

**JOINT REGIONAL PLANNING PANEL
(Southern Region)**

JRPP No	2012STH018
DA Number	DA.2012.157
Local Government Area	Palerang
Proposed Development	Waste Transfer Station
Street Address	703 Macs Reef Road, Bywong
Applicant/Owner	Palerang Council
Number of Submissions	Three
Recommendation	Approval with Conditions
Report by	Daniel Walsh – Development Assessment Officer, Palerang Council
Report Date	28 November 2012

Assessment Report and Recommendation

SUBJECT	Determination under section 80 of the <i>Environmental Planning & Assessment Act 1979</i> of Development Application DA.2012.157 for a waste transfer station at Lot 7008 DP 96164, 703 Macs Reef Road, Bywong.		
FILE NO.	DA.2012.157	DIVISION	Planning & Environmental Services

Synopsis

Applicant:	Palerang Council
Owner:	Department of Primary Industries Catchments & Lands
Date lodged:	25 June 2012
Site Area:	9.228 ha
Zoning:	1 (d) Rural Residential Land – Yarrowlumla Local Environmental Plan 2002

Recommendation

That Development Application DA.2012.239 for the construction of a Waste Transfer Station at Lot 7008 DP 96164 – 703 Macs Reef Road, Bywong be approved under Section 80 of the *Environmental Planning and Assessment Act 1979*, subject to the attached conditions.

Report

Proposal description

The proposal seeks approval for the construction of a waste transfer station in the northern half of the site outside the areas currently used as a landfill. Specifically, the proposal includes:

- Clearing of approximately 0.86 hectares of dry sclerophyll woodland;
- Construction of a waste drop off area and roof (49.6m L x 9m W x 8.6m H);
- Detached shed for the storage of electronic waste and batteries;
- Detached buyback centre and site office;
- Amenities building and onsite effluent disposal system;
- Upgraded road access from Macs Reef Road via an unnamed road along the western boundary and internal access road to and around the waste drop off area;
- Leachate management pond;
- Security fencing;
- Operating hours of 2pm – 5pm Fridays, 8am – 4pm Saturdays and Sundays, and 7am – 11am Mondays.
- Staff and visitor parking; and
- Three water tanks.

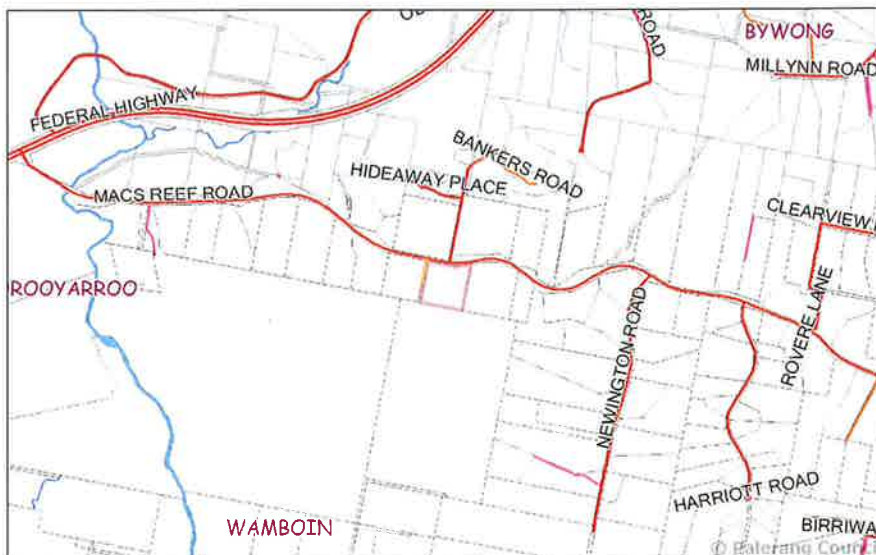
It is proposed to operate the existing landfill on site until the construction of the waste transfer station is complete. It is then proposed to close the landfill operation and rehabilitate the affected part of the site. While no rehabilitation plans have been submitted as part of the proposed development; it is the applicants' intention to address the rehabilitation in the future as part of a condition of consent for the construction of the proposed waste transfer station.

Site description and location

The subject site is located at 703 Macs Reef Road and is legally known as Lot 7008 DP 96164. The site is irregular in shape with an area of 9.228 hectares. The site contains a Council run land fill within the southern half of the site which has been in operation since the 1970's. The existing landfill site is accessed from Macs Reef Road via an unsealed unnamed road along the western boundary and internal access road. Apart from the existing landfill area the site also contains stockpile areas for scrap metals, construction materials, batteries, tyres and green waste; a leachate pond and drains; and a site office and buyback centre. The site is sloped predominantly in a north-west direction and contains dry sclerophyll woodland in all areas which have not been disturbed by existing waste management activities on the site.

Surrounding development is of a rural residential nature comprising dwellings and detached structures on varying allotment sizes containing undulating slopes, drainage lines and dams and predominant areas of dry sclerophyll woodland.

Location plan



Statutory Framework

Consent authority

In accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) the proposal is considered to be designated development. Under Schedule 4A of the EP&A Act the proposal is regional development for which the regional panel is authorised to exercise the consent authority functions of council.

Assessment

Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 77A - Designated development

The proposed waste transfer station is located 50m from a potable groundwater bore located on the adjoining property to the east (Lot 1 DP 883484). As such, the proposal is classified as designated development, under Section 77A of the EP&A Act and Clause 32 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), because the proposed development is within 100 metres of a potable groundwater supply bore which is classified as a drinking water catchment under Schedule 3 of the EP&A Regulation.

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.

drinking water catchment means:

(a) land within a restricted area prescribed by a controlling water authority, including:

(i) an inner or outer catchment area declared under the Sydney Water Catchment Management Act 1998, and

(ii) a catchment district proclaimed under section 128 of the Local Government Act 1993, or

(b) land within 100 metres of a potable groundwater supply bore.

On 25 June 2012, the applicant lodged this development application with Council. After review of the application Council requested additional plans of the development for assessment and public participation purposes. On receipt of the additional information on 18 July 2012, Council put the application on public exhibition and notification of the application was undertaken in accordance with Section 79 of the EP&A Act as follows:

- The application was put on public exhibition for a period of not less than 30 days (32 days) commencing on the day after the notice of the application was first published in the local newspaper (Bungendore Mirror). The application was exhibited at the Palerang Council's offices in Braidwood and Bungendore, the Joint Regional Planning Panels offices in Sydney and the NSW Department of Planning offices in Queanbeyan.
- All relevant State Government Agencies and other interested bodies were notified in accordance with clause 77 of the EP&A Regulation;
- Written notice of the application was undertaken in accordance with clauses 78 of the EP&A Regulation to persons who own the land adjoining the land to which the development application relates and to other persons who own land which could be detrimentally affected if the designated development is carried out;
- A notice of the application was exhibited in accordance with clause 79 of the EP&A Regulation on the land to which the application relates;
- A notice of the application was published in accordance with clause 80 of the EP&A Regulation in a newspaper circulating in the locality on two separate occasions (Bungendore Mirror);

The proposal was referred to the following State Agencies:

- Roads and Maritime Services (response received)
- NSW Office of Water (response received)
- NSW Office of Environment & Heritage (response received from NSW EPA)
- NSW Rural Fire Service (no response received)

- NSW Department of Primary Industries Catchments & Lands (response received)
- NSW Department of Planning & Infrastructure (no response received)
- Murrumbidgee Catchment Management Authority (no response received)
- NSW Department of Industry & Investment (no response received)

In accordance with Section 80 (9) (b) of the EP&A Act and clause 81 of the EP&A Regulation, the three submissions received as part of the public participation period were forwarded to the Director General on 19 October 2012.

Section 91 - Integrated Development

The proposal is not classified as integrated development under Section 91 of the EP&A Act because it does not require any additional approvals as follows:

Fisheries Management Act 1994 - The development does not include a fishery and will not be located within any waters that are within the limits of the State.

Heritage Act 1977 - An interim heritage order or listing on the State Heritage Register does not apply to a place, building, work, relic, moveable object, precinct, or land on the site.

Mine Subsidence Compensation Act 1961 - The development does not include improvements within a mine subsidence district or to subdivide land therein.

Mining Act 1992 - The development does not involve mining of the site.

National Parks and Wildlife Act 1974 - An Aboriginal heritage impact permit is not required because there are no known Aboriginal objects on the site.

Petroleum (Onshore) Act 1991 - The proposed development does not include any works which would require a petroleum title.

Protection of the Environment Operations Act 1997 - As a means of regulating and authorising discharges to the environment, environment protection licences (EPL) may be issued under the *Protection of the Environment Operations Act 1997* (POEO Act) by the NSW Office of Environment & Heritage for the following purposes:

- Scheduled development work
- Scheduled activities
- Non-scheduled activities for the purpose of regulating water pollution.

Schedule 1 of the POEO Act lists scheduled activities which require a licence. The proposed waste transfer station is classified as Waste Storage under Clause 42 of Schedule 1.

42 Waste storage

- (1) This clause applies to **waste storage**, meaning the receiving from off site and storing (including storage for transfer) of waste.
- (2) However, this clause does not apply to any of the following:
 - (a) the storage of stormwater,
 - (b) the storage of up to 60 tonnes at any time of grease trap waste, waste lead acid batteries or waste oil collected for recovery (but not when accompanied by any other kind of waste),
 - (c) the storage of sewage within a sewage treatment system,
 - (d) the storage and transfer of liquid waste that is generated and treated on site prior to sewer discharge, or lawful discharge to waters.

- (3) The activity to which this clause applies is declared to be a scheduled activity if:
- (a) more than 5 tonnes of hazardous waste, restricted solid waste, liquid waste, clinical or related waste or asbestos waste is stored on the premises at any time, or
 - (b) more than 50 tonnes of waste tyres or 5,000 waste tyres is stored on the premises at any time, or
 - (c) more than 2,500 tonnes or 2,500 cubic metres, whichever is the lesser, of waste (other than waste referred to in paragraph (a) or (b)) is stored on the premises at any time, or
 - (d) more than 30,000 tonnes of waste (other than waste referred to in paragraph (a) or (b)) is received per year from off site.
- (4) For the purposes of this clause, 1 litre of waste is taken to weigh 1 kilogram.

Under clause 42 (3) of Schedule 1 the proposed waste transfer station (Waste Storage) is not considered to be a scheduled activity because:

- No more than 5 tonnes of hazardous or liquid waste will be stored on site at any one time; while restricted waste, clinical waste and asbestos waste will not be stored on the site (recommended condition of consent);
- Waste tyres are not proposed to be stored at the facility;
- Less than 2,500 tonnes of waste will be stored at the facility at any one time (expected to be 45 tonnes maximum); and
- Less than 30,000 tonnes of waste will be received per year from off the site (expected to be 1151 tonnes maximum).

Having regard to the above, the proposed development is not considered to be a scheduled activity and as such does not require an EPL.

Roads Act 1993 – Although approval is required for the proposed upgrade of existing roads under section 138 of the *Roads Act 1993*; under Section 91 (3) of the EP&A Act these works do not result in the development being Integrated Development because in order for the development to be carried out, it requires both development consent under the EP&A Act and approval under section 138 of the *Roads Act 1993* from Palerang Council.

Rural Fires Act 1997 – The proposed development does not require authorisation under section 100B of the *Rural Fires Act 1997* in respect of bush fire safety because it does not involve subdivision and is not classified as a special fire protection purpose.

Water Management Act 2000 – As outlined in the NSW Office of Waters' letter dated 25 July 2012, the proposed development does not require a water use approval, water management work approval or activity approval.

Section 94 contribution plans

Section 94 contributions do not apply to the proposed development because it will not require the provision of or increase the demand for public amenities or public services within the area.

Section 64 contribution plans

Section 64 contributions do not apply to the proposed development.

79B(3)b Is the development likely to significantly affect a threatened species, population, or ecological community, or its habitat

A flora and fauna assessment was undertaken on the site having regard to the proposed development by a suitably qualified person and was lodged with the development

application. The assessment concluded that no threatened flora or fauna species have been located on the site and that no significant habitat would be destroyed or impacted as part of the proposed development or landfill rehabilitation. As such, it is not considered that the proposed development will result in any significant impacts on threatened species, population, or ecological community, or its habitat.

79BA Consultation and development consent—certain bush fire prone land

The subject site is classified as bushfire prone. Under section 79BA of the EP&A Act, development consent cannot be granted for the proposed development unless the consent authority is satisfied that the development conforms to the specifications and requirements of the document entitled *Planning for Bush Fire Protection 2006* (PBP).

