



Department of
Infrastructure, Planning and Natural Resources

**Assessment Report for
Development Application No. DA-118-03-2003-i
Pursuant to Section 80 of the Environmental Planning
and Assessment Act, 1979**

**Proposal by Hymix Australia Pty Ltd to Construct and
Operate a Concrete Batching Plant
within the Chinderah Industrial Estate,
in the Tweed Local Government Area**

**Department of Infrastructure, Planning and Natural
Resources**

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1. INTRODUCTION

On 29 January 2003, Hymix Australia Pty Ltd (the Applicant) lodged a development application (DA) with Tweed Shire Council for the construction and operation of a concrete batching plant. This application was subsequently lodged with former Department of Planning (now part of the Department of Infrastructure, Planning and Natural Resources - DIPNR) due to it being a type of development defined as State significant development under section 76A(7) of the *Environmental Planning and Assessment Act 1979* (the Act).

This report presents the outcomes of the Department's assessment, and a final position in relation to the environmental impacts of the proposed development. The Department concludes that the proposed development can be constructed and operated within acceptable environmental limits, subject to conditions recommended within the report.

1.1 Background

The development application, initially lodged with Tweed Shire Council, and subsequently lodged with the Department on 8 April 2003, is for a concrete batching plant, located at 28-30 Ozone Street, within the industrial estate at Chinderah. The proposed site is within the coastal zone and the plant would include structures (silos) in excess of 13 metres high. As such the proposed development satisfies the provisions of the *State Environmental Planning Policy No. 71 – Coastal Protection* (SEPP 71) and is State significant development. The Minister is the consent authority for State significant development.

The development application was originally submitted to Tweed Council, prior to the proposal being identified as State Significant development under SEPP 71. At this time Council had initiated the advertisement and notification requirements for application. The Department considered that the exhibition process commenced by Council should proceed, with the DA forwarded to the Department to assess and for the Minister's determination. The Department considers that this approach did not disadvantage any interested party, and provided the most timely and efficient way for progressing the application.

2. DEVELOPMENT PROPOSAL

2.1 Proposed Development Site

The proposed development would be on land described as Lots 17 and 18 DP 610959, Parish of Cudgen, County of Rous, number 28 Ozone Street, Chinderah, in the Tweed local government area. The land is relatively level and is currently vacant. Lot 18 was previously used as a fuel depot, while Lot 17 has remained largely undeveloped. Figure 1 shows the location of the proposed site within the context of the surrounding land uses, and Figure 2 shows the location of Lots 17 and 18 at the proposed site.

The land is within the Chinderah Industrial Estate which includes a range of industrial uses including landscape suppliers, Chinderah Bearings and Belts, and Tweed Coast Motors. Boral has recently developed a concrete batching plant at 26 Ozone Street, approved by the Minister on 18 June 2003. The site is bounded to the east by Rotumah Street and to the North by Ozone Street. Land opposite the site to the north is zoned 1(a) Rural.

The closest residential areas are 400 m to the east (including a proposed new residential area in this vicinity), 700 m to the north and 600 m to the west, with the residences to the north and west on the other side of the Pacific Highway. The site is a short driving distance to the Pacific Highway Interchange with Chinderah Road, providing access to the rest of Tweed Shire and South East Queensland.

2.2 Development Description

The concrete batching plant would receive aggregates (coarse and fine) as well as cement and flyash, to be stored on-site in storage bins and silos respectively. The batching plant would then combine these components in concrete mixing trucks with water, in varying proportions, to produce concrete. The proposed plant would primarily service customers in

Figure 1: Site Location

Figure 2: Lot 18 is in the northeast corner of the proposed site

northern NSW and southern Queensland and is intended to replace the existing Hymix Tweed Heads plant. The Applicant proposes to construct the proposed concrete batching plant in two stages.

Stage 1 would have a production capacity of 75,000 cubic metres (m³) of concrete and would employ 12 people. Principal operating hours are proposed to be 6am to 6pm Monday to Friday and 6am to 4pm Saturday, however the Applicant has sought permission for 24 hour operations. The Applicant estimates that Stage 1 operations would result in approximately 290 daily truck trips accessing the site per day, and would include the following components:

- ground level aggregate storage bins;
- aggregate hopper;
- 4 silos for cement and flyash;
- connecting conveyor;
- enclosed agitator truck loading area;
- batch control room; and
- demountable office/amenities block and parking complex.

Stage 2 would have a production capacity of 200,000 m³ of concrete and would employ a total of 39 people. The Applicant expects that principal operating hours would be similar to Stage 1, however, has also applied for 24 hour operations for Stage 2. Stage 2 operations would result in approximately 758 daily truck trips accessing the site per day, at full production, and would involve the following components

- underground aggregate receival bins;
- connecting conveyor to an above ground aggregate storage bin;
- 8 silos for cement and flyash;
- 2 enclosed agitator truck loading bays;
- slump stands; and
- fixed office/amenities/batch room complex and parking areas.

During Stage 2 it is proposed that Lot 18 (the smaller corner Lot) would be predominantly utilised as a car park, while during Stage 1 it would include a temporary amenities and an office building. The proposed layouts for Stage 1 and Stage 2 are provided in figures 1 and 2.

Figure 3: Site layout for Stage 1

Figure 4: Site layout for Stage 2

Notwithstanding the proposed maximum production capacity of the plant (200,000 m³ pa), the Applicant has identified that production would be unlikely to reach this capacity for some 20 years.

3. STATUTORY PLANNING FRAMEWORK

3.1 Permissibility

The proposed development lies on land zoned 4(a) Industrial under the *Tweed Local Environmental Plan 2000*. Development for the purpose of industry is permissible with consent within the 4(a) zone. As such, the proposed concrete batching plant is permissible with consent on the subject development site.

3.2 Minister's Role

The proposed concrete batching plant is State significant development, in accordance with Schedule 2 of *State Environmental Planning Policy No. 71 – Coastal Protection*. As such the Minister for Infrastructure and Planning is the consent authority for the development application.

3.3 Legislative Context

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation), the proposed development is designated development, integrated development and State Significant development.

Designated Development

The proposed concrete batching plant is defined as 'Concrete Works' under Schedule 3 of the Regulation, and with a production capacity above 30,000 tonnes per annum, the proposal exceeds the criteria in the Schedule. As such the proposed development constitutes designated development. Accordingly an Environmental Impact Statement was submitted and exhibited in conjunction with the development application.

Integrated Development

The development proposal constitutes integrated development, as defined by section 91 of the Act. In addition to development consent the proposed concrete batching plant requires an Environment Protection Licence (EPL) from the Environment Protection Authority (EPA) under the *Protection of the Environment Operations Act, 1997* and approval from Tweed Shire Council under the *Roads Act 1993*.

The EPA was consulted during the preparation of Director-General's requirements for the Environmental Impact Statement and notified of the lodgement of the development application for the proposal. The EPA has supplied comments and General Terms of Approval to the Department, which have been reflected within this assessment report. The EPA has indicated that it is prepared to issue an EPL, should the Minister grant consent for the proposal.

