

JRPP No:	2011STH027
DA No:	189/1112/DA
PROPOSED DEVELOPMENT:	Waste management facility
LOCATION:	139 Painters Lane
APPLICANT:	Mr Bill Vowles, Kattle Gear Australia Pty Ltd
REPORT BY:	Manager Development Control, Goulburn Mulwaree Council - Richard Davies

ASSESSMENT REPORT AND RECOMMENDATION

Owner: Kattle Gear Australia Pty Ltd

Description of Land: Lot 1 DP 593528, 139 Painters Lane, Turrumbidgee

Site Area: 40 hectares

Zoning: RU1 Primary Production – Goulburn Mulwaree Local Environmental Plan 2009 as amended.

Existing Use: Agriculture

Executive Summary

A Development Application (DA) has been lodged with Goulburn Mulwaree Council (GMC) for a proposed waste management facility. The proposed new development will be for the storage and disposal of waste water and potentially contaminated surface water from the existing Goulburn Saleyards. Transfer of the liquid is proposed by truck to the Painters Lane site which is to be stored in a new series of dams and irrigated over the subject site.

The Southern Region Joint Regional Planning Panel (SRJRPP) is the consent authority for the development application. The application is within the Sydney Drinking Water Catchment and requires the concurrence of the Sydney Catchment Authority's Chief Executive. The application is designated development and Integrated Development requiring Environment Protection Authority's approval under the *Protection of the Environment Act 1997*.

Agencies that have been consulted with the application have not objected to the proposal. The notification and exhibition process of the application resulted in submissions from near by land owners, all of which were objections.

The assessment of the proposal has identified that the key aspects for consideration are odour impacts, water quality, vehicle movements and potential land use conflicts with existing and future rural residential properties. There are policy interpretation issues as well.

This report considers the application under section 79C of the *Environmental Planning and Assessment Act 1979* and concludes that on balance the development is capable of consent being granted subject to conditions. Draft conditions of consent are provided for the SRJRPP's consideration.

INTRODUCTION

Goulburn Mulwaree Council has received development application 189/1112/DA for a proposed waste management facility at 139 Painters Lane, Tirrannaville. The new facility will be for the storage and disposal of waste water and potentially contaminated surface water transported by tanker trucks from the existing Goulburn Saleyards.

This report assesses the application for the Southern Region Joint Regional Planning Panel (SRJRPP) to determine. The development application is Designated Development and Integrated Development and requires the Concurrence of the Sydney Catchment Authority.

LOCATION & SITE

The proposed site is within the Goulburn Mulwaree Council Local Government Area and is described as Lot 1 DP 593528, known as 139 Painters Lane, Tirrannaville. The DA information proposes to utilise Lot 2 DP 1052351 (adjoining Lot 1) as part of the impact control measures. The site is approximately 12km south of Goulburn and is accessed by utilising either Braidwood Road or Windellama Road. Located approximately 1.39km from Braidwood Road, Painters Lane is an unsealed Council maintained road which has a low crossing which is subject to surface water inundation during higher rainfall events.

Other than small stock yards and some fencing, the site is presently vacant and has been used for agricultural purposes. There are no trees on site and at the time of the site inspections, there was good ground cover of grasses. There are also two existing dams on the property.

There are no easements and there are no Section 88 instruments recorded on the property title. The rectangular shape property is fenced approximately along the property boundary, has a drainage depression running through the site in an approximately North to South direction. This is shown as a 1st order blue line on the topographical maps and is a wide depression without banks or precise formation. The proposed development will affect this depression. The property is also affected by a second drainage depression (also poorly defined and without banks) in the south western corner which generally is not within the development area of the site.

The site and surrounds could be characterised broad acre agricultural activities with isolated rural dwellings. Some of such dwellings are on smaller holdings which were permitted under the previous Local Environmental Plan often referred to as concessional lots. The existing unrelated dwellings are shown on the applicants plan (Figures 7, 8 & 9) with the closest existing dwelling being approximately 540m (using Council's mapping system) west from the subject property boundary. There are potential other dwellings south of the proposed development described in Development Consent (42/0708/MOD) which are also identified in the EIS.

The development site and surrounds are zoned as RU1 Primary Production under the Goulburn Mulwaree Local Environmental Plan as amended.

PROPOSED PROJECT

The development application form has described the proposed development as "Proposed Waste Management Facility". The Environmental Impact Statement (EIS) also states that the development will include:

- Construction of a facultative storage dam having a capacity of 1.2MI.
- Construction of a winter storage dam having a capacity of 7MI.
- Construction of an emergency storage dam having a capacity of 9MI.
- Irrigation of effluent on an area of approx. 2 ha.
- Parking and manoeuvring area.

Furthermore the EIS states that the development operations will generally comprise:

- Collection of effluent from a fill point located in a private lane off Dossie Street, Goulburn.
- Transport of the effluent to the site at 139 Painters Lane, Turraville.
- Discharge of the effluent into a facultative lagoon.
- Irrigation of the effluent to pastures for the production of stock feed (hay)

Ancillary construction and land use activities consistent with the above described activities are also contained within the EIS and form part of this assessment report.

There are no trees or buildings which require removal as part of the development.

Vehicles: The EIS nominates that tanker trucks with a capacity of 30,000 litres will transport 14.6 mega litres per annum averaging to 487 trips per year again averaged to 1.5 trips per days for 6 days per week. Limited hours of transportation have also been nominated between:

- 7.00am and 5.00pm Monday to Friday
- 8.00am to 1.00pm Saturday
- No transportation on Sundays or Public Holidays
- No transportation on Painters Lane during periods when the school bus is operating

The EIS states that the existing road network is capable of sustaining the additional traffic. Only construction of a new access from Painters Lane to the property and internal roadway is proposed.

Staff: Upon completion of the construction period, estimated to be approximately four weeks, the operation of the development will consist of a truck driver and a site operator.

Additional Information: Following Council's additional information request, in May 2012, the applicant provided additional information in regards to a range of details for the proposal. Further information was also provided by the applicant in October 2012. These documents form part of the proposed development and application and are assessed as required.

POLICY & LEGISLATION ASSESSMENT

Definition: The application has described the proposed development as “Proposed Waste Management Facility”. The Goulburn Mulwaree Local Environmental Plan 2009 (LEP) has a range of definitions as provided in the Standard Instrument. The two most of interest for this application are:

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note. Waste disposal facilities are a type of *waste or resource management facility*—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

Based on these definitions, it is accepted that the description of the development is suitable.

Assessment under the EP&A Act:

The development application is considered “designated development” as thresholds under Schedule 3, Clause 32 of the *Environmental Planning and Assessment Regulations 2000* are exceeded or achieved as highlighted in yellow in the extract below:

32 Waste management facilities or works

- (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:
 - (a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:
 - (i) that includes any substance classified in the *Australian Dangerous Goods Code* or medical, cytotoxic or quarantine waste, or
 - (ii) that comprises more than 100,000 tonnes of “clean fill” (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or
 - (iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or
 - (iv) that comprises more than 200 tonnes per year of other waste material, or

- (b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:
 - (i) that handle substances classified in the *Australian Dangerous Goods Code* or medical, cytotoxic or quarantine waste, or
 - (ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or
 - (iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or
- (c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or
- (d) **that are located:**
 - (i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or
 - (ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or
 - (iii) within a drinking water catchment,** or
 - (iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or
 - (v) on a floodplain, 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.

(2) This clause does not apply to:

- (a) development comprising or involving any use of sludge or effluent if:
 - (i) the dominant purpose is not waste disposal, and
 - (ii) the development is carried out in a location other than one listed in subclause (1) (d), above, or
- (b) development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or
- (c) development for which [*State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas*](#) requires consent.

The development application requires the concurrence of the Sydney Catchment Authority as discussed later in this report.

The development application is considered “integrated development” as nominated on the application form. The development will need to obtain a licence under the *Environment Operations Act 1997*. The NSW Environment Protection Authority (EPA) is the appropriate regulatory authority for this Act and has provided their general terms of approval (GTA). A copy of the EPA’s response is provided in Attachment 2.

Consent Authority

Under Schedule 4A of the *Environmental Planning and Assessment Act 1979*, Development for which regional panels may be authorised to exercise consent authority functions of councils include:

8 Particular designated development

Development for the purposes of:

(c) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*

As described earlier in this report, the definition of waste management facility has been established, as has the status of Designated Development, therefore the ‘regional panel’ is to determine this application. The appropriate regional panel for Goulburn Mulwaree Council is the Southern Region Joint Regional Planning Panel. The *State Environmental Planning Policy (State and Regional Development) 2011* is noted in regards to the exercise of Council’s functions.

The development application is considered to have been lodged and assessed as per the requirements of the *Environmental Planning and Assessment Act 1979* and subsequent legislation for this type of application.

State Environmental Planning Policies (SEPP's): There are a number of SEPP's which apply or may apply to the development application. These are discussed and considered as follows:

- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.*

The proposed development is within the Drinking Water Catchment applicable to this SEPP. The SEPP requires that the "consent authority must not grant consent to the carrying out of development under Part 4 of the Act 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"

In March this year, Council received advice from the Sydney Catchment Authority (SCA) that "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 would therefore concur with the granting of consent to the application" subject to conditions as provided.

It is noted that the neutral or beneficial test relates to water quality and that the specialist agency is satisfied that is capable of being achieved. The submissions (discussed later in this report) in regards to water quality are therefore considered to have been addressed provided the SCA conditions are included in the development consent and implemented. Given the nature of the waste product, the concurrence of this agency is considered to carry significant weight in the assessment of this proposal.

A copy of the SCA's advice is provided in Attachment 2.

- *State Environmental Planning Policy (Infrastructure) 2007.*

Division 23 of this SEPP gives definitions consistent with the GMC LEP 2009 and provides for a waste or resource management facility as being "development permitted with consent". This would potentially override Council's LEP if these two Environmental Planning Instruments were inconsistent. As discussed later in this report, the GMC LEP also places a waste or resource management facility in the Permitted with Consent part of the Land Use Tables.

The development as proposed is therefore considered development permitted with consent.

- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development.*

The application states that the development is not considered a potentially hazardous or offensive industry. It is considered that the nature of the material transported is not likely to be hazardous in nature. The LEP defines offensive industry as follows:

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive industries are a type of *heavy industry*—see the definition of that term in this Dictionary.

It is considered that the development as proposed does not satisfy this definition, therefore the statement within the EIS is supported that this SEPP is not applicable. The conditions as applied by the Environment Protection Authority support this assessment. Complying with these conditions will not create significant adverse impact on the locality. The Sydney Catchment Authority's advice is also considered to support this view.

- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*

The proposed site is within the former Mulwaree Shire Local Government Area which is called up under SEPP No 44. It could be argued that the SEPP does not apply as Goulburn Mulwaree Council is not listed in the as an applicable Council area. Assuming this SEPP does apply, Clause 7 states:

7 Step 1—Is the land potential koala habitat?

- (1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.
- (2) A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.

The Woodlands Environmental Management Flora and Fauna study within the EIS states that “None of the Koala feed trees listed in Schedule 1 of SEPP no. 44 are present within the subject site.” Council’s Koala Records Map shows that there are not likely to be any koalas in the vicinity of the development. The lack of potential habitat and general lack of appropriate vegetation on the site and surrounds support this.

A copy of the “Koala records in the Goulburn Mulwaree Area” is provided in Attachment 3.

The guidelines and details as listed on the Department of Environment and Heritage website including the need (or not) for a plan of management and other considerations listed for SEPP 44, the Threatened Species Conservation Act 1995 and the “Bionet” search have been researched. It is considered that the development does not require further assessment in regards to potential impact on Koalas or their habitat and the above extract from the SEPP has been satisfied.

- *State Environmental Planning Policy No. 55 – Remediation of Land*

The EIS states that the previous and potential future use will include agriculture. There appears to be limited information directly dealing with potential for contamination within the EIS and supporting applicant information.

The SEPP 55 Planning Guidelines list Agricultural/horticultural activities as a potential requirement for a further investigation or study. In practice, the presence of scalds, dump sites, chemical or animal dips or intensive farming practices and the like would be required or ‘trigger’ such concerns. It has been generally accepted locally that broad acre farming, as appears to be the case for this property, will not require a ‘Stage 1’ assessment under this SEPP.

The studies conducted to form the EIS have not identified any reason to suspect contamination has occurred on site. The site inspections conducted to date also did not raise any concerns for this issue. From the SEPP:

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

It is considered that contamination is a low risk. Any routine agricultural activities undertaken in the past are not likely to interfere with this development or pose any significant risk to human health, noting the limited human interaction proposed for the development.

It is not proposed to require further information in regards to this SEPP.

- *State Environmental Planning Policy No. 64 – Advertising and Signage*

Advertising or property identification of the development has not been included in the application. This SEPP is therefore not applicable.

- *State Environmental Planning Policy (Major Development) 2005*

This SEPP is not applicable to the proposed development.

- *State Environmental Planning Policy (Rural Lands) 2008*

This SEPP modified previous Local Environmental Plans including the now superseded Mulwaree Local Environmental Plan 1995. Goulburn Mulwaree Council's current LEP was gazetted in 2009 and was made consistent with this SEPP. There are no further concessional lots available as a consequence of this SEPP. No further assessment under this SEPP is required.

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

This SEPP applies within the Goulburn Mulwaree Council area however the development is seeking development consent therefore no considerations under this SEPP are required. It is noted that designated development excludes development being able to utilise the exempt provisions under this SEPP.

- *State Environmental Planning Policy (State and Regional Development) 2011*

The consent authority functions of the Council are to be exercised by regional panels which as mentioned, in this case is the Southern Region Joint Regional Planning Panel.

GOULBURN MULWAREE LOCAL ENVIRONMENTAL PLAN 2009

As described earlier in this report, the subject development site is zoned RU1 Primary Production under the Goulburn Mulwaree Local Environmental Plan 2009 (GMLEP). The EIS provides an extract from the maps (Figure 4 – Zoning Map on page 20) called up by the GMLEP.

The proposed development, defined as a Waste Management Facility is “Permitted with consent” for the RU1 zone under the Land Use Tables within the GMLEP.

The Goulburn Mulwaree Local Environmental Plan 2009 was gazetted in 2009 and amended a number of times by the Standard Instrument and by Council. At the time of reporting Amendment 3 was the current version and proposed Amendment 4 and 5 were with the Department of Planning and Infrastructure for consideration after completion of public exhibition. The application was lodged December 2011 whilst Amendment 1 was in place.

Objectives of the RU1 Primary Production Zone: There have been a number of submissions on the objectives both from submissions and from the applicant. The objectives are considered individually as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

Primary industries is perhaps an older term used for general agricultural activities including the breeding and maturing of stock, growing and harvesting of crops and other broad acre farming practices. The EIS and supplementary information states that such farming practices (or part thereof) will continue as part of and along side this development on the subject property. The cropping of the irrigation area will form an important part of the water cycle management practice. This aspect of this objective is considered to have been achieved.

Enhancement of the natural resource base is perhaps more broad. While this development has the potential for impacts, the EIS and suggested conditions consider the impacts to be manageable. It is questionable whether this will enhance the natural resource base but the maintaining would appear to have been achieved.

The link to the existing Saleyards and this proposed development has been made by the applicant and is noted.

On balance, the development is considered consistent with this objective.

- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

This development offers slight additional cropping opportunities given the additional nutrient and water irrigation of the site. Whilst there appears minimal encouragement or diversity in this proposal, it does not appear to detrimentally impact on the stated industries either.

On balance, the development is not considered inconsistent with this objective.

- *To minimise the fragmentation and alienation of resource lands.*

The proposed development is utilising an existing allotment without further subdivision or fragmentation. This development is unlikely to create further fragmentation.

On balance, the development is considered consistent with this objective.

- *To minimise conflict between land uses within this zone and with adjoining zones.*

There are a number of objections stating that the development will create conflict. The applicant contends that the development will “have a minimal and manageable impact on the environment” and a “minimal and manageable impact on local amenity”. The break up of the overall potential impacts are discussed later in this report but on balance and subject to appropriate conditions, the potential for conflicts as stated in the EIS are considered manageable.

The site is some distance from any zone boundary and therefore is expected to have minimal impact on the adjoining or other zones. Traffic movements and impacts through the other zones are not considered a significant increase to current activities. The Agency submissions are noted in consideration of this objective.

On balance, the development is considered consistent with this objective.

- *To promote the use of agricultural land for efficient and effective agricultural production.*

As stated above, there will be agricultural production as part of this development.

On balance, the development is considered consistent with this objective.

- *To avoid or minimise impacts on the natural environment and protect environmentally sensitive land.*

The EPA and SCA have provided their advice and subject to conditions have not objected to this development. Council is directed by these specialist environmental Agencies both in regards to relevant legislation and environmental outcomes.

On balance, the development is considered consistent with this objective.

