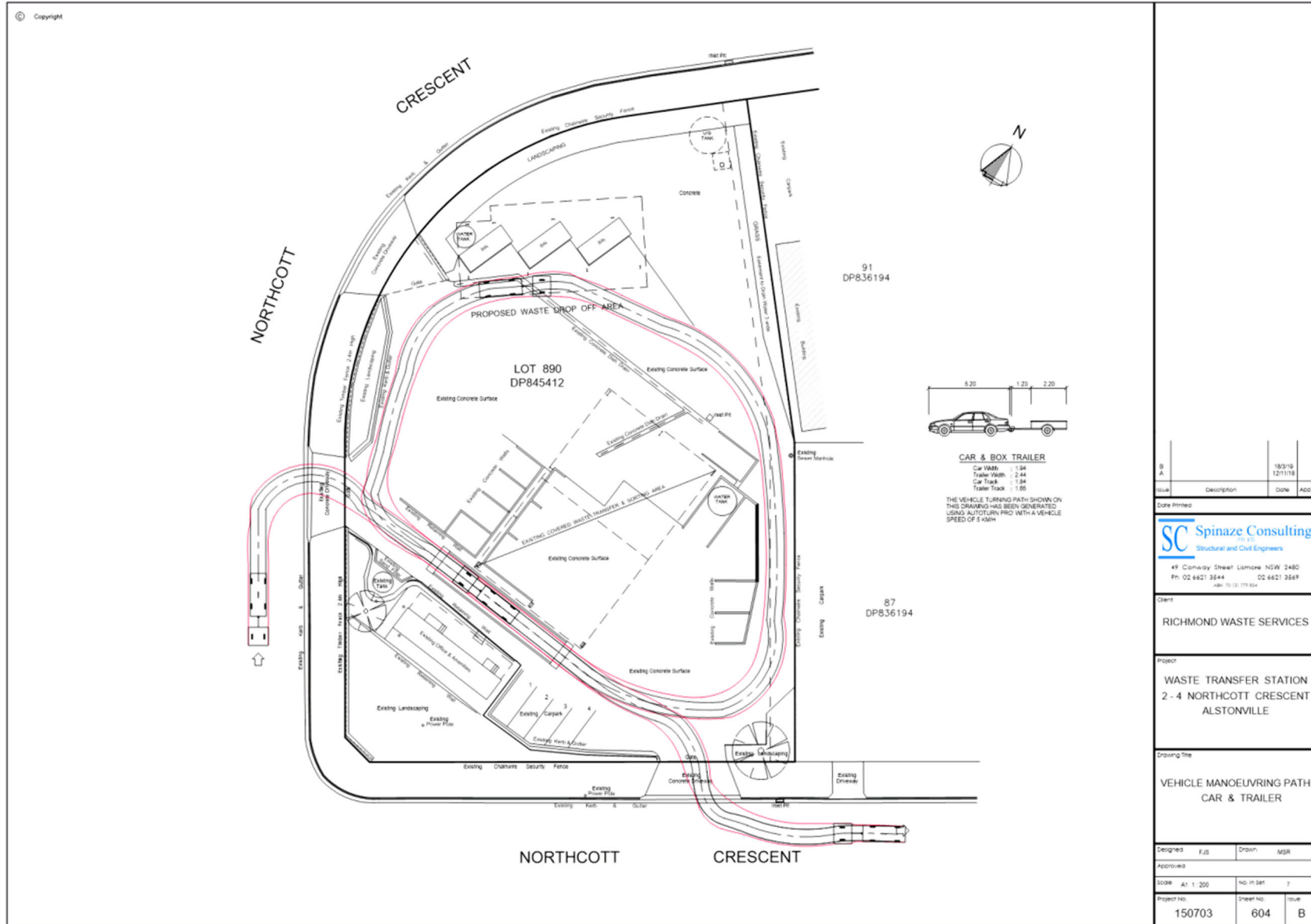
Drawing Title:
PROPOSED SITE PLAN

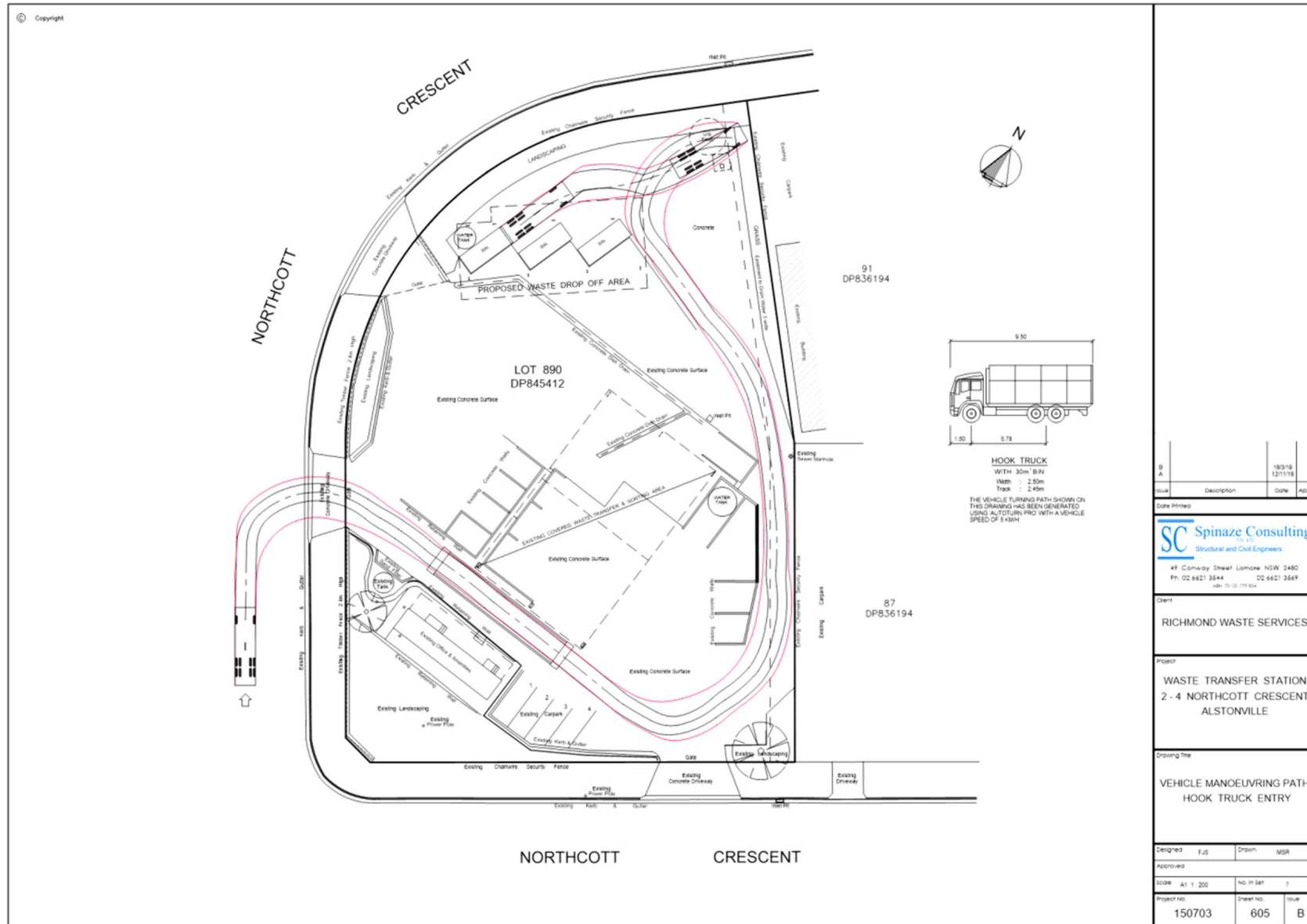
Designed: FJS	Drawn: MGR
Approved:	
Scale: A1: 1:200	No. in Set: 7
Project No: 150703	Sheet No: 601
	Issue: D

