JRPP No:	**2011STH006**
DA No:	**0271/1011/DA**
PROPOSED DEVELOPMENT	**Proposed Waste or Resource Transfer Station**
APPLICANT:	**Denrith Pty Ltd**
REPORT BY:	**Paul Hume, Town Planner, for and on behalf of Goulburn Mulwaree Council**

Assessment Report and Recommendation

Owner	Part AG & JM Divall Pty Ltd & MJ Divall Pty Ltd and part Australian Rail Track Corporation Ltd
Description of Land	2B Bridge Street, Goulburn (Lot 1 DP 1117744), 1C Sydney Road (Lot 232 DP 1058427) and part railway land located between these lots
Site Area	Approximately 2.47ha
Zoning	B6 Enterprise Corridor
Existing Use	Nil – disused former fuel depot site
Employment Generation	Up to 23 staff, including Staff at existing Endeavour Industries Recycling Facility to be relocated
Estimated Value	$2.2 million

EXECUTIVE SUMMARY

On 21 February 2011, a Development Application (DA) was received by Goulburn Mulwaree Council for the establishment of a "Waste or Resource Transfer Station" at the abovementioned site, including ancillary weigh bridge, refurbishment of the existing building to provide site offices, amenities building with disabled facilities, landscaping and off-street car parking. The facility provides for the handling of both putrescible waste (20,000 tonnes per annum) and recyclables (8,000 tonnes per annum). The application states that the facility would provide Goulburn Mulwaree Council with a long term strategic solution for waste management and provide a new and expanded facility for the local recycling business Endeavour Industries.

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 proposed development is a designated development as it within the drinking water catchment. The Southern Region Joint Regional Planning Panel (SRJRPP) is the consent authority as the development is for "waste management facilities or works", which meet the requirements for designated development.

The proposed development is defined as a "waste or resource transfer station". Under the provisions of Goulburn Mulwaree Local Environmental Plan 2009, the site is zoned B6 Enterprise Corridor and waste or resource transfer stations are prohibited development. Waste or resource transfer stations are permitted with consent in the B6 Enterprise Corridor zone under clause 121(2)(b) of State Environmental Planning Policy (Infrastructure) 2007.

The key issues relate to the potential risk of adverse odour impacts in the locality and loss of amenity to adjoining residents. The application is not considered to have demonstrated an adequate consideration of alternatives to the proposal i.e. alternative sites. Secondary issues relate to site constraints which restrict the extent of site landscaping and existing easements which may no longer be necessary but impact on building construction.

Public submissions have in the majority opposed the development. Importantly though a number of those submissions indicated that the proposed development in principle is not unreasonable but could be better located.

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

1.0 INTRODUCTION

1.1 The Applicant

Denrith Pty Ltd ('Denrith') is the applicant for the proposed "Waste or Resource Transfer Station" at 2B Bridge Street and 1C Sydney Road, Goulburn.

1.2 The Location

The subject 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 proposal is for Denrith to establish and operate a "Waste or Resource Transfer Station" at 2B Bridge Street and 1C Sydney Road, Goulburn. The site is legally described as Lot 1 in DP 1117744 (2B Bridge Street), Lot 232 in DP 1058427 (1C Sydney Road) and part of the land associated with the railway corridor for the main southern railway line.

Part of the site was previously used for residential and fuel storage purposes until early 2000. There are existing buildings on the site from this former use, being a former site office. It is understood that a residential building formerly at the site was demolished about 2008. Part of the site (part railway corridor) comprises what appears to be a former access area from Bridge Street to the main southern railway corridor. The site is largely free of vegetation, the exception being near the northern boundary and scattered throughout Lot 1.

The subject site is located approximately 1.8km north-east of the Goulburn town centre and is irregular in shape, with the longest (southern) boundary providing an approximate 340 metre frontage to the Main Southern Railway. The subject site has an area of approximately 2.47 ha. The site slopes downwards to the north-west, towards the Mulwaree River. A portion of the site along the north-western boundary is within the 1 in 100 year flood area.

The site is currently affected by the following easements/restrictions:

- Easement for signals & telecommunications line 4 wide;
- Right of carriageway10.06 wide;
- Easement to drain water 10 wide;
- Positive covenant, being building envelope on Lot 1 DP 1117744.

The immediate surrounding area is characterised by a mixture of land uses. Significant items within the vicinity of the site include:

- The Main Southern Railway;
- The Mulwaree River;
- Goulburn viaduct; and
- Goulburn Mulwaree Council depot.

The nearest residential property is on the opposite side of Bridge Street, approximately 30m to the north of the subject site boundary and approximately 110m from the proposed Waste Transfer Facility building. The next nearest residential properties to the Waste Transfer Facility building are between approximately 160m and 270m away. The Willows motel property, located on Sydney Road is located approximately 380m from the building. The nearest residential zones are the R1 General Residential zones in Mortis Street (approximately 150m to the north of the site) and Reynolds Street (approximately 310m to the west). The wider surrounding area includes the CBD area of Goulburn, which commences approximately 600m to the west of the site.

Sydney Road runs east/west to the north of the site and Bridge Street provides road access for the site to Sydney Road. The State Heritage listed items “Railway Viaduct Crossing Mulwaree Ponds” and Goulburn Gaol are located to the south-west and north of the site.

2.0 PROPOSED PROJECT

2.1 Description of Proposed Development

The proposed development is for the construction and operation of a “waste or resource transfer station” at the subject site.

The development will involve the following components/activities:

- Delivery and sorting of recyclable materials;
- Delivery of putrescible waste;
- Compaction and sealing of containers for putrescible waste;
- Sorting of mixed recyclable materials via a materials recycling facility conveyor;
- Compaction of recyclable materials;
- Loading of containers and recyclable materials onto trucks;
- Front end loader to fill compaction hoppers and to load trucks;
- Transport of loaded material off-site;
- Site office and amenities;
- Parking; and
- Landscaping.

The following materials are expected to be handled at the site:

- General waste – unsorted putrescibles;
- Clear glass;
- Brown glass;
- Green glass;
- Paper and cardboard;
- Plastics;
- Steel cans;
- Aluminium cans;
- Scrap metal;
- Other waste – unsorted;
- Tyres;
- Batteries;
- Broken concrete;
- Demolition materials;
- Green waste; and
- Motor oils paint tins.

The application states that there will be no chemicals, medical or quarantine wastes, asbestos bearing materials and toxic and hazardous wastes accepted at the site and there will be no liquid wastes generated at the facility.

Construction will involve the following key elements:

- A 12.427m high colourbond metal shed (108m x 36m) with a floor area of 3,888m^2 to contain all activities associated with the waste or resource transfer station;
- Weigh bridge;
- Off-street parking area (10 spaces) and internal access;
- Amenities buildings (including disabled facilities);
- Refurbishment of the existing building to provide a site office;
- Two 30kL rainwater tanks;
- A water quality pond;
- On site collection and treatment of leachate with disposal off-site; and
- Perimeter fencing.

The proposed transfer station intends to process up to 20,000 tonnes per year of general waste and up to 8,000 tonnes per year of recyclable material. Putrescible waste would be transported to the Veolia Bioreactor at Tarago. Recyclable products will be transported to various locations including Sydney, Bathurst, Albury, Tumut and the ACT. The only waste to be stored at the premises at any one time will be putrescible waste contained in a transportable bin. The bin is approximately 2.4m wide x 2.7m high x 12.3m long, having a volume of 79.7m^3. Only one full container will be temporarily stored on site at any time. Recycling activities are intended to be undertaken by Endeavour Industries who would relocate from existing premises in Oxley Street, Goulburn.

The proposal would operate on a daily basis for 52 weeks of the year. Operating hours would be between 7am and 5pm Monday to Saturday, and 8am to 4pm on Sunday and Public Holidays (except for Christmas Day, Good Friday and Easter Monday). The Environmental Impact Statement (EIS) accompanying the DA states that waste and resources would only be from the Goulburn Mulwaree area.

Access to the site is proposed via Bridge Street. The development has one vehicular access point at the north eastern point of the site, allowing for both entry and exit. The access point will be utilised by all vehicles that enter the site. Types of vehicles utilising the facility will include:

- Motor vehicle sedans
- Utilities
- Small trucks
- Large rigid trucks
- Semi-trailer trucks

The traffic impact assessment accompanying the application estimates that up to 60 light vehicles, 40 rigid trucks and 5 semi-trailers would travel to and from the site on a daily basis.

2.2 Amendments to the proposed development

Amendments were made to the proposed development following the submission of the EIS. The amendments confirmed in written particulars accompanying the amendments and include the following components:

- The provision of four (4) dry wells to enable containment of any major liquid spill;
- Enclosure of the putrescible waste component within the metal shed with full height sliding doors, full height PVC strip door system and mechanical ventilation of the section for extraction and treatment of odours and to provide for a negative air pressure; and

- Enclosure of the Materials Recycling component within the metal shed with a PVC strip door system and mechanical ventilation for fresh air and to provide for a positive air pressure.

2.3 Project Need & Justification

In respect to project need the EIS accompanying the DA states that the principal objective of the proponent is to develop and operate a state of the art waste or resource transfer station to meet the increasing demand from the community in the Goulburn region.

The proponent has stated that consequences of not proceeding with the project include the following:

- The opportunity to establish a state of the art waste or resource transfer station to provide long term sustainability in the region will be lost;
- The existing operations by Endeavour Industries at Oxley Street, Goulburn will continue to exceed the capability of the site; and
- The opportunity to create employment in the local area would be foregone. This would also impact on the economic activity of the local Goulburn community.

In summary the EIS submits that there is a need for the waste or resource transfer station to ensure the region has a state of the art waste or resource transfer station to provide long term sustainability for waste management in the region.

3.0 STATUTORY PLANNING MATTERS

3.1 Environmental Planning and Assessment Regulation 2000

Development that is designated development is listed under Schedule 3 of the EPA Regulation 2000. Schedule 3, Clause 32 (1) includes the following type of development:

> *(1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:*
>
> *(d) that are located:*
>
> *(iii) within a drinking water catchment, or*
>
> *(vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.*

The proposal is for a "waste resource or transfer station" which sorts, processes and recycles waste that is located within a drinking water catchment. It is therefore defined as designated development, without having to consider the question of amenity impacts on residential zones within 500m or dwellings within 250m and not associated with the development. An Environmental Impact Statement ('EIS") is required to be prepared and submitted for designated development. An EIS has been submitted.

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 State Environmental Planning Policies ('SEPPs')

The proposal has been assessed against the relevant provisions of the following SEPPs:

- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development; and*
- *State Environmental Planning Policy No. 55 – Remediation of Land; and*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 ('SEPP (SDWC) 2011').*

These are discussed below.

3.3.1 State Environmental Planning Policy (Infrastructure) 2007 ('Infrastructure SEPP')

Clause 121 of the Infrastructure SEPP provides:

> *(1) Development for the purpose of waste or resource management facilities, other than development referred to in subclause (2), may be carried out by any person with consent on land in a prescribed zone.*
>
> *(2) Development for the purposes of a waste or resource transfer station may be carried out by any person with consent on:*
>
> *(a) land in a prescribed zone, or*
>
> *(b) land in any of the following land use zones or equivalent land use zones:*
> *(i) B5 Business Development,*
> *(ii) B6 Enterprise Corridor,*
> *(iii) IN2 Light Industrial,*
> *(iv) IN4 Working Waterfront,*

As the proposed development is for a waste or resource transfer station, it is permissible with consent in the *B6 Enterprise Corridor*, pursuant to the Infrastructure SEPP.

The proposed development is also classed as traffic generating development under clause 104 of the Infrastructure SEPP, as "waste transfer stations" are listed in Column 2 of the Table to Schedule 3. Clause 104 states the following:

104 Traffic-generating development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:
(a) new premises of the relevant size or capacity, or
(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

*(2) In this clause, **relevant size or capacity** means:*
(a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or
(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.

(3) Before determining a development application for development to which this clause applies, the consent authority must:
(a) give written notice of the application to the RTA within 7 days after the application is made, and
(b) take into consideration:
(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and
(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

Comment:

In relation to 3(a) and 3(b)(i) the DA has been referred to RMS (formerly Roads and Traffic Authority or RTA). RMS comments are provided at Section 4.2.

In relation to 3(b)(ii) and 3(b)(iii), these are addressed at Section 6.

3.3.2 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development ('SEPP 33')

SEPP 33 defines potentially offensive industry as:

"a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment."

In a technical sense it is considered that SEPP 33 does not apply to this development. According to the Department of Planning and Infrastructure publication entitled "Applying SEPP 33 Guidelines" dated January 2011, this development does not fall under the definition of an industry or storage establishment. A "waste resource or transfer station" is instead part of the broader "infrastructure" group of land use terms. However, the Director-Generals Requirements for the EIS issued by the Department of Planning and Infrastructure (including input from Council and State Government agencies) required that an assessment be made against SEPP 33 and this SEPP does contain relevant principles to the proposed development that ought to be addressed in any robust planning assessment.

The EIS states that "The proposed development is considered not a potentially hazardous or offensive industry as if the development were to operate without measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, it would not pose a significant risk in relation to the locality". A Preliminary Hazard Analysis (PHA) has been undertaken by the applicant. The PHA found that the development would not be potentially offensive.

Given that the development is a waste transfer station, is only 2,000 tonnes below the threshold for requiring an Environment Protection Licence (EPL) and is located 30m from a residential dwelling, a precautionary approach would be to consider the heads of consideration in SEPP 33 as a matter of good planning practice. Based on this approach, it is considered that the development is "potentially offensive", whether SEPP 33 applies or not.

Clause 13 of SEPP 33 states that:

In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):

(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and
(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and
(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and
(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and
(e) any likely future use of the land surrounding the development.

This clause is addressed as follows:

a) As stated above, the current Department of Planning guidelines relating to hazardous or offensive development are entitled "Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines" and dated January 2011. These guidelines state that SEPP 33 aims to ensure that only proposals which are suitably located, and able to demonstrate that they can be built and operated with an adequate level of safety and pollution control, can proceed. The relevant matters regarding this statement have been addressed in a general planning sense in Section 6.

b) The Office of Environment and Heritage (OEH, formerly DECCW) and NSW Health has been consulted during public exhibition of this DA. This is discussed further at Section 4.2.

c) The proposed development is not considered a potentially hazardous industry. A PHA was prepared by the applicant, which found that the development would not be potentially hazardous or offensive. Nevertheless, the potential impacts of the development are discussed in Section 6.

d) In my opinion this requirement has not been adequately considered in the EIS, particularly the assessment of alternative sites. Instead, there has been a focus on the "do nothing" approach as the only alternative to the selected site. The appropriateness of the selected site and its impact on the surrounding area are discussed further in Section 6.

e) Impacts on surrounding development have been discussed in Section 6.

In summary, despite SEPP 33 not technically applying to the proposed development due to its categorisation as an infrastructure use, this SEPP contains relevant principles to the proposed development that ought to be addressed in any robust planning assessment.

Whether meeting the definition of "potentially offensive development" in SEPP 33 or not, this development is still considered potentially offensive as the proposed tonnage throughput is only 2,000 tonnes below the threshold for requiring an Environment Protection Licence (EPL) and it is located 30m from a residential dwelling and within 250m of other dwellings.

An assessment against the heads of consideration in clause 13 of SEPP 33 finds that:

- The proposal is not suitably located and would therefore have undesirable impacts on surrounding development;
- NSW Health have objected to the suitability of the site due to the inadequate buffer provided to residential development; and
- Alternative sites have not been adequately considered.

3.3.3 State Environmental Planning Policy No. 55 – Remediation of Land ('SEPP 55')

Clause 7 of SEPP 55 provides the following:

> *(1) A consent authority must not consent to the carrying out of any development on land unless:*
>
> > *(a) it has considered whether the land is contaminated, and*
> > *(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
> > *(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
>
> *(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
>
> *(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
>
> *(4) The land concerned is:*
>
> > *(a) land that is within an investigation area,*
> > *(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
> > *(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
> > > *(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
> > > *(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The Soil Validation Report accompanying the EIS states that the site is considered to meet the land use criteria for commercial or industrial land use, provided groundwater at the site is not used.

Contamination is discussed further at Section 6.

3.3.4 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 ('SDWC SEPP')

The SWDC SEPP provides that a consent authority must not grant consent on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.

The SWDC SEPP further provides that a consent authority must not grant consent to the carrying out of development on land in the Sydney drinking water catchment except with the concurrence of the Sydney Catchment Authority ('SCA').

The DA has been referred to the SCA for the concurrence of the Chief Executive pursuant to clause 11 of this SEPP. Concurrence of the SCA has been received.

3.4 Provisions of the Goulburn Mulwaree Local Environmental Plan 2009 ('GMLEP 2009')

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

Under the GMLEP 2009, the proposal is defined as a "waste or resource transfer station"*:*

> *A building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport..*

Aims of the Plan

The following aims of GMLEP 2009 are considered relevant to the proposed development:

(a) to promote and co-ordinate the orderly and economic use and development of land in the area;
(e) to protect and conserve the environmental and cultural heritage of Goulburn Mulwaree,
(i) to allow development only if it occurs in a manner that minimises risks due to environmental hazards, and minimises risks to important elements of the physical environment, including water quality.
(k) to protect and enhance watercourses, riparian habitats, wetlands and water quality within the Goulburn Mulwaree and Sydney drinking water catchments so as to enable the achievement of the water quality objectives.

The use of the subject site as a waste transfer station is not considered to be the most orderly use of the site or one minimising risks, given the location of the site and the potential for impacts on surrounding properties primarily relating to odour and traffic, the lack of assessment of alternative sites and the lack of support from the general public. This is discussed further at Section 6.

Issues pertaining to environmental heritage are discussed at Section 6.

The development has been assessed as being able to achieve a neutral or beneficial effect on water quality and would therefore not appear to have a negative impact on natural resources. The environmental hazard represented by flooding has been assessed as being

manageable, as the proposed development is located on a portion of the property that is not affected by flooding, in accordance with the prescribed building envelope applying to the site. These matters are discussed further at Section 6.

Permissibility

The subject site is zoned B6 Enterprise Corridor. Development for the purpose of waste or resource transfer station is not permissible within the *B6 Enterprise Corridor* zone, however the proposed development is permitted pursuant to *State Environmental Planning Policy (Infrastructure) 2007*. Please refer to Section 3.3.1 of this report.

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 zone objectives for the applicable B6 Enterprise Corridor zone are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting the retailing activity.*

Whilst not located on Sydney Road, the proposed development is a business located adjacent to a main road. The development is a use of the site as a waste transfer station, combining putrescible waste and recycle waste management. Submissions from NSW Health (detailed at Section 6) raise concerns as to the compatibility of the two uses occurring within the one building, notwithstanding the applicant's amendments to the application to internally separate the activities. The proposed use would be considered an employment use that would not involve retailing.

The following object was removed from the Land Use Table by an amendment to GMLEP 2009 on 19 October 2012:

- *To provide for residential uses (but only as part of a mixed use development)*

The deletion of this objective noted that "The focus of this zone is tourist, visitor accommodation, bulky goods, fast food outlets and service stations and not 'residential accommodation', general shops and rural, heavy and general industrial". This would indicate that Council desired range of uses in the B6 Enterprise Corridor zone would not include a Waste Transfer Station. Notwithstanding the provisions of the Infrastructure SEPP which permit the development with consent are acknowledged.

Floor Space Ratio

The maximum Floor Space Ratio applying to the site under clause 4.4 is 0.8:1. The site is approximately 24,700m^2, with the GFA of the building proposed to be 3,888m^2, giving a FSR of 0.16:1, even allowing for inclusion of floor space associated with existing buildings retained. The proposal therefore complies with clause 4.4.

Heritage

As the proposed development is in the vicinity of two heritage items listed in GMLEP 2009, an assessment against clause 5.10 – Heritage conservation is required to determine whether the proposed development would affect the heritage significance of the heritage items concerned. Heritage is discussed further at Section 6.9.

Flood Planning

Part of the site is located within the Flood Planning Area shown on Council's Flood Planning Map. An assessment against clause 7.1 – Flood planning is therefore required. Clause 7.1 has the following objectives:

(a) to maintain the existing flood regime and flow conveyance capacity,
(b) to enable safe occupation and evacuation of land subject to flooding,
(c) to avoid significant adverse impacts on flood behaviour,
(d) to avoid significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,
(e) to limit uses to those compatible with flow conveyance function and flood hazard.

The clause provides that consent must not be granted unless the consent authority is satisfied that the development will not:

(a) adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, or
(b) significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, or
(c) affect the safe occupation or evacuation of the land, or
(d) significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, or
(e) be likely to result in unsustainable social and economic costs to the community as a consequence of flooding, or
(f) if located in a floodway:
(i) be incompatible with the flow conveyance function of the floodway, or
(ii) cause or increase a flood hazard in the floodway.

The application outlines that:

- The proposed development is located outside the 1% AEP flood inundation area (AHD 631.6m);
- The proposed floor level is 0.95m above the nominated planning floor level (AHD 632.55m);
- The development will be affected by the probable maximum flood (AHD 639.9m), which is 8.3m above the 1% AEP flood level.

The application further outlines consideration of clause j2.1.2 of the NSW Floodplain Development Manual (April 2005) and provides:

- Access to the site will be available during all flood events;
- Cut and fill proposed would be minimal fill within the 1% AEP flood event area which will not change the flow pattern of a flood.
- Freeboard of 0.95m exceeds the nominated height of 0.5m for residential development;
- Any disruption to services as a result of flooding of infrastructure would not pose a long term operational problem;
- The proposed development would not affect the 1% AEP flood event and have a negligible effect on the probable maximum flood event.

- The building is above the 1% AEP flood event and would be structurally sound to withstand any unlikely flood inundation during a PMF;
- The proposed building materials are not susceptible to flood damage;
- All fencing comprises open chain wire fencing above flood planning level (1% AEP, AHD 631.6m).

Assessment

In respect to the matters for consideration at clause 7.1:

(a) The floor level of the proposed development would be above Council's Flood Planning Level for the location (AHD 632.1m);
(b) It is considered that the proposal would not affect development on other properties by reason of the 1% AEP flood event or significantly change impacts arising from the probable maximum flood;
(c) It is considered that the development would not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain;
(d) Access to and from the site is above the 1% AEP flood level, therefore allowing for safe occupation and evacuation;
(e) It is considered that the development would not significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the Mulwaree River or its banks;
(f) For the above reasons, combined with the construction of the building to withstand PMF flood inundation and building materials not susceptible to flood damage, unsustainable social and economic costs to the community are considered unlikely;
(g) That part of the site within the 1% AEP event is categorised high hazard floodway. The proposed development is located above the 1% AEP flood level.