The development application is also integrated with Tweed Shire Council, as it requires approval for works on a public road under the *Roads Act 1993*. Council has supplied General Terms of Approval in this regard, indicating that approval for the requisite road works could be issued.

State Significant Development

The proposed concrete batching plant constitutes State Significant development, as defined by section 76A(7) of the Act. The site for the proposed development falls within the Coastal Zone as defined by the Schedule 3 of *State Environmental Planning Policy No. 71 – Coastal Protection* (SEPP 71). The proposal is State Significant development by virtue of the height of constituent silos exceeding the 13 metre height threshold for structures as listed in

Schedule 2 of SEPP 71. The Minister for Infrastructure and Planning is the consent authority for State Significant development.

Exhibition and Notification

The development application was exhibited between Wednesday 12 February 2003 and Friday 14 March 2003, at the following locations:

- Tweed Council – Murwillumbah Civic Centre
- Tweed Council – Tweed Heads Civic Centre
- PlanningNSW – Lee Street, Sydney
- PlanningNSW – Grafton Office

An advertisement, in accordance with the requirements of the Act, was placed in the *Tweed Link* on two occasions: 11 February 2002 and 25 February 2003. This advertisement advised how an interested party could view the exhibited development application, and how submissions could be made.

Due to the fact that the application was initially submitted to Council, Council arranged for the advertisement, exhibition and notification of the DA and accompanying documentation. This included the advice that submissions should be made to Tweed Council. After the exhibition period had finished, Council forwarded all relevant material to the Department. There were no public submissions, however submissions were received from Council and the EPA.

3.4 Relevant Environmental Planning Instruments

The assessment of the proposed development is subject to the following environmental planning instruments:

- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development;*
- *State Environmental Planning Policy No. 55 - Remediation of Land;*
- *State Environmental Planning Policy No. 71 - Coastal Protection;* and
- *Tweed Local Environmental Plan 2000.*

Consideration of the proposed development in the context of the objectives and provisions of these environmental planning instruments is provided below.

State Environmental Planning Policy No. 33

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/ or offence (odour, noise etc). A development is defined as potentially hazardous and/ or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/ or offence impact on off-site receptors. The proposal does not constitute "potentially hazardous development" as defined in SEPP 33.

The proposal is, however, considered "potentially offensive" as it requires an Environment Protection Licence (EPL) from the Environment Protection Authority (EPA). The EPA has issued draft General Terms of Approval for the proposed development, thereby indicating that it would be prepared to issue an EPL, and the Department is satisfied that the development can be operating within acceptable environmental limits. As such, the proposal does not constitute "offensive" development.

State Environmental Planning Policy No. 55

Clause 7(1) of *State Environmental Planning Policy No. 55 - Remediation of Land* (SEPP 55) requires that a consent authority must not consent to the carrying out of any development on unless:

- it has considered whether the land is contaminated;
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The Applicant carried out a Site Contamination Assessment which identified that the soil quality on Lot 17 is considered appropriate for the proposed use of the site, while the soil on Lot 18 may be contaminated. The Department has considered further the issue of site contamination in section 4.3 of this assessment report, which includes discussion of the EPA's recommendations in this regard.

State Environmental Planning Policy No. 71

The proposed site is within the coastal zone, as referred to under SEPP 7. SEPP 71 contains a number of provisions which are designed to minimise and mitigate impacts from development within the coastal zone of NSW. The Department's consideration of the proposal against the relevant provisions of SEPP 71 is provided in Appendix B. The proposed development is generally consistent with the relevant provisions.

Tweed Local Environmental Plan 2000

Under the *Tweed Local Environmental Plan 2000* (Tweed LEP), the proposed concrete batching plant would be located on land zoned 4(a) - Industry. The Tweed LEP provides a series of provisions relevant to the proposed development. Consideration of the relevant provisions of the Tweed LEP is provided in Appendix B to this report. The Department considers that the proposed development and the environmental impact assessment of the development would be generally consistent with the provisions of the Tweed LEP.

3.5 Statutory Requirement Compliance

The Department is satisfied that all requirements of the Act and Regulations have been met in relation to the notification and exhibition of the development application and public involvement in the assessment process. The proposed development is generally consistent with the provisions of relevant environmental planning instruments.

4. CONSIDERATION OF ENVIRONMENTAL ISSUES

The Department has reviewed the Environmental Impact Statement for the proposed development, and duly considered the only submissions (from Tweed Shire Council and the EPA). As a result, the Department has identified the following environmental issues associated with the proposal. The issues have been classified as being of significance, or high significance, depending upon the magnitude and extent of environmental impacts, and the responses of the submissions with respect to the impacts. A full consideration of each of the issues listed is provided in sections 4.1 to 4.11 of this report.

Issues identified as being of **high significance** to environmental planning:

- surface water impacts;
- noise impacts;
- site contamination (soil and groundwater); and
- traffic and transport impacts.

Issues identified as being of **significance** to environmental planning:

- impacts of public infrastructure;
- air quality impacts;
- impacts on visual amenity.

Other important issues associated with the proposed concrete batching plant are:

- hazard and risks impacts;
- waste production and management;
- impacts on flora and fauna and heritage items; and
- socio-economic impacts.

4.1 Surface Water Impacts

Applicant's Position

Construction Impacts

The Applicant proposes to install silt arrestors prior to site disturbance to collect run-off and retain suspended particles of sand or aggregate. Clean water overflow would be discharged to the drainage system. The Applicant proposes to minimise the area of ground disturbance, place hay bales around the perimeter of activities to help direct flows to the silt arrestors, and progressively revegetate any areas disturbed during construction which are not being paved.

Operational Impacts

The Applicant proposes to seal and grade all trafficable areas, such that run-off is directed to a control and treatment system. Rainfall run-off from within the batching, loading and wash down areas will gravitate to below-ground concrete settlement pits. The pits would be designed to collect and treat the "first flush" storm water run-off, allowing for the first flush flow of storm water to be collected and treated, with later, clean flows being discharged. Each pit would have two compartments for settlement, with a storage tank used to collect the clean off-take water, for use within the plant. The Applicant identifies that only during storm events would these pits overflow to the drainage system.

The site drainage system would collect all water from non-contaminated areas, including paved areas (outside the batching process area), loading and wash down areas, and be directed to the silt arrestor pits. Suspended particles will be settled out in these pits, and treated overflow will be discharged to the drainage system.

Wastewater from site amenities would be disposed of through the reticulated sewerage system.

Water Management Plan

The Applicant provided a detailed Water Management Plan as part of its additional information. This Plan detailed how the site would be divided up into catchments based on the production activity and the type of contamination present. The catchments were designated in the following manner.

- | Dirty | Contaminated |
|---|--|
| <ul style="list-style-type: none">• Catchments B, C and D - no chemical contamination, but may contain sediments. | <ul style="list-style-type: none">• This area would have potential or actual cement contamination and is segregated into two:• Catchment A1 - the concrete production area, and is generally considered to be uncontaminated with cement; and• Catchment A2 – the slump stand area which may be heavily contaminated as well as containing contaminated process water. |

The Applicant further identified that the Water Management Plan describes the final Plant after completion of Stage 2. Stage 1 would have some 30% capacity of the Stage 2 and the structures and catchments for Stage 1 are proposed to be commensurate with the reduced level of activity.