- *To allow the development of non-agricultural land uses which are compatible with the character of the zone.*

Whilst some agricultural activities are proposed, the dominant use proposed is for the storage and disposal of waste water from the Saleyards. The minimal structures of this development and use of common agricultural equipment and techniques including dams, irrigation equipment, pumps and the like are not considered foreign to such a site. Noting the proposed vegetation screening, visually, there are not considered to be any significant out of character aspects to this development.

From the submissions, the use of larger vehicles are also part of the character aspect. Whilst tanker type vehicles are perhaps uncommon for Painters Lane, the use of heavy vehicles eg for stock purposes are a regular feature of rural activities in locations such as Painters Lane. The nature (shape and purpose) of the vehicle will make the truck movements identifiable to this development, however this in its self is not considered a significant impact in character to the area. There are submissions that do not support this proposal on the basis of the development being out of

character from the existing environment. These submissions are noted but on balance are not supported. The proposal is considered to be consistent with this objective.

- *To allow the development of processing, service and value-adding industries related to agriculture and primary industry production.*

The nature of the proposal has links to primary industry production and therefore this application is considered to provide a service to this industry by way of dealing with part of its by-product. There are no conflicts identified with this objective.

On balance, the development is considered consistent with this objective.

- *To protect and enhance the water quality of receiving watercourses and groundwater systems to reduce land degradation.*

As already stated, the Sydney Catchment Authority is a specialist Agency in the assessment of water quality and has granted its concurrence subject to conditions. Such conditions are proposed to be included in the determination. On this basis, the development is considered consistent with this objective

- *To minimise the visual impact of development on the rural landscape.*

As discussed earlier, the proposed visual impacts from this development are considered to be minimal.

On balance, the development is considered consistent with this objective.

Other parts of the GMLEP which have further assessment include:

5.9 Preservation of trees or vegetation

As mentioned, there are no trees on the subject site. The site is however identified on Council's mapping system as Environmentally Sensitive Land which is discussed later in this report. There are no vegetation types or communities to which this clause applies.

5.10 Heritage Conservation

There are no listed items in the vicinity of the proposed development and the site is not within a Heritage Conservation Area. The EIS discusses that Pejar Local Aboriginal Land Council members have provided advice that there is minimal risk to Aboriginal heritage objects or places of significance. The relevant clauses under the LEP are therefore not relevant or have been considered and have a minimal risk or impact to heritage items and/or places.

7.1 Flood Planning

Whilst the site is not within Council flood study area, the site is claimed in the EIS to be not affected by flooding. The small catchment area potentially affecting the site is identified in the Harris Environmental Assessment of On-Site Wastewater Management report. The additional information provided by the applicant shows some of the lower parts of Painters Lane affected by flooding which occurred in 2012.

From Council staff judgement, the 2012 event was considered to be close to a 1 in 20 year event. As such, the comparisons to a 1 in 100 year event and Council flood information are unlikely to inundate the site.

Short term limitations to the site during flood events are noted and will require appropriate management but flooding is not considered a limiting factor for determination.

7.1A Earthworks

The proposed development will carry out earthworks and lists the following items that require consideration before determination as:

- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or of the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material or the destination of any excavated material,
 - (f) the likelihood of disturbing Aboriginal objects or other relics,
 - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

As discussed and considered throughout this report, the above considerations have generally been made under separate assessment or requirements. Given the State agencies advice, the information within the EIS and general knowledge of the site and proposed development, there are no issues identified in this clause which prevent determination by way of approval. The size of the new work is considered to be moderate. The height of the banks at the lower end of the new dams will be in the order of 5m. Cut and fill surplus/deficits are likely to be minimal across the development. Relevant conditions of consent are recommended which may ensure appropriate outcomes for the development are achieved that address some of the above matters.

7.2 Terrestrial Biodiversity

The full copy of this clause is provided as below. Reference to the map confirms that the development site is within the Biodiversity layer.

- (1) The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation, including:
 - (a) protecting biological diversity of native flora and fauna, and

- (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the recovery of threatened species, communities or populations and their habitats.
- (2) This clause applies to development on land that is identified as “Biodiversity” on the [Terrestrial Biodiversity Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered a report that addresses the following matters:
- (a) identification of any potential adverse impact of the proposed development on any of the following:
 - (i) a native vegetation community,
 - (ii) the habitat of any threatened species, population or ecological community,
 - (iii) a regionally significant species of plant, animal or habitat,
 - (iv) a habitat corridor,
 - (v) a wetland,
 - (vi) the biodiversity values within a reserve, including a road reserve or a stock route, and
 - (b) a description of any proposed measures to be undertaken to ameliorate any such potential adverse impact.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and:
- (a) the development is designed, sited and managed to avoid the potential adverse environmental impact, or
 - (b) if a potential adverse impact cannot be avoided, the development:
 - (i) is designed and sited so as to have minimum adverse impact, and
 - (ii) incorporates effective measures so as to have minimal adverse impact, and
 - (iii) mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.

The EIS provides for a detailed Flora and fauna study which finds “If recommendations for conditions of development are adopted and enforced, it is unlikely that the development as proposed will result in any significant impacts on flora, fauna or their habitats.” The relevant State Agencies have added their requirements to the proposed development. No inconsistencies with the EIS in regards to the biodiversity have been identified to date.

The application information is considered to have adequately addressed the GMLEP Clause 7.2 requirements for the consent authority’s consideration. The EIS also makes a number of

commitments which are in general supported. Based on the EIS, the Agency responses, staff assessment and the proposed conditions as drafted, this clause of the LEP is considered to have been satisfied.

7.4 Restrictions on development adjoining mineral resource areas.

The site is not adjacent to a site mapped on the Mineral Resource Area Map and there are no applications before Council for such purpose. This clause is therefore noted.

Draft LEP Amendments:

Goulburn Mulwaree Council has exhibited proposed Amendments 4 and 5. These are considered as follows:

Amendment 4 – Miscellaneous. Changes to Towrang, Lot averaging for certain zones (for dwelling permissibility), Racecourse permissibility changes.

Amendment 5 – Retail Hierarchy Changes to R1 zone permissibility, Out of Centre permissibility changes (Mary’s Mount Road)

These amendments are not considered significant or impact upon assessment of this application.

Goulburn Mulwaree Development Control Plan 2009

Similar to the GMLEP, the development application was lodged prior to amendment 2 although minimal changes that affect this application have been made in the amendment. The single Development Control Plan (DCP) applies throughout the Goulburn Mulwaree Council area and therefore covers a wide range of development types. The Rural development objectives in Part 2.4 of GMDCP are noted.

The following is a summary of the relevant DCP Clause and associated assessment:

Goulburn Mulwaree Development Control Plan Clause & title/subject	Assessment Summary	Compliance achieved/ not achieved/ Not applicable/ other
Parts 1 & 2	Preliminary & Objectives. Noted	Achieved
3.1 European heritage	There are minimal heritage impacts from this proposal EIS clause 4.8 noted	Achieved
3.2 Indigenous Heritage	Pejar LALC correspondence provided in EIS. No response/objection from PLALC during Council exhibition. No items/places of significance identified. Standard conditions recommended	Achieved
3.3 Landscaping	A basic landscape plan has been provided in the EIS. It is noted that the landscape plan extends beyond the development site. The location of the landscaping is supported to minimise potential visual impacts of the development. Most of this part of the DCP does not relate directly to the proposed development type, however no inconsistencies are identified.	Achieved

3.4 Vehicle access & parking	The EIS submits that the vehicle movements are satisfactory. The RMS and Council Engineering have provided conditions for the proposed development. The proposed hours of operation/transportation are noted and recommended to be conditioned. No issues preventing approval have been identified.	Achieved
3.5 Disability standards for access	Noted – The development does not require disabled access.	N/A
3.6 Crime prevention Lighting Fencing Car parking Entrapment spots & blind corners Landscaping Communal/public areas Movement predictors Entrances	This generally relies upon passive surveillance which may not be consistent with the desire to screen the development from near by land owners. The latter is considered a higher priority. Other parts of DCP also recommend screening of rural industries (closest available description in the DCP). There are limited design options for this type of development proposal. The proposed use, locality, and objections are noted. Conditions are proposed where appropriate to address aspects of this part of the DCP. No objection to the development in regards to 3.6 are put forward. Proposed to be included in Operational Environmental Management Plan (conditioned)	Partial compliance. Somewhat competes with requirement for visual separation. On balance, the proposal is not inconsistent with this part of the DCP
3.7 Flood affected Lands	The development is not known to be flood affected.	Achieved
3.8 Tree and vegetation preservation	No trees exist on-site or are proposed to be removed. No vegetation communities of interest are affected. EIS information is noted	Achieved
3.9 Dryland salinity 3.10 Waterbody & wetland protection 3.11 Groundwater	The EIS identifies all soil and wastewater constraints. No significant salinity, water body, wetland or groundwater issues to prevent determination/approval subject to conditions. SCA & EPA submissions noted.	Achieved
3.12 Basic landholder riparian rights for subdivision	Noted	N/A to this application
3.13 Biodiversity management	The EIS information is noted. There are no identified information gaps or inconsistencies with this part of the DCP.	Achieved
3.14 Stormwater Pollution, 3.15 Impacts on Drinking Water Catchments	The EIS and SCA concurrence are considered to address this issue appropriately.	Achieved
3.16 Bushfire risk management	The site is not classified on Council's Bushfire Prone Lands Map as Bushfire Prone. Standard conditions addressing requirements minimising chances of spread of fire and capacity for initial bushfire suppression are recommended.	Achieved
3.17 Heavy Vehicle generating	The EIS identifies that the development is applicable to additional charges and haulage	Achieved

developments	routes are significant to this development. The assessment concludes that the route requires improvements at the Braidwood Rd/Painters Lane intersection and Painters Lane requires upgrading to satisfy Council policy. Conditions recommended for relevant works	
3.18 Change of Use involving "existing use" provisions	Not applicable to this application	N/A
4 – Principal development Controls – urban	Not applicable to this application	N/A
5.1 Intensive Agriculture	Not applicable to this application.	N/A
5.2 Subdivision	Not applicable to this application	N/A
5.3 Rural Dwellings	Not applicable to this application. The existing approvals for subdivision and potential future dwellings are noted.	N/A
5.4 Rural Sheds	Not applicable to this application	N/A
5.5 Rural Industries	<p>The proposed development may not fall within the definition of a Rural Industry however the intent of this clause is noted.</p> <p>Protect the amenity of surrounding residents incorporating landscaping, sound attenuation and buffers. Selection to include:</p> <ul style="list-style-type: none"> • sites with less exposure to neighbouring dwellings and noise sensitive areas • sites with good vehicular access • sites which can accommodate landscaping to screen the rural industry • sites with suitable land capability • sites with sufficient area for expansion • refer also to chapter 6 <p>The above issues are addressed in other parts of this report. While there are potential impacts, they have been described in the EIS as being minimal and manageable impact on the environment and amenity. In general this clause is considered to be addressed.</p>	Achieved
5.6 Boarding Kennels etc	Not applicable to this application	N/A
5.7 Hazardous chemical	Fuels and limited other chemicals are part of this development. No storage of such is proposed on-site. Inclusion in the OEMP is considered sufficient for this issue	Achieved.
5.8 Rural land use conflict		
5.8.1 Buffer distances	Table 5-1 applicable. Waste management facility recommended having a buffer between rural activity and rural dwellings of 500m. DCP recommends all of buffer distance to be	The buffer distance to existing dwellings is achieved. The buffer to proposed

	contained within subject property.	<p>dwelling is marginal, measuring from the closest part of the irrigation area.</p> <p>The buffer distance is not contained within the development site.</p> <p>Full compliance is not achieved</p>
5.8.1.2 Variation to buffers	The EIS and applicant additional information discuss this aspect. This is also considered later in this report under the Environmental Assessment.	On balance the 'variation' is supported subject to conditions.
5.8.1.3 Vegetation buffers	While a vegetation screen is proposed and is generally consistent with this clause, the above mentioned non-compliance(s) are not directly used to offset by the screening/buffer. The timing & species of the plantings and screenings are noted and conditions of consent are considered appropriate requiring early planting.	Compliance capable of being achieved subject to conditions.
5.9 Public entertainment in rural zones	Not applicable to this application	N/A
5.10 Rural Workers dwellings	Not applicable to this application	N/A
Part 6 Special development types	None of the Special Development Types listed in Part 6 impact upon this development or assessment requirements	N/A
Part 7 – Engineering Requirements	There are no Council water or sewer mains servicing the development. The road requirements have been assessed by the RMS and Council's Development Engineer. Conditions of consent to comply with relevant standards are included in the attachment. Other aspects for consideration in this Part eg soil and water management are already discussed throughout this report.	Compliance capable of being achieved subject to conditions.
Part 8 Site Specific Provisions	The site is not listed within this Part of the DCP	N/A
Part 9 Contributions	Contributions are applicable for this development and recognised in the EIS. Conditions requiring payment rates and timing are proposed in the attachment.	Compliance capable of being achieved subject to conditions.
Appendices	The details contained within the Appendices are considered and have been addressed through out this report	Achieved (where applicable)

Further DCP Discussion:

The bulk of the DCP where applicable has been addressed or satisfied. The issue in regards to the buffer distance is perhaps one of the more contentious areas as a number of submissions raise this non-compliance. As 5.8.1.2 states "The buffers indicated in Table 5-1 are only provided as a guide." Clause 4.6 of the EIS deals with this subject.

Figure 13 of the EIS is not agreed with in regards to the nominated buffer distances as it would appear to measuring from the centre of the development or the initial holding dam. A more accurate measurement is considered to measure from the edge of the development to the nearest receiver (or boundary). From the main development footprint (ie the outer edge of the dams and irrigation areas), 500m is achieved to each existing dwelling. The lower edge of the irrigation area will be 400m from the southern boundary. The proposed dwellings on Lots proposed 2 and 3 approved under DA 42/0708/Mod have the potential to be within the recommended 500m buffer. These sites are however also proposed to be 267m deep (measured away from Painters Lane) therefore giving adequate potential for compliance.

The precise satisfying or failure of the nominal 500m is of course less relevant than the potential for impacts. The assessment of the potential impacts is that impacts to the receivers (and potential receivers) can be managed to be within acceptable limits. The potentially reduced (or non compliance) setbacks with the DCP for the future dwellings is noted, however impacts to such sites can be appropriately managed to limit such impacts. The conditions from the EPA in particular are noted on this matter.

As part of the proposed management of the impacts, the EIS and is reliant on adjoining land owned by the applicant (and owner of Lot 1, 139 painters Lane). It is proposed that screening of Painters Lane including Lot 1 DP 593528 and Lot 2 DP 1052351 and the boundary of this Lot 2 to the existing residences west of the development.

This is a significant aspect as the development application was initially lodged only for Lot 1 DP 593528. Given the applicants proposed additional reliance for screening, there is the opportunity to also provide greater certainty for nominated buffer distances to incorporate this additional lot into the buffer distances and give greater certainty of the longevity of this visual screen to the residences west of the proposed development. It is therefore proposed to require Lot 1 DP 593528 and Lot 2 DP 1052351 be consolidated prior to commencement of operation. Lodgement for registration is also proposed to initiate this process prior to commencement of on-site earthworks.

The buffer distance to the north and east are also non compliant given these buffer cross into non-related property, however there are limited sensitive receivers in both these directions. The non compliance in these directions is therefore considered to be of limited consequence, noting that there are minimal opportunities for future dwellings within such buffers and the development will not significantly impact on the current broad acre activities.

The buffer distances raised in the DCP are therefore on balance considered to be addressed and subject to conditions as recommended, the objectives of the DCP are considered to be achieved.

The other aspect of the DCP potentially considered as non compliant, is the lack of crime prevention techniques proposed with the development. This is perhaps more of a judgement between

competing parts of the DCP rather than specifically for this development application. The screening by use of vegetation around the perimeter of the development is called up in a number of other parts of the DCP and are considered a higher consideration than to 'open up' the development for passive surveillance and the like. The security of the development will be essentially a private matter for the owners. It is not considered that this development will constitute a significant security risk to the existing dwellings. The potential for non compliance with this section of the DCP is therefore noted, however on balance the objectives of the DCP are considered achieved.

Council's 2020 Strategy:

The 2020 Strategy completed in 2006 was a key background document bringing together a range of directions and issues when forming the new LEP which as mentioned was gazetted in 2009. The Strategy touches upon some key aspects for future development but is not a DA assessment checklist rather a range of key issues. Relevant DA's should be assessed on their merits and potential impacts which has been conducted in this case. The 2020 and issues raised in the strategy are noted.

Director General Requirements:

The list of issues identified in the Director General's requirements has been addressed within the development application.

Sydney Canberra Corridor Regional Strategy

This strategy has limited impact for the proposed development. The EIS identifies the aims of the Strategy in clause 3.1 Legislative and Policy Compliance. Generally these topics are already discussed throughout this assessment report. There were no inconsistencies identified in the strategy relating to this application and no issues which would prevent this application from being approved.