Having regard to the above it is considered that the development is satisfactory from a flood planning perspective.

3.5 Provisions of the Goulburn Mulwaree Development Control Plan 2009 ('GMDCP 2009')

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

The GMDCP 2009 provides general development controls. Those controls considered to be of relevance relate to the following:

- Landscaping;
- Vehicular access & parking;
- Disability standards for access;
- Crime prevention through environmental design;
- Flood affected lands;
- Tree & vegetation preservation;
- Biodiversity management;
- Impacts on drinking water catchments;
- Non-residential development – Retail, Commercial and Industrial; and
- Development in the Enterprise Corridor – Zone B6

A discussion of these provisions can be found at Appendix A.

In summary the proposed development would satisfy the provisions of GMDCP 2009 with the exception of the following:

- The general objective of the DCP that employment uses should be sensitively located to minimise conflict;
- Building height controls for the B6 zone (maximum of 8m). It is noted however that the GMLEP 2009 Height of Buildings Map places no building height restriction for the site. It is also considered that the building height (maximum of 12.43m) is acceptable in the circumstances when taking into account its setback from Bridge Street, buildings of a similar scale in the nearby locality i.e. Council Depot Building and the proposed landscaping works.

It is also noted that clause 5.8 in discussing rural land use conflict requires a minimum buffer distance of 500m between waste management facilities and rural dwellings. Whilst this is not a development located in a rural zone there are several nearby dwellings located in the RU2 Rural Landscape zone that are within 500m, being the dwelling opposite in Bridge Street and dwellings located off Eaton & Arthur Streets to the south-west. The DCP provision appears to be prefaced on the basis that GMLEP 2009 permits this development in the RU1 zone and that a 500m buffer is required to prevent land use conflict.

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.

- *National Parks and Wildlife Act 1974*

The National Parks and Wildlife Act 1974 (NPW Act) is administered by the Office of Environment & Heritage (OEH) 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 Laterals acknowledged that advice received from Perjar Local Aboriginal Land Council indicated they did not identify any Aboriginal archaeological sites, artefacts or areas of cultural heritage significance at the subject site, which indicates there will be no impact. Section 87 or 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 the OEH. 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.

The Flora and Fauna assessment accompanying this DA indicates that one *Eucalyptus macarthurii* is located on the northern boundary of the site. This species is listed as vulnerable under the *Threatened Species Conservation Act 1995*. OEH has stated that the *Eucalyptus macarthurii* should be retained if possible, however, as it is within the development footprint, this tree has been earmarked for removal. The Flora and Fauna assessment states that the removal of this individual specimen would not have any significant impact on the viability of any populations of this species in the locality. Flora and Fauna are discussed further at Section 6.12.

- *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. However, the Railway Viaduct Crossing at Mulwaree Ponds is listed as a State heritage item and is in the vicinity of the site. The proposed development is not expected to adversely impact on this heritage item. This is discussed further at Section 6.9.

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. There are no known relics at the site. Heritage is discussed further at Section 6.9.

- *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 residential and fuel storage purposes. The Laterals Engineering and Management ('Laterals') 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. Contamination is discussed further at Section 6.9 of this report.

- *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 is likely to clear one mature specimen of *Eucalyptus macarthurii* (Camden Woollybutt). 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.

4.0 EIS EXHIBITION AND ISSUES RAISED

4.1 Lodgement of DA and Exhibition

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 2 March, 2011 to 4 April, 2011. Adjoining and nearby landowners and relevant public authorities were also notified of the development application. The DA was then re-exhibited from 6 July 2011 to 20 July 2011.

4.2 Submissions Received

In response to the consultation process Goulburn Mulwaree Council received submissions on the DA from the following:

- Public Authorities – Office of Environment and Heritage (formerly Department of Environment, Climate Change and Water), Sydney Catchment Authority ('SCA'), Ministry of Health ('NSW Health') and NSW Roads and Maritime Services (formerly NSW Roads and Traffic Authority); and
- The General Public – mainly residents and business owners in proximity to the site.

It is noted that Goulburn Mulwaree Council also consulted the Australian Rail & Track Corporation however a response was not received to the referral.

Office of Environment and Heritage (OEH) – formerly DECCW

OEH has advised in its submission dated 16 March 2011 that the agency has reviewed the information provided and has provided the following advice:

- An Environment Protection Licence (EPL) for the proposal is not required as it not an integrated development;
- The proponent should investigate options to retain the single, mature *Eucalyptus macarthurii* located on the northern boundary of the site if it is not located within the development footprint; and
- Council should formalise a throughput tonnage limit (per annum) in line with the proposal (28,000T/per annum) in any consent conditions it may issue in respect of the proposal.

These comments are noted. The *Eucalyptus macarthurii* has been earmarked for removal, as previously discussed in Section 3.5. A throughput tonnage limit (per annum) can be formalised in conditions of consent, should this development be approved.

Sydney Catchment Authority (SCA)

The SCA has advised in its submissions dated 11 August 2011 and 23 May 2012, that based on SCA's site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. The Chief Executive of the SCA would concur with the granting of consent to the application subject to conditions being imposed on general construction works and operations; wastewater management; stormwater management; revegetation; liquid and spill management and oil storage area; operational environmental management plan; and construction activities.

These comments are noted and water quality is discussed further in Section 6.

NSW Health

Comments on the proposal were provided by NSW Health on 28 March 2011. NSW Health acknowledges that the public health impacts are likely to be minor during the construction phase, but have concerns about odour, windblown dust and debris during operation of the plant. NSW Health's main concerns regarding this proposal are:

- Odour and dispersion modelling;
- Addressing hazards and risks prior to development consent;
- The minimal information about the processes undertaken in the proposed building;
- Physical separation between the putrescible waste handling area and resource recovery area; and
- Buffer distances to residential areas.

NSW Health made further comments dated 15 July 2011 regarding:

- The potential for issues caused by leachate;
- The need for physical separation between the putrescible waste handling area and resource recovery area;
- The potential for odour to escape through open roller doors and not simply louvres in the roof;
- The need for an enclosed area for putrescible waste.

In further comments on the proposal dated 14 May 2012, NSW Health stated that:

- Details of the proposed ventilation systems have still not been provided, despite the importance of this being stressed previously by NSW Health;
- The view is maintained that handling putrescible waste should take place in a separate building to the Materials Recycling Facility ('MRF') and in a location with greater buffer distances to residential areas.

NSW Health made further comments on 8 October 2012, stating that:

- The applicant has not provided details of the actual filtration system proposed, nor information on actual installations where the technology has been successfully used to control odour in a similar application;
- There is an unacceptable level of risk in relying on engineering solutions for such developments, as there are no alternate options if the technology fails; and
- Substantially greater buffer distances to provide proven protection for the community.

These comments are noted and these issues are discussed further in Section 6.

Roads and Maritime Services (RMS) - formerly RTA

Roads and Maritime Services (RMS) has been consulted. Initially, the RMS requested changes detailed in correspondence dated 15 March 2011. These issues have now been addressed and subsequently the RMS stated in correspondence dated 29 August 2011 [Ref 185DA114 (11/955) STH09/02388] that it does not object to the development application in principle subject to the following comments being included in the conditions of development consent:

- No advertising signs or structures shall be permitted within the road reserve of Sydney Road.

These comments are noted and traffic impacts are discussed further in Section 6.

The General Public

The consistent issues raised by the general public include:

- Permissibility;
- Suitability of the location and that more suitable sites exist elsewhere;
- Visual amenity;
- Traffic;
- Dust & Odour;
- Flooding;
- Water Quality;
- Site Contamination;
- Operational Details;
- Loss of Property Value;
- Heritage;
- Health; and
- Noise.

A summary of submissions & comment has been provided at Appendix B. The applicant's response to submissions is provided at Appendix C.

5.0 ALTERNATIVES TO THE PROPOSAL

The applicant's justification for proceeding with the proposal has been based on the following:

- Consistency with the strategic direction for waste management in NSW;
- Assistance in satisfying local & regional demand for waste management taking into account landfill capacity;
- Site suitability;
- Use of proven technology;
- Enhanced resource recovery contributing to recovering resources and creating values from waste streams.

In considering possible alternatives the EIS outlines that only one alternative was considered, which was the "do nothing" option. The proponent has stated that the do nothing option is not feasible and there is no realistic alternative to the proposed development.

In responding to submissions received concerning the consideration of alternatives (see Appendix B, item 18) the applicant states:

"In respect to this particular application, the land is owned by the applicant and his only other option is the 'do nothing' option. It is recognised that a waste or resource transfer station could be constructed on other appropriately zoned land subject to constraints and ameliorations of any impacts. Certainly land in the vicinity of the existing land fill facility could be considered and may be suitable but the applicant does not own any land in this vicinity. Additionally, the adjacent railway siding provides a unique feature for the subject land which is not available at any other site. This facility will provide an option for the railway transport of waste to the Veolia Bioreactor at Tarago in the long term."

Assessment

It is not considered that the application has sufficiently addressed alternatives to the proposed development. An assessment of alternative sites was stipulated in the Director-General's requirements. Suitability of the site was a consistent issue raised during the submissions period with some alternate sites suggested.

It is agreed that the implementation of waste transfer facilities to manage waste at a local level is consistent with the strategic direction for waste management in NSW and that such a facility is likely to be required for Goulburn-Mulwaree in the long term. Resource recovery is currently occurring however the proposal would offer Endeavour Industries with an alternate location and the ability to service capacity needs currently occurring at existing premises.

Whilst the 'in principle' merits of a waste transfer facility are generally supported the major contention relates to where such a facility should be located. It is not considered that land that is not owned by the applicant should be automatically excluded from consideration, in a strategic sense at least, as potential locations. That is not to say that consideration should be widened to every possible site as it would be unreasonable to consider every possible site is acquirable for the use. Nonetheless it is considered that the consideration of potential sites can be widened beyond a single site in the current ownership of the proponent. It is noted that the proponent's submissions point to the availability of the existing railway siding at the subject site as a possible long term option for transport of waste to the Veolia Bioreactor at Tarago. This spur line however is on the wrong side of the railway line and adapting it for the aforementioned purpose would involve significant switching gear and infrastructure. At this stage it is understood that rail transport would be unviable, meaning that either road freight

costs, processing fees or processing tonnages would have to increase to make the option viable.

Based on the investigations undertaken by its consultants the proponents consider that the subject site is a satisfactory location and that any investigation of alternative sites is not required. Having regard to NSW Health submissions and comments outlined in this report concerning amenity impacts this is not agreed with.

6.0 ENVIRONMENTAL ASSESSMENT

6.1 Odour & Dust

6.1.1 Odour

Applicant's Position

The proponent commissioned Heggies Pty Ltd to undertake an Air Quality Impact assessment in respect to the proposed development. The conclusion of the report in respect to odour is:

"*All odour sources at the Project Site have been identified and odour emission rates, based on previous assessments of waste transfer stations or landfills, have been applied. Atmospheric dispersion modelling of odour has indicated that at all surrounding residences, odour is predicted to be at concentrations less than 0.1 OU as a 99th percentile, 1 second average. The Project specific odour performance goal was assumed to be 6 OU.*

Based upon the results of this modelling assessment, it is not considered that the proposed Project will lead to an exceedance of the odour performance goal."

The proponent's response to the issue of odour is that the predicted concentration of 0.1 OU is 1/60th of the performance goal of 6 OU. Even allowing for some margin of error in the modeling, the Air Quality Impact Assessment considers it extremely unlikely that odour levels would exceed the performance goal level.

The proponent has also submitted amended plans which include:

- A putrescible waste enclosure with full height sliding doors, full height PVC strip door system and mechanical ventilation for extraction and treatment of odours and to provide for a negative air pressure; and
- A Materials Recycling Facility enclosure with PVC strip door system and mechanical ventilation for fresh air and to provide for a positive air pressure.

The proponent has submitted that the construction of a separate putrescible waste handling area with the negative pressure environment and odour will further reduce the likelihood of any adverse impacts from odour or toxic fumes. If additional odour controls are necessary, it would be possible for the installation of a proprietary product to control dust, odour and temperature.

Council comments

The report states that the existing Council landfill located approximately 140m to the south-east of the site has not been considered in calculating cumulative odour impact, as it is intended to be closed in the short to medium term. Council has previously stated that it does not support the assumption made by the applicant that Council's landfill facility will close in the short term prior to the proposed development becoming operational. This would mean that, contrary to what the applicant has stated, there will be cumulative impacts resulting from the development, as the landfill will not close upon opening of the proposed development.

Council has also raised the following concerns about the proposed development:

- The odour assessment for the site did not identify any local sources;

- As Council's waste facility has no short-term intention of closing, it should be considered a local source;
- Submissions have raised concerns regarding existing odours from Council's Sewage Treatment Farm and the impact of temperature inversions trapping odours within the valley; and
- The levels of predicted odour emission when the facility is opened each morning.

NSW Health comments, applicant response

In further comments on the proposal dated 14 May 2012, NSW Health stated that:

- Whilst the plans show separate enclosures around the putrescible waste bin and the Materials Recovery Facility (MRF), details of the proposed ventilation systems have still not been provided, despite the importance of this being stressed previously by NSW Health;
- Odours extracted from the putrescible waste enclosure could be drawn back into the MRF via the pressurised ventilation system. In addition, the MRF may be subject to unacceptable temperature variations during extreme climatic conditions; and
- The view is maintained that handling putrescible waste should take place in a separate building to the MRF and in a location with greater buffer distances to residential areas.

The applicant responded by stating that:

- The precise details of the pressurised air ventilation system for the MRF area has not been finalised at this stage but will be provided as part of the Construction Certificate details to be provided to Council prior to the installation of a system;
- There is no justification or requirement for these activities to occur in separate buildings as the designated waste areas are separated within the building and there will be no conflict or interaction between the putrescible waste operations and MRF operations;
- The "greater buffer distances to residential areas" is also not quantified, however, the expert reports prepared by SLR Consulting state that vibration, noise, and traffic levels will be suitable during both construction and operation, apart from minimal vibration disturbance during construction;
- It is not considered that the development will lead to an exceedance of the odour performance goal; and
- There is little or no potential impact from temperature inversions.

Correspondence from NSW Health dated 8 October 2012 states that no evidence has been supplied to indicate that the use of a filtration system to control odours has been successful in a similar circumstance. Additionally, the filtration system is critical in determining the impact on adjoining properties but no details have been provided, nor details on where the technology has been used in a similar application.

NSW Health has stated that "there is an unacceptable level of risk in relying on engineering solutions for such developments, as there are no alternate options if the technology fails" and that the safest method of providing protection for the community is by providing a substantially larger buffer distance.

Waste Transfer Station Guidelines

The then Department of Environment and Conservation (DEC) produced a document in 2006 entitled "Handbook for the Design and Operation of Rural and Regional Transfer Stations". This handbook states that:

Buffer distances are required to minimise impact on surrounding areas. Even if located within an appropriately zoned area where development is permissible, ideally the site should not be located less than 250 metres from the nearest residence or sensitive receiver not associated with the facility (such as a dwelling, school, or hospital).

The distance between the transfer station, residential properties and sensitive receivers should be maximised where possible. This would assist control potential noise, odour, and traffic impacts from the proposed development and thus reduce the likelihood of opposition from the local community. Hence choosing a site that is further away from residential properties is also likely to result in less opposition from the local community.

Other than physical distance there are various other forms of buffers that can assist to minimise impacts including those that are natural and those that are constructed. These should be incorporated into the site layout at the design stage of the project. Natural forms of buffers include open spaces, trees and shrubs and constructed forms include landscaping and walls.

There are a small number of properties used for residential purposes within 250m of the transfer station, the nearest residence being almost directly opposite the site in Bridge Street. The significant community opposition to this development due to the chosen location reflects the conclusions drawn by the handbook.

Findings

The risk of potential odour impacts from the development are considered unacceptable by NSW Health. The site does not satisfy the recommended separation distances to sensitive receivers. Having regard to the above it is considered that the proposal sited at the subject location presents an unacceptable level of risk to sensitive receivers.

6.1.2 Dust

Applicant's Position

The proponent has commissioned Heggies Pty Ltd to undertake an Air Quality Impact assessment in respect to the proposed development. The conclusion of the report in respect to dust was:

"Based upon the results of this modelling assessment, it is not considered that the proposed project will lead to any exceedances of particulate performance goals for dust deposition, annual average TSP or PM_{10} concentrations. Project emissions are however expected to exceed the particulate performance goals for maximum 24-hour PM_{10} concentrations although this is demonstrated to be driven by high background concentrations and not Project operations."

Assessment

The proposed development has the potential to cause adverse impacts in relation to dust. Provided adequate measures are incorporated as part of the construction phase and as part of the ongoing site management, those potential impacts can be satisfactorily mitigated.

6.2 Traffic

A Traffic Impact Statement (TIS), dated January 2011 was prepared by ML Traffic Engineers. The TIS assessed the intersection of Sydney Road with Bridge Street for the existing and 2010 & 2020 future conditions.

The TIS concludes that the existing intersection configuration performs adequately for current, 2010 and 2020 traffic conditions and the traffic generated by the waste transfer station is low when compared to the existing and future through traffic on Sydney Road. The TIS recommends the following works to improve road safety, irrespective of whether the proposed development is approved and constructed or not:

- Repair of the guard rail and road pavement in Bridge Street;
- Barrier lines in Bridge Street to separate opposing traffic;
- A painted pedestrian refuge island on Bridge Street;
- The eastern section of the centre median in Sydney Road be shortened by approximately 10 metres;
- The western section of the centre median in Sydney Road be extended by approximately 10 metres;
- Barrier line be installed across the Sydney Road intersection; and
- During operation of the facility, the left turn form Sydney Road to Bridge Street by 10 metre articulated tricks should be restricted.

The RTA (now RMS), in their letter of 15 March 2011, advised that it does not support a painted pedestrian refuge island on Bridge Street or barrier line across the Sydney Road intersection. These must be raised and constructed to RTA standards. However a raised refuge would interfere with the turning paths of left turning trucks entering Bridge Street – a 19.0m semi-trailer can only make the left turn from the left lane in Sydney Road if it uses the full width of Bridge Street. Whilst the RTA advised that this turning path is acceptable due to the low traffic volumes in Bridge Street, if pedestrian flows are found to be significant alternative options for safe pedestrian crossing should be investigated.

The applicant subsequently amended their application to remove the painted pedestrian refuge and barrier line. The applicant has also advised that it would accept a condition of approval restricting left turn movements from Sydney Road into Bridge Street by 19.0m semi-trailers during operating hours. The RTA subsequently advised that it was satisfied with the revised proposal and that it had no objections subject to conditions prohibiting advertising signs or structures within the road reserve of Sydney Road.

Supplementary information provided by the proponent states that the local roads/streets affected by the transport of recyclable product/putrescible waste will comprise:

Recyclable Products:

To Sydney:
- Bridge Street
- Sydney Road East

To Albury, Tumut & ACT:
- Bridge Street
- Sydney Road West
- Auburn Street
- Clinton Street
- Hume/Cowper Street

Putrescible Waste:

- Bridge Street, Union Street, Reynolds Street, Grafton Street, Sloane Street (part), Collector Road

Assessment

The applicant submits that the maximum volume of delivery vehicles to frequent the site is expected to be approximately 105 vehicles per day, comprising 40 rigid trucks, 5 semi-trailers and 60 light vehicles. This is considered significant when taking into consideration the Bridge Street area. A traffic count undertaken by Goulburn Mulwaree Council on 30 May 2012 on Sinclair Street at the approach to the existing Goulburn Waste Facility identified 89 trucks and 275 light vehicles visiting the facility – a significantly higher number than identified by the application. The remainder of proposed transport routes stated above are on the edge of the Goulburn urban area and would not be considered as unacceptably impacted.

Whilst there have been some concerns raised as to the adequacy of the Sydney Road/Bridge Street intersection it would appear based on the RTA assessment that the intersection will be adequate subject to the agreed intersection works. In respect to pedestrian usage, it would not be anticipated that the volume of pedestrian traffic along Sydney Road warrants the need for a pedestrian refuge within Bridge Street. In respect to semi-trailer movements (left turn into Bridge Street) and the applicant's offer to exclude these movements during operating hours, it is considered that this may be managed through an approved Traffic Management Plan for the operation.

There is the potential for the movement of waste by rail, however, it has been indicated that there are no immediate plans to create a rail siding.

In terms of the requirements under clause 104 of the Infrastructure SEPP – Traffic Generating Development, the following comments are offered:

- Movement of waste to and from the site will be undertaken by trucks. There is potential for a connection to the rail line in the future, but this would not be likely in the immediate future due to viability issues;

- Regarding traffic safety, road congestion or parking implications, the subject development is not anticipated to result in adverse impacts. Adequate parking is provided on-site to accommodate all staff and visitor vehicles, with sufficient space available on-site for the safe manoeuvring of delivery vehicles. Whilst the amount of traffic expected to be generated is not likely to cause congestion, it will be a significant increase from that which is currently experienced in the area adjoining the subject site.

Council's engineers have raised a potential issue in respect to the structural adequacy of Bridge Street. This may be dealt with by way of conditions of consent requiring that the applicant, prior to construction certificate issue, ascertain the structural adequacy of the road pavement for construction and operational traffic, with any pavement strengthening and widening to be at full cost to the applicant.

Considering the above, the proposed development is expected to result in acceptable traffic impacts other than the unreasonable loss of amenity to the existing residence located opposite at 1A Sydney Road. This is discussed further at Section 6.4.

6.3 Noise & Vibration Impacts

Applicant's Position

A Noise and Vibration Impact Assessment (NVIA) by Heggies Pty Ltd ('Heggies'), dated 14 February 2011 is provided at Attachment 2 of the EIS accompanying the DA.

The noise impact assessment has been prepared in accordance with DECCW's Industrial Noise Policy and has predicted noise levels from operations, construction and road traffic from the expected traffic generation. The noise assessment found:

- Noise emission levels during operation of the facility are predicted to be within the project specific noise levels at all assessed receiver locations;
- Noise levels during construction activities are predicted to be within the highly noise affected criterion at all locations (receptors); and
- Traffic noise generated by the development would comply with OEH's *Environment Criteria of Road Traffic Noise Guideline*.

The vibration assessment found:

- Vibration levels are predicted to be considerably below recommended vibration velocity for heritage listed structures in the locality;
- At the nearest residential property, 1A Bridge Street, construction vibration levels would be above the annoyance risk criteria for human comfort for construction work at the site entrance, but significantly less than the damage risk criterion. Given the short period of site entrance construction works it is unlikely that vibration will cause annoyance. Beyond the site entrance, construction work vibration is predicted to comply with the relevant criteria.