Catchment A1 would contain the Plant Waste Treatment Area and is approximately 950 m² in area, of which 390 m² is roofed. This catchment would collect water draining from washout waste for clarification and recycling back to trucks or for batching, as well as providing stormwater first flush of 86,400 L (equivalent to 90 mm rainfall). After First Flush collection, run-off will go to the bypass drain inlet and be discharged off-site.

Catchment A2 would have an area of 915 m², and would collect contaminated water from batching, slumping and wash down processes, clarify water for recycling in trucks, and provide first flush storage of 41,400 L (45 mm of rain). Receipt of cement would also occur in this area. The catchment is contaminated with cement on a daily basis, mainly in the cement loading bay and the slump stand. The Applicant proposes to provide a dust extractor in loading bays (cement) to minimise cement available for dispersal and control of run-off by first flush storage.

Catchments B, C and D include the roadways and parking areas. Each of these catchments has a sediment trap to collect aggregates, as well as acting a collection point for oil and hydrocarbon spills.

Flooding

The Applicant identifies that the site is located on flood prone land, and notes that Council has developed a design flood level of RL 3.4 m AHD, and requires new residential buildings to be constructed with a minimum floor level of RL 3.7 m AHD. The Applicant proposes to construct office and amenities above this height level.

Issues Raised in Submissions on the Environmental Impact Statement

The EPA requested additional information regarding the various wastewater and water run-off collection, storage and treatment devices. In particular, the EPA required consideration of the conditions which would lead to off-site discharge and measures to monitor that discharge for potential pollutants. The EPA has subsequently issued General Terms of Approval indicating satisfaction with the proposed mitigation of stormwater and surface water runoff impacts associated with the site.

Council has made a number of recommendations regarding stormwater management. In particular Council asserts that the proposal does not include sufficient water management or monitoring measures and that for both construction and operation the development should comply with *Tweed Urban Stormwater Quality Management Plan* and *Tweed Shire Council Aus-Spec D7 – Stormwater Quality*. Regarding flooding impacts, Council has suggested conditions to ensure the proposal is consistent with *Development Control Plan 5 – Development of Flood Liable Land*, particularly relating to electrical connections, flood water flows and flood impacts on the development.

Department's Position

The Department notes that the Applicant has proposed some erosion and sediment control measures within its EIS. The Department considers that these measures will allow the development to be constructed within appropriate environmental limits. Notwithstanding this, the Department notes that the proposed measures are not described within the context of the detailed design of the plant. As such, and in accordance with Council's recommendation, the Department would recommend that an Erosion and Sediment Management Plan be prepared prior to construction works commencing at the site. This Plan would describe the measures within the context of the detailed design and be prepared in consultation with Council.

With regards to operations, the Department is satisfied that the plant could be operated without discharging contaminated waters off-site, and considers that the Water Management Plan details adequate measures to ensure contaminated water would be segregated and not discharged from the site. Notwithstanding this, the Department is concerned that while the Applicant has indicated monitoring would be undertaken during water discharges, there are no details pertaining to that monitoring. In particular the Applicant has not described what parameters would be monitored for, and what goals or investigation levels would be applied to those parameters.

The Department also notes that the Water Management Plan as submitted by the Applicant only relates to Stage 2 of the proposed development. The Applicant indicates that the relevant measures as described in the Plan would also be employed during Stage 1. The Department considers that there are sufficient measures available to prevent off-site contamination, however notes that the timing for introduction of particular measures has not been provided.

As such, the Department recommends the Applicant prepare and submit a Water Monitoring and Management Plan (WMMP) which provides the details for these two issues. In particular a WMMP would be required to be prepared for each stage, such that the appropriate details for water and stormwater management are provided for Stage 1 of the development. Further, the Department requires the Applicant to provide a monitoring regime, including parameters and criteria, to be implemented during discharge events, to ensure that contaminated waters are not being released from the site.

With regards to Council's issues, the Department requires that the Water Management and Monitoring Plan be prepared in consultation with Council. The Department also recommends that the proposal be consistent with the requirements for industrial development on flood liable land, as described in DCP 5. Specifically the Department notes that the nature of the development being largely truck moving areas, the development is unlikely to impact on flood flows. The Department recommends that the Applicant ensure the grading of the land at the development does not cause ponding on adjacent properties.

4.2 Noise Impacts

Applicant's Position

The Applicant undertook noise monitoring at two locations in Sand Street, Chinderah, to the east of the proposed site. Background noise was surveyed over an 8-day period in November 2002. The Applicant undertook modelling of the noise emitted from the proposed development using the predicted sound power levels of the equipment at the development and the Environmental Noise Model. Project specific assessment criteria were determined by the Applicant in accordance with the relevant method described within the EPA's *Industrial Noise Policy*, and the predicted noise emissions for both stages 1 and 2 were assessed against these criteria. The Applicant also modelled the noise impacts at the nearby Chinderah Golf Course. Table 2 summarises the Applicant's background and existing monitoring results, as well as project specific criteria, and predictions from the modelling.

With the noise mitigating measures employed, the Applicant identifies that the only exceedance is a 1 dB(A) exceedance during the night at Location 2, under adverse weather conditions during Stage 1 of the development. The Applicant argues that this is a minor exceedance which is unlikely to be noticed by people, and would not cause significant disturbance. Otherwise, the modelling indicates that the proposed development can meet the project specific criteria at all other times for each stage.

The Applicant identifies that due to the continuous nature of the noise source, and based upon the modelling undertaken, it is unlikely that the night time noise level will exceed the sleep disturbance criteria.

Road Traffic Noise

The Applicant identifies that the existing road traffic noise is above the road traffic noise criteria of 62 dB(A) during the day (above 60 dB(A) Leq(15hr) criteria), and 60 dB(A) during the night time period (above 55 dB(A) Leq(9hr) criteria), as described by the EPA's *Environmental Criteria for Road Traffic Noise* (ECRTN). Therefore, as described by the ECRTN the cumulative traffic noise emissions from the development must not cause an increase by more than 2 dB(A).

The Applicant estimates that there would be 290 vehicle movements (222 heavy) during Stage 1 and some 758 movements (560 heavy) per day, once at full production. The EIS assumes that the heavy vehicle movements are relatively evenly distributed over a 24-hour period, and that 8% of existing traffic is heavy vehicles. The Applicant's modelling indicates that the increase in road traffic noise on the pacific highway is 1 dB(A) during the day for both stages, and less than 1 dB(A) at night time for both stages.

