

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

JRPP No	2012STH026
DA Number	DA42-12/13
Local Government Area	Greater Hume Shire
Proposed Development	Resource Recovery Compost Operation
Street Address	Kalawa, 92 Pattersons Road, Gerogery
Applicant	Blueprint Planning
Owner	Kalawa Pty Ltd
Number of Submissions	29 Original 6 Additional late submissions
Recommendation	Refusal
Report by	Colin Kane, Director Environment and Planning, Greater Hume Shire Council

Introduction

On 19 October 2012 Council received a development application for the establishment and operation of an organic composting facility within a rural property on the Olympic Highway approximately 3.5 kilometres south east of the village of Gerogery.

The owner of the land is Kalawa Pty Ltd, the applicant for the proposal is Blueprint Planning and the operator of the facility will be Transpacific Cleanaway Pty Ltd.

The proposal is 'designated development' as it meets the definition of 'composting facilities or works' under clause 13 of Part 1 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). Consequently an Environmental Impact Statement (EIS) is required to accompany the application. As part of this process a planning focus meeting involving Council and relevant state government agencies was convened by the applicant in June 2012.

This report is prepared by Greater Hume Shire Council for consideration by the Southern Joint Regional Planning Panel (JRPP) who is delegated the function of determining authority pursuant to clause 6 of Schedule 4A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because the:

Development that has a capital investment value of more than \$5 million for any of the following purposes:

(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,

The proposal is a significant development for the Shire and specifically the Gerogery locality. There are a considerable number of objections received by Council to the proposal.

Description of Proposal and Location

The proposal is for the establishment of an organic composting facility that will allow for up to 40,000 tonnes per year of organic waste from the Albury-Wodonga region to be diverted from landfill and processed in a dedicated composting facility. It is expected that half of this material would be sourced from domestic kerbside collections of Albury City, City of Wodonga, Indigo and Corowa Shire local government areas. The remainder of the material to be processed would be provided by commercial and industrial waste collections undertaken across the same geographical area.

The facility would incorporate a process to condition organic material prior to its introduction into a covered forced aeration composting system. The project also includes the following infrastructure:

- Access road;
- Weighbridge;
- Site office and amenities;
- Stormwater collection, storage and reuse; and
- Vehicle and equipment maintenance and parking areas.

Approximately 18,000 tonnes per year of commercial quality-assured compost would be produced by the facility. This material would be suitable for use in a variety of local horticultural, viticultural and agricultural applications.

The standard hours of operation would be 7 am to 6 pm Monday to Friday (including public holidays). There may be occasional requirements for weekend work in order to attend to maintenance or undertake unscheduled work.

The site for the project is 11.1 hectares (ha) in area and located within a rural property known as 'Kalawa' situated approximately 3.5 kilometres south east of Gerogery and approximately 5 kilometres east of Gerogery West. The composting facility itself would be constructed and operated within Lot 1 DP 174425 Parish of Gerogery County of Goulburn. Project related activities and locations would also include:

- sealing of 0.9 kilometres of existing public roads (Rodgers Road and Pattersons Road);
- upgrade of the intersection of Rodgers Road and Pattersons Road; and

- sealing the existing farm access road from the entrance of the 'Kalawa' property to the site (2.6 km) located on Lot 9 DP 10665, which is in the same ownership as Lot 1 DP 174425.

The main land use of the 'Kalawa' property is agriculture (grazing). A number of other business activities are also undertaken on the property including a:

- quarry;
- function centre and holiday cabins; and
- paintball recreational facility.

The site is surrounded by rural land. The nearest residence to the proposed site is the 'Kalawa' homestead which is located 2.3 km to the south west. The nearest residences not within the 'Kalawa' property is 2.9 kilometres from the site.

A copy of the location plan, site plan and elevations of the buildings has been included in **ANNEXURE 1** of this report.

Community Consultation, Exhibition, Notification and Referrals

It was a stipulation of the Director-General's requirements for the EIS that the proponent consult with relevant Local, State and Commonwealth government authorities, service providers and community groups (and in particular surrounding landowners and occupiers potentially to be impacted).

It is considered that extensive consultation has been undertaken in relation to the development proposal with Chapter 3 of the EIS outlining stakeholder and community consultations that were undertaken. The main mechanism used by the proponent to consult with the community during preparation of the environmental assessment included:

- establishment and operations of a composting trial at the proponent's Wodonga waste management depot for demonstration purposes;
- letter drop to all Gerogery roadside mail boxes and formal letters sent to all landowners within a 2.5 kilometre radius of the project advising of the project and a community information session;
- a community information session attended by the proponent's staff, held on 9 August 2012 at the Gerogery Commemoration Hall;
- provision of feedback forms; and
- follow up discussions with individual members of the community.

In accordance with the requirements of the EP&A Act and EP&A Regulation the development application and accompanying EIS was placed on public exhibition for 30 days from 27 October 2012 until 26 November 2012. Five adjoining and nearby property owners were notified in writing, public notices placed in The Border Mail newspaper on two occasions, and a site notice erected. Notice of the development application was also given to relevant approval bodies and concurrence authorities.

From the process of public exhibition, a petition with 63 signatures objecting to the proposal was submitted to Council. There were also 21 individual written objections from which the main issues are summarised as follows:

- Proposal not in the public interest:
 - Lack of employment opportunities.
 - Facility not filling a requirement of the local community.
 - Local community suffering adverse outcomes from the development without any perceived benefit to the community.
- Poor selection of site:
 - Site located remotely from source of material.
 - Should be located on industrial zoned land rather than farm land.
 - Visually intrusive in an area of high aesthetic appeal.
 - Change of character in the locality from a land use supporting agriculture to an industrial land use.
- Expressed doubts over Capital Investment Value (CIV) cited in the application and therefore the appropriateness of the JRPP to be the determining agency rather than Council.
- Lack of detail in the EIS relating to:
 - Potential animal and human health hazards.
 - Fire suppression.
 - Dust suppression.
 - Despatch distribution details for processed product.
 - Lack of validity of modelled outcomes.
- Environmental issues:
 - Odour nuisances.
 - Water issues ranging from over consumption of ground water, contamination of surface and ground water.
 - Concerns relating to animal and human health relating to spread of disease.
- Traffic issues:
 - Concerns regarding the adequacy of the intersection of Pattersons Road and Olympic Highway to cater for the proposed development now and into the future should the development and the general population both expand.

 - The number of foggy days in the area and increased use of the intersection of Pattersons Road and Olympic Highway by slow moving heavy vehicles will present safety concerns for other road users including school buses.
- Economic issues:

Loss of the marketability of the area for local residents due to adverse outcomes associated with the proposal removing opportunities for other generators of economic activity such as tourism.