Southern Highlands & Tablelands Regional Action Plan

While released since this development application was lodged, reference to this document would appear warranted. The items identified and prioritised in the plan are not considered to interfere or inconsistent with this application. There were no identified conflicts.

Other Legislation, Policies & Guidelines:

Other aspects of the *Environmental Planning and Assessment Act 1979* and *Protection of the Environment Administration Act 1991* discuss the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity and improved valuation, pricing and incentive mechanisms are referenced for consideration.

The EIS addresses these issues within part 4.7. Whilst the assessment is relatively brief, there is nothing throughout the assessment of the application which has raised areas of concern or require more in depth assessment of these issues.

The development will need to lodge a separate application to the Environment Protection Authority (EPA) to obtain a licence under the *Environment Operations Act 1997*. The general terms of approval are provided by the EPA in their correspondence dated 5 March 2012.

The Environmental Assessment (Flora and Fauna) for a proposed Development at Lot 1 DP 593528, Parish of Goulburn, Tirrannaville report prepared by Woodlands Environmental Management provided within the EIS covers legislation including:

- The *Threatened Species Conservation Act 1995* and *Threatened Species Conservation Amendment Act 2002*;
- The *Native Vegetation Act 2003*;
- The *National Parks and Wildlife Act 1974*;
- The Environmental Planning and Assessment Act 1979; and
- The *Commonwealth Environment Protection and Biodiversity Act 1999*.

The assessment has not identified any information inconsistent with the DA information.

Irrigation of Sewage Effluent – EIS Guidelines (NSW Department of Urban Affairs and Planning)

The 1996 Guidelines have been reviewed and whilst a little out of date, the considerations and issues remain current. The Development Application is considered to have been prepared generally in a manner consistent with this Guideline.

Environmental Guidelines – Use of Effluent by Irrigation – Department of Environment and Conservation (NSW)

This 2004 document is slightly older again, however also references current environmental considerations. Of interest, the frequency of testing proposed in the EIS as part of an Operational Environmental Management Plan (OEMP) is perhaps somewhat different to the 2004 Guidelines. It is also noted that the Environment Protection Authority who have provided their advice and General terms of Approval will require input into the OEMP. Such matters are not considered significant for assessment at this stage of the development and can be refined through the OEMP process. Conditions requiring the OEMP to be finalised before commencement of on-site construction work are drafted and provided in Attachment 1.

Generally, the proposal and assessment is consistent with the relevant parts of these Guidelines.

Landform and soil requirements for biosolids and effluent reuse – NSW Department of Primary Industries – July 2004

This “agnote” guideline specifies some waste and land qualities to consider for application. Noting the EPA and SCA’s advice it is considered that the relevant waste and site characteristics have been taken into account, including where appropriate the standards quoted in this guideline.

Council Policies:

Other than discussed in this report, Council does not have policies specific to this development type. The closest policy is the Goulburn Mulwaree Practice Note No. 1 – Land Application of Poultry Litter. There are no real comparisons applicable from this Practice Note but it does suggest that spreading of waste product for soil improvement and waste disposal is an activity which occurs in rural areas of the GMC area.

ENVIRONMENTAL ASSESSMENT:

Noise:

The EIS contains the Noise Impact Assessment report prepared by SLR Global Environmental Solutions. This report was forwarded to the Environment Protection Authority who have reviewed the EIS and provided their general terms of approval (GTA's) for subsequent licence approval under the Protection of the *Environment Operations Act 1997*. Noise conditions are proposed within such GTA's and appear reasonable both in regards to the development and potential receivers.

It is noted that the Noise Impact Assessment report describes that the irrigation pump will be housed in a pump enclosure. Details of such enclosure have not been included in other parts of the EIS. Whilst normally such development would be considered exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, clause 1.16 states that, to be exempt development, the development: b) must not be designated development. The details of the enclosure therefore are required to be approved to ensure it is consistent with the noise report (ie enclosed) and that it does not create additional visual impacts.

The report also suggests or assumes that certain operational activities will occur. It is recommended that such assumptions be implemented and be included in an Operational Environmental Management Plan. Conditions to this effect are proposed.

Hours of operation for the development are noted and generally supported as the daytime operations are considered to be less sensitive times for any impacts.

Noting the EPA response and the EIS, it is not considered that the proposed development will have a significant adverse impact on the surrounding or other properties for potential noise impacts.

Dust:

Vehicle movements are considered to be the most likely cause of dust from this development. Wind borne dust may also occur from the new gravel road as well as painters Lane. The EIS information specifically addressing this issue is relatively limited however impacts from dust are considered to be of a low order.

Travel along Painters Lane is likely to create additional dust to receivers that have located close to the road. This public road is proposed to be required to be upgraded however the additional traffic on Painters Lane until any upgrade is completed is considered to be within acceptable limits.

New vehicle site access from Painters Lane and a new internal road, turning area and unloading areas are proposed. The internal road and areas are proposed to be gravel construction/finish and vehicle movements on these may lead to dust issues. The location of the new road areas in regards to potential receivers is considered generally adequate to minimise dust impacts to other properties. The proposed tree plantings should also assist with such issues.

The Environment Protection Authority has also required appropriate conditions in regards to dust impacts. It is not considered that the proposed development will create significant adverse dust impacts.

Odour:

The EIS contains the Odour Assessment report prepared by CEE Consultants Pty Ltd. This report as part of the EIS, was forwarded to the Environment Protection Authority who have reviewed the EIS and provided their general terms of approval (GTA's) for subsequent licence approval under the *Protection of the Environment Operations Act 1997*. Odour conditions are proposed within such GTA's and appear reasonable both in regards to the development and potential receivers.

The existing Saleyards facility is located within Goulburn relatively close to existing dwellings. From Council records, there are no odour complaints since 2006.

It is noted that the majority of the water being trucked, stored and disposed of as part of the development is potentially contaminated stormwater currently collected and stored relatively close to existing dwellings. Whilst impact assessment is not directly transferable to the Painters lane situation, it does suggest that this aspect is unlikely to create significant odour issues. The truck wash volumes are of course a different type of waste water. The EIS studies and conditions proposed by the EPA suggest that there will not be odour impacts beyond the boundaries of the property.

It is discussed elsewhere within this report that the adjoining lot (owned by KattleGear) is proposed to be used for buffer and impact control. This is appropriate for odour impact management purposes as well.

The assumptions used in the Odour Assessment report will need to be included in an Operational Environmental Management Plan and conditions of consent are drafted to call up such operational issues.

Based on the assessment and proposed conditions, it is not considered that the proposed development will have a significant adverse odour impacts.

Traffic:

The EIS contains the Traffic Impact Statement prepared by Laterals Engineering and Management. This has been assessed by the Roads and Maritime Services (RMS) as well as within Council's Engineering Division. The RMS response requires the upgrading for the intersection of Painters Lane and Braidwood Road which is the main access path for transport related to this development. The alternative route is nominated to utilise Windellama Road. It is proposed to limit use of the alternative route in the conditions to ensure the Braidwood Road route is utilised as proposed in the EIS.

Council's Engineering assessment is summarised as follows:

Access

The works specified in the Laterals Traffic Impact Statement, of October 2012, of:

1. Provision of a rural property access
 2. Internal access, parking and manoeuvring
 3. Widening of seal at the Braidwood Rd / Painters Lane intersection (This shall incorporate the RMS condition that the intersection be upgraded to a sealed BAL type junction)
- shall be carried out.

Further, Painters Lane shall be upgraded to comply with the haulage route standards as set out in DCP 2009, as below:

- 7m wide sealed carriageway
- 1m wide shoulder with 500mm seal
- 8m wide culverts and bridges

RMS Requirements

The RMS requirements as set out in their letter of 3 January 2012 shall be complied with.

Developer Contributions

The heavy vehicle road damage charge pursuant to s94 Development Contributions Plan 2009, Extractive Industries shall be applied as per the formula below.

$$\text{Contribution per tonne (cents)} = 4.3(L_1 \times P_1 + L_2 \times P_2 \dots L_n \times P_n)$$

Where:

L_1 - Length of road route 1 used by the development

P_1 - Estimated percentage of material trucked along route 1

L_2 - Length of road route 2

P_2 - Estimated percentage of material trucked along route 2

In this case, the relevant lengths of local roads are:

- Dossie Street – 0.15km
- Sloane Street – 0.9km
- Painters Lane – 1.39km
- Total – 2.44km

Therefore, the contribution shall be 10.5c / tonne.

Conditions to this effect have been drafted.

The EIS provides for limited hours of transportation and operation of the facility. The transportation times are generally supported as a control measure of potential impacts and these too are provided in the draft conditions.

It is noted that the traffic information has a significant weight towards the heavy vehicle movements. It is considered that a number of light vehicles such as the site operator will occur as identified in the applicant's additional information. The impacts of the other (light) vehicles on the road network and surrounds is not considered to be significant.

The lower areas and water crossing in Painters Lane is not proposed to be upgraded in the above requirements. There are times during high rainfall events that Painters Lane will not be trafficable because of flooding across the road. This needs to be accommodated in the management of the development but is not considered a major limitation. Given the proposed construction activities on the road network, temporary impacts during construction are likely although considered to be manageable.

Subject to the conditions as drafted, it is not considered that the proposed development will have a significant adverse traffic impact.

Land use conflicts:

The submissions have raised a number of times that the development will interfere with existing land uses, lifestyles and the like. The potential for such impacts are 'broken up' and looked at individually throughout this report.

In general it is not considered that the proposed development will create significant adverse land use conflicts.

Water Quality & Drainage

The EIS contains the Assessment of On-site Wastewater Management report prepared by Harris Environmental Consulting. This report was forwarded to the Sydney Catchment Authority (SCA) who have replied granting of their concurrence and advising "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 SCA requirements have been included in the draft conditions.

The upslope surface water is proposed to be diverted which will essentially separate the existing surface water from the development and new irrigation area. It is further noted that a catchment dam from the irrigation area will be used and water from this dam will be directed upslope to enable further irrigation disposal effectively closing off the development from the surrounding water path.

The Sydney Catchment Authority is a specialist water quality organisation and the granting of concurrence for this application is considered to have satisfied the required assessment under the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* as well as any water quality concerns for the development. Furthermore, it is noted that the close relationship between soil and water quality issues. The soil management issues are considered directly related to the water quality issues and therefore suggest there are limited concerns for any soil impacts from the development.

Draft conditions are proposed in this report. Based on the EIS, the concurrence of the SCA and assessment undertaken, it is not considered that the proposed development will have a significant adverse impacts on water quality or drainage.

Soil

The application of waste water to the new development poses a small risk in regards to soil contamination. The waste content has been appropriately identified over a period of time and the application/disposal to the Painters Lane site has been reviewed by the Sydney Catchment Authority and Environment Protection Authority each providing their respective advice. The EIS proposes an ongoing monitoring program of water and soil which will require refinement as part of the Operational Environmental Management Plan described above and proposed in the draft conditions. Subject to these conditions, it is considered that the development's impact on soil quality is manageable and will not create a significant adverse impact.

Vermin:

There is limited information within the EIS and DA information dealing with vermin. The comparison to the existing Saleyards in the supplementary information is noted. The new development will introduce local changes to the environment which may potentially favour certain vermin and non vermin species. Conditions of consent have been drafted requiring the inclusion of vermin and general animal control as part of the Operational Environmental Management Plan. Given the scale and nature of the proposed development, this is considered sufficient to address the issue of Vermin and animal control issues. It is not considered that the proposed development will have a significant adverse impact in regards to vermin or other animal issues.

Heritage:

The site is not listed as having any heritage values with Council policies and there are no heritage items in the vicinity. While the nominated travel route passes a number of heritage items, there are not considered to be any significant impacts on these items as part of this development.

The applicant has provided written advice from the Pejar Local Aboriginal Land Council in regards to potential Aboriginal objects and relics or other heritage constraints. In essence there were no identified issues although a precautionary approach would be to apply standard conditions that in the event of finding such object/relics or the like, all work should cease until relevant assessment has been undertaken. Conditions of consent are drafted consistent with PLALC advice.

Subject to the proposed conditions, it is not considered that the proposed development will have significant adverse heritage impacts.

Visual Impact:

The development within the Painters Lane site is proposed to include a new internal road, new dams and irrigation area and equipment. These are not considered out of place in the RU1 zone. The reshaping of the lot to create the dam(s) will be visible from Painters Lane and potentially from adjoining neighbours. The dam height is proposed to be up to 5m in height above the natural ground level below.

While the activity associated with this development is perhaps less common, the permanent infrastructure required to carry out the use is considered to be in keeping with the zone and general agricultural pursuits. It is noted that the distance and lay of the land between the development and near by residences may not remove the development from view however the impact of such could be considered low to moderate. The large tanker truck is considered a less common vehicle type and most likely will be identifiable to the development on and off the subject site.

The EIS is silent in regards to a few minor matters which may have some small visual impacts. These may include pump covers. Other potential storage sheds and the like are not proposed under this application. The pump cover is required and mentioned in the Noise report. A nominal 4m³ was suggested as ample size to cater for the pump housing. Such a relatively small structure is not considered significant in regards to potential visual impact although again may be visible from adjoining properties. Conditions in regards to materials are considered appropriate and sufficient for controls to any potential impacts.

Whilst the visual impacts are considered to be limited, given the nature of the submissions, it is recommended that visual screening and plantings as proposed in the EIS be implemented. This is considered to lessen the attention that may be drawn to the development by removing visual cues to the site's activities. It is noted that the tree plantings may take some time to mature or provide effective visual screening of the development. To encourage the commencement of the screening process, timing of certain aspects of the development are proposed in the draft conditions. It is also noted that this is different to some suggestions made in the submissions.

Subject to the proposed conditions, it is not considered that the proposed development will have significant adverse visual impacts.

On-site hazards:

The effectively vacant property gives limited risks in regards to existing on-site hazards. As mentioned before in this report, there is a low risk of contamination associated with the previous agricultural history of this property. No special considerations for this risk are required other than the conditions are proposed.

There are a number of lower order risks which this development may or will introduce to the site. These include Fuel (diesel) for the pumps, spills from the liquid transfer, fire from the development or from surrounding properties and potential systems failure.

It is considered that appropriate management practices and construction standards can manage these issues to minimise risks associated with the development and where necessary, provide the appropriate response. This is to be required in the OEMP. Subject to the proposed conditions, risks and/or hazards from the site and potentially created from the development are considered manageable.

Flora & Fauna:

The EIS contains the Environmental Assessment (Flora and Fauna) report prepared by Woodlands Environmental Management. This report generally concludes that there are no Threatened Species and that the development will not have any significant impacts on flora, fauna or their habitat. The report also recommends regular weed monitoring be undertaken given the increase in moisture and nutrients.

The site inspections have revealed limited vegetation of interest, noting there are no trees at all on site. The site inspections, history of agriculture and some modification (dams) support the findings of the above report. Information also researched from the NSW Department of Environment and Climate Change also supports the reports findings.

Conditions requiring ongoing inspections and maintenance are proposed in the draft conditions and are considered sufficient to address potential impacts for flora and fauna. Subject to the conditions, it is not considered that the proposed development will have significant adverse flora or fauna impacts.

Socio-economic impacts:

Part 5 of the EIS mentions certain aspects of the development in regards to economic and social considerations. Whilst minimal in content, there are limited planning considerations for this development on socio-economic grounds.

The development will create a small amount of capital investment into the property which will generate short term employment opportunities. The on-going management will also create some employment opportunities albeit quite small or limited.

The link to the existing saleyards made in the EIS is noted. As per other parts of this assessment, the existing Saleyards are not considered part of this application, rather the source of the material/waste being disposed of at this proposed development. No new construction works at the Saleyards are required to enable the proposed development.

It is noted that there are a number of submissions which identify that property values may be detrimentally impacted upon by this development. Such submissions are noted but are limited in supporting information behind such claims. Whilst all development proposals have some potential to influence property values, any such impacts are considered to be a lower order issue when compared to the permissibility and potential impacts. As stated throughout this report, on balance, the development is considered not to have significant adverse impacts. As such, any property value impacts are not considered to be significant.

There are also claims of impacts upon lifestyles of near by neighbours. The assessment process has identified that there are limited or manageable impacts and therefore are unlikely to have such impacts on lifestyles of surrounding property residents.

Subject to the proposed conditions, it is not considered that the proposed development will have significant adverse socio-economic impacts.

Expansion of Development. The information contained within the EIS deals specifically with the waste from the existing Goulburn Saleyards. It is proposed to require the proponent to keep appropriate records to ensure this is the sole source of wastewater consistent with the EIS information. Any future expansion would need to go through relevant application and assessment before being carried out on the Painters Lane or any other site.

