

JRPP No:	Item 1 (2009STH001)
DA No:	0001/0910/DA
PROPOSED DEVELOPMENT	Proposed establishment of a Stock and Sales Yard (Rural Industry)
APPLICANT:	Goulburn Regional Livestock Exchange (W. Vowles)
REPORT BY:	Paul Hume, Town Planner, for and on behalf of Goulburn Mulwaree Council

Assessment Report and Recommendation

Owner	Kattle Gear Australia Pty Limited
Description of Land	68 and 102 Mazamet Road, South Goulburn, Lot 1 DP 1021235; and Lot 1 DP 1065713.
Site Area	24ha
Zoning	RU1 Primary Production
Existing Use	Vacant agricultural land
Employment Generation	Staff at existing Livestock Exchange to be relocated
Estimated Value	\$9 million

RECOMMENDATION

- 1 *That the application be referred to the Southern Region Joint Planning Panel for determination with a recommendation for refusal of development consent for the reasons detailed in the schedule attached to this report.***

EXECUTIVE SUMMARY

A development application has been received by Goulburn Mulwaree Council for the establishment of a Stock and Sales Yard, including ancillary truck wash, administration and amenities building, maintenance shed, landscaping and car parking. The facility, to be known as the Goulburn Regional Livestock Exchange, has an intention of replacing existing Sales Yard facilities located at Sloane Street, Goulburn. The application is for designated development and is to be determined by the Southern Region Joint Planning Panel (SRJPP). There have been submissions received in relation to the development from both public authorities and the general public concerning a wide range of environmental, economic and social issues. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, and is recommended for refusal. The development has not received the concurrence of the Chief Executive, Sydney Catchment Authority and in the absence of that concurrence the SRJPP has no power or authority to grant development consent. Based on the information provided it is not considered that the proposal has satisfactorily established that it will have an acceptable impact in terms of water quality, land use compatibility, odour & dust emissions and ecology. Whilst the proposal would offer benefit through the provision of a modern Sale Yard facility to replace the existing outdated facility the potential for adverse impacts, in particular to water quality and the continued operation of the Southern Meats export abattoir (which is of some significance in terms of employment and its contribution to the local economy) would outweigh that public benefit.

1.0 INTRODUCTION

1.1 The Site

The subject site is located approximately 4.2 km south-west of the Goulburn town centre. The site is irregular in shape, with the longest (eastern) boundary providing an approximate 780 metre frontage to Mazamet Road. Mazamet Road is a two lane rural sealed road of variable width, which provides access to the Southern Meats Abattoir and Woolscour from the Hume Highway. The site has an area of approximately 24 ha. The topography of the site is gently undulating, with a general decrease in elevation to the south and south-west.

1.2 Project Setting

The site is within the Goulburn Mulwaree Local Government Area (LGA), which is situated in the NSW southern tablelands approximately 195km south-west of Sydney and 95 km north-east of Canberra.

The immediate surrounding area is characterised predominantly by rural land. Significant items within the vicinity of the site include:

- The Southern Meats Abattoir;
- The Woolscour;
- 'Joppa' – rural agricultural grazing land;
- The Hume Highway;
- Run-O-Waters Creek; and
- The Southern Railway Line.

The nearest residential properties are immediately to the north of the Southern Meats Abattoir. These three dwellings are located on the eastern side of Mazamet Road, opposite Lot 1 DP 1021235 and approximately 260m south-east of Lot 1 DP 1065713; which is the lot on which the majority of the proposal would be located. A farmhouse, which forms part of the 'Joppa' property, is located approximately 320m to the north-north-west of the site, adjacent to the Hume Highway.

The Hume Highway runs east/west to the north of the site and at its closest point is approximately 250m from the site. A cluster of rural residential lots are situated approximately 1 km to the north-west, on the northern side of the Hume Highway. Directly north of the site, on the northern side of the Hume Highway is a developing industrial estate, which includes a large Coles distribution centre.

The Southern Railway Line is located approximately 400 m to the south of the site's southern boundary.

The wider surrounding area includes the main urban area of Goulburn, which commences approximately 1.8 km to the north-east of the site.

2.0 PROPOSED PROJECT

2.1 Project Description

The proposed development is for the construction and operation of a regional livestock exchange at the subject site, i.e. 68 and 102 Mazamet Road, South Goulburn. The proposal is being put forward by Kattle Gear Australia and the livestock exchange would be known as the 'Goulburn Regional Livestock Exchange'.

The proposal aims to ensure agricultural producers in the Goulburn Mulwaree region have access to a modern livestock exchange that is able to meet their needs in the long term.

The proposal essentially involves the following key elements:

- Demolition of a small rural structure.
- Construction of a roofed livestock saleyard; including approximately 400 sheep selling pens and 200 cattle selling pens; with the capacities of 20,000 sheep and 2,500 cattle.
- Construction of an amenities building with an office and kitchen (with a 50 seat capacity dining area).
- Construction of a maintenance workshop and truck wash.
- Internal driveway and car parks providing a total of 74 car parking spaces.
- On-site effluent system and irrigation system.

The proposal would operate on a weekly basis for approximately 50 weeks of the year, with cattle sales generally on Tuesdays and sheep sales generally on Wednesdays. Sale hours would typically be between 9am and 1pm. The Environmental Impact Statement (EIS) accompanying the DA states that stock would typically arrive at the site the morning of the sale and would leave following completion of the sale, although on some occasions it may be necessary for stock to arrive the day before and leave the day after the sale or arrive and leave during the night-time period.

The livestock exchange would effectively operate two days each week for the majority of the year. There would also be approximately 10 'special sales' each year that would be held on Fridays subject to demand. Regular monthly horse sales may also occur depending on demand. The selling of horse stock would usually operate between the hours of 9am and 1pm.

Access to the site is proposed via Mazamet Road. The development has two vehicular access points; the northern access point is exit only and the southern access point is for both entry and exit. The northern access point will be an exit point for heavy vehicles that have used the truck wash facility and for light vehicles that have parked in the main carpark. The southern access point will be utilised by all vehicles that enter the site, heavy vehicles that are exiting the site after picking up livestock and by a small number of passenger vehicles particularly those vehicles that park in the small carpark adjacent to the proposed amenities building.

The main carpark, which has 60 parking spaces, is one way in the northern direction. Passenger vehicles using this car park will exit the site via the northern access point. The other car parking facilities shown on the submitted plans are a small carpark to the north of the amenities building (4 spaces including 2 disabled spaces) and a car park to the south of the amenities building (10 spaces).

2.2 Project Need

In respect to project need the EIS accompanying the DA states that the agriculture and livestock industry is a significant part of the regional economy and will continue to be so in the long term. Livestock saleyards are an integral component of the industry and there is a trend towards increasing numbers of larger sales at such facilities to support the growing industry.

The existing Goulburn Livestock Exchange is currently operating at capacity. There is no adjacent land available for expansion of the existing facility and any expansion would be unsuitable due to the facility's location in close proximity to urban/residential areas. Furthermore, the existing livestock exchange also requires substantial modifications to improve the environmental performance and meet industry best practice standards. The proposal would enable the proponent to upgrade existing saleyard practices by implementing current technology, thus improving environmental amenity of the saleyard for users and livestock. A new livestock exchange would also enable the introduction of modern environmental features to improve site water management and thereby decrease potential water quality impacts on overall catchment water quality.

In summary the EIS submits that there is a need for a new exchange to ensure the region has a modern and viable livestock saleyard to meet the projected long-term needs of the agriculture and livestock industry.

3.0 STATUTORY CONTEXT

3.1 Designated Development

Development that is designated development is listed under Schedule 3 of the EPA Regulation 2000. Schedule 3, Clause 21 (5) includes the following type of development:

Saleyards having an annual throughput of:

- (a) more than 50,000 head of cattle, or*
- (b) more than 200,000 animals of any type (including cattle),*

for the purposes of sale, auction or exchange or transportation by road, rail or ship.

The proposal is for a saleyard with an annual throughput in excess of 50,000 cattle and would also exceed the threshold of 200,000 animals in total. It is therefore considered to be designated development and an EIS was required to be submitted with the Development Application ('DA').

3.1 Regional Development

As the development application is for designated development, Part 3 of *State Environmental Planning Policy (Major Development) 2005* classifies the proposal as regional development; for which consent authority functions (i.e. the determination of development applications) may be exercised by regional panels.

3.2 Commonwealth Legislation

The *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) commenced on 16th July 2000 and is administered by the Commonwealth Department of

Environment, Water, Heritage and the Arts. Its primary objective is to “*provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance.*”

No matters of national environmental significance are likely to be significantly affected by the proposal. The proposal has not been referred to the Commonwealth Minister for the Environment under the EPBC Act.

3.3 Environmental Planning Instruments

The proposal has been assessed against the relevant provisions of the following environmental planning instruments:

- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;*
- *State Environmental Planning Policy No. 55 – Remediation of Land; and*
- *Drinking Water Catchments Regional Environmental Plan No. 1 (Drinking Water REP); and*
- *Goulburn Mulwaree Local Environmental Plan 2009 (GMLEP 2009).*

It is considered that the project can be conducted in a manner that is consistent with the relevant requirements of these environmental planning instruments, with the exception of the requirements of the Drinking Water REP and GMLEP 2009. The concurrence of the Sydney Catchment Authority (SCA) was sought in a letter to the SCA (received 9th July 2009) requesting the concurrence of the Chief Executive; as required by Clause 28 of Drinking Water REP. The SCA completed a detailed review of the EIS and determined that insufficient information was provided with the application to enable an adequate assessment of the probable effect of the development on water quality. As such, concurrence was not issued and is still yet to be obtained. Important to note is that the consent authority – the SRJPP – before determining the development application, is required to obtain the concurrence of the SCA, unless it determines to refuse to grant development consent (see Clause 13F(2)(a) of the Major Development SEPP and s.79B(1) of the EP&A Act).

The provisions of GMLEP 2009 are discussed below.

