



Department of Planning, Industry & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Katelyn Symington

3 February 2021

Dear Madam

Submission – Application Number SSD-8530563 – Gunnedah Waste Facility

I refer to the abovementioned Development Application currently on exhibition and provide the following submission on behalf of Gunnedah Shire Council.

Council believes that the following matters of concern require the provision of additional information or require the imposition of a condition of consent to ensure that the development is conducted in an acceptable manner, should the consent authority decide to approve the development application.

Stormwater Management

Additional details are required in regard to how the development will prevent the discharge of pollutants from the site. How will spills and particulates transported in stormwater be contained onsite to prevent the discharge to Council's stormwater network or into natural water course?

Stormwater is to be managed within the site with no effluent or polluted water to be permitted to Council's stormwater network or permitted to leave the site. All stormwater works are to comply with the relevant Australia Standards.

A S68 approval under *Local Government Act 1993* is required for stormwater discharge, with a condition to this effect being imposed prior to the issue of a Construction Certificate.

Provision of development plans

Provide development plans which indicated the location and type of all fencing to be constructed as part of the development. Elevation plans are required for each fence type to identify potential visual impact and design.

Provide development plans for storage bays including specific elevation and design of each structure. The development should address the visual impact from a 4.5 metre high concrete structure on the adjoining lots and the potential for overshadowing of the site and adjoining allotments.

Confirmation of Waste accepted at waste facility

Confirmation is required regarding whether the developer intends to accept waste tyres at the facility. Comments within the executive summary (pp11) and Sections 3.1.1 and 3.2.1 (pp63, 66) of the exhibited EIS identify that no waste tyres will be accepted at the facility. However, issue 3 of Table 0.2 (pp19) notes tyres to be separately processed/shredded. These comments should be clarified prior to assessment of the development.

Compliance with the Gunnedah Development Control Plan 2012

The exhibited EIS does not address each of the requirements of the Gunnedah Development Control Plan, Section 4 for Industrial land uses, with regards to:

- The development does not identify the use of non-reflective roof material for buildings with a roof slope greater than 17°.
- The EIS does not address how the development will be compatible on both visual and operational grounds with regards to non-industrial land uses located nearby and the requirement to be visually compatible with the surrounding non-industrial land use located to the West and North-West of the site.
- Frontage along Torrens Road is to be constructed with kerb and gutter and road shoulder for the full frontage of the development site.
- Provision of onsite stormwater detention tanks for capture with roofwater and reuse on landscaping;
- The development has not adequately addressed onsite parking demand for the lands proposed additional land use. Parking for this development should be in addition to existing parking requirements. Council requests that a detailed parking layout, complying with AS2890.1 be prepared and submitted as part of this development, accommodating the minimum number of spaces required onsite.
- The Gunnedah Development Control Plan 2012 requires that a minimum of 3 metres of landscaping be conducted along each lot boundary where presenting to a public road or rail corridor. The development does not address the landscaping requirements within the industrial area. Parts of the frontage to Allgayer Drive do not contain any landscaping, which does not meet the character and streetscape that Council is attempting to create within its industrial precincts. The development in its current layout is inconsistent with adjoining developments.
- Security fencing not addressed on development plans. Fencing is to be of a decorative nature from the lot frontages to the building line.
- Internal driveways are to be sealed and extended to ensure that all vehicles can manoeuvre within the site, especially B-Doubles. The current swept path analysis plan for B double vehicles by Martens & Associates Pty Ltd, indicates manoeuvring is unable to be achieved within the indicated internal driveway.
- Existing access to Torrens Road is to be upgraded to a concrete vehicle access in accordance with Council's Urban Design standard.

Noise Impacts

The exhibited EIS comments that the development site is established in a zoned General Industrial area, surrounding by other industrial uses. This comment is partially correct with the development site being located within an industrial zone with industrial development to the North and East. However, the development site also adjoins RU1 Primary Production zone to the West, within which Dwelling Houses are permissible with consent, and which the potential impacts from Noise and vibration should be adequately considered. Further, a number of existing dwellings are located in the immediate area.

The Noise Impact assessment has indicated exceedances to noise $L_{Aeq, 15min}$ levels at Receivers R1-R5 during undertaking of crushing activities. Council does not support exceedances at these receptors based on the 'scenario (use of Crusher) is expected to occur approximately once per month for 1 to 2 days', noting that crushing would occur for this period each month. Council requests that additional mitigation measures be proposed and modelled to ensure that no exceedance of noise levels are identified at any receiver, regardless of the period of exceedance or frequency. Alternatively, the developer may consider a more appropriate site for the crushing of material.