Issues Raised in Submissions on the Environmental Impact Statement

The EPA requested additional information regarding the emissions of noise from the proposed development, especially with regards to the 24 hour operations at the site. The EPA was concerned that some noise sources had not been considered in the noise assessment. The EPA subsequently provided General Terms of Approval including noise limits. The noise criteria as proposed by the EPA did not include the morning shoulder period (between 5am and 7am), as proposed by the Applicant, and are as follows:

- 44 dB(A) L_{Aeq} day time
- 45 dB(A) L_{Aeq} night time
- 43 dB(A) L_{Aeq} at all other times

Table 1 – Applicant's Noise Assessment and Predicted Noise levels

Location 1	Background (RBL)	Design Criteria	Stage 1 - Predicted noise level (LA _{eq} -15 min)			Stage 2 - Predicted noise level (LA _{eq} -15 min)		
			Calm	Temp Inversion	Prevailing Wind	Calm	Temp Inversion	Prevailing Wind
Day	41	46	43	NA	NA	43	NA	NA
Evening	43	48	43	NA	46	43	NA	45
Night	39	44	41	43	44	42	43	44
Morning Shoulder	43	48	43	44	46	43	44	45

Location 2	Background (RBL)	Design Criteria	Calm	Temp Inversion	Prevailing Wind	Calm	Temp Inversion	Prevailing Wind
Day	39	44	43	NA	NA	38	NA	NA
Evening	40	45	43	NA	45	38	NA	41
Night	38	43	42	43	44	38	39	40
Morning Shoulder	43	48	43	44	45	38	40	41

Chinderah Golf Course	Background (RBL)	Design Criteria	Calm	Temp Inversion	Prevailing Wind	Calm	Temp Inversion	Prevailing Wind
Day	NA	55	40	NA	NA	39	NA	NA
Evening	NA	55	40	NA	36	39	NA	36
Night	NA	55	36	40	33	38	40	34
Morning Shoulder	NA	55	40	43	36	39	42	36

Council raised concerns regarding the impacts of noise on future residential areas to the east of the site, especially night time noise impacts. In particular, Council recommended that:

- the Applicant provide a noise management plan;
- noise from the plant not be audible in a room of residential premises during night time hours; and
- receipt of raw materials at the plant be restricted to day time hours.

Department's Position

The Department notes that a noise impact assessment has been undertaken in accordance with the *Industrial Noise Policy*, and that the EPA has set noise limits at the nearest receivers for the proposed development. In this regard the Department notes the importance of the Applicant implementing the noise mitigating measures as proposed within the EIS and its attachments.

The Department notes that the EPA's proposed criteria are based on the project specific design goals for location 2 (as defined in the EIS), and that these goals were lower than those for location 1. As such there are instances where the predicted noise from the plant is below the design goal (for location 1) but above the EPA criteria. This results in an additional 3 exceedances of the EPA criteria at location 1, two during Stage 1 (in the evening and the night under adverse meteorological conditions) and one during Stage 2 (in the night time and under adverse meteorological conditions). As such, the Department notes that there are potentially three exceedances of the proposed criteria during Stage 1 operations and one during Stage 2 operations.

In light of these potential exceedances, the Applicant was requested to consider additional measures which could be implemented to reduce noise, particularly night time noise. The Applicant highlighted that the main areas of concern were the scraping of the front end loader, reversing alarms and the reverse bag filters. On these matters, the Applicant proposes the potential following mitigation measures:

- to stop the front end loader bucket scraping against the concrete floor, the aggregate ground bins would be placed on sand beds;
- during the night time, the mobile plant on the site utilise a safety system based on flashing lights as opposed to reversing alarms during night-time operations; and
- the reverse pulse bag filters would be silenced such that they would contribute sound

The Department notes that the potential noise exceedances were minor in nature, being 1 dB(A) above the EPA criteria and are predicted for times when the plant is being operated at full capacity during adverse meteorological conditions. Due to the nature of the concrete batching plant, it is unlikely to operate at full capacity continually, especially during the non-core night time hours. As such, the Department is satisfied that the noise assessment was sufficiently conservative and with the additional proposed measures, it is unlikely that these exceedances would be realised. Notwithstanding this, should the Applicant be unable to comply with the noise criteria during Stage 1 (which is when 3 out the 4 potential exceedances occur), then the Applicant would be able to implement such Stage 2 measures during Stage 1 operations.

Since the noise criteria required by the EPA do not include the Applicant's proposed morning shoulder period it is predicted that noise emissions in this period at location 1 show a potential exceedance of 1-2 dB(A) under adverse weather conditions. The Department is satisfied that such an exceedance is unlikely to occur for similar reasons as outlined above. In particular, the Department notes that the background noise (RBL) in this period is significantly higher than during the night time hours, and as such the potential exceedances are 1-2 dB(A) above the measured background noise. The Department is therefore satisfied that the noise modelling has been carried out in a sufficiently conservative manner such that potential predicted exceedances are unlikely to occur.

Regarding sleep disturbance issues, the Department notes that the Applicant provided modelling results which indicated the sleep disturbance criteria would be complied with at the closest sensitive receivers. This assessment included impacts from the site, such as the front end loader scraping the concrete floor of the aggregate bins, even though the Applicant is now proposing to mitigate this. As such, the Department is satisfied that the sleep

disturbance criteria will not be exceeded. Regarding Council's recommendation that receipt of raw materials and yard cleaning is restricted only to day light hours, while the Department is satisfied that night time noise and sleep disturbance criteria are unlikely to be exceeded, it is considered that where practicable these activities should be undertaken during the day time.

Regarding road traffic noise, the Department notes that the road traffic noise criteria are complied with on the principle haulage route, being the Pacific Highway. The Department notes that the route taken for vehicles accessing the Pacific Highway from the site passes through an industrial area, and is not in the vicinity of a residential area. As such, there would be little or no impact on any other haulage routes other than the Pacific Highway, and the Department is satisfied that the traffic noise impacts on the Pacific Highway are acceptable.

Notwithstanding the Department's considerations, and in light of the complexity of the noise assessment, the Department requires the Applicant to undertake a Noise Compliance Audit 3 months after the commencement of operations of the plant for both stages 1 and 2, to ensure that the predicted noise impacts are being realised.

4.3 Soil Contamination

Applicant's Position

The Applicant provides a Preliminary Site Contamination Assessment (PSCA) report undertaken by URS, for Lot 17. The PSCA involved undertaking a site history study, and the sinking 12 test pits on Lot 17 (the larger of the two Lots) to investigate the potential for any contamination at the site. Six test pits were located adjacent to Lot 18 and the other six were positioned around throughout the rest of Lot 17.

Assessment of the site history showed that Lot 17 had largely remained undeveloped, except for a cleared area along the southern boundary which may have been used for land filling with building rubble, and that Lot 18 had been used as a fuel depot. The PSCA report identifies that the following contaminants as being potentially at Lot 17:

- Pesticides and arsenic – from control of weeds and historic farming practices);
- Heavy metals, volatile aromatics (TPH and BTEX), polycyclic aromatic hydrocarbons (PAH), phenols and asbestos – from the levelling and landfilling that is suspected to have occurred at the site); and
- Hydrocarbons, PAH, lead and BTEX (benzene, toluene, ethyl benzene and xylene) – from the former fuel depot operations at Lot 18.