Assessment

Council advice dated 29 April 2009 states that the proposed development will suffer from noise and vibration emanating from the railway, however, given the nature of this use this is considered acceptable. This is agreed with.

In respect to construction and operational noise & vibration, the findings of the NVIA are accepted. Whilst the road traffic noise assessment findings are accepted concerns over amenity impacts to 1A Bridge Street relating to the type and volume of traffic movements is maintained.

6.4 Land Use Compatibility/Site Suitability

Applicant's Position

The EIS states that the subject site was selected and suitable for the proposed development for reasons including:

- The proposed development being permissible pursuant to the Infrastructure SEPP;
- The site is of sufficient size for proposed operations and allows for future expansion capacity;
- An appropriate buffer distance exists between the site and zoned residential areas and other sensitive land uses;
- The proposed site is disturbed and suitable for industrial purposes;

- The site is located within an acceptable distance from the community it is designed to serve;
- The site has good road access and primary transport routes do not pass through residential or other sensitive areas and is located adjacent to a railway line and siding;
- Availability of utilities; and
- Natural conditions at the site.

The EIS also considers that the site is suitable for the proposed development for reason that "*The Soil Validation Report completed by HLA – Envirosciences Pty Ltd dated January 2002 concludes that 'the site is considered to meet the land use criteria for commercial or industrial land use*".

Assessment

Permissibility

The establishment of a "waste or transfer station" is permitted with development consent under the Infrastructure SEPP, despite being prohibited under GMLEP 2009. Permissibility is discussed further at Section 3.4 of this report.

Area

The site is constrained by flooding and putting aside potential amenity considerations this would place a restriction on the ability to expand. Any future expansion capacity is questionable on the basis of this constraint, existing amenity concerns with the current proposal and extent to which processing tonnages would have to increase by to make rail transportation a viable option.

Buffer/Location

Having regard to submissions made by NSW Health the proposed buffer between the site and surrounding uses is not considered adequate. If this is accepted then the site is considered unsuitable. This is further discussed under the headings "Impact on neighbouring properties".

Supporting infrastructure

RMS has stipulated that upgrades would be required in order to ensure road access is adequate. All vehicles would need to travel past the residence at 1A Sydney Road and therefore the claim that primary transport routes do not pass through residential or other sensitive areas is disagreed with. It is unknown at this stage whether the proposed capacity justifies a connection to rail, or whether this would be feasible in the future. Utility services required for the development are available in the locality.

Natural conditions at the site

Part of the site is located within the Flood Planning Area shown on Council's Flood planning Map. An assessment against clause 7.1 – Flood planning is therefore required. The north-western portion of the site is within the 1 in 100 year flood area, however, the proposed development is located on a portion of the property that is not affected by flooding and therefore it is not considered that the proposed development contravenes the objectives or provisions of this clause.

The site is located within the Sydney Drinking Water Catchment area. The EIS states that a neutral or beneficial effect on water quality can be achieved. Water quality is discussed further at Section 6.4.

Compatibility/site suitability

The Land & Environment Court has provided guidance on how the decision-making process might be applied to the facts and circumstances of particular types of development through the publishing of planning principles, primarily in judgments by the Commissioners. The Court defines a planning principle as:

- A statement of a desirable outcome from;
- A chain of reasoning aimed at reaching; or
- A list of appropriate matters to be considered in making a planning decision.

In considering land use compatibility and site suitability it is considered that the following planning principles are of particular relevance:

Development at Zone Interface

The subject site, zoned B6 Enterprise Corridor, has a zone interface with RU2 Rural Landscape zoned land, namely the premises opposite the site at 1A Sydney Road.

In general terms the planning principle provides:

- Any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone;
- Land use occurring in one zone must accept that a different form of land use can happen in the adjoining zone and whilst impacts must be within reason they can nevertheless occur. Such impacts may well be greater than might be the case if the development were in and complied with the requirements of the same zone; and
- Conversely any development must take into account its relationship to the adjoining zoned lands and the likely future character of those lands. In considering the likely future character of development on the other side of the interface it may be that the development of such sites may not be able to achieve the full potential otherwise indicated by applicable development standards and the like.

Applying this principle to the particular circumstances of this matter:

- The residential premises opposite in Bridge Street and within a different zone i.e. the RU2 zone must accept that (i) a range of business and employment uses can happen in the adjoining B6 zone i.e. the subject site; and (ii) that impacts can nevertheless occur and be greater than those which could be attributed to compliant development in an RU2 zone, provided they are within reason.

- There is an occupied residential dwelling at 1A Bridge Street, almost directly opposite the site entry/exit. Taking into account the size and shape of that land and the range of permissible uses in the RU2 zone it is considered that the likely future character of that land would be unlikely to change significantly from its existing use.

- The extent of impacts caused by the proposed development on the dwelling opposite is not considered to be within reason. In addition to the concerns raised by NSW Health it is considered the nature and volume of vehicle movements generated will

cause a level of amenity loss to that residence beyond which should be reasonably accepted in the circumstances. Whilst some of level of impact can be expected from development of B6 zoned land, a daily average generation (based on the applicants submissions) of up to 80 rigid truck movements, 10 semi-trailer movements and 120 car movements from the development is considered excessive in the circumstances. This would be further and significantly exacerbated if the traffic volumes were more akin to the existing waste facility off Sinclair Street (as identified by Council's traffic count on 30 May 2012).

Impact on neighbouring properties

This planning principle has five (5) themes:

- Change in impact may be as important as the magnitude of impact;
- The magnitude of the impact should be balanced with the necessity and reasonableness of the proposal that creates it. An impact that arises from a reasonable or necessary proposal should be assessed differently from an impact of the same magnitude that arises from an unreasonable or unnecessary proposal;
- In assessing an impact one should take into consideration the vulnerability of the property receiving the impact;
- The skill with which a proposal has been designed is relevant to the assessments of its impacts. Even a small impact should be avoided if a more skilful design can reduce or eliminate it; and
- An impact that arises from a proposal that fails to comply with planning controls is much harder to justify than one that arises from a complying proposal. People affected by a proposal have a legitimate expectation that the development on adjoining properties will comply with the planning regime.

Applying this principle to the particular circumstances of this matter:

- Whilst the proponent's studies indicate that the proposed development generally complies with planning controls, the change in impact and the magnitude of impact on the residence opposite the site would be significant.

- Whilst it is accepted that establishing a waste transfer station to service the waste needs of Goulburn is a reasonable and meritous proposal, the necessity to locate such a facility at the subject site is questionable. The consideration of alternative sites is not considered to be sufficiently rigorous to establish that the location of this facility at the subject site is necessary. It would be more desirable for the site to be located generally further away from sensitive land uses. The premises opposite the site in Bridge Street is very vulnerable to the proposed development. Traffic entering and exiting the proposed development must travel past this dwelling and there will also be noise associated with this.

- Design measures have been incorporated to reduce the impacts. In terms of visual amenity the proponent has designed a building which is not dissimilar to nearby industrial buildings within the visual catchment and has prepared a landscape plan to screen most of the development. In terms of air quality the proponent has amended operations of the proposal to include enclosures and mechanical ventilation to further reduce potential impacts of odour. Notwithstanding this, the concerns raised by NSW Health over reliance on these technologies is noted.

- The applicants submission outlines that compliance with relevant planning controls has been achieved, supported by the environmental investigations undertaken.

Notwithstanding, the concerns raised by NSW Health coupled with the recommendations of the DECCW Handbook regarding the location of transfer facilities raises a level of concern sufficient to suggest that an alternative site that is further away from sensitive land uses would be more appropriate.

6.5 Water Quality, Flooding & Drainage

Applicant's Position

Strategic Environmental and Engineering Consulting ('SEEC') were commissioned by the applicant to undertake a Water Cycle Management Study in respect to the proposed development.

The report includes the following conclusion:

"*Modelling conducted as part of this plan demonstrates that this development can have a beneficial effect on receiving waters, providing the Water Cycle Management Plan described in Section 5 is implemented. Without these measures, the development could potentially have a negative impact on water quality in the local watercourses.*

The Plan includes a set of long-term maintenance measures to ensure that the effectiveness of the proposed measures provides ongoing benefits for water quality.

Section 5 of this report details the measures required to achieve a neutral or beneficial effect. We recommend that this plan be implemented in full, as it provides an integrated management strategy for water quality control".

These measures comprise:

- A Soil and Water Management Plan will deal with erosion and sediment control during construction;
- Two 30kL rainwater tanks will be installed to collect from at least 500m^2 of the roof;
- Surface flow from the hardstand and rainwater from the main roof will be drained to a grass-lined swale;
- The swale will drain to a small Water Quality Pond;
- Water will be drawn from the WQP to irrigate about 4,000 m2 of landscaping;
- A generic Gross Pollutant Trap will be installed in Pit 14 which drains the front hardstand area (2,000 m^2);
- Oils and paints will be stored in a bunded area and spill controls kits will be stored on site; and
- The site manager will attend to regular maintenance of water quality structures.

Assessment

As previously mentioned at Section 3.3.4 of this assessment report the DA has been referred to the SCA for the concurrence of the Chief Executive of the Sydney Catchment Authority and that concurrence has been received.

Council raised the following issues regarding flooding and drainage:

- Risks associated with the development regarding flooding and water should be addressed by a hydrological or flood engineer, as there is a need to demonstrate that

fill will not change the flow pattern of flood water and how fill will be controlled so as to avoid erosion and siltation; and

- There is a need to identify how water will escape from the railway line and the potential impact of filling over the easement for water 10m wide.

Flooding is discussed in detail at Section 3.4 of this report in considering clause 7.1 (Flood Planning) of GMLEP 2009. There will be negligible fill emplacement to allow construction of the development, all of which would be above the 1% AEP flood event. The limited degree of fill would be considered as having a minimal impact on the flow of flood waters during the PMF event. There is no proposed filling over the easement for 10m wide referred to above, with the development works being clear of the drainage easement.

6.6 Building Construction

Part of the subject site (Lot 1 DP 1117744) is affected by an easement for signals & telecommunications line 4 wide. Part of the proposed building appears to be located over this easement. It is unknown whether there remains any existing infrastructure within the easement, however the terms of the easement (benefiting the then Public Transport Commission of NSW) allow the installation of 'necessary equipment', the right to come and go for inspections, maintenance, repairing, replacing and/or removing equipment and that no building or structure be erected over the easement.

The Australian Rail & Track Corporation ('ARTC') have consented to the lodging of this DA. It may therefore be that the aforesaid easement is now superfluous to their needs. In any case the terms of the easement prevent a building from being constructed over it. This would be resolved by the extinguishing of the easement, which would require the agreement of the ARTC. Accordingly it is considered that any consent grant would need to be 'deferred commencement' with the consent becoming operational upon the extinguishing of the easement.

Lot 1 DP 1117744 is also affected by a positive covenant in the form of a building envelope area which is above the 1% AEP flood event level. The proposed building as it relates to Lot 1 is contained within the nominated building envelope.

Council has raised concerns as to whether the building is able to comply with the deemed to satisfy provisions of the Building Code of Australia ('BCA') for large isolated buildings i.e. 18m clearance within the property boundary (unless road) for Fire Brigade access. The issue in question is the boundary to the rail corridor, the rail corridor not qualifying as 'road' for the purposes of the BCA.

The proponent has indicated that a sprinkler system and 6m wide perimeter vehicle access will comprise part of the development and that this will satisfy the BCA.

Provision of a 6m wide vehicle access to the southern (or railway) side of the building would require deletion of landscaping to that part of the boundary setback to the rail corridor. It is also considered that the ground surface would need to be sufficiently stabilized to have a load bearing capacity to permit operation and passage of fire brigade vehicles. In terms of visual impact, this would not be significant in respect to views from the north, east and west. Views from the south would be in part at least obscured by the GMC Depot building. Consequently the most significant impact would be views from the rail corridor. There would appear to be little ability to relocate the building further away from the railway boundary to allow for a landscaped setback due to the building envelope limitations. Whilst it may not be absolutely essential to have a landscaped setback to this part of the boundary, some landscaping would be desirable to assist in breaking down the scale and softening the building's appearance to the south. If anything and in the absence of the consideration of

'alternative solutions' to address fire safety, it adds to the constraints of the chosen site and the question of its appropriateness for the proposed development.

6.7 Contaminated Land

Applicant's Position

The EIS accompanying the DA provides a letter from the then Goulburn City Council, dated 27 March 2003, which states that any proposed or future development on the subject site would need to justify that its use and type of development fit within the recommendations of the Soil Validation Report completed by HLA – Envirosciences Pty Ltd ('HLA') for part of the subject site. The HLA report concluded that "although there are residual petroleum hydrocarbons remaining in soil at the site, the site is considered to meet the land use criteria for commercial or industrial land use, provided groundwater at the site is not used". The EIS states that advice from Goulburn City Council demonstrated that the remediation and validation of part of the site complies with SEPP No. 55 – Remediation of Land and the proposed development complies with the conclusion of the HLA report.

Additional information regarding site contamination was provided by the proponent in the form of a Site Investigation Report prepared by SLR Consulting Australia Pty Ltd (SLR). SLR reviewed the HLA documentation supplied and carried out further research on the land area indicated on the construction plan drawings. This SLR report concluded in a similar manner to the HLA report that the site is considered suitable for the proposed development, subject to:

- All remediation and validation documents being reviewed to confirm that relict structures and contamination impacts from Shell's occupation were adequately dealt with during remediation works;
- Limited soil testing and sampling being carried out to assess contamination risks from relict service and interceptor pits, should these potentially be disturbed during construction works and also in area of significant waste dumping, if within the development footprint;
- The construction methodology incorporating a robust, site specific Construction Environmental Management Plan which addresses the possibility of encountering pockets of hydrocarbon contamination in the fill materials and ensures the protection of ground workers and the environment in this instance;
- The development footprint does not incorporate areas of exposed soil; and
- No groundwater abstraction or usage occurs during development or site operations.

Assessment

The subject site has been remediated following its previous use for fuel storage and in accordance with SEPP 55 is now considered suitable for the proposed use, subject to implementation of the above recommendations.

6.8 Vermin and Vectors

Applicant's Position

The EIS acknowledges that "*Poor quality housekeeping, uncovered bins / storage areas and litter are major factors in attracting vermin at transfer stations*". The control strategies proposed include the regular cleaning and removal of waste and if vermin problems arise, the implementation of a pest control program.

Assessment

The strategies proposed lack sufficient detail. Feasible strategies should be put into place to prevent potential vermin problems, as a preventative strategy rather than the reactionary strategy proposed.

Strategies to mitigate against vermin impacts could include:

- Cleanup of operating floors;
- Minimising onsite waste storage and handling;
- Removing waste from the tipping areas at the end of the day;
- Cleaning areas exposed to waste daily;
- Installing bird deterrent measures, such as hanging wires;
- Routine inspection and action for potential vector habitats; and
- Using commercial vector control specialists.

Preparation and implementation of an Environmental Management Plan through conditions of approval would satisfactorily address this.

6.9 Heritage

Applicant's Position

The EIS contains advice from the Pejar Local Aboriginal Land Council which states that there are no Aboriginal heritage items on the subject site. A *Statement of Heritage* Impact was also provided additionally by the proponent, which was prepared in respect to the State Heritage listed Goulburn Railway Viaduct and subject development. The Heritage Branch of the Office of Environment and Heritage has provided a response to the *Statement of Heritage* which concludes that whilst more detail could be provided in the *Statement of Heritage Impact*, it is of the opinion that the proposed development will not have an undue impact on the heritage significance of the Goulburn Railway Viaduct.

Assessment

In addition to the above assessment clause 5.10 – Heritage conservation of GMLEP 2009 requires an assessment of heritage significance of the above item as well as the former North Goulburn railway station. These two items are listed in GMLEP 2009 as follows:

- Item 258 – *Railway Viaduct Crossing Mulwaree Ponds* at Mulwaree Street, Goulburn. This is a State significant item located approximately 175m to the south-west of the proposed building and 70m from the boundary.
- Item 290 - *Dwelling, Railway Gatehouse, Victorian and Gothic (1867)* at 112 Sydney Road, Goulburn. This is a locally significant item located approximately 175m to the east of the proposed building and 60m from the boundary.

It is considered that the proposed development would not adversely affect the heritage significance of these two items as the development does not directly impact on these items or their settings and would not unreasonably impact on views to and from these items.

6.10 Visual Impact

Applicant's Position

The EIS states that the main visual characteristics of the proposal will be the proposed building as the activities of the development would be undertaken inside the proposed building and will not be visible. The EIS also states that the proposed building will comply with the requirements of the Goulburn Mulwaree DCP 2009 and proposed landscaping will blend the proposed building into the landscape, being no more intrusive than existing commercial developments in the surrounds. The proponent has prepared a landscape plan for the site and has advised that the external building material will be Colorbond metal sheeting in a bronze olive colour similar to the Council depot building adjacent to the subject site. Landscaping measures proposed to reduce the visual impact include:

- Continuous tree plantings along the western boundary of the property;
- Screen planting on the south eastern boundary to reduce the visual impact of the development from the house and rail line.

Assessment

The proposed building would have some visual impact due to its height of 12.43m, but would not be completely out of context in the area, given the height and size of the existing Council depot building. The setback to Bridge Street and proposed landscaping also serve to reduce the visual impact of the proposed building to the north, east and west. Reference is made to the discussion at Section 6.6 (Building Construction) and the inability to landscape screen that part of the southern boundary between the main building and the railway corridor. Whilst it may not be absolutely essential to have a landscaped setback to this part of the boundary, some landscaping would be desirable to assist in breaking down the scale and softening the building's appearance to the south. If anything it adds to the constraints of the chosen site and the question of its appropriateness for the proposed development.

6.11 Onsite Hazards and Risks

Applicant's Position

The EIS addressed a number of hazards and risks during both the construction and the operation phases of the development and outlined the measures to be put into place to minimise the risk of hazardous incidents occurring. The physical hazards identified during the construction phase of the project are related to plant and equipment; electrical; confined spaces; working at heights; manual tasks hazards; and environmental hazards. The hazards and risks during operations identified by the proponent are associated with odour, noise and identifying wastes which cannot be received. The proponent has stated that these issues would be addressed in a formal organisational risk management process to be established encompassing risks to health and safety, the environment and other contingencies such as the breakdown of transfer trucks.

Assessment

The inclusion of both putrescible waste and recycling material handling in the one building remains an issue, despite the amending of the proposal to have separate enclosures for the putrescible waste bin and the Materials Recovery Facility (MRF). In further comments on the proposal dated 14 May 2012, NSW Health stated that:

- Whilst the plans show separate enclosures around the putrescible waste bin and the MRF, details of the proposed ventilation systems have still not been provided, despite the importance of this being stressed previously by NSW Health;
- Odours extracted from the putrescible waste enclosure could be drawn back into the MRF via the pressurised ventilation system. In addition, the MRF may be subject to unacceptable temperature variations during extreme climatic conditions; and
- The view is maintained that handling putrescible waste should take place in a separate building to the MRF and in a location with greater buffer distances to residential areas.

The applicant responded by stating that:

- The precise details of the pressurised air ventilation system for the MRF area has not been finalised at this stage but will be provided as part of the Construction Certificate details to be provided to Council prior to the installation of a system;
- There is no justification or requirement for these activities to occur in separate buildings as the designated waste areas are separated within the building and there will be no conflict or interaction between the putrescible waste operations and MRF operations;
- There is little or no potential impact from temperature inversions.

The applicant's response was referred to NSW Health. Their response of 8 October 2012 does not appear to specifically address this issue, rather focusing on odour impacts to adjoining properties. Nonetheless it is apparent from their previous submission of 14 May 2012 that specific details ought to be provided as part of this process rather than be a matter detailed in a construction certificate application. That view is supported.

A Risk Management Plan would need to be prepared to address any potential hazards or risks that may arise during the construction and operational phases of the development. Notwithstanding, further details of the air ventilation systems as sought by NSW Health should be required to allow the issue of concern to be addressed as part of this DA.

6.12 Flora and Fauna

Applicant's Position

The Flora and Fauna assessment accompanying this DA indicates that one *Eucalyptus macarthurii* is located on the northern boundary of the site. This species is listed as vulnerable under the *Threatened Species Conservation Act 1995*. The Flora and Fauna assessment states that the removal of this individual specimen would not have any significant impact on the viability of any populations of this species in the locality. One threatened fauna species, *Stagonopleura guttata* (Diamond Firetail), listed under the *Threatened Species Conservation Act 1995* was found to be a potential visitor to this site on an occasional basis. The applicant has stated that an assessment of significance completed for this species found that the proposed development and associated works would be unlikely to have any significant impact on this species.

Response from DECCW

DECCW advised by letter dated 16 March 2011 that it would prefer if the *Eucalyptus macarthurii* were retained, but acknowledges that is likely to be removed to allow for the proposal and notes that the assessment of significance determined that no significant impact is likely.

Assessment

The *Eucalyptus macarthurii* is located within the development footprint and is therefore proposed to be removed. Having regard to the above, it is not considered that the development would have a significant flora and fauna impact.

6.13 Socio-economic Impacts

Applicant's Position

The EIS states that the Goulburn Mulwaree LGA would be set to gain from the development as the development would:

- Provide directly for full-time employment for up to 23 people and also provide employment for local contractors and service companies providing mechanical and technical services;
- Provide the provision of new and/or continued employment would provide an impetus to other local businesses;
- Provide plant expenditure on fuel, parts and consumables;
- Provide support of local community services and projects;
- Provide continuity for a locally produced recycled product;
- Rationalise waste and recyclable facilities in Goulburn; and
- Provide on-going employment for disadvantages persons.

Assessment

It is acknowledged that the development has the potential to provide a long term infrastructure solution to waste management in the Goulburn-Mulwaree region. It would provide new employment opportunities as identified in the EIS and allow for the on-going employment of the current staff at Endeavour Industries. The development would result in moderate employment opportunities and economic flow-on effects in the local and regional area.

Whilst the above outcomes are positive ones and have merit, this must be balanced against the concerns raised by NSW Health of unacceptable levels of risk as well as the amenity impacts to 1A Bridge Street previously discussed. Having regard to these concerns and impacts it is considered that locating the proposal at the subject site is not appropriate in terms of social impact.