Subject to the recommended conditions of consent, the proposed development is assessed as consistent against the relevant clauses of PBP in the following table:

Clause	Comment
Aim of PBP	
<i>The aim of PBP is to use the NSW development assessment system to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment.</i>	The proposed development is considered to be consistent with this aim because adequate Asset Protection Zones (APZ), water supplies, access/egress, landscaping, and emergency evacuation measures will be implemented to reduce impact of bushfire on users of the facility and provide adequate room for emergency services to traverse the site without resulting in any significant amenity or environmental impacts.
Objectives of PBP	
<i>(i) afford occupants of any building adequate protection from exposure to a bush fire;</i>	The proposed waste transfer station is classified as a Class 8 building under the Building Code of Australia (BCA) and as such AS 3959 does not apply as a set of 'deemed to satisfy' provisions. It is considered that the intermittent use of the building, the preparation of an early evacuation plan, the implementation and maintenance of an APZ, and the provision of suitable water supply and access/egress will afford occupants of any building adequate protection from exposure to a bush fire.
<i>(ii) provide for a defendable space to be located around buildings;</i>	The proposed internal access roads and the recommended APZ around the waste transfer station will provide an adequate defendable space around buildings.
<i>(iii) provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;</i>	The recommended APZ around the waste transfer station will provide appropriate separation between the surrounding vegetation and buildings to reduce potential for direct flame contact and material ignition.
<i>(iv) ensure that safe operational access and egress for emergency</i>	Adequate access roads will be provided as they will

Clause	Comment
<i>service personnel and residents is available;</i>	be over 4 metres wide and will enable fire trucks to turn around within the site.
<i>(v) provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and</i>	The recommended APZ will be required to be maintained in perpetuity of the development.
<i>(vi) ensure that utility services are adequate to meet the needs of fire fighters (and others assisting in bush fire fighting).</i>	A 20,000 litre water supply, associated fittings and access is to be provided to the development which is considered to be appropriate to meet the needs of fire fighters operating in the area or on site.
3.1 Bush Fire Protection Measures	
<i>a) The provision of clear separation of buildings and bush fire hazards, in the form of fuel-reduced APZ (and their subsets, inner and outer protection areas and defensible space);</i>	An APZ consisting of inner and outer protection zones has been included within the recommended conditions of consent to minimise potential impacts on the proposed development and provide an adequate defensible space.
<i>b) Construction standards and design;</i>	Because the proposed waste transfer station is classified as a Class 8 building under the Building Code of Australia (BCA), AS 3959 does not apply as a set of 'deemed to satisfy' provisions
<i>c) Appropriate access standards for residents, fire fighters, emergency service workers and those involved in evacuation;</i>	Appropriate access has been provided having regard to widths, sealing, and turning areas.
<i>d) Adequate water supply and pressure;</i>	A 20,000 litre water supply and associated fittings will be provided to the site for fire fighting purposes.
<i>e) Emergency management arrangements for fire protection and/or evacuation; and</i>	An emergency evacuation plan will be prepared and enforced on site (recommended condition of consent).
<i>f) Suitable landscaping, to limit fire spreading to a building.</i>	The maintenance of the recommended APZ along with the recommended landscaping requirements will reduce the potential for fire to spread to a building.

Section 79C(1)(a)(i) the provisions of any environmental planning instrument

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 33—Hazardous and Offensive Development

Clause 8 of the SEPP states:

"In determining whether a development is:

(a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or

(b) an offensive storage establishment, offensive industry or other potentially offensive industry,

consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development."

Having regard to Figure 8: Class 3PGI Flammable Liquids of the *Hazardous and Offensive Development Application Guidelines* and considering there will be less than 5 tonnes of oil and batteries on site; because the storage of the batteries and oil on site will be over 60 metres from sensitive uses (residential) and will be less than 5 tonnes; under Table 1 in Section 7 of the guideline the proposed development is not potentially hazardous. As such SEPP 33 does not apply to the proposal because it is not classified as a potentially hazardous or potentially offensive industry.

State Environmental Planning Policy No 44—Koala Habitat Protection

Clause	Comment
7 Step 1—Is the land potential koala habitat?	
<p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(3) If the council is satisfied:</i> <i>(a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application.</i></p>	<p><i>An Environmental Survey and Assessment of Macs Reef Tip Waste Transfer Facility Site and General Tip Site was prepared by Rodger Good from Good Environmental Systems and submitted as part of the development application.</i></p> <p>The assessment outlined that the site contains dry sclerophyll woodland comprising a mix of eucalypt species including <i>Eucalyptus Mannifera</i>, <i>Eucalyptus Rossii</i>, <i>Eucalyptus Macrorhyncha</i>, <i>Eucalyptus Nortonii</i>, <i>Eucalyptus Dives</i>, and <i>Eucalyptus Melliodora</i>.</p> <p>Because none of these species are listed within Schedule 2 of the SEPP and were identified by a person who is qualified and experienced in tree identification, Council can be satisfied that the land is not a potential koala habitat.</p>

State Environmental Planning Policy No 55—Remediation of Land

Clause	Comment
7 Contamination and remediation to be considered in determining development application	
<p><i>(1) A consent authority must not consent to the carrying out of any development on land unless:</i> <i>(a) it has considered whether the land is contaminated, and</i> <i>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is</i></p>	<p>The subject site has been used as a landfill since the 1970's and under Table 1 of the <i>Managing Land Contamination Planning Guidelines SEPP 55—Remediation of Land</i> it is considered to be contaminated. It is proposed to construct the waste transfer station adjacent to the existing landfill area within undisturbed dry sclerophyll woodland.</p> <p>It is proposed to rehabilitate the existing landfill area upon the completion of the proposed waste</p>

Clause	Comment
<p><i>proposed to be carried out, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p> <p><i>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i></p> <p><i>(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i></p> <p><i>knowledge).</i></p>	<p>transfer station. These rehabilitation works have been recommended by the NSW Environment Protection Agency (EPA) and have been included with the recommended conditions of consent.</p> <p>Having regard to the above and clause 3.4 of <i>Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land</i>; because the proposed waste transfer station will not be located within the existing landfill area and will not be resulting in a land use change that has the potential to increase the risk of exposure to contamination (access by the general public will be maintained to the site while earthworks will be reduced); the land is considered to be suitable in its contaminated state for the proposed development.</p>

State Environmental Planning Policy (Infrastructure) 2007

Clause	Comment
104 Traffic-generating development	
<p><i>(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:</i></p> <p><i>(a) new premises of the relevant size or capacity, or</i></p> <p><i>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i></p> <p><i>(3) Before determining a development application for development to which this clause</i></p>	<p>This clause of the SEPP applies to the proposed development because a waste transfer station of any size is a development type that is specified in Column 1 of Schedule 3.</p> <p>The application was referred to the Roads and Maritime Services (RMS) with a response received on 27 July 2012 stating that the RMS have no objections to the proposal because Macs Reef Road is an unclassified road and that the average daily and peak generation of the site is predicted to be lower than the existing generation of the site.</p>

Clause	Comment
<p><i>applies, the consent authority must:</i></p> <p><i>(a) give written notice of the application to the RTA within 7 days after the application is made, and</i></p> <p><i>(b) take into consideration:</i></p> <p><i>(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and</i></p> <p><i>(ii) the accessibility of the site concerned, including:</i></p> <p><i>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></p> <p><i>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i></p> <p><i>(iii) any potential traffic safety, road congestion or parking implications of the development.</i></p>	<p>Access to the site was assessed by Council's Development Engineer who stated that the proposed road works to Macs Reef Road and the internal access road to the proposed waste transfer station are sufficient for the expected traffic volumes subject to the recommended conditions of consent.</p> <p>Due to the location of the proposed development within a rural area and its proposed use as a point for residents to dispose their waste, it is not considered possible to minimise the expected traffic generation.</p> <p>The application proposes 6 parking bays, of which one is to be provided as an accessible parking spot. A review of the <i>Concept Options Report – Macs Reef Waste Transfer Station</i> undertaken by Stapleton Transportation and Planning has indicated that this is sufficient for the volumes based on other similar infrastructure. It is therefore considered that the proposed parking allocation is suitable for visitor and staff parking.</p>

State Environmental Planning Policy (Rural Lands) 2008

Clause	Comment
7 Rural Planning Principles	
<i>The Rural Planning Principles are as follows:</i>	
<i>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</i>	The proposed waste transfer station is considered to be a sustainable solution for the site because it will enable the closure of the existing landfill on the site which is approaching the end of its lifespan while maintaining a community facility for the surrounding rural residential area.
<i>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</i>	The site is not considered to be agricultural land due to its current use as a land fill, its size and topography, and location within an established rural residential area.
<i>(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,</i>	Due to the existing landfills pending closure; the construction of the proposed waste transfer station is considered to be an important social and economic benefit to the surrounding rural residential community because it will enable residents to continue to dispose of their waste at the

Clause	Comment
	site without having to travel extended distances, while the closure of the landfill will minimise potential environmental impacts on the locality.
<i>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,</i>	As outlined above, it is considered that the proposed development will result in positive social, economic and environmental impacts on the community due to the closure of the existing landfill and the continued ability for community members to dispose their waste at the site.
<i>(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</i>	The construction of the waste transfer station will enable the closure and rehabilitation of the existing landfill area which will result in greater biodiversity on the site. The development will not result in the removal of any significant areas of native vegetation and will reduce the potential for development on the site to impact on water resources.
<i>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</i>	It is considered that the proposed development will minimise the existing impacts created by current development on the land on surrounding rural residential area.
<i>(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</i>	The proposed access to the waste transfer station from Macs Reef Road has been assessed by Council's Development Engineer as acceptable subject to the recommended conditions of consent.
<i>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i>	Not applicable.

Local Environmental Plans – Yarrawlumla Local Environmental Plan 2002 (YLEP)

The proposal is considered against the relevant clauses of the YLEP as follows:

Clause	Comment
Clause 3(1) Aims	
<i>(1) The aim of this plan is to introduce planning controls that will encourage ecologically sustainable development, being development which satisfies the principles of ecological (environmental, economic and social) sustainability set out in Schedule 1, taking into account the ACT and Sub region Planning Strategy September 1998 and Murrumbidgee Catchment Management Plan .</i>	The proposed development has been assessed as consistent with the relevant clauses of the YLEP in the tables below. Having regard to this, the proposed development is considered to be consistent with the principles of ecologically sustainable development because it will minimise the potential for serious or irreversible damage to the environment caused by activities on the site; it will not detract from the health, diversity or productivity of the existing environment which will ensure it is maintained for future generations; and

Clause	Comment
	biological diversity of the site and the expected pollution costs will be improved with the closure of the existing landfill operation.

Clause	Comment
Clause 3(2) The objectives of this plan are as follows: (a) for rural land:	
<i>(i) to ensure that rural land is developed in accordance with the principles of ecologically sustainable development, and</i>	As above.
<i>(ii) to encourage the management, development and conservation of productive agricultural and horticultural land, and</i>	The site is not considered to be productive agricultural or horticultural land.
<i>(iii) to encourage the proper management and development of natural resources, and</i>	It is considered that the closure of the existing landfill on the site and the construction of the proposed waste transfer station will provide better management and development of natural resources through the reduction in potential soil erosion and water pollution and the increase in vegetation during the rehabilitation process.
<i>(iv) to encourage the siting and management of development to avoid, as far as practicable, conflict between adjoining and nearby land uses, both within and between zones and with regard to likely future land uses, and</i>	The site currently contains a landfill and is surrounded by rural residential development. It is considered that potential conflicts between surrounding uses and the proposed waste transfer station will be less than the existing landfill because potential pollution (noise, air, water, soil) and visual impacts will be reduced due to the closure of the existing landfill (recommended condition of consent), location of the waste transfer station at the base of the existing landfill screened by existing vegetation, and the containment of waste products within sealed containers which will be transferred off site.
<i>(v) to protect and conserve places of natural, historic and cultural significance, and</i>	A Cultural Heritage Assessment was undertaken on the site in relation to the proposed development by a qualified person. No Aboriginal or historic European archaeological sites were found.
<i>(vi) to enable provision of essential roads, transport and utilities infrastructure,</i>	Subject to the recommended conditions of consent, the adequacy and efficiency of Macs Reef Road will not be impacted by the proposed development.