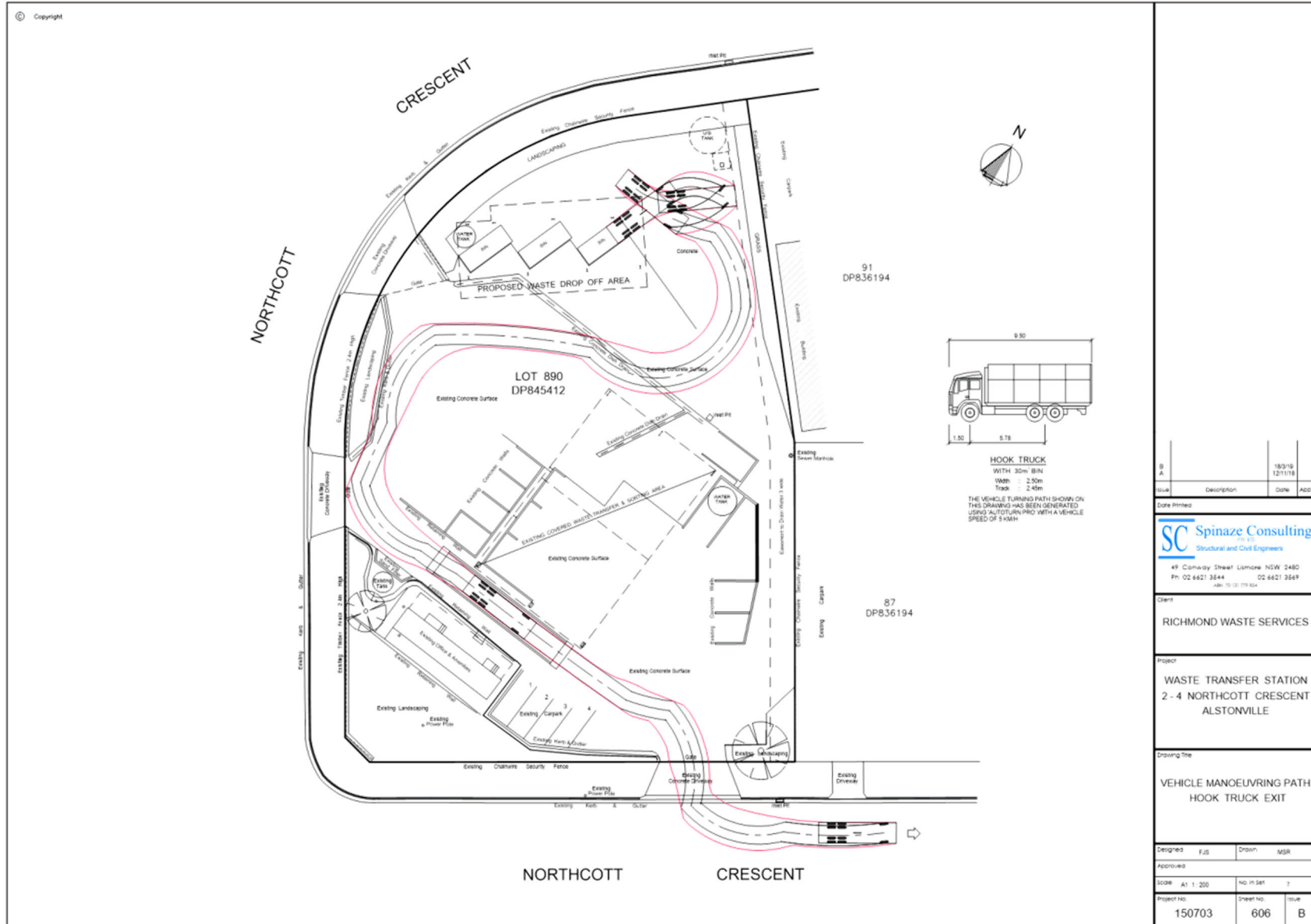


C			18/3/19	
D			22/1/18	
B			29/5/18	
A				
Issue	Description	Date	ADD	
Date Printed				
49 Conway Street Lismore NSW 2480 Ph 02 6621 3644 02 6621 3669 Fax 02 6621 3654				
Client				
RICHMOND WASTE SERVICES				
Project				
WASTE TRANSFER STATION 2 - 4 NORTHCOTT CRESCENT ALSTONVILLE				
Drawing Title				
SITE PLAN SHOWING DEMOLITION WORK AND EXTENT OF NEW WORK				
Designed	FJB	Drawn	MSR	
Approved				
Scale	A1: 1:200	NO. IN SET	7	
Project No.	150703	Sheet No.	602	Issue
				D











6 June 2019

Peter Drew
Ballina Shire Council
PO Box 450
BALLINA NSW 2486

Dear Sir

REF: OBJECTION TO DA 2019/223

Orion Blinds Holdings Pty Ltd would like to lodge a strong objection to the proposed expansion of Waste Transfer Station located next to our factory in Northcott Crescent, Alstonville.

These are some examples of the negative effects we are currently experiencing:

- | | |
|------------------------|--|
| Dumping of Heavy loads | The building at 6 Northcott shakes with current load activity when containers are dropped. We are extremely concerned about the long term consequences to the dilapidation of the building. We note that expansion plans will include a proposed facility even closer to our building. |
| Soundproofing | Admin offices are located at 6 Northcott Cres , current noise impacts on phone calls and communication. |
| Smell | Particularly in the warmer months. |
| Pedestrian traffic | Our staff regularly walk between the Orion Blinds buildings at 6 and 37-39 Northcott– the increased traffic impacts pedestrian safety. |
| Vehicle traffic | Orion Blinds Vans and Forklift transport deliveries between factories several times a day. Several staff have had near misses with trucks pulling out onto the road in front of them. |
| Litter | Wind has blown waste remnants across adjoining properties , see photo attached. |

Orion Blinds
6 Northcott Crescent, Alstonville NSW 2477
PO Box 967, Alstonville NSW 2477

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Damage to vehicle tyres	We have recently suffered several punctures to tyres of our vans and staff vehicles.
Dust	An increase has been noticed in offices and factories, staff welfare is affected
Vermin	Rats have increased – risking damage to stock fabrics and timber slats.
Insects	Office staff have noticed the increase in flies and midgie bites.
Parking	Majority of staff, park their vehicles on the streets increasing safety risks at all factories

The consequence of the proposed expansion will only increase the impact of this list of considerable risks/hazards. We strongly urge council to consider an alternative site for this waste facility expansion. The proposed site is surrounded by adjoining businesses and is far from ideal.

Due to the proximity of our business, we would like to request the applicant to undertake a current dilapidation report as well as monitor vibration in order to determine the current condition of our building at 6 Northcott Crescent should there be further impact in the future, should the waste facility continue in the current location.

Please do not hesitate to contact me should you require further information.

Kind Regards

Monica Martignoni
FINANCIAL CONTROLLER
ORION BLINDS HOLDINGS PTY LTD

Orion Blinds
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- 3000m² of production facilities
- Custom made Blinds – Awnings – Shutters
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6th June 2019

Jeffrey Gibbs
Northern Light
15-17 Northcott Crescent
Alstonville 2477
NSW

Dear Ballina Shire Council

I am writing in objection to DA2019/223.

I believe the expansion would make it an offensive and potentially hazardous industry.

The small block, old technologies available, lack of appropriate air filtering devices and a tin shed open on all sides to the environment makes it a likely hazardous industry when the types of heavy waste, rubbish and building materials proposing to be sorted are taken into consideration. Given the large volumes of waste which need to be transported dumped sorted and transported again.

The Russellton Industrial Estate traffic congestion and parking is presently under pressure to cope. Adding extra transport without extra infrastructure is likely to produce further problems.

The extended hours of operation applied for is proof of the low budget proposal. The measures given are not adequate to ensure the safety of surrounding food grade businesses from contamination.

I believe such an industry should be fully enclosed and filtered.

The measures given to identify and contain Asbestos sightings brings no assurance of safety. Presently Ballina Community Recycling Centre is receiving multiple Asbestos sightings weekly. Lismore Community Recycling Centre has been receiving multiple Asbestos sightings daily, and has recently closed it's door to Asbestos receivables.

This expansion would be setting a precedent within the Industrial Estates within the Ballina Shire, in that no business has an existing DA Approval to operate heavy machinery in this Zoning/Industrial Estate, as I understand it to this point.

This less expensive proposal for dealing with heavy waste and rubbish within the Shire and our zoning is not tolerable and may cause further problems for the future generation with air quality and put close neighbours and residents at an unacceptable risk to air borne hazardous materials such as Asbestos.

I believe that a precedent proposal setting such as DA 2019/223 should be put before a State level Authority such as the Northern Regional Planners Board as this precedent will certainly affect the future of the surrounding environment.

6th June 2019

Yours Sincerely
Jeffrey Gibbs



Wollongbar Progress Association Inc.

PO Box 3012, Wollongbar 2477 email: wpa2477@gmail.com

20th April 2020.

Mr P Hickey, General Manager,
Ballina Shire Council,
Ballina. 2478

Dear Paul,

DA 2019 / 223 : Lot 890 DP 845412, No 2 Northcott Crescent, Wollongbar.

Please find attached submission on the above Development Application.

This submission contends that DA 2019/223 should be assessed as Designated Development, requiring an Environmental Impact Statement, as opposed to the current application as Integrated Development, requiring only a Statement of Environmental Effects. WPA has consulted the Environmental Defenders Office on this issue.

The community has the right to expect all possible protection from adverse impacts of Waste Disposal activities, and Designated Development requirements ensure added community protection.

There is concern that the cumulative impact of such business operations being concentrated within Russellton will negatively impact Wollongbar community, at both environmental and community/social levels.

Yours sincerely,

.....
Ron Birch, President, Wollongbar Progress Association.

Attachments: 1.

Submission :

**DA 2019 /223 : Richmond Waste, Lot 890 DP 845412,
No 2 Northcott Crescent, Wollongbar.**

This Application seeks an expansion of the existing solid waste transfer station and waste transfer haulage operation.

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This WPA Submission will elaborate on the following areas of concern:
Classification of the Development and Environmental issues including
Management of Water and Air, Noise, Traffic and Vermin.

1) Classification of the Development:

The Public Notice in the Ballina Shire Advocate stated the DA as

Nominated Integrated Development Proposal: this development application comprises "integrated development" ... as it requires a licence from the NSW Environmental Protection Authority.

The Statement of Environmental Effects,(SEE) prepared by Tim Fitzroy and Associates, and lodged with this DA, acknowledges that this proposal would be classified within Item 32 – "Waste Management Facilities or Works" (SEE, 4.1, p.10), which is designated development.

The relevant section of the Environmental Planning and Assessment Act 1979, says Waste management facilities or works that *store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and that are located—*

(i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, (Schedule 3, Item 32,1 (d) (i))
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 (Schedule 3, Item 32 1 (d) (vi))

The operating site for DA 2019/223 has a natural watercourse nearby, is closer than 500 metres to residential areas of Wollongbar village and is closer than 250 metres to a dwelling house.

Whilst acknowledging this DA classification as designated development, Tim Fitzroy and Associates (for the applicant) decided that

Based on the scale, location and environmental impact of the development TFA is of the view that the expanded waste or resource transfer station does not meet the criteria for it to be considered designated development. (SEE, 4.1, p 10).

In later "Comment", Tim Fitzroy and Associates state:
Having considered the environmental impacts of the proposed development TFA is of the view that the expanded Waste Transfer Station does not meet

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the criteria for it to be considered designated development (4.7 s79C (i) Matters for Consideration General, (p,21).

This is the Applicant's consideration of the environmental impact of this development, and the Applicant making the decision that, in spite of EPA Act classification, this DA should be assessed under other criteria as integrated development (SEE, 4.2.2, p 11). The Waste Facility is significantly less than 500 metres from Wollongbar residential area, and closer to other residential dwellings.

How can this happen? The Applicant does not make decisions based on consideration of the facts: Ballina Council makes decisions based on consideration of the facts. It is Council's role to consider the scale, location and environmental impact of the development on surrounding businesses and the Wollongbar community.

For the benefit of Russellton businesses and the wider community, WPA believes this Application should be subject to the extra protection of the Designated Development classification, requiring submission of an Environmental Impact Statement, rather than the current submission of a Statement of Environmental Effects.

2) Environmental:

a) Water Management:

Following submission of their Water Management Plan, the EPA requested that

assesses the potential impact of proposed discharges on the environmental values of the receiving waterway

the applicant

This waterway, a nearby tributary which runs into Maguires Creek, fits the "natural waterbody" definition, referred to above (EPA Act, Schedule 3, Item 32,1 (d) (i)) .