Amenity and traffic issues resulting in reduced property values for neighbouring residents, difficulties in selling properties and a reduction in the appeal of the area to attract new residents.

The abovementioned issues being compounded should the development proposal expand or like industries are attracted to the area due to the establishment of the composting operation.

A copy of the petition and objections are included in **ANNEXURE 2** of this report.

It was considered by the Chair of the JRPP that the development application for the proposal had attracted significant community interest and that the JRPP would hold a public meeting to hear from submitters on the proposal.

A meeting was subsequently held on 7 February 2013 at the Gerogery Hall. Seventy people attended this meeting and 14 presented to the panel. **ANNEXURE 3** contains a record of issues raised at the meeting and copies of presentations that were presented to the JRPP.

This report will provide a discussion on the submissions made wherever appropriate to do so through the following assessment sections of the report and will discuss all issues under the heading of “public submissions” correlating to the requirement to consider submissions made by Section 79C of the EP&A Act.

Other submissions have been made at various times after the closure of the specified period for submissions or the public forum. These submissions are not specifically addressed in this assessment but are attached in **ANNEXURE 4** to this report.

REFERRAL TO GOVERNMENT AGENCIES

As mentioned, the development application and accompanying EIS have been referred to a number of government agencies. The EPA, DPI Office of Water and RMS are the relevant integrated approval bodies or concurrence authorities and copies of their responses including the general terms of any approval proposed to be granted (“GTA’s”) are included within **ANNEXURE 5**. **Other agency** responses are also contained within **ANNEXURE 5**.

ENVIRONMENT PROTECTION AUTHORITY (EPA)

Initially the EPA requested additional information relating to the application on the basis that the material contained in the EIS was deficient with respect to the analysis of odour.

The applicant responded with additional information on 8 March 2013. This information was subsequently reviewed by the EPA and was still considered to be insufficient in terms of addressing odour. On 28 May 2013 the EPA again refused to accept the submitted odour assessment and met with the applicant to discuss the information they required. Further

information was supplied to the EPA on 13 June 2013 resulting in the issue of their 'general terms of approval' on 12 July 2013.

Presenters at the public briefing meeting raised issues associated with the adequacy of the sedimentation pond proposed to be constructed for surface water, stormwater and leachate management. In response to these issues, the EPA on 14 February 2013 was requested to provide comments on the following:

- Odour implications associated with the pond given that it was not to be aerated.
- The pond was thought to be insufficiently sized meaning polluted water would be discharged to local waterways and in to Lake Hume.
- The validity of the modelling undertaken with respect to water management that utilised data from rain events in Albury.

The EPA did not provide a specific response against each of the above-mentioned issues however the questions posed were considered and their response has been incorporated within their 'general terms approval'. The odour impacts of the pond would have been considered in the overall odour assessment that included other sources of odours such as the receiving shed and liquid waste troughs, etc.

The 'general terms of approval' from the EPA discuss increases to the size of the pond as it describes receiving waters as being 'sensitive'. The size of the pond will now allow for the 1 in 50 year rain event which for this site is 4.43 mm/hr. Rain events exceeding the 1 in 50 year frequency will see the ponds discharge to the environment which is in accordance with EPA guidelines.

Finally it can only be construed from the issue of the 'general terms of approval' that the EPA is accepting of the input data with respect of the validity of all modelling undertaken. This would include modelling for water management and air quality impacts.

DEPARTMENT OF PRIMARY INDUSTRIES (DPI) AGRICULTURE

The DPI has advised that the EIS gave only brief coverage of the issues associated with Phylloxera although the reference that the composting process would satisfy/meet the Australian Standard gave some reassurance. The DPI indicated that the export of finished product to Phylloxera Infected Zones would likely need accreditation. The DPI concluded with a statement that *there were no other outstanding issues of interest to this Department provided the operation is constructed and managed as detailed in the EIS.*

At the public briefing meeting some presenters raised concerns regarding Bovine Spongiform Encephalopathy – (BSE) known more commonly as Mad Cow Disease. Their concerns related to animal products in the finished compost ending up being spread upon grazing land. Also they were concerned about foreign items such as microscopic plastic residues ending up in the final product. In response to these issues the DPI were requested to provide comments on the effects of BSE on livestock grazed upon land where compost possibly containing animal residues had been spread.

A response was received from the applicant claiming the composting processes will completely catabolise fats. It is claimed that Transpacific Cleanaway will be able to issue documentation that will enable users of the compost material to answer 'no' to questions as to whether livestock have been knowingly feed material that contains animal fats which is a requirement of the National Vendor Declaration (cattle).

Council received a response from DPI concerning the BSE risk posed by the use of composted material by farmers. The response indicated that there is no apparent risk of BSE being passed in this manner because Australia is considered free of the BSE prion. The response was detailed in how the application of composted material should be undertaken with respect to later grazing of the land.

ROADS AND MARITIME SERVICES

The Roads and Maritime Services (RMS) have issued their concurrence to the traffic impacts of the proposed development subject to 14 conditions of approval. The documentation received from RMS indicates that the development satisfies their requirements however it does raise concerns in relation to the safety of the intersection when periods of fog prevail. To address this concern the RMS considers that for safety reasons it will be necessary for the applicant to produce to the satisfaction of Council and the RMS a Traffic Management Plan for fog conditions.

Correspondence from the RMS also indicates that for classified roads such as the Olympic Highway, a major focus of RMS is the safety and efficiency of the classified road network and the level of service provided by these roads and their associated infrastructure. The primary function of the classified roads should be to serve through traffic with local roads serving access needs to local development and properties.

DEPARTMENT OF PRIMARY INDUSTRIES (OFFICE OF WATER)

The Department of Primary Industries (Office of Water) has issued a concurrence for the development proposal with four 'general terms of approval'. The Office of Water also provided a response against the over extraction of ground water by the development which was an issue raised in the consultation process. This response indicated that the extraction of 11ML/year by the proposal would have minimal impact on the water table or nearby stock bores outside the property.

NSW RURAL FIRE SERVICE

The NSW Rural Fire Service (RFS) was not a concurrence authority however they were asked to provide comments on the development proposal. They have provided a number of recommended conditions of consent.

Statutory Framework

CONSENT AUTHORITY

In accordance with the EP&A Act, Greater Hume Shire Council is the 'consent authority' with the Southern JRPP being delegated the function of 'determining authority' under the provision of clause 6 of Schedule 4A of the EP&A Act.

The reason why the JRPP is delegated the function of 'determining authority' is the level of capital investment in the project which was given as \$8.6 million which exceeds the level of investment in clause 6 of Schedule 4A of the EP&A Act.