Clause	Comment
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Clause	Comment
Clause 10 (2) – Objectives of Zone No 1(d) Rural Residential Zone	
<i>(a) to provide the opportunity for development of integrated rural residential communities,</i>	Due to the existing use of the site, the development will not impact the opportunity for the future development of integrated rural residential communities.
<i>(b) to promote an innovative and flexible approach to rural residential development,</i>	Residential development is not proposed.
<i>(c) to ensure that development is compatible with the environmental capabilities of the land and to encourage the conservation and enhancement of natural resources by means of appropriate land management techniques,</i>	It is considered that the closure and rehabilitation of the existing landfill area (recommended condition of consent) and the ongoing use of the site as a waste transfer station will be compatible with the environmental capabilities of the land and will enhance existing land management measures on the site.
<i>(d) to assist in meeting the demand for rural residential development where it is consistent with the conservation of rural, agricultural, heritage and natural landscape qualities,</i>	The proposed waste transfer station will be an asset to the surrounding rural residential area because it will allow for continued waste disposal for residents after the closure of the landfill. This will minimise travelling distances to other disposal sites and the potential for illegal dumping. The location of the waste transfer station on the site will also reduce the need to establish a facility on other areas with greater rural, agricultural, heritage and natural landscape qualities.
<i>(e) to ensure that attractive views from main roads and other vantage points are protected and enhanced,</i>	The proposed waste transfer station will not be visible from a main road (closest is the Federal Highway). Due to its location within woodland vegetation, its setback from Macs Reef Road and adjoining dwellings, and the topography of the site and surrounding the area; it is not considered that the development will significantly impact on views obtained from the north because it will only be partially visible. Furthermore, the closure and rehabilitation of the existing landfill will increase the aesthetics of the site as it will result in increased vegetation cover.
<i>(f) to ensure that adequate provision has been made for water supply and disposal of effluent,</i>	The proposal includes the collection of rainwater from the roofs of the proposed structures to service the facilities on site and for fire fighting purposes. The disposal of effluent from the proposed amenities building has been assessed as satisfactory subject to the implementation of the recommended conditions of consent.
<i>(g) to ensure that development does not create unreasonable demands, now or in the future, for the</i>	It is not considered that the proposed development will increase the future need for the provision or extension of public amenities or services.

Clause	Comment
<i>provision or extension of public amenities or services,</i>	
<i>(h) to ensure that traffic-generating development is suitably located so as not to adversely affect the safety and efficiency of roads,</i>	It is not considered that the proposed development will generate a substantial increase in traffic compared to the existing landfill. Council's Development Engineer has assessed the proposed access from Macs Reef Road having regard to existing traffic loadings as suitable subject to the implementation of the recommended conditions of consent.
<i>(i) to ensure that development will not lead to excessive soil erosion or run-off,</i>	Due to the gradual slope on which the waste transfer station is to be located, it is not considered that the development will result in any significant erosion or sedimentation impacts, subject to the implementation of the measures outlined within the recommended conditions of consent.
<i>(j) to ensure that the form, siting and colours of buildings, building materials and landscaping complement the natural scenic quality of land within this zone,</i>	Due to the location of the proposed structures below the existing landfill area (to be rehabilitated) within existing woodland, it is not considered that they will result in any significant visual impacts on the surrounding area because it will be predominantly screened from view by existing vegetation and the topography of the land. Furthermore, the recommended conditions of consent include requirements for construction materials to be non-reflective and be coloured using colours which are consistent with the surrounding natural landscape.
<i>(k) to ensure that any effect development will have on threatened plant and animal species or regionally significant grassland and grassy woodland communities is taken into account,</i>	An <i>Environmental Survey and Assessment of Macs Reef Tip Waste Transfer Facility Site and General Tip Site</i> was submitted as part of the development application. The assessment outlined that the proposed development will not result in any significant impacts on threatened plant or animal species or any regionally significant grassland or grassy woodland communities.
<i>(l) to ensure that sites of Aboriginal archaeological significance in the zone are identified and protected.</i>	A Cultural Heritage Assessment was undertaken on the site in relation to the proposed development by a qualified person. No Aboriginal or historic European archaeological sites were found.

Clause	Comment
16 What must be considered before granting consent to development?	
<i>(1) Before consenting to development of land, the consent authority must be satisfied that the carrying out of</i>	Assessed as consistent above.

Clause	Comment
<i>the development is consistent with the objectives of this plan and the objectives of the zone in which the land is situated.</i>	
<i>(2) Before consenting to development of land, the consent authority must also consider:</i>	
<i>(a) the present use of the land and the potential of the land as productive agriculture land, and</i>	The subject site is considered suitable for the proposed development because it is currently being used as a landfill and is not considered to be productive agriculture land.
<i>(b) the vegetation cover, land capability (including soil resources and soil stability) and water resources (including the quality and stability of watercourses and ground water storage and riparian rights), and</i>	The proposed development includes the removal of woodland vegetation which is considered acceptable having regard to the submitted flora and fauna assessment and the assessment of the vegetation removal under clause 38 of the YLEP. Due to the location of the waste transfer station on a gradual slope, the rehabilitation of the existing landfill (recommended condition of consent) and the containment of waste materials within sealed containers; it is not considered that the development would result in any significant impacts on soil or water resources subject to the implementation of the measures contained within the recommended conditions of consent.
<i>(c) the future recovery, from known or prospective areas, of valuable deposits of minerals, sand, gravel or other extractive materials, and</i>	There are no known prospective areas of valuable deposits of minerals, sand, gravel or other extractive materials on the site.
<i>(d) the protection of areas of significance for nature conservation or areas of high scenic or recreational value, and places and buildings of archaeological or heritage significance (including Aboriginal relics and places), and the conservation of native flora and fauna, and</i>	There are no known areas of significance for nature conservation, high scenic or recreational value, or any items of archaeological or heritage significance on the site.
<i>(e) the cost of providing, extending and maintaining public amenities and services to any buildings or works that will result from carrying out the development, and</i>	The cost of maintaining the facility will be at the expense of Council. These costs have been taken into account by Council during the preparation of the application.
<i>(f) future expansion of urban areas in the locality and the impact on any existing village, and</i>	The existing use of the site and its location will ensure the development will not negatively impact on the expansion of urban areas in the locality or any existing village.
<i>(g) vulnerability and exposure to natural disasters such as bush fires and floods, and</i>	The site is not flood prone. However; the site is bushfire prone. The proposed development has been assessed as satisfactory having regard to Planning for Bushfire Protection 2006 and clause 61

Clause	Comment
	of the YLEP subject to the inclusion of the recommended conditions of consent.
<i>(h) in the case of subdivision, whether each allotment to be created has a practical building precinct.</i>	The proposal does not include subdivision.

Clause	Comment
33 What are the requirements for access?	
<i>(a) whether the standard of the roads providing access (including stormwater drainage) to the site of the proposed development is adequate to cater for existing and potential traffic, and</i>	The proposal includes the construction of a new internal access road to the waste transfer station from the existing unnamed public road adjoining the western boundary, a roundabout at the internal access roads intersection with the unnamed road, intersection upgrades of the unnamed roads intersection with Macs Reef Road, and the sealing of all roads accessing the site from Macs Reef Road. Council's Development Engineer has reviewed the proposed access arrangements and considers that they are adequate to cater for existing and potential traffic to the site as they will comply with the Austroads standards (reinforced in recommended conditions of consent).
<i>(b) whether traffic associated with the proposed development will cause the condition of the roads to deteriorate, and</i>	The existing site is used as a landfill and it is proposed to close the landfill on completion of the waste transfer station (condition of consent). Having regard to the proposed upgrading of access to the site and the fact that the average daily and peak hour generation and the super peak daily and peak hour generation rates are predicted to be lower than the existing generation of the site; it is not considered that the proposed development will result in the deterioration of roads any further than what would already occur.
<i>(c) the maximisation of sight distances for drivers using the road, including visibility of points of access from the road and the adequacy of the view of the road from the points of access.</i>	Intersection sightlines have been assessed by Council's Development Engineer as consistent with Austroads standards.

Clause	Comment
36 When is consent required?	
<i>(1) Development consent is required before a person takes, or allows any</i>	The proposed removal of areas of dry sclerophyll woodland to make way for the proposed waste

Clause	Comment
<i>action to be taken which ringbarks, cuts down, tops, lops, removes, injures, poisons or wilfully destroys:</i> <i>(a) any area of native vegetation, or</i> <i>(b) any live tree having an overall height of 3 metres or more above ground, or a branch span at any height in excess of 3 metres, or</i> <i>(c) any dead tree having an overall height of 6 metres or more above ground.</i>	transfer station requires development consent under this clause because it consists of native vegetation with heights exceeding 3 metres.

Clause	Comment
38 What matters must be considered before granting consent?	
<i>Before granting a consent required by this Division, the consent authority must consider the following:</i>	
<i>(a) the reason for the proposed work,</i>	It is proposed to remove the native vegetation to make way for the waste transfer station.
<i>(b) whether the tree or vegetation to be destroyed provides habitat to threatened or endangered flora or fauna,</i>	A flora and fauna assessment prepared by a suitably qualified person addressing the status of the existing vegetation and fauna movements on the site was lodged with the application. The assessment outlined that the proposed development would not result in the destruction of vegetation that provides habitat to threatened or endangered flora or fauna.
<i>(c) the contribution of the tree to the local landscape or streetscape,</i>	Due to the location of the vegetation at the base of the existing landfill to the south and behind other areas of dry sclerophyll woodland in each other direction; it is not considered that the trees to be removed provide a significant contribution to the surrounding landscape.
<i>(d) the type and rarity of the species concerned,</i>	The vegetation to be removed is not classified as threatened or endangered.
<i>(e) the number of trees in the vicinity,</i>	The area of woodland to be removed is screened by significant strands of the same woodland which is the predominant vegetation type found within the surrounding area.
<i>(f) whether the tree to be affected may become dangerous or damage property or utility services,</i>	It is not considered that the vegetation would become dangerous or damage property.
<i>(g) whether new plantings are proposed or are desirable,</i>	It is proposed to close and rehabilitate the existing landfill on the site. It is considered that new plantings as part of these rehabilitation works is desirable for aesthetic, soil stability, and biodiversity

Clause	Comment
	purposes. Replanting the trees to be removed at a ratio of 10:1 has been included within the recommended conditions of consent.
<i>(h) the effect of the proposed work on local views, on solar access to properties and on local amenity,</i>	Because the vegetation to be removed is predominantly screened from the surrounding area it is not considered that its removal will result in any significant impacts on local views, solar access to properties or local amenity.
<i>(i) any heritage significance of the tree to be affected,</i>	The trees to be removed do not contain any known heritage significance.
<i>(j) the effect of the proposed work on soil conservation and erosion.</i>	Subject to the implementation of the prevention methods included within the recommended conditions of consent, it is not considered that the proposed tree removal will result in any significant impacts on soil conservation and erosion on the site.

Clause	Comment
52 What controls apply to soil, water and effluent management?	
<p><i>(1) A person must not carry out development that relates to the habitation of land by humans unless and until arrangements satisfactory to the Council have been made by the applicant (and, if the applicant is not the owner, the owner also) for the provision of a water supply, for facilities for the removal of sewage, and for the drainage of stormwater and other surface water from the land and for the treatment and disposal of effluent and solid domestic waste.</i></p> <p><i>(2) In deciding whether arrangements for drainage of stormwater and other surface water and the treatment and disposal of effluent and solid domestic waste are satisfactory, the Council must take into account whether the proposed systems can be accomplished in a manner which meets the following objectives:</i></p> <p><i>(a) economical feasibility and practicality in terms of design, installation and maintenance,</i></p> <p><i>(b) protection of public health,</i></p> <p><i>(c) protection of surface water,</i></p> <p><i>(d) protection of ground water,</i></p>	<p>Subject to the implementation of the controls included within the recommended conditions of consent; it is considered that the proposed development is acceptable having regard to these matters as the sites existing surface water flow will predominantly be maintained; satisfactory water supply will be available from the proposed rainwater tanks; and the treatment and disposal of effluent from the site has been assessed and considered acceptable having regard to the objectives of this clause.</p>

Clause	Comment
<i>(e) encouragement of the utilisation of waste water as a resource rather than a waste for disposal, and (f) protection of community amenity.</i>	

Clause	Comment
61 Bush fire prevention	
<i>Before granting consent to any development on land which in its opinion is likely to be affected by bush fire, the consent authority must take into account whether:</i>	
<i>(a) the development is likely to have a significant adverse effect on the implementation of any strategies for bush fire control and fuel management adopted by the Council, and</i>	The proposed development will not result in any impacts on any strategies for bush fire control and fuel management adopted by the Council.
<i>(b) a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development or the access arrangements to and from the site of the development, and</i>	<p>The proposed development will improve bushfire safety on the site as the recommended conditions of consent will ensure adequate separation from vegetation, site access, water supplies and evacuation procedures are available for visitors and staff in accordance with the bushfire protection measures outlined in <i>Planning for Bushfire Protection 2006</i>.</p> <p>Furthermore, it is not considered that the rehabilitation of the existing land fill will significantly increase the threat of bushfire to surrounding properties due to the separation of the site from adjoining dwellings and the scattered vegetation pattern to the south of the site.</p>
<i>(c) the increased demand for emergency services during bush fire events created by the development would lead to a significant decrease in the ability of the emergency services to effectively control major bush fires, and</i>	It is considered that the proposed development would provide greater access to the site through road upgrades for emergency services to control a major bushfire. Furthermore, due to proposed waste transfer station only being open periodically and with the formulation of an evacuation plan (recommended conditions of consent), it is not considered that the proposal will decrease in the ability of the emergency services to effectively control major bush fires.
<i>(d) the measures proposed to avoid or mitigate the threat from bush fire, including siting of the development, design of structures and materials used, clearing of vegetation, fuel free and fuel reduced areas and landscaping</i>	Subject to the implementation of the recommended conditions of consent, the proposed development is considered to be consistent with the aims, objectives, and bushfire protection measures outlined in <i>Planning for Bushfire Protection 2006</i> which is consistent with the requirements of this

Clause	Comment
<i>and fire control aids such as roads and water supplies, are inadequate or impractical for the locality or would result in unacceptable environmental impacts.</i>	clause.