The application states: Water quality modelling undertaken via MUSIC software confirms this (Stormwater Management Plan) treatment train regime will comply with Council's stormwater objectives and achieves retention rates of:

- 100% Gross Pollutants
- 81% Total Suspended Solids
- 60% Total Phosphorous
- 47% Total Nitrogen (SEE, 4.7.8, p18).

This means that 19% of suspended solids, 40% of phosphorous and 54% of nitrogen from waste products could leave the site in the water, particularly in rain events. The nearby tributary runs into Maguires Creek; as well, Council has a mapped Bore at Lumley Park (downhill from this development site).

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Ballina Council's DCP - Environmental Management, outlines control of industrial development, including

Emissions of contaminants including air pollutants, water contaminants, noise, vibration, heat or light must not cause environmental harm or nuisance. No significant emissions or discharges of contaminants are to occur beyond the boundary of the site or into adjoining waterways (Ch 5, 3.1.3 D, i, p.9)

Whilst the term "significant emissions" (above) is open to interpretation, it is relevant to note that the Richmond Waste site forms part of the highest areas of Russellton Estate, presenting extra challenges in terms of site run-off.

b) Air Pollution

The SEE, 4.7 s79C (i) Matters for Consideration General states:

Air Pollution: All sorting will occur beneath the roof which will be fitted with sprinklers to mitigate any dust emission should they occur. As such there will be no dust impacts on residents (p.20).

Comment: utes, trailers and trucks will be tipping / dumping waste into outside bins, which will then be transferred under cover for sorting. The General operations statement includes "incoming material will be pre-sorted with (an) excavator and unloaded into bins over drop wall" (SEE, General Operations, 3.1.1, p. 7).

It is impossible for all dust and **particulate matter** (See Attachment 1) to be contained during such dumping and sorting operations. The Applicant's statement, "There will be no dust impacts on residents" (p.20) is a statement without substance.

The Application says

the transfer station will continue to consolidate construction and demolition waste from multiple sources into higher-volume transfer vehicles for more economical transport to recycling/reuse and disposal sites (SEE, 3.1, p.6).

Comment:

This means there is a high likelihood of asbestos and other dangerous materials being dumped, and found only at the sorting stage.

Anecdotal evidence from other Northern Rivers waste facilities indicates numerous instances of asbestos and other undesirable waste being regularly found. It is impossible to guarantee no dangerous or hazardous materials will be dumped at this facility, and impossible to guarantee that no air contaminants will leave the site.

Strong environmental control measures must be in place.

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c) Noise

Richmond Waste's facility is at 2-4 Northcott Crescent, Russellton (DA 2019/223).

Ben's Bins waste facility is at 19-21 Northcott Crescent, Russellton (DA2017/600).

Both businesses centre on waste.

Richmond Waste's Noise Impact Assessment (NIA) calculates the nearest dwelling as being 350 metres from the site, and "some residential dwellings" (Wollongbar village) located within 500 metres of the site (Sensitive Receptors, 3.4.2, p.10).

Ben's Bins Noise Assessment (DA2017/600) acknowledged a rural dwelling 160 metres from the site, and residential development (Wollongbar Village) "is located approximately 250 metres" from the site (EIS, Newton Denny Chapelle, October 2017).

This calls into question the distances to those same receptors being claimed in DA2019/223: here, the claim is the nearest dwelling is 350 metres away, and the residential development (Wollongbar) is 480m from the site (TFA, Noise Assessment, 3.4.2, p.10), a change of 190 metres and 230 metres respectively. These two waste facilities site are not 200 metres apart.

Further work needs to be done to ensure nearby residents are sufficiently protected from noise emanating from this facility.

d) Traffic Movements:

It is difficult to understand how many daily or weekly traffic movements are anticipated, as there are a number of statements in the DA documents that appear conflicting. Here are three examples:

1st example: The proposal seeks to extend operational hours, such that large trucks can be operating at all times:

*It is understood that up to 45 semi-trailers and HR trucks
will move to and from the site during the hours 6pm to 6am
each week (after hours), anticipated at 2 movements per*

hour (SEE, p.1)

Two movements per hour is 24 truck movements each night from 6pm to 6am, so a weekly total of 160 movements out of hours.

2nd example: SEE says, Vehicle Movements:

Incoming

- 60-80 Medium Rigid (MR) and Heavy Rigid (HR) size vehicle movements per week

- 60 – 80 light traffic movements per week (cars, utes, small trucks)

Outgoing

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- 20 – 25 semi-trailer loads per week
- 10 - 20 HR movements per week. (3.1.2, p.***)

This example suggests weekly maximum 160 movements onto the site, and weekly maximum 45 movements off the site - weekly total maximum 205.

3rd example: SEE General Considerations:

"...total anticipated average demand of 754 trips/ week for the waste facility " (4.7, p.21).

There is great variation between a weekly maximum of 205 movements (Example 2), and a weekly average of 745 movements (Example 3). How many heavy trucks, semi-trailers, utilities, trailers and other domestic vehicles will actually use this facility?

d) Vermin

The SEE, 4.7 s79C (i) Matters for Consideration - General - states:

Any putrescible waste (including food) will be stored in sealed container/s and disposed of to an approved waste disposal facility on a daily basis and therefore, the risk of vermin associated with the activity is low(p.20).

Comment: Household waste is likely to include putrescible waste, which will sit in bins for hours during the heat of summer. Remnants of that waste could remain after putrescible waste has been sorted into 'sealed containers'. Such putrefying waste gives off an obnoxious odour. Adjoining businesses have testified to increased vermin activity emanating from the waste facility prior to this application for expansion. With expanded hours and expanded capacity, this issue can only worsen.

General Considerations.

Staffing at this facility:

Staff will operate the facility for extended daily hours, seven days a week, with trucks movements happening 24 hours a day.

Four staff, sharing shifts, will be carrying out administrative tasks, operating machinery, maintaining cleanliness of bins daily, maintaining cleanliness of the facility, monitoring receipt of waste, regularly monitoring dust and noise levels, and undertaking other conditional tasks that are required on a daily basis.

Given the extended trading hours and the work load, guarantees given by the Applicant in the SEE are called into question. For example,

- i) "... there will be no dust impacts on residents" (p.20)'
- ii) "... expansion ... will not lead to any negative impacts upon the amenity of the area " (p.2)
- iii) "The Waste Transfer Station will not accept asbestos, hazardous materials" (p.19).

Neighbouring Business:

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A number of businesses within Russellton lodged submissions on previous DAs relating to waste processing, and will likely submit again on this facility.

There are multiple food processing and organically-certified businesses in close proximity to these waste facilities on Northcott Crescent. This combination is not a good fit.

It is recognised that Councils across NSW currently have a problem with accepting and processing waste. There is scope for Council to allocate a dedicated area to such waste processing - a disused quarry, for example - and have all like business in the same area. Any selected site must be away from residential areas and other business that relies on scrupulously clean processing.

Conclusion:

The NSW Local Government Charter charges Councillors with taking into account the cumulative effect of their decisions regarding approvals. The Charter highlights governance principles including:

- community leadership
- regard for the cumulative effect of decisions
(Section 8 Local Government Act 1993 as amended).

As stated in our covering letter, there is community concern that the cumulative impact of such waste processing and waste storage operations, with the associated issues of air and water contamination, and noise and traffic being concentrated within Russellton will negatively impact Wollongbar community, at both environmental and community/social levels.

The waste processed at these waste facilities comes from a range of origins, and certainly includes potentially hazardous waste.

The Alstonville Strategic Plan was adopted in 2017, and the Wollongbar Strategic Plan was adopted in 2019. Neither of these plans indicate in any way that Council will allow a build-up of waste facilities within Russellton Estate, adjacent to Wollongbar village.

WPA seeks to have this DA2019/223 reconsidered as Designated Development, for the reasons outlined in this submission. Council has an obligation to protect the Wollongbar community and the Russellton business community from any negative impacts of industrial undertakings.

Thankyou for your consideration of this submission in your deliberations.

.....

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Ron Birch, President, Wollongbar Progress Association.

22nd April 2020.

Attachment 1:

Particulate matter (PM10 and PM2.5)
(information sourced from NSW Government Health website)

Particulate matter, also known as particle pollution or PM, is a term that describes extremely small solid particles and liquid droplets suspended in air. Particulate matter can be made up of a variety of components including nitrates, sulphates, organic chemicals, metals, soil or dust particles, and allergens (such as fragments of pollen or mould spores).

The size of particles affects their potential to cause health problems:

- **PM10** (particles with a diameter of 10 micrometres or less): these particles are small enough to pass through the throat and nose and enter the lungs. Once inhaled, these particles can affect the heart and lungs and cause serious health effects.
- **PM2.5** (particles with a diameter of 2.5 micrometres or less): these particles are so small they can get deep into the lungs and into the bloodstream. There is sufficient evidence that exposure to PM2.5 over long periods (years) can cause adverse health effects. Note that PM10 includes PM2.5.

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Movement of Particulate Matter:

The smaller particles are lighter and they stay in the air longer and travel farther. PM10 (big) particles can stay in the air for minutes or hours while PM2.5 (small) particles can stay in the air for days or weeks. And travel? PM10 particles can travel as little as a hundred yards or as much as 30 miles. PM2.5 particles go even farther - many hundreds of miles (www.webcms.pima.gov).

ASSESSMENT OF THE APPLICATION UNDER SECTION 4.15 (1) OF THE EP& A ACT 1979

4.15 (1) (a) (i) - the provisions of any environmental planning instrument

Local Environmental Plans (LEPs)

Relevant LEP	Applies YES/NO
Ballina Local Environmental Plan 2012	Yes
Ballina Local Environmental Plan 1987 (Note: BLEP 1987 only applies to land identified as "Deferred Matter" on the Land Application Map accompanying the BLEP 2012)	No

Ballina LEP 2012 – Zoning, Permissibility and Relevant Clauses	Comments/Is consistency with these provisions achieved?
Aims, objectives of BLEP (Clause 1.2)	The proposal has regard for the objectives of the Plan.
Land use definition (Clause 1.4)	Waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport. Waste or resource transfer stations are a type of waste or resource management facility
Zoning under BLEP 2012, permissibility within zone and regard for zone objectives (Clause 2.3)	The subject site is zoned IN1 – General Industrial under the Ballina LEP 2012. A waste or resource transfer station is permissible within the zone (any other development not specified in 2 or 4). The proposed development has regard for the objectives of the zone which seeks to promote a wide range of industrial land uses and encourages employment opportunities.
Height of buildings (Clause 4.3) Exceptions to development standards (Clause 4.6)	The maximum height shown for the land on the Height of Building Map is 10m. The proposed buildings do not exceed the maximum height.
Earthworks (Clause 7.2)	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, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or

	<p>both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Only a minor amount of earthworks will be required in relation to the proposed internal driveway and waste drop-off area. Suitable conditions have been imposed to address the abovementioned matters.</p>
Essential Services (Clause 7.7)	The site is located within the Russelton Industrial Estate and essential services are available.