For screening purposes the Applicant used the NEPM Health-based Investigation Level "F" applicable to commercial and industrial sites and the NEPM Interim Ecological Investigation levels for urban settings assessment levels, where appropriate. Where no NEPM value exists the criteria described in the EPA's *Guideline for Assessing Service Station Sites* were used (in this case for C6-C36 – Total Petroleum Hydrocarbons (TPH) and BTEX).

The following contaminants were sampled for, with the results provided:

- Heavy Metals– none of the soil samples reported concentrations in excess of the NEPM criteria.
- TPH and BTEX with sample concentrations below the laboratories detection limit and not exceeding EPA guidelines.
- Pesticides were tested in two locations near the surface, with neither sample containing pesticide compounds above the laboratory's detection limit and concentrations of "Aldrin + dieldrin" and "DDD + DDE + DDT" below the NEPM criteria.

No odorous material was discovered during the investigations. The Applicant concludes that the site is suitable for the proposed development, and that it would be unlikely that the possible receptors (identified above) would be at any risk.

Regarding Lot 18, the Applicant provides a Preliminary Site Investigation Report undertaken by URS in 2001. The Report indicates that there were elevated levels of hydrocarbons in the surface soil in the bunded area under the above ground storage tanks, due to fuel spills, as well as dumped drums of soil containing elevated levels of cadmium, nickel and copper. The Applicant provides confirmation that the previous owner of Lot 18 (the smaller of the two

Lots), Pacific Petroleum Products, has abandoned the underground tanks in accordance with Australian Standard AS 1940-1993 – *Storage and handling of flammable and combustible liquids*.

Issues Raised in Submissions on the Environmental Impact Statement

The EPA identified that the most recent PSCA did not include assessment of contamination of Lot 18 (the site of the previous fuel depot), and requested that such site assessment be conducted in accordance with the relevant EPA guidelines. The EPA further noted that an attached report to the PSCA (and dated 2 February 2001) indicated hydrocarbons at this site. The EPA requires the Applicant to have the site contamination assessment signed off by an EPA accredited site auditor, prior to the commencement of construction.

Tweed Council identified that the site was located on land described as Class 3 and is likely to contain acid sulfate soils.

Department's Position

The Department understands that the Applicant's PSCA indicates that Lot 17 is not contaminated, and that Lot 18 may be contaminated, and may require additional investigations and remediation work. The Department notes the EPA's requirement that prior to construction works, the site contamination assessment must be signed off by an accredited site auditor, ensuring that the site would be appropriate for use as a concrete batching plant. The Applicant has acknowledged that there is likely to be some level of contamination at Lot 18, and that this may require remediation. As such, the Applicant requested Lots 17 and 18 to be split with regards to being signed off, such that the construction may start on Lot 17 once that Lot has been signed off, and subsequently work at Lot 18 would start once that Lot had been signed off by the auditor. Notwithstanding the fact that Lot 18 would be used primarily for car and truck parking, the EPA requires that both Lots be signed off for use as a concrete batching plant. The Department considers that such staging of works would be acceptable, as long as the plant did not begin operations prior to car parking area being prepared.

Regarding the potential existing contamination at Lot 18, the Applicant has not indicated whether this was remediated by the previous owner of the land. However, due to the nature of the contamination being contained within bunds or drums, it would represent very little potential for off-site impacts. The contamination assessment for Lot 18, which must be signed off by the site auditor as described above, would include the decontamination procedures to the satisfaction of the Department. The Department is satisfied that this approach will ensure the land would be suitable for use as a concrete batching plant, in accordance with the provisions of *State Environmental Planning Policy 55 – Remediation of Land*.

With regards to acid sulfate soil, the Department understands that the land is described as Class 3, potentially containing acid sulfate soils. As such, the Department recommends a comprehensive soil testing be undertaken by the Applicant prior to the commencement of site preparation works. Should the tests indicate the presence of acid sulfate soils, then an Acid Sulfate Soil Management Plan would need to be prepared by the Applicant. The Acid Sulfate Soil Management Plan, should one be necessary, would require approval from the Department prior to construction commencing.

4.4 Traffic and Transport Impacts

Applicant's Position

The proposed site is located on a closed loop consisting of Morton, Rotumah and Ozone Streets. Access to the industrial estate is via an un-signalised T-intersection at Chinderah Road and Morton Street of AUSTROADS Type C construction. The Applicant identifies that Chinderah Road has a daily traffic volume of some 9,200 vehicles per day (vpd) in the vicinity of this intersection, with peak hour traffic demand of 1051 vph (7:45-8:45 am) and 859 (4:00-5:00 pm). 150 metres north of the subject intersection is the interchange between Chinderah road and the Pacific Highway.

The Applicant asserts that under full development (Stage 2) the plant would operate some 200 concrete deliveries per day, representing 400 heavy vehicle movements (200 in and 200 out). In addition, some 80 trucks per day are expected for the importation of aggregates and cement products, representing 160 movements. Some 198 light vehicle movements per day are expected under full operations, including staff movements and deliveries.

As part of the traffic assessment the EIS utilises a number of conservative assumptions, including:

- heavy vehicle traffic will be relatively evenly distributed over the 24 hour period with 10% during each peak period, and all trucks using the Pacific Highway;
- 50% of the miscellaneous light vehicles arrive/depart during the peak periods, with a 50%/50% in/out ratio, with the remainder spread across the normal working day; and
- existing traffic volume levels on Chinderah Road are expected to increase to around 20,000 vpd by 2011, a growth of some 5% per year.

The Applicant argues that these assumptions represent a conservative case for the impacts during the peak periods, and result in a total of 125 trips generated during peak periods comprising of some 45% heavy vehicles.

The Applicant has assessed the impact on the two relevant intersections, being Chinderah Road/Morton Street and Chinderah Road/Pacific Highway by comparing the intersection performances in 2003 and 2013 with the proposed development and without the proposed development.

Chinderah Road / Morton Street

The Applicant identifies the following Intersection Performance for the subject intersection:

Scenario	AM Peak			PM Peak		
	Degree of Saturation (%)	Critical Delay (s)	Critical Queue (m)	Degree of Saturation	Critical Delay (s)	Critical Queue (m)
2003 Without Development	22	26	15	23	20	10
2003 With Development	59	36	20	53	26	21
2013 Without Development	74	80	33	63	43	23
2013 With Development	100	197	114	125	521	396

The Applicant argues that the intersection will operate generally within accepted capacity limits at today's traffic levels with or without the proposed development proceeding, with a level of service 'A'.

The modelling indicates an exceedance of accepted satisfactory operating levels by 2013. The Applicant argues that this is a long term impact which represents a constraint on the whole industrial estate, and that such issues have been discussed with Tweed Council. The Applicant asserts that a new access to the industrial estate is being pursued by Council further to the east of Morton Street, and that the cost of this new access would be borne by the catchment, of which the Applicant would be willing to pay an appropriate proportion at the time.