3.4 GMLEP 2009

The site is within the Goulburn Mulwaree Local Government Area (LGA) and the Goulburn Mulwaree Local Environmental Plan 2009 (‘GMLEP 2009’) is the applicable Local Environmental Plan.

Under the GMLEP 2009, the proposal is defined as a *stock and sale yard*:

A building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

The subject site is zoned RU1 Primary Production. Development for the purpose of stock and sale yards is permissible within the RU1 Primary Production Zone with development consent in accordance with the GMLEP 2009.

Clause 2.3(2) (Zone Use and Land Use Table) provides that the consent authority must have regard to the objectives for development in a zone when determining a development

application in respect of land within the zone. The relevant zone objectives for the applicable RU1 Primary Production zone are:

- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise conflict between land uses within the zone and with adjoining zones.
- To avoid or minimise impacts on the natural environment and protect environmentally sensitive land.
- To allow the development of non-agricultural land uses which are compatible with the character of the zone.
- To allow the development of processing, service and value-adding industries related to agriculture and primary industry production.
- To protect and enhance the water quality of receiving watercourses and groundwater systems to reduce land degradation.
- To minimise the visual impact of development on the rural landscape.

These zone objectives have been considered in the assessment provided at Section 5 of this Report.

Clause 7.2 (Environmentally sensitive land – biodiversity) outlines considerations for lands identified as environmentally sensitive land – biodiversity. These lands are mapped on the Natural Resources Sensitive Map – Biodiversity. The north-eastern corner of the subject site is located in a biodiverse area as identified under this clause and the remainder of the site borders lands of this classification. The objectives of Clause 7.2 are:

To protect, maintain or improve the diversity of the native vegetation, including:

- (a) Protecting biological diversity of native flora and fauna, and*
- (b) Protecting the ecological processes necessary for their continued existence, and*
- (c) Encouraging the recovery of threatened species, communities or populations and their habitats.*

Clause 7.2(3) and Clause 7.2(4) list matters for consideration by Council when granting development consent on biodiverse land. The manner in which the proposal addresses these matters are detailed below.

Clause 7.2(3) states:

- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered a report that addresses the following matters:*
 - (a) Identification of any potential adverse impact of the proposed development on any of the following:*
 - (i) a native vegetation community,*
 - (ii) the habitat of any threatened species, population or ecological community,*
 - (iii) A regionally significant species or plant, animal or habitat,*

- (iv) *a habitat corridor,*
- (v) *a wetland,*
- (vi) *the biodiversity values within a reserve, including a road reserve or a stock route, and*
- (b) *A description of any proposed measures to be undertaken to ameliorate any such potential adverse impact.*

Clause 7.2(4) states:

- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and:*
 - (a) *the development is designed, sited and managed to avoid the potential adverse environmental impact, or*
 - (b) *If a potential adverse impact cannot be avoided, the development:*
 - (i) *is designed and sited so as to have minimum adverse impact, and*
 - (ii) *incorporates effective measures so as to have minimal adverse impact, and*
 - (iii) *mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.*

A flora and fauna assessment has been prepared for the proposal. The assessment addresses the potential impacts of the proposal on the matters identified in Clause 7.2 and details mitigation and management measures to avoid and/or minimise potential impacts on flora and fauna and associated habitat. This matter is discussed in the assessment at Section 5 of this Report.

3.5 Other Relevant NSW Legislation

In addition to approval under the Environmental Planning and Assessment Act 1979 ('EPA Act 1979'), the following Acts are relevant to either the decision making process or the construction and operation of the proposal.

- *Protection of the Environment Operations Act 1997*

The Protection of the Environment Operations Act 1997 (POEO Act) identifies scheduled activities which require an environmental protection licence from DECCW. Scheduled activities are listed in Schedule 1 of the POEO Act. Under sub-section 22 (2) of Schedule 1, animal accommodation with a capacity to handle more than 50,000 cattle or 200,000 animals of any type (including cattle) per year is declared to be a scheduled activity. Animal accommodation is defined as:

the accommodation of animals for the purpose of sale, auction or exchange or for transportation by road, rail or ship.

Considering this, the proposal is a scheduled activity requiring an environmental protection licence from DECCW. The licence would regulate all forms of pollution including air, noise and water.

- National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 (NPW Act) is administered by DECCW and provides the basis for legal protection and management of Aboriginal sites and objects in NSW.

Section 87 of the NPW Act states that a permit may be issued to disturb or excavate land for the purpose of discovering an aboriginal object and under Section 90 of the NPW Act it is an offence to knowingly destroy, deface or damage an object, except in accordance with an approval granted under that section.

The EIS prepared by GHD Pty Limited acknowledged that the Indigenous Archaeology Assessment undertaken by Biosis Research did not identify any Aboriginal archaeological sites, artefacts or areas of cultural heritage significance at the subject site and concluded that it is “unlikely that any significant areas of potential archaeological deposit or any other archaeological sites or artefacts occur within the study area”. NPW Act s. 87 or s.90 permits would not be required unless items of significance are discovered during the construction phase.

- Threatened Species Conservation Act 1995

The Threatened Species Conservation Act 1995 (TSC Act) is administered by DECCW. Threatened species, populations and ecological communities, which are protected at a State level under the TSC Act, are listed in Schedules 1 and 2 of the TSC Act.

Section 5A of the EPA Act lists a number of factors to be taken into consideration when deciding whether there is likely to be a significant impact on threatened species, populations or ecological communities or their habitats. Should a threatened species or community be impacted, an assessment of significance must be completed to determine the significance of the impact. A Species Impact Statement is required if there is likely to be a significant impact on a threatened species, population or ecological community or its habitat.

Please refer to Section 5.7 of this Report which considers the level of impact on any threatened species or endangered ecological communities.

- Heritage Act 1977

The Heritage Act 1977 is administered by the NSW Heritage Council and its purpose is to ensure that the heritage of NSW is adequately identified and conserved. There are no State heritage listed items within or adjacent to the site. Therefore, there are no requirements for an application for approval to be made under Section 58 of the Heritage Act 1977.

Part 6, Division 9 of the Heritage Act 1977 specifically provides for the protection of certain relics. Under Section 139, an excavation permit from the Heritage Council is required if a proposal is likely to disturb a relic. A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit or a

notification granting exception. In their EIS, GHD have concluded that there are no known relics on or in the vicinity of the site.

- Contaminated Land Management Act 1997

The objective of the Contaminated Land Management Act 1997 is to establish a process for investigating and (where appropriate) remediating land areas where contamination presents a significant risk of harm to human health or some other aspect of the environment.

The proposal would be undertaken on land that has been used in the past for agricultural purposes, such as grazing. The GHD EIS concludes that it is considered unlikely that any contamination would be present that would result in the site being unsuitable for the intended use or present a significant risk of harm to human health or the environment.

- Native Vegetation Act 2003

The Native Vegetation Act 2003 applies to the clearing of native vegetation outside certain specified areas. Section 6 of the Act defines native vegetation as any of the following types of indigenous vegetation:

- (a) *trees (including any sapling or shrub, or any scrub),*
- (b) *understorey plants,*
- (c) *groundcover (being any type of herbaceous vegetation,*
- (d) *plants occurring in a wetland.*

Section 7 defines clearing native vegetation as being any one or more of the following:

- (a) *cutting down, felling, thinning, logging or removing native vegetation,*
- (b) *killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.*

The proposal may require the clearing of native vegetation. Under Section 12 of the Native Vegetation Act, development consent is required from the Minister for Planning for the clearing of native vegetation. Section 25 of the Act goes on to identify legislative exclusions including:

- (e) *any clearing that is, or that is part of, designated development within the meaning of the EPA Act and for which development consent has been granted under that Act.*

Approval under the Native Vegetation Act would not be required as the proposal is designated development under the EPA Act.

- Water Management Act 2000

The Water Management Act 2000 is administered by the NSW Office of Water (NOW) and aims to “provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations”.

The provisions of the Water Management Act 2000 are being progressively implemented to replace the Water Act 1912. Currently licences and approvals are administered under the Water Management Act 2000 in areas where a Water Sharing Plan is in place. There is no Water Sharing Plan in place, which applies to the Mulwaree River subcatchment. As such, the licensing and approval provisions of the Water Act 1912 apply. These provisions are discussed below.

Notwithstanding the above, a Controlled Activity Approval (CAA) is required under Section 91 of the Water Act for works within 40m of a river, lake or estuary.

The proposal involves constructing a riffle path to allow overflow of roofwater from a stormwater detention dam to discharge to Run-O-Waters Creek. This would constitute a controlled activity within the meaning of the Water Management Act and would be within 40m of Run-O-Waters Creek. As such, the construction of the riffle path requires a CAA under the Water Management Act 2000.

- Water Act 1912

The Water Act 1912 is being progressively phased out and replaced by the Water Management Act 2000. However, some provisions are still in force.

Part 5, Section 112 states:

- (2) *The sinking of a bore shall not be commenced, nor shall a bore be enlarged, deepened or altered unless:*
 - (a) *in pursuance of a licence issued under this Part, or*
 - (b) *the bore is to be sunk, enlarged, deepened, or altered by the Crown.*

The proposal involves installing a bore for groundwater monitoring. A licence from the NOW is required under Part 5 of the Act.

- Roads Act 1993

Under Section 138 of the Roads Act 1993, consent of the appropriate roads authority is required to:

- (a) *erect a structure or carry out a work in, on or over a public road, or*
- (b) *dig up or disturb the surface of a public road, or*
- (c) *remove or interfere with a structure, work or tree on a public road, or*
- (d) *pump water into a public road from any land adjoining the road, or*
- (e) *connect a road (whether public or private) to a classified road.*

The proposal involves the construction of two intersections with Mazamet Road and the widening of a section of Mazamet Road. These works would disturb the surface of the road.