7.0 CONCLUSION

The proposed development is for the establishment of a waste transfer station at 2B Bridge Street (Lot 1 DP 1117744), 1C Sydney Road (Lot 232 DP 1058427) and part railway land, Goulburn. The proposal is intended to receive:

- Up to 20,000 tonnes per annum of putrescible waste from the Goulburn-Mulwaree LGA. This waste stream would be compacted onsite into containers and transported by road to the Veolia Bioreactor Facility at Tarago.
- Up to 8,000 tonnes per annum of recyclable waste. This waste stream would be sorted onsite and transported to various locations including Sydney, Bathurst, Albury, Tumut and the ACT.

All processing activities would be conducted within a purpose built building with a floor area of 3,888sqm.

There are no planning agreements entered into, or any draft planning agreements offered by the developer.

The development has been considered in respect to the following EPIs and Plans:

- State Environmental Planning Policy (Infrastructure) 2007 ('Infrastructure SEPP');
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 ('SEPP (SDWC) 2011');
- Goulburn Mulwaree LEP 2009 ('GMLEP 2009');
- Goulburn Mulwaree Development Control Plan 2009 ('GMDCP 2009')

Whilst the proposed development is prohibited in the applicable B6 Enterprise Corridor zone under Goulburn Mulwaree LEP 2009, it is permissible with consent pursuant to the Infrastructure SEPP.

As outlined by this report concerns have been raised and maintained by NSW Health over an unacceptable level of risk in relying on engineering solutions to mitigate adverse odour impacts, as there are no alternate options if the technology fails. NSW Health maintain that the safest method of providing protection for the community is by providing a substantially larger buffer distance to sensitive receivers such as residential premises. NSW Health submissions have also maintained that handling putrescible waste should take place in a separate building to the Materials Recycling Facility.

The extent of impacts caused by the proposed development on the dwelling opposite is not considered to be within reason. It is considered the nature and volume of vehicle movements generated will cause a level of amenity loss to that residence beyond which should be reasonably accepted in the circumstances. Whilst some of level of impact can be expected from development of B6 zoned land, the anticipated traffic generation from the development is considered excessive in the circumstances.

Part of the proposed building is located over an easement for signals & telecommunications line 4 wide. The terms of the easement prevent a building from being constructed over it. This would need to be resolved by the extinguishing of the easement, which would require the agreement of the ARTC. Accordingly it is considered that any consent grant would need to be 'deferred commencement' with the consent becoming operational upon the

extinguishing of the easement. Compliance with the deemed to satisfy provisions of the Building Code of Australia would require deletion of landscaping to that part of the boundary setback to the rail corridor. The ground surface within the setback would also need to be sufficiently stabilized to have a load bearing capacity to permit operation and passage of fire brigade vehicles. Whilst it may not be absolutely essential to have a landscaped setback to this part of the boundary, some landscaping would be desirable to assist in breaking down the scale and softening the building's appearance to the south. If anything and in the absence of the consideration of 'alternative solutions' to address fire safety, it adds to the constraints of the chosen site and the question of its appropriateness for the proposed development.

Consideration of alternative sites for the proposal has not been adequately demonstrated in the application.

Other matters pertaining to water quality, flooding, drainage, land contamination, vermin & vectors, heritage and flora & fauna have been assessed. In these respects it is considered that the development would have an acceptable impact subject to appropriate conditions of consent.

The application has generated a significant number of public submissions. Issued raised include permissibility, site suitability, visual amenity, traffic, dust & odour, flooding, water quality, site contamination, operational details, loss of property value, heritage, health and noise. Significantly a number of the submissions recognised the merit 'in principle' of a waste transfer station but disputed the suitability of the proposed site.

It is acknowledged that the development offers a number of positive economic and social outcomes by potentially providing a long term infrastructure solution to waste management in the Goulburn-Mulwaree region and new employment opportunities including the on-going employment of the current staff at Endeavour Industries. However, when considered against the concerns raised by NSW Health of unacceptable levels of risk, the amenity impacts to 1A Bridge Street it is considered that locating the proposal at the subject site is not an appropriate outcome.

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. 271/1011/DA for a proposed Waste or Resource Transfer Station Development at 2B Bridge Street (Lot 1 DP 1117744), 1C Sydney Road (Lot 232 DP 1058427) and part railway land, Goulburn, for the following reasons:

1. Having regard to submissions received from NSW Health, it is considered that the proposed development presents an unacceptable level of risk in respect to the potential for adverse odour impacts.

2. The proposed development does not satisfy the minimum recommended buffer distances for transfer stations to sensitive receivers as provided by Department of Environment and Conservation 2006 publication "Handbook for the Design and Operation of Rural and Regional Transfer Stations".

3. The proposed development does not satisfy the minimum buffer distances for transfer stations as provided by clause 5.8 of Goulburn Mulwaree Development Control Plan 2009.

4. The proposed development causes an unacceptable level of impact on the amenity of the residence at 1A Bridge Street by reason of traffic generation.

5. The application has not adequately considered alternatives to the proposal, namely alternative development sites.

6. The existing easement for signals and telecommunications burdening Lot 1 DP 1117744 prevents the proposed main building from being erected in the proposed location.

7. Compliance with the deemed to satisfy provisions of the Building Code of Australia clauses C2.3(a)(ii) and C2.4(b) will cause an unsatisfactory landscape outcome.

8. The proposed development the subject site would on balance not be in the public interest.

APPENDIX A
Provisions of the Goulburn Mulwaree Development Control Plan 2009

Chapter 2 – Plan Objectives		
Section	**Control**	**Comment**
2.1 General development objectives	• Employment uses should be sensitively designed and located to minimise conflict; • Development along waterways requires flood investigations to determine the minimum flood level and to ensure flood levels and velocity would not cause harm to life or property; • Non-residential land uses shall not impact upon the amenity of the area or surrounding sensitive land uses. This would include, for example, local shops and commercial premises, schools, child care centres, places of worship, open space and recreation; and • Best practice water quality controls (including water quality monitoring) should be implemented. Pre-development water quality should be maintained or enhanced in post-development run-off. The management of water should address cumulative environmental impacts and be carried out in accordance with the objectives of integrated water cycle management and water sensitive urban design.	Considered that the proposed development has not been located at a site that assists in minimising land use conflict. It is considered that the proposed use would have an adverse impact on the amenity of the surrounding area. Site suitability is discussed at Section 6 of the assessment report. The building has been located within the designated building envelope, which is outside the 1 in 100 year flood level. Water quality is discussed at Section 6 of the assessment report.
Chapter 3 – General Development Controls		
Section	**Control**	**Comment**
3.3 - Landscaping **3.3.1 Landscape Plan Design Requirements**	Development proposals over $250,000 value are to be accompanied by landscape plans prepared by a qualified landscape architect, designer or other suitable qualified person.	The development proposal is accompanied by landscape plans prepared by Chris Rowlands & Associates.
	Allow for views to and from the site by not creating visual blockages, especially the views of important buildings.	Landscaping is being used as a mitigation measure on the visual impact of the subject development.
	Evergreen plant species should be used where screening of views is required.	Evergreen species have been used for screening along the site boundaries.
	Provide dedicated pedestrian access to all developments, design to avoid conflict with motor vehicles.	No conflict with motor vehicles is expected. Pedestrian access will be available to all sections of the site.

Section	Control	Comment
3.3.1 Landscape Plan Design Requirements (continued)	Assess the significance and health of the existing vegetation on the site prior to design; retain as much of the significant vegetation as possible. Protect existing native vegetation and fauna habitat. Provide protection for vegetation to be retained during the construction phase.	The only tree/vegetation of any significance is a single Eucalyptus macarthurii (Camden Woollybutt) located near the northern boundary, which is listed as a vulnerable species under the NSW Threatened Species Conservation Act 1995. The landscape plan indicates that this tree will be removed. OEH indicated that the applicant should investigate options to retain this tree if it is not within the development footprint. The tree is located within the development footprint and therefore will be removed.
	Design vegetation to provide privacy and allow for summer shade and winter solar access	Planting along boundaries has been designed to provide screening but should not prevent winter solar access, due to the size of the site. This screening will provide some degree of summer shade. Planting along southern building setback will be restricted due to BCA requirements.
	Proposed landscaping is to include species that will grow to a height consistent with the height and scale of the building and the neighbouring buildings.	Advice received from Council's landscape planner is that the proposed species will grow to a height consistent with the height and scale of the subject development, though it will take a few years.
	Minimise use of water by using drought tolerant plant species and reducing areas of lawn.	Areas of lawn reduced to a minimum.
	Use irrigation systems and practices that minimise the use of water. Utilise water collected in rainwater tanks for irrigation of plant material.	It is anticipated that the proposed development would rely upon rainwater.
	Use surface mulch to conserve moisture in the ground, inhibit weed growth and lessen the need for herbicide use (minimum thickness of mulch 75mm).	Garden beds will be mulched.
	Provide site lighting.	The proponent has stated that security lighting will be installed around the perimeter of the building.
	Select environmentally friendly construction materials.	Environmentally friendly construction materials have been chosen.
	Locate above/ below ground services away from significant vegetation to be retained and protected. Maximise use of common trenching to reduce repeated disturbance of established plantings, now and into the future.	There is minimal vegetation that is proposed to be retained. This is therefore not expected to be relevant to this DA.

Section	Control	Comment
3.3.3 Non-Residential development	All major non-residential developments require a landscape plan.	A Landscape Plan has been provided, as discussed in Section 3.3.
3.3.5 Fences and gates (Urban)	Design fences to take account of streetscape, privacy and security issues, and to enhance entrances to the site and building. Use fences to define the edge between the street and semi-public front garden space. Original fencing should be retained where possible and, if damaged, should be repaired rather than replaced. Fencing shall complement any original fencing relating to the architectural style of the dwelling or found on adjoining properties and in the wider streetscape in terms of style, height and materials. Where side fences project in front of the building line ensure that they complement the scale of the adjoining front fence and function of the front yard.	Existing fencing is to be removed and a new fence that is suitable to the proposed development is proposed.
3.4. Vehicular access and parking **3.4.1 Parking layout, servicing and manoeuvring**	The layout and design of access, parking and service areas should address the needs of the site occupants and visitors as well as respecting the amenity of the area. Account should be taken of potential noise disturbance, pollution and light spillage. Car parking areas can have a significant impact on the streetscape and should therefore be carefully designed having regard to landscaping, layout and location to ensure that parking and service areas are integrated sympathetically with the development and locality.	Parking provision and layout is considered to be acceptable. The proposed development is not specifically identified in GMDCP 2009 nor the RTA Guide to Traffic Generating Development, parking requirements were based on what were considered generally similar land uses – road transport terminal/container depot and warehouse.
	Provision should be made for various modes of transport for employees and visitors to the site. Where parking is provided it must be in a safe and efficient manner, allowing for easy access for occupants, visitors and service vehicles, whilst ensuring the safety of pedestrians and other road users.	
	Surface parking should be visually articulated by the use of soft and hard landscaping and the use of different surface treatments.	
	Parking areas and accessways should be designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.	

Section	Control	Comment
3.5 Disability standards for access	Provide equitable access within all new developments.	As the EIS explicitly states the employment of disabled persons as part of operations, the proposed development would need to meet Disability Discrimination Act 1992 ('DDA') provisions, Building Code of Australia ('BCA') and Australian Standards. This can be addressed through conditions of consent, should the development be approved.
3.6 Crime prevention through environmental design	Various controls relating to lighting, fencing, car parking, entrapment spots & blind corners, landscaping, communal/public areas, movement predictors and entrances.	The proponent has stated that security lighting will be installed around the perimeter of the building. The proponent that all fencing will comprise open chain wire fencing. Security lighting installed around the perimeter of the building would be sufficient to address this issue. It is not considered that the proposed development would raise any CPTED related concerns.
3.7 Flood affected lands	This clause aims to minimise the impacts of flooding on development within the flood planning area.	The site is flood affected. This has been discussed at section 3.4 of the report.
3.8 Tree & Vegetation Preservation	This clause aims to preserve the amenity, biodiversity and ecology of the area through the preservation of trees and other vegetation.	The only tree/vegetation of any significance is a single Eucalyptus macarthurii (Camden Woollybutt) located near the northern boundary, which is listed as a vulnerable species under the NSW Threatened Species Conservation Act 1995. The landscape plan indicates that this tree will be removed. OEH indicated that the applicant should investigate options to retain this tree if it is not within the development footprint. The tree is located within the development footprint and therefore will be removed.

Section	Control	Comment
3.13Biodiversity Management	Clause 3.13.1 of GMDCP provides that major development proposals are to provide: • Buffer corridors adjacent to nominated rivers i.e. Mulwaree River including a 40 metre wide core riparian zone, 10 metre wide vegetated buffer and a bushfire asset protection zone between the outer edge of the vegetated buffer and the development each side of the river where appropriate; • Development is to be excluded from the 50 metre wide zone and the zone is to be fenced off with limited access points to the river; and • Stormwater is to be captured and treated outside of the 50 metre buffer area prior to discharge to the Rivers. Site works associated with the development are greater than 50m from the Mulwaree River. All capture and treatment of stormwater by the development prior to discharge is also greater than 50m from the Mulwaree River. The proposal does not include fencing off the 50m wide zone however this could be conditioned as part of any approval granted.	The north-western boundary of the site is approximately 42m from the Mulwaree River. The portion of the site within the 50m buffer corridor will remain undeveloped except for tree planting along the boundary.
3.14 Stormwater Pollution & 3.15 Impacts on Drinking Water Catchments	This clause requires development within the Sydney Drinking Water Catchment to address the relevant provisions of Part 5 the Drinking Water Catchments Regional Environmental Plan No 1, where applicable.	As discussed in Section 6 of the assessment report, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality.

Section	Control	Comment
3.17 Heavy Vehicle generating developments – Haulage Routes	A principal haulage route needs to be nominated when submitting a development application for a project such as a quarry, transport terminal, distribution centre or the like, which involves significant heavy vehicle movements. The applicant needs to justify selection of the haulage route based upon traffic engineering grounds, amenity considerations and availability of alternative options (i.e. rail). If the existing road network is unsatisfactory then upgrades will be required. The following level of detail is required to be submitted for Council's consideration: Impact on the road network: • Existing traffic movements along the haulage route; • Estimated increase in traffic movements resulting from the proposed development. This includes detail of any staging proposal, truck / car ratio and the life of the project / development; • Foreseeable increases in traffic movements resulting from other known development (i.e. subdivision of land etc.); • Heavy vehicle type and volume (i.e. rigid or articulated, covered or uncovered); • Type of material transported; and • Hours of operation and frequency of movements. Impact on amenity and the environment – Rural, Village Zones and generally: • Proximity of haulage route to residence, community land etc.; • Community expectation including ambience and enjoyment of life; • Community assets including accessibility to parks by residents and visitors; • Noise generation; • Vibration generation;	The applicant has nominated Bridge Street, Union Street, Reynolds Street, Grafton Street, Sloane Street (part) and Collector Road as the haulage route through Goulburn. This is considered satisfactory. Traffic impacts are further discussed at Section 6 of the assessment report.

Section	Control	Comment
3.17 Heavy Vehicle generating developments – Haulage Routes (continued)	• Visual impact; • Pedestrian safety and safety of other road uses; and • Impact on roadside habitat resulting from road upgrade works. Consistency with the objectives of all zones that the haulage route passes through.	
4.2 Non-residential development – retail, commercial and industrial development	The maximum FSR applying to this site is 0.8:1.	The proposed development provides a FSR of 0.16:1 and therefore complies with this control.
5.8 Rural Land Use Conflict **5.8.1.1 Buffer Distances**	This clause requires a minimum buffer distance of 500m between waste management facilities and rural dwellings	This control has not been complied with in principle. There are several dwellings within a 500m radius of the subject site. Whilst this is not a development located in a rural zone, the DCP provision appears to be prefaced on the basis that GMLEP 2009 permits this development in the RU1 zone and that a 500m buffer is required to prevent land use conflict.
6.10 Development in the Enterprise Corridor – Zone B6	The objectives of this clause are to encourage development which: • can operate in a functional and safe manner; • is visually attractive in form, design, scale and landscaping; • assists with positive economic, social and environmental outcomes; • minimises conflict with nearby land uses; • buildings face public spaces for passive surveillance; • on site vehicle parking is provided to minimise congestion within the streets; and • roof harvesting/rainwater tanks are provided to supplement water supply and control stormwater runoff.	The proposed development can operate in a functional and safe manner. Concerns with the development relate more to the potential for impact on surrounding properties. The visual impact of this building is generally acceptable. Landscaping has been compromised in order to satisfy BCA requirements. The development would provide a positive economic outcome, but is subject to concerns from the general public and may potentially result in undesirable environmental impacts. The proposed development has provided on-site parking.

Section	Control	Comment
6.10 Development in the Enterprise Corridor – Zone B6 (continued)	a) Streetscape Buildings are to face public spaces (roads and open space areas). Buildings are not to be hidden by high fences. Front security fencing is to be integrated with landscaping areas and not visually detract from the streetscape.	The building addresses the street in part. This is considered acceptable given the nature of the development. The proposed fencing is considered adequate.
	b) Height Maximum recommended height of 8 metres. It is acknowledged that for the functional operation of industrial processes and complexes, parts of the development may exceed 8m in height. Entrances/front office areas are to be of a single storey scale at the site frontage.	The majority of the development is a minimum of 10m high, with the maximum height being 12.43m. Despite exceeding this control, the proposed development is considered adequate, given that the nature of the use requires a larger building height than would typically be constructed in a B6 Enterprise Corridor zone. The building is single storey. Also, the Council building in the vicinity of the development is of a similar height.
	c) Building setback Minimum requirements: ▪ Frontage – 6 metres ▪ Secondary road frontage – 4 metres ▪ Side and rear – setback distances are proportionally related to required building materials to satisfy wall fire ratings (refer to Building Code of Australia for details). No parking will be permitted within setback areas.	Adequate frontage setbacks have been provided. The location of the building can comply with the deemed-to-satisfy provisions of the BCA but compromises landscaping on the southern building setback adjoining the railway corridor.

Section	Control	Comment
6.10 Development in the Enterprise Corridor – Zone B6 (continued)	d) External building materials External walls shall be profiled colour treated cladding or masonry materials, or a combination of both. Include a variety of external finishes (colour and type of material used) and visual relief elements in large wall surfaces/elevations. Colours and profiles of side or rear elevations visible from residential or public areas should be selected to minimise their visual impact. Reflective finishes and colours are to be avoided.	The chosen building materials are comprised of metal and concrete and are considered to be suitable, given the proposed use of the building.
	e) Advertising signs Signs should be integrated advertising panels into wall surfaces and/or elevations. Single occupant industrial sites: • one free standing advertising structure within the front setback area; and • one advertising sign placed on the facade of the building, but not higher than the building roofline.	No advertising signage has been proposed.
	f) Parking Refer to clause 3.4 of this plan.	Parking has previously been assessed in this section as adequate.
	g) Rainwater tanks A rainwater tank is to be provided to supplement water supply and control stormwater runoff. The rainwater tank supply may be connected to the hot water service (at the applicant's risk), laundry and toilet facilities with a top up connection into the tank. Rainwater tank supply may also be used for landscape irrigation.	Two 30kL rainwater tanks will be installed to collect rainwater from at least 500m^2 of the main roof. They will be plumbed to provide water for toilet flushing and hot water in the amenities.
	h) Chemical substances Chemicals to be stored in accordance with WorkCover requirements and appropriate Australian Standards. Transportation of chemicals in accordance with WorkCover requirements and appropriate Australian Standards. Preliminary hazard analysis is required for hazardous industry or activity (refer to *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*).	A Preliminary Hazard Analysis has been prepared in accordance with SEPP 33 that has concluded that the proposed development is not hazardous, offensive or potentially hazardous or offensive.

Section	Control	Comment
6.10 Development in the Enterprise Corridor – Zone B6 (continued)	i) Waste disposal On site provision for waste storage with appropriate screening from a public place. Trade waste approval may be required for the proposed industrial activity.	Waste storage is the key component of this development and waste will be stored temporarily on site. Waste management is discussed at Section 6 of the assessment report.
	<u>Acoustic privacy</u> Noise generating area of a development (e.g. driveway, air conditioning units, swimming pool areas) should be adequately screened or located away from noise sensitive areas to minimise impact on neighbours. Transmission of noise between adjoining properties should be minimised.	The acoustic impacts of the proposed development are considered acceptable. Noise and vibration impacts are further discussed at Section 6 of the assessment report.
	<u>Water sensitive urban design</u> Subdivision design should include water sensitive urban design features such as porous paving, infiltration devices and landscaping.	Landscaping has been provided. Details of other water sensitive design measures have not been provided.

Section	Control	Comment
7.1 Utility Services	The objective of this clause is to provide satisfactory utility services to the development site.	The site is serviced by water, sewer, gas, reticulated electricity and telephone and therefore complies with this clause.
	Development proposals where the area of disturbance is 2500m² or greater should be accompanied by a Soil and Water Management Plan (SWMP) (written document and site diagrams), prepared by a suitably qualified person(s), that clearly identifies the constraints of soil erosion, sediment pollution and stormwater pollution. The SWMP should contain appropriate Best Management Practices that recognise site constraints and support ESD principles. The plan should include: • soil conservation and pollution/nutrient control measures to be installed prior to clearing and earthworks and maintained until landscaping measures are complete; • protection measures for site access and exits; • catchment drainage characteristics of existing and proposed drainage patterns; • protection of existing overland flow paths, watercourses, stormwater kerb inlets and drains; • upslope clean surface runoff diversions around the disturbed areas; • staggered site works to minimise disturbance; • rehabilitation and stabilisation of the disturbed areas; • measures to minimise the impacts of agricultural practices (such as the use of fertilisers, cultivation practices, tree clearing and pasture management); and • The SWMP should detail means to achieve no net increase in pollution of downstream waters through the use of Best Management Practices.	A Water Cycle Management Plan has been prepared by SEEC and states that the proposed development can achieve a neutral or beneficial effect on water quality, if certain mitigation measures are proposed.