Alternatives:

A short list of alternatives to the development proposal has been provided in the EIS. This is limited in that no alternative sites have been suggested, although as pointed out, most of the issues and assessment for an alternative rural site would be similar to that as proposed in this application. It would be preferred if some of the alternatives were further explored, however given the limited non-compliance issues raised in this assessment, it is considered that the EIS on this matter is sufficient.

Water contamination/wind drift/airborne impacts:

The submissions raise that there will be wind drift from the development which will contaminate water supplies or interfere with existing activities on adjoining or near by properties. Wind drift

controls are proposed in the conditions of consent. Any water borne material will then be limited in its ability to reach the property boundary or impact on unrelated properties.

As described in other parts of this report, the tree plantings are considered to assist in the control of potential wind drift issues. The consolidation of the adjoining lot will also provide greater certainty for the management and setbacks to properties to the west. Subject to the proposed conditions, it is not considered that the proposed development will have significant adverse water contamination impacts.

The submissions have raised the development increasing the intensity and frequency of fogs. The size of the development with limited additional water on the site is not considered to significantly impact on such matters.

Waste:

Given the small amount of staff interaction with this development, there are limited opportunities for the generation of day to day waste. General conditions are considered to adequately address this matter.

Sludge/non irrigation waste. It is considered likely that over time, there will be the potential build up or occasional waste product that may not be suitable for disposal by the irrigation process. This will need to be addressed within the OEMP. The infrequent nature of this is not considered to have significant impact but should be addressed to ensure appropriate standards and disposal is achieved if required.

Biological and other animal disease Hazards:

The Saleyards being the source of the waste material are subject to animal movements and therefore potential animal diseases. Whilst this is not considered in the EIS, there is the small possibility that events could occur where the water waste could transport such risks to the Painters Lane site. A precautionary requirement under such circumstances would be to require the cessation of waste from the Saleyards to the Painters Lane site. It is proposed conditions requiring such actions be included in the OEMP and is required as a stand alone condition.

EXHIBITION

The development application was notified and exhibited as follows:

- Within the Goulburn Post on 21 December 2011 and 18 January 2012.
- On public exhibition at Council offices and NSW Department of Planning Offices in Sydney.
- Neighbour notification to 33 property owners on 14 December 2011.
- Development Proposal signage on site
- June 2012 – written advice to submitters of additional applicant information.

Correspondence to the State Government Agencies was conducted as follows:

Agency	Notice Sent	Copies of Submissions sent	Advice received	Further advice
Environment Protection Authority	19/12/2011	8/2/2012 & 26/7/2012	5/3/2012	Letter confirming advice valid for 2 years Follow up advice 27/8/2012
JRPP	19/12/2011	(presented as part of this assessment & report)	N/A	This report presented to JRPP for Decision April 2013
Department of Planning & Infrastructure	19/12/2011 for exhibition purposes	8/2/2012	N/A	N/A
Sydney Catchment Authority	14/12/2011	8/2/2012 & 26/7/2012 & 28/2/2013	20/3/13	Nil
Roads and Maritime Services (formerly Roads and Traffic authority)	14/12/2011	8/2/2012 & 26/7/2012	9/1/2012	Nil
NSW Office of Water	9/1/2012	8/2/2012 & 26/7/2012	Nil	Nil
Southern NSW Local Health Network	20/1/2012	8/2/2012 & 26/7/2012	Nil	Nil

A copy of the Agency responses are provided in Attachment 2. As discussed in this report, the key environmental Agency responses namely the Sydney Catchment Authority and the Environment Protection Authority are given significant weight in the environmental assessment of this proposal.

Public Submissions

The general public submissions are summarised in the following table. Copies of the submissions are provided under separate cover. Note while the *Government Information (Public Access) Act 2009* applies to these submissions, Council may cover certain private information in the submission.

There were twenty three (23) individual submissions, all of which were in the form of objection. The submissions (not including the petition) represented eleven properties. One of the submissions contained petition containing 22 signatures. The issues raised within the submissions are summarised and considered as follows:

Issue Number:	Issue Raised	Assessment/Discussion summary
1	Issue should not be allowed to progress until KGA has complied with previous agreement (saleyards)	This application is being assessed on the merits and information presented. The Saleyards whilst the source of material for this proposal are not for consideration.
2	Will the figures in the proposal be substantiated against publicly verifiable methods	It is proposed that conditions of consent be applied requiring appropriate compliance with assumptions and quantities provided in the EIS
3	Does Council support the proposal	The consent authority is the SRJRPP. An information report has been presented to Council. A copy of the Council report is provided in Attachment 4. The application was not "called up" by Councillors for further comment/input. The determination of the DA will in effect represent Council's assessment and determination of the application.
4	What concerns does Council have regarding the current proposal?	This report completes the assessment in regards to the development application as proposed.
5	What recommendations is Council likely to be making to the JRPP?	This report is the assessment and recommendation report to the SRJRPP.
6	Will Council be effective this time in ensuring compliance?	Any breaches of the consent will be referred to the appropriate regulatory authority which may be the EPA or Council. For Council complaints (CRM's), Council's Enforcement Policy will be considered.
7	The facility should only operate for the term of the Goulburn Saleyards while in its present location	Conditions of consent are drafted consistent with this statement/concern.
8	The development should not commence until proposed screening has reached 7m	Conditions in regards to timing of the tree screening are proposed. The 7m height is not directly supported.
9	Permission to proceed should be linked to compliance with purchase of saleyards agreement	The DA assessment is not considered suitable to go to review previous saleyard issues. The source of the waste material is noted, however this DA relates to the Painters Lane site. Assessment beyond this is not supported.
10	Waste should be limited to being from the Goulburn Saleyards only	Conditions of consent are drafted consistent with this statement/concern.
11	Volume of waste should be limited	Conditions of consent are drafted consistent with

	to a maximum annual amount	this statement/concern.
12	Waste materials be limited to stormwater and truck wash only	Conditions of consent are drafted consistent with this statement/concern.
13	In case of breaches, saleyard and this site should cease.	Any breaches of the consent will be referred to the appropriate regulatory authority which may be the EPA or Council. For Council complaints (CRM's), Council's Enforcement Policy will be considered.
14	KGA should be liable and pay penalties to residents in vicinity in event of serious breaches	Any breaches of the consent will be referred to the appropriate regulatory authority which may be the EPA or Council. For Council complaints (CRM's), Council's Enforcement Policy will be considered. Liability for impact upon private property may be subject to private legal action.
15	Automated systems should shut down equipment when wind exceeds 20km/h	Environmental conditions are provided generally consistent with this item. A lower wind speed has been nominated by the applicant (10km/h)
16	All figures should be substantiated against operational metrics	It is proposed that conditions of consent be applied requiring appropriate compliance with assumptions and quantities provided in the EIS
17	Operations manual for the site shall be approved by Council prior to commencement	Environmental conditions are provided generally consistent with this item (OEMP)
18	Council and Community representative shall have access to site records (including being able to make copies) for possible investigations/breaches.	It is proposed that conditions of consent be applied requiring appropriate compliance with assumptions and quantities provided in the EIS. It is not proposed to extend the powers of the ARA to community representation.
19	Adequate facilities be provided for employees on site	During construction this will be required. The short period of time people will be on site, the applicant has advised it is not proposed to provide these.
20	Local signage not adversely affect properties and residents	Signage silent in application but topic will be raised in consent.
21	KGA utilise best available technology to minimise noise, odour and disturbance.	Conditions of consent proposed to achieve minimum environmental outcomes
22	Will developer pave & upgrade Painters Lane	Council policy incorporated into consent requiring this to occur. RMS conditions require work to Painters Lane/Braidwood Rd intersection
23	Will developer pay for Braidwood Road & Windellama rd intersection improvements	RMS conditions require work to Painters Lane/Braidwood Rd intersection. Conditions not requiring Windellama Rd intersection upgrade. Limits applied in conditions
24	Will developer pay for upgrades of Painters Lane causeways minimising flooding?	Upgrade of road is proposed requirement, although this is not proposed to include raising of low crossing.
25	Will active noxious weeds control be included	Noxious weeds are included in the EIS. Weed management required in the OEMP.
26	Will KGA contribute to local community in some way?	S94 contributions are proposed in consent. No other contributions (other than conditioned capital improvements) are proposed to be required.
27	Proposal is direct contravention of	Assessment of the DA has concluded no significant

	existing land use of Painters lane properties	adverse impacts.
28	Proposed waste is classified as hazardous to workers on-site	Not known to be classified as such. Workhealth & safety concerns are generally Workcover issues.
29	Development does not comply with POEO	EPA advice received with GTA's
30	Development does not comply with Drinking Water SEPP	SCA concurrence received
31	Development does not comply with GMLEP	Assessment has not identified any significant variations. Proposal is permissible with consent.
32	Development does not comply with GMDCP	The assessment provided above considers that on balance the proposal is generally consistent with the DCP.
33	The development is opposed by all residents in the area	Submissions and issues raised have been considered in this assessment.
34	Reliability of KGA to comply with requirements	Any breaches of the consent will be referred to the appropriate regulatory authority which may be the EPA or Council. For Council complaints (CRM's), Council's Enforcement Policy will be considered.
35	Denial of previous Mazamet Rd DA site	This application is being assessed on the merits and information presented. The Mazamet Rd proposal is not part of this application or for consideration
36	Existing land use of Painter Lane residents	The DA is not proposing alternative uses beyond the development site. Impacts from the proposal are considered no significant adverse impacts..
37	What measures will be used to ensure KGA's compliance	Any breaches of the consent will be referred to the appropriate regulatory authority which may be the EPA or Council. For Council complaints (CRM's), Council's Enforcement Policy will be considered.
38	Proposal is located within 1.5km of a licenced ground water bore	The Environmental studies reference ground water issues and have been considered.
39	Painters Lane is subject to flooding	It is acknowledged that flooding may occur and prevent access to this development. Appropriate management practices are required to ensure environmental compliance is maintained during such events.
40	Regulating water flow on-site will be impossible during weather events.	Appropriate management practices are required to ensure environmental compliance is maintained during such events.
41	Additional water will increase incidence/severity of fogs, carrying odour & suspended	No direct statements in regards to this are included in the DA information. The small volume of additional water is noted and is not expected to increase fog significantly. Odour assessment has been completed and is considered adequate. EPA submission noted. Setbacks noted. Significant adverse impacts not considered likely.
42	Why are diesel pumps being used over electrical when 3 phase is available	Power supply not considered a significant issue. Noise outputs & OEMP matters will be required to satisfy relevant impacts/levels & environmental controls.
43	No information concerning fuel	Fuel storage can occur a number of ways. Details to

	storage	be required in OEMP to ensure environmental outcomes as stated in EIS are achieved. Storage not proposed on-site & comparable to other farming practices. Require in OEMP.
44	No 12 month monitoring as recommended in EPA& LG guidelines	Appropriate data has been provided to enable suitable impact assessment.
45	Site is zoned Environmentally Sensitive	The site is zoned RU1 under GMLEP. Appropriate information is provided for environmental assessment.
46	Data used between 2006 & 2008 are drought years	Sufficient data is considered to have been supplied to make appropriate decisions.
47	No set limits for maximum amounts to be dumped	Conditions proposed to limit operations to that expressed in EIS information,
48	Wet weather & high winds may combine to make spraying impossible	Limits to environmental outcomes provided in draft conditions. This may include extended unsuitable periods.
49	Consultants unclear about shut down wind speed	Proposed that 10km/h be automated shut off speed. Conditions proposed to require this.
50	Sydney Drinking Water Catchment	SCA concurrence received
51	Conflicts within the EIS concerning wet years and irrigation area	Appears to be misunderstanding of EIS information. Role of the second dam is clear. Conditions proposed to ensure EIS information is carried out.
52	Significant risk increase to workers & public health & safety	No significant adverse risk or public health/safety impacts identified. Conditions as proposed considered sufficient.
53	Ground water bores that aren't licenced not identified	No additional bores identified. Ground water bores should be registered.
54	NSW Health & DPI should be consulted	NSW health have not replied to any referrals. DPI documents/policies have been considered.
55	Detergents & disinfectants compound environmental concerns	EPA & SCA advice/concurrence received regarding water/environmental issues
56	Permafrost, saturated oils, cold temperatures will increase likelihood & frequency of flooding	Size of development is not considered to significantly alter such events. Temperature and waste materials have been adequately assessed.
57	Install on-site sewage management facility	Not proposed as part of development.
58	Sampling frequency do not comply with guidelines	The OEMP will require assessment by EPA, SCA & Council once drafted. Frequency of sampling will form part of the development of the OEMP.
59	Site on mapped watercourse with tendency to flood.	Site has a 1 st order drainage depression with small catchment above. SW corner of site has higher order drainage depression which is generally clear of the proposed development. Limited flooding potential.
60	Underestimated N & P in reports	Specialist Agency, SCA concurrence received
61	Development can't contain own irrigation allowances for weather	Appropriate modelling is included in the EIS
62	Flora & Fauna report identifies additional weeds will be	Conditions proposed to address weeds. In OEMP

	introduced with additional costs to landowners.	
63	BJD biohazard – potential for spread of infectious material	Conditions proposed to address biohazard issues.
64	Odour consultants finding unrealistic	No errors in the report were identified. The EPA conditions require no odour impact off site.
65	Costing is underestimated	Cost estimates have been re-confirmed by applicant. No issue of significance identified.
66	No forecast for growth	Maximum quantities drafted in conditions
67	No cap on traffic movements	Conditions regarding volumes proposed
68	Estimates are inconsistent	Conditions regarding volumes proposed
69	Definition of liquid or slurry not provided	DA deals with material suitably. Conditions also address non liquid disposal (OEMP)
70	Waste management facility not a primary production enterprise. Use is not categorised under RU1 zone	The site is zoned RU1 under GMLEP. Waste management facility is a permitted use with consent.
71	Zoning – commercial activity non primary production	The site is zoned RU1 under GMLEP. Waste management facility is a permitted use with consent.
72	5.8 of GMDCP requires 500m buffer	Discussed in this report. Generally compliant
73	No details of testing	Conditions proposed to demonstrate compliance with EIS information. Included in OEMP.
74	Measurement of buffer is inaccurate – nearest boundary is 350m	Discussed in this report. Generally compliant
75	CEE recommends minimum 600m buffer	Applicant contends this is misrepresentation of report. Setbacks considered.
76	Road traffic study is insufficient for truck movements in Painters Lane	Traffic assessment completed. Traffic issues subject to conditions of consent as drafted.
77	Road not capable of two way traffic	Traffic assessment completed. Traffic issues subject to conditions of consent as drafted.
78	Objection to internal road on western boundary	No significant issues identified to require relocation.
79	Proposed road will be located close to opposite home sites	No significant issues identified to require relocation.
80	Drinking water quality impacts	SCA concurrence received advising of NorBE being achieved in regards to water quality.
81	Health risk, skin contact, water for pets, clothes on washing line subject to contamination	Wind controls proposed supported. Vegetation screening proposed. Development is permitted within the zone and setbacks as proposed as are achieved. Wind drift controls & setback/screening required to address.
82	Noise study insufficient, missing irrigation noise and vehicle movements	Noise conditions proposed.
83	Strict security measures in place	Conditions for EOMP proposed
84	Additional ponds will attract vermin & mosquitoes	Conditions for EOMP proposed