- Soil Conservation Act 1938

Section 15A of the Soil Conservation Act 1938 relates to Soil Conservation Notices that may be issued by the Minister for activities that are, or are likely to, result in soil erosion. The notices require the owner, occupier, holder or grantee of the land to either:

- Abstain from undertaking the activity that is, or is likely to, result in the erosion; or
- Undertake works to mitigate or avoid the erosion.

The EIS accompanying the DA assesses the potential for the proposal to result in soil erosion and recommends mitigation measures to minimise these impacts. This is in accordance with the intent of the Soil Conservation Act 1938, which is to undertake works in a responsible manner to minimise soil erosion.

- Noxious Weeds Act 1993

The objectives of the Noxious Weeds Act 1993 are to identify which noxious weeds require control measures, identify control measures suitable to those species and to specify the responsibilities of both public and private landholders for noxious weed control.

The GHD EIS acknowledges that seven weed species listed as noxious in the Goulburn Mulwaree local government area under the Noxious Weeds Act 1993 were recorded during the field survey for the flora and fauna assessment. Under this Act, noxious weeds have been identified for LGAs and assigned control categories (e.g. W1, W2, W3 and W4).

Six category W4 weeds were recorded, including African Boxhorn (*Lycium ferocissimum*), African Lovegrass (*Eragrostis curvula*), Paterson's Curse (*Echium plantagineum*), Serrated Tussock (*Nassella trichotoma*), Blackberry (*Rubus discolor*) and Chilean Needle Grass (*Nassella neesiana*). The growth and spread of these W4 weeds must be controlled according to the measures specified in a management plan published by the local authority and the plants may not be sold, propagated or knowingly distributed. St Johns Wort (*Hypericum perforatum*), a category W3 weed, was also recorded. The Noxious Weeds Act 1993 requires the prevention of spread and reduction in distribution of this infestation to the satisfaction of the local control authority.

3.6 Development Control Plans

The Goulburn Mulwaree Development Control Plan 2009 (GMDCP) is the relevant Development Control Plan and aims to support the provisions of the GMLEP 2009.

The relevant general development objectives of the GMDCP are considered to be the promotion of water sensitive design and best practice water controls including the use of buffers to safeguard the integrity and quality of waterways. The matters pertaining to these objectives are discussed in detail at Section 5 of this Report.

The GMDCP also provides general development controls. Those controls considered to be of relevance relate to the following:

- Non-indigenous heritage;
- Indigenous heritage;
- Landscaping;
- Vehicular access & parking;
- Disability standards for access;
- Tree & vegetation preservation; and
- Impacts on drinking water catchments.

These matters are discussed in Section 5 of this Report, with the exception of Disability Standards of Access. In this respect it is considered that the proposal would be able to be constructed so as to comply with the relevant access standards.

4.0 CONSULTATION AND ISSUES RAISED

Under the EP&A Act, the development application was required to be placed on public exhibition for at least 30 days. The development application was placed on public exhibition from 8th July, 2009 to 7th August, 2009. Adjoining and nearby landowners and relevant public authorities were also notified of the development application.

In response to the consultation process Goulburn Mulwaree Council received submissions on the DA from the following public authorities and members of the public:

- Public Authorities – Department of Environment, Climate Change and Water (DECCW), NSW Department of Industry and Investment (NSW DII), NSW Office of Water (NOW), NSW Planning, Roads and Traffic Authority (RTA), Sydney Catchment Authority (SCA), Hawkesbury-Nepean Catchment Management Authority (HNCMA), Upper Lachlan Shire Council and Goulburn Mulwaree Council, and
- General Public – from the general public (NSW Farmers Association, Goulburn Chamber of Commerce and Industry, Landmark Operations Limited, C.M. & J.B. Hunt, GLX and Southern Meats Pty Ltd).

The **Upper Lachlan Shire Council** supports the establishment of a new regional sales yard facility, but has no position as to where it is located.

The **RTA** has no objections to the development application in principle, given that access is via the local road network.

The **HNCMA** advise that it has no approval role under the Native Vegetation Act 2003 (NV Act) for any clearing of native vegetation required for this development. Notwithstanding, its desk-top analysis raises the following for consideration:

- Whether the identified degraded White Box Yellow Box Blakely's Red Gum Woodland should be defined as an Endangered Ecological Community (EEC);
- Using the Environmental Outcomes Assessment Methodology (EOAM) any EEC in moderate to good condition would be refused for clearing under the NV Act; and
- Using the EOAM the removal of any hollow bearing trees would not be approved under the NV Act if hollow dependant threatened species were known to exist within the local area.

The **DECCW** have advised in its submission dated 22nd September 2009, that the EPA has reviewed the information provided and has determined that it is able to issue an Environment Protection Licence for the proposal subject to a number of conditions. In assessing the proposal the EPA has also identified the following environmental issues that should be considered in the overall assessment of the DA:

- The suitability of the proposed waste water irrigation scheme and stormwater management;
- The noise impact of the development; and
- The potential impact on threatened species of the development.

Notably DECCW advise that it requires the securing of a minimum 9ha of harvested perennial pastures (excluding tree lines) for the sustainable irrigation of waste water and at least 6.8ML of waste water storage.

The **NSW DII** in its submission dated 21st August 2009, raises issues pertaining to sludge management, animal welfare, soil capability, Emergency Management Planning and

monitoring and reporting. In summary, it considers that the management of effluent for the stock and sale yard requires further work in order to achieve a development that will be sustainable in the long term.

In its submission dated 8th October 2009, the **NSW DII** advises that it generally agrees with the General Terms of Approval (GTA) provided by DECCW - in particular the utilisation area for waste water irrigation be increased to no less than 9ha of harvested perennial pastures. It does however, raise issues in respect to the management of phosphorus and nitrogen levels within the soil and the production levels of Perennial Ryegrass Silage on the irrigation fields.

The **SCA** in its submission dated 10th July 2009, requested additional information by way of Stormwater Quality Modelling and a Soil and Water Management Plan (SWMP).

In its submission dated 27th July 2009, the **SCA** advises that insufficient information has been provided with the application to enable an adequate assessment of the probable effect of the development on water quality and requests Council obtain from the applicant further information in respect to on-site sewage management, truckwash effluent management, stormwater management and saleyard waste.

The **NOW** in its submission dated 27th October 2009, confirms that a CAA is required for the development and provides GTA in respect to such. It further advises that a licence under the Water Act 1912 is required for the three dams proposed on the site as well as groundwater monitoring bores and provides GTAs in respect to these. In addition to the above, the NOW strongly recommends that the proponent be requested to negotiate and establish a fully vegetated riparian zone along the length of Run of Waters Creek within the adjoining property.

NSW Planning acknowledge its receipt of copies of the submissions for the DA. The department has reviewed the submissions and considers that issues raised are of local significance. The Department has no objections to the DA being determined provided that Council and the JRPP are satisfied that the issues raised in the submissions have been adequately addressed by the applicant.

In its submission dated 20th October 2009, **Goulburn Mulwaree Council** advised of the progress of the DA and outlines a submission to the SRJPP. Following a review of the submitted documentation the following concerns/issues have been identified:

- Roads and Traffic -

The proposal requires heavy vehicles that wish to pick up stock after having been washed at the truck wash, to exit the site at the northern driveway by turning right onto Mazamet Road then re-enter the site via the southern driveway. This use of Mazamet Road is considered unacceptable. Rather such manoeuvres should be contained entirely on site.

Council's DCP 2009 (Clause 7.2.2) specifies the haulage route for the proposal to have 7m wide carriageways and 1m wide shoulders, with 500mm being sealed. The submitted Environmental Assessment indicates that Mazamet Road will be widened however the document indicates a width of 5-6m. A requirement for the road pavement widening to be consistent with Council's DCP.

- Water Supply –

For the purpose of assessing the town water demand in terms of Equivalent Tenements (ETs) and wastewater disposal, an estimate is required on the average annual town water usage. This essential information has not been provided.

- Wastewater Disposal

The Wastewater Assessment Report does not seem to have taken into consideration all wastewater streams. Details are required to be provided to ensure sufficient site area is available to dispose of the kitchen waste water, truck wash and on-site effluent. This essential information has not been provided.

Council also notes that the Panel should be advised of the inconsistencies and deficiencies with the submitted documentation. A key issue with the proposal relates to conflicting land uses and whether or not it will have an adverse impact on the existing abattoir.

Council advised that draft conditions based on the submitted documentation can be forwarded to the Panel for consideration with the proviso that these may need to be adjusted following receipt and consideration of the additional information.

Landmark Operations Limited raised issues in respect to the adequacy of proposed car parking, quality assurance accreditation, waste water irrigation, provision for fire fighting, management and monitoring, management of biosolids from the truckwash area and cattle pens and occupational health and safety.

The **NSW Farmers Association** advise that they strongly support a suitable regional sale yard to replace the existing yards which meets environmental, animal welfare, OH & S and transport requirements incorporating best practice aspects of a modern livestock marketing facility whilst remaining cost effective. The submission raises aspects of concern in respect to overflow car parking, animal health, land use conflict with Southern Meats, charges to users, timeframes for completion and operation, future use of the existing saleyards, traffic volumes, adequacy of stock holding paddocks, cost of project, facilities to specifically accommodate monthly horse sales and the lack of provision for stud stock sales.

The **GLX** submission questions the viability of the project based on the Wingecarribee Shire putting forward publicly a plan to develop their own centre and the potential for conflict between the proposal and Southern Meats. The submission presents an alternative to the proposal involving a redevelopment of the existing saleyards site and adjoining Elders Woolstore site in Goulburn and negotiating a sale to Southern Meats of the proposed site.

The submission from **C.M. and J.B. Hunt** raises issues concerning potential for access to their property from Mazamet Road being compromised, noise impacts and alterations to the drainage pattern as it affects their land.

The submission from **Goulburn Chamber of Commerce & Industry Inc.** supports the proposal pointing to access, locality and economic benefits, but also raises the issues of additional noise impacts to existing dwellings and water quality impacts for consideration.