APPENDIX B
Public Submissions

First Exhibition - 2 March 2011 until 4 April 2011		
Category	**Issues Raised**	**Response**
Permissibility	Under GMLEP 2009, the B6 zone prohibits waste or resource management facilities and proposed development does not meet site objectives. Proposal should be refused by the Council and the SJRPP under the GMLEP 2009.	"Waste or resource transfer stations" are permitted with consent in the B6 zone under clause 121(2)(b) SEPP (Infrastructure) 2007. This SEPP is a higher order EPI than GMLEP 2009.
	This proposal would be, by definition of the LEP an offensive industry and offensive storage establishment. The proposed development will no doubt have a severe adverse impact in the locality or on the existing or likely future development on other land in the locality. After all, who would want to live and/or develop near a waste management facility, better known to the general public as a Dump.	The proposed use is technically an infrastructure use and not an industry or storage establishment (see section 3.5.2). Nevertheless, an assessment of the potential impacts of the development is included at Section 6 of the assessment report.
Air Quality	The offensive odours would be a detriment to not only our property, but to all of the central business area of Goulburn.	Odour impacts are discussed at Section 6 of the assessment report.
	North Easterly winds are common throughout the year and these winds create a potential for dust to leave the site and impact directly on residences, the river and Goulburn North School. Winds would also carry noise and odour to residences.	
	Despite the DA saying the air quality is acceptable, it does not take into account that neighbouring houses will be inundated with the smell of waste rubbish each time the wind blows, reducing amenity for residents and businesses.	
	Air quality will be affected, odour will cause lingering smell.	
	Odour and windblown rubbish.	
	Object as the odour from the site would be worse with the doors being open, and the wind blowing from the Northeast would affect us. Currently when the wind blows from the North, North East, we get odours from the Sewerage treatment works which is approximately 1km away.	

Category	Issues Raised	Response
Air Quality (continued)	The smell of stored household waste (garbage) emits a foul odour, with large quantities being planned and then transferred from the proposed development, concern is that winds from the east are going to carry odour straight across into North Goulburn and into front door.	Odour impacts are discussed at Section 6 of the assessment report.
	I do not believe the results of the Air Quality Impact assessment	
Location	Proposed development too close to the city centre and far too close to residential dwellings.	The suitability of this site is discussed at Section 6 of the assessment report.
	Siting of proposed development beside the main road would be a poor choice.	
	Proposed development is too close to residences, unacceptable levels of noise from vehicles entering and leaving the site 7 says a week.	
	Existing waste disposal facility for the city is located in a suitable area away from the city centre and residential buildings and development of this area would be a much better option for council to consider.	
	A better alternative would be to use the current Goulburn tip site as it is far away from residences, out of sight of visitors to the town, has a much larger area and has most of the infrastructure required.	
	Sign at corner of Common and Sinclair St for site of recycling depot hastily removed when DA was lodged for proposed development. This site would be a better option for the proposed development as it would be in a semi industrial area.	
	One of the worst locations you could possibly consider for the proposed development, being the Northern gateway/entrance to Goulburn.	
	Council should use the land on the corner of Sinclair and Common street for waste or resource transfer station.	
	Vacant land is available at Common Street, why not place it there.	
	Recommend that the proposed development should be built out at the present waste site as there is a weigh bridge and not many residents.	

Category	Issues Raised	Response
Location (continued)	Unsatisfactory location aesthetically.	The suitability of this site is discussed at Section 6 of the assessment report.
	Can't understand why this site was chosen for this kind of facility, surely this would be better situated on the existing tip site or any other piece of vacant land that was not in the eye of the general public, the tourist and locals.	
	We don't see in any of the documentation why this would be considered intrinsic to this facilities function. Brief mention of using the railway in future to transport waste, this would not be a significant argument for this area being the best place for it.	
	Not against the facility or the benefits it could bring to the town but questioning the location.	
	Believes Goulburn should have a waste management facility but does not believe the subject site is the right place for it to be built.	
	Building a waste/recycling facility on the entrance to the township for all visitors to view is not an attraction to this beautiful city. There are many locations out of sight and close to rail line out of city view. Please consider.	
	Believe in recycling but not at the entrance to our city for all to view as they arrive.	
Flooding	Subject site is in an area prone to flooding and it has flooded in recent years.	Flooding is discussed at Sections 3 & 6 of the assessment report.
	Should the facility be flooded it would undoubtedly result in contamination of the surrounding area with water pollution, air quality issues and risks to wild life and natural elements in the area being some of the possible outcome of such event.	
	Proposed development would be impacted by flooding.	
	We are concerned about the location to the waterways. With recycling materials piling and decaying the soil area surrounding the facility will become soaked and drain into our waterway. This is a concern for the environment and the neighbouring properties. This land area was near flooded in Goulburn's 2011 floods. This is a health issue for all and the environment.	

Category	Issues Raised	Response
Water Quality	Excess water from this development would flow into the Mulwaree Ponds and any pollution form this excess water could pollute Sydney water. Any fines for pollution from this development would impact on residents of Goulburn as the costs would be passed onto the community.	Water quality is discussed at Section 6 of the assessment report.
	Proposed development is next to the river which in practice will be polluted.	
	Strongly opposed to this development, amazed that Council would even consider giving approval to this project especially in such close proximity to Mulwaree Ponds.	
	Sydney Water Board is concerned about stock even grazing the banks of the ponds let alone having a rubbish dump so close to this waterway.	
	The compaction of waste into containers would run off into the Mulwaree Ponds in heavy rain. Runoff from the waste site could leech into the Mulwaree Ponds and run into Sydney Water Catchments.	
	Cleaning the facility would be difficult if not impossible without the use of water, creating potential for water contamination.	
Site Contamination	Whether the issue of contamination has been considered due to the subject site is in proximity to a river that is a catchment area for Sydney water supplies.	The site has previously been deemed suitable for commercial or industrial land use by the soil validation report prepared by HLA. Contamination is discussed further at Sections 3 & 6 of the assessment report.
	Site should be tested for contamination due to previous use.	
Council/Application Process	Has Council undertaken any independent studies on issues such as air quality, dust and traffic pollution?	Council has not sought independent studies on these issues. These issues are discussed in Section 6 of the assessment report.
	Will Council guarantee submitters dwelling will not be affected by odour, dust and noise pollution, and land during a flood event will not be polluted with rubbish. Submitter thinks not.	The environmental issues relevant to this development are discussed at Section 6 of the assessment report.
	No letter drop from Laterals as there is no letter box, only PO Box, only knew about the proposal when Council sent a letter. Would have discussed concerns earlier if they had received Lateral's letter.	The DA was placed on public exhibition from 2 March, 2011 to 4 April, 2011. The DA was then re-exhibited from 6 July 2011 to 20 July 2011.

Category	Issues Raised	Response
Council/Application Process (continued)	Objection on grounds that the proposed development has only been addressed applying minimal environmental issues for such a large development. A development such is proposed will have significant impact upon this local area.	The environmental issues relevant to this development are discussed at Section 6 of the assessment report.
	Concerned about the affected locals being given a fair chance to oppose this facility, in section 3.9 it states that local people were contacted, well we were not contacted and did not receive a letter from Council.	The DA was placed on public exhibition from 2 March, 2011 to 4 April, 2011. The DA was then re-exhibited from 6 July 2011 to 20 July 2011.
	Disappointing that notification was not received earlier.	
Traffic	Major accident possible at Sydney Rd and Bridge St due to poor sight distances. Nothing in the DA to suggest poor sight distances at the intersection and due to speed of traffic on Sydney Rd, this could be dangerous.	This DA has been referred to Roads and Maritime Services which has stated that it does not object to the development. Traffic is discussed further at Section 6 of the assessment report.
	Concerns about traffic turning out of Bridge St onto Sydney Road, it would be very dangerous in foggy weather for vehicles entering and leaving the site.	
	Consider the amount of trucks rumbling through our town to access this facility, none of the mountains of submission documentation mentions any traffic impacts except for the Bridge St entrance, what happens after they pull away from that street.	
	Current pavement of Bridge St in poor condition.	
	Proposal does not include any acceleration or deceleration lanes on Sydney Road to allow heavy vehicles to enter and exit Bridge St. Poor sight distances onto Sydney Road from Bridge St in an 80km/h zone.	
	Concerns about pedestrian refuge island recommended in traffic impact statement, unsafe due to nature of movements.	
	We are concerned about the traffic increase on to a busy highway with an 80km/h speed limit. Large trucks will be turning in and about of this development from a small side road. Our concern is for road safety.	

Category	Issues Raised	Response
Noise	The DA shows that noise levels are acceptable but in reality what is acceptable to some may not be to others, with operational noise of the proposed development still affecting houses, businesses and retirement villages surrounding the proposed development.	Acoustic impacts are discussed at Section 6 of the assessment report.
	The noise that will be generated from this activity is a major concern. Suffering from an illness which results in fatigue issues, any increase in noise would have negative effects. Others affected by noise too, children, elderly, business.	
	Currently get noise from the Great Southern Railway and the Goulburn Mulwaree Depot which adjoins us.	
	Noise levels will be unbearable. This is a major concern to us and surrounding properties. This will affect our business	
Operations	The DA proposal exhibited by Council does not mention operating hours. This DA should not be approved until the council provides the nearby residents with all the information required in making a well informed decision. Council needs to be transparent.	The proposal would operate on a daily basis for 52 weeks of the year. Operating hours would typically be between 7am and 5pm Monday to Saturday, and 8am to 4pm on Sunday and Public Holidays (except for Christmas Day, Good Friday and Easter Monday).
	As a recycling facility we wish not to object, as a waste transfer station we object.	An assessment of all potential impacts is contained in Section 6 of the assessment report.
	Distressed by the proposed development, whilst the applicant has tried to counter issues by saying if they happen they will fix it. So we will have to wait then they will do something after we complain?	
	Not enough consideration taken into contingency planning, e.g. flooding and leakage into the waterways	Flooding and water quality are discussed at Section 6 of the assessment report.
Amenity/Economics	Property values will decrease dramatically.	Impacts on adjoining properties are discussed at Section 6 of the assessment report.
	Health issues, studies which conclude to avoid living near landfills.	The proposed development is not a landfill. Health issues are discussed at Section 6 of the assessment report.
	Odour will devalue property significantly.	Submission is based on property values being reduced as a consequence of reduced amenity. Amenity impacts are discussed at Section 6 of the assessment report.

Category	Issues Raised	Response
Amenity/Economics (continued)		
	Should not be allowed for health reasons, with funeral home, restaurant/function centre and child care centre in proximity of the proposed development.	Health issues are discussed at Section 6 of the assessment report.
	Odour from the proposed development would spoil the Fitzroy flats open space.	Odour impacts are discussed at Section 6 of the assessment report.
	Noise pollution from trucks will have a great impact on lifestyle.	Acoustic impacts are discussed at Section 6 of the assessment report.
	We have the most to lose from the building of this facility, it will: be directly in our line of sight; be directly in the line of smell emanating from it and carried by passing rail cars and breeze; be the recipient of the rats that will propagate as a result of this facility; and be bombarded with what could well be toxic dust.	Visual impact, vermin, odour and health impacts are discussed at Section 6 of the assessment report.
	Health concerns, odour could cause asthma attack.	Health issues are discussed at Section 6 of the assessment report.
	Long term plans to turn our house into a historic tourist site or b&b. There will be zero chance of business for a b&b with a scenic view of a waste transfer station in the short distance.	Visual impact is discussed at Section 6 of the assessment report.
	We have a beautiful 4 star motel property which visitors to Goulburn appreciate. They find the property luxury, peaceful and quality for a country town. Our logo is “a breath of fresh air” which will not be the case with a recycling facility or waste transfer station close by.	Odour impacts are discussed at Section 6 of the assessment report.
	This facility will attract vermin into the area and the waterways. This is an OH&S issue and health issue. Our business will be affected.	Vermin impacts are discussed at Section 6.8 of the assessment report.
Visual Impact	House is in direct line of sight of the proposed development.	Visual impact is discussed at Section 6 of the assessment report.
	Instead of seeing lovely little cottages like ours and the Mulwaree Ponds with its border of trees and the parklands adjacent to it they will be affronted with this smelly eyesore on the entrance of our town.	Visual impact and odour are discussed at Section 6 of the assessment report.
	Will be affected visually by the building, despite statements in section 4.8 – Visibility suggesting that there will be no adverse effects.	Visual impact is discussed at Section 6 of the assessment report.

Category	Issues Raised	Response
Flora & Fauna	Concerns that the effects of the proposed development on local wildlife has not been taken into account at all.	A Flora and Fauna Assessment has been prepared by Laterals to accompany the EIS. Flora and fauna is discussed at Section 6 of the assessment report.
	The river is home to several native species, how will both odour and noise pollution effect these populations? Why wasn't there a study included in the development proposal?	
	Concerns the proposed development will attract the ibis bird, will the ibis push out native species?	
Alternative Options for the site	This land should be developed by Council into parkland, or a nice scenic rest area.	The suitability of the site for the proposed development is discussed at Section 6 of the assessment report.

Second Exhibition – 6 July 2011 to 20 July 2011		
Category	**Issues Raised**	**Response**
Operations	Concerns regarding the handling of batteries, paint and tyres onsite, especially relating to fact that batteries contain acid, which could become very dangerous if mixed with other chemicals on site or if acid leaked into water supply. Also concerning relating to leaking paint which would cause major environmental issue if was washed into local Mulwaree Ponds. It also states that tyres, batteries, motor oils, paint tins are expected to be handled at the site. Under certain circumstances the above mentioned items can be very toxic and hazardous.	Water Quality is discussed at Section 6 of the assessment report.
	The operating hours as per response to submissions (no 10 iv) state that the site will operate from 7.00am to 5.00pm Mondays to Saturday and closed Sundays or (no10 v11) states operating hours will be 7.00am to 5.00pm Monday to Saturday and 8.00am to 4.00pm Sundays. Does this mean that the semitrailers will not be entering or leaving this site from 5.01pm to 6.59am Monday to Saturday or 4.01pm to 7.59am Sundays?	These are the operating hours included in the development description in the submitted EIS.
	When floods bigger than 1% enter the western part of the building all recyclables and putrescible waste will be located to the eastern side of the building. This means the facility will become non-operational and there would be a build up of waste and recyclables. If the facility is non-operational where would the waste and recyclables be dumped? Also if the flood waters are forecast to enter the eastern side all waste and recyclables would be transferred to Divall's quarry site at Towrang. The best option would be if the facility was built at Divall's quarry so there is no effect on north Goulburn and no flooding issues.	Flooding impacts are discussed at Section 6 of the assessment report.
	If the site becomes non-operational waste and recyclables would cause odours to be omitted. The odours would be worse if the waste and recyclables became wet from the floods and could cause an influx of vermin. During floods this would be a haven for vermin and snakes to seek refuge and cause a danger to workers and residents.	Flooding and vermin are discussed at Section 6 of the assessment report.

Category	Issues Raised	Response
Operations (continued)	Waste and recyclables stored in a confined area could lead to combustion and the threat of fire and this would cause an environmental nightmare.	Hazards and risk have been addressed at Section 6 of the assessment report.
	There will always be spills of materials, escapes of windblown items, and smells of both recycling and putrescibles that both the most common winds, westerly and easterly, will blow towards residential areas, and across the green space.	Odour is discussed at Section 6 of the assessment report.
	The risk assessment of hazardous materials placed carelessly in rubbish being mixed in the handling process to form dangerous combinations, therefore causing fire and explosion risks, does not seem adequately dealt with. The risk would be much easier to bear were this development not located so close to nearby established and proposed housing.	Hazards and risk have been addressed at Section 6 of the assessment report.
	There will be papers blowing everywhere.	Waste management has been discussed at Section 6 of the assessment report.
	They say this is not a tip but the presentation explicitly states that the centre will accept waste from the general public even on weekends, if this does not constitute a tip I don't know what does.	
	The hours of operation are unacceptable when the proximity to residences and surrounds is considered.	Impacts on adjoining properties have been addressed at Section 6 of the assessment report.
	The proponent places great emphasis on the proximity to the rail line when in fact he has no agreement with NSW State Rail to tap into the rail network at all, and is in fact on the WRONG side of the tracks to access the line running south towards the landfill at Tarago, this would be a major hurdle to overcome to ever utilise rail to remove the waste from the site.	Potential for the site to be connected to rail is discussed at Section 6 of the assessment report.
	The applicant keeps stating that asbestos will not be accepted at the facility but our understanding is that the EPA licence will contain a clause allowing asbestos wastes, this is done as a matter of course for waste receiving facilities because both domestic wastes and demolition wastes can never be guaranteed to be free of asbestos particles and of course impossible to determine on a quick visual inspection.	No licence is required from the EPA for this development.

Category	Issues Raised	Response
Operations (continued)	The applicant says waste bins will be capped each night to reduce odour, we doubt this will be enforced.	Compliance would need to be addressed if the DA were to be approved.
	I completely agree with the need to move Endeavour. They have outgrown their present site and deserve a site where they can grow and not be subjected to complaints from surrounding residents.	Site suitability has been addressed at Section 6 of the assessment report.
	The sorting work at the new site would mostly be undertaken in a shed like structure; and would be a big improvement on how such work has been conducted in the past.	Waste management is addressed at Section 6 of the assessment report.
	The development will be in close proximity with residences, in particular the retirement village and nursing hospital. Being downwind from the development, noise, dust, odour, vermin, will be a big problem for the village, and the centre will be open all day, seven days a week.	These issues have been addressed at Section 6 of the assessment report.
	Expert members of TGG came to the conclusion that the Goulburn Resource Transfer Station as planned poses no threat to the surrounding environment, including the wetlands. On the other hand it will significantly reduce the environmental footprint when it comes to the disposal of waste and recyclable materials in the Goulburn Region.	Impacts on adjoining properties and site suitability have been addressed at Section 6 of the assessment report.
Traffic	Vehicles form the proposed development would have to travel through Goulburn suburban streets. The added noise and odour would impact on the larger Goulburn community.	Traffic impacts are discussed at Section 6 of the assessment report.
	Added impact of semitrailers on the streets of Goulburn. Added transport would mean the upkeep of these streets would have to be brought forward from their original upgrade dates. Tarago Road is subject to flooding and is often closed in several places during heavy rain. In this case what would happen to the waste that was meant to be transported to the Woodlawn site?	
	The intersection of Bridge St and Sydney Rd is not an optimal intersection for the increased traffic that will need to join Sydney Road. While it may be possible to argue that the intersection can be made to work, it is still not an optimal situation.	

Category	Issues Raised	Response
Traffic (continued)	The entrance off Sydney Rd into Bridge St is very bad and will always be difficult and dangerous.	Traffic impacts are discussed at Section 6 of the assessment report.
	Increased heavy traffic; the noise pollution and pedestrian risk to our students will be increased.	
	Increased vehicular traffic.	
	Increased vibration from trucks.	
	The road base will be unable to cope with increased movements of heavy vehicles.	
	Traffic wise it will be unrealistic also, particularly during holiday periods.	
Visual Impact	The site is visible as people enter the town from the north and is in the scenic area bounded by Sydney Road, the Main Southern Railway and the old Crookwell Railway Reserve. This area is truly an asset to Goulburn.	Visual impact is discussed at Section 6 of the assessment report.
	Visual impact has been addressed by planting a row of trees, but this will take years for them to reach any sort of size. And the colour has been chosen to make it blend in with the council depot next door – so now instead of one ugly building on the edge of town we will now have two.	
	The current Endeavour Industries site in West Goulburn is a mess, a disgusting mess, this will now be transferred to the new site, and I look directly at it from my front door and believe this visual impact is not something that the north entrance to town needs.	
	To compare the visuals of the development to the Council depot nearby is ghastly, one eyesore is enough don't need another one.	
	No mention is made of visual impacts on the northern end of Grafton Street. If the building is more than 13m high it will take years for vegetation to grow to that height, especially if planted 2 or 3m lower than the building itself and Colorbond is not the answer to everything.	The proposed maximum height of the building is 12.43m.
	This enormous Colorbond shed will be right in our face, instead of seeing locomotives come out through the trees on the flats, they will suddenly emerge from behind a huge shed, a very ugly picture indeed.	Visual impact is addressed at Section 6 of the assessment report.

Category	Issues Raised	Response
Visual Impact (continued)	The proposed development would be in full view of road and train travellers and, to visitors to our biggest tourist draw card, the Goulburn War Memorial.	Visual impact is addressed at Section 6 of the assessment report.
Location	Less than 100 metres from the nearest house and the beginning of a residential area immediately across the railway line to the east of the proposed site. There are also houses 300 metres away on Reynolds Street.	Site suitability is discussed at Section 6 of the assessment report.
	Should Denrith win the tender, facilitate a land swap of land Council owns at the tip for the rehabilitated site in Bridge St. Turn the Bridge St site into green space and remove all structures from it. Land at the Council's tip is of course going to be used basically for the same purpose as it has been historically, and as the top is closed, is not good for any other purpose. Truck movements etc. will not be in addition to uses and the intersection of Common St and Sydney Rd appears to have none of the problems presented by the Bridge/Sydney Rd intersection.	
	Alternatively, some of the Council owned site cnr Sinclair and Common Sts could be swapped for the Bridge St site, however this might have issues of contention with surrounding land owners that would not be presented by the existing tip site.	
	If someone else wins the tender, make it contingent on using the existing tip site for building a similar development.	The tender process for any new facility is separate to the development assessment process.
	To allow better participation by disabled people sorting recycling, simply organize community transport to transport affected people to the site. The argument that the development has to be on the Bridge St site so that it is "in town" to facilitate attendance by Endeavour Industries staff simply does not stack up. Organise the transport support that the affected people deserve, and it can be located anywhere.	Site suitability is discussed at Section 6 of the assessment report.
	The argument that a waste handling development needs access to rail also does not stack up. The notion that rail transport of 2 containers per day is going to be economical seems far-fetched. Retaining a full train load of containers full of garbage on site is simply not acceptable. Hence, there is no need for the Bridge St site to be retained based on this argument.	

Category	Issues Raised	Response
Location (continued)	Proposed development is a good idea, but in absolutely the wrong place.	Site suitability is discussed at Section 6 of the assessment report.
	I believe the site should be on land out on Gorman Road, this has rail access and is out of the Goulburn residential area.	
	To put a rubbish tip at the subject property at the entrance to Goulburn is stupid. Everyone entering Goulburn from the North End must go past this rubbish tip.	
	You cannot make a 3rd rate site into a 1st rate site just by spending money on it. You always choose the ideal site and make it better.	
	The land owned by the Council on the corner of Sinclair and Common Sts was bought for this purpose. Why not use it?	
	The site on the corner of Sinclair and Common Streets is around 25 acres in size, and there is plenty of room for screening by trees, and placing the building back on the site. This would mitigate issues developing with residents around that area should a land swap be negotiated between council and the proponent so the facility can be built on that site.	
	I understand the need for Goulburn to have such a facility, my concern is the proximity of such a facility to a Primary school. I ask that this proposal be rejected and a more suitable location be sought.	
	Objection on location of the development, not about its proposed functions or the soundness of its design.	
	The proposed location is inappropriate as it is the entrance to town and will create a negative image.	
	Transfer station will be better placed at the current tip site.	
	Development is far too close to the motel and caravan park where large numbers of people stay.	
	The location of this proposed facility is an area of high value and should be protected from major developments for the residents of Goulburn and the wildlife and amenity of the river corridor.	
	The applicant has still not assessed alternative sites adequately and we believe they own suitable land elsewhere.	
	Do not agree with Bridge Street as the proposed site, which is on the banks of the river and very close to residential areas and school.	