85	Weather data from Goulburn Airport & TAFE	Adequate review of weather data conducted.
86	Property values will be impacted/dropped in value	Development is permitted in the zone with consent. Property values considered a lower order consideration to other environmental/permissibility considerations.
87	Painters Lane unsuitable for a large tanker truck	Conditions regarding road upgrade proposed. Road is considered capable of larger vehicle (STC's)
88	Diesel pumps will be noisy	Conditions regarding noise impacts proposed.
89	Air borne effluent landing on roofs and running into water tanks	Conditions limiting opportunity spray drift proposed (OEMP)
90	Odour impacts to near by houses	Conditions proposed by EPA regarding odour impacts
91	Odour & spray drift in back yard	Conditions limiting spray drift proposed. Conditions proposed by EPA regarding odour impacts (OEMP)
92	Site not optimum given existing and proposed houses and existing road	Development permitted with consent. Assessment has not raised sufficient reason to refuse proposal.
93	Amenity impacts of industrial use	Development permitted with consent. Amenity impacts considered. Conditions proposed to address minimum standards/impacts.
94	If approval granted, must be continuous monitoring, no chance of expansion, applicant must be contained	Conditions proposed to define development to that within EIS and includes monitoring requirements.
95	Conflict with proposal and surrounds.	Permitted in location. No significant adverse conflicts identified.
96	Impacts on valuations of all surrounding properties.	Discussed above.
97	Perception of area will be negative	Limited visual impact. No significant adverse impacts identified. Perceptions can not be controlled by DA process.
98	Area requires 82.73ha	Site is 40ha. Adjacent site is used as part of buffer zone. Proposed conditions to consolidate. Considered sufficient area for proposed development.
99	Application does not include second lot but some diagrams do.	Some of the impacts are proposed to be managed within the adjacent lot 2. Given the applicants inclusion of this land, conditions to include this in the DA and associated methods to address potential impacts are proposed.
100	Concerns for painters Lane ability for trucks	Discussed previously
101	In a timbered site, development would be less prominent	No significant adverse impacts identified, noting that Painters Lane frontage is proposed to be screened with tree line.
102	Facility will impact on rural amenity for place to build & live	Proposed development is permissible in zone. No significant adverse impacts identified
103	Would impact on stage 2 subdivision approval	Assessment has taken into account of future dwellings. No significant adverse impacts identified
104	Smaller lots will be closest to new	Assessment has taken into account of future

	development	dwellings. No significant adverse impacts identified
105	Stage 2 impractical on financial view point	Assessment has taken into account of future dwellings. No significant adverse impacts identified Property values are discussed previously.
106	Land use conflicts & significant reduction in property value	No significant adverse impacts identified. Property values discussed.
107	Site poorly selected and not suitable	No significant deficiencies have been identified to support this.
108	Trucks will be dust, noise and safety hazard on painters lane	Traffic assessment does not support this. Upgrade of painters Lane required in conditions.
109	Smell and noise will directly impact existing home and lifestyle	No significant adverse impacts identified. Odour and Noise impacts considered and conditioned.
110	12 year history of KattleGear transferring waste management to Painters Lane residents	This application is being assessed on the merits and information presented. Waste disposal to be conducted on nominated site only.
111	Quality of water to Painters Lane property affected	EPA & SCA advice/concurrence received regarding water/environmental issues
112	Sediment, effluent and contaminated water risk to nearby properties	EPA & SCA advice/concurrence received regarding water/environmental issues. Conditions to address operations proposed.
113	Effluent risk to groundwater	Assessment does not support this
114	Old data used	Adequate data for relevant assessments has been provided.
115	Microbiological quality not provided	EPA & SCA advice/concurrence received regarding water/environmental issues. Conditions to address operations proposed.
116	Sludge treatment & disposal not addressed	Conditions to address operations proposed. OEMP
117	Health implications for drinking water	Spray drift considered. Conditions addressing proposed.
118	Noise impacts	Conditions addressing noise proposed.
119	High wind area	Spray drift considered. Conditions addressing proposed. OEMP.
120	Potential increase in weeds	Noxious weeds are included in the EIS. Ongoing management in OEMP
121	Offensive odour and winds	Odour assessment has been completed. Conditions to provide further standards (EPA) are proposed.
122	Not enough funds to comply with requirements	Conditions apply to the development to proceed. Funding is a private matter and is not considered for the environmental conditions.
123	Road safety concerns and road deterioration from this development	Traffic assessment completed. Traffic issues subject to conditions of consent as drafted.
124	Development is not sympathetic to surrounds and will hamper future residential development	No significant adverse impacts identified. Visual assessment included in report.
125	Insect infestation not addressed	Conditions of consent proposed to address issue. OEMP
126	Sewerage adverse impact on soil quality	EPA & SCA advice/concurrence received regarding water/environmental issues. Soil impacts considered. No significant adverse impacts

		identified.
127	Water limited from Goulburn Saleyards? Sludge disposal	Conditions addressing these items are proposed. OEMP
128	Saleyards in unsympathetic location	This application is being assessed on the merits and information presented. The Saleyards location is not proposed to be relocated.
129	Recent purchaser would not have bought if known about.	Impacts considered to subject property.
130	Devaluation and difficulty to sell	Discussed above
131	Road capacity of trucks	Road network assessment and conditions applied considered to address.
132	Odour & health impacts	Impact assessment completed. Conditions proposed.
133	Mosquito numbers	Conditions proposed (OEMP)
134	Rural land not suitable for Industrial activity	Permissible in zone. Impacts considered to be manageable.

In summary, it is considered that the range of objection issues have been adequately addressed in the EIS and supplementary information supplied by the applicant and/or are adequately addressed by the draft conditions of consent.

S79C Assessment summary:

This assessment report is considered to have addressed the requirements of Section 79 C of the *Environmental Planning and Assessment Act 1979*. In particular

- (i) any environmental planning instrument – The relevant EPI's have been considered
 - (ii) any proposed instrument that is or has been the subject of public consultation – Draft amendments to the GMLEP have been considered.
 - (iii) any development control plan – the GMDCP has been considered.
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F – No planning agreements or draft planning agreements are applicable.
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and – the regulations have been considered as applicable.
 - (v) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*) - This development is not affected by any coastal zone management plan.
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality -The assessment has considered that the impacts and proposed relevant conditions to address such impacts.

- (c) the suitability of the site for the development - The assessment has considered the suitability and proposed relevant conditions.
- (d) any submissions made in accordance with this Act or the regulations – Submissions have been received and considered
- (e) the public interest – There have been no public interest issues identified that prevent this development application from being approved subject to conditions as proposed.

CONCLUSION AND RECOMMENDATION

The assessment may be summarised as follows:

- The development is permitted with consent.
- The key State Government Agencies have provided their advice in regards to the proposed development and subject to conditions do not object to the development proceeding;
- The EIS and supplementary correspondence by the applicants consultant, address the main issues of potential impact for the development;
- A number of public submissions have objected to the development;
- There are key on-going management issues which are proposed to be called up in the OEMP. The conceptual OEMP provided in the EIS is considered to be supported although there are additional requirements identified in the proposed conditions.
- While the application is initially made for Lot 1 DP 593528, the DA information utilises Lot 2 DP 1052351 as part of the development's control measures. Conditions relating to this lot to be consolidated with the development site are required in the draft conditions.
- The draft conditions are considered to adequately address the potential development impacts.

It is recommended that the Sothern Region Joint Regional Planning Panel grant development consent to Development Application no. 189/1112/DA for a proposed Waste Management Facility at Lot 1 DP 593528, 139 Painters Lane Tirranaville and affecting Lot 2 DP 1052351, Painters Lane Tirranaville, subject to conditions proposed in Attachment 1 of this report.

Richard Davies

Manager Development Control

Goulburn Mulwaree Council

Attachment 1: DRAFT CONDITIONS OF CONSENT:

PART 1 – GENERAL CONDITIONS

1. The development is to be carried out generally in accordance with the plans and details submitted with the application except where varied by the following conditions of consent. The development consent incorporates the plans and documents stamped and detailed below:

- Environmental Impact Statement (including Attachments) prepared by Laterals Engineering and Management dated October 2011;
- Correspondence prepared by Laterals Engineering & Management dated 25 May 2012 signed by Robert Mowle;
- Correspondence prepared by Laterals Engineering & Management dated 2 October 2012 signed by Robert Mowle

In the event of any inconsistency between conditions of this consent and the plans and documentation referred to above, the conditions of this consent prevail.

In the event of any inconsistency between documentation referred to above, the most recent document shall prevail.

2. This consent permits the:

- The construction of a series of dams and diversion banks and associated earthworks,
- The construction of a new site access and internal road with turning area;
- acquisition of up to 2.5 megalitres per annum of treated effluent (liquid) from the Goulburn Saleyard Truck wash facility and up to 12.1 megalitres per annum of potentially polluted stormwater from the Goulburn Saleyard dams (located at Dossie Street Goulburn);
- transportation of the above mentioned effluent and stormwater by way of sealed heavy vehicle (truck) up to 30,000 litres in capacity to 139 Painters Lane, Tirrannaville (Lot 1 DP 593528),
- Gravitational transfer of the above mentioned effluent and stormwater from the truck to a Facultative storage dam on 139 Painters Lane, Tirrannaville (Lot 1 DP 593528);
- The pumping and spray irrigation of wastewater over an area of up to 7.0 hectares on 139 Painters Lane, Tirrannaville (Lot 1 DP 593528);
- The collection of water in a dam below the irrigation area and pumping from this dam to an upstream dam (which then is irrigated by spray irrigation described above); and
- Ancillary activities consistent with the above and this consent.

Variation to the volumes of truck wash wastewater or potentially contaminated surface water shall only occur with written permission from Council.

ADVISING

This consent does not permit the sourcing of additional waste water or other products from any site other than the Goulburn Saleyards. Introducing other materials to the site is not consistent with this consent and therefore would be potentially contrary to this consent or an activity conducted without consent which may attract significant fines and/or legal proceedings.

Variation of the above figures is unlikely to be considered without appropriate supporting information. This may include a full environmental study and will potentially be subject to a modification of the consent.

3. An Operational Environmental Management Plan shall be prepared consistent with Council's requirements, the Agency requirements as attached and the Environmental Impact Statement quoted above.
4. Council requires that in addition to any Agency requirements, the Operational Environmental Management Plan (OEMP) shall detail:
 - Fuel management practices
 - Chemical management practices
 - Waste products practices – including any by-product, build up not suitable for irrigation and general waste
 - Emergency contacts and management practices,
 - Wet weather management practices, especially when Painters Lane is not trafficable
 - Staff objectives and behaviour whilst travelling to and from the site and whilst on-site
 - Hours of operation on site
 - Heavy vehicle (truck) movements to and from the site being consistent with this consent including maximum truck loads per day being five or less.
 - Complaints handling
 - Maintenance of landscaping
 - Weeds control and management practices
 - Vermin and animal control practices
 - Site security
 - Reporting of incidents, complaints, environmental changes
 - Provision of monitoring testing and data and OEMP activities to relevant authorities
 - Recording of tanker vehicle movements, including times, dates, volumes of materials, and route of travel.
 - Recording of spray irrigation times, dates, weather conditions
 - Equipment automation methods to ensure compliance with environmental requirements and EIS commitments (eg spray drift)
 - Maintenance of equipment records, including functionality of spray equipment and pumps
 - Functionality of dams, ponds, bunds and the development being consistent with the EIS.

The OEMP shall provide operational level details of how activities will function consistent with this consent and the documents quoted in condition 1.

5. The works specified in the Traffic Impact Statement prepared by Laterals Engineering and Management dated October 2012, including:
 - Provision of a rural property access
 - Internal access, parking and manoeuvring
 - Widening of seal at the Braidwood Rd / Painters Lane intersection (This shall incorporate the RMS condition that the intersection be upgraded to a sealed BAL type junction)
 shall be carried out without cost to Council.
6. Painters Lane from the Braidwood road intersection to the subject site access (Approximately 1.39km in length) shall be upgraded to comply with the haulage route standards as set out in DCP 2009, as below (or where varied in writing by Council):
 - 7m wide sealed carriageway
 - 1m wide shoulder with 500mm seal
 - 8m wide culverts and bridges
 - All works shall be to the relevant road design and construction standards and at no cost to Council.
7. The development is to be conducted in a manner to ensure that the environment of the surrounding locality is not adversely affected, disturbed or disrupted. Disturbing or disruption of

the surround environment includes (but is not limited to) excessive dust emissions, offensive noise, offensive odours and the like.

Sydney Catchment Authority

8. The applicant is to comply with all requirements of the Sydney Catchment Authority as outlined in the attached letter dated 20 March 2013.

Environment Protection Authority

9. The applicant is to comply with all requirements of the Environment Protection Authority as outlined in the attached letter dated 5 March 2012.

Roads and Maritime Services

10. The applicant is to comply with all requirements of the Roads and Maritime Services as outlined in the attached letter dated 3 January 2012.

PART 2 – CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

11. Prior to commencement of any earthworks for the dams, ponds, roads or other infrastructure on-site, landscaping consistent with the submitted Landscape Plan shall be **installed and completed**.
12. Prior to commencement of any earthworks or other activities on-site relating to this development, evidence must be supplied to Goulburn Mulwaree Council that an **Operational Environmental Management Plan** has been **lodged** with Council, the Environment Protection Authority and the Sydney Catchment Authority.
13. Prior to commencement of any earthworks or other activities on-site relating to this development, evidence must be supplied to Council that **consolidation** of Lot 1 DP 593528 and Lot 2 DP 1052351 has been **lodged** with the NSW Land and Property Information.
14. Prior to commencement of any earthworks or other activities on-site relating to this, evidence shall be provided to Council that plans for road upgrading of:
 - The intersection of Painters Lane and Braidwood Road have been **lodged** with the Roads and Maritime Services for consideration. Plans and procedural matters shall be consistent with the Roads and Maritime Services advice dated 3 January 2012 or as otherwise agreed by the Roads and Maritime Services **and** Goulburn Mulwaree Council;
 - Painters Lane from the intersection of Braidwood Road to the subject property entrance consistent with Council requirements as stipulated in this consent or as otherwise agreed to by Council. This shall be lodged as part of a Construction Certificate with relevant construction details consistent with this consent and appropriate road construction standards.
15. Details of the internal access, parking and manoeuvring road way shall be lodged as a Construction Certificate demonstrating appropriate construction standards, dimensions (including turning areas) for proposed vehicles. The Construction Certificate information shall demonstrate compliance with this consent, including Agency requirements.

ADVISING

Engineering Design

Three A1 copies of detailed engineering plans prepared by a suitably qualified and experienced civil engineering professional are to be submitted to Council. Council must approve these plans prior to the commencement of construction works.

Note: Sydney Catchment Authority has requirements for the internal road and effluent discharge site and should be included in the CC plans.

16. Prior to commencement of any earthworks for the dams, ponds, roads or other infrastructure on-site, run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land as follows:
 - § Divert uncontaminated run-off around cleared or disturbed areas; and
 - § Erect a silt fence to prevent debris escaping into drainage systems or waterways; and
 - § Prevent tracking of sediment by vehicles onto roads; and
 - § Stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.The controls are to remain in place until all disturbed ground surfaces are rehabilitated/vegetated and stabilised to prevent erosion or sediment loss
17. A sign is to be erected on the development site, which identifies the property, shows the site supervisors name and contact details, and must include the words *"Unauthorised entry to the work site is prohibited"*. This sign is to be visible and legible from painters Lane in front of the property and is to be maintained for the life of the development.
18. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out. The provision of toilet facilities must be completed before any other work is commenced.
19. All waste generated from the development is to be contained within bins or sediment fenced boxed structure. When the facility is full or at the completion of the development the material is to be taken to an authorised waste disposal depot.
20. Prior to any excavation or soil disturbance on-site, Sydney Catchment Authority requirements contained within conditions 17 and 18 of the Authority's advice dated 20/03/2013 shall have been complied with.

PART 3 – CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

21. All construction on site it to be consistent with conditions within this consent.
22. Dust control measures are to be implemented during on-site construction and road construction activities to control dust creating a nuisance. Dust and sedimentation control measures are to be provided and maintained until satisfactory ground cover has been established
23. All construction work shall be carried out only between the hours of 7.00am and 6.00pm Mondays to Fridays inclusive and on Saturdays between 7.00am and 1.00pm if inaudible on residential premises, otherwise 8.00am to 1.00pm. No construction work shall take place on Sundays or Public Holidays.

A written application shall be made to the Council if a variation of these hours is required. The application shall indicate the reasons for the variation. The Council shall, if it so desires, grant any variation in writing.

For the purposes of this consent, **construction work** includes earthworks, road construction activities, grinding, welding, deliveries on-site, building works, demolition and the like.

24. During initial earthworks, a representative of the Pejar Local Aboriginal Land Council shall be present.
25. In the event that any Aboriginal artefacts/objects are identified on the subject land during the carrying out of works, the Applicant/Owner/Builder shall cease work immediately in the vicinity of the artefact/s or object/s and contact the Department of Environment & Climate Change at Queanbeyan (NSW National Parks & Wildlife Service available on ph: (02) 6298 9736 or mob: 0417 270 415) and Pejar Aboriginal Land Council ph: 4822 3552 to arrange for the assessment of the artefacts.
26. To ensure that access to the lot is constructed and provided to enabling vehicles to enter and leave the property in an effective and safe manner, the access from the road to the gate shall be constructed to Council Standard. The entrance gateway is to be set back from the road boundary fence line in accordance with Council's standard. The applicant shall submit to Council, for approval, 3 copies of a sketch showing the proposed location of the access and the inclusion or otherwise of drainage pipes (including pipe size).

ADVISING

To comply with this requirement the applicant may make the following arrangements:

- (i) The applicant may carry out the work or engage a contractor (other than Council) to carry out the work. A copy of the installers public liability insurance shall be submitted to Council for approval attached to the abovementioned sketch. The access is to be completed prior to the commencement of work unless security is provided to cover the work required.

The applicant may provide security to cover the work required. The security may be the lodgement of a bank guarantee or cash bond with Council equal to the amount required for Council to install the access [shown in (i) above].

The bond amount is refunded to the applicant when the work is completed and approved by Council. The lodgement of security shall be made prior to the commencement of work.