It is noted that the noise assessment undertaken does not consider a number of residences located immediately to the East of the site at 68 and 47 Quia Road. These receivers are located to the East of the site on the side of the site of the open yard and operating shed openings, with potentially higher noise impacts. Despite these residences being located within an industrial land zoning, these residences are subject to existing uses in accordance with Division 4.11 of the *Environmental Planning and Assessment Act 1979* and should be considered by the noise assessment. The EIS and Noise Impact Assessment does not contain any evidence or confirmation regarding a private agreement

between the land owner of 28 Torrens Road and the developer, to exclude this residence from consideration within the Noise Impact Assessment. It is requested that this assessment be amended to consider these as residential receivers.

Dust, odour and air quality management

Dust, odour, air quality and noise impacts are to be managed in accordance with relevant NSW guidelines and details contained within the exhibited EIS. Council requires that all internal driveways, loading/unloading, and parking areas should be hardsealed to ensure that there is no dust generation from vehicle movements through the site.

The development does not appear to have considered cumulative dust, odour or air quality impact from surrounding land uses including the Whitehaven Coal Handling Preparation Plant located in close proximity to the West of the site.

Clarify inconsistency with employment generation

Clarify the expected number of employees generated by the development. The exhibited EIS contains inconsistencies between the employment numbers generated by the development, with Table 0.1, Table 2.4 and Section 3.2.3 all containing varied employment figures. Employment figures should be based on this land use activity and should not include employment generated by existing land use onsite or as part of other ancillary activities (such as the proposed Waste Disposal Facility at Mary Mount).

Development Contributions

Council notes that the development is subject to Council's S94A contribution plan in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and Gunnedah Shire Council S64 contribution plan in accordance with Section 64 of the *Local Government Act 1993*.

NSW EPA Waste Levy

Regardless of the development site being located outside of a 'Regulated Area', waste disposed to land fill which was generated within a regulated area is still to be subject to the NSW waste levy. Any development consent should make this requirement clear.

Location of suitable Waste Management Facility for material disposal

In accordance with the Gunnedah Shire Council Waste Management (Waste Generated Outside the Gunnedah Shire Council Local Government Area) Policy, no waste generated outside of the Gunnedah LGA is able to be disposed of to the Gunnedah Waste Management Facility operated by Gunnedah Shire Council. Consideration should be made to the appropriate location of operating, suitably licensed waste facilities for materials accepted at this facility and the demands placed on local and state road network.

Council notes that the Regionally Significant Development for the Waste Disposal Facility (Development Application No. 2020/054) is currently undetermined and should not form part of the consideration as infrastructure available and owned by the developer, for this development.

Consolidation of development lots

As the development requires access and provision of services across lot boundaries and proximity of new building structures to lot boundaries, the two development allotments, being Lot 1 DP 1226992 and Lot 2 DP 1226992, should be consolidated in to one allotment.

Review of any future amendments to documentation

Upon updating of the relevant sections of the development EIS and any amendments to the development proposal Council would appreciate the opportunity to review any amended documents and be enabled to provide any comments and submission at such time.

Recommended Conditions

In addition to the comments above, in the event that the development is approved Council recommends that the following conditions be imposed:

- The development should be conducted in accordance with the approved development plans and documents.
 - Sediment and Erosion controls should be implemented for the extent of construction works
 - The Traffic Management Plan implemented for the extent of construction and life of the facility.
 - Any damage caused to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
 - Dust suppression is to be undertaken to ensure there is no dust emitted. This should be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.
 - All loading/unloading, internal driveways and parking areas should be hardsealed to a suitable depth to suit design traffic.
 - Operating hours are to be restricted in accordance with the hours listed within the EIS.
 - An easement shall be created to encompass the onsite detention systems to ensure that they are maintained and operational, with Gunnedah Shire Council to be named a beneficiary.
 - All parking areas, shall be designed and line marked to comply with Australian Standard 2890.1-2004 'Off-street car parking'.
 - A Section 138 application is to be submitted to Council under the Roads Act 1993.
 - Section 64 headwork contributions are to be paid to Council in accordance with the Gunnedah Water and Sewerage Development Services Plan 2019. These contributions have been calculated* as being :
 - Water – \$14,178.75
 - Sewerage – \$21,684.38
- * amended development proposal may result in variations to these contributions

Council would suggest that the development be identified as a different name to that of the Gunnedah Waste Facility, due to similarities with Council Gunnedah Waste Management Facility to avoid any potential confusions between the two separately operated sites.

If you have any questions regarding this matter, please contact Council's Senior Development Assessment Officer, Wade Hudson on 02 6740 2100.

Yours faithfully



Andrew Johns

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

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Reference: 1586280

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