State Environmental Planning Policies (SEPPs)

Relevant SEPPs	Comments/Is consistency with these provisions achieved?
SEPP 55 – Remediation of Land	Acceptable. Refer to Council report.
SEPP Hazardous and Offensive Development	<p>State Environmental Planning Policy No. 33 — Hazardous and Offensive Development (SEPP 33) was gazetted on 13 March 1992. SEPP 33 presents a systematic approach to planning and assessing proposals for potentially hazardous and offensive development for the purpose of industry or storage.</p> <p><u>Hazardous Industry</u> SEPP 33 applies to any proposal which falls under the policy's definition of 'potentially hazardous industry'. Certain activities may involve handling, storing or processing a range of substances which in the absence of locational, technical or operational controls may create an off-site risk to people, property or the environment. Such activities would be defined as potentially hazardous. Applying SEPP 33 guidelines (Department of Planning, 2011) provide a risk screening method to determine whether a proposed development is potentially hazardous and thus affected by SEPP 33.</p> <p>The applicant has submitted a Hazardous Materials SEPP 33 Assessment report for the proposed development.</p> <p>The report identified that hazardous materials will be kept on-site in the form of the storage of diesel (1,000L). A risk screening assessment of hazardous materials was undertaken for the proposed development in accordance with Applying SEPP 33 guidelines (Department of Planning,</p>

	<p>2011). The hazardous materials associated with the development did not trigger the screening thresholds for quantities of materials nor transportation movements. Therefore, the development is not considered potentially hazardous and SEPP 33 does not apply in this regard.</p> <p><u>Offensive Industry</u> The operations include the separation of reusable products from non-reusable products whereupon the separated products are temporarily stored onsite and transported off site for either reuse, recycling, processing or disposal. Waste material received at the subject site is not processed on-site.</p> <p>The materials received on-site are strictly limited to construction and demolition and Commercial and Industrial waste suitable for reuse. None of the following wastes will be accepted:</p> <ul style="list-style-type: none"> • Domestic Waste; • Asbestos; • Liquid wastes of any nature • Grease trap wastes; • Biosolids; • Hazardous wastes; • Tyres; • Soil, sand gravels. <p>The EPA has issued General Terms of Approval in relation to the future Environment Protection Licence to manage waste, noise, odour, dust, stormwater and leachate including the requirement for monitoring and record keeping.</p> <p>The scale and nature of the business coupled with the General Terms of Approval and recommended conditions of consent will provide adequate safeguards to ensure emissions from the expansion of the existing Waste Transfer Station can be controlled to a level at which they are not significant.</p> <p>The expansion of the existing Waste Transfer Station is not nominated as a Potentially Offensive Industry under Appendix 3 Applying SEPP 33.</p>
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4.15 (1) (a) (ii) – any proposed instrument that is or has been the subject of public consultation under the EP&A Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft EPI/Planning Proposal	Comments/Is consistency with these provisions achieved?
Draft State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016.	Acceptable. No issues raised.

<p>Draft Amendment to State Environmental Planning Policy 44 – Koala Habitat Protection.</p> <p>Draft State Environmental Planning Policy - Remediation of Land.</p> <p>Draft State Environmental Planning Policy - Primary Production and Rural Development.</p> <p>Draft Amendment to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.</p> <p>Draft Amendment to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.</p> <p>Draft Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>	
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4.15 (1) (a) (iii) – any development control plan (DCP)

DCPs currently in force:	
Ballina Shire Development Control Plan 2012	<input checked="" type="checkbox"/>

Ballina Shire DCP 2012	Comments/Assessment of proposal against provisions of DCP
<p>Chapter 2 - General and Environmental Consideration</p>	<p>3.4 Potentially Contaminated Land Addressed previously – refer to commentary on SEPP 55.</p> <p>3.6 Mosquito Management The proposal does not include buildings comprising residential, tourist, or visitor accommodation, a child care centre or respite day care centres. Therefore this part of the DCP does not strictly apply to this application. Notwithstanding this, a condition has been imposed to ensure the screening of stormwater/rainwater tanks.</p> <p>3.7 Waste Management Addressed by way of condition.</p> <p>3.9 Stormwater Management The Stormwater Management Plan by SDS Civil Enterprises (September 2016) is considered acceptable.</p> <p>3.10 Sediment and Erosion Control Minimal excavation is required for the proposed development.</p>

	<p>Addressed by way of condition.</p> <p>3.11 Provision of Services Necessary services are available at the site.</p> <p>3.15 Crime Prevention through Environmental Design The proposed land use and building works are unlikely to increase the potential for crime to occur in the area.</p>
Chapter 5 – Industrial Development	<p>3.1.2 Planning Objectives The proposal is generally consistent with the objectives of DCP Chapter 5. The development is suitable for the location; compatible with the land uses permitted in the zone and neighbouring zones; and is of a satisfactory design in terms of appearance, landscaping and car parking.</p> <p>Refer to Council report for detailed assessment.</p>

Planning Agreement (or draft)	Comments
	N/A

4.15 (1) (a) (iv) – any matters prescribed by the regulations

	Comments/Is consistency with these provisions achieved?
If the DA is for the demolition of a building, consider the provisions of AS 2601-1991: The demolition of structures (as in force 1 July 1993):	Addressed by way of condition.
If the DA is only for a change of use or the use of an existing building as a place of public entertainment, is the fire protection and structural capacity of the building appropriate to the building's proposed use?	Not applicable.
If the DA is involves the rebuilding/ alteration/enlargement/extension of an existing building, is the existing building required to be brought into total or partial conformity with the Building Code of Australia (BCA)?	Not applicable.
If the DA is for the erection of a temporary structure, is the fire protection and structural capacity of the structure appropriate to the proposed use of the structure?, and is the ground or other surface, on which the structure is to be erected, sufficiently firm and level to sustain the structure while in use?	Not applicable.

4.15 (1) (b) – the likely impacts of that development

		Discuss whether or not the impact is acceptable or not? If not, then describe the adverse impacts and the steps taken to mitigate the impacts
Urban and Building Design		
i)	Context and Settings	The subject site is zoned IN1 General Industry under the BLEP 2012 and is located within the Russellton Industrial Estate at Alstonville. An existing Waste Transfer Station operates from the subject site (under DA 2016/532).
ii)	Site Design and Internal Design	The design of the development is appropriate given the existing use and characteristics of the site. The site shall be suitably screened from view from the street by landscaping.
iii)	Ecologically Sustainable Building Design	Acceptable.
iv)	Access, Transport and Traffic	Addressed previously.
v)	Public Domain	Acceptable.
vi)	Utilities	Acceptable.
vii)	Heritage	No issues raised.
viii)	Construction	Standard conditions applied.
Environmental Impacts		
ix)	Other Land Resources	Acceptable.
x)	Water	Acceptable.
xi)	Soils	Acceptable.
xii)	Air and Microclimate	Acceptable.
xiii)	Flora and Fauna	Acceptable.
xiv)	Waste	Addressed previously.
xv)	Energy	Acceptable.
Hazards		
xvi)	Noise and Vibration	Noise The application has been supported with the submission of a Noise Impact Assessment prepared by Tim Fitzroy & Associates dated 21 October 2019 (V3). The assessment has been generally undertaken in accordance with the requirements of the Noise Policy for Industry (NSW EPA, 2017). The assessment established the existing background noise levels through long term (16 to 24 July) noise monitoring at 2A Brewers Close Wollongbar (this position was determined to be representative of the nearest affected residence. The existing background level is then used to determine the project specific noise criteria (PSNC) (which is the lowest of either the intrusive or amenity noise level), as shown in the following table;