27. All road construction works in Painters Lane are to be supervised by a suitably qualified and experienced civil engineer on a daily basis. This supervising engineer is to ensure compliance with the requirements of the specification, adherence to design plans and quality control of the works. Prior to commencement of construction, the developer is required to submit a resume of the supervising engineer and construction contractor to Council for approval by the Manager of Engineering Development.
28. 48 hours notice is to be given to Council for an inspection, for the following components of Painters Lane road construction (where applicable):
 - a. Roadworks
 - b. Sub-grade earthworks prior to gravel
 - c. Gravel test results available
 - d. Compacted gravel base completed
 - e. Sealing completed
 - f. Water Sensitive Urban Design (WSUD) structures completed

29. In the event that soil is required to be imported to construct parts of the development, such materials shall be Virgin excavated natural material within the meaning of the Protection of the Environment Operations Act 1997. Variation of this condition shall only occur subject to Council's written approval or be consistent with any approved construction plans.
30. No fill permitted to change existing ground levels at the property boundary. Any proposed fencing is to be on existing ground level.
31. Any pump cover is to be provided consistent with the Noise Impact Assessment report prepared by SLR Global Environmental Solutions dated 13 October 2011, up to a maximum of 4 cubic metres unless otherwise approved by Council and finished with non-reflective materials.

PART 4 – CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF USE

32. Prior to commencement operations including disposal of waste on site relating to this development, evidence must be supplied to Council that an Operational Environmental Management Plan has been **approved** by Goulburn Mulwaree Council, the Environment Protection Authority and the Sydney catchment Authority.
33. Prior to commencement operations including disposal of waste on site relating to this development, suitable evidence must be supplied to Council that consolidation of Lot 1 DP 593528 and Lot 2 DP 1052351 has been **registered** with the NSW Land and Property Information.
34. Prior to commencement operations, disposal of waste on site relating to this development, suitable evidence must be supplied to Goulburn Mulwaree Council demonstrating that the Painters Lane and Braidwood Road intersection has been upgraded to the requirements of the Roads and Maritime Services. This shall comply with the attached Roads and Maritime Services advice dated 3 Jan 2012 or any subsequent advice.
35. Prior to commencement operations including disposal of waste on site relating to this development, suitable evidence shall be supplied to Council that the development has been constructed consent with:
 - Section 2.1 including Figure 5 and Figure 6 of the Environmental Impact Statement (including Attachments) prepared by Laterals Engineering and Management dated October 2011;
 - Sydney Catchment Authority requirements conditions 2 to 7, condition 9, condition 12 and conditions 14 to 16 contained within the Authority's advice dated 20/03/2013; and
 - Appropriate approvals have been obtained from the Environment Protection Authority.

Commencement of operations including commencement of waste deliveries, shall only occur once council has agreed that the evidence supplied is sufficient and consistent with relevant parts of this consent.

36. Unless a staging plan has been agreed to by Council varying this condition, the upgrading of Painters Lane shall be completed as per this consent and any subsequent Construction Certificates, prior to commencement operations or disposal of waste on site.

ADVISING

Council may consider a staging plan for the Painters Lane road upgrade whereby it can be demonstrated:

Limited tanker truck movements will occur until the road upgrading has been completed; and
The staging plan will defer completion of the road upgrade for a short/limited time frame;
OR
Other reasonable limitations exist to prevent compliance with subject requirements.

37. Where a staging plan in the condition above has been reached and agreed to with Council, the development may only continue in a manner consistent with the staging plan. Where outcomes are not satisfied, expire or are inconsistent with the staging plan, operations on-site including delivery of waste materials, irrigation from the ponds and the like, shall cease until the Painters Lane is upgraded as required in this consent or a revised staging plan is agreed to by Council.

PART 5 – ONGOING REQUIREMENTS

38. Maintenance Period for Engineering Works. The maintenance period is 12 months and commences on the date of issue of the Notification of Completion of Engineering Works. This applies to all road construction work within the road reserve network.

The maintenance bond is an amount of 5% of the total value of engineering works (minimum amount \$1000). This bond is held by Council to cover any defects or omissions which may arise or become apparent in the maintenance period. The maintenance bond is to be paid to Goulburn Mulwaree Council prior to the issue of the Subdivision Certificate.

During the maintenance period, Council may direct the developer to rectify any omission or defect in the work which existed at the time of Notification of Completion or becomes apparent prior to the expiration of the maintenance period. If defects or omissions are not rectified within one month, Council may rectify the omission or defect and apply the maintenance bond as payment of the cost for the rectification.

The maintenance period of any rectification work will be extended a further 12 months, however, at the expiration of the original 12 month maintenance period, the amount of the maintenance bond will be reduced in accordance with the value of the work under maintenance.

The nature of some defects may necessitate Council's immediate action to rectify, in which case, the developer is responsible for reimbursing Council's costs.

Upon expiration of the maintenance bond, it will be the developer's responsibility to request Council to release the maintenance bond.

The requirement for the developer to rectify defects and omissions in accordance with this clause holds true after the expiration of the maintenance period in the case that such defects and omissions are undiscoverable by normal means but come to light at a subsequent time.

39. All operations must be carried out consistent with the approved Operational Environmental Management Plan.
40. The approved Operational Environmental Management Plan shall be reviewed every five years or more frequently where directed by the Environment Protection Authority, the Sydney Catchment Authority or by Council. The review shall take into account operational matters that may minimise impacts to the environment, neighbouring properties or addresses changes to the site. Where justifiable complaints are received, the OEMP shall be modified to address such complaints and control the associated impact as directed by the relevant authority.
41. All trucks transporting waste from the Goulburn Saleyards must be logged and recorded as per the Operational Environmental Management Plan. The recorded truck movements are to be provided to Council and any other relevant Agency upon request and when complying with other aspects of this consent.

42. All truck movements on Painters Lane associated with this development shall be limited and controlled to comply with the following:
- Permitted to operate between 7.00am and 5.00pm Monday to Friday
 - Permitted to operate between 8.00am to 1.00pm Saturday
 - No transportation on Sundays or Public Holidays
 - No transportation on Painters Lane during periods when the school bus is operating

The applicant shall negotiate with any relevant bus company in regards to school bus times on Painters Lane and provide such restrictions in the Operation Environmental Management Plan (OEMP) required in this consent.

43. All vehicle movements must be carried out as per the Figure 10 and 11 from the Environmental Impact Statement prepared by Laterals Engineering and Management dated October 2011, (the EIS) unless approved by Council. The alternative route also identified in the EIS shall only be used by trucks transporting Waste to the Painters Lane site with Council's written permission and in accordance with any limitations in such permission.

44. In accordance with the provision of s80A(1) and s94 *Environmental Planning and Assessment Act 1979*, contributions are required toward road maintenance costs in accordance with the Goulburn Mulwaree Section 94 Development Contributions Plan 2009. The contributions are to be paid quarterly and shall be the **current rate**.

The rate of 10.5c per tonne of the approved haulage route is the charge for the 2012/2013 financial year.

The above contributions are current at the time of consent and will be indexed annually in accordance with any increase in the Consumer Price Index (All Groups) Sydney following publication by the Australian Bureau of Statistics.

45. Where truck movements transporting waste from the Goulburn Saleyards to the site, utilise the Alternate Access Route (identified in Figure 9 of the Traffic Impact statement prepared by Laterals Engineering and Management), there shall be additional contributions paid to Council consistent with the Goulburn Mulwaree Section 94 Development Contributions Plan 2009 as amended.

46. Where truck movements transporting waste from the Goulburn Saleyards to the site, utilise the Alternate Access Route (identified in Figure 9 of the Traffic Impact statement prepared by Laterals Engineering and Management), exceed one load (two vehicle movements) per day, the intersection of Painters Lane and Windellama Road shall be upgraded to provide a deceleration lane and acceleration lane in accordance with Council requirements.

47. Irrigation spray units and other devices for the irrigation of dam water shall be operated with automated controls that switch off irrigation devices/pumps and the like once on-site wind speeds exceed **10km/h**. Details of testing, operation, maintenance and reporting are required to be addressed in the Operational Environmental Management Plan required in conditions 3 and 4 of this consent.

48. In the event of an identified biological hazard at the Goulburn Saleyards, collection of the Saleyard water (including either the truck wash and/or the potentially contaminated surface water) and transfer to the Painters Lane site shall cease until the relevant agency has cleared the hazard or provided suitable permission to operate.

This condition shall apply where the Saleyards are not permitted to be used or have stock placed on the property, where an identified disease has been sourced to the Goulburn Saleyards or where the site has been prevented from operating from an Animal Welfare Health Agency eg. Department of Primary Industries.

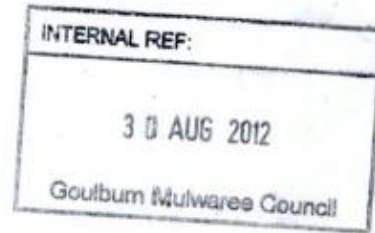
ADVISING

This condition directs the cessation of wastewater being delivered to Painters Lane site during high risk events such as where quarantine exclusions may exist or where disease outbreak has occurred and has links (where affected animals have/are being kept) to the Goulburn Saleyards. It is not intended to prevent the usual operations as approved in this consent.

Attachment 2: Agency Responses



Our reference: DOC12/29994; LIC12/89
Contact: Michael Heinze, (02) 6229 7002



The General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

SCANNED

Attention: Richard Davies

27 August 2012

Dear Mr Davies,

**RE: DA/0181112, Proposed Waste Management Facility
139 Painters Lane TIRRANNAVILLE NSW 2580**

I refer to your correspondence of 20 July 2012 which contained additional information provided by the applicant for the above Development Application ("the DA"). I also refer to your letter dated 19 July 2012 which enclosed the public submissions that were received by Goulburn Mulwaree Council ("Council") in relation to the second public exhibition of the DA that occurred from 26 June 2012 to 10 July 2012. I further refer to your telephone conversation with Mr Michael Heinze of the Environment Protection Authority ("EPA") on 7 August 2012 in relation to this matter.

The EPA understands that the additional information was provided by the applicant in response to a request by Council for further details regarding the proposed Waste Management Facility at 139 Painters Lane, Turrannville NSW 2580. This was as a result of the public submissions received during the first public exhibition of the DA that occurred from 21 December 2011 to 30 January 2012.


The EPA further understands that there have been no modifications to the DA between the first and second public exhibition periods and that Council requested the applicant to provide the additional information to clarify certain points and in turn allow further assessment of the DA by Council. The EPA has reviewed both the additional information provided by the proponent and the public submissions from the second public exhibition and have not found any additional issues beyond those identified when the original DA and submissions from the first public exhibition were referred to the EPA for consideration. The EPA notes that the majority of submissions received by Council as a result of the second public exhibition were identical to those received during the first exhibition period. The exceptions were two additional submissions from new parties, but again it was noted that these submissions did not raise any new issues that have not been previously considered by the EPA.

Accordingly, the EPA considers that the advice and specifically, the General Terms of Approval provided in its correspondence to Council dated 5 March 2012 are still relevant and applicable to the DA. In the interest of clarity and to assist Council with this matter, a copy of the EPA's correspondence dated 5 March 2012 is enclosed.

PO Box 622, Queanbeyan NSW 2620
11 Farrer Place, Queanbeyan NSW
Tel: (02) 6229 7002 Fax: (02) 6229 7006
ABN 43 6922 85758
www.epa.nsw.gov.au

Should you wish to discuss this matter please contact Michael Heinze on 6229 7002.

Yours sincerely

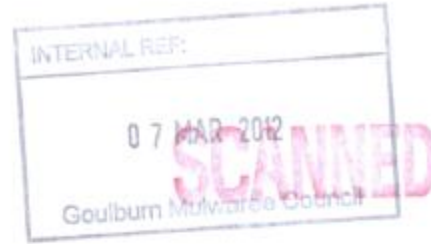


STEFAN PRESS
Acting Unit Head – South East Region
Environment Protection Authority



ENVIRONMENT PROTECTION AUTHORITY

Our reference: DOC11/58534 LIC12/89
Contact: Alison McLeod, (02) 6229 7002



The General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Attention: Lauren Evans

5 March 2012

Dear Ms Evans,

**RE: DA/0181112, Proposed Waste Management Facility
139 Painters Lane TIRRANNAVILLE NSW 2580**

I refer to the Development Application and accompanying information provided for the proposed Waste Management Facility at 139 Painters Lane, Turrannville NSW 2580 received by the EPA from Goulburn-Mulwaree Council on 21 December 2011. I also refer to the letter dated 8 February 2012 from Council which enclosed the public submissions that were received in relation to the Application.

The EPA has reviewed the information provided, including the Environmental Impact Statement and the public submissions, and has determined that it would be able to issue a licence under the *Protection of the Environment Operations Act 1997* for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain this licence, if the Development Application is approved.

In accordance with section 91A of the *Environmental Planning and Assessment Act 1979*, the EPA's general terms of approval for this proposal are provided at Attachment A to this letter. If Council grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

The proponent will be required to provide the EPA with completed and final copies of the following documents at the time of lodging a licence application;

- Operational Environmental Management Plan (OEMP) including
 - Water Monitoring Program

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ABN 30 841 387 271
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➤ Soil Monitoring Program

Environmental monitoring requirements derived from these documents would then be incorporated into the licence.

Should you wish to discuss this matter, please contact Alison McLeod on 6229 7002.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Julian Thompson', with a long horizontal flourish extending to the right.

JULIAN THOMPSON
Unit Head – South East Region
Environment Protection Authority

Attachment A- EPA General Terms of Approval

Administrative conditions

1. Information supplied to the EPA

1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA/0189/1112 submitted to Goulburn Mulwaree Council on 8 December 2011;
- the environmental impact statement 'Proposed Waste Management Facility, Kettle Gear Australia PTY LTD - 139 Painters Lane, Tirrannaville' and all attachments relating to the development.

2. Fit and Proper Person

2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

3. Pollution of waters

3.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

4. Waste

4.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

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

Condition 4.1 does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
	Liquid waste	Stormwater and truckwash effluent from the Goulburn Saleyard site at 2A Sloane Street, Goulburn	Waste disposal-application to land	The total amount of effluent disposed of at the premises must not exceed 14.6 megalitres per annum

4.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

5. Noise limits

5.1 Noise from the premises must not exceed an $L_{Aeq(15\text{ minute})}$ noise emission criterion of 35 dB(A) at any time.

5.2 Noise from the development is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 meters of a dwelling where the dwelling is more than 30 meters from the boundary, to determine compliance with the $L_{Aeq(15\text{ minute})}$ noise limits in Condition 5.1.

5.3 The noise emission limits identified in **5.1** apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions.

Noise impacts that may be enhanced by temperature inversions must be addressed by documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions.

Where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

6. Hours of operation

6.1 All construction work at the premises must only be conducted between Monday to Friday 7:00am to 5:00pm, and 8:00am to 1:00pm on Saturdays.

6.2 Activities at the premises, other than construction work, may only be conducted between Monday to Friday between 7:00am to 5:00pm, and 8:00am to 1:00pm on Saturday.

6.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition **6.1** or **6.2**, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

6.4 The hours of operation specified in conditions **6.1** and **6.2** may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

7. General

7.1 If the effluent storage dams on the premises are to be cleaned, any sludge must be classified in accordance with the Waste Classification Guidelines (DECCW, 2010) and be disposed of at a facility that can lawfully receive the waste sludge.

8. Odour

8.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

8.2 No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.

9. Dust

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

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

10. Waste Water Utilisation Areas

10.1 Waste water must only be applied to the land marked as 'irrigation area' on Figure 14 of 'Proposed location of irrigation area, earth banks and storage dams' in the *On-site Wastewater Management for Painters Lane, Goulburn* prepared by Harris Environmental Consulting, dated August 2011.

10.2 Spray from waste water application must not drift beyond the boundary of the waste water utilisation area to which it is applied.

10.3 Effluent application must not occur in a manner which causes surface run off.

11. Maintaining Waste Water Utilisation Areas

11.1 Waste water utilisation areas must effectively utilise the waste water applied to those areas. This includes the use for crop production, as well as ensuring the soil is able to absorb the nutrients, salts, hydraulic load and organic materials in the solids or liquids. Monitoring of land to determine the impact of waste water application may be required by the EPA.

Monitoring and recording conditions

12 Monitoring Conditions

- 12.1** A meteorological weather station must be established and maintained at the site so as to be capable of continuously monitoring the parameters specified in condition M7.2.
- 12.2** For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Point (TBA)

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	°C	Continuous	1 hour	AM-4
Wind direction	degrees	Continuous	15 minute	AM-2 & AM-4
Wind speed	metres/second	Continuous	15 minute	AM-2 & AM-4
Rainfall	Millimetres	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

13. Monitoring records

13.1 The 'Conceptual Operational Environmental Management Plan' provided in the Environmental Impact Statement (EIS) must be lodged with the EPA at the time of application for a licence in its final form. It must outline the proposed environmental monitoring (including soil and water monitoring) program.

13.2 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions 11.2 and 11.3.