There were a number of submissions received on the project that questioned the \$8.6 million of capital investment nominated by the proponent as it was not substantiated by the proponent in the submitted EIS. As a result of these submissions, Council repeatedly requested in writing that the proponent substantiate the level of capital investment by submitting the following information:

- A quantity surveyor's report or verification from a suitably qualified independent person of the Capital Investment Value being the stated \$8.6 million dollars. This information is required because the claimed CIV is the only trigger for the application to be determined by the JRPP.

In response to Council's request for the abovementioned information, the proponent tendered three signed letters which are attached as **ANNEXURE 10** to this report. The three signed letters do not meet what was requested because they are not from a quantity surveyor or independent person. However, it would seem that the level of capital investment value would at least exceed the threshold that triggers the involvement of the JRPP.

DESIGNATED DEVELOPMENT

As previously mentioned, the proposal is 'designated development' under the provisions of Section 77A of the EP&A Act because it meets the description of "Composting facilities or works" in Clause 13 of Part 1 of Schedule 3 of the EP&A Regulation.

INTEGRATED DEVELOPMENT

The project is Integrated Development under Section 91 of the EP&A Act as it would require the following approvals in addition to development consent:

- An environment protection licence under Section 47 of the *Protection of the Environment Operations Act 1997*;
- A water use approval under Section 92 of the *Water Management Act 2000* to permit surface or ground water to be extracted; and
- An approval under Section 138 of the *Roads Act 1993* because works are proposed to be carried out on classified roads.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPP's)

SEPP 33 Hazardous and Offensive Industries

State Environmental Planning Policy No 33—Hazardous and Offensive Development (“SEPP 33”) amends the definitions of hazardous and offensive industries where used in environmental planning instruments and requires consideration to be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development 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.

Guidelines have been published by the Department of Planning in January 2011 titled “Hazardous and Offensive Development Application Guidelines Applying SEPP 33” (“SEPP 33 Guidelines”).

The Applicant has undertaken a risk screening procedure to assist in determining whether the development proposal falls within the definition of “potentially hazardous industry”. On the basis of that submitted information it would seem that the development would not be a “potentially hazardous industry” and would not require the preparation and submission of a preliminary hazard analysis.

However, it would seem that the proposed development is a “potentially offensive industry” as defined in SEPP 33.

On page 5 of the SEPP 33 Guidelines it is relevantly stated:

"In deciding if a proposal is 'potentially offensive industry' consent authorities need to determine whether, in the absence of safeguards, the proposal would emit a polluting discharge which would cause a significant level of offence.

It is recommended the following be considered:

- ☐ *Does the proposal require a licence under any pollution control legislation administered by the DECCW or other public authority? If so, the proposal should be considered potentially offensive.*
- ☐ *If such a pollution control licence or approval is not required, does the proposal cause offence having regard to the sensitivity of the receiving environment? This will in many cases be a matter for judgement. Consent authorities are advised to consult with the DECCW and take into account their views."*

It is noted that an environment protection licence would be required for the development under the provisions of the Protection of the Environment Operations Act 1997.

Waste (landfilling/processing) is identified on page 27 of the SEPP 33 Guidelines as an industry that may be potentially offensive. On page 11 of the SEPP 33 Guidelines it is stated:

"The key consideration in the assessment of a potentially offensive industry is that the consent authority is satisfied there are adequate safeguards to ensure emissions from a facility can be controlled to a level at which they are not significant. An important factor in making this judgement is the view of the DECCW (for those proposals requiring a pollution control licence under DECCW legislation). If the DECCW considers that its licence requirements can be met, then the proposal is not likely to be 'offensive industry'."

Where a development is a "potentially offensive industry" Clause 13 of SEPP 33 requires the consent authority to consider the following matters (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):

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

In this case the relevant public authority would seem to be the EPA. The EPA has indicated that it is prepared to issue an environmental protection licence for the development (subject to conditions) and on that basis it may be concluded that the development could be operated in a manner which would not have a significant adverse impact in the locality or on the existing or likely future development.

The issue of "any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application)" is dealt with later in this report.

SEPP 44 Koala Habitat Protection

The aim of this SEPP is to ensure the preservation of natural vegetation providing habitat for koalas. The former Hume Shire encompassed the land on which the proposal is to be undertaken and that Shire is listed in Schedule 1 of this SEPP as being land to which this SEPP applies.

The EIS submitted with the development application indicates that site inspections revealed that the project site does not constitute core or potential koala habitat and this assertion is supported by site inspections undertaken by Council's officers.

SEPP 55 Remediation of Land

SEPP 55 provides for a state-wide planning approach to the remediation of contaminated land and aims to promote the remediation of contaminated land. Clause 7 of SEPP 55 stipulates that contamination and remediation of land is to be considered in determining a development application.

The site has been used for agricultural purposes and it is not anticipated that any residual contamination would be present and affect the development proposal.

SEPP Infrastructure 2007

Clause 121 of State Environmental Planning Policy (Infrastructure) 2007 ("SEPP Infrastructure") permits waste or resource management facilities to be carried out by any person with consent on land in a prescribed zone. The proposed compost facility meets the definition of waste or resource management facility and the zoning of the land is prescribed.

Clause 104(3) of SEPP Infrastructure also applies to the development and provides as follows:

"Before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) any potential traffic safety, road congestion or parking implications of the development."*

Written notice of the development application was given to the RTA (now RMS) and the submission provided in response to the notice is included in **ANNEXURE 5**

The other matters that are required to be considered by clause 104(3) of SEPP Infrastructure are dealt with later in this report.

GREATER HUME SHIRE COUNCIL SECTION 94A PLAN

Council has in place a shire-wide Section 94A plan that requires a developer contribution for most development applications. If development consent is granted for the proposal then a contribution amounting to 1% of the cost of the development is applicable.

ASSESSMENT

The following constitutes an assessment of the proposal against the relevant matters in Section 79C (1) of the EP&A Act.

Matters for consideration under Section 79C (1) of the EP&A Act

(a)(i) The provisions of any environmental planning instrument

The *Greater Hume Local Environment Plan 2012* (GHLEP) was made on 12 October 2012. The development application for the proposal was lodged with Council on 18 October 2012 some six days later. However in accordance with Clause 1.1 AA of the GHLEP it could not commence until 7 days after it's approval was published on the NSW government legislation website, which would be 19 October 2012. Consequently the development application must be assessed against the provision of the now former *Hume Local Environmental Plan 2001* (HLEP) in addition to any Development Control Plans (DCP's) in place at that time.

Under the provisions of the HLEP the site of the proposal is zoned Rural (Agriculture) and the proposal is permissible with consent, subject to consideration of the matters for determination under s 79C(1) of the EP&A Act and the relevant provisions of the HLEP.