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority;

The Draft *Palerang Local Environmental Plan 2012* (PLEP) will be on public exhibition between 5 December 2012 and 8 March 2013. Under the draft PLEP the subject site will be located within the SP2 Infrastructure Zone and is permissible under the land use table because the purpose shown on the Land Zoning Map for the site is a Waste Management Facility which means a waste transfer station in the dictionary of the draft PLEP. The proposed development is considered to be consistent with the relevant clauses of the draft PLEP as follows:

Clause	Comment
4.3 Height of buildings <i>(1) The objectives of this clause are as follows:</i> <i>(a) To enhance the natural character and landscape of Palerang;</i> <i>(b) To protect residential amenity and solar access;</i> <i>(c) To manage the visual impact of development;</i> <i>(d) To reflect the predominantly low rise character of development in Palerang.</i> <i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i>	As outlined earlier in this report, it is not considered that the proposed development will result in any significant visual impacts on the surrounding area which is consistent with the objective of this clause and none of the proposed structures will exceed 9 metres in height which is the maximum height for buildings on the site shown under the Height of Buildings Map.
6.3 Essential services <i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</i> <i>(a) the supply of water,</i> <i>(b) the supply of electricity,</i> <i>(c) the disposal and management of sewage,</i> <i>(d) stormwater drainage or on-site conservation,</i> <i>(e) suitable road access.</i>	The proposed development is consistent with this clause because essential services required for the operation of the development will be available subject to the recommended conditions of consent.

Clause	Comment
<p>6.5 Bush fire prone land</p> <p><i>(1) This clause applies to land identified as bush fire prone land on the Bush Fire Prone Land map prepared pursuant to Section 146(2) of the EP&A Act 1979, and certified by the Commissioner of the NSW Rural Fire Service.</i></p> <p><i>(2) In deciding whether to grant consent to any development on bush fire prone land, the consent authority shall consider the potential environmental impacts of measures proposed to avoid or mitigate the threat from bushfire.</i></p>	<p>Subject to the implementation of the recommended conditions of consent, the proposed development is considered to be consistent with the aims, objectives, and bushfire protection measures outlined in <i>Planning for Bushfire Protection 2006</i> which is consistent with the requirements of this clause.</p>

Clause	Comment
<p>6.8 Biodiversity (Terrestrial)</p> <p><i>(1) The objective of this clause is to maintain terrestrial biodiversity, including the following by:</i></p> <p><i>(a) protecting native fauna and flora, and</i></p> <p><i>(b) protecting the ecological processes necessary for their continued existence, and</i></p> <p><i>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</i></p> <p><i>(2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.</i></p> <p><i>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development:</i></p> <p><i>(a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land,</i></p> <p><i>(b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna,</i></p> <p><i>(c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></p> <p><i>(d) is likely to have any adverse impact on the habitat elements providing connectivity.</i></p> <p><i>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</i></p> <p><i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></p> <p><i>(b) if that impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p>	<p>A flora and fauna assessment was undertaken on the site having regard to the proposed development by a suitably qualified person and was lodged with the development application. The assessment concluded that no threatened flora or fauna species have been located on the site and that no significant habitat would be destroyed or impacted as part of the proposed development or landfill rehabilitation. As such, it is not considered that the proposed development will result in any significant impacts on threatened species, population, or ecological community, or its habitat and will be consistent with the objectives and requirements of this clause.</p>

Clause	Comment
<p>6.16 Earthworks</p> <p><i>(1) The objectives of this clause are:</i></p> <p><i>(a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items and features, and</i></p> <p><i>(b) to allow earthworks of a minor nature without separate development consent.</i></p> <p><i>(3) Before granting any such consent, the consent authority must consider the following matters:</i></p> <p><i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or of the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material or the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,</i></p> <p><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	<p>Having regard to the submitted Soil and Water Management Plan (SWMP) and Cultural Heritage Assessment it is not considered that the proposed earthworks will result in any significant impacts on the site or surrounding land subject to the implementation of the recommended conditions of consent.</p>

Section 79C(1)(a)(iii) any development control plan;

The proposal is considered against the relevant clauses of the *Yarrowlumla Development Control Plan – Rural Zones* as follows:

Clause	Comment
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Clause	Comment
<p>Clause 1.5 Aims <i>This DCP aims to:</i> <i>a) highlight to landowners and developers the need for full and proper consideration of environmental constraints and servicing requirements in relation to proposed development;</i> <i>b) provide guidance to landholders for the protection of biodiversity values within the Shire;</i> <i>c) establish criteria to be applied which will determine the allotment density achievable in any area with regard to the subdivision of land; and</i> <i>c) allow for public participation in the determination of development proposals.</i></p>	<p>The proposed development is considered to be consistent with the aims of the plan as follows:</p> <ul style="list-style-type: none"> • The application has adequately addressed the environmental constraints and servicing requirements by locating the waste transfer station in a suitable location having regard to the existing use of the site and its existing natural features. • It is considered that the proposed development will not result in any significant impacts on the biodiversity values within the shire due to the rehabilitation of the existing landfill and its disturbance to vegetation that is not known to provide habitat for any known threatened or endangered flora or fauna species. • A public participation period was provided as part of the development assessment process in accordance with the EP&A Regulations.
1.6. Objectives	
<p><i>a) ensure that development maintains the rural character of the locality and minimises disturbance to the landscape and the environment generally;</i></p>	<p>Due to the location of the proposed structures below the existing landfill area (to be rehabilitated) within existing woodland, it is not considered that they will result in any significant visual impacts on the surrounding area because it will be predominantly screened from view by existing vegetation and the topography of the land. Furthermore, the recommended conditions of consent include requirements for construction materials to be non-reflective and be coloured using colours which are consistent with the surrounding natural landscape.</p>
<p><i>b) ensure land use is ecologically sustainable, taking into account the environmental capabilities of the land and based on best management practices;</i></p>	<p>It is considered that the proposed development is an appropriate land use having regard to the existing use of the site and existing and proposed measures to minimise potential environmental impacts.</p>
<p><i>c) ensure that development does not create or exacerbate soil erosion;</i></p>	<p>Appropriate conditions have been included within the recommended conditions of consent to minimise the potential for soil erosion.</p>
<p><i>d) ensure that the wider community does not bear the cost of servicing rural residential development;</i></p>	<p>Rural residential development is not proposed.</p>
<p><i>e) ensure agricultural production is not jeopardised by the intensification of development in the rural areas;</i></p>	<p>The subject site is not considered to be suitable for agricultural production.</p>

<i>Clause</i>	<i>Comment</i>
<i>f) encourage a flexible approach to the subdivision of land within the 1(a) General Rural zone, ensuring that large productive holdings are not unnecessarily fragmented;</i>	The proposal does not include subdivision and is not within the 1 (a) General Rural zone.
<i>g) ensure that dwelling house lots (lots smaller than 16 hectares) in the 1(a) General Rural zone are suitably located so as to have minimum impact on agriculture in the locality and are not clustered to the extent that they form rural residential communities in inappropriate locations.</i>	The proposal does not include the construction of dwellings and is not within the 1 (a) General Rural zone.
<i>h) ensure that allotments created in subdivisions each have a potential house site taking into consideration the potential for surface and ground water pollution and the risk of damage by bushfires or flooding;</i>	The proposal does not include subdivision.
<i>i) ensure that all allotments created by subdivision have coinciding legal and physical access to a road maintained by Council;</i>	The proposal does not include subdivision.
<i>j) minimise the creation of vehicular access points to major roads;</i>	The proposal does not include any additional access points onto Macs Reef Road.
<i>k) ensure that development is based on catchment management principles and does not have an unsustainable impact on surface and groundwater resources; and</i>	It is considered that the waste transfer station and rehabilitation of the existing landfill will minimise potential impacts compared to existing activities on the site.
<i>l) preserve prime agricultural land for long term sustainable production.</i>	The site is not prime agricultural land.
5. Ecologically Sustainable Development	The proposed development is considered to be consistent with the principles of ecologically sustainable development because it will minimise the potential for serious or irreversible damage to the environment caused by activities on the site; it will not detract from the health, diversity or productivity of the existing environment which will ensure it is maintained for future generations; and biological diversity of the site and the expected pollution costs will be improved with the closure of the existing landfill operation.

Clause	Comment																				
16.2. Effluent Disposal	A report outlining the capability for on-site effluent disposal from the proposed amenities building was submitted with this development application. This report has been assessed by Council's Health and Building officer who believes that (subject to the implementation of the recommended conditions of consent) the proposal will provide adequate areas for on-site disposal without adversely affecting water quality or adjoining land.																				
17. Bush Fire Hazards	The proposal is considered to be consistent with this clause (subject to the inclusion of the recommended conditions of consent) because it has been assessed as consistent with the RFS document <i>Planning for Bushfire Protection 2006</i> which addresses each of the matters outlined in this clause.																				
18. Setbacks	<p>The proposed structures compliance with the DCP's setback controls are outlined in the following table:</p> <table><tr><td></td><td>Permitted</td><td>Proposed</td><td>Compliant</td></tr><tr><td>Front Boundary</td><td>50m</td><td>57.2 m</td><td>Yes</td></tr><tr><td>Rear Boundary</td><td>25m</td><td>290 m</td><td>Yes</td></tr><tr><td>East Side Setback</td><td>25 m</td><td>106 m</td><td>Yes</td></tr><tr><td>West Side Setback</td><td>25m</td><td>133 m</td><td>Yes</td></tr></table>		Permitted	Proposed	Compliant	Front Boundary	50m	57.2 m	Yes	Rear Boundary	25m	290 m	Yes	East Side Setback	25 m	106 m	Yes	West Side Setback	25m	133 m	Yes
	Permitted	Proposed	Compliant																		
Front Boundary	50m	57.2 m	Yes																		
Rear Boundary	25m	290 m	Yes																		
East Side Setback	25 m	106 m	Yes																		
West Side Setback	25m	133 m	Yes																		
19. Height	The highest point of the proposed structures will be 8.6 m which complies with the 9 m maximum for the site.																				
20. Materials and Appearance	Due to the location of the proposed structures below the existing landfill area (to be rehabilitated) within existing woodland, it is not considered that they will result in any significant visual impacts on the surrounding area because it will be predominantly screened from view by existing vegetation and the topography of the land. Furthermore, the recommended conditions of consent include requirements for construction materials to be non-reflective and be coloured using colours which are consistent with the surrounding natural landscape.																				
22. Erosion and Sediment Control on building Site	Subject to the implementation of the preventative measures contained within the recommended conditions of consent, it is not considered that the proposed development will result in any significant erosion or sedimentation impacts on the locality.																				

Clause	Comment
23.3. Fire Fighting Resources	A 20,000 litre water tank is proposed to be provided for fire fighting purposes which is consistent with this clause and <i>Planning for Bushfire Protection 2006</i> .
34. Fencing	<p>This clause was amended by the <i>Palerang Development Control Plan - Fencing Requirements in Rural, Environmental Protection and Rural Residential Areas</i>. The proposed development includes the installation of a black chain wire security fence and gates to restrict the potential for illegal dumping. While this proposal is considered to be reasonable, the location of the fence along the front boundary adjacent to Macs Reef Road is not because it will not comply with the specifications of this clause and will impact on the rural character of the locality having regard to the existing rural style fences within the area which are consistent with this clause.</p> <p>Due to the elevation of the front boundary above Macs Reef Road, the location of the existing rural style fence along the front boundary, and the density of the existing vegetation between the waste transfer station and the front boundary; it is not considered necessary for the security fence to be located on the front boundary because access for illegal dumping is limited and the fence can be relocated to achieve its objective without impacting on the aesthetics of the area.</p> <p>As such, it is recommended that the proposed security fence be relocated directly around the perimeter of the northern side of the waste transfer station instead of along the front boundary. A condition to this effect has been included within the recommended conditions of consent.</p>

Section 79C(1)(a)(iii)(a) 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,

There are no planning agreements applying to the subject site.

Section 79C(1)(a)(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates;

Conditions have been included within the recommended conditions of consent regarding compliance with the *Building Code of Australia*, erection of signs and shoring of adjoining property, to satisfy Clauses 98, 98A, and 98E of the EP&A Regulation 2000.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality;

Access and Traffic

The proposal includes the construction of a new internal access road to the waste transfer station from the existing unnamed public road adjoining the western boundary, a roundabout at the internal access roads intersection with the unnamed road, intersection upgrades of the unnamed roads intersection with Macs Reef Road, and the sealing of all roads accessing the site from Macs Reef Road.

The average daily and peak hour generation and the super peak daily and peak hour generation rates are predicted to be lower than the existing generation of the site. Having regard to this, the proposed upgrading of the existing access to the site has been assessed and is considered to be adequate to cater for existing and potential traffic to the site because it will comply with the Austroads standards (reinforced in recommended conditions of consent), will not result in the deterioration of roads any further than what would already occur, and will increase safety for users of the site.