13.3 All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

13.4 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

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

14. Reporting conditions

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

Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

This licence applies to all other activities carried on at the premises, including:

- Waste Storage

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

- This includes:
 - the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
 - must be maintained in a proper and efficient condition; and
 - must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

- The record must include details of the following:
 - the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;
 - the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made. The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence. The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint. This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a Statement of Compliance; and
 - a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- Where this licence is transferred from the licensee to a new licensee,
 - the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.
- Note: An application to transfer a licence must be made in the approved form for this purpose.
- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
 - in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

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

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

The licensee or its employees must notify the EPA and each relevant authority of incidents causing or threatening material harm to the environment including all relevant information about the incident, immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555. The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

- The request may require a report which includes any or all of the following information:
 - the cause, time and duration of the event;
 - the type, volume and concentration of every pollutant discharged as a result of the event;
 - the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
 - the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 - any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

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

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

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

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



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Website www.sca.nsw.gov.au

Ref: 11320-a1
Your Ref: DA/0189/1112

The General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN 2580

Attention: Richard Davies

Dear Sir

**Subject: Sydney Drinking Water Catchment SEPP
DA No DA/0189/1112; Lot 1 DP 593528; 139 Painters Lane, Tirrannaville**

I refer to your letter received 16 December 2011 requesting the concurrence of the Chief Executive under Clause 11 of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (the SEPP) with a proposal for a waste management facility being the storage of stormwater effluent from Goulburn saleyards and the management of that effluent by spray irrigation at the above site. It is noted that the final documentation including responses to submissions was received on 1 March 2013.

The subject property, which has been inspected by the Sydney Catchment Authority (SCA), is located within the Warragamba catchment which forms part of Sydney's water supply.

The following documents have been considered in the assessment of the application:

- an Environmental Impact Statement (EIS) prepared by Laterals Engineering and Management (dated 26 October 2011)
- an "Assessment of On-site Wastewater Management, Painters Lane" prepared by Harris Environmental Consulting (dated 6 August 2011)
- a "Stormwater and Truckwash Concept Design Report" prepared by CEE Consultants Pty Ltd (dated 31 October 2011), and
- various submissions and the applicant's response (supplied by Council dated 28 February 2013).

The proposal involves the trucking of stormwater effluent from the Goulburn saleyards site to the Painters Lane site, where it will be unloaded into a 1.2ML primary storage/facultative dam which will overflow into a 7ML maturation/winter storage dam. Immediately downslope of these two dams will be a 9ML emergency storage dam. Effluent from these dams will be spray irrigated onto a 7 ha site on days when rainfall and soil saturation conditions permit so as to ensure no effluent runoff. All runoff from the 7 ha irrigation area will be captured in another lower dam from which the runoff will be pumped back to one of the upstream dams.

Based on the 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 would therefore concur with the granting of consent to the application subject to the following conditions being imposed:

General

1. The proposed development shall be as per the Environmental Impact Statement prepared by Laterals Engineering and Management (dated October 2011) and Figure 14 of the "Assessment of On-site Wastewater Management, Painters Lane, Goulburn" prepared

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by Harris Environmental Consulting (dated 3/8/2011), and the following conditions. Any revision to the concept plan shall be agreed to by the Sydney Catchment Authority.

Reason for Condition 1 - The Sydney Catchment Authority has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

Effluent Management

2. The effluent management system shall incorporate three primary dams in series as described in section 3 of the "Stormwater and Truckwash Concept Design Report" prepared by CEE Consultants Pty Ltd (dated 31/10/2011), except where amended by this advice, and shall include:
 - a pre-treatment or facultative dam with a minimum volume of 1.2 megalitres, a depth of 1.8 metres at top water level, a freeboard of 0.5 metres, and a surface area of 900 square metres
 - a maturation dam, which accepts all flows from the facultative dam, with a minimum volume of 7 megalitres, a depth of 5 metres at top water level, a freeboard of 0.5 metres, and a surface area of 2500 square metres, and
 - an emergency storage dam, which accepts all overflow from the maturation dam and runoff from the irrigation area, with a minimum volume of 9 megalitres, a depth of 5 metres at top water level, a freeboard of 0.5 metres and a surface area of 3000 square metres.
3. The base of the facultative dam, maturation dam and emergency storage dam shall be lined with clay to a minimum thickness of 0.6 metres and compacted in-situ to a permeability of less than 10^{-9} m/sec. The clay layer shall be overlain by a flexible membrane liner with a minimum thickness of 1.5 mm and a permeability of less than 10^{-14} m/sec as required by the DEC *Conservation Environmental Guideline: Composting and Related Organics Processing Facilities* (2004) or by some other method achieving a same measure of impermeability as designed by a suitably qualified geotechnical engineer in consultation with the Sydney Catchment Authority. The flexible membrane liner shall also be protected from puncture and deterioration by ultraviolet light by appropriate measures.
4. Sludge or any other solid waste from the facultative dam, the maturation dam or the emergency storage dam shall be disposed of at an appropriately licensed facility.
5. Irrigation of the site shall be managed in accordance with sections 6 and 8 of the "Assessment of On-site Wastewater Management, Painters Lane" prepared by Harris Environmental Consulting (dated 6/8/2011)
6. The area between the proposed irrigation area and the runoff catchment dam as shown Figure 14 of the "Assessment of On-site Wastewater Management, Painters Lane, Goulburn" prepared by Harris Environmental Consulting (dated 3/8/2011) shall be kept as a reserve irrigation area.
7. An additional final runoff catchment dam (shown as '1ML runoff catchment dam' on Figure 14 of the of the "Assessment of On-site Wastewater Management, Painters Lane, Goulburn" prepared by Harris Environmental Consulting (dated 3/8/2011) shall be constructed in the southern part of the site. The final runoff catchment dam shall be designed so as to capture all runoff from the irrigation areas and sized so as to ensure no overflow based on the historical rainfall record for the locality.

Site Monitoring

8. A monitoring program shall be developed in consultation with and to the satisfaction of the Sydney Catchment Authority prior to the commencement of operation of the facility.

The monitoring program shall be based on Section 3 'Monitoring and Review' of the Conceptual Operational Environmental Management Plan (Appendix 12 of the EIS) prepared by Laterals Engineering and Management (dated 10/2011), and Section 5.8 of the "Assessment of On-site Wastewater Management, Painters Lane, Goulburn" prepared by Harris Environmental Consulting (dated 3/8/2011).

9. A minimum of one groundwater monitoring bore shall be placed below the proposed effluent irrigation area.

Operational Environmental Management Plan

10. An Operational Environmental Management Plan (OEMP), based on the Conceptual Operational Environmental Management Plan (Appendix 12 of the EIS) prepared by Laterals Engineering and Management (dated 26/10/2011), shall be developed in consultation with and to the satisfaction of the Sydney Catchment Authority prior to the commencement of operation of the facility. The OEMP shall detail, but not be limited to, the procedures, management responsibilities and reporting for the following:
 - the delivery of effluent to the site
 - the management of solids and sludge from the facultative, maturation and emergency storage dams
 - the transfer of effluent into and between the various dams, including the lowest final runoff catchment dam
 - the inspection, monitoring and maintenance of all stormwater and effluent management structures, including swales and channels
 - the management of the irrigation areas
 - the implementation of the monitoring program
 - emergency procedures for containment and spill management including an incident management plan, and
 - checklists for all standard operating procedures.
11. Independent environmental audits shall be undertaken after one year, two years and five years in relation to compliance with the development consent and the Operational Environmental Management Plan and the outcomes of monitoring activities. The audits shall be provided to the Sydney Catchment Authority and other regulatory bodies, with future audit frequencies to be determined by these regulatory bodies.

Effluent discharge site

12. The tanker effluent discharge area shall be bunded so as to contain any spill effluent.

Reason for Conditions 2 to 12 – To ensure the effluent disposal facility is appropriately designed, operated and monitored so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term.

Fuel Storage

13. Any fuel stored at the site shall be stored above ground on a concrete base, with the storage area to be bunded so as to be able to contain at least 120% of the volume of fuel stored.

Reason for Condition 13 – To ensure that any fuel storage on the site is appropriately managed so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term.

Access

14. The access to the unloading area shall be constructed with compacted roadbase (aggregate) as a minimum, and shall be located so as to minimise length.

15. The access shall incorporate vegetated swales on both sides of its length with appropriately spaced level spreaders, sills or mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation. Where outlets of swales discharge near a drainage depression they shall be stabilised by an energy dissipater.
16. All runoff from the access shall be managed so as not to flow across the irrigation area or downslope reserve irrigation area.

Reason for Conditions 14 to 16 - To ensure the and access ways to the site and associated drainage works and water quality control measures are appropriately designed so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

Construction Activities

17. A detailed Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans for all works associated with the proposed development. The Plan shall meet the requirements outlined in Chapter 2 of the NSW Landcom's *Soils and Construction: Managing Urban Stormwater (2004)* manual - the "Blue Book", and shall be prepared in consultation with the Sydney Catchment Authority prior to the commencement of any construction.
18. Effective erosion and sediment controls shall be installed prior to any construction activity including site access, and shall prevent sediment or contaminated water leaving the construction site or entering natural drainage system or roadside drain. The controls shall be regularly maintained and retained until works have been completed and groundcover re-established, or the ground surface stabilised.

Reason for Conditions 17 & 18 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

Under Clause 11 of the SEPP, Council shall provide the SCA with a copy of its determination of the application within 10 days of the determination.

If you wish to discuss this matter further please contact James Caddey on 4824 3401.

Yours sincerely



GREG GREENE
A/Manager Planning & Assessments

20/03/2013

Our Ref: STH11/00082/02
Contact: Tim Webster 4221 2769
Your Ref: DA/0189/1112



Transport
Roads & Maritime
Services

SCANNED

3 JAN 2012

The General Manager
Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

INTERNAL REF:
- 9 JAN 2012
Goulburn Mulwaree Council

Attention: Lauren Evans

**GOULBURN MULWAREE COUNCIL – DA/0189/1112 – LOT 1 DP 593528, MR79, 139
PAINTERS LANE, TIRRANNAVILLE – WASTE MANAGEMENT FACILITY**

Dear Sir/Madam

Reference is made to your letter dated 14 December 2011 forwarded to Roads and Maritime Services (RMS), formerly Roads and Traffic Authority, regarding the subject development application. RMS would like to advise on our new name change and would appreciate all letters in future now be addressed to Roads and Maritime Services.

RMS have reviewed the information provided and will not object to the development application subject to the following comments being included in the conditions of development consent:

- Prior to any occupation, the developer shall upgrade the junction of Painters Lane and Braidwood Road to a sealed BAL type junction treatment in accordance with Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections*. The access shall be sealed a minimum distance of 10m back from the edge of seal.
- All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to the RMS. All works shall be completed prior to occupation by a suitably qualified contractor.
- RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on Braidwood Road. Given this, Section 138 consent under the Roads Act, 1993 shall be obtained from the RMS prior to construction.
- The developer shall apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependant upon the RMS receiving an accurate and compliant TMP. Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RMS Project Manager.

Roads & Maritime Services

Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520
T 02 4221 2480 | F 02 4221 2777 | www.rmservices.nsw.gov.au |

Conditions of development consent relating to road work, traffic control facilities and other structures on the classified road network contrary to those outlined above are unlikely to receive RTA consent under the Roads Act, 1993.

It is requested that Council advise the applicant that conditions of development consent do not guarantee the RMS final consent to the specific road work, traffic control facilities and other structures and works on the classified road network. In this regard, prior to undertaking any such work, the applicant is required to submit detailed design plans, environmental impact assessment and all relevant additional information prior to commencing work on the State road network. The developer will need to pay all RMS fees and charges associated with works. In the first instance, to progress the post consent process, the applicant should email the conditions of development consent to: land_use_southern@rta.nsw.gov.au.

Upon Council's determination of this matter, it would be appreciated if Council could forward a copy of the Notice of Determination to RMS within the appellant period for advice and consideration.

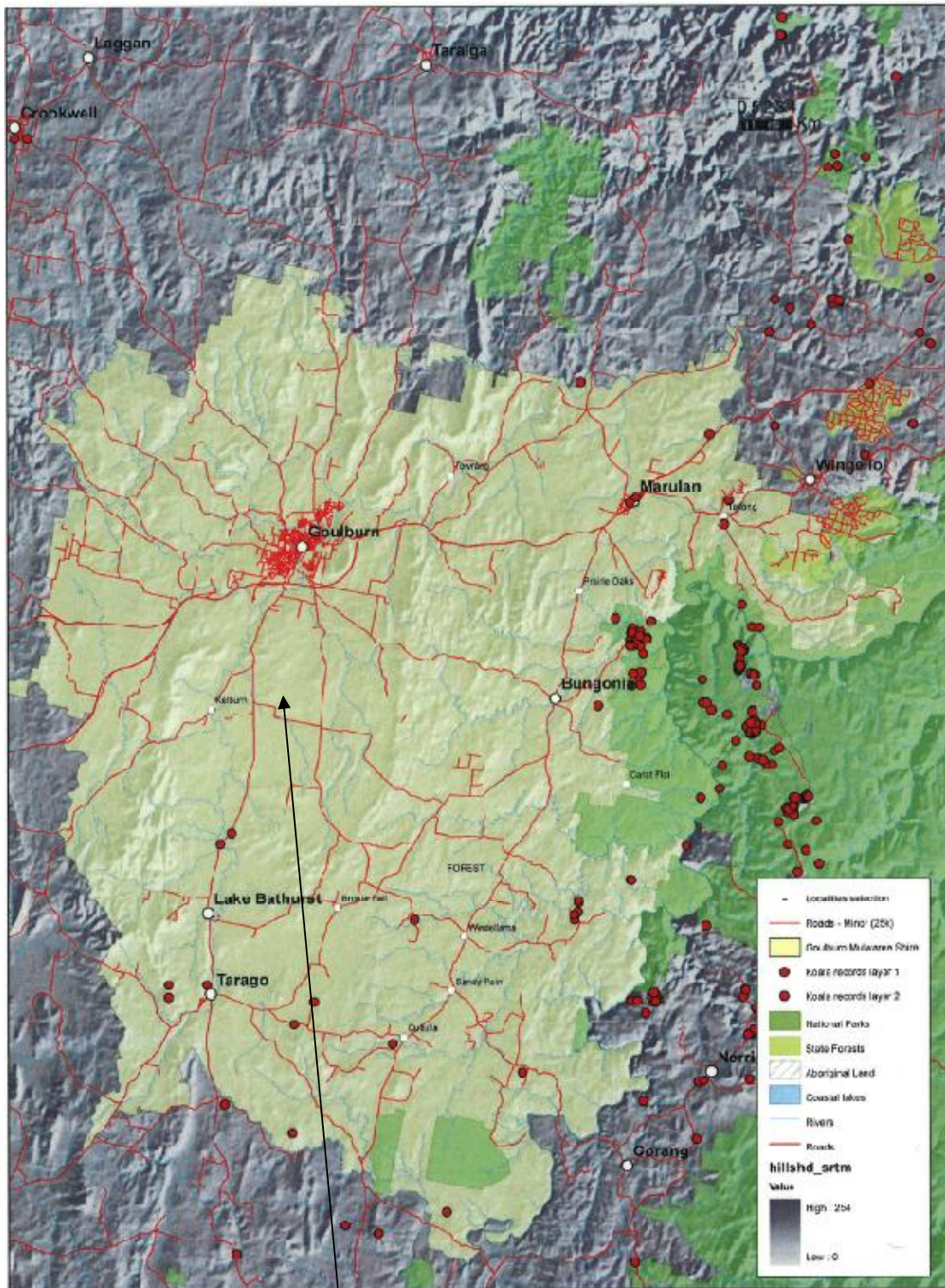
Yours faithfully



Rob Reynolds
Manager, Road Safety and Traffic Management
Southern Operations and Engineering Services

Attachment 3:

Koala records in the Goulburn-Mulwaree Area



Approximate development site

Information Report – August 2012

Item 7 Development Application No 189/1112/DA – Waste Disposal Facility, 139 Painters Lane, Tirrannaville (Enclosure)

Reporting Officer

Manager Development Control – Richard Davics

Purpose of Report

To provide information on a Development Application received for a proposed Waste Disposal Facility at 139 Painters Lane, Tirrannaville.

Report

A Development Application has been lodged for a waste facility at 139 Painters Lane, Tirrannaville. The development site is located in a rural area characterised by open grasslands with low density rural houses. The site has an area of 40ha, is currently vacant and has been previously used for agricultural purposes. The site is zoned 'Primary Production' and the proposal is permissible within the zone. A Locality Plan of the development site is included in the Enclosure.

The Development Application involves the following aspects:

- Waste generated from the Goulburn Saleyards transported to the site
- Waste volumes of 14.6Ml per annum, being 2.5Ml of treated effluent from washing stock trucks plus 12.1Ml of potentially polluted stormwater as a result of rainfall on the saleyards area
- Construction of a 1.2Ml facultative storage dam for bacterial processing of the waste, a winter storage dam with a capacity of 7Ml and an emergency storage dam with a capacity of 9Ml
- Spray irrigation of effluent over 2ha
- Integrated Development due to the proposed use requiring an environmental protection licence to carry out a scheduled activity under the *Protection of the Environment Operations Act 1997*
- Designated transport route along Braidwood Road (with an alternate route via Windellema Road)

Plans of the proposal are include in the Enclosure.