	Table 3.2 Amenity and Intrusiveness Noise Levels															
	<table border="1" data-bbox="750 313 1316 414"> <thead> <tr> <th>Period</th> <th>Intrusiveness noise level₁</th> <th>Project amenity noise level₂</th> </tr> </thead> <tbody> <tr> <td>Daytime</td> <td>61 dB LAeq 15min (56 + 5)</td> <td>53 LAeq 15min (55 - 5 + 3)</td> </tr> <tr> <td>Evening</td> <td>46 dB LAeq 15min (41 + 5)</td> <td>43 LAeq 15min (45 - 5 + 3)</td> </tr> <tr> <td>Night time</td> <td>40 dB LAeq 15 min (35 + 5)</td> <td>38 LAeq 15min (40 - 5 + 3)</td> </tr> <tr> <td>Shoulder (6am-7am)</td> <td>61 dB LAeq 15min (56 + 5)</td> <td>53 LAeq 15min (55 - 5 + 3)</td> </tr> </tbody> </table> <p data-bbox="750 436 1316 492"> Notes: 1. Intrusiveness noise level is LAeq,15min - RBL + 5 (Section 2.1 (EPA 2017)). 2. Project amenity noise level (ANL) is urban ANL (Table 2.2, EPA 2017) minus 5 dB(A) plus 3 dB(A) to convert from a period level to a 15-minute level (dB = decibel; dB[A] = decibel [A-weighted]; RBL = rating background noise level). </p> <div data-bbox="750 504 1316 683" style="border: 1px solid black; padding: 5px;"> <p>The project noise trigger level is the lower (that is, the most stringent) value of the intrusiveness and amenity noise levels. Therefore, the project noise trigger levels are as follows:</p> <ul style="list-style-type: none"> • daytime: LAeq,15min 53 dB(A) • evening: LAeq,15min 43 dB(A) • night-time: LAeq,15min 38 dB(A). • shoulder: LAeq,15min 53 dB(A) </div> <p data-bbox="718 716 1340 795"> The assessment also considered the potential for the proposed use to cause sleep disturbance as the proposal includes nighttime loading and vehicle movements. </p> <p data-bbox="718 817 1340 1198"> Once the project specific noise levels are established, the noise generation of the proposed use is modelled using noise modelling software. The predicted noise levels were found to comply with all PSNC during the day, evening and nighttime. However the dB(A)Lmax (loudest noise event) associated with truck movement was found to exceed the recommended level (at one modelled location) to prevent sleep disturbance by 3dB(A) under standard meteorological conditions or by 4dB(A) under noise enhancing meteorological conditions. However, these modelled events were found to be below the existing loudest noise events during the night period, with the report therefore concluding that the real life impacts would be negligible. </p> <p data-bbox="718 1220 821 1243">Vibration</p> <p data-bbox="718 1243 1340 1568"> The Manager of Solo Waste has advised that no containers are 'dropped' at the site. Containers are transported and placed onsite via hook lift trucks. The current applicant will require no more operational machinery on site than currently used. Given the expansion proposed to cater predominantly for general public use, such as self-sort out of trailers and utilities straight into skips, the vibration impact of this activity on concrete pavement would be minimal. The Development proposal does not include substantial earthworks or construction works that would justify a dilapidation report or ground vibration assessment. </p>	Period	Intrusiveness noise level ₁	Project amenity noise level ₂	Daytime	61 dB LAeq 15min (56 + 5)	53 LAeq 15min (55 - 5 + 3)	Evening	46 dB LAeq 15min (41 + 5)	43 LAeq 15min (45 - 5 + 3)	Night time	40 dB LAeq 15 min (35 + 5)	38 LAeq 15min (40 - 5 + 3)	Shoulder (6am-7am)	61 dB LAeq 15min (56 + 5)	53 LAeq 15min (55 - 5 + 3)
Period	Intrusiveness noise level ₁	Project amenity noise level ₂														
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Shoulder (6am-7am)	61 dB LAeq 15min (56 + 5)	53 LAeq 15min (55 - 5 + 3)														
xvii) Natural Hazards	Acceptable.															
xviii) Technological Hazards	Industrial Hazards – Addressed by way of conditions and General Terms of Approval. Potential Land Contamination - Refer to Council report – SEPP 55.															

	Building Fire Risk - Conditions have been imposed to require submission of an Annual Fire Safety Statement.
xix) Safety, Security and Crime Prevention (CPTED)	Acceptable.
Social and Economic Impacts	
xx) Social Impacts in the Locality	Acceptable.
xxi) Economic Impact in the Locality	The waste transfer station will continue to consolidate construction and demolition waste from multiple sources into higher-volume transfer vehicles for more economical transport to recycling/reuse and disposal sites. This process allows for the recovery of a variety of resources from the local community; and will play an important role in the overall waste management infrastructure network by providing means of consolidating and managing recyclables and waste.
Cumulative Impacts	
xxii) Cumulative Impacts	None anticipated.

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

	Comments
i) Does the proposal fit in the locality?	Yes
ii) Are the site attributes conducive to development?	Yes

4.15 (1) (d) Any submission made in accordance with this Act or the Regulations?

Is advertising required because the development is designated or “advertised” development?	NO
Is advertising required in accordance with established Council policy and practice?	YES
If YES, how many submissions were received?	Two – Refer to Council Report for detailed assessment.

Document general terms of issues raised in any submission and how they are being considered/ assessed:

Public Submissions:	Two submissions were received in relation to the application. These submissions are discussed in detail in the body of the Council report.
Public Authority Submissions:	Comments were received from NSW Office of Environment & Heritage, and NSW Roads and Maritime Services. Refer to Council report for details

4.15 (1) (e) The public interest

Federal, State & Local Government interests and Community interests	Having regard for the matters outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979, the proposed development is considered to be in the public interest.
Section 64 Contributions and Section 7.4 Contributions	No contributions are generated by the proposed expansion.

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Notice No: 1589993

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Peter Drew

Notice Number 1589993
Date 20-Dec-2019

Re: Expansion of the existing solid waste transfer station with a processing capacity of up to 28,000 tonnes per annum.

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application (DA 2019/223) and accompanying information received by the Environment Protection Authority (EPA) on 28 May 2019.

EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence.

The general terms of approval for this proposal are provided at attachment A. If Ballina Shire Council grants development consent for this proposal these conditions should be incorporated into the consent. These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

However parts of the proposed activities have not been supported by the EPA and will not form part of this General Terms of Approval. This relates to the receiving and processing of the following waste streams:

- Waste oil or any other material that would be classified as liquid waste (in accordance with the EPA Waste Classification Guidelines);
- Household chemicals; including but not limited to: pool chemicals, paint, pesticides/herbicides, cleaning products, solvents and acids.

Due to the hazardous nature of these wastes and the environmental risks that need to be mitigated against

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the EPA advises that insufficient information was provided in the development application to properly assess how this part of the proposed activity would be effectively managed at the facility.

If you have any questions, or wish to discuss this matter further please contact Luke Davison on 02 6659 8250.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Karen Willows', positioned above a horizontal dotted line.

Karen Willows
A/Unit Head Waste Compliance
Environment Protection Authority
(by Delegation)

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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 DA 2019/233 submitted to Ballina Shire Council on 11 April 2019;
- the State of Environmental Effects dated 10 April 2019 relating to the development;
- all additional documents supplied to the EPA in relation to the development, including:
 1. Noise Impact Assessment, produced by Tim Fitzroy and Associates, dated 21 October 2019;
 2. Stormwater Management Plan (Revision A), produced by SDS Civil Enterprises, dated August 2019.;
 3. Development plans by Spinaze Consulting Pty Ltd, identified in Appendix A of the Statement of Environmental Effects, dated 10 April 2019.

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

L.1.1 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.

L2. Waste

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

Any waste received at the premises must only be 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 limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

Code	Waste	Description	Activity	Other Limits
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NA	Building and demolition waste	As defined in the POEO Act, as in force from time to time	Recovery of general waste	28,000 tonnes per annum
NA	General solid waste (non - putresible)	As defined in the POEO Act, as in force from time to time	Recovery of general waste	28,000 tonnes per annum
NA	Garden Waste	As defined in the POEO Act, as in force from time to time	Waste storage	28,000 tonnes per annum

Note: For the purpose of clarifying Condition L2.1 the maximum total limit of waste consisting of building and demolition waste, general solid waste (non - putresible) and garden waste for the purpose of recovery of general waste and waste storage is 28,000 tonnes per annum

L2.2 The licensee must have in place and implement procedures to identify and prevent the acceptance of any waste not permitted by this licence to be accepted at the premises.

L2.3 The applicant must maintain a legible register record of any wastes received at the premises that are not permitted by this licence. This record must be provided to the EPA upon request.

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

Location	Noise Limits in dB(A)				
	Morning Shoulder	Day	Evening	Night	Night
	LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LA _{Fmax}
6 Bewers Close Wollongbar (Lot 4 DP 814058)	40	40	35	35	52
9 Robb Street Alstonville (Lot 1 DP1221732)	40	40	35	35	52
8 Toona Lane Wollongbar (Lot 10 DP1200477)	40	40	35	35	52

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

- a) Morning Shoulder means the period from 6am to 7am Monday to Friday.
- b) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- c) Evening means the period from 6pm to 10pm.
- d) Night means the period from 10pm to 6am Monday to Friday and the period from 10pm to 7am Saturday and the period from 10pm to 8am Sunday and public holidays.

L3.3 Noise-enhancing meteorological conditions

- a) 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, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C, D and E 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.

- 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:

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

L3.5 To assess compliance:

- a) with the L_{Aeq} (15 minutes) or the L_{Amax} noise limits in condition L3.1 and L3.3, the noise measurements 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,

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- (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) L_{Aeq} (15 minutes) or the L_{Amax} 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.

Definition

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- Noise – 'sound pressure levels' for the purposes of conditions L3.1 to L3.8.
- L_{Aeq15} minute - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (AS1055.1-1997).
- L_{AFmax} – the maximum sound pressure level of an event measured with a sound level meter satisfying AS IEC 61672.1-2004 set to 'A' frequency weighting and fast time weighting.

L4 Hours of operation

L4.1 All construction work at the premises must only be conducted between 7am and 6pm Monday to Friday and 7am to 4pm Saturday and Sunday, excluding public holidays

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L4.2 Activities at the premises, other than construction work, must only be conducted between 6am and 6pm Monday to Friday and 7am to 4pm Saturday and Sunday. The premises may operate for the purpose of transportation of pre-loaded skip bins only between the hours of 6pm and 6am Monday to Sunday.

L4.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1 or L4.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L4.4 The hours of operation specified in conditions L4.1 and L4.2 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.

Operating conditions

O1. Odour

O1.1 No condition of this approval identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operation Act 1997.

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 The premises must be maintained in a condition that minimises and/or prevents emission of dust from the premises at all times

O2.3 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Stormwater and Leachate Management

O3.1 Stormwater management measures employed at the premises must be conducted in accordance with the document titled *Stormwater Management Plan For Additions To Waste Transfer Station prepared by*

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SDS Civil Enterprises dated August 2019 (Rev A). The management plan is retained on EPA's document management system, reference number DOC19/700735.

O3.2 Stormwater contaminated by leachate must not be released from the premises.

O3.3 All leachate collected at the premises must be disposed of at a facility that is licensed to accept that type of waste.

O4. Waste management areas

O4.1 Waste recovery activities and storage must not take place outside of the covered areas identified in the developed plans by Spinaze Consulting Pty Ltd in Appendix A of development application dated 10 April 2019 prepared by Tim Fitzroy and Associates. The plans are retained on EPA's document management system, reference number DOC19/427472.

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: the date(s) on which the sample was taken;
the time(s) at which the sample was collected;
the point at which the sample was taken; and
the name of the person who collected the sample.

M2 Requirement to monitor weather

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

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M2.2 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.