Clause 10 of the HLEP states that development should be consistent with the nominated purpose of the zone within which it is located. The following is an assessment of the proposal against the purposes of the Rural (Agriculture) Zone

Rural (Agriculture)Zone	
Purpose	Comment
(a) to identify land used for agricultural purposes, and	<p>The site of the proposal is currently used for agricultural purposes. The land is prime grazing land and it is in the vicinity of many other properties that are undertaking agricultural pursuits such as cattle studs, grazing and cropping.</p> <p>The former Hume Shire had defined the area where the proposal is to be undertaken as</p>

	<p>being high –very high class agricultural land.</p> <p>The area of agricultural land that will be forgone as a result of the proposal is 6.6 hectares.</p>
(b) to implement the Council's strategic directions for rural land, and	<p>The former Hume Shire had developed the <i>Hume Shire Planning Review Strategic Directions Development Control Plan</i> and this document outlines the Council's principles with respect to rural land and agriculture.</p> <p>These principles will be discussed in a following section of the report dealing with DCP's. It will be demonstrated in that section that the proposal does not align well with the stated principles for rural land use and agriculture.</p>
(c) to encourage the sustainable use of land for agriculture, and	<p>The proposal is a waste management facility and does not encourage the sustainable use of the particular site for agriculture.</p> <p>It does however produce compost which providing it meets acceptable standards will be of benefit to other farming operations.</p> <p>As mentioned above the site is high-very high class agricultural land and this activity could be undertaken on another site of lower agricultural value.</p>
(d) to avoid fragmentation of agricultural land in areas where large scale independent farm businesses are the predominant land use, and	<p>It is considered that the proposal would not result in fragmentation of agricultural land as the operators of the facility are not likely to be concerned about the ongoing use of neighbouring land for agriculture.</p>
(e) to allow for farm restructuring, and	<p>Has no effect on farm restructuring.</p>
(f) to encourage the continued use of rural land for agricultural purposes, and	<p>The proposal has the potential to effect neighbouring properties that are engaged in agriculture and particularly those that operate cattle studs and the like. These businesses are heavily reliant on the marketing of their product which often involves the inspection and sale of stud animals on the farm. These agricultural businesses have the potential to be adversely affected should the proposal have a negative impact upon the way in which their product is perceived by potential purchases.</p>
(g) to encourage protection and enhancement of the bio-diversity of the area,	<p>The land on which the proposal is to be located is in a modified condition because of</p>

and	its ongoing use for agriculture and there will be no anticipated negative effect on bio-diversity.
(h) to recognise the complexities of family farm ownership, financing and management, and	The proposal will have no effect on this stated purpose.
(i) to promote economic development that is compatible with rural activities, and	This aspect will be considered further in the assessment on the economic impacts which is a requirement of s79(1)(b). It will be demonstrated that the proposed development will not be a significant form of economic development in the locality of the proposal.
(j) to encourage development of new sustainable rural enterprises, and	<p>The proposal is a waste management facility which prevents or minimises the landfilling of organic material by converting this material to composts which will be utilised in agricultural pursuits.</p> <p>The utilisation of compost will be a facet of modern agriculture and therefore in response to this stated purpose of the HLEP the proposal should be considered as complying.</p>
(k) To ensure that development does not place an unreasonable burden on Hume's infrastructure and services	The proposal will result in increased traffic movements across the Council maintained road network. The increase is 6 truck movements a week from the Corowa Shire which has a route using Bungowannah, Hueske and Dights Forest Roads. The route of these trucks will be through the township of Jindera.

The above discussion on the HLEP showed that in some respects the proposal had no effect on the stated purposes of the Rural (Agriculture) Zone or was in compliance with some other purposes of the zone. In other respects the proposal appears to be contrary to purposes of the zone in that it proposes to occupy high –very high class agricultural land on which the stated direction of the Hume Shire was that non-agricultural uses and development on productive agricultural land in rural land will not be encouraged by Council. It could also be argued that the proposal has the potential to reduce the marketability of products of neighbouring agricultural pursuits and therefore discourage the continued use of rural land for agricultural purposes.

(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;***

As mentioned previously, the date of lodgement for this development application was one day before the commencement of the GHLEP. Consequently for the purpose of this

development assessment the GHLEP will be treated as a draft environmental planning instrument.

Under the GHLEP the land is within Zone RU1 Primary Production. In Zone RU1 “industries” are specifically nominated as being permitted with consent. It is likely that the development would fall within the definition of “industry” which means any of the following:

- (a) general industry,
 - (b) heavy industry,
 - (c) light industry,
- but does not include:
- (d) rural industry, or
 - (e) extractive industry, or
 - (f) mining.

The term “general industry” is defined as meaning *“a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity”* and the term “industrial activity” is defined as follows:

“industrial activity” means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.”

An assessment of the development against the objectives of Zone RU1 is provided below.

Zone RU1 Primary Production	
Objective	Comment
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base	As mentioned previously the proposal utilises 6.6 hectares of high-very high class agricultural land. The amount of land forgone to agriculture is not excessive however the proposal does not need to be located on such valuable agricultural land and hence it is considered to be an unnecessary depletion of the natural resource base.
To encourage diversity in primary industry enterprises systems appropriate for the area	The proposal is a waste facility that produces a product that, providing it meets acceptable standards, will have some value to agriculture. The facility may assist the owners of the property in diversifying their

	sources of income. It is unlikely to provide employment or other benefits to adjacent property owners as mentioned in the assessment of the HLEP
To minimise the fragmentation and alienation of resource lands	The proposal should not result in fragmentation and alienation of resource lands as the proposal will not be a sensitive land use.
To minimise conflicts between land uses within this zone and land uses within adjoining zones	This proposal has the potential to cause conflict between land uses within the zone as neighbouring land use is based on agricultural pursuits whilst this proposal is industrial in nature which has the potential to have effects on the amenity of the area.
To maintain the rural landscape character	The waste resource management facility is an industrial process that is not in keeping with the rural character of the area. The facility and stockpiles will be prominent until such time that tree lines screen the development. The attraction of pest birds may also detract from this attractive rural landscape.

(a)(iii) ***Any development control plan;***

The former Hume Shire had a number of DCP's that are applicable to the proposal and are required to be considered by this development assessment report.

Hume Shire Council Strategic Directions Development Control Plan

This DCP indicates that a person shall not subdivide or develop land to which this plan applies except in accordance with its provisions.

This DCP was developed to provide a strategic framework for future planning in the Shire. It contains the following components:

- Section 1- Introduction.
- Section 2 - Current Shire Profile and Trend Analysis.
- Section 3- Summary of Key Land Use Issues Facing the Shire over the Next 10-15 Years.
- Section 4 - Structure Plans that Provide a Pictorial View of the Planning Framework of the Shire and Key Towns.
- Section 5- Strategic Planning Directions that Address Key Land Use Issues, and
- Section 6 - Application of Key Planning Provisions in the LEP.