Surface and Groundwater

A Soil and Water Management Plan (SWMP) was lodged with the application which provides recommendations for the management of soil and water management during the construction and ongoing operation of the waste transfer station having regard to leachate surface water controls, erosion controls, potential impacts on ground water supplies, and reporting processes.

It is considered that the construction and operation of the proposed waste transfer station can be undertaken without any significant environmental impacts on the site or adjoining properties subject to the implementation of the recommendations included within the SWMP. Conditions to this effect have been included within the recommended conditions of consent.

Noise

A Noise and Vibration Impact Assessment was submitted with the application which addresses the potential impacts on surrounding residential properties (receivers) during construction and operation of the waste transfer station in accordance with the NSW Industrial Noise Policy. The assessment concluded that noise emissions from the operation and construction of the development are predicted to be within the project specific noise levels at all assessed receiver locations. It was also found that construction vibration will be considerably below the recommended damage and annoyance criteria at all receiver locations, with operation vibration levels negligible at all receiver locations. Having regard to these findings, it is not considered that the proposed development will result in any significant noise or vibration impacts on adjoining properties.

Flora and Fauna

An Environmental Survey and Assessment of Macs Reef Tip Waste Transfer Facility Site and General Tip Site was submitted as part of the development application which assesses the clearing of an area of dry sclerophyll woodland to accommodate the construction of the waste transfer station and internal access road. The assessment concluded that no threatened flora or fauna species have been located on the site and that no significant

habitat would be destroyed or impacted as part of the proposed development or landfill rehabilitation.

Having regard to this, it is considered that the proposed vegetation removal is acceptable because it will allow the site to continue to be used for a practical purpose, will minimise fire danger to users of the site, and will allow for the closure and rehabilitation of the existing landfill (recommended condition of consent) which will include the planting of similar species over a greater portion of the site compared to what is proposed to be removed; which will not only increase the biodiversity of the site but also its aesthetic appearance when viewed from the surrounding area.

Visual Amenity

Due to the location of the proposed waste transfer station below the existing landfill area (to be rehabilitated) within existing woodland, it is not considered that it will result in any significant visual impacts on the surrounding area because it will be predominantly screened from view by existing vegetation and the topography of the land. Furthermore, the recommended conditions of consent include requirements for construction materials to be non-reflective and be coloured using colours which are consistent with the surrounding natural landscape.

Air Quality

An Air Quality and Odour Impact Assessment was submitted with the application. The results gathered during the assessment found that under the worst case operating conditions with both the waste transfer station and existing landfill in operation on the site; odour concentrations will satisfy the project odour criterion at all surrounding residences while the average dust disposition rates will be insignificant in comparison with current average background levels. As such, it is not considered that the proposed development will result in any significant air quality impacts on the surround area.

Heritage

A Cultural Heritage Assessment was undertaken on the site having regard to the proposed development by a suitably qualified person. The assessment concluded that no Aboriginal or historic European archaeological sites were found on the site which would provide any constraints to the proposed development.

Socio economic Impacts of the Proposal

The construction of the proposed waste transfer station and its ongoing operation will be funded by Palerang Council. In preparation of the application, Council conducted community consultation outlining alternative arrangements for waste disposal for residents in the Bywong/Wamboin/Sutton areas after the existing landfill on site reaches its capacity within the coming years. The response received from the community during this process was in support of the proposed waste transfer station instead of roadside collection trials and sole reliance on the Bungendore waste transfer station. While rate payers will ultimately be funding the proposal, financial implications of each waste disposal alternative were outlined during the community consultation with the proposed waste transfer station seen by the majority as the most practical and viable option.

Furthermore, it is considered that the proposed waste transfer station will (after the closure of the landfill on site) not only minimise costs associated with surrounding residents transporting waste to a disposal point (Bungendore waste transfer station would be the closest disposal point) but will improve the aesthetics of the site when viewed from the

surrounding area with the rehabilitation of the existing landfill and will reduce traffic and potential environment impacts compared to existing operations on the site which may have positive financial implications on surrounding property owners.

Section 79C(1)(c) the suitability of the site for the development;

As assessed above, subject to the inclusion of the recommended conditions of consent, the site of the proposed waste transfer station has been assessed as being suitable because the proposal will not result in any significant impacts on the natural, social or economic environments.

Section 79C(1)(d) any submissions made in accordance with the Act or Regulations;

Notification

The application was notified in accordance with the requirements of the EP&A Regulation 2000. Three submissions of support for the proposed development were received from community groups during the public participation period.

Development Engineer

The proposed development was referred to Council's Development Engineer for assessment of the proposed access to the waste transfer station. The response received indicated that the proposed access would comply with the relevant Austroads standards subject to the implementation of the recommended conditions of consent.

Health and Building

The proposed development was referred to Council's Health & Building Officer for assessment of the proposed onsite effluent disposal system who had no objections to the proposal subject to the implementation of the recommended conditions of consent.

NSW Roads and Maritime Services

The application was referred to the Roads and Maritime Services (RMS) because the proposed waste transfer station is classified as a Traffic Generating Development under clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007*. The RMS responded on 27 July 2012 stating that they have no objections to the proposal because Macs Reef Road is an unclassified road and that the average daily and peak generation of the site is predicted to be lower than the existing generation of the site.

NSW Office of Water

The application was referred to the NSW Office of Water under section 77 of the EP&A Regulation 2000 as an authority which may have an interest in the development. A response was received on 26 July 2012 stating that after review of the application a controlled activity approval is not required for the proposed development.

NSW Environment Protection Authority

The application was referred to the Environment Protection Authority (EPA) under section 77 of the EP&A Regulation 2000 as an authority which may have an interest in the development. A response was received on 7 September 2012 providing recommendations for the construction and operation of the waste transfer station and the closure of the existing landfill. Conditions including these recommendations have been included within the recommended conditions of consent.

NSW Department of Primary Industries

The application was referred to the NSW Department of Primary Industries under section 77 of the EP&A Regulation 2000 as an authority which may have an interest in the development. A response was received on 24 August 2012 outlining that the department was unable to provide specific advice on the proposed development.

Section 79C(1)(e) the public interest

As discussed above and subject to the recommended conditions of consent; it is not considered that the proposed development would be contrary to the public interest because potential impacts on the natural, social and economic environments are considered to be minimal, with appropriate measures to be implemented during the construction and operation process to mitigate against any negative impacts.

Conclusion

The application has been assessed in accordance with the EP&A Act and the relevant Environmental Planning Instruments and Development Control Plan.

It is considered that, subject to the implementation of the recommended conditions of consent, the development can be operated in a manner that would avoid significant impact on the locality having regard to the natural, social and economic environments and minimise the levels of impacts currently created by the existing landfill on site.

It is considered that the potential benefits of the proposal outweigh its potential costs, and consequently believe that it is in the public interest and should be approved, subject to the implementation of the recommended conditions of consent.

RECOMMENDATION

That Development Application DA.2012.239 for the construction of a Waste Transfer Station at Lot 7008 DP 96164 – 703 Macs Reef Road, Bywong be approved under Section 80 of the *Environmental Planning and Assessment Act 1979*, subject to the attached conditions.

SCHEDULE OF CONDITIONS
Development Consent DA.2012.157

Approved development and plans

1. The development referred to in the application is to be carried out in accordance with the approved plans except as modified by any conditions of consent.

Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.

Plans to be kept on site

2. Keep a copy of all stamped approved plans, specifications and documents on site while work is being undertaken.

Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.

Construction certificate & occupation certificate

3. Obtain a construction certificate from Palerang Council or an appropriately accredited private certifier before undertaking any work. Forward a copy of any construction certificate issued by a private certifier to Palerang Council at least 2 days before undertaking any work in accordance with that construction certificate.

4. Appoint a principal certifying authority before any work is undertaken. Provide details of the appointed principal certifying authority (if not Palerang Council) to Palerang Council at least 2 days prior to any work being undertaken.

Reason: Work is undertaken in accordance this consent & relevant construction standards.

5. Do not occupy or use the premises until an occupation certificate has been issued by Palerang Council or an appropriately accredited private certifier. Provide a copy of any occupation certificate, issued by a private certifier, to Palerang Council no later than 2 days after the occupation certificate is issued.

6. The final occupation certificate must not be issued until all conditions of consent have been satisfactorily complied with and all mandatory stage/required plumbing inspections undertaken. Plumbing and drainage must be inspected by Palerang Council at the relevant stages of construction in accordance with the attached inspection schedule and a final plumbing certificate obtained prior to issue of any occupation certificate.

Reason: Development is safe & appropriate for occupation, and is completed in accordance with the consent.

Site identification

7. The site where building work, subdivision work, or demolition work are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;
 - the development application number,
 - name, address and telephone number of the principal certifying authority,

- name of the principal contractor (if any) and 24 hour contact telephone number, and
- a statement that “unauthorised entry to the work site is prohibited”.

Reason: The site is managed in a safe manner.

Construction standard

8. All work is to comply with the current edition of the Building Code of Australia.

Reason: All building work is carried out in accordance with relevant construction standards.

Aboriginal objects

9. The development is to proceed with caution. If any Aboriginal objects are found, works should stop and DECCW notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and DECCW are to be notified.

Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

Building materials and finishes

10. All structures are to be finished in materials that have a low reflectivity. Colours are to incorporate the use of muted, natural colours that will blend with, rather than stand out from, the landscape for major features such as walls, roof and fencing.

Reason: The building is not visually intrusive in the landscape and does not cause glare.

Stormwater

11. Convey roof water to a water tank or divert a minimum 3 m away from any building. Divert the overflow of any water tank a minimum of 3 m from any building.

Reason: Stormwater disposal does not impact on the building.

12. Direct surface water drainage to existing natural drainage or to Palerang Council drainage infrastructure. Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.

Reason: Stormwater disposal does not impact on the building or neighbouring properties.

Water supply

13. The development is to be provided with a water storage tank(s) with minimum capacity of 35 000 litres.

Reason: To ensure an adequate potable and fire fighting water supply is available where town water or an alternative supply is not available.

Construction Activities

14. Construction work shall only be undertaken between the hours of 7 am and 6 pm Mondays to Fridays and between the hours of 7.00 am and 5.00 pm Saturdays. No construction work shall take place on Sundays or Public Holidays unless Palerang

Council agrees in writing. A written application shall be made to Palerang Council if a variation of hours is required.

Reason: To ensure that noise impacts do not result from construction work.

15. All excavations and backfilling associated with the erection or demolition of a building must be executed in accordance with the requirements of WorkCover.

Reason: To ensure excavation does not impact on adjoining property and compliance with WorkCover requirements.

16. The demolition of the existing building must be carried out in accordance with the:

- (a) requirements of the WorkCover Authority of New South Wales,
- (b) *NSW Occupational Health and Safety Act 2000*, and
- (c) *Australian Standard AS 2601-2001: The Demolition of Structures.*

Reason: To ensure compliance with WorkCover and occupational health and safety requirements.

17. If any excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an appropriate manner, and
- (c) must, at least seven days before excavating, give notice of intention to do so to the owner of the adjoining and furnish particulars of the excavation to the owner of the building being erected or demolished, and
- (d) satisfy the requirements of WorkCover.

The owner of the adjoining land is not to be liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Excavations relating to building work do not pose a hazard to adjoining properties.

18. Toilet facilities are to be provided at or in the close vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.

Reason: To provide adequate facilities to the work site.

19. Asbestos material must be removed and disposed of in accordance with the *Occupational Health and Safety Act 2000* and the New South Wales WorkCover guidelines. Asbestos material must be disposed of to a landfill site approved for that purpose by the Environmental Protection Authority of New South Wales or the equivalent authority in the Australian Capital Territory. Written evidence that the material has been disposed of to the approved landfill site must be submitted to Council.

Reason: To ensure the proper disposal of asbestos material.

20. No building materials are to be stored or construction activities undertaken on public or adjoining land.

Reason: To prevent unnecessary disturbance to public land.

Waste Management

21. All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

Reason: To ensure adequate waste management practices are in place during the construction phase.

Erosion Control - Building

22. Install sediment and erosion controls, prior to any construction activity, to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows,

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) prevent tracking of sediment by vehicles on roads, and
- (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

23. Maintain erosion and sedimentation controls for as long as necessary after completion of works to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The controls are to remain in place until all disturbed ground surfaces are rehabilitated/revegetated and stabilised to prevent erosion or sediment loss.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

Hazardous Materials

24. No more than 5 tonnes of oil or batteries are to be stored on the site at any one time without separate development approval.

Reason: Separate licences are required for the storage of these materials which exceed the specified quantity.

25. Restricted waste, clinical waste and asbestos waste is not to be stored on the site at any time without separate development approval.

Reason: Separate licences are required for the storage of these materials on site.