In its submission dated 31st August 2009, **Southern Meats Pty Ltd** raises strong objection to the proposed development relying in part on accompanying submissions by Lennon Salvestro Planning, Richard Ford, Johns Environmental Pty Ltd, the Odour Unit Pty Ltd and Camets Acoustics Pty Ltd to support its objections. In summary, Southern Meats believe that they cannot be secure in meeting food standards for domestic and international sales by

reason of the impact of the proposed development on its operations. They further outline that if the development were to proceed, Southern Meats will close its plant on Mazamet Road and finalise the sale and breakup of all its assets in Goulburn.

In its submission dated 13th October 2009, **Southern Meats Pty Ltd** provides a further submission enclosing correspondence with Australian Quarantine and Inspection Service (AQIS) and further submissions from Richard Ford and Associates Pty Ltd regarding the potential impact of the proposed development on operational requirements for Southern Meats.

A public meeting was also convened by the SRJPP at which presentations were made by the applicant, two public authorities (SCA and DECCW) and four from the general public (NSW Farmers Association, Southern Meats Pty Ltd, Landmark and GLX). This meeting facilitated discussions between the SRJPP panel members and presenters in respect to the range of issues detailed in written submissions arising from the public exhibition of the DA.

5.0 ASSESSMENT

5.1 Drinking Water REP

As detailed earlier in this report the DA has been referred to the SCA for the concurrence of the Chief Executive pursuant to clause 28 of the Drinking Water REP. The matters that are to be taken into consideration by the Chief Executive in deciding whether to grant concurrence are:

- (a) *whether the development incorporates any current recommended practices and performance standards endorsed or published by the Sydney Catchment Authority that relate to the protection of water quality, and*
- (b) *if the development does not incorporate those practices and standards, whether the alternative practices that relate to the protection of water quality that have been adopted in relation to the development will achieve at least the same outcomes as those practices and standards, and*
- (c) *whether the development will have a neutral or beneficial effect on water quality.*

At the time of preparing this report the Chief Executive had not granted concurrence to the DA. Section 79B(1) of the EP&A Act 1979 applies and provides:

If, by an environmental planning instrument, the consent authority, before determining the development application, is required to consult with or to obtain the concurrence of a person, the consent authority must, in accordance with the environmental planning instrument and the regulations, consult with or obtain the concurrence of the person, unless the consent authority determines to refuse to grant development consent.

The JRPP is therefore required to obtain the concurrence of the Chief Executive of the SCA, unless it determines to refuse to grant development consent to the DA. In the absence of that concurrence, it has no power or authority to grant development consent to the DA.

5.2 Land Use Compatibility / Site Suitability

The GHD EIS (Volume 1, Section 8.17) considers that the site is suitable for the proposed development for reasons including:

- It is zoned for agricultural purposes and the proposed use is permissible (with consent) under GMLEP 2009;

- It is within an existing agricultural area bounded by industrial development and is compatible with surrounding land uses;
- It allows for expansion and improved operational efficiency from the existing livestock exchange; and
- It provides an opportunity to incorporate environmentally sensitive designs into the Goulburn livestock exchange.

Submissions

Submissions received from and on behalf of Southern Meats Pty Limited dispute the compatibility of the proposal with their development opposite in Mazamet Road. In making these submissions, Southern Meats advises that its business contributes over \$16M to the local Goulburn economy, presently employs 350 personnel and that 90% of its annual 40,000 tonnes of chilled and frozen lamb and sheep meats is exported to global markets. This annual tonnage, it advises, represents more than 12% of Australia's total export volume in lamb and sheep meats. In summary, matters raised by the submissions are as follows:

- The EIS has not dealt with the proposal's impact in terms of legislative standards for export meat or international market access for Southern Meats, their farming and livestock preparation activities undertaken on the paddocks opposite in Mazamet Road from increased traffic flow & people on and around sales times and waste and garbage associated with passing traffic and people;
- Legislative standards require that facilities registered under the Export Control Act and its Orders (i.e. Southern Meats) be a reasonable distance from any factory, public road or place that is likely to cause meat on the premises to be contaminated or otherwise adversely affected. Basic food principles will be compromised by the proposal by way of dust, noise, odour, traffic, pests, people etc irrespective of mitigation measures. If the reverse situation applied i.e. the Livestock Exchange was existing and Southern Meats was the proposal, AQIS would decline the export registration of Southern Meats due to the likely adverse influences from the Livestock Exchange on operations at the abattoir;
- The proximity of the Livestock Exchange would represent too great a food safety risk and present too many potential attendant issues for foreign country auditors to endorse continued listing for market access. These issues include transport and handling of livestock being anathematic to the eyes of an EU veterinary reviewer, effective disposal of cadavers and the overall security of Southern Meats to unauthorised entry risk from increased traffic and people flows along Mazamet Road;
- Increased risk to Southern Meats from an animal health incident, which would immediately materialise in the event of an exotic disease incursion or detection of a serious endemic disease such as anthrax at the livestock exchange. Whilst it may be argued that the likelihood of an animal disease emergency is low, the consequences for Southern Meats would be catastrophic;
- The EIS does not address the existing aesthetic along Mazamet Road from a rural setting to effectively a semi-industrial one. The present rural setting is valuable in the overall presentation of Southern Meats to regulators and customers.

A further submission from Southern Meats forwards correspondence from AQIS and Richard Ford in respect to what it believes to be the likely impact of the proposal to Southern Meat's registration for exporting meat. In summary the AQIS submission advises:

- If the proposal were to proceed, Southern Meats may need to implement new measures (e.g. measures to ensure that meat and meat products are not contaminated) so that it continues to comply with the Export Control Act and subordinate legislation;

- If the proposal were to proceed, Southern Meats would be required to consider any potential impact from that development on its emergency animal disease preparedness program to ensure compliance with legal requirements. For instance if an anthrax outbreak was detected at the Sale Yard, or transited the site, this would complicate the certification of meat and could require specific conditions to be complied with to facilitate entry of animals onto the export registered premises;
- Whilst AQIS is not aware of specific market requirements that would not allow the proposal alongside an export registered abattoir, there would be expectations from some countries that specific conditions would be required to be implemented to enable stock to enter the registered premises as a result of the Sales Yard being a point source of potential disease and contamination of meat and meat products. Some overseas authorities or their auditors may react adversely to a Sale Yard in close proximity and may result in some overseas market access being lost.

Discussion

The issues that have been raised by Southern Meats, AQIS and Mr. Ford are considered to be difficult to quantify. Nonetheless it is considered that they raise a range of matters that the DA as submitted has not fully or properly addressed in determining the level of potential for the proposal to be incompatible with the Southern Meats operations. In these circumstances it is therefore considered that insufficient information is available to permit a full and proper assessment as to whether the proposal is compatible with the Southern Meats operations.

The submissions by AQIS that Southern Meats may need to implement new measures and consider any potential impact on its emergency animal disease preparedness program as a result of the proposal are also of particular concern. It is considered that any prospect of the Southern Meats operations being required to make adjustments to its method of land use as a consequence of the granting of development consent to the proposal would not be an acceptable or reasonable approach in the assessment of the proposal or an acceptable or reasonable outcome in the circumstances of the case.

5.3 Water Quality & Soil Capability

Potential construction impacts on soil and water would largely be associated with earthworks (including site excavation & filling and works within drainage paths), stockpiling of material, construction of pavements, storage & transfer of oils, fuels & chemicals and maintenance of plant & equipment. It is considered that construction impacts on soil and water could be managed satisfactorily through the implementation of an approved soil & water management plan.

Potential operational impacts on soil and water would largely be associated with the increased impervious areas, storm water management and the operation of waste and waste water management systems for the proposal.

Surface water from access roads is to be captured and diverted to a Gross Pollutant Trap (GPT) to remove readily settle able solids from the storm water before being directed to a bio-retention swale and then to a storm water/winter storage wetland. From this wetland the stored runoff would either be used to supply the truck wash, used for irrigation, or in times of high rainfall overflows would discharge to Run-O-Waters Creek via an overflow riffle path. Runoff from the covered Sale Yard is to be piped directly to the roof water basin before being pumped to water tanks adjacent to the truck wash. Overflow from the roof water basin in times of high rainfall would discharge to Run-O-Waters Creek via the overflow wetland and overflow riffle path. Roof water from the amenities building and workshop building would be collected and stored in adjacent water tanks to supplement town water for toilet flushing.

Waste water from the truck wash is to be screened to remove solids (with screenings composted onsite and sold for beneficial re-use), anaerobic digested in poly tanks (270kl storage volume) to further remove organic matter and stabilize residual sludge, then treated in an aerated lagoon to achieve biological oxidation of remaining organic matter. Effluent from the aerobic lagoon would be directed to the storm water/winter storage wetland for polishing and storage during non-irrigation. The treated effluent would then be re-used for irrigation. Irrigation areas comprise an irrigation field of 6.3ha immediately south of the Sale Yard complex and 3ha of irrigated tree buffer. Waste water from the amenities building is to be managed by a domestic effluent treatment system consisting of a septic system with disposal via a transpiration mound located to its north-east.

Submissions

A submission has been made on behalf of Southern Meats Pty limited which is critical of the proposed method of effluent treatment and disposal from the development (Report by Johns Environmental Pty Limited dated 25th August, 2009 – Job no. 40020) . In summary, matters raised by the submission were that:

- The proposed irrigation is likely to be unsustainable and leading to potential medium to long term consequences for the catchment and surrounding environment;
- The truck wash effluent treatment system appears incapable of achieving the required reduction in nutrient levels for the design of the irrigation area with a high probability of odour emissions;
- The use of MUSIC modeling to estimate runoff impacts has the potential to seriously underestimate pathogen loads to the environment;
- Potential for disease impacts on adjacent residences and Southern Meats from non-disinfected effluent has not been addressed;
- Management of contaminated runoff and vermin impacts from manure-contaminated solids has not been addressed.