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	°C	Continuous	1 hour	AM-4
Wind direction	°	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4
Sigma theta	°	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

M3 Requirement to Monitor Noise

M3.1 Attended noise monitoring must be undertaken in accordance with Condition L3.5 and must:

- c) occur at each location listed in Condition L3.1;
- d) occur bi-annually in a reporting period;
- e) occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:
 - 1.5 hours during the day;
 - 30 minutes during the evening; and
 - 1 hour during the night.
- f) occur for three consecutive operating days.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

R2 Noise monitoring Report

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R2.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the bi-annual monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- A. an assessment of compliance with noise limits presented in Condition L3.1; 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.

G1 General conditions

G1.1 All vehicles entering and exiting the premises must have their weights recorded at the weigh-bridge.

Attachment – Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

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, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

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

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

Monitoring and recording conditions

Recording of pollution complaints

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.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;

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- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

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

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

Telephone complaints line

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.

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.

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

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

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

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before 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.

Period covered by Annual Return

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.

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

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- 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.

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.

Deadline for Annual Return

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').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

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.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

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.

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.

Notification of environmental harm

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

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1589993

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

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

Written report

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.

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.

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.

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.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

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

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

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Notice No: 1589993

CONDITIONS OF CONSENT – DA 2019/223 – Attachment 6**GENERAL****1. Approved Plans**

Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including:

Plans prepared by	Drawing No.	Drawing Title	Dated
Spinaze Consulting	150703-600 (issue A)	Existing Site Plan	12/11/18
	150703-601 (issue D)	Proposed Site Plan	18/3/19
	150703-602 (issue D)	Site Plan Showing Demolition Work and Extent of New Work	18/3/19
	150703-603 (issue B)	Drop Off Area Floor Plan, Elevations and Section	18/3/19

except as modified by any condition in this consent.

2. Commencement of occupation or use

Occupation or use of the (premises/site) for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and a final occupation certificate has been issued by the Principal Certifying Authority (PCA), unless alternative arrangements have been made with Council.

3. BCA compliance

The buildings/structures are to comply with the requirements of the Building Code of Australia and relevant Australian Standards.

4. Construction certificate to be consistent with DA

Any Construction Certificate issued in association with this development must ensure that any certified plans are consistent (in terms of site layout, site levels, building location, size, internal/external design, external configuration and appearance) with the approved Development Application plans.

5. No Signs Without Approval

No advertising sign(s) is to be erected or displayed without prior submission of a development application to, and approval from, Council, unless the proposed signage is consistent with the terms and conditions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

6. Roof colour

The roof material of the proposed development shall have low reflective index characteristics and the colour shall not be prominent against the background. As far as practicable, finishes should comprise earthy or subdued tones. Unpainted zincalume, white, off-white and light grey are not acceptable.

7. Parameters of Consent

This consent does not authorise the receiving or processing of the following waste streams at the facility:

- Waste oil or any other material that would be classified as liquid waste (in accordance with the EPA Waste Classification Guidelines.
- Household chemicals, including but not limited to, pool chemicals, paint, pesticides/herbicides, cleaning products, solvents and acids.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions in this section of the consent must be complied with prior to the issue of any Construction Certificate relating to the approved development.

8. Construction Certificate

Prior to construction of the approved development it is necessary to obtain a Construction Certificate. Either Council or an appropriately accredited certifier may issue a Construction Certificate. A separate application, complete with detailed plans and specifications, must be made to the Principal Certifying Authority for a Construction Certificate.

9. Long Service Levy

In accordance with Section 109F of the EP & A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

10. Stormwater management plan

The provision of stormwater controls on site shall be in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 – Section 3.9 - Stormwater Management and generally in accordance with the Site Stormwater Management Plan by SDS Civil, Stormwater Management Plan For Additions to the Waste Transfer Station, Dated August 2019. Overland flow paths must be incorporated into the design directing overflows to the street or public drainage systems. Overland flow paths must not be impeded by structures or landscaping. A detailed design must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

11. Landscape Plan

A landscape Plan for the three metre wide landscape strip along the north-western boundary shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. The plan shall incorporate appropriate plant species to achieve a dense screening.

PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with prior to commencement of construction works relating to the approved development.

12. Notice of Commencement and Appointment of Principal Certifying Authority

Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit to Council the following information:

- Written notification of the name and details of the Principal Certifying Authority (PCA); and
- The date of commencement and details of the Development Consent and associated Construction Certificate.

The above information is to be submitted at least two days prior to the commencement of any works, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

13. Erection of Signs

- (1) 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 work site is prohibited.
- (2) 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.
- (3) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 109R of the Act, to comply with the technical provision of the NSW Government's building laws.

14. Building waste containment

A suitable waste container capable of holding blowable type building waste must be made available on the building site during the course of construction. Building waste such as paper, plastic, cardboard, sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the locality.

DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with during the course of carrying out the construction works relating to the approved development.

15. Construction

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Weekends	7.00am to 4.00pm

No noise generating construction activities are to take place on public holidays.

16. Resource Recovery

All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility unless managed in accordance with a current resource recovery order and exemption. If alternative disposal methods are to be sought, written approval is to be granted by the Principal Certifying Authority (PCA). **It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.**

17. Erosion and Sediment Control

An Erosion and Sediment Control Plan (ESCP) which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 shall be implemented in full during the construction period.

18. Noise Management

All work, including demolition, excavation and building work shall comply with Australian Standard AS 2436:2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and *NSW Interim Construction Noise Guidelines* (DECC 2009).

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Unless otherwise stated all conditions referred to in other sections of this consent must be complied with together with the following conditions prior to occupation or use.

19. Compliance with Conditions

All conditions of consent are to be complied with prior to the issue of the final occupation certificate or subdivision certificate.

20. Environmental Protection Licence

Prior to issue of an Occupation Certificate, the person with the benefit of the consent shall have applied and obtained from the New South Wales Environment Protection Authority an Environment Protection Licence to operate the expanded waste transfer station.

21. Landscaping to accord with plan

All landscaping works shall be completed in accordance with the landscape plan approved as part of this development consent, prior to the issues of an occupation certificate.

22. Confirmation of Compliance

An application for an Occupation Certificate to the Principal Certifying Authority is to be accompanied by a written statement confirming how each condition of consent has been complied with.

23. Occupation Certificate

An Occupation Certificate is to be obtained prior to commencement of use or occupation of the premises. Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.

24. Waste Management

A waste management plan shall be developed for the site. The waste management plan shall detail how waste will be managed at the site including delivery, storage, transport, locations where waste will be taken and the measures to be implemented to ensure unapproved wastes are not accepted at site and a contingency plan in case they are. The waste management plan shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to the release of any Occupation Certificate.

25. Noise Management Plan

A Noise Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Council prior to the issue of any Occupation Certificate. The Plan shall have consideration for the recommendations in the Noise Impact Assessment prepared by Tim Fitzroy and Associates dated 21 October 2019 (V3) and shall address, but not be limited to, the following matters:

- Limits to operating hours (including additional limits for large sporting events)
- Hours of delivery and servicing
- Project specific noise targets at sensitive receivers
- specific physical and managerial measures for controlling noise (including specific requirements for night time works)
- noise monitoring and reporting procedures

- measures for dealing with exceedances
- arrangements to inform residents of noisy activities likely to affect their amenity, including provision of a 24hour contact point for residents
- establishment of a system to handle and respond to complaints.

26. Stormwater

Prior to the issue of an Occupation Certificate, certification must be provided to the Principal Certifying Authority that all stormwater works have been provided in accordance with the approved Construction Plan and the approved Stormwater Management Plan. Overland flow paths must not to be impeded through structures or landscaping and must direct stormwater flows to the public drainage system and not onto adjoining properties. This certification is to be provided by a registered certified practicing Engineer competent in the field of stormwater design and familiar with all aspects of the project.

27. Fire safety certificate

On completion of the erection of the building, the owner is required to provide Council with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the BCA.

CONDITIONS OF USE/DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

28. Occupation Certificate

The building is not to be occupied until a final occupation or interim occupation certificate has been issued by the principal certifying authority.

29. Fire safety statement

The owner of the building must provide Council with an annual Fire Safety Statement at least once in each twelve months certifying that the essential and statutory fire safety measures in the building have been inspected and tested by a competent person and were found to have been designed, installed and capable of operating to the minimum standard required by the Fire Safety Schedule. A copy of the Annual Fire Safety Statement together with a copy of the Fire Safety Schedule are to be forwarded to the Commissioner, NSW Fire Brigades, and a copy of the Fire Statement and Schedule, prominently displayed in the building.

30. Front Landscaping

An area of land fronting the entire street alignment of the site, exclusive of approved accessways, to a minimum width of three metres, shall be set aside and maintained exclusively as a landscaped area so as to reduce the visual impact of the development. Landscaping undertaken shall consist of local endemic species.

31. Waste Management

Management of waste (especially garden (putrescible)) waste collection shall minimise the creation of an odour or pest nuisance. Garden (putrescible) waste shall be stored in sealed containers and removed from site as required.

32. Waste Management

The approved facility shall be operated in accordance with the approved waste management plan and the Standards for Managing Construction Waste in NSW (NSW EPA, 2019) and is restricted to the storage and sorting of building and demolition waste, general solid waste and garden waste of no more than 28,000 tonnes per year. As outlined

in the Statement of Environmental Effects prepared by Tim Fitzroy and Associates dated 10 April 2019 no asbestos or other hazardous materials shall be accepted at the facility.

33. Prescribed Hours of Operation

Activities carried out on the land pursuant to this consent (not including initial construction works) shall only be undertaken between the hours of 6am and 6pm, Monday to Friday and 7am to 4pm on Saturdays. The premises may operate for the purpose of transportation of pre-loaded skip bins only between the hours of 6pm and 6am Monday to Sunday.

34. Noise Management

Operational activities at the site shall be in accordance with the Noise Management Plan which has been approved by the PCA. A copy of the approved management plan shall be made available at the premise and details provided to staff and users of the facility.

35. Noise Management

The use of the premises shall comply with all applicable noise legislation and not give rise to the transmission of unacceptable or offensive vibration or noise to any place of different occupancy in accordance with the NSW EPA's Noise Policy for Industry 2017 as well as The Protection of the Environment Operations Act 1997 (NSW).

36. Noise Management

The development shall not cause a noise nuisance to any other person. Following occupation, should complaints of a noise nuisance be justified, an acoustic assessment shall be conducted by a qualified consultant and report provided to Council. The applicant shall then implement all recommendations provided under the assessment within a timeframe set by Council, to the satisfaction of Council and comply with any additional direction given by Council.