Bushfire Requirements

Asset Protection Zones

26. At the commencement of building works and in perpetuity the property around the building shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*:

- North for a distance of 20 metres as an inner protection area and 10 metres as an outer protection area;
- South for a distance of 23 metres as an inner protection area and 10 metres as an outer protection area;

- East for a distance of 23 metres as an inner protection area and 10 metres as an outer protection area; and
- West for a distance of 23 metres as an inner protection area and 10 metres as an outer protection area.

Reason: To provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

Advice: An inner protection area should provide a tree canopy cover of less than 15% and should be located greater than 2 metres from any part of the roofline of a dwelling. Garden beds of flammable shrubs are not to be located under trees and should be no closer than 10 metres from an exposed window or door. Trees should have lower limbs removed up to a height of 2 metres above the ground.

Advice: An outer protection area should provide a tree canopy cover of less than 30% and should have understorey managed (mowed) to treat all shrubs and grasses on an annual basis in advance of the fire season (usually September).

Water and Utilities

27. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of *Planning for Bush Fire Protection 2006*:
- A dedicated water supply of 20,000 litres for firefighting purposes.
 - A suitable connection for firefighting purposes is made available and located within the APZ and away from the structure. A 65mm Storz outlet with a Gate or Ball valve is provided.
 - Gate or Ball valve and pipes are adequate for water flow and are metal rather than plastic.
 - Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is supplied within 4 metres of the access hole.
 - Above ground tanks are manufactured of concrete or metal and raised tanks have their stands protected. Plastic tanks are not used. Tanks on the hazard side of a building are provided with adequate shielding for the protection of fire fighters.
 - All above ground water pipes external to the building are metal including and up to any taps. Pumps are shielded.
 - Where practicable, electrical transmission lines are underground.
 - Where overhead electrical transmission lines are proposed:
 - lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002).
 - Reticulated or bottled gas is installed and maintained in accordance with AS 1596 and the requirements of relevant authorities. Metal piping is to be used.
 - All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.
 - If gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any

combustible material, so that they do not act as a catalyst to combustion.
Connections to and from gas cylinders are metal.

- Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not used.

Reason: To provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Access

28. Public road access shall comply with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*.

Reason: To provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

29. Property access roads shall comply with section 4.1.3(2) of *Planning for Bush Fire Protection 2006*.

Reason: To provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

Landscaping

30. Landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.

Reason: To minimise the potential for bushfire attack on the building.

Advice: The following measures should be implemented when landscaping the site:

- Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
- Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
- Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
- Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
- Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
- When considering landscape species consideration needs to be given to estimated size of the plant at maturity;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such timber garden furniture way from the building; and
- Use of low flammability vegetation species.

Evacuation and Emergency Management

31. In recognition of the isolated location of the development an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document *Guidelines for the Preparation of Emergency/Evacuation Plan*.

Reason: The intent of measures is to provide suitable emergency and evacuation arrangements for users of the development.

Construction Certificate Requirements

32. Prior to issue of any construction certificate (if construction certificate application is made to Palerang Council) provide details of the site classification, and all footings and slab designs, certified by a practising structural engineer.

Reason: Compliance with the current version of the Building Code of Australia.

33. Prior to the issue of any construction certificate (if construction certificate application is made to Palerang Council) provide details of trusses, certified by a practising structural engineer. Trusses are to be designed and constructed to the minimum Wind Design Category for the area.

Reason: Compliance with AS 1884-Residential Timber Framing Code and the Building Code of Australia.

Retaining walls & batters

34. Any retaining wall greater than 600 mm is to be designed and constructed to structural engineer's details. Prior to issue of any construction certificate provide a certified copy of the design to Palerang Council.

Reason: Retaining walls are structurally strong enough to bear the loads put on them.

35. Rehabilitation grass mix is to be applied to all disturbed surfaces at the recommended rate of dispersal prior to the issue of the final occupation/completion certificate. Do not use species that are listed under the *Noxious Weeds Act 1993*.

Reason: Prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land.

Tree removal or lopping

36. The felling and removal of trees shall be carried out by a person who is appropriately qualified and who holds appropriate and current insurance.

Reason: To ensure a professional result and to provide protection to residents against liability for damage or harm to person(s) or property.

37. Replant at least 10 tree seedlings per tree removed during the rehabilitation of the existing landfill, incorporating native species indigenous to the area. Trees that will grow to a height of greater than 3 m should not be planted in the vicinity of powerlines. Consider the proximity of the tree to adjoining properties and the road reserve once it matures and the location of the mature tree and its roots to drainage and underground services. Trees should not be planted closer than 3 m to a building. Invasive species considered noxious or environmental weeds should not be planted. Protect and maintain the replacement trees to ensure that they properly establish and survive long term.

Reason: To replace removed vegetation with species suitable to the local environment, reduce visual impacts, maintain character & reinforce visual amenity.

38. Any hollow sections of the tree should be inspected for native fauna prior to work commencing and animals removed by a suitably qualified wildlife handler, when practical and safe to do so. Any hollow sections of the tree should be removed and lowered to the ground with care to be inspected by a suitably qualified wildlife handler. Any native fauna found should be appropriately relocated under supervision of a suitably qualified wildlife handler.

Reason: the tree may have hollows that contain native fauna, including threatened species recorded as occurring in the surrounding region.

Fencing

39. The proposed security fence is to be relocated directly around the perimeter of the northern side of the waste transfer station and is not to be located along the front boundary of the site adjacent to Macs Reef Road.

Reason: To minimise potential visual impacts of the fence on the rural character of the locality.

Engineering requirements

Construction certificate

40. Obtain a construction certificate from Palerang Council before undertaking any civil work.

Reason: Work is undertaken in accordance this consent & relevant construction standards.

Principal certifying authority – civil works

41. Appoint a principal certifying authority to inspect civil works as required and certify the works on completion.

Reason: To ensure compliance with Section 81A(4) of the Environmental Planning and Assessment Act 1979.

Section 138 consent

42. Obtain consent under section 138 of the *Roads Act 1993* from Palerang Council before any work is undertaken in the public road reserve.

Reason: To ensure that works carried out comply with the Roads Act.

Design and construction standard

43. Design and construct civil works to Aus-Spec #1 Development Specification Series as amended by Palerang Council.

Reason: Roads and other works are of a standard to safely cater for the traffic generated by the development.

Pavement design

44. Provide a detailed pavement design, conforming to the procedures set out in Aus-Spec #1 to Palerang Council. The design must be based on site-existing subgrade CBR information along the routes of all proposed roads and is to be shown on typical cross sections in the design drawings.

Reason: To ensure that roads are designed to cater for the traffics generated by the development.

Design drawings – civil works

45. Provide engineering design drawings, and supporting information, to standards in AUS-SPEC #1 as amended by Palerang Council, for all civil works for approval by the principal certifying authority prior to issue of any construction certificate.

Advice: If Palerang Council is nominated principal certifying authority. Engineering drawings are not to be hand drawn, must include a note that "All work is to be constructed in accordance with AUS-SPEC#1 Development Specification Series, as amended by Palerang Council, and the terms of the Development Consent" and are to be signed by a qualified engineer. Consent requirements such as construction hours must be included on the drawings.

Reason: Works are designed to cater for the demands generated by the development.

Dust Suppression

46. Respond to Councils direction to provide dust suppression on roads leading to, adjacent to and within the subdivision in the event that weather conditions and construction traffic are giving rise to abnormal generation of dust.

Reason: To ensure that local residents and activities are not disadvantaged by dust during construction.

Site stormwater

47. Divert all stormwater from the existing landfill site to the existing leachate pond.

Reason: To ensure stormwater runoff from the existing landfill site is managed separately to waste transfer station stormwater runoff.

48. Divert all stormwater from hardstand areas associated with the waste transfer station, including associated buy-back centre and parking areas, to the proposed leachate pond.

Reason: To ensure stormwater runoff from the waste transfer station is appropriately managed.

49. Design and construct a leachate pond in accordance with the NSW Landcom publication *Managing Urban Stormwater -Soils and Construction* (4th Edition 2004-"Blue Book") and Aus-Spec #1 Development Specification Series as amended by Palerang Council. Undertaken on-going monitoring and maintenance of the leachate pond to ensure overflow from the leachate pond is managed and prevented where reasonable.

Reason: To appropriately manage stormwater runoff from the waste transfer station and overflow from the leachate pond.

50. Divert all clean stormwater runoff from above the waste transfer station away from hardstand areas associated with the waste transfer station. Provide erosion controls along diversion structures as appropriate.

Reason: To prevent clean stormwater runoff interacting with runoff from the waste transfer station and to control erosion.

Erosion Control – Construction Phase

51. A Sediment and Erosion Control Plan (S&ECP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication *Managing*

Urban Stormwater -Soils and Construction (4th Edition 2004- "Blue Book").

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

Reason: To minimise environmental impact associated with any construction works & to prevent soil erosion/water pollution.

Erosion Control – Operational Phase

52. An Environmental Management Plan (EMP) shall be prepared for the operational phase of the waste transfer station. The EMP shall include a Sediment and Erosion Control Plan (S&ECP) for all operational and maintenance works, emergency procedures where appropriate and routine monitoring and maintenance procedures. The S&ECP is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication *Managing Urban Stormwater -Soils and Construction (4th Edition 2004- "Blue Book")*.

Reason: To minimise environmental impact associated with waste transfer station operations & to prevent soil erosion/water pollution.

Access roads

53. Roads shall be constructed to the standards set out in *Table 2 of Yarrawlumla Development Control Plan – Rural Zones*. The road from the intersection with Macs Reef Road to the roundabout shall be bitumen sealed Type 10 road.

Road type	Pavement width	Design speed	ESA
10	8.0m (7.0m sealed)	80km/hr	1x10 ⁶

Reason: Roads created are of a standard to safely cater for the traffic generated by the development

54. The access road shall be designed in accordance with Austroads (and Roads and Maritime Services Supplements) requirements and shall provide stopping sight distance (SSD) at all locations along the road. Any hazards located within the clear zone of the access road shall be removed or relocated outside the clear zone. If unable to be removed, suitable protection measures, such as guard rail, shall be provided at the hazard in accordance with Austroads (and Roads and Maritime Services Supplements).

Reason: Roads created are designed and constructed to current design standards.

Intersection of Macs Reef Road and Access Road

55. The proposed access road intersection with Macs Reef Road shall be constructed to an Austroads (and Roads and Maritime Services Supplements) channelised right turn (short) (CHRS) standard.
56. The proposed access road intersection with Macs Reef Road shall be constructed to an Austroads (and Roads and Maritime Services Supplements) auxiliary left turn (AUL) standard.
57. The intersection shall be located to provide safe intersection sight distance (SISD) for the through road.
58. Any hazards located within the clear zone of the intersection shall be removed or

relocated outside the clear zone. If unable to be removed, suitable protection measures, such as guard rail, shall be provided at the hazard in accordance with Austroads (and Roads and Maritime Services Supplements).

Reason: Conditions 55-58: Development intersections to be constructed to a safe and practical standard.

Access Road Roundabout

59. The proposed access road roundabout shall be designed and constructed in accordance with Austroads (and Roads and Maritime Services Supplements) standards. The southern leg of the roundabout shall be constructed to a Type 2 standard in accordance with *Table 2 of Yarrawlumla Development Control Plan – Rural Zones* from the roundabout to its intersection with the existing gravel track. The southern leg of the roundabout shall be sealed to its intersection with the existing gravel track.

Reason: Development intersections to be constructed to a safe and practical standard.

60. The central island of the roundabout shall be structurally designed to cater for the weight of a fully-laden 19.0m semi-trailer.

Reason: Development intersections to be constructed to a safe and practical standard.

Parking

61. Five (5) car parking spaces for customers/visitors and one (1) parking space for employees are to be provided in accordance with the relevant Australian Standards. One (1) of the customer/visitor spaces shall be provided in accordance with relevant disability requirements.

Reason: Suitable provision for parking.

Internal Waste Transfer Station Roads

62. All areas to be used for vehicle manoeuvring or parking within the waste transfer station shall be bitumen sealed or concrete surfaced.

Reason: To prevent dust generation from the site.

Waste Transfer Station Entrance

63. Gates at the entrance to the waste transfer station shall be recessed to allow a 19.0m semi-trailer to stop such that the vehicle does not obstruct the circulating path of the roundabout when the gates are closed.

Reason: To ensure vehicles opening/closing gates do not obstruct other traffic.

Truck movements

64. Delivery and/or collection of waste transfer skips from the site shall only occur outside public opening hours.

Reason: To reduce risk to the public from truck movements at the entrance.

707 Macs Reef Road Access

65. Maintain satisfactory access to 707 Macs Reef Road, Bywong (Lot 15 DP 568006) at all times. Where access is not possible, liaise with the residents of 707 Macs Reef Road, Bywong (Lot 15 DP 568006) prior to undertaking the works to advise them of the arrangements. Works should be programmed to minimise disruption to access

for this property.

Reason: To ensure suitable access is possible to neighbouring properties.