It is from a map in Section 4 of this DCP that Council has categorised the land for the development proposal as being of a high –very high agricultural class. Section 5 has the

following principles to be considered against development proposal and relevant principles are discussed below.

Hume Shire Strategic Directions Development Control Plan	
Principles of Environmental and Resource Management	
Principle	Comment
Promote significant natural resources and features as ongoing tourism and development attractions while maintaining the integrity and long term sustainable use of these resources within a developing shire	<p>The development proposal is in an area that is adjacent to the Great Yambula Range that contains the prominent Table Top Mountain and is mapped in the DCP as an area of high natural resource value.</p> <p>The Visual Amenity chapter of the EIS indicates that the site will not be visible from most vantage points including the townships of Gerogery West and Gerogery and will be obscured from neighbouring properties once a plantation strip is developed as both a windbreak and visual screen.</p> <p>The site of the development proposal and the general areas appeal to potential tourist ventures will be compromised due to the constant arrival and departure of garbage trucks, presence of pest animals including birds such as ibis etc. Tourism will be compromised should odours emanate past the property boundaries.</p> <p>Generally the development of tourist related businesses has been occurring in desirable locations within the Shire and these businesses have considerable economic benefit in the form of employment opportunities.</p> <p>An opportunity cost of the placement of the development proposal on this site is that development of further tourist related businesses may well be stymied.</p>
Principles for Economic Development and Infrastructure Provision	
Principle	Comment
Council will seek out economic development opportunities which have defined outcomes, benefits for local business and employment, demonstrate support from private sector and government agencies and which do not compromise or place at risk significant community assets including productive	<p>This is a very broad principle to address and the following sections of the report will discuss many of these aspects further.</p> <p>The site of the proposal is located on high – very high class agricultural land and the development proposal has potential</p>

agricultural land and other natural resource areas	<p>detrimental effects on an area of significant natural resources and features.</p> <p>It will be demonstrated throughout the report that the development proposal is generally not well aligned with this development principle.</p>
Principles for Rural Land Use and Agriculture	
Principle	Comment
Recognition of productive agricultural land as a finite resource and the need to maintain this land in active production wherever possible	<p>As mentioned the land where the development proposal is to be located is of high/very high agricultural value.</p> <p>Although the site of the development proposal is 6.6 hectares, lesser value agricultural land could be utilised for this proposed development.</p>
Non-agricultural uses and development on productive agricultural land in rural areas will not be encouraged by Council	Clearly the proposal is incompatible with this principle.
Development on rural land will be assessed against a set of performance criteria that identifies the best and optimum use of the land	<p>It was a requirement of the EIS that site selection criteria is developed and alternate sites be considered.</p> <p>The EIS contains this information however there is no mention of the selection criteria avoiding areas of high-very high class agricultural land and given that the development could be undertaken on land of lesser agricultural value it is considered that the use of this land for the proposal is not best and optimum use of the land.</p>
Diversification in the agricultural sector needs to be considered across rural areas of the shire	On this principle the development proposal may comply in that the particular land owner will receive rent income for the use of the land.
Land use changes and developments in urban and rural areas that adversely affect agricultural production within the shire will not be supported by the Council	<p>As mentioned previously nearby agricultural properties operate as cattle studs that use the ambience of the area to assist in the marketing of their stock which is often done through on-site sales.</p> <p>The use of the site as a waste management facility will change the character of the area through the presence of garbage trucks entering and leaving the site and through the attraction of pest animals and birds such as ibis.</p>
Recognition that some areas of the shire are	The site of the development proposal and

already severely fragmented and no longer contains holdings that are commercially viable for ongoing purposes	the surrounding properties are of a size where they are commercially viable and this agricultural land should be preserved.
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The above assessment of the proposal against the provisions of the Strategic Directions DCP has demonstrated that the development proposal is not well aligned with several of the principles contained within the plan.

Hume Shire Council Consideration of Applications Development Control Plan

The Hume Shire Council Consideration of Applications Development Control Plan is a guideline of the particular aspects of a development proposal that Council will consider in the assessment of a proposal. This DCP has been used to guide the assessment of the development application and also to consider the matters that are relevant under Section 79C(1)(b) of the EP&A Act:

Consideration of Applications Development Control Plan	
Principle	Comment
<p>Context and Setting:</p> <p>What impact the development will have (in both the regional and local context) in terms of:</p> <ul style="list-style-type: none"> The scenic qualities and features of the landscape The character and amenity of the locality and streetscape The scale (bulk, height, mass) form, character, density and the design of the development in the locality <p>What the potential impacts of the development are on adjacent properties in terms of:</p> <ul style="list-style-type: none"> Relationship and compatibility of adjacent land uses Sunlight access (overshadowing) Visual and acoustic privacy Views and vistas Edge conditions such as boundary treatments and fencing 	<p>On consideration of these principles it is thought that the site of the development proposal is out of context with the scenic qualities and features of the landscape. The locality has high scenic value due to the adjoining Great Yambula Range and the significant geographic feature of Table Top Mountain.</p> <p>The character of the area is rural and agricultural and the development proposal is for a non-agricultural industrial activity. The presence of garbage trucks and the attraction to the site of pest animals such as birds will detract from the amenity of the area and may prevent the development in the locality of other economic pursuits such as bed and breakfast and other forms of accommodation.</p>
<p>Access, transport and traffic</p> <p>Will the development provide:</p> <ul style="list-style-type: none"> Accessibility and transport 	<p>The EIS indicates that the intersection of Pattersons/Rogers Roads and the Olympic Highway complies with all requirements and the RMS has issued their conditional</p>