Chinderah Road / Pacific Highway

The Applicant identifies the following Intersection Performance for the subject intersection:

Scenario	AM Peak			PM Peak		
	Degree of Saturation (%)	Critical Delay (s)	Critical Queue (m)	Degree of Saturation	Critical Delay (s)	Critical Queue (m)
2003 Without Development	40	10	16	17	8	4
2003 With Development	43	11	17	19	8	5
2013 Without Development	62	15	30	26	9	6
2013 With Development	64	17	31	27	9	8

The Applicant identifies that for this intersection the proposed development has a minor impact, with all scenarios indicating a level of service 'A' is met.

Car Parking

The Applicant proposes to provide on-site parking for 12 vehicles during Stage 1 and rising to 35 for Stage 2, and notes that this exceeds the minimum requirements of Council's *DCP No.2 Site Access and Parking Code*. The Applicant states that there will be no off-site parking required, and no trucks will need to queue off-site.

Issues Raised in Submissions on the Environmental Impact Statement

Tweed Shire Council has requested that the Applicant provide direct access to the carpark during Stage 1 to reduce the number of trucks entering and leaving the site.

Council has provided its General Terms of Approval in relation to access to the site, as well as providing detailed technical requirements for any works impacting on the existing roads or pavements. Council has also provided details regarding the payment of Section 94 Contributions as per Tweed Road Contribution Plan No. 4 (see section 4.5).

Regarding the impacts to the surrounding road network, Council notes that this development is not solely responsible for the Chinderah Road / Morton Street intersection reaching capacity. Council identifies that forward planning is underway for future management of this intersection.

Department's Position

The Department is satisfied that the proposed plant would not result in any significant impact to the intersection between Chinderah Road and the Hume Highway both at present levels of traffic, and at the proposed levels in the future. Conversely, the impact from the proposed development on the intersection between Chinderah Road and Morton Street is more substantial. The Department notes that the proposed development could result in a more than doubling degree of saturation, with the estimated critical delay increasing by up to 40% during the peak periods at present, with the intersection becoming completely saturated by 2013. Saturation of the intersection is predicted to occur whether the proposed development proceeds or not, however the modelling indicates that the proposed development would exacerbate such effects. On this matter, the Department notes that:

- the Applicant's assessment was based on concrete production of 1000 m³ per day, which for 7 day operations represents a capacity of 365,000 m³ per year. This is nearly double the proposed maximum production capacity of 200,000 m³ and triple the expected output of the plant of 125,000 m³;
- the impacted intersection is used as the only access point to the industrial estate, and provides direct access to the Pacific Highway. The route does not pass through any residential areas; and
- the Department understands that investigations are proceeding to ensure appropriate long term access to the industrial area is maintained.

As such, the Applicant provides a conservative assessment of traffic impacts. The Department considers that the proposed development is of an appropriate nature for the industrial estate, with the access it provides to the Pacific Highway and considering that general growth in the industrial estate is likely to result in additional measures to manage access to the industrial area. As such, the Department considers that the traffic related impacts are generally acceptable.

Due to the nature of the development, the Department recommends that a Traffic Code of Conduct be prepared to ensure heavy vehicle drivers are aware of their responsibilities in terms of minimising off-site impacts associated with the development, particularly relating to vehicle cleanliness and minimising noise and exhaust emissions. The Department concurs with Council's recommendations and, along with the General Terms of Approval, has reflected these in its recommended conditions.

4.5 Section 94 Contributions

Applicant's Position

The Applicant asserts that the concrete batching plant will not produce concrete at the expected maximum capacity until 20 years after commencement of operations, if at all. As such, the Applicant argues that Section 94 contributions should not be levied at the total

maximum capacity of the plant in the first instance. The Applicant proposes a staged contributions payment scheme based on likely concrete demand into the future.

Issues Raised in Submissions on the Environmental Impact Statement

Council has indicated that contributions in accordance with the relevant contributions plans (for road traffic impacts and drainage scheme works) would be levied at the rate equivalent to the maximum capacity of the plant, as it notes that there may be difficulties in staging the payment of such contributions.

Department's Position

The Department notes that the nature of demand for concrete means that the plant is unlikely to operate at its maximum capacity on a continual basis, and as such the contributions sought by Council may be above what would otherwise be necessary. Notwithstanding this, the Department understands that the Applicant is not questioning the application of the Section 94 Contributions Plans nor the amount to be levied by Council, only the timing of the payment for such contributions. As such, the Department recommends that the Applicant and Council negotiate an agreed method for the payment of the appropriate contributions. Should such an agreement not be reached then the Director-General would determine the matter. This is reflected in the Department recommendations, if the development is approved by the Minister.

4.6 Air Quality Impacts

Applicant's Position

The Applicant identifies that dust is the only potential air pollutant, and that there has been no site specific air quality monitoring near the site. The Applicant has proposed the following measures to minimise the release of dust from the site;

- all trafficked areas, work areas or paved areas would be sealed and regularly swept and cleaned, with spillages cleaned up as soon as practicable;
- silos would be sealed and fitted with bag filters and a reverse pulse air jet cleaning mechanism. Outlet from the filters will be ducted to within one metre of the ground to prevent dust emissions at high elevation in the event of filter failure;
- cement silos would be fitted with high level indicators to prevent over filling;
- all pneumatic lines would be blown through and the ends capped after each delivery;
- aggregate would be unloaded in a damp condition, via provision of spray bar;
- ground level aggregate bays would have walls extending 1.5 metres above the maximum storage height on three sides, and water sprays would be installed;
- all aggregate transfer points on conveyors would be enclosed;
- the distribution chute at the top of the overhead storage bin would be enclosed on three sides; and
- all conveyors would be enclosed.

Issues Raised in Submissions on the Environmental Impact Statement

No submissions raised air quality impacts associated with the proposal. In particular, the EPA did not include any dust emissions conditions in its General Terms of Approval.

Department's Position

The Department recommends that all trucks be covered, to prevent fugitive emissions of dust from the vehicles, at all times (except for loading and unloading), and to operate the development in a manner which minimises dust emissions, should the Minister approve the development. The Department notes that dust management at concrete batching plants includes generally standard measures and is satisfied that the plant will not cause a significant off-site dust impact.

4.7 Impacts on Visual Amenity

Applicant's Position

The Applicant identifies that the site is currently located in an industrial area, and that longer distance views are not possible due to vegetated areas to the east and the north, and other industrial developments to the south and west. Stage 2 of the proposed development would include a 33 m high enclosed aggregate storage bin, higher than the level of buildings on adjoining industrial sites. The Applicant identifies that longer distance views of the structure

would be visible to the elevated residential areas north of the Tweed River and the Pacific Highway. The Applicant argues that these residences are approximately one kilometre away, and as such views of the proposed development would not be intrusive.

The Applicant proposes to construct structures of painted steel, colorbond, concrete or brick, and notes that most structures would be grey concrete. Landscaping would be undertaken in car parking areas, and the site entrance and exits with species indigenous to the local area. Site signage would consist of a sign at the entrance to the site, and would be designed to be consistent with Council's *DCP No.15 Advertising and Advertising Structures*.