The submission from DECCW (General Terms of Approval Attachment B – Environmental Issues) in summary states that the EIS does not draw together a clearly sustainable waste water re-use scheme and that the water cycle management system, including waste water re-use, appears to be a high risk proposal. It concludes that the proposed waste water re-use system is not acceptable to DECCW in its current form. DECCW requires the securing of a minimum 9ha of harvested perennial pastures (excluding tree lines) for the sustainable irrigation of waste water and at least 6.8ML of waste water storage.

In respect to water quality impacts the submission from SCA advises that insufficient information has been provided with the DA to enable an adequate assessment of the probable effect of the development on water quality and requests further information with respect to the issues of on-site sewage management, truck wash effluent management, storm water management and Sale Yard waste. Further submissions from the applicant to Council dated 26th November, 2009 advise that the information requested by SCA has been provided directly to them with a meeting to take place in the week commencing 30th November. At the time of preparing this report there has been no confirmation that the SCA is now satisfied with the information provided.

Discussion

Having regard to the above it is considered that the current proposal does not adequately demonstrate that it would be likely to have an acceptable impact in respect to water quality outcomes. It is considered that the constraints of the site would not allow the development to

provide the DECCW recommended 9ha of harvested perennial pastures without securing additional land to the subject site. This appears to be problematic, having regard to the comments at Section 1 (Introduction) of the GHD Hassall Report *Additional Modelling and Interpretation relating to the Proposed GRLE* dated September 2008 that alternate land to the west and north of the selling complex is now no longer available. The proposed fill works for the Sales Yard platform would also appear to require a 1v:3h batter partly within the proposed irrigation field, which may also affect (albeit to a minor extent) its capability. Based on the available information it would also appear that issues raised by the SCA in respect to water quality impacts are yet to be satisfactorily resolved.

5.4 Noise Impacts

A Noise Assessment by GHD Pty Ltd, dated August 2008 is provided at Appendix E of Volume 2 of the EIS accompanying the DA. The noise assessment advises that in respect to the detailed assessment of **construction and road traffic noise**, reference should be made to the Wilkinson and Murray Noise Assessment Report (WMNAR) dated May 2004. This report has not been included as part of the EIS accompanying this DA. However, Section 5 of the GHD Noise Assessment report provides a description of the findings from the WMNAR. In summary, it states that the WMNAR suggests a potential for construction noise to exceed noise goals at receivers on Mazamet Road when certain equipment (i.e. rockhammers, excavators, or bull dozers) are being used near to the middle or in the south of the construction area (Lot 1 DP 1065713) and recommends the implementation of mitigation measures, such as:

- Use equipment on-site that is silenced as far as practical;
- Limit construction hours to DECC Guidelines; and
- Undertaking community consultation to advise of the works program and to manage any noise complaints.

In addition the GHD Report recommends further construction noise mitigation measures:

- Advise construction workers to minimise noise where possible and be aware of sensitivity of noise emissions;
- Where possible orient equipment away from residential receivers and using terrain and objects to shield equipment locations;
- Scheduling noise intensive activities during the least sensitive time periods;
- Where practical operating machines at low speed or power and switching them off when not being used; and
- Machines producing excessive noise compared to normal industry expectations be either removed from the site or repaired/modified.

The WMNAR suggests that traffic noise generated by the development would comply with DECC's *Environment Criteria of Road Traffic Noise Guideline* at all residential receivers.

In respect to **operational impacts** the methodology employed by the noise assessment involved the following:

- A background noise survey undertaken from 21st July to 28th July 2008 to quantify the ambient noise environment in the vicinity of the site and potentially affected receivers. Noise monitoring was undertaken within the southern Lot of the subject site (Lot 1 DP 1021235) approximately 290m south of the proposed saleyard. Noise monitoring was also undertaken at the rear of the farmhouse of the 'Joppa' property, approximately 320m north-west of the site. Noise monitoring has also been undertaken by Wilkinson and Murray in 2004 at the residence located approximately 400m north of the site at

the northern side of the Hume Highway. This was used to supplement the background noise monitoring results.

- Determining the operational noise goals for the proposed development having regard to the NSW EPA's Industrial Noise Policy.
- Identifying noise sources associated with the development and assigning sound power levels (obtained from the WMNAR and GHD's Noise Source Database) to each of those noise sources for noise modelling purposes.
- Modelling operational noise results. Modelling results have taken into account available information including site layout and building structures as well as meteorological conditions.

The GHD Report finds that the operational noise goals should be met and anticipates that operation would not impact on the amenity of the surrounding residences.

Submissions

A submission has been made on behalf of Southern Meats Pty limited which is critical of the GHD Noise Report (submission by Camets Acoustics Pty Limited dated August, 2009 – Document SMH(&D14) . In summary, matters raised by the submission were that:

- The WMNAR has not been made available as part of the EIS;
- Information supplied from people living in Goulburn suggests that noise from the current unroofed cattle sales yards in Goulburn causes noise disturbances to residences some 4-5 km from the yards, with bellowing from cattle held overnight in the Sales Yard being heard some 7-8 km away. No consideration is shown for these facts in the noise report. There is no quantification of noise levels at the existing yards or for similar size yards;
- The roof design of the Sales Yard would amplify noise from cattle for long distances to the south, east and west towards the residences;
- The space under the building is highly reverberant, causing an amplification of noise at the underside of the saw-toothed open roof;
- Noise modelling of the internal space of the roofed Sales Yard requires great care;
- There is no mention of greater noise enhancement effects due to wind drifts that are common in this valley;
- There is no consideration of temperature inversion effects on noise on the basis that they occur 4.5% of the time. No proof or source data is provided to support this percentage. Temperature inversions do occur 70% of the time in rural areas especially valleys having permanent water;
- Cattle may be in a stressed state at the Sales Yard, causing greater noise.

The submission recommends the proposal be refused and not reconsidered until re-designed to limit noise and suggests noise control measures for the building design.

In respect to noise impacts, the submission received by DECCW indicates that the proposal is acceptable subject to a range of conditions to limit noise, implementing any noise control recommendations in the EIS and additionally recommends further measures to limit noise intrusion (i.e. to minimise the number of reversing movements of vehicles and away from noise sensitive receivers, utilising alternatives to tonal movement alarms on vehicles where possible, requiring site paging/broadcasting/communication systems not having the potential for off site noise impacts and maximising loading/unloading in daylight hours).

Submissions from CM & JB Hunt raise concern regarding potential noise impacts to their property off Mazamet Road.

Discussion

Having regard to the above it is considered that the operational noise assessment provided by the EIS uses an appropriate methodology. Site and building design have been taken into account in the modelling. It is considered that an adequate level of noise assessment has been undertaken and that the project would comply with relevant DECC criteria during construction and operation, with the exception of short term impacts when certain equipment (i.e. rockhammers, excavators, or bull dozers) are being used during construction near to the middle or in the south of the construction area. Consequently, it is considered that the development is unlikely to result in any significant impacts on existing residents in the locality.

Notwithstanding, it is considered that the applicant should be required to:

- comply with construction noise goals and operational noise criteria;
- investigate ways to minimise the noise generated by the development;
- implement a Construction and Workover Noise Management Plan that includes a protocol for notifying surrounding landowners or residents about the construction/workover activities, and responding to enquiries and complaints; and
- establish an ongoing noise monitoring program, to assess compliance with both construction and operational noise criteria.

5.5 Air Quality and Odour

Air quality in the immediate vicinity of the site is affected by the presence of the Southern Meats Abattoir, the Woolscour and traffic from the Hume Highway.

In regards to construction, there is the potential for dust to be generated during construction as it would involve:

- Removal and stockpiling of topsoil;
- Cut and fill to form a level building platform; and
- Passage of vehicles over unsealed sections of road.

CO₂ would also be produced by diesel powered equipment and vehicles used during construction. However, due to the relatively short construction period it is anticipated that CO₂ production would not be significant. There would be no odour impacts during construction.

An Odour Impact Assessment of the proposal was undertaken by Holmes Air Sciences, which considered the potential impacts of the operation of the proposal on air quality. Once operational, the proposal has the potential to impact on air quality as a result of dust emissions, greenhouse gas emissions and odours.

Dust emissions

The main source of dust at the site would be the saleyard. As the proposal would be covered, the dispersion of dust would be limited. The floors of the pens would either be concrete or sawdust; which reduces the potential for dust to be generated. The internal road network would be sealed to minimise the potential for dust to be generated from vehicles over unsealed surfaces.

Greenhouse gas emissions

Enteric rumination of the cattle and sheep while they are at the site would result in the release of CH₄. The cattle and sheep would only be on site for a short period of time and, as such, it is considered that CH₄ production would be insignificant.

The predominant greenhouse gas produced by the proposal would be CO₂. This would be formed and released when fuels are burnt in diesel powered equipment, diesel powered equipment, diesel powered vehicles used to transport stock to and from the site, and in the generation of electrical energy that would be used at the site. The CO₂ that it is estimated would be produced by the proposal represents approximately 0.001% of the total greenhouse gas emissions from NSW.

Odour emissions

DECC has developed odour goals and the way in which they should be applied with dispersion models to assess the likelihood of nuisance impact arising from the emission of odour (DECC Approved Methods).

Potential odour impacts and compliance with odour goals is determined using dispersion models. Discussions with the DECC indicated that this should be modelled based on measurements taken from a similar facility. Measurements were taken from the Mudgee livestock exchange in December 2003 to obtain representative odour emission data.

Potential impacts of the proposal on the surrounding residences has been assessed using AUSPLUME; the model specified by the DECC in their publication on approved methods for air quality assessments.

From the average odour levels, the maximum and 99th percentile predicted odour levels at the seven residential receptors were calculated. The odour levels at all the residences are predicted to be well within the most stringent of the DECC's goal of 2 odour units "nose-response" 99% level. Therefore, on the basis of the dispersion modelling results, it is unlikely that odour from the proposal would be a nuisance to the residential properties.