<p>management measures for vehicles, bicycles and the disabled within the development and locality</p> <ul style="list-style-type: none"> • Safe vehicular access points <p>What impacts will occur on:</p> <ul style="list-style-type: none"> • Traffic generation and the capacity of the local and main road network • Ribbon development along roads • Road surfaces • Any traffic management schemes • Vehicle parking spaces 	<p>concurrence.</p> <p>The author is aware though that the area is affected by heavy fogs during the winter months of the year and this is a concern that has been raised in some submissions. There is a scarcity of information within the EIS on this issue. Section 6.2.5 of the EIS concludes that Management Procedures in Fog would include a combination of warning signage, specially marked guideposts and company OHS procedures.</p> <p>The EIS states that 22 truck movements per day is required to achieve the delivery of the 40,000 tonnes per annum which equates to 44 truck movements at the intersection excluding the movement of the compost material which is predicted to be an additional 10 truck movements per day. This number may be higher or lower during different times of the year.</p> <p>The development proposal is a waste management facility and receives waste predominately from domestic households that are reliant on a regular collection. Also waste companies have limited collection trucks and the reality is that the proponent has an imperative to stay on schedule with transportation of organic waste material to the site. There are concerns that the intersection will be used during heavy fogs that will considerably reduce sight distances and consequently reaction times of motorists to slow moving and/or turning trucks.</p> <p>In an addendum to the Traffic Study it is noted that north bound trucks laden with compost will be accelerating slowly up the Five Mates Bridge and that other road users will need to brake to accommodate the slow vehicle. During fogs, if trucks are slowly making their way up the bridge it is considered the risk of a collision is significantly increased.</p> <p>It is considered that the nature of a development proposal that is reliant on keeping to a schedule, the limitations of the intersection and the presence of fog is an unacceptable risk for motorists.</p>
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	<p>In ANNEXURE 6 there are a series of photos that were taken by the author of this report at 7:43 am on 30 June 2013. The photos show the visibility experienced from a moving vehicle crossing the Five Mates Bridge and then travelling south towards the intersection where traffic from the facility will exit. The following photos are taken from a stationary position looking north and south from the intersection. It is apparent from the photos that visibility was extremely poor and it is estimated that the visibility was as short as 50-70 metres.</p> <p>In defence of the intersection it could be argued that formerly the quarry located at the site had approval for the extraction of 100,000 tonnes per annum of material and a high number of trucks could have utilised the unimproved intersection without causing any incident. It is considered however that this argument has limitations because despite the approved level of extraction there has to be a market for that volume of material. The EIS indicates that the level of extraction from the quarry was only approximately 10,000 tonnes per annum which would have placed considerable less pressure on the intersection than the 58,000 tonnes of material that is moved to and from the site should the development proposal proceed.</p> <p>It is noted that the 100,000 tonne extraction limit has recently been reduced to 33,000 tonnes of extraction per year.</p> <p>The other aspects of this principle are not a concern.</p>
<p>Public Domain</p> <p>How the development would impact on:</p> <ul style="list-style-type: none"> • Public recreational opportunities in the locality • Amount, location , design use and management of public spaces in and around the development • Pedestrian linkages and access between development and public areas 	<p>The site of the development proposal is agricultural and there is no impact on public spaces or pedestrian linkages.</p>

<p>Utilities</p> <p>Does the development address:</p> <ul style="list-style-type: none"> • The availability and capacity of reticulated water supply, sewer, electricity and gas networks to accommodate the needs of the development • The need to connect to reticulated utility services • The appropriateness of alternatives to reticulated utility services • The impact of utility provision on the environment. 	<p>Only reticulated power is to be utilised at the site. Water is to be provided from on-site sources. There are no aspects of concern as a result of this development with respect to utilities.</p>
<p>Heritage</p> <p>How the development would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic heritage significance of the property or adjacent properties, including:</p> <ul style="list-style-type: none"> • The heritage significance of items, landscapes, areas, places, relics and practices • Whether a heritage study of the item or area is necessary to address any impact 	<p>The EIS undertook an assessment of Aboriginal heritage and non-Aboriginal assessment.</p> <p>The Albury and District Aboriginal Land Council was consulted by the applicant and invited to provide comments by the Council and no objections were received.</p> <p>The heritage assessment undertaken in the EIS is supported and there are no matters of concern with respect to heritage.</p>
<p>Land Resources</p> <p>Whether the development will have any effect on:</p> <ul style="list-style-type: none"> • The current and potential agricultural productivity of the land • Reducing the area of available crop and pasture land • The future recovery from known sources of minerals, sand, gravel or other extractive materials • The ability of adjoining land to continue with agricultural activity • Water supply catchments • Land rehabilitation works 	<p>This issue has been dealt with previously and in summary the land in question is high to very high agricultural land of which 6.6 hectares will be removed from agriculture.</p> <p>The proposal will not have any effect on the extraction of sand and gravel, etc.</p> <p>The ability of the adjoining lands to continue with agricultural activity has already been discussed.</p> <p>The area is within a water catchment for Lake Hume. It is noted that the water supply catchment for Lake Hume in Victoria is afforded special land use and development controls to protect the quality of water entering the storage. Some submissions raised concern about the adequacy of the sedimentation pond to contain the volumes of waste water generated by the facility. This issue has been reviewed by the EPA and is discussed later in this environmental assessment.</p>

	The EIS proposes that the site be surrounded with diversion drains that would convey the 100 year ARI peak discharge.
<p>Water</p> <p>Whether the development will impact on:</p> <ul style="list-style-type: none"> • The water needs of the development and the locality • Water conservation through the use of water saving or efficient devices or practices • The source of water supply on the site and the locality • Water quality through treatment, reuse and disposal of waste water and run-off • Drainage flows within and from the site • Ground water 	<p>Water supply for the development is to be supplied via combination of rainwater tanks and the conversion of the existing stock and domestic groundwater licence to provide for commercial use. A minimum licensed allocation of approximately 6.067 kL would be required.</p> <p>Additional water would be supplied through the re-use of water contained within the sedimentation pond.</p> <p>Some submissions raised concerns that the use of ground water would deplete its availability for other nearby users. The NSW Office of Water however have issued its concurrence which subject to issue of approvals will permit the extraction of the required water and any controlled works within 40 metres of the top bank of Maryvale Creek.</p>
<p>Soils</p> <p>Whether the development will impact on:</p> <ul style="list-style-type: none"> • soil qualities – erodability, salinity, fertility, contamination • soil erosion and degradation • sedimentation and pollution of water bodies • agricultural productivity • existing contaminated land 	<p>The development should not pose a threat to soils. The loss of agricultural land has already been discussed.</p> <p>Sedimentation and pollution of water issues have been considered in the response from the EPA. The operation of the proposed composting facility will comply with the former Department of Environment and Conservation <i>Guidelines for Composting and Related Organics Processing Facilities</i> with respect to measures proposed to prevent the pollution of surface and ground water.</p> <p>The EPA 'general terms of approval' has conditions for the facility that are in excess of the requirements. However in the case of a rainfall exceeding the 1 in 50 year event containment ponds will discharge to the environment and contained waste waters will more than likely discharge into nearby waterways and ultimately enter Lake Hume.</p>
<p>Air</p> <p>Whether the development will impact on existing air quality through emissions of dust</p>	Chapter 8 of the EIS provides a review of the potential air related environmental impacts from the development. These impacts include dust generation, air toxics,