37. Dust Suppression

When necessary surfaces and materials shall be wetted down to minimise dust emissions. As outlined in the submitted Statement of Environmental Effects prepared by Tim Fitzroy and Associates dated 10 April 2019, a spray irrigation system shall be fixed to the underside of the roof (when constructed) to minimise dust emissions.

38. Treatment of Waste Water

Waste water used for dust suppression or other activities on the driveways and waste storage areas shall not be conveyed to any stormwater drainage system.

39. Pollution Prevention

No vehicles or bins shall be washed on site unless a Council approved wash bay and wastewater interceptor have been provided within the premises.

40. Pest Management

A pest eradication program shall be implemented and maintained at the premises to ensure pests (rodents, cockroaches, flies etc) are adequately controlled

41. Litter Management

Measures shall be implemented on-site to prevent wind-blown litter and the site shall be maintained in a litter free condition

42. Management of Leachate

Any leachate generated on-site shall be collected, transported, and disposed of to a suitably licenced facility and in accordance with the EPA requirements.

18 May 2020

Ref: 29/2015_stage 2 WPA submission

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Peter Drew

Dear Peter

**DA 2019/223 Response to Wollongbar Progress Association Submission
Expansion of Waste Transfer Facility 2 Northcott Crescent Alstonville**

In response to the Wollongbar Progress Association Submission have been reviewed and considered and we provide the following response.

1. Classification of the Development:

The Public Notice in the Ballina Shire Advocate stated the DA as

Nominated Integrated Development Proposal: this development application comprises "integrated development" ... as it requires a licence from the NSW Environmental Protection Authority.

The Statement of Environmental Effects, (SEE) prepared by Tim Fitzroy and Associates, and lodged with this DA, acknowledges that this proposal would be classified within Item 32 – "Waste Management Facilities or Works" (SEE, 4.1, p.10), which is designated development.

The relevant section of the Environmental Planning and Assessment Act 1979, says Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and that are located—

(i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, (Schedule 3, Item 32, 1 (d) (i)) 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

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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 (Schedule 3, Item 32 1 (d) (vi))

The operating site for DA 2019/223 has a natural watercourse nearby, is closer than 500 metres to residential areas of Wollongbar village and is closer than 250 metres to a dwelling house.

Whilst acknowledging this DA classification as designated development, Tim Fitzroy and Associates (for the applicant) decided that

Based on the scale, location and environmental impact of the development TFA is of the view that the expanded waste resource transfer station does not meet the criteria for it to be considered designated development. (SEE, 4.1, p 10).

*In later "Comment", Tim Fitzroy and Associates state:
Having considered the environmental impacts of the proposed development TFA is of the view that the expanded Waste Transfer Station does not meet the criteria for it to be considered designated development (4.7 s79C (i) Matters for Consideration General, (p.21).*

This is the Applicant's consideration of the environmental impact of this development, and the Applicant making the decision that, in spite of EPA Act classification, this DA should be assessed under other criteria as integrated development (SEE, 4.2.2, p 11). The Waste Facility is significantly less than 500 metres from Wollongbar residential area, and closer to other residential dwellings.

How can this happen? The Applicant does not make decisions based on consideration of the facts: Ballina Council makes decisions based on consideration of the facts. It is Council's role to consider the scale, location and environmental impact of the development on surrounding businesses and the Wollongbar community.

For the benefit of Russellton businesses and the wider community, WPA believes this Application should be subject to the extra protection of the Designated Development classification, requiring submission of an Environmental Impact Statement, rather than the current submission of a Statement of Environmental Effects.

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TFA Response

Integral to the assessment of this application is the procedural requirements for the processing of the application under the Environmental Planning and Assessment Act 1979 and attendant regulation.

The property is zoned for industrial purposes pursuant to the Ballina Local Environmental Plan 2011. The land use is permissible with development consent pursuant to LEP 2011 applying to the land. Similarly, the proposed land use is not inconsistent with the Ballina Development Control Plan 2012 as it applies to the site.

However, under the provisions of Schedule 3 of the Environmental Planning and Assessment Regulations 2000 (EP&A Regs 2000), the proposal would be classified within Item 32 – “Waste Management Facilities or Works”.

As the site is located within 500m of a zoned residential area and within 250m of a dwelling not associated with the development not associated with the development, **the proposed facility may be considered designated development where, in the view of the consent authority, it is “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”.**

Ballina Shire Council (BSC) have concurred with TFA that the potential impacts of the development with respect to noise, visual amenity, air pollution, vermin and traffic and concludes that it will not result in any significant impact on the amenity of approved residences in the neighbourhood and that the proposed development does not meet the criteria for it to be considered as *designated development*.

2. Environmental

a. Water Management

Following submission of their Water Management Plan, the EPA requested that the applicant

assesses the potential impact of proposed discharges on the environmental values of the receiving waterway

This waterway, a nearby tributary which runs into Maguires Creek, fits the “natural waterbody” definition, referred to above (EPA Act, Schedule 3, Item 32,1 (d) (i)) .

The application states: Water quality modelling undertaken via MUSIC software confirms this (Stormwater Management Plan) treatment train regime will comply with Council’s stormwater objectives and achieves retention rates of:

- 100% Gross Pollutants

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- 81% Total Suspended Solids
- 60% Total Phosphorous
- 47% Total Nitrogen (SEE, 4.7.8, p18).

This means that 19% of suspended solids, 40% of phosphorous and 54% of nitrogen from waste products could leave the site in the water, particularly in rain events. The nearby tributary runs into Maguires Creek; as well, Council has a mapped Bore at Lumley Park (downhill from this development site).

Ballina Council's DCP - Environmental Management, outlines control of industrial development, including

Emissions of contaminants including air pollutants, water contaminants, noise, vibration, heat or light must not cause environmental harm or nuisance. No significant emissions or discharges of contaminants are to occur beyond the boundary of the site or into adjoining waterways (Ch 5, 3.1.3 D, i, p.9)

Whilst the term "significant emissions" (above) is open to interpretation, it is relevant to note that the Richmond Waste site forms part of the highest areas of Russellton Estate, presenting extra challenges in terms of site run-off.

TFA Response

A Stormwater Management Plan has been prepared by SDS Civil for driveway/manoeuvring and roof structure additions to the Waste Transfer Facility

The issue of stormwater management compliance is not 'open to interpretation' but rather there are defined requirements to which the development must demonstrate it can achieve prescriptive performance outcomes. The site has been able to demonstrate this compliance by utilising the preferred/latest software modelling platform (MUSIC) and adopting modelling parameters/criteria that meet with Ballina Shire Council's preferred input requirements. A key design element in achieving this compliance, has been the developments implementation of a roof structure over the waste storage areas which greatly reduces the volumes of water that requires treatment. This then enables a high level of confidence in that stormwater compliant outcomes will be achieved for the site.

2 (b) Air Pollution

The SEE, 4.7 s79C (i) Matters for Consideration General states:

Air Pollution: All sorting will occur beneath the roof which will be fitted with sprinklers to mitigate any dust emission should they occur. As such there will be no dust impacts on residents (p.20).

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Comment: utes, trailers and trucks will be tipping / dumping waste into outside bins, which will then be transferred under cover for sorting. The General operations statement includes "incoming material will be pre-sorted with (an) excavator and unloaded into bins over drop wall "(SEE, General Operations, 3.1.1, p. 7).

*It is impossible for all dust and **particulate matter** (See Attachment 1) to be contained during such dumping and sorting operations. The Applicant's statement, "There will be no dust impacts on residents" (p.20) is a statement without substance.*

*The Application says
the transfer station will continue to consolidate construction and demolition waste from multiple sources into higher-volume transfer vehicles for more economical transport to recycling/reuse and disposal sites (SEE, 3.1, p.6).*

*Comment:
This means there is a high likelihood of asbestos and other dangerous materials being dumped, and found only at the sorting stage.*

Anecdotal evidence from other Northern Rivers waste facilities indicates numerous instances of asbestos and other undesirable waste being regularly found. It is impossible to guarantee no dangerous or hazardous materials will be dumped at this facility, and impossible to guarantee that no air contaminants will leave the site.

Strong environmental control measures must be in place.

TFA Response

Air Quality (dust emissions) will be addressed by way of spray irrigation fixed to the underside of the proposed roof when sorting is occurring. The Waste Transfer Station will not accept asbestos, hazardous materials. Any putrescible waste that is received will be stored in sealed containers within the roofed area and removed for disposal offsite to an approved waste disposal facility on a daily basis. Accordingly, it is not expected that there will be odour, smoke or fumes emanating from the site.

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It should also be noted that utes, trailers will not be dumping waste into outside bins. These bins will be covered and a supervised pre-sort will occur from the ute / trailer into the appropriate bin for landfill diversion and resource recovery. These bins will not need to be transported and dumped within the site but can be removed directly to appropriate disposal destinations. Bulk Mixed Construction and Demolition waste would continue to be sorted in the undercover area as is the case now.

2c) Noise

Richmond Waste's facility is at 2-4 Northcott Crescent, Russellton (DA 2019/223).

Ben's Bins waste facility is at 19-21 Northcott Crescent, Russellton (DA2017/600).

Both businesses centre on waste.

Richmond Waste's Noise Impact Assessment (NIA) calculates the nearest dwelling as being 350 metres from the site, and "some residential dwellings" (Wollongbar village) located within 500 metres of the site (Sensitive Receptors, 3.4.2, p.10).

Ben's Bins Noise Assessment (DA2017/600) acknowledged a rural dwelling 160 metres from the site, and residential development (Wollongbar Village) "is located approximately 250 metres" from the site (EIS, Newton Denny Chapelle, October 2017).

This calls into question the distances to those same receptors being claimed in DA2019/223: here, the claim is the nearest dwelling is 350 metres away, and the residential development (Wollongbar) is 480m from the site (TFA, Noise Assessment, 3.4.2, p.10), a change of 190 metres and 230 metres respectively. These two waste facilities site are not 200 metres apart.

Further work needs to be done to ensure nearby residents are sufficiently protected from noise emanating from this facility.

TFA Response

Whilst it is acknowledged that some noise will be generated during the construction for the proposed development, any unreasonable or excessive noise is governed by the Protection of the Environment Operations Act 1997. Noise control measures such as time restrictions and maximum noise levels will be implemented during the construction phase of the development to minimise impacts on neighbouring properties.