Submissions

In respect to the submissions received, the Southern Meats submission was accompanied by an Odour Impact Assessment Component of Goulburn Regional Livestock Exchange Environmental Impact Study prepared by The Odour Unit Pty Ltd (TOU), dated 20th August 2009. This assessment reviewed the report by Holmes Air Sciences (HAS) dated 16th April 2009, which accompanied the EIS. In summary, TOU are critical of the methodology used by HAS, on the following basis:

- HAS did not specify the conditions under which the sampling was carried out, i.e. sheep/cattle, clean/dirty, dry/wet, stocked/unstocked, hard/soft floor, age of soft floor, temperature, etc);
- The two odour measurements taken from a "similar livestock exchange operation" to represent the Goulburn Regional Livestock Exchange (GRLE) covered saleyards are considered to be both insufficient in number and most likely to have been underestimated;
- Measurements should have been taken strategically at different locations and conditions with a saleyard at a similar-sized livestock exchange operation in order to achieve robust and more representative odour emissions estimation;

- The meteorological dataset should be refined to better represent the observed conditions.

In its submission dated 22nd September 2009, DECCW, in the accompanying General Terms of Approval (GTA) nominate specific operating conditions for the development in regards to odour and dust.

With regards to odour, the GTA notes that *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.*

In relation to dust, the GTA acknowledge that activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises and that trucks entering and leaving the premises that are carrying loads (other than livestock) must be covered all times, except during loading and unloading.

As previously discussed Southern Meats have raised concern regarding the potential for dust emissions to adversely affect their operations.

Discussion

It is considered that potential greenhouse gas emissions associated with the operation of the proposal would be minimal.

In respect to dust emissions, whilst the EIS outlines design and site maintenance (e.g. scarifying sawdust after each sale, dry sweeping concrete areas and cleaning of grated areas) measures that would serve to reduce dust impacts, it provides no quantification with respect to the anticipated levels of dust generation or its composition. It is considered that this level of assessment is justified particularly when taking into account the potential for adverse impacts to the nearby residences and the Southern Meats operations.

Samples used as base data for the odour assessment in the HAS report were taken from the Mudjee Saleyards in December 2003. Investigations would indicate the Mudjee Saleyard area is considerably smaller than that which is proposed. Total sale units for the Mudjee Saleyard for 2003/04 was in the order of 58,000 sheep and cattle, in comparison to the potential capacity of the proposed Sale Yard*. Furthermore, no detail was provided in the HAS report in regards to the conditions of the saleyard at the time of the samples being taken, data which is considered relevant to informing the assessment.

It is also assumed by the HAS report "that the solids separation plant would be located immediately west of the ponds." Referring to the plans, the drying area is located immediately west of the truck wash area; not west of the ponds, as assumed by HAS. This assumption therefore appears to be incorrect.

It is therefore considered that the information in the HAS report appears lacking in specific detail and relying on data from the Mudjee Saleyards which is outdated and not representative of the proposed saleyard.

* Source: Mid-Western Regional Council, *Saleyards Strategic Plan*, October 2007.

Based on the above it is considered that the proposal does not adequately demonstrate that it would have an acceptable impact by reason of odour and dust emissions.

5.6 Indigenous Heritage and Archaeology

The study site area currently falls within the boundary of the Pejar Local Aboriginal Land Council. A search was undertaken of the NSE DECC Aboriginal Heritage Information Management System (AHIMS) database for an area approximately 8 x 5 km surrounding the site. The search showed that a number of archaeological sites had been recorded previously in the locality. However, none of the archaeological sites are located within or in the immediate vicinity of the site.

A site survey of the southern part of the site (Lot 1 DP 1021235) was undertaken by the Biosis Research team and a representative from Pejar Local Aboriginal Land Council (PLALC) on 27th October 2003. A second survey of the northern part of the site (Lot 1 DP 1065713) was undertaken by a Biosis Research archaeologist and a representative from PLALC on 3rd February 2004.

No Aboriginal archaeological sites or, artefacts or areas of cultural heritage significance were located as part of the surveys. In the context of predictive models for the region, the site has some potential to contain Indigenous artefacts. However, none were recorded during the field survey and it is considered that the shallow nature of the soils, the slope and the distance from water, make it unlikely that any significant areas of potential archaeological deposit occur within the subject site.

5.7 Non-Indigenous Heritage

The EIS accompanying the DA advises that a search of the following registers was undertaken to identify if there are any known items of heritage significance located in the vicinity of the site: Goulburn LEP, Register of the National Estate, Register of the National Trust and State Heritage Register and Inventory. The results of these investigations indicated that there are no items of heritage significance located in the vicinity of the site.

The site has a long history of use as part of the agricultural property 'Joppa'. Although not listed on any heritage registers or environmental planning instruments, there is a cemetery located within 'Joppa', which may have potential historic value.

A heritage assessment and statement of heritage impact was undertaken for 'Joppa' cemetery by John Armes, heritage advisor, in December 2003. The assessment considered the potential heritage value of the 'Joppa' cemetery and the potential impacts the proposal may have on any items of heritage significance.

The cemetery is significant for its historical associations, spiritual characteristics, and aesthetic values at a local level. The broader setting contributes to the significance of the place. Nearby plantings such as the oak tree are significant for their selection, layout and contribution to the landmark status of the place.

As the proposal's built footprint would be located approximately 250m south-east of the cemetery, this item would not be directly impacted.

The proposal would overlook the creek corridor and make a minor intrusion into the pastoral setting, which may impact on the heritage significance of the cemetery. This impact is considered to be of minor significance as planting around the perimeter of the proposal

would screen it from the cemetery. This would reduce visual amenity impacts associated with the presence of the proposal.

The GMLEP was gazetted on Friday 20th February 2009 and is effective from that date. The EIS prepared to accompany the DA does not acknowledge a barn located at 99-241 Mazamet Road (Lot 23 DP 774636), which is identified at Schedule 3 of the GMLEP as a heritage item having local significance. This barn is located some 500 metres from the location of the proposed structures at the subject site (i.e. Lot 1 DP 1065713) and it is considered to be far enough removed for the item to not be directly impacted by the proposal.

5.8 Flora and Fauna

A Flora and Fauna Assessment, dated May 2009, was undertaken by GHD for the project. In summary, the assessment finds:

- The site has been highly modified for agricultural purposes and is comprised of a matrix of secondary grassland interspersed with a variety of exotic forbs, grasses and shrubs. All overstorey and midstorey vegetation excluding a few isolated paddock trees of Eucalypts have been removed and there is a long history of intensive grazing at the site.
- Overall, the site supports moderate to low habitat for fauna as the majority of the original vegetation and groundcover has been removed and/or highly modified, with only scattered trees and exotic species remaining in terms of total area and potential utilisation by native fauna.
- The creeks within the study area are highly disturbed from adjacent clearing of vegetation and associated soil erosion, grazing, weed infestations and unrestricted stock access for watering.
- Two vegetation communities were recorded within the site - secondary grassland derived from White Box/Yellow Box/ Blakely's Red Gum Woodland; and Modified pasture/grassland.
- Based on habitat availability and the limited amount of vegetation clearance proposed within the subject site, it is not considered likely that the construction and operation of the proposal would result in a significant effect on threatened species or endangered ecological communities.
- Three threatened fauna species were identified as being 'likely' to be present within the study area - Brown Tree creeper – eastern subspecies; Diamond Firetail; and Striped Legless Lizard. Assessments of Significance undertaken for these species and they concluded that it is not 'likely' that construction and operation of the proposal would result in 'a significant effect' on these threatened species.

Submissions

In their submission DECCW have recommended that the consent authority require the proponent to conduct a further on-site survey for the Striped Legless Lizard at the appropriate time of year (spring or summer) to provide more conclusive information as to whether or not the species is present on the project site. The proponent is encouraged to consult with the DECCW for appropriate survey methods. The submission from HNCMA questions whether the identified degraded White Box Yellow Box Blakely's Red Gum Woodland should be defined as an EEC.

Discussion

It is considered that the ecological assessment of the project is generally satisfactory. Having regard to the comments from DECCW it would be recommended that the applicant be required to conduct a further on-site survey for the Striped Legless Lizard at the appropriate time of year (spring or summer) in circumstances where the SRJPP were in a position to consider granting consent.

5.9 Traffic and Transport

A *Traffic Impact Statement for the Environmental Impact Statement for the Proposed Goulburn Regional Livestock Exchange for Greater Argyle Council*, dated May 2004 was prepared by Bill Swan and Associates Pty Limited. Subsequent to this report, a *Traffic Impact Statement Addendum*, dated 4th September 2008 was prepared by GHD; which provided a review of the previous traffic study, the undertaking of a site visit, the request and review of traffic counts along Mazamet Road and the undertaking of an intersection analysis of the proposed access intersection with Mazamet Road.

In their addendum report, GHD used the traffic generation figures from the Bill Swan report; with these traffic volumes having been based on traffic counts at the existing Saleyard in Sloane Street, Goulburn (i.e. assumed to be generated by the proposed development). The estimated traffic generation was:

- Weekly sheep sales - 85 vehicles (trailers, body trucks and semi-trailers), generating in the order of 170 vehicle movements per day; and
- Weekly cattle sales - 55 vehicles (trailers, body trucks and semi-trailers), generating in the order of 110 vehicle movements per day.

In addition to these figures it was also assumed that 60 light passenger vehicles will enter and exit the site during the peak hour; based on there being 60 parking spaces for passenger vehicles in the main carpark.

A critical traffic movement for the northern intersection was identified as being the right turn of the development onto Mazamet Road. The critical movement for the southern access intersection was identified as being the right turn movement into the development from Mazamet Road. Based on modeling undertaken (SIDRA) it was expected that both proposed intersections with Mazamet Road would operate with an acceptable Level of Service (LoS) in accordance with RTA performance criteria.

The following mitigation measures have been incorporated into the intersection design and road layout to minimise disruption to through traffic on Mazamet Road and maximise road safety:

- Intersections be constructed as RTA AUR/BAL type intersections;
- The southbound Mazamet Road pavement be widened to 6m between the two proposed access road intersections; and
- Edge linemarking would be provided along Mazamet Road from the Hume Highway interchange.