The application will be determined by the Joint Regional Planning Panel (Southern Region).

The proposal was notified to 33 nearby land owners and a notice placed in the newspaper. A total of 13 submissions and a 'petition' with 49 signatures have been received. The key issues raised can be summarised as follows:

Information Report – August 2012

- Potential odour emissions
- Possibility of extension
- Inconsistency with the rural residential use of the local area
- Inability of Painters Lane to accommodate anticipated traffic volumes
- Air and water contamination impacts
- Loss of rural amenity
- Property value impacts and
- Ongoing compliance

Additional information was also requested for:

- Planning control objectives being satisfied
- Drainage of stormwater
- Dam and pond designs
- Absorption information
- Allowance for strong winds.
- Biodiversity issues.
- Vehicle movements and road impacts

This additional information was sent out to landowners who lodged submissions. As a result a further eight submissions were received reaffirming opposition to the proposal.

The proposal was also referred to the following agencies:

- Joint Regional Planning Panel (Southern Region)
- NSW Office of Water
- Southern NSW Local Health Network
- Roads & Maritime Services
- Sydney Catchment Authority
- Office of Environment and Heritage
- Department of Planning & Infrastructure

Copies of all submissions have been referred to the referral agencies and at this stage final assessment is awaiting their input.

Budget Implications

Nil

Policy Considerations

- Goulburn Mulwaree LEP 2009
- Goulburn Mulwaree DCP 2009

Attachment 5 - Abbreviations:

DA – Development Application

EPA – Environment Protection Authority

EP&A Act – *Environmental Planning and Assessment Act 1979*

EIS – Environmental impact Statement

GMC - Goulburn Mulwaree Council

GMDCP – Goulburn Mulwaree Development Control Plan 2009

GMLEP – Goulburn Mulwaree Local Environmental Plan 2009

GTA – General Terms of Approval (provided by Integrated State Government Agency)

LEP – Local Environmental Plan

LGA – Local Government Area

OEMP – Operational Environmental Management Plan

JRPP - Joint Regional Planning Panel

RMS - Roads and Maritime Services

SEPP - State Environmental Planning Policy

SRJRPP - Southern Region Joint Regional Planning Panel

Attachment 6 - Supplementary Assessment Summary:

SITE HISTORY AND INSPECTION			
Matters for consideration	Yes	No	Comments
Site inspected	T		
GIS checked	T		
Dataworks checked	T		
Any unusual features		T	
Flood prone land		T	
Bush fire prone land		T	
Steep land (>18°)		T	
Within 40m of watercourse		T	>40m
Water bores	T		
Overland flow path		T	(Urban only)
Any native vegetation / threatened species	T		Assessment provided
Adjoining National / State Park		T	
Salinity issues		T	
Water / sewer mains		T	
Easements		T	
Type / condition of road access			
– Lane (Public)			
– Lane (Private)			
– Local		T	Engineers comments received
– Regional			
– Arterial / Main		T	RMS comments received
– Crown			
Any history of traffic accidents		T	

Potential Contamination	T		Agriculture – discussed within report
Other	Nil		
Site characteristics	Vacant		
Locality characteristics	Rural		

STATE PLANNING CONTROLS

Compliance achieved?

Matters for consideration	N/A	Yes	No	Comments
SEPP No. 6 - Number of Storeys in a Building	T			
SEPP No. 15 - Rural Land Sharing Communities	T			
SEPP No. 21 - Caravan Parks	T			
SEPP No. 22 - Shops and Commercial Premises	T			
SEPP No. 30 - Intensive Agriculture	T			
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	T			
SEPP No. 33 - Hazardous and Offensive Development	T			Discussed in report
SEPP No. 36 - Manufactured Home Estates	T			
SEPP 44 – Koala Habitat Protection	T			
SEPP No. 50 - Canal Estate Development	T			
SEPP No. 55 - Remediation of Land		T		Considered
SEPP No. 64 - Advertising and Signage	T			No signage proposed

SEPP No. 65 - Design Quality of Residential Flat Development	T			
SEPP (Housing for Seniors or People with a Disability) 2004	T			
SEPP (Building Sustainability Index: BASIX) 2004	T			
SEPP (Major Projects) 2005	T			
SEPP (Temporary Structure and Places of Public Entertainment) 2007	T			
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	T			
SEPP (Infrastructure) 2007 Refer to cl 101 & 102 for development on classified roads	T			
SEPP (Repeal of Concurrence and Referral Provisions) 2008	T			
SEPP (Exempt and Complying Development Codes) 2008	T			Discussed in report
SEPP (Affordable Rental Housing) 2009	T			

REGIONAL PLANNING CONTROLS				
Compliance achieved?				
Matters for consideration	N/A	Yes	No	Comments
Drinking Water Catchments REP No.1		T		SCA concurrence received

LOCAL PLANNING CONTROLS				
Goulburn Mulwaree LEP 2009				
Part 1 Preliminary				
General Aims / Objectives		T		Noted

Relevant Maps		T		Noted
Part 2 Permitted or Prohibited Development		T		Permitted with consent
Zone				RU1
Definition				
Landuse Table				
Objectives		T		Discussed in report
Permitted without Consent				
Permitted with Consent		T		
Prohibited				
Part 3 Exempt & Complying Development				
Exempt Development	T			
Complying Development	T			
Part 4 Principal Development Standards				
CI 4.1 - Minimum Lot Size	T			
CI 4.2 - Rural Subdivision	T			Noted, other approvals for subdivision are potentially impacted
CI 4.2A - Rural Dwelling Permissibility	T			
CI 4.2B - Strata & Community Title Subdivision in Rural Zones	T			
CI 4.3 - Height of Buildings	T			
CI 4.4 - Floor Space Ratio	T			
CI 4.6 - Exceptions to Development Standards	T			
Part 5 Miscellaneous Provisions				
CI 5.1 - Land Acquisition	T			
CI 5.2 - Classification & Reclassification of public land	T			

CI 5.3 - Development near zone boundaries	T			
CI 5.4 - Controls relating to permissible uses	T			
CI 5.6 - Architectural roof features	T			
CI 5.8 -Conversion of fire alarms	T			
CI 5.9 - Preservation of trees or vegetation	T			Discussed in report
CI 5.10 - Heritage conservation		T		Minimum impact
CI 5.11 -Bushfire hazard reduction		T		Minimum impact
CI 5.12 - Infrastructure & use of existing buildings of the crown	T			
Matters for consideration	N/A	Yes	No	Comments
Part 6 Urban Release Areas	T			
Part 7 Additional Local Provisions				
CI 7.1 - Flood Planning Land		T		Discussed in report
CI 7.2 - Environmentally Sensitive Land		T		Discussed in report
CI 7.3 - Subdivision for Residential Purposes in RU5 & R5	T			
CI 7.4 - Restrictions on development adjoining mines & extractive resource sites	T			
Schedule 1				
Additional Permitted Uses	T			
Schedule 2				
Exempt Development	T			

Schedule 3				
Complying Development	T			
Schedule 4				
Classification & Reclassification of public land	T			
Schedule 5				
Environmental Heritage		T		
Draft Goulburn Mulwaree Rural Lands Planning Proposals				
Land Zoning	T			
Lot Size	T			
Rural Lot Averaging	T			
Draft Rural Lot Size Development Area	T			
Goulburn Mulwaree DCP 2009				
Definitions		T		
Part 2 - Plan Objectives				
General		T		
Locality – Goulburn	T			
- Topography				
- Views				
- Urban Structure				
- Urban Form				
- Streetscape				
Locality – Marulan	T			
- Topography				
- Views				
- Urban Structure				
- Urban Form				

- Streetscape				
Rural Development		T		Discussed in report
- Agriculture & Primary Production		T		Discussed in report
- Rural Landscape		T		Discussed in report
Bungonia Objectives	T			
Lake Bathurst Objectives	T			
Tallong Objectives	T			
Tarago Objectives	T			
Matters for consideration	N/A	Yes	No	Comments
Part 3 - General Development Controls				
European Heritage Conservation		T		
Indigenous Heritage & Archaeology		T		
Landscaping		T		
Vehicular Access & Parking		T		
Disability Standards for Access	T			
Crime Prevention		T		
Flood Affected Lands		T		
Tree & Vegetation Preservation		T		
Dryland Salinity		T		
Waterbody & Wetland Protection		T		
Groundwater		T		
Riparian Rights for Subdivision		T		
Biodiversity Management		T		

Stormwater Pollution		T		
Impacts on Drinking Water Catchments		T		
Bushfire Risk Management		T		
Heavy Vehicle Generating Development		T		Subject to conditions
Change of use involving 'existing use' provisions	T			Noted Saleyards are an existing use
Traffic Safety & Management		T		
Active street frontages & building entrances		T		
Subdivision		T		Consolidation required in conditions
Part 4 – Principal Development Controls - Urban		T		No changes to Urban area other than additional traffic, assessed as having minimal impact
<u>Residential Development</u>				
Site planning, bulk & scale				
No. of storeys				
Solar access				
Privacy				
Private Open Space				
Setbacks				
Views				
Traffic safety and management		T		

Active street frontages & building entrances				
Subdivision				
<u>Non-residential Development</u>				
Site layout and building design				
Elevation and materials				
Shopfronts				
Site facilities				
Protective structures in the public domain				
Design Principles – Industrial				
Visual quality - Industrial				
Building Setbacks – Industrial				
Height – Industrial				
External materials and finishes – Industrial				
Matters for consideration	N/A	Yes	No	Comments
Energy efficient siting and layout	T			
External window shading and internal and external lighting	T			
Insulation	T			
Space heating and cooling	T			
Noise and vibration generation		T		
Air Pollution		T		
Water pollution		T		
Working hours		T		Proposed hours of use to be conditioned. OEMP also to 'call up'
Mixed Use Development – Industrial & Residential	T			

Mixed Use Development – Industrial & Residential				
Part 5 - Principal Development Controls – Rural				
Intensive Agriculture		T		
Subdivision		T		
Rural Dwellings	T			
Rural Sheds	T			
Rural Industries		T		
Boarding &/or breeding kennels	T			
Hazardous chemicals		T		STC's
Rural land use conflict		T		Refer to report
Public Entertainment in Rural Zones	T			
Rural Worker's Dwellings in RU1	T			
Part 6 - Special Development Types				
Poultry farms	T			
Service centres	T			
Wind farms	T			
Advertising and signage	T			
Brothels	T			
Outdoor dining	T			
Telecommunications	T			
Large lot residential – Zone R5	T			
Relocatable homes	T			
Development in the Enterprise Corridor – Zone B6	T			
Extractive Industries	T			
Dual Occupancy	T			
Stables in Residential & Recreation Zones	T			

Manfred Park Block	T			
Part 7 – Engineering Requirements		T		
Utility Services	T			
Roads		T		STC's
Drainage & Soil & Water Management		T		STC's
Site Specific Provisions		T		STC's
Easements	T			
Staging of development in Urban release areas	T			
Matters for consideration	N/A	Yes	No	Comments
Part 8 - Site Specific Provisions				
Marys Mount	T			
Common Street	T			
Clyde Street	T			
Marulan	T			
Long Street "Charles Valley"	T			
Part 9 – Contributions		T		Applicable – Conditions applied

Matters for consideration	N/A	Yes	No	Comments
Appendix A - Significance of Aboriginal Sites		T		PLALC advice received. Minimal European Heritage impact
Appendix B – Preferred Planting Species		T		Nominated tree screening suitable
Appendix C – Notification Procedures		T		Notified as per requirements
Appendix D – DA Checklist		T		DA information provided
Appendix E – Rainwater Tank Policy	T			
Appendix F – Telecommunications Policy	T			
Appendix G – Landscaping Policy		T		
Appendix H – HIS Requirements	T			
Appendix I – Good Design Statement	T			

Other controls / approvals				
Compliance achieved?				
Matters for consideration	N/A	Yes	No	Comments
Local Approvals Policy	T			
Integrated approvals				
– DECC (NPWS)				
– DECC (EPA)		T		Advice received
– RTA		T		Advice received
– RFS				
– DPI				
– DWE				
– Heritage Branch				
Concurrence provided				
– SCA		T		Advice received
– DECC (NPWS)				

- DoP				
BCA check	T			
Ecological Sustainable Development		T		
Rainwater Tank Policy	T			
Department of Planning – Development Assessment Guidelines		T		
Sydney-Canberra Corridor Strategy		T		
Goulburn-Mulwaree Demographic Profile		T		
Matters for consideration	N/A	Yes	No	Comments
Mulwaree Settlement Strategy		T		
CBD Master Plan	T			
Marulan Structure Plan	T			

Environmental impacts		
Acceptable impact and/or suitable control measures?		Comments
Context and Setting Landscape, streetscape & land use. Impact on adjacent properties	T Yes	Refer to assessment report. Conditions as proposed considered to adequately address context & setting
Access, Transport & Traffic Traffic consideration, public transport & parking arrangements	T Yes	Subject to conditions proposed, impacts on transport, traffic & access issues considered to be acceptable
Public Domain Impact on the amount, opportunity and use of public space & pedestrian links	T Yes	Public domain impacts considered acceptable
Utilities Water, sewer, electricity and gas - availability, capacity & effect on environment	T Yes	Minimum impact on utilities listed.
Heritage Local / state listed items, Aboriginal significant area	T Yes	Heritage matters considered and minimum impact anticipated. Conditions drafted.
Other Land Resources	T Yes	Minimum impact
Water Requirements and use of water saving devices. Flooding &	T Yes	EPA & SCA advice received. Conditions applied. Impacts considered to be acceptable.

drainage. Quality, pollution, treatment and reuse		
Soils Quality, erodability, contamination etc Instability and sedimentation	T Yes	Refer to report. Conditions applied. Impacts considered to be acceptable.
Air and Microclimate Any pollutants / dust emissions, odours etc	T Yes	Potential for impact. EPA advice & conditions noted. Conditions applied. Impacts considered to be manageable.
Flora and Fauna Critical habitat, threatened species/population/communities, wildlife corridors, remnant vegetation. Distance and clearance of native vegetation & fauna	T Yes	History and reports considered. Minimal impact on flora & fauna considered likely. Conditions proposed.
Waste Types generated - solid, liquid, gas, litter, recycling, disposal and storage	T Yes	Minimal waste generation from development. Condition proposed to address.

Acceptable impact and/or suitable control measures?		Comments
Energy Passive solar design, BASIX, Part J of BCA	T Yes	Minimal impacts
Noise and Vibration	T Yes	Noise report concludes acceptable. Conditions applied. Hours of operation conditions included to minimise noise impacts/sensitive receiver times.
Natural Hazards Site instability, flooding & bushfire	T Yes	Hazards discussed in report. Potential impacts considered.
Technological Hazards Hazardous Industry, contamination etc	T Yes	Limited hazards. OEMP proposed to monitor potential hazards. Conditions proposed.
Safety, Security and Crime Prevention Potential for accident, injury or criminal activity	T Yes	Minimal impact considered from proposal.
Social Impact on the Locality Health & safety of the community. Community facilities	T Yes	Submissions received in particular on this issue. On balance, development is considered to have minimal adverse social impacts.
Economic Impact in the Locality	T Yes	Minimal impact. There will be some additional value in the work provided from the development. Submissions contend property values will be determinately impacted. Minimal supporting evidence and a lower order consideration when permissibility & environmental impacts are limited.
Site Design and Internal Design Appearance, siting and landscaping. Access for disabled. BCA compliance	T Yes	Details of road work to be provided. Conditions as proposed considered to adequately address.
Construction Safety and minimisation of impacts	T Yes	Conditions as proposed considered to adequately address.
Cumulative Impacts Time & space crowded effects Nibbling and synergistic effects	T Yes	Considered.

Internal referrals

Engineering requirements / conditions supplied Yes No
Building requirements / conditions supplied Yes No/NA
Planning requirements / conditions supplied Yes No/NA

Suitability of site

Does the proposal fit within the locality? Yes No
Are the attributes of the site conducive to the proposed development? Yes No

Public interest

Does the proposal comply with planning requirements/objectives? Yes No
Any Federal, State or Local Government and/or Community interests? Yes No

Consideration of submissions

Submissions received. Report considers each issue raised. No significant reasons for refusal or significant redesign identified in submission issues.

Key Issues are:

Environmental Impacts,
Ongoing monitoring
Submissions objecting,
Transport route, road condition, traffic impacts

Resolution of Issues:

Conditions as proposed are considered to adequately address key issues

Recommendation

Grant unconditionally or
 Grant subject to conditions or
Refuse

Assessing Officer: R Davies – Mgr Development Control
Date: March 2013