Prevent Stormwater Discharge to Public Road

66. Provide permanent drainage measures as appropriate (such as cross drainage pipes, swales and level spreaders) on internal roads and in the vicinity of each entrance, to divert stormwater away from driveways and control stormwater and sediments flowing on to the public road via the driveway. All measures are to be approved by the principal certifying authority.

Reason: Gravel and silt is not washed from the property to the road surface and road table drains.

Road Signage and Traffic Control Devices

67. Provide the access road, Macs Reef Road and intersections with road signage and traffic control devices to Austroads (and RMS supplements), RMS and AS1742 requirements. Submit traffic control details to the principal certifying authority prior to issue of a construction certificate.

Reason: To ensure that subdivisions roads have appropriate signage and traffic control devices.

68. Provide linemarking (or other acceptable solution) along Macs Reef Road between Bankers Road and the access road to reduce the likelihood of using the deceleration lane as an overtaking location. Linemarking shall be provided to the standards above. Submit traffic control details to the principal certifying authority prior to issue of a construction certificate.

Reason: To reduce the likelihood of the deceleration lane to be used inappropriately.

Inspection and test plans

69. The Project Quality Plan shall include inspection and test plans detailing witness points covering at least the following aspects of the works. Witness points shall be signed off by the site foreman or other nominated to do so in the Project Quality Plan:

- installation of sediment and erosion control devices
- site clearing
- site regrading
- preservation measures installed for trees and vegetation
- culvert location and installation including preparation of base, bedding and backfill
- earthworks including longitudinal drainage and subgrade preparation
- pavement materials and construction
- bitumen sealing where applicable
- fencing, signs, guideposts and markings installation

Advice: If Palerang Council is nominated principal certifying authority for the work Include as a minimum the following hold points for inspection and release by the principal certifying authority:

- Culvert/drainage line location and bedding
- Subgrade preparation prior to placement of pavement materials

- Pavement prior to bitumen sealing
- Final inspection of completed entrance works

Release of the above hold points prior to commencement of the next stage of the works will require that the work be acceptable on the basis of visual inspection by the Principal Certifying Authority and satisfactory test results supplied by the applicant's Project Superintendent.

Reason: To ensure that the works are carried in accordance with quality assurance principles.

Certification of completed works

70. At the completion of works the superintendent of works shall present to Palerang Council a Certification Report for civil works and is to include copies of any approvals outlined in this development consent and report on the current status of environmental restoration and revegetation. All project plans, inspection test plans, and results are to be included in the report. The superintendent of works shall be a Civil Engineer or suitably experienced and accredited Registered Surveyor as set out in AusSpec#1.

Reason: To ensure compliance of the works with the terms of the development consent and quality control requirements.

Works as- executed plans

71. Provide one electronic copy (DWG or similar), one PDF copy and one hard copy (A3) of works as-executed plans to Palerang Council, showing any variations from the approved designs. The works as-executed plans are to be prepared in accordance with the requirements set out in Aus-Spec #1 as amended by Council.

Reason: To provide a record of works for future technical reference.

Defects liability roads

72. A defects liability period of 6 months will apply from the release of linen plans for all works on current or future public roads (including pavement, entrances, drainage, re-vegetation and erosion control). The defects liability period shall commence when all of the following conditions have been met:

- Works are practically complete
- The subdivision certificate has been lodged and approved
- The roads have been physically opened to traffic
- The roads have been transferred to Council

Lodge a bond with Palerang Council of \$18,820.00 per kilometre for the works to provide for repair of defective or inadequate work. When paying this bond please quote account code GLBondRdWks.

The above bond is correct for financial year 2012/2013 and is subject to change in accordance with Council's Fees and Charges Pricing Policy. The policy for the current financial year can be found on Council's website.

Reason: To cover Palerang Council's costs of repair any defects that are not repaired by the applicant.

Carry out sewer work, carry out water supply work, carry out stormwater work

73. All sanitary plumbing and drainage work is to be carried out in accordance with the requirements of the *Local Government (General) Regulation 2005* and *AS 3500*. No alterations or additions are permitted without approval from Council.

Reason: All plumbing and drainage functions adequately.

74. Council must inspect the following stages of construction and installation:

- Internal and external plumbing and drainage,
- Installation of the on-site sewage management system and disposal area,
- Final inspection of plumbing, drainage and on-site sewage management system.

75. The top level of the sewerage service yard gully shall be located a minimum of 150 mm below the lowest fixture level and a minimum of 75 mm above ground level. Where it is not practicable to locate the top of the yard gully 150 mm below the lowest fixture level or 75 mm above the surrounding ground level, then a reflux valve shall be fitted to the sewer drainage system so as to prevent the backflow from the sewer entering the building.

Reason: Conditions 74 & 75 - To ensure compliance with AS3500 - National Plumbing and Drainage Code.

76. Three star and four star rated water conservation devices are to be installed in the bathroom and kitchen respectively.

Reason: Water efficiency and minimisation of wastewater produced

77. Provide plumber's name and licence number to Palerang Council prior to plumbing and drainage work commencing.

Reason: Council is informed prior to undertaking inspections.

78. A works as executed drawing of all sewer plumbing, sewer drainage and stormwater drainage work is to be submitted Palerang Council prior to the issue of any occupation certificate.

Reason: Council records are kept up to date.

Local approval – on-site sewage management system

79. The wastewater management system is to be designed, installed and maintained in accordance with the principles of 'On-site Sewage Management for Single Households', *AS/NZS 1574-2000 'On-site Domestic Wastewater Management'* and the site report prepared by Peter Fogarty (dated February 2011)

Reason: To ensure that the on-site effluent management system will have a neutral or beneficial effect on water quality, that it will be sustainable over the long term and will not have detrimental impacts on the health of occupants of the land..

80. All effluent is to be assimilated within the boundaries of the property.

81. No effluent management areas are to be located within 100 m of any creek, watercourse or bore whether perennial or intermittent, or within 40 m of a drainage depression.

82. All stormwater collected from roofs and other hard surface areas is to be diverted away from any effluent management area, with provision for energy dissipation at the outlet to prevent scouring or erosion.

Reason: Conditions 80 – 82 - To ensure that the on-site effluent management system will have a neutral or beneficial effect on water quality and that it will be sustainable over the long term.

83. All wastewater (black and grey) is to be directed to the on-site sewage management system for treatment.
84. Fence off the effluent management area prior to any construction work commencing and maintain in fencing in perpetuity to prevent human, vehicle and stock access.

Reason: Conditions 83 & 84 - Compliance with AS1547-2000 On-site Domestic Wastewater Management.

Septic tank

85. The septic tank is to be located at least 3 m from any building and have adequate access for desludging.
86. Liquid trade wastes, generated on the premises, must not be discharged into the septic tank or collection well.
87. The disposal area is to be constructed parallel with the contour of the land in the approximate position indicated on the plan.
88. An application for the renewal of the approval to operate shall be made at least 3 months prior to the end of the period of the approval.

Reason: Conditions 85 – 88 - To ensure compliance with AS1547-2000 On-site Domestic Wastewater Management.

Access

89. All work is to comply with the Disability (Access to Premises—Buildings) Standards 2010. This includes but is not limited to
 - Principal Access to Public Buildings
 - Access to toilet facilities
 - Car parking
 - Paths of travel from accessible areas

Reason: To ensure adequate access is available to disabled persons.

Essential fire safety measures

90. Prior to obtaining the final occupation certificate, provide the final fire safety certificate to Palerang Council (and to the principal certifying authority if not Palerang Council). A final fire safety certificate is a certificate issued by or on behalf of the owner of the premises to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:

- (a) has been assessed by a properly qualified person, and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

Note: The assessment of essential fire safety measures must have been carried out within the period of 3 months prior to the date on which a final fire safety certificate is issued

91. As soon as practicable after the final fire safety certificate is issued, the owner of the building to which it relates:
- (a) must provide a copy of the certificate (together with a copy of the current fire safety schedule) to the Fire Commissioner, and
 - (b) must display a copy of the certificate (together with a copy of the current fire safety schedule) prominently displayed in the building.
92. The owner of the building must maintain each essential fire safety measure in the building premises to a standard no less than that specified in the schedule.
93. The owner of the premises must provide an annual fire safety statement to Palerang Council and the Fire Commissioner. An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that:
- (a) each essential fire safety measure specified in the statement has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to a standard no less than that specified in the current fire safety schedule,
 - (b) the building has been inspected by a properly qualified person and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7 of the *Environmental Planning and Assessment Regulation 2000*.

Reason: Conditions 90 – 93 - To ensure compliance with the Environmental Planning and Assessment Regulation 2000.

Operational Practices

94. The following practices are to be implemented in perpetuity during the operation of the waste transfer station:
- Implementation of the Environmental Management Plan, prepared by Quadro Australia Pty. Ltd; dated February 2011;
 - Install litter fences proximal to the drop off points;
 - Install drain covers and trash racks in drain systems;
 - Minimise or cover gap between drop off points and skip bins;
 - Segregate storage area for hazardous waste from other materials;
 - Store batteries within impervious, bunded structures;
 - Ensure design allows for onsite storage of spill kits in appropriate locations;
 - All scrap metal is to be stored in a location that meets both the environmental objectives for the premises and is easily accessible to customers and the removal contractor; and
 - Educate customers to cover all loads.

Reason: To ensure the operation of the development minimises the potential for environmental impacts.

95. The waste transfer station is not to open to the general public outside the following hours:

- 2pm – 5pm Fridays,
- 8am – 4pm Saturdays and Sundays, and
- 7am – 11am Mondays.

Reason: To ensure the operation of the development minimises the potential for impacts on the surrounding area.

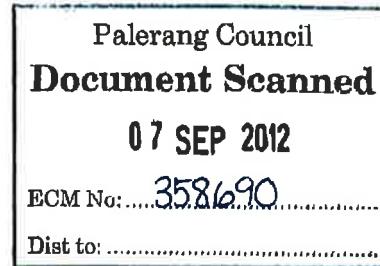
Closure of Existing Landfill

96. When the existing landfill on the site reaches its maximum capacity (or before such time) the following is to occur:
- A Landfill Closure Plan is to be prepared and submitted to the consent authority demonstrating that the landfill will be closed in accordance with the requirements of Benchmark Techniques 28 and 29 of the *Environmental Guidelines: Solid Waste Landfills (1996)*.
 - Close the existing landfill by undertaking the necessary works in accordance with the Landfill Closure Plan.

Reason: To ensure the existing landfill on site is closed in accordance with the requirements of the NSW Environment Protection Agency and in an environmentally sensitive manner.



Our reference: DOC12/30318 – FIL12/48
Contact: Kate Burrows (02) 6229 7002



The General Manager
Palerang Council
PO Box 348
Bungendore NSW 2621

Attention: Mrs Kylie Coe (Development Services Coordinator)

5 September 2012

Dear Mrs Coe

**RE: Development Application DEV.2012.157 – Waste Transfer Station
Lot 7008 DP 96164, 703 Macs Reef Road, Bywong
Designated Development**

Reference is made by the Environment Protection Authority ('EPA') to correspondence submitted by Palerang Council ('Council') and received by the EPA on 25 July 2012, seeking comment on DA.2012.157 ('the application') for the proposed Waste Transfer Station located at 703 Macs Reef Road, Bywong ('the premises').

The EPA has reviewed the application and provides the following comments in relation to the Environmental Impact Statement prepared by Environmental Property Services in association with Quadro Australia Pty Ltd for the premises.

Recommendations

- Installation of litter fences proximal to the drop off point;
- Installation of drain covers and trash racks in drain systems;
- Minimise or cover gap between drop off points and skip bins;
- Segregate storage area for hazardous household waste from other materials;
- Store batteries within impervious, bunded structures;
- Ensure design allows for onsite storage of spill kits in appropriate locations;
- All scrap metal to be stored in a location that meets both the environmental objectives for the premises and is easily accessible to customers and the removal contractor;
- Review the hours of operation for construction, operation and maintenance due to their potential to create noise issues;
- Educate customers to cover all loads.

Macs Reef Landfill Closure Plan

The EPA notes that the proponent has requested that the submission of the Landfill Closure Plan be a condition of consent, if granted. The Landfill Closure Plan should demonstrate that the landfill will be closed consistent with the requirements of Benchmark Techniques 28 and 29 of the *Environmental Guidelines: Solid Waste Landfills (1996)*.

Should you wish to discuss this matter further or require further information including technical advice on the Landfill Closure Plan, please contact Kate Burrows on (02) 6229 7002.