Submissions

In their submissions, Landmark Operations Limited and Goulburn Mulwaree Council raised issues with respect to car parking and access.

In its submissions, Landmark questioned whether the proposed 72 spaces are adequate, considering that the new facility will potentially employ more selling and buying agency staff, stating: “we would suggest that the number of parking spaces proposed for the ‘amenities complex’ should be set to a minimum of 20 whilst the general carpark area be retained at 60 spaces”.

In its submission Goulburn Mulwaree Council raised issues in regards to the following:

- The use of Mazamet Road by heavy vehicles that wish to pick up stock after being washed at the truck wash to exit the site at the northern driveway by turning right onto Mazamet road then re-entering the site via the southern driveway. Council is of the opinion that such maneuvers should be contained entirely on-site.
- The proposal to widen Mazamet Road to a width of 5-6m, when the GMDCP 2009 (Clause 7.2.2) requires 7m wide carriageways and 1m wide shoulders, with 500mm being sealed.

Discussion

Section 2.4.2 of Volume 1 of the EIS accompanying the development application states “Goulburn Mulwaree Council have confirmed that Outdoor Displays and Sales is the most appropriate land use classification for the proposal for the purpose of calculating car parking requirements”. Based on the car parking requirements for Outdoor Displays and Sales identified in Table 3-2 of the GMDCP, the proposal would be required to provide 220 car parking spaces. The EIS considers (and it is agreed) that this is an unreasonable requirement when having regard to traffic generation rates caused by the existing Sales Yard.

In response to issues raised concerning the adequacy of onsite parking provided; we note the current plans for the proposal provides seventy four car parking spaces. However, of the ten spaces proposed to the south of the amenities building, the end space will be required as a turning bay; due to the blind-aisle access design. Having regard to the basis used by the applicant to determine the number of parking spaces it is considered that the resulting 73 spaces will be adequate to service the development. Should the SRJPP be of the view that additional parking is required, the design of the main carpark would allow for an extension to provide additional parking spaces.

In response to Council's position regarding heavy vehicle maneuvering and the use of Mazamet Road, it is agreed that heavy vehicles wishing to pick up stock after exiting the truck wash should do so by way of an internal road system, rather than exiting and re-entering the site. It is considered that the northern access is not desirable for right turn exit movements and these should be discouraged, if not prohibited. This requirement will be problematic for the proposal in that there is limited site availability to accommodate the internal road system as recommended.

It is also noted that the construction of the Sales Yard platform is likely to require the importation of fill to the site. The assessments undertaken do not appear to identify or quantify this aspect of construction traffic. Notwithstanding it is considered that traffic generation associated with such could adequately managed as part of a traffic management plan.

In respect to Council's position regarding road widening it is agreed that the width of Mazamet Road should be increased to 7m carriageway, with 1m wide shoulders in accordance with GMDCP 2009.

5.10 Visual Amenity and Landscape

The GHD EIS identifies the visual catchment is defined by the the topography of the surrounding area and is restricted to the north-south axis of the valley that confines Run-O-Waters Creek in the immediate vicinity of the site. It determines that the visual landscape in the immediate vicinity of the site is dominated by agricultural grazing land, the Southern Meats Abattoir complex, Woolscour, Hume Highway and the Southern Railway Line. It finds that the site is not visible from the majority of Goulburn's urban areas, does not form a focal point from any sensitive receptors but features in long distant views from residential properties located to the north-west.

Further information provided by the applicant identifies the extent of cut and fill earthworks for the Sales Yard 'platform'. It identifies a maximum cut of 2m in the north-eastern corner of the platform with maximum fill of 7m in the south-western corner battered down to natural levels at 1v:3h.

The impact assessment contained in the EIS identifies that the most significant impact arising from construction activities is the use of cranes which would be short term. Other impacts such as spread of materials and workforce are not considered significant due to their temporary nature. Once completed the most significant visual impact would be caused by the roof structure of the Sale Yard. Materials of construction would be similar to the Southern Meats Abattoir and proposed landscape planting would assist in screening the built infrastructure. In the context of the nearby Abattoir and Woolscour buildings, impacts on views from the Hume Highway, Mazamet Road and residential areas to the north of the Hume Highway are considered to be minor. The location of the Joppa residence at a lower elevation and perimeter landscaping are considered as acting to screen views from the residence. Recommended mitigation measures are proposed perimeter screen landscaping and choice of roof cladding finishes to minimise potential sun glare.

Submissions

The submission by Lennon Salvestro Planning on behalf of Southern Meats, in summary, considers that the proposal will negatively impact on the visual amenity on the residential and rural residential areas north of the Hume Highway despite proposed landscape screening.

Discussion

Having regard to the site context and mitigation measures it is generally considered that the visual impact of the proposal would be satisfactory and that the proposal would not have an unreasonable impact on the visual amenity of the existing area or future residential and rural residential development.

5.11 Socio-economic Impacts

The GHD EIS in summary makes the following socio-economic assessment:

- The construction phase would create jobs for the local economy (up to 20 personnel). Potential amenity impacts caused by construction (ecological, air, noise, traffic & transport and visual) are assessed and considered acceptable subject to the mitigation measures outlined in the EIS, with no significant direct amenity impacts of sensitive receivers.
- In operation, the proposal would give rise to both positive and negative socio-economic impacts. It would increase capacity and operational efficiency relative to the existing livestock exchange and be competitive and financially viable in the long term.

It would not increase the number of people employed onsite over and above that at the existing Sale Yard but increased capacity would mean larger sales, more buyers and sellers and over time likely to lead to an increase in job numbers at and associated with the facility. It would result in additional expenditure and investments by other businesses and individuals generating transactions associated with the proposal and subsequently influence purchase of other goods and services available in the Goulburn economy and regional market place.

- Potential amenity impacts (ecological, air, noise, traffic & transport and visual) are assessed and considered acceptable subject to the mitigation measures outlined in the EIS. No significant direct impacts on the amenity value of sensitive receivers, public places or community facilities were identified.

Submissions

The submission by Lennon Salvestro Planning on behalf of Southern Meats states that the operational details in the EIS contradict the current operational details for the existing Sale Yard by reason that the existing weekly cattle sales require delivery of cattle by 9pm the prior evening in order to comply with the Australian Code of Practice for the Selling of Livestock. This has the potential to create a nuisance to residences in the locality. It also states that the operational details for the Truck Wash were not considered in the EIS and it suggests it to be 24 hours; that the EIS does not address truck wash impacts apart from water management (i.e. increased illumination on the site and noise from equipment and water flows). In terms of potential health impacts the submission states that the proposal does not outline in its site plan a required quarantine area within the site boundary, with no emergency response plan in place in the event of disease outbreak. The water management plan does not address this risk as required by the Saleyards Code of Practice.

The submissions by Southern Meats state that there is a genuine potential for the proposal to undermine its global access arrangements for export certification, which would effectively compromise its ability to continue its current operations at the existing site at Mazamet Road.

Discussion

Potential significant socio-economic impacts of the proposal are in the most part directly related to its operational phase and the extent to which they can be mitigated. Night time noise impacts (e.g. cattle delivery) have been considered by the noise assessment in the EIS and considered acceptable subject to mitigation measures. It does not however appear to have addressed impacts from potential truck wash activities during the relevant night time period (10.00pm to 7.00am) which could potentially arise from early morning deliveries. This could be potentially managed through restricting the operating hours of the truck wash. An illumination plan has been submitted in response to a request for additional information from Goulburn Mulwaree Council with no illumination of the truck wash area indicated. In respect to emergency response measures, the EIS discusses such in general terms as part of environmental management procedures but provides no specific detail in respect to emergency response procedures for disease outbreak. In respect to water management, the EIS states the proposal would be designed to meet the Australian Model Code for Animals at Saleyards (SCARM Report 31) and it would be a matter for the applicant to demonstrate satisfactory water supply arrangements prior to a Construction Certificate being issued.

The issue of site compatibility and the relationship to Southern Meats has been discussed earlier in this report. Economic impacts on the Southern Meats operations, when taking into account the submissions from AQIS and the level of detail provided to consider this aspect, are of particular concern. Should the proposal have an adverse economic effect on Southern Meats it is considered that the implications are potentially significant. In the circumstances of

these issues not being adequately addressed and the potential for significant economic impact, support for the proposal would not be recommended.

5.12 Animal Health Issues

The GHD EIS in summary advises that the proposal has been designed to meet the requirements of Australian Model Codes of Practice for Welfare of Animals in Saleyards, for sheep and for cattle, thereby minimising potential adverse impacts on animal health. In respect to the potential for the spread of Ovine John's Disease the proposal includes measures through the truck wash and holding pens design to minimise the potential for the facility to be a vector for the transfer of the disease. Pest control is to be managed as part of routine maintenance activities to clean the facility of each sale, involving watering down hardstand areas, cleaning water troughs and scarifying the sawdust surface of pens to work manure and urine into the sawdust layer. No further mitigations are considered necessary.

Submissions

Submissions from NSW Farmers Association Goulburn Branch state that the proposal does not address the prevention of spread of lice and footrot to clean mobs of sheep if infected animals are transported to the Sale Yard. As previously mentioned the submissions from Southern Meats state the proposal increases the risk to Southern Meats from an animal health incident and the consequent potential for impact on its trading activities.

Discussion

It is considered that the proposal would introduce a number of design and management measures which will serve to minimise animal health risks. The design combined with management measures such as sale stock inspection, isolation of stock and truck washing would be considered as assisting in reducing the spread of lice and footrot. Notwithstanding this, the importance of potential impacts on the Southern Meats operations should not be underestimated. Accordingly it is considered that the potential for impacts on that operation should be specifically addressed in order for the proposal to be supported.

5.13 Risks and Hazards

Potential Construction stage risks and hazards described in the EIS, include:

- Occupational, health and safety issues, including safe use of power tools and construction techniques employed;
- Demolition and excavation works;
- Transporting dangerous goods and materials;
- Use of dangerous goods and flammable liquids; and
- Spills and leakages.