<p>particles, fumes, gases and pollutants.</p> <p>What measures are proposed to prevent air pollution</p>	<p>pathogens and bio aerosols and odours.</p> <p>The EIS provides measures whereby dust emission can be controlled, including the use of water carts on-site during the construction phase and again using moisture in the operational phase to minimise dust associated with the turning of composting material.</p> <p>Air toxics, pathogens and bio aerosols are claimed to be of negligible consequence because the incoming waste stream is from residential collections and commercial green waste contractors and should not be expected to contain potentially toxic chemicals. The EIS claims that generation and dispersion of bio-aerosols would be minimised by implementation of appropriate dust control procedures and through staff adopting appropriate OHS practices.</p> <p>The key environmental impact of this development will be odour generation. The EIS indicated that odour generation would not exceed the adopted criteria at any of the sensitive receptors.</p> <p>The odour assessment provided in the EIS was not initially accepted by the EPA and on 26 November the EPA requested additional information from the applicant. This was provided by the applicant on 8 March 2013. The newly submitted information was reviewed by the EPA and on 21 May 2013 the EPA issued another letter requesting additional information from the applicant. This information was submitted on 13 June 2013 and subsequently considered by the EPA as being adequate enough for the EPA to issue general terms of approval for the required environment protection licence. The submitted information has justified to the satisfaction of the EPA the claims made in the odour assessment contained within the EIS.</p> <p>Before issuing their 'general terms of approval' the EPA considered all submissions including two submissions (ANNEXURE 7) from the submitters which raised concerns about the odour modelling that was</p>
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	<p>performed.</p> <p>The author of this report had discussions with EPA officers about the certainty of the odour modelling and from those discussions it is considered reasonable to say that odour modelling has a lesser degree of certainty than other forms of environmental modelling such as noise assessment. From the EPA general terms of approval it is apparent that they have applied a considerable number of requirements with respect to odour management and it could possibly be construed that this action is necessary because of the uncertainty around odour modelling.</p> <p>The EPA has considerable powers under the provision of the <i>Protection of the Environment Operations Act 1997</i> which it may utilise to manage odour nuisances that might be generated by the proposal. The 'general terms of approval' conclude with the following statement.</p> <p><i>The proponent will be required to evaluate and implement additional best practice odour mitigation and control measures if the facility fails to adequately control odour and causes offensive odours outside the premises.</i></p>
<p>Flora and Fauna</p> <p>Does the development address:</p> <ul style="list-style-type: none"> • protection and management of critical habitats and threatened species • adjacent areas of natural habitat • wildlife corridors and remnant vegetation • weeds, feral animal activity vermin and disease • native fauna and habitats • the removal of native vegetation • rehabilitation of natural habitat 	<p>Chapter 13 of the EIS and Appendix 'H' were the flora and fauna studies undertaken to investigate effects of the development proposal on these aspects of the environment. The study area was within a 500 metre radius of the site and involved both a desktop review and field survey.</p> <p>The assessment concluded that removal of vegetation is unlikely to affect native species due to its low ecological value. With the implementation of safeguard and mitigation measures it is concluded also that the project would be unlikely to have a significant impact on any species, population or ecological; community listed as threatened, migratory or marine under the TSC Act or EPBC Act.</p> <p>It is considered that with respect to the flora and fauna impacts of the development that</p>

	<p>these finding are valid. However the EIS did not consider the effect on fauna or flora caused by increased numbers of feral animals, pests and birds that may be attracted to the facility.</p> <p>There were a number of submissions received about the development proposal being attractive to feral animals, pests and undesirable amounts of birds such as ibis and the like. The former Department of Environment and Conservation <i>Guidelines for Composting and Related Organic Composting Facilities</i> confirms that these facilities can attract large quantities of gulls and ibis, which can spread foods scraps away from the site and reduce the amenity of the area.</p> <p>The applicant provided additional information in relation to the issues associated with feral animals, pests and birds wherein it was claimed that the type of compost facility that they run is not attractive to these animals and birds because they have limited scope to avail themselves of the food source and they will be intimidated by the presence of staff.</p> <p>It is difficult to say how big an issue the presence of pest animals and birds will present. However it would be an unsatisfactory outcome if the high visual appeal of the area is diminished because of the presence of large numbers of scavenging animals and birds.</p>
<p>Waste</p> <p>Does the development provide appropriate waste facilities and controls for:</p> <ul style="list-style-type: none"> • solid, liquid and gaseous wastes and litter • the generation, collection, storage and disposal of waste • recycling and composting waste • On-site disposal waste where reticulated sewer is not available. 	<p>Chapter 10 of the EIS reviews waste management procedures of the proposal. The proposed facility receives classifiable organic waste and then converts the material to compost material. This process is to be undertaken in accordance with an operational management plan which will depict how the process is to be undertaken. It is noted that contamination in the organic waste is to be separated and taken to Albury landfill which is acceptable.</p> <p>It is also indicated that construction waste would be dealt with in accordance with relevant NSW legislation through the development of a construction environmental management plan.</p>

	<p>The management of waste water from the development is another aspect requiring consideration. This aspect is considered in the following section on natural hazards associated with flooding as it is related to this environmental impact.</p>
<p>Energy</p> <p>Does the development include:</p> <ul style="list-style-type: none"> energy efficient measures such as energy passive design, solar lighting and heating, natural ventilation, shading elements, insulation high thermal mass building materials energy efficient appliances and machinery recycled building materials 	<p>An assessment of the greenhouse gas emission of the project is undertaken in Chapter 9 of the EIS.</p> <p>It is appropriate that this aspect of the proposal be discussed against this item of the DCP.</p> <p>The assessment includes an emissions comparison between landfilling and composting. The information indicates that the composting of 40,000 tonnes per year of organic material results in an emission saving of 23,800 t CO₂ per year through avoided landfill emissions. The collection component of emissions generated in the collection of the organic material increased over the status quo arrangement of landfilling. This increase is 491 t CO₂ per year. All of this increase cannot be attributed to the use of the Gerogery site however it should be noted that the location of the site which is well removed from the source of the organic material must dilute the greenhouse gas savings that are made by the composting of the organic material.</p> <p>As mentioned the EIS indicates that composting of the organic material instead of landfilling result in emissions reduction of 23,800 t CO₂-e which is a 72% reduction on emissions when compared with the alternate landfilling.</p>
<p>Noise</p> <p>Does the development have regard to the impact on</p> <ul style="list-style-type: none"> ambient noise levels in the locality, taking into account prevailing meteorological conditions adjoining property hours of operation or duration of any noise generating source. 	<p>Noise is addressed in Chapter 14 of the EIS and in the relevant appendix.</p> <p>The assessment that was undertaken indicates that construction noise impacts will exceed the recommend level of 40 dB(A) at three receptors being the 'Kalawa' homestead and two receptors to the south west of the proposal. It was argued within the EIS that the effects on these receptors is likely to be limited due to background traffic noise and because the construction activity is</p>