Yours sincerely



MATTHEW RIZZUTO
Acting Unit Head – South East Region
Environment Protection Authority NSW



**Department of
Primary Industries**
Office of Water

Palerang Council
Document Scanned

26 JUL 2012

ECM No: 351666

Dist to: CSO, Bung

The General Manager
Palerang Council
PO Box 348
Bungendore NSW 2621

Contact: Tim Smith
Phone: 02 6229 7307
Fax: 02 6229 7301
Email: tim.smith@water.nsw.gov.au

Our ref: 40 ERM2012/0593
File No: 9055606
Your Ref: DA.2012.157

Attention: Daniel Walsh

25 July 2012

Dear Sir/Madam

Re: Integrated Development – 703 Macs Reef Road, Bywong – Waste Transfer Station

The Office of Water has reviewed documents for the above development application and considers that, for the purposes of the *Water Management Act 2000* (WM Act), a controlled activity approval is not required and no further assessment by this agency is necessary for the following reasons.

The proposed activity is not occurring on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary). The capture of water within the leachate management pond is exempt from the harvestable rights calculations for the purposes of capture, containment and recirculation of drainage and/or effluent that are required by regulation to prevent contamination of a water source.

Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then the Office of Water should be notified.

Please direct any questions regarding this correspondence to Tim Smith,
tim.smith@water.nsw.gov.au.

Yours sincerely

Tim Smith
Licensing Officer (Controlled Activities)
NSW Office of Water - Licensing South

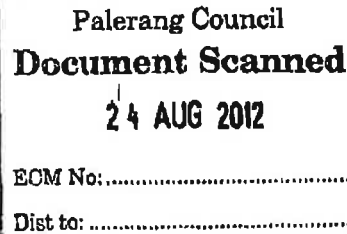


NSW DEPARTMENT OF
PRIMARY INDUSTRIES

GOULBURN
159 Auburn St (PO Box 389), Goulburn NSW 2580
www.dpi.nsw.gov.au
Tel: (02) 4828 6600; Fax: (02) 4822 3261

OUT 12/20669

The General Manager
Palerang Council
PO Box 348
BUNGENDORE NSW 2621



Attention: Kylie Coe

17 August 2012

Dear Ms Coe,

**RE: Waste Transfer Station Development Application DEV 2012.157 Macs
Reef Rd Bywong.**

I refer to your letter dated 19 July 2012 requesting comment on the Waste Transfer Station at Macs Reef Road Bywong.

Advice was sent to General Managers of all rural councils in late 2010 advising that in place of the agricultural advice we have offered in the past about individual local developments, we have now produced and continue to draft specific guidelines for use by consent authorities. These guidelines are available from the I&I NSW land use planning and development web portal: <http://www.dpi.nsw.gov.au/environment/landuse-planning/agriculture>. We are unable to provide specific advice on the above correspondence and although there is no specific guideline on waste transfer stations, the issues would be the same as for landfill developments from an agriculture perspective. The Agricultural Issues for landfill developments Guideline would be of assistance to you.

Our agricultural land use planning team will continue to have a strong interest in strategic land use planning matters, agricultural land rezoning, intensive agricultural developments as well as major projects that may impact on agricultural resources or agricultural industries.

Can you please ensure that any further correspondence relating to agriculture is directed to the Resource Planning & Development Group, C/o Industry & Investment NSW, Locked Bag 21, Orange NSW 2800.

Yours sincerely,

Wendy Goodburn
Resource Management Officer (Land Use)

21 August 2012

Our Ref: STH11/00102
Contact: Chris Millet 4221 2570
Your Ref: DA.2011.102



Transport
Roads & Maritime
Services

The General Manager
Palerang Council
PO Box 348
Bungendore NSW 2621

Palerang Council
This Email Document

27 JUL 2012

351761

CC's: [unclear]

Attention: Daniel Walsh

**PALERANG CITY COUNCIL – DEVELOPMENT APPLICATION DA.2011.102 – 703 MACS
REEF ROAD – WASTE TRANSFER STATION, BYWONG**

Dear Sir

Reference is made to your letter dated 19 July 2012 regarding the subject development application forwarded to Roads and Maritime Services (RMS) for consideration.

RMS has reviewed the submitted information. Macs Reef Road is an unclassified road. RMS notes that the average daily and peak hour generation of the site is predicted to be lower than the existing generation of the site. Similar, the super peak daily and peak hour generation rates are predicted to be lower than the existing generation of the site.

Based on the above, RMS has no objections to the proposal in principle.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Brian Lefoe'.

Brian Lefoe
Road Safety and Traffic Manager
Network Management, Southern Region

27 JUL 2012

Roads & Maritime Services

Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520
T 02 4221 2460 | F 02 4221 2777 | www.rmservices.nsw.gov.au |

PALERANG MEMORANDUM COUNCIL

TO:	Planning & Environmental Services
Attention:	Daniel Walsh
FILE NO.:	DA.2012.157
SUBJECT:	Waste Transfer Station
LOCATION:	703 Macs Reef Road, Bywong
APPLICANT:	Palerang Council
OWNER:	Palerang Council
DATE:	16/11/2012
<input type="checkbox"/> File Copy Only OR <input type="checkbox"/> Original – Please distribute as indicated	

Reference:

DA file

Site inspection undertaken 8/11/2012

Zoning:

The site is within the Yarrawlumla LEP 1(d) zone. The Yarrawlumla Rural Zones DCP is in force at this location.

Comments:

The application relates to the construction of a waste transfer station (WTS) on the existing Macs Reef Road landfill site. The landfill site will be closed following completion of the WTS

	Applicable	Not applicable	Conditions required
External access road	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Internal access road	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Entrance	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Parking	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Pedestrian networks		<input checked="" type="checkbox"/>	
Water		<input checked="" type="checkbox"/>	
Sewer		<input checked="" type="checkbox"/>	
Stormwater	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Flooding		<input checked="" type="checkbox"/>	
Garbage		<input checked="" type="checkbox"/>	
Utilities		<input checked="" type="checkbox"/>	
Fencing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Landscape		<input checked="" type="checkbox"/>	
Sediment and erosion	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Traffic control devices	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
S94 contributions		<input checked="" type="checkbox"/>	
S64 contributions		<input checked="" type="checkbox"/>	

Access/Entrance

The existing landfill site is accessed by an unsealed, unnamed road intersecting with Macs Reef Road. The unsealed road is between 5.0 and 6.0m in width, and was in poor condition at the time of inspection. The existing intersection is of a low standard and is likely inadequate for the current operations.

The intersection shall be upgraded to an Austroads compliant CHR(S)/AUL intersection. This requirement is based on information supplied by the applicant and supported by Council traffic counts along Macs Reef Road. Council information shows peak hourly traffic of between 400 and 500 vehicles per hour. The access road currently has traffic loads of 112 AADT. Austroads guidelines indicate that an AUL(S) is appropriate for the left turn treatment, however, with proximity to Bankers Road and the likelihood of heavy vehicle movements, a full AUL treatment is considered appropriate. The applicant has also proposed an AUL treatment. A BAL treatment (with allowance made for the 19.0m semi turn path) is required for the left turn on to Macs Reef Road.

The unsealed access road shall be upgraded to a two-lane sealed standard with suitable shoulders and drainage structures. The lanes shall be 3.5m with 0.5m shoulders. This width is considered sufficient and will allow heavy vehicles to pass each other and also allows sufficient space for heavy vehicle turning movements.

A roundabout is proposed at the entrance to the waste transfer station for operational reasons. The roundabout shall be designed and constructed to AustRoad Guide to Road Design Part 4B. The application includes turn paths for 19.0m semis at the entrance. The turn paths indicate the semi will need to cross the roundabout on both entry and exit from the WTS. This is considered acceptable, as heavy vehicle movements will be minimal during operation. As a condition of consent, delivery and removal of skips will be restricted to outside opening hours. The central island of the roundabout shall be designed to be structurally adequate for the loads imparted by a fully laden 19.0m semi (or truck and dog, whichever is heaviest).

Some minor reworking will be required for the access road beyond the entrance roundabout. Where affected, the access road shall be upgraded to a 4.7m sealed Type 2 access road, with appropriate shoulders and drainage. Access to 707 Macs Reef Road shall be maintained at all times.

Parking

The application proposes 6 parking bays, of which one is to be provided as an accessible parking spot. A review of the *Concept Options Report – Macs Reef Waste Transfer Station* undertaken by Stapleton Transportation and Planning has indicated that this is sufficient for the volumes based on other similar infrastructure. It is therefore considered that the proposed parking allocation is suitable for visitor and staff parking.

The accessible parking spot shall be provided to AS 2890.6:2009. All other parking shall be provided to AS 2890.1:2004.

Stormwater

Stormwater from the landfill area above the WTS shall be diverted to the existing leachate ponds.

Clean stormwater shall be diverted around the WTS and shall be appropriately managed to prevent erosion.

All stormwater from hardstand areas associated with the WTS shall be diverted to the proposed leachate pond. The leachate pond shall be designed to the requirements of the BlueBook and the pond shall be appropriately managed to prevent overflow during wet weather.

Fencing

The entrance to the WTS shall have fencing and gates arranged such that a 19m semi can safely wait off the public road while the gates are being opened.

Sediment and Erosion Control

Two separate sediment and erosion control plans will be required for the development. One plan will be required for the construction phase of the project, and a second will be required as part of an environmental management plan. The EMP shall be reviewed and updated on regular basis and outline emergency procedures where appropriate.

Traffic Control Devices

Signage and linemarking shall be provided on Macs Reef Road and on the access road, including the roundabout, to AS1742 and RMS requirements.

The AUL treatment shall have linemarking (or other acceptable solution) to appropriately manage traffic movements resulting from the large expanse of pavement caused by the proximity of the Bankers Road BAR treatment and the AUL treatment for the access road.

Brendan Belcher
Development Engineer



Wamboin Community Association
112 Bingley Way
Wamboin NSW 2620
27 August 2012

Palerang Council
PO Box 348
Bungendore NSW 2621
Attn: General Manager

Re: Development Application DEV.2012.157 (Waste Transfer Station)

Dear Sir,

The Wamboin Community Association (WCA) has long campaigned for the upgrade of the Macs Reef Road waste management facility and welcomes the proposal to build a waste transfer station on the site.

Having been invited by Council to contribute at every stage of the development of the new facility, the WCA is also pleased with the process adopted by Council to arrive at this point. It has been an excellent example of how Council can actively engage with community groups to develop a mutually beneficial solution to a recognised problem.

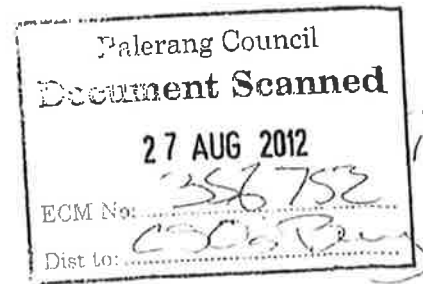
On behalf of the residents of Wamboin, the WCA commends this move by Palerang Council to address waste management in the Wamboin, Bywong and Sutton areas through the development of the proposed facility.

Pursuant to Section 147(4) and (5) of the *Environmental Planning Assessment Act 1979*, I am not required to make any disclosures of political donations or gifts.

Yours faithfully

A handwritten signature in dark ink, appearing to read "John van der Straaten".

John van der Straaten
Secretary
Wamboin Community Association





*Sutton & District
Community Association
Inc.*

PO Box 7404
Sutton NSW 2620

The General Manager
Palerang Council
PO Box 348
BUNGENDORE NSW 2621



Dear Sir

Development Application DEV.2012.157 (Construct a Waste Transfer Station)

The Sutton and District Community Association (SDCA) are supportive of the upgrade of the Macs Reef Road waste management facility and welcome the proposal to build a waste transfer station on the site. Many of our members live in the Palerang part of Sutton and are regular users of the Macs Reef Road facility in its current form.

SDCA has been part of the working group of community associations and commends Palerang Council for moving ahead with a plan to address waste management in the Wamboin, Bywong and Sutton areas through the development of the proposed facility.

Yours sincerely

Paul Kable
President

27 August 2012

-103 Mac's Reef



Bywong Community (Incorporated) Association

P.O. Box 486

Dickson ACT 2602

www.bywongcommunity.org.au

27 August 2012

Attn: Kylie Coe
Coordinator Development Services
Palerang Council
PO Box 348
BUNGENDORE NSW 2621

Dear Ms Coe,

Re: DA.2012.157 Waste Transfer Station-Macs Reef Rd, Bywong

We note the above development proposal for the Waste Transfer Station in this area. The community is keen to see the development proceed to completion as quickly as possible. We understand the scope of the work involved in getting to this notification stage - and we commend Council in the work undertaken so far to reach this milestone.

As you may be aware, the community was particularly vocal about the need for this development 'in area' to replace the current Landfill. We have waited to see this proposal materialise and are prepared to assist in any way to expedite the Waste Transfer Station being built and commissioned.

The Bywong Community Association, through our community representatives on the consultation committee, has viewed the plans and proposals. In the main, we are very satisfied with the proposed plans. There may be some suggestions for the design of the Amenities building to increase its energy efficiency. We believe these suggestions can be provided at a later stage. Overall we find the station is a good design, taking into account the limitations of the site and the access road.

This submission is also an opportunity to formally thank Council in undertaking this project, thus responding to the very clear wishes of our community.

Yours sincerely,

Darryl Bourke (President)