The Applicant proposes to install lighting which is directed away from adjoining developments to minimise impacts. The Applicant asserts that the visual impact from the proposed development is insignificant.

Issues Raised in Submissions on the Environmental Impact Statement

Council recommends that structures be painted in a non reflective colour.

Department's Position

The Department concurs with Council that silos should be painted in a non reflective colour and that no signage be painted or attached to the silos.

With regards to landscaping, the Department requires that the Applicant prepare a Landscape Management Plan which describes what landscaping will be undertaken for each stage of the development. This Plan would be prepared in consultation with Council.

In light of this, the Department considers that the proposed plant is unlikely to have a significant visual impact on any residential or public access areas due to the distance between residences and the intervening vegetation and infrastructure (such as the Pacific Highway to the north and west).

4.8 Hazards and Risk Impacts

Applicant's Position

The Applicant identifies that the site would contain some 30 kL of distillate fuel (diesel) rising to 60 kL for Stage 2, which would be stored in an overhead tank and located in a concrete roofed and bunded area. The Applicant states that the proposed development does not constitute hazardous or offensive development under the provisions of SEPP 33.

Issues Raised in Submissions on the Environmental Impact Statement

No submissions raised hazard and risk impacts.

Department's Position

The Department requested additional information relating to the storage of diesel to be stored on site. The Applicant identified that the overhead tank would be bunded to contain 1.5 times the volume of diesel stored. The Department considers this to be appropriate, and recommends that the Applicant construct the bunded area such that it is compliant with the Australian Standard AS 1940.

4.9 Impacts on Waste Production and Management

Applicant's Position

The Applicant states that the primary source of solid waste from the proposed development would be waste stored in the above ground waste bins from the wash-out bays, and would consist primarily of cement and aggregate. The Applicant proposes to keep this in a damp condition to prevent dust, and dispose it off-site to its own Nerang quarry at a rate of approximately one truck per week. The waste material would be recycled at the quarry for use in road materials.

Putrescible wastes are proposed to be disposed of at the Council-operated garbage facility.

Issues Raised in Submissions on the Environmental Impact Statement

No submissions raised the issue of waste generated at the site.

Department's Position

The Department is satisfied that management and disposal of wastes from the development will not result in any unacceptable off-site impacts. The Department recommends that the Applicant be required to manage and dispose of its waste in accordance with the EPA's *Assessment, Classification and Management of Liquid and Non-liquid Wastes*, and to minimise waste generation at the development.

4.10 Impacts on Flora and Fauna and Heritage Items

Applicant's Position

The Applicant identifies that the site has been significantly disturbed in the past with some scattered native species (Acacia, Banksia and Casuarina), as well as opportunistic weeds. Further, the Applicant notes that the site has been highly disturbed and anticipates that the proposed development would have no impact on any heritage items. The Applicant concludes that the proposed development is unlikely to impact on any flora and fauna or any heritage items.

Issues Raised in Submissions on the Environmental Impact Statement

Council noted that the site is generally clear of vegetation.

Department's Position

The Department considers that the proposal would not result in an impact on any flora, fauna or heritage items.

4.11 Socio-Economic Impacts

Applicant's Position

The Applicant identifies that the proposed development will provide employment for 12 people during Stage 1 and up to 39 at full production during Stage 2. However, most of these staff are expected to be relocated from the closing Tweed Heads plant.

Issues Raised in Submissions on the Environmental Impact Statement

Council considers the plant will have a net economic benefit to the local area.

Department's Position

The Department concurs with Council that there will be a net economic benefit due to the employment opportunities and expenditure in the locals economy.

5. ENVIRONMENTAL MANAGEMENT

The Department has included as a condition of the consent that the Applicant prepare and implement an Environmental Management Plan (EMP) for both construction and operation of the development. These Plans would be required to be approved by the Department prior to Stage 1, and updated where relevant prior to Stage 2.

The Construction EMP includes provisions for addressing Acid Sulfate Soils should they be discovered at the site, and an Erosion and Sediment Control Plan. The Operation EMP includes the Water Management and Monitoring Plan, Landscaping, as well as a Transport Code of Conduct to ensure that vehicle operators are aware of the responsibilities with regards to traffic impacts.

The Department requires that the Applicant undertake noise compliance auditing to ensure the EPA's noise criteria are being met, and has included the requirement for the Applicant to provide an Annual Report describing the performance of the development, as well as incident reporting.

6. RECOMMENDED INSTRUMENT OF CONSENT

Should the Minister determine to approve the development application, the Department recommends that a number of conditions be included with the aim of controlling and monitoring the future environmental performance of the concrete batching plant. The recommended conditions include General Terms of Approval from the EPA and Tweed Council and are documented in Schedule 2 of the instrument of consent (tagged "C").

The Applicant is satisfied with the draft instrument of consent and the scope and intent of the conditions. The Department considers that the recommended instrument of consent would mitigate the environmental impacts of the proposal to an appropriate and acceptable level should approval be granted.

7. CONCLUSIONS

The Department considers that the proposed development could be constructed and operated within acceptable environmental limits, and that it would provide economic benefits to the local community. The Department notes that there are residual environmental impacts associated with key issues of surface water run-off, noise impacts and land contamination and has included recommendations to ensure that such impacts are adequately mitigated and appropriately managed during construction and operation of the development.

8. RECOMMENDATIONS

It is recommended that the Minister:

- (i) consider the findings and recommendations of the Department's assessment report for DA No. 118-3-2003-i
- (ii) grant consent to development application No. 118-3-2003-i, as submitted by Hymix Australia Pty Ltd subject to the conditions set out in the instrument of consent (tagged "C"); and
- (iii) sign the instrument of consent (tagged "C").

Tim Ward
Environmental Planning Officer
Major Development Assessment

Gordon Kirkby
Manager, Manufacturing and Rural industries
Major Development Assessment

ENDORSED:

Sam Haddad
Deputy Director-General
Office of Sustainable Development, Assessment and Approvals

APPENDIX A - CONSIDERATION UNDER SECTION 79C

Section 79C requires that the consent authority, when determining a development application, takes into consideration the following matters.

The provisions of:

(i) any environmental planning instrument;

In relation to the proposed warehouse and distribution centre, the following environmental planning instruments apply.

- *State Environmental Planning Policy No. 71 – Coastal Protection; and*
- *Tweed Local Environmental Plan 2000.*

Consideration of the provisions of these instruments, in the context of the proposed development is outlined in section 3.4 and in Appendix B of this report.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority;

There are no draft environmental planning instruments relating to the development.

(iii) any development control plan;

DCP 2 – Access and Car Parking Code

The Applicant proposes, and the Department requires, on site parking for 12 vehicles during Stage 1 and rising to 35 for Stage 2, exceeding the requirements the DCP. Parking is required to be designed and constructed in accordance with the DCP.

DCP 5 Flood Liable Land

The proposed site is subject to flooding. Under the DCP, industrial development of flood liable land is acceptable provided building materials are flood compatible and the electrics are capable of withstanding immersion in flood waters or located at a level above the Design Flood Height, and the development does not cause ponding on adjacent properties or prevent overland flow. The Department has recommended conditions consistent with these requirements.