Category	Issues Raised	Response
Location (continued)	The site is not very big and as Goulburn grows, as it will, it is unrealistic to think the development proposal will work on that site.	Site suitability is discussed at Section 6 of the assessment report.
	A site south of town in the sale yards area would be ideal for Endeavour. Little traffic and no need for garbage trucks back and forth past schools, residential and business areas.	
Water Quality/Flooding	Location of a potential source of pollution in disaster situations of flooding and hazardous materials incidents so close to a riverine habitat. It is also in the water catchment of both Sydney and Goulburn. Flooding events so far less than the Probable Maximum Flood will inundate the proposed site and can potentially remove hazardous chemical and biohazard materials from the site and put it into the river environment.	Flooding is discussed at Section 6 of the assessment report.
	It is on a river which will be polluted.	Water quality is discussed at Section 6 of the assessment report.
	Transfer station is positioned too close to the watercourse. In the event of a flood overflow, would cause impacts on the parkland and water catchment.	Flooding is discussed at Sections 3 & 6 of the assessment report.
	Where the shed is to be placed would not flood, but working the site, which is something that cannot just wait, but has to be done, would be badly affected.	
	The proposed development is in the catchment for Warragamba Dam, it is inappropriately close to the heart of Goulburn and sensitive environmental zones.	Water quality is discussed at Section 6 of the assessment report.
Council/Application Process	The applicant must be working speculatively based on the council likely giving these contracts to them, or with some kind of agreement in principle. The transparency of the tendering process for outsourcing Council's waste handling services, as well as the transparency and appropriateness of Council's deliberation over a proposal from which it will likely benefit should be demonstrated to the community before any approval proceeds.	This DA has been independently assessed.
	Conduct a proper tendering process to outsource the handling of Council's waste, if that is Council's intention.	The tendering process is separate to the assessment of the DA.

Category	Issues Raised	Response
Council/Application Process (continued)	Council enter into no contract with any provider that does not make use of land at the current tip facility. A similar waste transfer facility built there does not change the use of that site significantly for anyone to have any major objections to it.	Site suitability is discussed at Section 6 of the assessment report.
	Council must make representation to the JRPP to the effect that this proposed facility cannot take any waste from outside of Goulburn, so in case it is approved, the decision on where Goulburn waste is processed remains a community decision, and so that we don't end up with a facility processing outside waste in what will always remain a contentious location.	The proposed development does not intend to accept waste from outside the Goulburn Mulwaree LGA.
	The Denrith proposal can only say that it has an agreement with Endeavour Industries to utilise the site, however again the contract between Council and Endeavour is of an interim nature and will be subject to review with the tendering process now underway.	The tendering process is separate to the assessment of the DA.
	A proper, integrated consultation process, tendering process and then making a decision on a non-contentious, long term solution needs to be implemented.	
	I also believe it is a conflict of interest that the council is calling for expressions of interest for the future of Goulburn's current waste management centre and assessing this application. Maybe the ICAC should be informed.	
	The council has largely abandoned the North end of Goulburn it seems. If a proposal to build the development in question was lodged, to construct a waste handling centre 100 metres from residents in the South end of Goulburn, how would it be viewed?	Site suitability is discussed at Section 6 of the assessment report.
	Emphasis by the proponent on the need to position the facility by the rail for rail access in both the DA and presentation at council chambers at odds with their statement made that rail would not be used and was not a consideration.	Potential for the site to be connected to rail is discussed at Section 6 of the assessment report.
	An emphasis on the fact that the facility was to process local waste but they have no contract with local council to do so.	The proposed development does not intend to accept waste from outside the Goulburn Mulwaree LGA. The tendering process is separate to the assessment of the DA.
	How can the DA be approved when they are still in negotiation as to the process of putrescible waste? The outcome of that negotiation will make a huge difference to the DA approval process.	The development proposes to process 20,000 tonnes of putrescible waste per annum.

Category	Issues Raised	Response
Council/Application Process (continued)	Council has neglected its responsibilities in not notifying all nearby residents and businesses of the proposal. This is a major oversight.	The DA was placed on public exhibition from 2 March, 2011 to 4 April, 2011. The DA was then re-exhibited from 6 July 2011 to 20 July 2011.
	The flora and fauna assessment does not include any mention the flora and fauna of the Mulwaree River immediately beside this proposed waste handling facility. Frogs, platypus, water birds etc.	Flora and fauna is discussed at Section 6 of the assessment report.
	Response to submissions do no adequately address many of the submissions, e.g. the applicant says the building is of a similar scale and height to the council building which is totally false, by volume it is at least 3.7 times greater.	The proposed development is assessed against GMLEP 2009 at Section 3.3 of the assessment report.
	A deal between the applicant and the council to allow this facility to be built in the existing tip area would be a much better planning option.	Site suitability is discussed at Section 6 of the assessment report.
	Serious concerns about the level of communication that they have received from the Council and the proponent.	The DA was placed on public exhibition from 2 March, 2011 to 4 April, 2011. The DA has also been discussed at public meetings.
	Impact on water quality, creation of ongoing noise and vibration, reduction in air quality and increased traffic in the local area have not been significantly addressed by the proponent.	The impacts of the development have been addressed in Section 6 of the assessment report.
Air Quality	The odour issues I believe have not been adequately addressed, nor have the noise issues.	Odour and noise impacts have been considered at Section 6 of the assessment report.
	The impact of other pollutants from such a facility; noise, air and visual, would be detrimental to a school.	Odour, noise and visual impacts have been considered at Section 6 of the assessment report.
	There will be a bad odour there always regardless of what you do to stop it.	Air quality/odour is discussed at Section 6 of the assessment report.
	The air quality will be affected.	
	Odour from decomposition of putrescible waste.	
	The temperature inversion data is flawed, during winter months there is potential for inversions to occur during operating hours of up to 3 hours or more per day.	
	The applicants odour modelling is flawed as well, just what exactly do the results mean in real terms? The applicant does not categorically state that THERE WILL BE NO ODOUR emitted from the site.	

Category	Issues Raised	Response
Air Quality (continued)	Air vents for the building are on the western side of the building closest to the River Park and Reynolds Street and Grafton Street residences and the common north east winds mostly in the warmer months will blow the odour straight towards them.	Air quality/odour is discussed at Section 6 of the assessment report.
	The applicant's consultants seem to have poor knowledge of local prevailing wind directions and have provided no wind data that we could see.	
Noise	The odour issues I believe have not been adequately addressed, nor have the noise issues.	Odour and noise impacts have been addressed at Sections 6 of the assessment report.
	The increase in noise pollution created by such a facility being so close to our school will impact on our students.	Acoustic impacts are discussed at Section 6 of the assessment report.
	Although the site itself is about 100 metres away from our home the Bridge St entrance which will be used by a proposed 800 trucks per year is directly opposite and within 60 metres of our house, how unbearable will the noise and dust be from that alone.	Air quality and noise impacts have been addressed at Section 6.3 and 6. 5 of the assessment report.
	The noise that will be generated from this activity is of major concern.	Air quality/odour is discussed at Section 6 of the assessment report.
	In correct atmosphere noise will echo and be amplified across the river.	
	Noise from Council depot is currently audible, would be same for the proposed development.	
	Tin shed is an excellent acoustic chamber with no noise insulation properties.	
	Construction noise will be of great disturbance in the valley and once underway the noise from within the shed would then impact nearby residences 7 days per week, and every day of the year except for 3 days.	
Amenity/Economic	The potential to devalue properties has not been adequately addressed, after consulting two separate local real estate agents they have both informed me my property value will be decreased if the development goes ahead.	Impacts on adjoining properties are addressed at Section 6 of the assessment report.
	If this development goes ahead I will be selling up, where they don't have the tip in a residential area.	
	People's health issues are another major reason this should not be allowed to proceed.	Health impacts are discussed at Section 6 of the assessment report.

Category	Issues Raised	Response
Amenity/Economic (continued)	Construction vibration (vibrating compaction roller) may damage nearby heritage buildings (including our own) built with soft lime mortar on rubble foundations	Vibration impacts are discussed at Section 6 of the assessment report.
Alternative Options for the site	The property itself should be turned into a park.	Site suitability is discussed at Section 6 of the assessment report.
	Bridge Street site can be turned into a first class plant nursery, specializing in roses, with feature hedges of lilac.	

Late Submissions		
Heritage	Concern about the siting and the appearance of the proposed development within a historical precinct at North Goulburn.	Heritage impacts are discussed at Section 6 of the assessment report.
	This part of Goulburn represents our history.	
Visual	We believe strongly that this will visually intrude on the approach into Goulburn.	Visual impact is addressed at Section 6 of the assessment report.
	Goulburn is a beautiful city and has many grand features such as the viaduct crossing the Mulwaree river.	
	This part of Goulburn has even more potential to be landscaped into an impressive parkland area, impressing visitors to Goulburn as well as installing more pride to the residents of our city.	
Traffic	We have concerns about traffic management in this area.	Traffic is addressed at Section 6 of the assessment report.
	There is very poor access to the site. The development of any facility which will generate a substantial traffic flow to this site is inappropriate.	
Flooding	We are advised that its siting is dangerously close to river flooding levels.	Flooding is addressed at Section 6 of the assessment report.
	Site is in close proximity to the Mulwaree Ponds – a waterway which is subject to flooding in its own right. It is inappropriate to site a facility for the storage or collection of putrescent waste, and toxic materials where there is any risk of flooding.	
Location	Why are we putting a recycling centre at our front door?	Site suitability is discussed at Section 6 of the assessment report.
	The location is certainly a concern. The particular business of this proposed development is inappropriate so close to the city because of odour and risks associated with the storage or collection of large quantities of toxic materials.	
	An inappropriate site as it is within the built up area of Goulburn and in very close proximity to a number of residences and businesses.	
Application Process	I realise that this is a Council decision, but I believe that a State Government would be concerned enough about the environment, and so would be interested in this application process.	Certain Stage Government agencies have made submissions to the DA. These are discussed at Sections 4.2 & 6 of the assessment report.
Water Quality	No thinking person would ever believe that a waste dump would not affect the purity of the river and the water table. No number of reports would ever convince me that this would not be the case.	Water quality is addressed at Section 6 of the assessment report.

APPENDIX C
APPLICANTS RESPONSE TO SUBMISSIONS

RESPONSE TO SUBMISSIONS

RESPONSE TO SUBMISSIONS

ITEM	ISSUE	RESPONSE
1	It is noted that the application makes an assumption that Council's landfill facility will close in the short term prior to the proposed development becoming operational and there will be no cumulative impact as the landfill facility will close when the proposed development opens. This assumption is not supported by Council staff and cumulative impacts should be considered as part of the assessment.	The application does not assume that Council's landfill will close in the short term prior to the proposed development becoming operational. The EIS on page 15 states that "The proposed development is intended to provide a long term modern waste or resource recovery centre to permit the closure of the existing Goulburn land fill facility and relocation of the existing Endeavour Industries recycling facility." It is understood that the closure of the existing landfill will be at Council's discretion but this proposed facility will give Council the option to utilise a facility which will provide an innovative and long term sustainable facility for the disposal of waste in Goulburn. It is acknowledged that the proposed facility will not be economically viable without the putrescible waste component and the existing landfill and the putrescible component of this facility will not operate concurrently. Cumulative impacts are therefore not applicable.
2	Two submissions have been received by the Sydney Catchment Authority requiring additional information. Enclosed is a copy of their letters, setting out the information required. An electronic copy can be emailed to me on dianne.iames@qoulburn.nsw.qov.au so it can be forwarded on or you can include it on a disk with the additional information.	An electronic copy of the MUSIC modelling was forwarded to the SCA and Council on the 8 March 2011. See separate response below.
3	It is noted that neighbour notification submissions closed recently and a copy of the submissions is enclosed for your information. In order for Council to assess the submissions and any proposed mitigating impacts as part of the development application, it is requested that you address the comments raised in the submissions.	See separate response below.

4	It is noted that Section 9 of the Development Application Form has not included works under the Roads Act. It appears that works are proposed over public roads and will require a s138 approval under the Roads Act. This work can be included as part of the assessment if you wish to alter the application to now include sl38 Roads Act Approval otherwise a separate approval will be required separate to the development assessment process.	The extent of work within the public road reserve has not been finalised at this stage and it is understood that a separate approval will be required for any necessary works within the public road reserve.
5	A submission has been received by the RTA requiring additional information. Enclosed is a copy of their letter, setting out the information required.	See separate response below.
6	Pavement testing of Bridge St is required to determine remaining life of the road.	The applicant prefers not to carry out pavement testing on Bridge Street at this stage and suggests the following consent condition be imposed: *Prior to the issue of a construction certificate, the applicant is required to ascertain the structural adequacy of the road pavement in Bridge Street for construction and operational traffic and any pavement strengthening and widening is to be carried out at the applicants full cost.*
7	A response has been received by the DECCW noting that a licence is not required. Enclosed is a copy of their letter for your information and response. Please provide a breakdown of the proposed quantities of waste to be stored at the premises at any one time and any options considered for the retention or otherwise of the existing tree.	The only waste to be stored at the premises at any one time will be putrescible waste contained in the transportable bin. The bin is approx. 2.4m wide x 2.7m high x 12.3m long having a volume of 79.7m^3. Only one full container will be temporarily stored on site at any one time. The landscape plans indicate retention of the *Eucalyptus macarthurii* tree adjacent to the northern boundary of the property.
8	With regard to screen planting the following comments have been received by the Landscape Planner Jack Miller: a. Screen planting of trees has to be continuous (rather than broken i.e. with gaps) on the river side of the development. Species selected	An amended landscape A1 plan is attached indicating continuous tree plantings along the western boundary of the property as well as additional screening to reduce the visual impact of the development from the house and rail line.

	should have sufficient height to screen the building. Given that the site slopes away from the building it would be useful to illustrate on a section drawing how the planting will achieve the necessary screening. b. More screen planting is required on the south east boundary to reduce the visual impact of the development from the house and rail line.	
9	A submission has been received by the NSW Department of Health requiring additional information. Enclosed is a copy of their letter, setting out the information required.	See separate response below.
10	The plans on A3 are difficult to read including building dimensions and the building appears to exceed 13m in some of the elevations provided. Please provide detailed plans and justification.	Four copies of A1 plans are separately attached. The sectional plans indicate a lowest floor level of AHD 633.00 and a highest roof level of AHD 646.927 – a maximum height of 13.927m. Clause 4.3 (Height of Buildings) of the Goulburn Mulwaree LEP 2009 states; *(1) The objectives of this clause are as follows:* *(a) to ensure the height of buildings complements the streetscape or the rural character of the area in which the buildings are located,* *(b) to protect the heritage character and significance of buildings and avoid an adverse effect on the integrity of heritage items,* *(c) to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.* *(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.* The subject land is not identified as having a maximum building

		height on the Height of Building Map. Nevertheless the height of the building is similar in scale and height to the Council depot building. The Council depot building is approx. 90m long, 20m wide and 8m high. The highest section of the roof is at approx. AHD 647.00 The highest section of the roof of the proposed new building is at AHD 646.927 – essentially the same level. The proposed building therefore complies with the objectives of the above clause as; (i) the height of building does not detract from the existing streetscape, (ii) the building does not adversely affect the integrity of heritage items in the area, (c) the height of the building does not adversely affect the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views. See separately attached schematic drawing.
11	The method used to compact waste into sealed containers i.e. an excavator appears to be an inefficient and lead to more sealed containers being required to be transported on the local road system. The application should consider a more formal compaction system being used similar to what is being used in other modern waste transfer stations and be more ecologically sustainable development.	The proposed method of compaction for the putrescible waste is considered appropriate. The excavator will utilise a compaction plate to compact the waste in the bin to the maximum transportable weight of 23t. There is no necessity for greater compaction as the bin would not be able to be transported over public roads. Formal compaction systems are generally used where the transported weight is not critical e.g. rail transport where the bin weight is approx. 40t. The capital cost for a formal dedicated compactor is prohibitive (greater than $2m including specialised containers) and is not able to be justified for this relatively small scale operation. The Resource Recovery Centre at Moss Vale uses the bucket of a front end

		loader to compact the waste into the bins for road transport. See attached photograph 10.
12	Proposed stockpile management i.e. Plan and details showing proposed location of stockpiled storage containers/bins and bales, and type and maximum number of storage containers/bins and bales to be stored at any one time.	Plans indicating proposed storage areas are attached. The maximum volume of recyclable material stored at any one time will be 23t comprising approx. 15 bales. The maximum height of the bales will be 4m and will comply with BCA regulations. Cardboard bales are transported from the site daily.
13	The development has not adequately addressed clause 7.1 of Goulburn Mulwaree LEP 2009. Details should address each clause 7.1 and include: a. The quantity of fill placed within the Flood Planning Level and proposed source of fill. b. The risks associated with the development should be addressed by a Hydrological or Flood Engineer. How is the statement supported i.e. that the fill will not change the flow pattern of flood water and how will fill be controlled so as to avoid erosion and siltation. c. A Risk and Hazard Assessment as the development is located adjacent to the Wollondilly River and may contain potentially polluting materials. What are the likely risks and hazards for a flood which is greater than 1%? *(Clause 7.1 of the LEP states:* *(1) The objectives of this clause are as follows:* *(a) to maintain the existing flood regime and flow conveyance capacity,* *(b) to enable safe occupation and evacuation of land subject to flooding,* *(c) to avoid significant adverse impacts on flood behaviour,* *(d) to avoid significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,*	The relevant section of the Flood Planning Land Map is separately attached (Map 1) and indicates that the western section of the land is affected. The 1% flood level at this location is 631.6m and is shown at Figure 20 on page 42 of the EIS. The floor level on the western part of the building is 633.00 which is 1.4m above the 1% flood level. The floor level on the eastern part of the building is 634.5 which is 2.9m above the 1% flood level. The separately attached plans indicate that the proposed development is located outside the 1% flood zone and there will be no fill placed in this area and no impact on the flow of flood water. In respect to floods greater than 1% that are forecast to enter the western part of the building being 1.4m above the 1% flood level, all recyclables and putrescible waste located in this western part of the building will be temporarily stored in the eastern part of the building which is 2.9m above the 1% flood level. Clearly, if flood waters enter the western area of the building, the facility will become non-operational. If flood waters are forecast to enter the eastern side of the building, all recyclables and putrescible waste will be removed from the site and stored temporarily at Divall's quarry site at Towrang.

	(e) to limit uses to those compatible with flow conveyance function and flood hazard. *(2) This clause applies to land shown as "flood planning land" on the Flood Planning Land Map.* *(3) Development consent is required for any development on land to which this clause applies.* *(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development will not:* *(a) adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, or* *(b) significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, or* *(c) affect the safe occupation or evacuation of the land, or* *(d) significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, or* *(e) be likely to result in unsustainable social and economic costs to the community as a consequence of flooding, or* *(f) if located in a floodway:* *(i) be incompatible with the flow conveyance function of the floodway, or* *(ii) cause or increase a flood hazard in the floodway.)*	In respect to clause 7.1, it is advised: 1(a): The proposed development will not impact on the existing flood regime and flow conveyance capacity. 1(b): The proposed development will enable safe occupation and evacuation from the land. 1(c): The proposed development will have no significant adverse impacts on flood behaviour. 1(d): The proposed development will have no significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. 1(e): The proposed development is located outside the 1% flood zone area. 2: Noted; 3: Noted. 4(a): The proposed development will not affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties. 4(b): The proposed development will not alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain. 4(c): The proposed development will permit the safe occupation or evacuation of the land. 4(d): The proposed development will not detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. 4(e): The proposed development will not result in unsustainable social and economic costs to the community as a consequence of flooding. 4(f): The proposed development is not located in a floodway.

14	Potential for contamination does not appear to have addressed issues of potential contamination as a result of being adjacent to the great southern railway line.	The proposed facility is approx. 20m from the nearest railway track and whilst it is accepted that there may be some contamination immediately adjacent to the railway tracks, any level of contamination at the development site will be substantially reduced. In any event, the development site will be covered with concrete and bitumen sealed road base and essentially not disturbed.
15	Visual impact of the bulk and scale of the proposed building particularly from public places i.e. Mulwaree Ponds River Park, Reynolds Street and Rocky Hill.	Section 7 above indicates that the elevation of the proposed new building is similar to the existing Council depot building and top roof levels will be approx. the same. In respect to the visual impact from these specific locations; (i) Rocky Hill – the facility will essentially not be visible from this location as it is located to the north west of the Council depot building. See photograph 1. (ii) Reynolds Street – the facility will also essentially not be visible from Reynolds although it may be seen from the northern end of Reynolds Street and from Tennison Wood Reserve. The visual impact from these locations will be minimised by the use of external wall cladding being of the same colour of the Council depot building and landscaping. See photographs 2, 3 and 4. (iii) Mulwaree Ponds River Park – the facility will be visible from one location on the walking track generally north of the railway viaduct. The visual impact from this location will be minimised by the use of external wall cladding being of the same colour of the Council depot building and landscaping. See photograph 5. The photographs depict the existing Council depot building which can be visualised to represent the proposed new facility.