The EIS advises that the preparation of a Construction Environmental Management Plan (CEMP) would appropriately identify, prevent and manage potential risks and hazards and provide remedial actions to be undertaken where and if appropriate.

The EIS states that operational hazards and risks are unlikely to significantly change from those of the existing livestock exchange; as there would be no change in saleyard processes and no change in the type and quantity of dangerous and hazardous materials stored at the livestock exchange. Small quantities of various hazardous goods would be utilised by the proposal, including: weedicides – for the control of weeds on the site, oxygen, acetylene and oils.

Hazards and dangerous materials would be transported, stored and handled in accordance with relevant Australian Standards and Material Safety Data Sheets. Risks to plant and operations would be managed through adherence to Australian Standards for the design, construction and operation of all plant and equipment, whilst risks to employees would be managed through the relevant legislation.

The relevant operational mitigation measures detailed in the EIS would be addressed in a site Operation Environment Management Plan (OEMP). Emergency response plans would be updated to include the proposal's new site layout and additional features.

Submissions

In respect to OH&S matters, the submission from Landmark Operations Ltd seeks inclusion in discussions regarding the design, function and compliance with OH&S guidelines for the saleyard, prior to the issue of a construction certificate, on the basis that it is an employer of staff operating within the yards and has an obligation to provide a safe and risk free environment. They do not wish to design the facility, but rather comment on function and suitability having regard to best management practices from similar and recently constructed facilities. Landmark also raise concern in respect to provision/measures for fire fighting and the fire risk of saw-dust flooring.

Discussion

In response to the Landmark submission the development would be required to comply with OH&S guidelines relevant to the design and operation of the saleyard. Provisions for the management of fire risk is a matter which can be readily implemented through a plan of management/emergency response plan for the facility

It is noted that the discussion under the heading of risks and hazards in the EIS focuses on risks to employees, plant, operations and the environment. In respect to the scope of the matters it deals with, it is considered that the proposed mitigation measures are generally adequate. Notwithstanding, the risks and hazards that the proposal potentially presents to Southern Meats and its operations are considered to be a significant aspect and require detailed and specific assessment.

5.14 Waste Management

The EIS states that the proposal would generate waste during both the construction and operational phases.

Construction waste is likely to include:

- Construction/demolition waste;
- Cleared vegetation;
- Surplus materials, such as safety fencing and barriers which may include plastics and metals;
- Wastewater;
- Domestic waste;
- Ablution waste; and
- Waste oil and fuels.

The EIS states that construction waste is likely to have minor short term impacts and that these would be managed in accordance with the principles of the *Waste Avoidance and Resources Recovery Act 2001*.

Operation of the proposal would generate a range of wastes including:

- Pen waste;
- Wash water from the truckwash;
- Animal carcasses;
- Greenwaste;
- General waste from the office; and
- Sewage.

A detailed waste management sub-plan would be prepared as part of the Environmental Management Plans for the construction and operation of the proposal; detailing the manner in which the abovementioned materials would be managed. All wastes would be disposed of in accordance with the EPA Guideline: Assessment, Classification and Management of Liquid and Non-liquid Wastes (1999).

Discussion

It is generally agreed that construction waste will be minor, short term and capable of being adequately managed. In respect to operational waste, the principal areas of concern essentially lie in the management of wastewater streams, in particular that generated by the truck wash and the ability of the proposal to 'onsite' manage the stream. This has been discussed elsewhere in this report.

5.15 Services and Utilities

The following services and utilities are provided within the Mazamet Road reserve:

- Electricity – Country Energy;
- Water – GAC; and
- Telecommunications – Telstra.

The proposal involves connecting the site to the abovementioned services. Liaison would be undertaken with each of the relevant authorities to identify specific requirements for these connections and the optimal time to undertake connections to these services.

Demand on public utilities during construction and operation of the proposal is unlikely to significantly increase existing overall demand for these utility services. This indicates that supply shortfalls, capacity constraints or general network modifications would not be required. Therefore businesses and residents within the area that utilise these same utilities would not be directly affected by the proposal.

Local site connections, such as electricity or telecommunications, would not require modifications to the main trunk infrastructure to these services.

Potential impacts on services and utilities would be mitigated by liaison with:

- Relevant utility and service providers to confirm the location of service utilities prior to construction commencing;
- Relevant utility and service providers to confirm the need or otherwise for relevant post development application approval construction certificates;

- Relevant utility and service providers regarding timing of connections to the services; and
- Southern Meats Abattoir and Goulburn Woolscour in regards to timing of connections.

Discussion

In its submission Goulburn Mulwaree Council advised that in order to assess the town water demand in terms of Equivalent Tenements (ETs) and wastewater disposal, an estimate is required on the average annual town water usage; advising that this information has not been provided. It is understood that from discussions with Council that water supply would not be a major impediment and that arrangements to provide such could be dealt with as part of the construction certificate process. Similarly, other necessary utilities could be dealt with through conditions of approval.

5.16 The Public Interest

The EIS considers the proposal to be in the public interest as it would provide the following benefits that would outweigh potential environmental impacts:

- Decommissioning of the existing facility would provide an opportunity to appropriately plan compatible land uses on the edge of Goulburn's urban area that would compliment the pattern of Goulburn's urban development;
- The proposal would be modern, incorporating environmentally sustainable built form and materials;
- The proposal would substantially increase saleyard efficiency, capacity and safety;
- The proposal would contribute to local and regional economic activity; and
- The proposal would reuse stormwater captured on the site and reduce demands on the town water supply. It would also treat water used in the truckwash to enable it to be used for irrigation on an adjacent property. Relative to operation of the existing site, this reuse strategy would reduce nutrient loads that enter the catchment.

Submissions

In respect to the public interest, the submission report prepared by Lennon Salvestro Planning (dated August 2009), accompanying the submission by Southern Meats Pty Ltd refers to the Goulburn Mulwaree Corporate Plan 2007 – 2012; in which the stability of the local economy and achievement of broader strategic goals is considered to be paramount in protecting the public interest. The Lennon Salvestro report questions the suitability of the site, stating that either greater justification needs to be sought or that a review of more sustainable locations for the facility be undertaken.

Discussion

It is acknowledged that the benefits of the proposal as discussed in the EIS can in part be justified. Considering the fact that the existing facility is outdated, there is certainly the need for a new facility that is able to incorporate environmentally sustainable built form and materials.

Despite these positives, we would agree with the point made in the Lennon Salvestro report; which questions the suitability of the site for the development in the absence of further information which can clearly demonstrate the compatibility of the proposal with the Southern Meats export abattoir to ensure that the operation of the saleyard will not adversely impact its continuing operation. As noted previously, the Southern Meats abattoir submission identifies that the facility employs 350 personnel and contributes in the order of \$16 Million annually to

the Goulburn local economy. These are significant economic considerations. In addition, it is considered that the proposal does not adequately demonstrate that it would not have an adverse impact on water quality in a locality forming part of the drinking water catchment.

It is considered on balance that the proposal based on information currently available would not be in the public interest.

6.0 CONCLUSION

The conclusion from the above assessment is as follows:

- The application has not received the concurrence of the Chief Executive, Sydney Catchment Authority pursuant to the Drinking Water REP. In the absence of that concurrence the SRJPP is unable to determine the application by the granting of consent.
- The application is permissible in the RU1 Primary Production Zone under GMLEP 2009 but has not adequately demonstrated that it would be consistent with the objectives of the zone to minimise conflict between land uses, avoid or minimise impacts on the natural environment and to protect and enhance the water quality of receiving watercourses.
- Water management is considered a critical issue in the determination of this application. Inadequate information has been provided in respect to waste water management & disposal and storm water management & disposal to be satisfied that the proposal would not have an adverse impact on water quality.
- The compatibility of the proposed development with the adjoining Southern Meats Pty Limited export abattoir are also considered to be a critical issue, heightened by the role of the abattoir as a significant employer and economic contributor to the local and regional economy. The application has not provided an adequate level of information to satisfactorily conclude that the proposal would not either adversely affect or cause a need to change operational requirements for the abattoir in order to maintain its current export license status, thereby causing a significant economic impact in the locality.
- The information provided by the application does not clearly demonstrate that it would not have an adverse impact on the locality by reason of dust and odour emissions.
- The information provided by the application does not adequately demonstrate that it would not have a significant effect on the threatened fauna species *Delma impar* (Striped Legless Lizard).
- Whilst acknowledging the potential benefit that the proposal provides in relocating the existing and outdated Sales Yard facility to a modern Livestock Exchange, the potential adverse environmental, economic and social impacts would outweigh that benefit.

Consequently it is recommended that the SRJPP consider the above assessment and findings and refuse to grant development consent for the reasons set out in **Schedule 1 - Recommendation** to this Report.

SCHEDULE 1 - RECOMMENDATION

It is RECOMMENDED that the SRJPP refuse to grant development consent to Development Application no. 0001/0910/DA for a proposed Stock and Sales Yard Development at 68 and 102 Mazamet Road, South Goulburn, Lot 1 DP 1021235; and Lot 1 DP 1065713 for the following reasons:

1. The concurrence of the Chief Executive, Sydney Catchment Authority has not been granted to the development application.
 2. The application as submitted does not adequately demonstrate that the proposed development would have acceptable impacts on water quality.
 3. The application as submitted does not adequately demonstrate that the proposed development would be compatible with and not cause unacceptable impacts on the existing and neighbouring Southern Meats export abattoir.
 4. The application as submitted does not adequately demonstrate that the proposed development would have an acceptable impact on the amenity of the locality by reason of dust and odour emissions.
 5. The proposed access arrangements for the development, specifically those for heavy vehicles wishing to collect stock after exiting the truck wash, is not considered satisfactory.
 6. The information provided by the application does not adequately demonstrate that it would not have a significant effect on the threatened fauna species *Delma impar* (Striped Legless Lizard).
-