(iv) any matters prescribed by the regulations that apply to the land to which the development application relates;

Clause 92 of the *Environmental Planning and Assessment Regulation 2000* requires the following matters to be taken into consideration by a consent authority in determining an application:

- ***The Government Coastal Policy (where relevant);***
The proposed concrete batching Plant is to be sited on land identified within the Coastal Zone. The site itself is some 1.5 km from the coast and approximately 800 metres from the Tweed River. The site is landward of any identified coastal erosion lines and does not adjoin foreshore open space. The greatest impact arising from this development, which left untreated could have a detrimental impact on local waterways, is wastewater. The Applicant has proposed to mitigate this potential impact through a water management involving a series of treatment measures including the continued recycling of contaminated and semi contaminated water onsite for use in the production of concrete treatment. The Department requires the Applicant prepare a Plan which includes monitoring of stormwater prior to discharge. It is considered the proposal is consistent with the provisions of the Coastal Policy.
- ***In the case of a DA for the demolition of a building, the provisions of Australian Standard AS 2601-1991: The demolition of structures, as in force 1 July 1993;***
The Department has recommended that any structures requiring demolition be done so in accordance with the Standard.

(v) the likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality;

Section 4 considers the environmental impacts of the proposed development in detail. The Department is satisfied that all environmental impacts can be appropriately managed and mitigated through the recommended conditions.

(vi) the suitability of the site for the development;

The proposed site is within an existing industrial estate, with adjoining uses being of an industrial nature. The nearest dwellings are to the east of the site some 400 metres away. It is considered the siting of this development within the Chinderah Industrial Estate is highly unlikely to cause a land use conflict with surrounding landowners.

(vii) any submissions made in accordance with this Act or the regulations;

One submission was received during the exhibition of the development application for the proposed development, from the Environment protection Authority. Correspondence was subsequently received from Tweed Shire Council. There were no submissions received from members of the community objecting to the proposal. The matters raised in these submissions have been given due consideration, as described in section 4.

(viii) the public interest;

The concrete batching plant is to be sited within an industrial estate, and it is unlikely that the development will cause a land use conflict with surrounding landowners within this estate. The nearest residence is located in Sand Street, Chinderah noise from the development is within adopted guidelines and should not intrude upon the amenity of these residences. It is considered the proposal will not prejudice or compromise the public interest.

APPENDIX B - PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS

Following is the relevant objectives and provisions of the *Tweed Local Environmental Plan 2000*.

TWEED LOCAL ENVIRONMENTAL PLAN 2000

Definition: The proposed concrete batching plant is defined under Tweed Local Environmental Plan 2000 as an Industry.

Clause 8 Zone Objectives

The land is zoned 4(a) Industry under Tweed LEP 2000. The primary objectives of the zone are:

- To provide land primarily for industrial development;
- To facilitate economic activity and employment generation

It is considered the use of this site for the production of concrete is consistent with the primary objectives of the zone, as it is an industrial use, and provide economic activity and employment.

Clause 11 The Zone

Industry is permissible with consent in the 4(a) Industry of the Tweed LEP 2000

Clause 15 Essential Services

The Department requires that the Applicant lodge and receive approval for connection to services prior to construction of the development.

Clause 16 Height of Buildings

A three storey height limit applies to the land, however the definition for storey does not place a maximum height limit in metres. The objectives of the height provision are to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.

The proposal requires the construction of two cement silos with a height of approximately 22 metres above ground, and an aggregate silo of some 33 metres in height. Having regard to the zoning of the land and adjoining land uses, it is considered the height and scale of the silos will not have a detrimental impact upon the scenic quality of the landscape nor the amenity of adjoining landowners, and as such the proposal is consistent with the objective of the clause.

Clause 34 Flooding

The land is subject to flooding with the Design Flood Level for Chinderah. The use being of an industrial nature is considered to be compatible with the flood regime for the locality. Appropriate conditions of consent have been recommended to ensure the proposal is consistent with DCP 5.

Clause 35 Acid Sulphate Soils

The land is identified under Tweed LEP 2000 as Class 3 Acid Sulphate Soils. To satisfy the provisions of the LEP the Department requires that the Applicant undertake a preliminary soil testing program to determine actual presence of acid sulfate soils prior to the commencement of site preparation works. Should this indicate that acid sulfate soils are present, then the Department would require an Acid Sulfate Soil Management Plan to be prepared, in accordance with the relevant guidelines, to detail measures to be employed to management these acid sulfate soils. The Plan would be required to be approved by the Department prior to the commencement of any construction works.

STATE ENVIRONMENTAL PLANNING POLICY NO. 71 – Coastal Protection

The land is within the Coastal Zone and the SEPP applies. Having regard to the provisions of Clause 8 the following comment is made.

(a) Aims of the Policy

The proposed concrete batching plant is to be sited on land within the Chinderah Industrial Estate. The site is approximately 1.5 kilometres landward of the coast and approximately 800 metres to the south east of the Tweed River and does not adjoin foreshore open space or coastal reserves. The proposed development is consistent with the Aims of the SEPP.

(b–c) Coastal Foreshore Access

The site does not adjoin foreshore open space or coastal reserves and as such does not restrict public access to foreshore open space and no opportunities exist to provide new public access to such reserves or parks.

(d) Suitability of the Development

The site is within an existing industrial estate. As such the development is not out of character with surrounding development.

(e–f) Visual Impact on the Scenic Qualities of the NSW Coast

The site is some distance from the Coast and the Tweed River and will not be able to be seen from either waterbody or adjoining public land due to the spatial distance and existing structures and vegetation. It is considered that the proposal, although containing cement silos with a height of 22 metres, and an aggregate silo with a height of 33 metres (during Stage 2), above ground level, will not impact upon the scenic qualities of the coast or overshadow any foreshore open space.

(g–h) Measures to conserve Animals and Fish;

The land is a vacant industrial site clear of vegetation. The proposal will not impact upon the habitat of animals or fish.

(i) Wildlife Corridors

The development does not affect existing wildlife corridors.

(j) Coastal Hazards

The land is located landward of the coastal erosion zones and is unlikely to be affected by a coastal erosion event. The land is subject to flooding though and conditions of consent have been included ensuring electrics are capable of withstanding immersion in flood waters.

(k) Potential for conflicts

As the land is not in the immediate vicinity of waterways or the ocean no potential exists for a conflict between activities associated with the concrete batching plant and coastal activities.

(l) Cultural places

The proposal will not impact upon cultural places, values, customs beliefs and traditional knowledge of Aboriginals.

(m) Water Quality

Appropriate measures have been proposed to treat stormwater and waste water prior to discharge into the public stormwater system which drains to the Tweed River.

(n) Heritage Items

The development will not impact on items of archaeological or heritage significance.

(o) Applicable Draft LEP's

No draft LEP's have been prepared which affect this land or proposal

(p) Cumulative Impacts and Measures to ensure efficient water and energy use

Appropriate measures have been proposed for the recycling of water and its efficient usage.