16	Confirmation of all external materials finishes and colours.	The external material of the building will be colour bond metal sheeting of an olive green colour to blend into the landscape with the existing Council depot building.
17	Any precautions required for building over the easement for signals and telecommunications (marked' as C' on Figure 6), any potential impacts of raising fill adjacent to the railway line. How will water escape from the railway line and potential impact of filling over the easement for water 10 wide (marked as 'A' on Figure 6)	The easement shown on DP 1117744 was required for overhead telecommunications and signals. This infrastructure has been placed underground within the railway corridor and the easement is no longer utilised.
18	The Director-General (D-G) requirements requested an assessment of alternatives. The Environmental Assessment considers the "do nothing option" but does not consider alternative sites. Alternative sites should be addressed as part of the D-G requirements.	In respect to this particular application, the land is owned by the applicant and his only other option is the "do nothing option". It is recognised that a waste or resource transfer station could be constructed on other appropriately zoned land subject to constraints and amelioration of any impacts. Certainly land in the vicinity of the existing land fill facility could be considered and may be suitable but the applicant does not own any land in this vicinity. Additionally, the adjacent railway siding provides a unique feature for the subject land which is not available at any other site. This facility will provide an option for the railway transport of waste to the Veolia Bioreactor at Tarago in the long term.
19	Clarification of the operational procedures for the use of the premises including machinery storage areas, staff and visitor operational procedures and any mitigating measures to reduce potential conflicts.	The facility will comprise three staff areas, viz. office area, weighbridge area and amenities area adjoining the main building. All staff will utilise these areas as needed. Machinery will be stored on the western floor area after hours when not in use. The materials recycling facility area will be separately enclosed from the general waste and recyclable areas to prevent accidental movement of staff into other operational areas and to provide an appropriate working environment. Visitors, other than those depositing waste or recyclables, will not be permitted on site without being accompanied by a

		member of staff. Staff will be available to assist and guide persons depositing waste or recyclables. Only staff will be permitted on the western operational floor area.
20	Location and plans of proposed advertising and road signage.	Directional road signage is expected to be erected at the intersection of Bridge Street and Sydney Road. Additional signage will be located at the entrance to the facility similar to that at the Moss Vale facility. See separately attached photographs 8 and 9.
21	Submission received raise the potential concern associated with temperature inversions on odour within the locality	Section 5.2 of the Noise and Vibration Impact Assessment prepared by Heggies Pty Ltd states that "Temperature inversions occur predominantly at night during the winter months. For a temperature inversion to be a significant characteristic of the area it needs to occur for approximately 30% of the total night-time during winter or about two nights per week. The INP states the following with regard to temperature inversions *"The night-time period for determining inversion frequency is from 1 hour before sunset to 1 hour after sunrise (taken to be 6 pm to 7 am), which is the time period during which inversions are most likely."* The proposed hours of operation for the site are 7.00 am to 6.00 pm, and therefore there is little or no potential for impact from temperature inversions and as such have not been considered as part of this assessment." Also, section 6.2.2 of the Air Quality Impact Assessment prepared by Heggies Pty Ltd states that "Diurnal variations in maximum and average mixing depths predicted by TAPM at the Project Site during 2009 are illustrated on Figure 12. It can be seen that an increase in the mixing depth during the morning, arising due to the onset of vertical mixing following sunrise, is apparent with maximum mixing heights occurring in the mid to late afternoon, due to the

		dissipation of ground based temperature inversions and the growth of the convective mixing layer." Temperature inversions will, therefore, not impact on odour modelling at this location. Also, the Air Quality Impact Assessment prepared by Heggies Pty Ltd states that "All odour sources at the Project Site have been identified and odour emission rates, based on previous assessments of waste transfer stations or landfills, have been applied. Atmospheric dispersion modelling of odour has indicated that at all surrounding residences, odour is predicted to be at concentrations less than 0.1 OU as a 99th percentile, 1 second average. The Project specific odour performance goal was assumed to be 6 OU. Based upon the results of this modelling assessment, it is not considered that the proposed Project will lead to an exceedance of the odour performance goal."(clause 9.1)
22	The development consists of a large isolated building and does not appear to comply with C2.2 of the BCA in its current form i.e. 18m clearance within the property boundary (unless road) for Fire Brigade access. Use of adjacent rail land does not comply with this part of the BCA and should be considered now to avoid modification of the DA at a later stage.	The attached amended plans indicate compliance with clause C2.3(a)(ii) of the BCA insofar that a sprinkler system and a 6m wide perimeter vehicle access will comprise part of the development. i.e. Clause C2.3 (Large Isolated Buildings) of the BCA states: "Large isolated buildings: The size of a *fire compartment* in a building may exceed that specified in Table C2.2 where— (a) the building does not exceed 18000 m^2 in *floor area* nor exceed 108000 m^3 in volume, if— (ii) the building is Class 5 to 9 and is— (A) protected throughout with a sprinkler system complying with Specification E1.5; and (B) provided with a perimeter vehicular access complying with C2.4(b);

		(b) Vehicular access required by this Part— (i) must be capable of providing continuous access for emergency vehicles to enable travel in a forward direction from a public road around the entire building; and (ii) must have a minimum unobstructed width of 6 m with no part of its furthest boundary more than 18 m from the building and in no part of the 6 m width be built upon or used for any purpose other than vehicular or pedestrian movement; and (iii) must provide reasonable pedestrian access from the vehicular access to the building; and (iv) must have a load bearing capacity and unobstructed height to permit the operation and passage of fire brigade vehicles; and (v) must be wholly within the allotment except that a public road complying with (i), (ii), (iii) and (iv) may serve as the vehicular access or part thereof."
23	How can the building satisfy the BCA if ownership of Lot RC is not obtained?	The BCA provisions will apply to the building and all parties have consented to the lodgement of the development application. The applicability of the BCA over more than one lot can be addressed by a consent condition requiring consolidation of the affected parcels of land.
24	It is likely that asbestos may be found within building waste and the like. Where is asbestos proposed to be stored and how is it proposed to be contained / controlled.	In respect to asbestos, the EIS contains the following statement "Asbestos will not be received at this facility, however, in the event that asbestos and in particular, friable asbestos products that pose health risks during removal and transport and disposal, will be handled appropriately. The disposal of waste asbestos, whether of industrial origin or domestic origin, is controlled by the EPA." (page 105) "Incoming loads will be inspected to ensure that only acceptable materials from domestic sources are deposited and that

		acceptable materials are deposited in the appropriate place. Where potentially hazardous wastes (such as asbestos, batteries or oils) are expected at the facility, the Site Operations Manual will specify procedures for safe storage, handling and emergency response. Personnel handling wastes will be appropriately trained, equipped and clothed. Employees will be trained in emergency procedures and suitably trained personnel will be available to respond in the event of an emergency. Prominent signs regarding the handling of hazardous wastes will be displayed. Material Safety Data Sheets will be held on-site for any hazardous substances or dangerous goods likely to be received, stored or used on-site. Arrangements will be made for a licensed contractor to collect hazardous materials as soon as practicable, making sure that relevant transport certification requirements are adhered to. Any loading or unloading of hazardous materials will occur only in the presence of trained staff or contractors." (page 104)
25	Confirmation that volumes of materials do not exceed thresholds for potentially hazardous, offensive or dangerous goods in accordance with SEPP 33 guidelines.	See separately attached SEPP 33 Assessment which concludes that the proposed development is not potentially hazardous nor offensive and does exceed screening thresholds provided in the NSW Department of Planning publication "Hazardous and Offensive Development Application Guidelines" January 20011.
26	With regard to Odours: a. The Odour Assessment has not identified any local sources. It is noted that the Council's Waste Facility has no short term intention of closing. Submissions have also raised concerns from existing odours from Council's Sewage Treatment Farm and the impact of temperature inversions trapping the odours within the valley. b. The population impacted from odour is estimated within the category of 10-30, concern has been raised that the travelling	(a) Section 1 above states that "It is acknowledged that the proposed facility will not be economically viable without the putrescible waste component and the existing landfill and the putrescible component of this facility will not operate concurrently. Cumulative impacts are therefore not applicable." In respect to the impact of temperature inversions, section 5.2 of the Noise and Vibration Impact Assessment prepared by Heggies Pty Ltd states that "Temperature inversions occur

	community (along Old Sydney Road and the Great Southern Railway Line) along the entrance to Goulburn and will detect odour and this will have a detrimental impact on Goulburn's tourism. c. Impact of trains on odour dispersion. d. What is the predicted odour emissions within the shed and to neighbours when the shed is opened at 7am Monday to Saturdays and 8am on Sundays and Public Holidays after being locked up? e. It is argued that odour will disperse out the doors (not just the louver windows).	predominantly at night during the winter months. For a temperature inversion to be a significant characteristic of the area it needs to occur for approximately 30% of the total night-time during winter or about two nights per week. The INP states the following with regard to temperature inversions *"The night-time period for determining inversion frequency is from 1 hour before sunset to 1 hour after sunrise (taken to be 6 pm to 7 am), which is the time period during which inversions are most likely."* The proposed hours of operation for the site are 7.00 am to 6.00 pm, and therefore there is little or no potential for impact from temperature inversions and as such have not been considered as part of this assessment." Additionally, it should be noted that the putrescible waste bins will be capped and sealed when full and ready for transport to the Veolia site at Tarago with no odour able to escape and at the end of each day, any putrescible waste bin not full will be capped and sealed overnight to prevent escape of any odours. (b) The Air Quality Impact Assessment prepared by Heggies Pty Ltd states that "Based upon the results of this modelling assessment, it is not considered that the proposed Project will lead to an exceedance of the odour performance goal."(clause 9.1) Therefore, there will be no odour detectable to the travelling community in Goulburn. (c) Trains will have no impact on the dispersion of odour as air vents for the building are above the train lines and located on the western side of the building away from the rail lines. (d) As all putrescible waste bins will be sealed outside normal operating times, there will be no accumulation of odour in the facility during these periods. The Air Quality Impact Assessment prepared by Heggies Pty Ltd states that "The natural buoyancy

		of the air within the building will make the odours rise towards the ceiling of the building. All air exiting the building is therefore assumed to depart through the open louvres on the building ridge. For the purposes of this assessment, it is assumed that no odour emissions will escape through the open roller doors."
27	With regard to the Noise and Vibration assessment it is noted that adjacent uses vary from Place of Worship, Passive Recreation, School playgrounds. Commercial uses including offices occur at the Council Works Depot. What are the predicted impacts on the uses other than residential uses in the locality? In accordance with Clause 110 of the Environmental Planning and Assessment Regulations 2000 the period allowed for Council to determine your application is stopped until after you have provided the information, or advised that the information will not be provided. This information is required to be lodged within 2 months from the date of this letter. Please provide the information, to Council, so it can be forwarded on. Should the applicant not meet this deadline, Council will proceed to assess the application in its current form and without the requested information. Four copies of the additional information and any amended plans are required for the referrals and assessment process. Please contact me on (02) 4823 4454 if you wish to discuss this matter further.	The Noise and Vibration Impact Assessment prepared by Heggies Pty Ltd includes a table of Recommended LAeq Noise Levels from Industrial Noise Sources (Table 4) which indicates the following recommended maximum LAeq(Period) Noise Levels (dBA); Residence Urban Day (65dBA) Place of Worship Internal (45dBA) Passive Recreation (60dBA) School Playground (60dBA) Commercial Premises(70dBA) Table 18 of the report includes predicted daytime noise levels of: Crundwell Street (42dBA) GMC Depot (49dBA); which are below the levels above. Therefore, the predicted operational noise levels at the Place of Worship (Crundwell Street), Passive Recreation (Mulwaree Ponds River Park), School playgrounds and Commercial (GMC Depot) will be below the recommended maximum levels. In respect to vibration, the report states that "Vibration levels from operation of the development are predicted to be negligible at all receiver locations." This would apply to the Place of Worship (Crundwell Street), Passive Recreation (Mulwaree Ponds River Park), School playgrounds and Commercial (GMC Depot).

SYDNEY CATCHMENT AUTHORITY		
1	The SCA's original advice requested information on leachate management, with leachate defined as any water that comes in contact with any of the waste material stored on the site, whether that material is just received, or has been processed and stockpiled plan. The EIS contains information on the management of minor spills (leachate) by absorbents, but this type of management is not suitable for a major spill where water or any other fluid would come into contact with waste. A method to contain and manage a major spill so that all liquid is contained at the site and then treated or processed is required.	The supplementary information provide to Council on the 12 April 2011 indicated that the operations will not generate significant amounts of leachate as all operational components are essentially dry in nature. It is acknowledged that there may be some minor spillages which will be handled by appropriately trained staff with spill control kits. It is also proposed that: (i) four (4) dry wells approx. 1m square and 1.5m deep will be located throughout the building as indicated on the attached plans 5175-113 and 5175-114. (ii) the building floor levels be 100mm lower than the ingress / egress locations providing a liquid storage volume of approx. 194,400 litres on each level. (iii) the lower level will contain an additional pit (putrescible waste bin pit) having a liquid storage volume of approx. 55,000 litres for the storage of any leachate. The total liquid storage volume at the lower level is approx. 250,000 litres. (iv) all liquid leachate will be pumped into a tanker for transport to the Veolia Bioreactor at Tarago for disposal. (v) no leachate will be discharged from the building to adjoining lands. This will contain any major spill.
2	The Water Cycle Management Report makes no mention of the Soil Validation Report quoted in the EIS. As the Soil Validation Report states that there are elevated levels of TPH and PAH in the soil and groundwater, the proposal that there be infiltration from the stormwater treatment devices is not acceptable as any additional water may cause the mobilisation of any already in the soil pollutants. Other treatment measures	Section 4.9 of the EIS considers contamination from the previous fuel storage use on the site the Soil Validation Report completed by HLA-Envirosciences Pty Ltd concluded that ".. the Site is considered to meet the land use criteria for commercial of industrial landuse, provided groundwater is not used." The proposed development does not use ground water and the Water Cycle Management report states that "Groundwater vulnerability mapping (NRATLAS.com.au) shows

	that do not include infiltration are to be proposed and included in the model.	the site is in a moderate groundwater vulnerability area (Figure 6). This is a function of the site being on a footslope grading to the Mulwaree River. Free water was not found in any of the test pits. There are no groundwater bores on, or near the site (Figure 6). Subsurface drainage is imperfect due to the clay rich subsoils, although their good structure suggests that groundwater is able to move through them. Predominant greymottling is found just above the bedrock showing that water concentrates and flows along this interface. We do not expect groundwater to be close to the surface at this site." (page 8) and "The site is in a moderate groundwater vulnerability area but we expect the effect on groundwater to be minimal because: • Groundwater is not close to the surface; • All processing will be done inside, on a sealed surface; and • Spill control measures are proposed for hazardous substances." (clause 4.6) The Soil Validation Report also states that "Elevated TPH and PAH concentrations higher than the SRC were noted in groundwater on the site. However, as groundwater at the site appears to be perched, the risk of migration to the river and surrounding ecosystems is considered low. The elevated concentrations of dissolved nickel and zinc are likely related to background conditions." The amended conceptual stormwater drainage plan does not include a storage dam and all stormwater will be directed across grass swales to improve water quality. Any irrigation of the grass swales will be carried out to supply enough water for vegetation to grow but not enough to cause infiltration. The proposed development will have a neutral or beneficial effect on water quality.

ROADS AND TRAFFIC AUTHORITY		
1	The SWEPT path diagrams provided do not comply with RTA requirements as vehicles are shown turning from a stationary position. However, if AUSTROADS templates are applied vehicles can make the turn as suggested by ML Traffic Engineers. A 19.0m semi-trailer can only make the left turn from the left lane in Sydney Road if it uses the full width of Bridge Street. Due to the low traffic volumes in Bridge Street this is acceptable.	The acceptance of the left turn from Sydney Road is noted.
2	The RTA does not support ML Traffic Engineers' recommendation for a painted pedestrian refuge island on the Bridge Street approach. Pedestrian refuge islands must be raised and constructed to RTA standards, however, a raised pedestrian refuge island at this location would interfere with the turning paths of trucks entering Bridge Street. The proponent should reconsider pedestrian flows at this location and provide amended plans. If the pedestrian flows are found to be significant the proponent should investigate alternative options to provide safe crossing for pedestrians.	The RTA Technical Direction Notes TDT 2001/04a "Use of Traffic Calming Devices as Pedestrian Crossings" provides a Risk Management Proforma to; • determine the risk associated with traffic calming devices which are also used as pedestrian crossings; and • determine the most appropriate remedial measures. The Predicted Hazard Index (PHI) is calculated as: PHI = ((LxSxSxPxV)/1000000000)xNWF L = length of crossing =14; S = 85th percentile speed of traffic = 25; P = pedestrians per hour =2 (observed 3.00pm to 4.00pm 2 June 2011); V = vehicles per hour = 21; NWF = weighting factor =1x1x1x4x1 = 4 and PHI = ((14x(25x25)x2x21)/1000000000)x4) = 0.00147 A PHI < 50 is considered low risk. At this location, the pedestrian hazard risk is extremely low and any pedestrian crossing device is not warranted at this stage.
3	In addition, the RTA does not support ML Traffic Engineers' recommendation for a barrier line across the Sydney Road intersection. This should be removed from the development plans.	The removal of the barrier line across the Sydney Road intersection is accepted.
4	Once the above issues are addressed to its satisfaction the RTA does not object to the development application in principle.	All the issues raised by the RTA have been satisfactorily addressed.

DEPARTMENT OF ENVIRONMENT , CLIMATE CHANGE AND WATER		
1	The Flora and Fauna Assessment indicates that a single, mature *Eucalyptus macarthurii* located on the northern boundary of the site is likely to be removed to allow for the proposal. *E.macar hurii* is listed as vulnerable under the Threatened Species Conservation Act 1995. DECCW notes that an Assessment of Significance has determined that no significant impact is likely. The proponent should, however, investigate options to avoid this impact by retaining this individual if it is not located within the development footprint.	The landscape plans indicate retention of the *Eucalyptus macarthurii* tree adjacent to the northern boundary of the property.
2	It is suggested that Council formalises a throughput tonnage limit (per annum) in line with the proposal (28,000 tpa) in any consent conditions it may issue in respect of the proposal. It is also suggested that a tonnage limit for waste/recyclables stored on the premises at any one time" is imposed in consent conditions. Schedule 1 of the POEO Act states that a Resource Recovery or Waste Processing facility is a scheduled activity (and requires an EPL) if more than 2,500 tonnes or 2,500 m3 (whichever is the lesser) of waste is stored at the premises at any one time. It is suggested that such a limit be imposed on the facility to ensure excess waste is not stockpiled for lengthy periods of time and so the facility remains under the licensing thresholds in the POEO Act.	The proponent has no objection to these limitations being imposed as consent conditions.
DEPARTMENT OF HEALTH		
1	Odour and Dispersion modelling appears to be mainly based on previous assessment of landfills, which would not generally be located within an urban area, and being outdoors, would have different dispersion characteristics.	The Air Quality Impact Assessment prepared by Heggies Pty Ltd states that: (i) "In order to calculate all required meteorological parameters required by the dispersion modelling process, meteorological modelling using The Air Pollution Model (TAPM) meteorological model (Version 4) has been implemented. TAPM, developed by the

		Commonwealth Scientific and Industrial Research Organisation (CSIRO) is a prognostic model which may be used to predict three-dimensional meteorological data and air pollution concentrations, with no local data inputs required. TAPM model predicts wind speed and direction, temperature, pressure, water vapour, cloud, rainwater and turbulence. The program allows the user to generate synthetic observations by referencing databases (covering terrain, vegetation and soil type, sea surface temperature and synoptic scale meteorological analyses) which are subsequently used in the model input to generate site-specific hourly meteorological observations at user-defined levels within the atmosphere." (clause 6.2) (ii)"The dispersion modelling carried out for the Project utilises the United States Environmental Protection Agency (US EPA) approved CALPUFF Dispersion Model software. CALPUFF is a transport and dispersion model that advects (or puffs) material emitted from modelled sources, simulating dispersion and transformation processes over time. In doing so it typically uses the meteorological fields generated by CALMET, although can utilise a single station meteorological file generated by for example TAPM, as is the case within this assessment (refer Section 6.2). The primary output files from CALPUFF contain either hourly concentration or hourly deposition fluxes evaluated at selected receptor locations. The CALPOST is then used to process these files, producing tabulations that summarise results of the simulation." (clause 7) (iii)"All odour sources at the Project Site have been identified and odour emission rates, based on previous assessments of waste transfer stations or landfills, have been applied. Atmospheric dispersion modelling of odour has indicated that at all surrounding residences, odour is predicted to be at concentrations less than 0.1 OU as a 99th percentile, 1 second average. The Project specific odour

		performance goal was assumed to be 6 OU. Based upon the results of this modelling assessment, it is not considered that the proposed Project will lead to an exceedance of the odour performance goal."(clause 9.1) These statements indicate that the location of the proposed facility has been considered in the dispersion modelling which indicate very low odour emissions.
2	Assumptions are based on the enclosing of the processes within a building, however the large roller doors at each end of the building may be open during operation, and odours may escape through these openings as well as the louvers in the roof.	The Air Quality Impact Assessment prepared by Heggies Pty Ltd states that "The natural buoyancy of the air within the building will make the odours rise towards the ceiling of the building. All air exiting the building is therefore assumed to depart through the open louvres on the building ridge. For the purposes of this assessment, it is assumed that no odour emissions will escape through the open roller doors." The width of the doors on the eastern side of the building have also been reduced in size.
3	The East West orientation of the building may increase the likelihood of odour and windblown material escaping during high winds.	The building orientation is generally south west to north east and the building will not be adversely affected by westerly winds. No windblown material will be permitted to escape the building.
4	In item #4.12 "Hazards and Risks" the report states that a formal risk management process will be established to encompass health and safety concerns. However these concerns must be addressed prior to Development Consent, as management practices will influence the health impacts of the operation on adjoining properties, including the motels and restaurants to the east of the development.	Section 4.12 (ii) of the EIS identifies comprehensively the health and safety concerns regarding the proposed development. The EIS states that "A Site Operations Manual will be developed to include a risk management process as outlined in Australian Standard AS 4360 to; • Establish the context and establish criteria against which risk will be evaluated and define the structure of the analysis. • Identify what, why and how problems can arise as the basis for further analysis. • Analyze risks and determine the existing controls and analyze risks in terms of consequence and likelihood in the context of those controls. • Evaluate risks and compare estimated levels of risk against the pre-

		established criteria to identify management priorities. • Treat risks and accept and monitor low-priority risks. • Monitor and review the risk management system. • Communicate and consult with internal and external stakeholders as appropriate at each stage of the risk management process and concerning the process as a whole. The Manual is needed to ensure the facility is safe for staff and customers, does not impact on the local environment and does not cause a nuisance for neighbours and also to ensure that the site runs efficiently and effectively." (page 100) It is appropriate for this requirement to be included as a consent condition.
5	There appears to be minimal information about the processes undertaken in the building. The compacting of general waste in the same building where manual sorting of recyclables is also undertaken would be undesirable, due to the risk of explosions and release of potentially toxic gases and fumes.	The attached amended plans indicate that the manual sorting of recyclables will be undertaken in an area separated from the general waste and recyclable area.
PUBLIC SUBMISSIONS		
1	Permissibility: • issue discussed above. • Conflicts with the objectives of the zone (promote businesses along the main roads and encourage a mix of permissible uses). • Height and bulk of building contradicts objectives for floor space ratio • Close to zone boundaries of RU1 Rural Landscape (river parkland) and E3 Environmental Management (Hetherington Street area)	(i) In respect to the permissibility of the proposed development, the EIS contains the following statement regarding the B6 zoned land: "It will be noted that "waste or resources management facilities" which is defined as a waste or resource transfer station, a resource recovery facility or a waste disposal facility is included as a prohibited development under the Goulburn Mulwaree LEP 2009. However, clause 121(2) within Division 23 of State Environmental Planning Policy (Infrastructure) 2007 includes the following provision: Clause 121(2): Development for the purposes of a waste or resource transfer station may be carried out by any person with consent on: (a) land in a prescribed zone, or