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A Noise Impact Assessment (NIA) has been prepared to assess the operational noise impacts of the expansion of the Waste Transfer Station on sensitive receivers including the expansion of the transfer of waste into the evening (6pm to 10pm) and night (10pm to 7am) periods. The NIA concludes that Noise levels from expected activities are predicted to be within the Project Specific Noise Criteria (PSNC) during all time periods.

Matters with respect to DA 2017/600 for Ben's Waste Facility at 19-21 Northcott Crescent Alstonville are irrelevant to the subject development. The NIA for DA 2019/223 has been assessed and endorsed by the Appropriate Regulatory Authority, the NSW Environmental Protection Authority, inclusive of critical review by the specialist noise assessment unit.

2 (d) Traffic Movements

It is difficult to understand how many daily or weekly traffic movements are anticipated, as there are a number of statements in the DA documents that appear conflicting. Here are three examples:

1st example: The proposal seeks to extend operational hours, such that large trucks can be operating at all times:

It is understood that up to 45 semi-trailers and HR trucks will move to and from the site during the hours 6pm to 6am each week (after hours), anticipated at 2 movements per hour (SEE, p.1)

Two movements per hour is 24 truck movements each night from 6pm to 6am, so a weekly total of 160 movements out of hours.

2nd example: SEE says, Vehicle Movements:

Incoming

- 60-80 Medium Rigid (MR) and Heavy Rigid (HR) size vehicle movements per week
- 60 - 80 light traffic movements per week (cars, utes, small trucks)

Outgoing

- 20 - 25 semi-trailer loads per week
- 10 - 20 HR movements per week. (3.1.2, p.***)

This example suggests weekly maximum 160 movements onto the site, and weekly maximum 45 movements off the site - weekly total maximum 205.

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3rd example: SEE General Considerations:

"...total anticipated average demand of 754 trips/ week for the waste facility " (4.7, p.21).

There is great variation between a weekly maximum of 205 movements (Example 2), and a weekly average of 745 movements (Example 3).

How many heavy trucks, semi-trailers, utilities, trailers and other domestic vehicles will actually use this facility?

TFA Response

For clarity the use of the word 'movement' in Section 3.1.2 of SEE refers to 'trips' 60-80 vehicle movements actually means 120-160 'trips'.

On review of the documentation, it is acknowledged that there are conflicting descriptions as to traffic generation matters and how trips were calculated. This relates to the use of the general terms 'movements', 'loads', 'vehicles' and the more particular traffic term 'trips'. It is clarified that these general terms being one (1) 'movement, load, vehicle' equates to 2 trips (ie an in and out). SDS Civil have amended the engineering Table A: Projected Average Traffic Generation 28,000T per Annum (Rev A) to clearly reflect the trips as per the Statement of Environmental Effects Section 3.1.2 Vehicle Movements (see **Attachment A**). The average number of trips over a week is re-calculated as 422 trips (inclusive of staff) - which is significantly below the previous site approved 4,169 trips/week for the 960,000T concrete batching plant.

The SEE, 4.7 s79C (i) Matters for Consideration - General - states:

Any putrescible waste (including food) will be stored in sealed container/s and disposed of to an approved waste disposal facility on a daily basis and therefore, the risk of vermin associated with the activity is low(p.20).

Comment: Household waste is likely to include putrescible waste, which will sit in bins for hours during the heat of summer. Remnants of that waste could remain after putrescible waste has been sorted into 'sealed containers'. Such putrefying waste gives off an obnoxious odour. Adjoining businesses have testified to increased vermin activity emanating from the waste facility prior to this application for expansion. With expanded hours and expanded capacity, this issue can only worsen.

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TFA Response

Any putrescible waste (including food) will be stored in sealed container/s and disposed of to an approved waste disposal facility on a daily basis and therefore, the risk of vermin and odour associated with the activity is low.

The facility is designed and operates for the collection and sorting of construction and demolition waste. Any putrescible waste will be a minor percentage of the total waste stream, as currently occurs.

General Considerations.

Staffing at this facility:

Staff will operate the facility for extended daily hours, seven days a week, with trucks movements happening 24 hours a day.

Four staff, sharing shifts, will be carrying out administrative tasks, operating machinery, maintaining cleanliness of bins daily, maintaining cleanliness of the facility, monitoring receipt of waste, regularly monitoring dust and noise levels, and undertaking other conditional tasks that are required on a daily basis.

Given the extended trading hours and the work load, guarantees given by the Applicant in the SEE are called into question. For example,

i) "... there will be no dust impacts on residents" (p.20)'

ii) "... expansion ... will not lead to any negative impacts upon the amenity of

the area " (p.2)

iii) "The Waste Transfer Station will not accept asbestos, hazardous materials" (p.19).

TFA Response

Waste transfer Operating hours are

- 6.00am to 6.00pm Monday to Friday; and
- 7:00am to 4:00pm Saturdays and Sundays.
- waste transfer (haulage) operations will occur
 - 24 hours Monday to Sunday
- It is understood that up to 45 semi-trailer and HR trucks will move to and from the site during the hours of 6pm – 6am each week (after hours), anticipated at 2 movements per hour

Vehicles utilised for transfer (haulage) out of hours will be preloaded during waste transfer operating hours.

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Neighbouring Business:

A number of businesses within Russellton lodged submissions on previous DAs relating to waste processing, and will likely submit again on this facility.

There are multiple food processing and organically-certified businesses in close proximity to these waste facilities on Northcott Crescent. This combination is not a good fit.

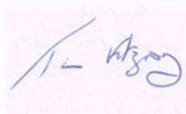
It is recognised that Councils across NSW currently have a problem with accepting and processing waste. There is scope for Council to allocate a dedicated area to such waste processing - a disused quarry, for example - and have all like business in the same area. Any selected site must be away from residential areas and other business that relies on scrupulously clean processing.

TFA Response

Two submissions have previously been received with respect to DA 2019/223, one from Mr Jeffrey Gibbs (Northern Light) and the second from Monica Martignoni (Orion Blinds) (adjoining neighbour). On 14 August 2019 TFA submitted a response to Ballina Shire Council (BSC) with respect to the aforementioned submissions. No further submissions have been received despite the recent additional advertising opportunity provided by BSC.

If you have any enquiries with regard to the content of this correspondence do not hesitate to contact me on ph 044 848 3837.

Kind regards,



Tim Fitzroy
Environmental Health Scientist
Environmental Educator
Environmental Auditor

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Attachment A
18 May 2020

Revised Letter Report Traffic Impacts (SDS Civil,

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SDS Civil Enterprises

461 Hinterland Way, Knockrow

18 May 2020

Tim Fitzroy & Associates
61 Pine Avenue
East Ballina NSW 2478

Attention: Mr Tim Fitzroy

**RE: Letter Report Response to Traffic and Stormwater Matters
As Raised By Wollongbar Progress Association
Regarding Additions To Waste Transfer Station (DA2019/223)**

SDS Civil have reviewed the traffic and stormwater elements of the Wollongbar Progress Association submission dated 20th April 2020 and provide particular response advices as follows:

WPA Comment: It is difficult to understand how many daily or weekly traffic movements are anticipated, as there are a number of statements in the DA documents that appear conflicting.

SDS Response: On review of the documentation, it is acknowledged that there are conflicting descriptions as to traffic generation matters and how trips were calculated. This relates to the use of the general terms 'movements', 'loads', 'vehicles' and the more particular traffic term 'trips'. It is clarified that these general terms being one (1) 'movement, load, vehicle' equates to 2 trips (ie an in and out). SDS Civil have amended the engineering *Table A: Projected Average Traffic Generation 28,000T per Annum (Rev A)* to clearly reflect the trips as per the Statement of Environmental Effects *Section 3.1.2 Vehicle Movements*. The average number of trips over a week is re-calculated as 422 trips (inclusive of staff) - which is significantly below the previous site approved 4,169 trips/week for the 960,000T concrete batching plant. Revised copy of Table A is attached.

WPA Comment: Part 2a) Water Management - Whilst the term "significant emissions" (above) is open to interpretation, it is relevant to note that the Richmond Waste site forms part of the highest areas of Russellton Estate, presenting extra challenges in terms of site run-off.

SDS Response: The issue of stormwater management compliance is not 'open to interpretation' but rather there are defined requirements to which the development must demonstrate it can achieve prescriptive performance outcomes. The site has been able to demonstrate this compliance by utilising the preferred/latest software modelling platform (MUSIC) and adopting modelling parameters/criteria that meet with Ballina

Shire Council's preferred input requirements. A key design element in achieving this compliance, has been the developments implementation of a roof structure over the waste storage areas which greatly reduces the volumes of water that requires treatment. This then enables a high level of confidence in that stormwater compliant outcomes will be achieved for the site.

Should you require any further clarifications of the particulars raised, please contact me on 0438 725 414.

Yours sincerely



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Encl - Table A : Projected Average Traffic Generation 28,000T per Annum (Rev A)

Table A: Projected Average Traffic Generation 28,000T per Annum (Rev A)

Description	Vehicles Per Day		Vehicles IN Per 7 Day Week	Net Avg Waste Tonnage per Vehicle	Weekly Tonnage	Full Operation 50weeks/year
	Mon - Fri	Sat & Sun				
Employees	4	2	24	N/a		
Incoming Waste						
Medium / Heavy Rigid Trucks	15	2	79	6.75	534	26700
Small Trucks, Utes, Cars	10	10	70	0.3	21	1050
Sub Totals In			173		555	27750
			<i>Hence TRIPS In/Out (ie x 2)</i>	346		
Description	Vehicles Per Day		Vehicles OUT Per 7 Day Week (all hours)	Net Avg Waste Tonnage per Vehicle	Weekly Tonnage	Full Operation 50weeks/year
	Mon - Fri	Sat & Sun				
Outgoing Waste						
Articulated Vehicles	4	2	24	20	480	24000
Heavy Rigid Trucks	2	2	14	5.4	75.6	3780
Sub Totals Out			38		555.6	27780
			<i>Hence TRIPS In/Out (ie x 2)</i>	76		
			TRIPS			
Total Trips (ie 1 vehicle in & out = 2 trips) Per Week			422			
Average Trips Per Day (ie In & Out)			61			