		(b) land in any of the following land use zones or equivalent land use zones: (i) B5 Business Development, (ii) B6 Enterprise Corridor, (iii) IN2 Light Industrial, (iv) IN4 Working Waterfront, In accordance with this SEPP, a waste or resource transfer station is defined as a facility for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport. The proposed development complies with this definition. Accordingly, the development application is able to be approved by the consent authority." (page 17) (ii) The objectives of the B6 zone are satisfied as the proposed development is adjacent to a main road (Sydney Road), will provide a range of employment opportunities but does not include retail activity. (iii) The subject land is not identified on the Height of Buildings map as being in an area subject to height restrictions under the Goulburn Mulwaree LEP 20019. The land is identified on the Floor Space Ratio map under the Goulburn Mulwaree LEP 2009 where clause 4.4 states: (1) The objectives of this clause are as follows: (a) to ensure the bulk and scale of development does not have an unacceptable impact on the streetscape and character of the area in which the development is located. (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

		The applicable floor space ratio is 0.8:1. On this particular site the floor space ratio is 3888 m^2 : 24,700 m^2 or 0.16:1. The proposed development complies with the floor space ratio. (iv) The subject land adjoins RU2 zoned land to the north west and is separated from E3 zoned land to the south by the railway corridor. The proposed development will have no impact on these lands.
2	Suitability of site close to residences: • Better located close to or part of the existing waste depot or South Goulburn (where there is a suitable interchange) • Better to use Council owned land near the waste depot (land since sold) • Visibility to dwellings and entrance/gateway to Goulburn (Old Hume Highway) • Visual bulk of the building • Height of the building over 12.4m exceeds LEP height restrictions of 8m (LEP restriction does not apply to this zone) • Neighbour had future plans to convert dwelling to historic tourist site and B&B • Question the likelihood of future rail adaptability (significant costs and changes would be required) • Question acceptable impacts to adjacent development including houses and river parkland.	(i) The subject land is not located close to residential zoned land which is generally approx. 250m away and separated from the site by the Mulwaree Ponds River and Sydney Road. However, the proposed development is located close to one existing dwelling in Bridge Street. The expert reports have considered the impact at this location and conclude that any impact will be negligible. e.g. the predicted odour concentration is <0.1(OU) compared to an impact assessment criteria of 6(OU). This site has been selected in respect to the following criteria as detailed in section 2.10 of the EIS: • Buffer distances. • Site history. • Transport. • Natural Conditions at the Site. • Supporting Infrastructure. There would certainly be other sites where this development could be located but the unique feature at this particular site is the availability to a railway siding which could be used for the transport of waste by rail in the future to reduce the impact on the local road network. (ii) The facility will be visible from residences in the area but it is believed that the use of a sympathetic external material (colour bond sheeting) together with landscaping will minimise any visual impact. The facility, being located approx. 200m from Sydney Road together

		with substantial roadside vegetation in Sydney and landscaping, will not be visually imposing to traffic using Sydney Road and will essentially not be visible to south bound traffic. (iii) The visual bulk of the building will be similar in scale to the existing GMC depot building and will not be imposing. (iv) The subject land is not identified on the Height of Buildings map as being in an area subject to height restrictions under the Goulburn Mulwaree LEP 20019. (v) The proposed development will not adversely affect any future developments in the area nor adversely affect surrounding land uses. (vi) The adjacent railway siding is certainly an important consideration for the site but the future utilisation of this facility will depend on many factors to be considered in due course. (vi) All expert reports conclude that the proposed development will have negligible impacts in the area.
3	Location: • eyesore/visible to tourists and residents driving into Goulburn	The facility, being located approx. 200m from Sydney Road together with substantial roadside vegetation in Sydney Road and landscaping, will not be visually imposing to traffic using Sydney Road and will essentially not be visible to south bound traffic. The facility will be momentarily visible to traffic travelling north at the bridge over the Mulwaree Ponds. The visual impact will be similar to that of the Council depot as depicted at Photographs 6 and 7.
4	Traffic: • Issues of traffic travelling through the city if the destination is south i.e. no south bound link at the northern interchange into Goulburn • Poor condition of Bridge Street and deterioration from trucks • SWEPT paths take up both lanes of Bridge St • Pedestrian safety along SWPT paths • Safety concerns with vehicles entering and exiting Bridge	(i) Traffic through the city will utilise the following routes: • Recyclable products transported to Sydney will utilise Bridge Street, Sydney Road (east) (MR 676) to access the Hume Highway – all being classified roads except for Bridge Street. • Recyclable products transported to Albury, Tumut and the ACT will utilise Bridge Street, Sydney Road (west) (MR 676), Auburn Street (MR 676), Clinton Street (MR 676) and Hume / Cowper Street (MR 676) to access the Hume and Federal Highways. All roads are

	Street at the same time • Need for acceleration and deceleration lanes in Old Sydney Rd • Impacts on nearby Nth Goulburn Schools • Potential vibration impacts on heritage buildings in the city of Goulburn • Traffic safety during foggy weather • Limited site distance • Pavement testing of Bridge St to determine remaining life (Council Eng)	classified roads except for Bridge Street. • Putrescible waste transported to the Veolia Bioreactor at Tarago will utilise Bridge Street, Sydney Road (west) (MR 676), Union Street, Reynolds Street, Grafton Street, Sloane Street, Braidwood Road (MR 79), Bungendore Road (MR 268) and Collector Road. Expected traffic generation from the site is up to two semi-trailers per day of recyclable materials and up to 3 semi-trailers per day of putrescible waste distributed between the above routes. This additional level of traffic is low and will have no significant impact. (ii) Bridge Street is currently in a generally good condition and the applicant suggests the following consent condition be imposed: *Prior to the issue of a construction certificate, the applicant is required to ascertain the structural adequacy of the road pavement in Bridge Street for construction and operational traffic and any pavement strengthening and widening is to be carried out at the applicants full cost.* It is also expected that a consent condition pursuant to Council's s94 Developer Contributions Plan will apply for on-going maintenance of the local road network. (iii) The RTA advises that "A 19.0m semi-trailer can only make the left turn from the left lane in Sydney Road if it uses the full width of Bridge Street. Due to the low traffic volumes in Bridge Street this is acceptable." (iv) At this location, the pedestrian hazard risk is extremely low and any pedestrian crossing device is not warranted at this stage. (see Section 2 of RTA comments above) (v) The Traffic Impact Assessment prepared by ML Traffic Engineers states that "There is no need for additional road based infrastructure since the intersection performs adequately. There are no traffic engineering reasons why a development application for the proposed

		waste or resource transfer station on Bridge Street, Goulburn should not be approved." (page 33) There is therefore no requirement for acceleration and deceleration lanes on Sydney Road. (vi) All expert reports conclude that the proposed development will have negligible impacts in the area which includes North Goulburn School and heritage buildings in the city. (vii) Fog affects traffic safety generally and will be no more or less significant at this location than other locations in Goulburn. (viii) In respect to sight distance, The EIS states that "In respect to sight distance at the Bridge Street / Sydney Road intersection, the sight distance available to the west is approx. 400 metres and to the east, approx. 250 metres." (page 73) and "The Austroads Guide to Road Design (2009) identifies a Safe Intersection Sight Distance for an 80kph design speed of 181 metres (reaction time of 2.0 seconds).The sight distance at the subject intersection exceeds this minimum standard." (page 74) (ix) As noted above, the applicant suggests the following consent condition be imposed in respect to pavement testing on Bridge Street: *Prior to the issue of a construction certificate, the applicant is required to ascertain the structural adequacy of the road pavement in Bridge Street for construction and operational traffic and any pavement strengthening and widening is to be carried out at the applicants full cost.*
5	Dust & Odour: • to nearby residence • Potential contamination from asbestos • Potential contamination from previous use as fuel storage and need to test and remediate	(i) The proposed development is located close to one existing dwelling in Bridge Street. However, the expert reports have considered the impact at this location and conclude that any impact will be negligible. e.g. the predicted odour concentration is <0.1(OU) compared to an impact assessment criteria of 6(OU).

	• Odour to escape out the roller doors • Easterly winds to carry odour to North Goulburn • Temperature inversion hold odours from the sewage farm in the locality (approx. 1 k away) • Potential for windblown litter onto Sydney Road, old Hume Highway • Major input will be general waste (20 000 tonnes) minor use will be recycling (8 000 tonnes).	(ii) In respect to asbestos, the EIS contains the following statement "Asbestos will not be received at this facility, however, in the event that asbestos and in particular, friable asbestos products that pose health risks during removal and transport and disposal, will be handled appropriately. The disposal of waste asbestos, whether of industrial origin or domestic origin, is controlled by the EPA." (page 105). "Incoming loads will be inspected to ensure that only acceptable materials from domestic sources are deposited and that acceptable materials are deposited in the appropriate place. Where potentially hazardous wastes (such as asbestos, batteries or oils) are expected at the facility, the Site Operations Manual will specify procedures for safe storage, handling and emergency response. Personnel handling wastes will be appropriately trained, equipped and clothed. Employees will be trained in emergency procedures and suitably trained personnel will be available to respond in the event of an emergency. Prominent signs regarding the handling of hazardous wastes will be displayed. Material Safety Data Sheets will be held on-site for any hazardous substances or dangerous goods likely to be received, stored or used on-site. Arrangements will be made for a licensed contractor to collect hazardous materials as soon as practicable, making sure that relevant transport certification requirements are adhered to. Any loading or unloading of hazardous materials will occur only in the presence of trained staff or contractors." (page 104) (iii) Section 4.9 of the EIS considers contamination from the previous fuel storage use on the site the Soil Validation Report completed by HLA-Envirosciences Pty Ltd concluded that ".. the Site is considered to meet the land use criteria for commercial of industrial landuse, provided groundwater is not used."

		(iv) The Air Quality Impact Assessment prepared by Heggies Pty Ltd states that "The natural buoyancy of the air within the building will make the odours rise towards the ceiling of the building. All air exiting the building is therefore assumed to depart through the open louvres on the building ridge. For the purposes of this assessment, it is assumed that no odour emissions will escape through the open roller doors." (v) The building orientation is generally south west to north east and the building will not be adversely affected by easterly or westerly winds. (vi) Section 5.2 of the Noise and Vibration Impact Assessment prepared by Heggies Pty Ltd states that "Temperature inversions occur predominantly at night during the winter months. For a temperature inversion to be a significant characteristic of the area it needs to occur for approximately 30% of the total night-time during winter or about two nights per week. The INP states the following with regard to temperature inversions *"The night-time period for determining inversion frequency is from 1 hour before sunset to 1 hour after sunrise (taken to be 6 pm to 7 am), which is the time period during which inversions are most likely."* The proposed hours of operation for the site are 7.00 am to 6.00 pm, and therefore there is little or no potential for impact from temperature inversions and as such have not been considered as part of this assessment." Also, section 6.2.2 of the Air Quality Impact Assessment prepared by Heggies Pty Ltd States that "Diurnal variations in maximum and average mixing depths predicted by TAPM at the Project Site during 2009 are illustrated on Figure 12. It can be seen that an increase in the mixing depth during the morning, arising due to the onset of vertical mixing following sunrise, is apparent with maximum mixing heights occurring in the mid to late afternoon, due

		to the dissipation of ground based temperature inversions and the growth of the convective mixing layer." (vii) No windblown material will be permitted to escape the building. (viii) The volumes noted are correct.
6	Vermin: • Impact on adjacent properties	The EIS states that "Poor quality housekeeping, uncovered bins / storage areas and litter are major factors in attracting vermin at transfer stations. Regular cleaning and removal of waste should minimise vermin. If vermin problems arise, a pest control program will be implemented." (page 103)
7	Construction: • Disturbance to nearby residences	The impact of the construction phase of the project has been considered in the Air Quality Assessment and Noise and Vibration Assessment reports prepared by Heggies Pty Ltd and state that "The construction phase air quality impacts are considered to be insignificant given the scale and duration of the construction activities. Any potential emissions during construction are anticipated to be largely controllable through technical means including good site management, vehicle maintenance and applying appropriate dust mitigation measures where required." (page 37 Air Quality Impact Assessment Report) and "Construction noise levels are predicted to be within the highly noise affected criterion at all receiver locations. Various noise management techniques have been presented in this report to reduce the impact of construction noise on nearby industrial and residential receivers. Traffic generated by the proposed development is predicted to be within the ECRTN criteria and not lead to an increase in existing noise levels of more than 2 dBA. Construction vibration levels are predicted to be considerably below the recommended vibration criteria for the heritage listed structures R2 and the Great Southern Railway Bridge. At all locations vibration levels during construction are predicted to be significantly below the adopted damage and annoyance criteria, with the exception of R1

		where maximum vibration levels are predicted to exceed the annoyance criteria. However, given the relatively short period that the vibratory roller will be operating in close proximity to R1 it is unlikely that vibration will cause annoyance at R1. Vibration levels from operation of the development are predicted to be negligible at all receiver locations." (page 24 Noise and Vibration Impact Assessment Report)
8	Flood & storm water: • Potential to flood (seen 2 foot of water in the area to be developed) and proximity to Mulwaree Ponds • How will the facility be cleaned without water (esp. perusable waste)? • Potential for leachate/stormwater to runoff into the Mulwaree River • Potential contaminated stormwater to flow into the river	(i) The floor level on the western part of the building is 633.0 which is 1.4m above the 1% flood level. The floor level on the eastern part of the building is 634.5 which is 2.9m above the 1% flood level. Figure 20 on page 26 of the EIS and the separately attached consolidated plan indicate that the proposed development is located outside the 1% flood zone and there will be no fill placed in this area and no impact on the flow of flood water. In respect to floods greater than 1% that are forecast to enter the western part of the building being 1.4m above the 1% flood level, all recyclables and putrescible waste located in this western part of the building will be temporarily stored in the eastern part of the building which is 2.9m above the 1% flood level. Clearly, if flood waters enter the western area of the building, the facility will become non-operational. If flood waters are forecast to enter the eastern side of the building, all recyclables and putrescible waste will be removed from the site and stored temporarily at Divall's quarry site at Towrang. (ii) Cleaning of the facility will be carried out using sweepers and vacuum cleaners – there is no need to use water. (iii) All stormwater from the site will be controlled in accordance with the Water Cycle Management Study prepared by Strategic Environmental and Engineering Consulting which states that

		"Modelling conducted as part of this plan demonstrates that this development can have a beneficial effect on receiving waters, providing the Water Cycle Management Plan described in Section 5 is adopted." (iv) Stormwater control includes the following measures: • Rainwater tanks • Grass lined swales • Grassed buffer strips • Gross pollutant trap • Irrigation of landscaping As all activities will be carried out within the building, any contamination will be controlled and disposed off-site and will not flow to the river.
9	Health: • Adjacent neighbour has asthma and concerned with potential health and life risks • Potential for asbestos dust	(i) The Air Quality Impact Assessment prepared by Heggies Pty Ltd states that "Based upon the results of this modelling assessment, it is not considered that the proposed Project will lead to any exceedances of particulate performance goals for dust deposition, annual average TSP or PM10 concentrations. Project emissions are however expected to exceed the particulate performance goals for maximum 24-hour PM10 concentrations although this is demonstrated to be driven by high background concentrations and not Project operations." Therefore, it is highly unlikely that the proposed development will affect air quality in the area. (ii) In respect to asbestos, the EIS contains the following statement "Asbestos will not be received at this facility, however, in the event that asbestos and in particular, friable asbestos products that pose health risks during removal and transport and disposal, will be handled appropriately. The disposal of waste asbestos, whether of industrial origin or domestic origin, is controlled by the EPA." (page 105)

10	Noise: • Noise from trucks • Noise made from reversing vehicles beeping • Impact early mornings to nearby residences, businesses and retirement village Impact on shift workers ability to sleep • Operating hours should be limited on weekends i.e. start 9am Sat and closed Sundays and public Holidays • Potential Echoing of noise in the basin of Mt Gray • Echoing of noise from within the shed • Noise commencement likely to be early to receive waste from Garbage collections close to childcare centre, restaurants and large river recreation area • Health concerns from increased background noise	(i) The Noise and Vibration Impact Assessment prepared by Heggies Pty Ltd states that "Noise modelling has indicated that the noise emissions from the operation of the development are predicted to be within the project specific noise levels at all assessed receiver locations. Construction noise levels are predicted to be within the highly noise affected criterion at all receiver locations. Various noise management techniques have been presented in this report to reduce the impact of construction noise on nearby industrial and residential receivers. Traffic generated by the proposed development is predicted to be within the ECRTN criteria and not lead to an increase in existing noise levels of more than 2 dBA." (page 24) (ii) See (i) above. (iii) See (i) above. It should also be noted that freight and passenger trains have an impact in the area. (iv) The proposed operating hours from 7.00am to 5.00pm Monday to Saturday, and 8.00am to 4.00 pm on Sunday and Public Holidays except for Christmas Day, Good Friday and Easter Monday are considered appropriate for this facility. (v) Echoing of noise from Mt Gray will not be an issue as the noise emissions from the operation of the development are predicted to be within the project specific noise levels. (See Heggies Noise and Vibration Impact Assessment) (vi) Echoing of noise from within the building will not be an issue as the noise emissions from the operation of the development are predicted to be within the project specific noise levels. (See Heggies Noise and Vibration Impact Assessment) (vii) The proposed operating hours from 7.00am to 5.00pm Monday to Saturday, and 8.00am to 4.00 pm on Sunday and Public Holidays except for Christmas Day, Good Friday and Easter Monday ensures there will be no early commencement of work on the site.

		(viii) The Noise and Vibration Impact Assessment report prepared by Heggies states that "Noise modelling has indicated that the noise emissions from the operation of the development are predicted to be within the project specific noise levels at all assessed receiver locations." and "Traffic generated by the proposed development is predicted to be within the ECRTN criteria and not lead to an increase in existing noise levels of more than 2 dBA." (page 24) indicate there will be no significant change in background noise levels in the area.
11	Wildlife: • Impacts on local finch and kookaburra populations • Potential impact of new Ibis populations in waste management facilities and effect on existing bird populations	(i) The Flora and Fauna Assessment prepared by Laterals Environmental states that "No native fauna species will be harmed directly as a result of this proposal or through the alterations of habitat to allow for works. Only previously altered exotic flora and habitat will be further altered or removed to allow for the proposal. Native fauna was absent from the site during the survey and given a lack of suitable habitat, is unlikely to occur on site at other times. The overall impact of the proposal on fauna and habitat will be negligible as proposed and may prove beneficial if any future landscaping can incorporate the use of native flora." (page 25). The proposed development will therefore have a positive impact on birdlife in the area due to the proposed landscaping. (ii) Ibis will not frequent the facility as all operations will be carried out inside a building.
12	Heritage: • Refer to Submission 6 for history of the site	The proposed development will have no impact on the European or Aboriginal heritage of the area.
13	Other: • How is Council impartial if it is to be a recipient and utiliser of the facility • Potential to devalue property value	(i) The development application will be determined by the Goulburn Mulwaree Regional Panel as the consent authority as the proposed development is "designated development". (ii) The proposed development is not expected to impact property values in the area and the development complies with the planning objectives in this zone.

14	Building Code Australia: • Consists of a large isolated building does not appear to comply with C2.2 of the BCA in its current form i.e. 18m clearance within the property boundary (unless road) for Fire Brigade access. Use of adjacent rail land does not comply with this part of the BCA and should be considered now to avoid modification of the DA at a later stage. • Hazardous material storage to comply with E1.5 of the BCA • Fire Hydrants, Fire Hose Reels are required under Section E of the BCA at Construction Certificate Stage • Address Smoke Hazard Management under Part E2 of the BCA at Construction Certificate Stage • Emergency Lighting and Exit signs are required at Construction Certificate Stage • Any alternative solutions to the Deemed-to-satisfy provisions of the BCA will require referral to NSW Fire Brigades • Section J Energy Efficiency Report will be required at the Construction Certificate Stage	The attached amended plans indicate compliance with clause C2.3(a)(ii) of the BCA insofar that a sprinkler system and perimeter vehicle access will comprise part of the development. The other matters are noted.
15	Trade Waste: • Dispute no liquids produced on the site • Proposed to sweep down to clean • Roof water proposed to be directed into the water quality pond • Having clean stormwater discharged through the water quality pond would reduce the effectiveness of the pond in treating potentially contaminated water from hard stand paving areas. • Discharge rooftop rainwater into council's stormwater system preferred.	(i); (ii) Cleaning of the facility will be carried out using sweepers and vacuum cleaners – there is no need to use water. When spillages occur, the proposed internal pits will be able to collect any liquid for removal off site. (iii) Roof water is proposed to be directed to rainwater tanks and thence to grass swales to maximise the beneficial re-use of this resource. The water quality pond has been removed from the amended stormwater drainage plan. (iv) All stormwater from the site will be controlled in accordance with the Water Cycle Management Study prepared by Strategic Environmental and Engineering Consulting which states that "Modelling conducted as part of this plan demonstrates that this

		development can have a beneficial effect on receiving waters, providing the Water Cycle Management Plan described in Section 5 is adopted." The amended conceptual stormwater drainage plan does not include a storage dam and all stormwater will be directed across grass swales to improve water quality. The proposed development will have a neutral or beneficial effect on water quality. (v) The applicant prefers to maximise the beneficial re-use of the rain water as detailed in the WCMS and to minimise the use of reticulated water.
16	Landscaping: • Screen tree planting of trees to be continuous rather than broken (with gaps) on the river side of the development • Species selected should have sufficient height to screen the building • Cross section to show finished levels and landscaping would be useful to illustrate the necessary effect • More tree planting should be required on the SE boundary to reduce the visual impact of the development to the houses and rail line	An amended landscape plan complying with these requirements is separately attached.
17	Sewerage Demand	The proposed development includes the construction of an amenities building for staff use and comprises a male and female disabled toilet with meal room. Section 2.4 of the EIS indicates the following staffing levels: "During operations, the number of employees will comprise: (i) Recycling (Endeavour Industries) 6 staff (supervisors and office) 8 disabled staff (ii) Waste Management (Denrith Pty Ltd) 2 staff office

		1 staff weighbridge 2 staff assistants 2 staff plant operators 2 staff casuals Total staff will therefore total 21 permanent employees on site (Denrith Pty Ltd and Endeavour Industries) and 2 casual employees utilized as required." The existing office building will be refurbished and this building also contains staff toilet facilities which will be used by the majority of staff. The appropriate sewerage design criteria for this development is 1 E.T.