	<p>only for a short term.</p> <p>For operational noise the recommended level was 35 dB(A) and this level was not to be exceeded beyond the property boundary. It was 2 dB(A) above this level at the 'Kalawa' homestead. The EIS indicates though that this minimal increase in noise level is not likely to cause any associated issues.</p> <p>It is considered that the project should not present an issue in relation to noise.</p>
<p>Natural Hazards</p> <p>If the land is prone to flooding, is the land likely to:</p> <ul style="list-style-type: none"> • be above the one percent flood level • change the flow of floodwaters to the detriment of other property • endanger life or property in times of flood • exacerbate the damage caused by floodwater • pollute floodwaters • maintain access in times of flood • be capable of withstanding the force of floodwaters <p>If the land or the development is considered to be a medium or high bushfire hazard, is there adequate:</p> <ul style="list-style-type: none"> • access for fire fighting vehicles • precautions by way of fire breaks, escape routes, fire resistant building materials and the like • water reserves available for fire fighting 	<p>The site is approximately 150 metres from Maryvale Creek and the EIS indicates that should flooding from the creek inundate the site then it would pose a safety hazard as well as a risk to site infrastructure and water quality. It is stated within the EIS that hydrological calculations for the creek have been performed and it was determined that inundation of the site from the Maryvale Creek in the 100 year ARI event is not expected and the freeboard is predicted to be several metres above the 0.5 metres often adopted by Council.</p> <p>Besides flooding washing organic material into the creek there is also the possibility that surface run-off from storm events could also deposit material into the creek. To prevent this occurring the EIS indicates that there would be diversion banks or channels installed that were designed to convey the 100 year ARI event flow around the site and would incorporate an appropriate freeboard.</p> <p>A number of submissions were concerned about the operation of the sedimentation ponds on the site in that the ponds were considered to be too small and would not have sufficient capacity to capture the entire run-off volume from the site leading to uncontrolled discharges to the environment. Also there were numerous submissions that were concerned about the possibilities of water contaminates leaving the site and polluting nearby waterways that enter the protected storage within Lake Hume.</p> <p>Sizing of the ponds has already been discussed earlier in this report under the heading of Soils.</p>

<p>Social</p> <p>What impacts will the development have in terms of:</p> <ul style="list-style-type: none"> • the health and safety of the community • community structure, character, values and beliefs, • community facilities • population growth • community facilities 	<p>The EIS deals with the social impacts of the development in Chapter 19. It provides an overview of socio-economic indicators for Greater Hume Shire, Albury City, Corowa Shire, City of Wodonga and Indigo Shire. It does not provide an overview of the social characteristics of Gerogery or those people who operate farming enterprises on surrounding land.</p> <p>The EIS indicates that potential social impacts may occur from construction and operation of the project. It cites that impacts are employment generation and amenity issues.</p> <p>The employment generated by the compost operation is four full-time staff when operational and up to 20 full-time positions during the construction of the facility.</p> <p>In terms of amenity issues the EIS reiterates that there will be minimal amenity impacts with respect to air quality, noise, traffic, water quality and visual impacts. Whilst the respective government agencies have issued GTA's or granted concurrence that relates to some of these aspects they have done so with various conditions which is an indication that there are degrees of uncertainty.</p> <p>The EIS does not draw any conclusions in relation to the social impacts of the development on nearby residents. However the following is an indication of the potential social impacts on people living in vicinity of the development.</p> <p>Gerogery is a rural village and people in the surrounding area are actively farming land they have developed an affinity with through agricultural pursuits and the attractive landscape of the area. With reference to the numerous submissions received it is possible to draw a conclusion that these people do not have any desire to see the composting development proceed in the proposed location as it will have a net detrimental effect on the community on a number of different levels.</p>

	<p>Local residents contend that the development will be detrimental to the amenity of the area and how it is perceived and possibly contribute to hindering other development opportunities and existing agricultural based businesses.</p> <p>A number of submissions raised concerns about health aspects of the development which despite requests for additional information has not been fully addressed in the EIS other to than to try and satisfy Council that the OHS procedures of the facility operator will negate any health concerns for residents.</p> <p>Safety related concerns particularly relating to traffic movements have already been discussed and will be addressed later in the discussion on the suitability of the site.</p> <p>With respect to social impacts it is considered that the local residents are not accepting of this development for the following reasons:</p> <ol style="list-style-type: none"> 1) The development is not satisfying a local need. 2) The development provides very little economic benefit to the local community. 3) Community members believe that a site for this development could have been located within one of the local government areas that are generating the organic waste. 4) The facility has the potential to cause amenity impacts in terms of odour and safety concerns regarding traffic. 5) Members of the community contend that potentially better technology exists to undertake the composting operation.
<p>Economic</p> <p>What impacts will the development have in terms of:</p>	<p>The economic impacts of the development in terms of employment generation are four full time employees during operation and up to 20 full time staff during the construction of</p>

<ul style="list-style-type: none"> • employment generation • capital investment • other businesses • economic growth 	<p>the operation.</p> <p>The cost of the development is proposed to be \$8.5 million dollars of which it is claimed that the majority will be spent within the Albury-Wodonga region.</p> <p>It is indicated that the development of the facility and diversion of the organic material to it will allow Albury City to reduce long term greenhouse gas liabilities currently being borne and extend the life of its landfill which will allow significant costs associated with establishing a new landfill facility to be deferred.</p> <p>Local residents surrounding the proposed facility consider that the development has the potential to be detrimental to their existing rural businesses.</p> <p>For the Gerogery area where the impacts of the development will be experienced there is little economic benefits that will arise from this development. The lack of any economic benefit to the locality will be a reason why there will be no acceptance from the immediate community of any adverse impacts associated from the proposed development.</p>
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As mentioned above, the Hume Shire Council Consideration of Applications Development Control Plan is a document that assists in the assessment of development applications. It provides an overview for the consent authority of aspects to consider under Section 79C(1) (b) of the EP&A Act. From the abovementioned assessment it is considered that the development is not well aligned with the requirements of the document that relate to the following:

Context and setting.

Access transport and traffic.

Land resources.

Energy.

Social considerations.

Economic considerations.

Suitability of the Site

Section 5.4 of the EIS contains an analysis as to the suitability of the site which is a requirement of the Director General of the Department of Planning and Infrastructure. This section of the EIS indicates that the proponent undertook a careful site selection process based on the following criteria:

- Maximise the buffer distance to neighbours and be away from developed areas;
- Avoid environmentally sensitive areas including:
 - areas of significant environmental or conservation value (e.g. national parks, historic or heritage areas, buildings or sites, environmental protection reserves, protected areas and environmentally sensitive area).
 - identified drinking water catchments.
 - areas overlying an aquifer that contains drinking water quality groundwater that is vulnerable to pollution .
 - sites where the substrata are prone to landslip or subsidence.
 - floodplains that may be subject to washout during a major flood event.
- Secure access to basic services and infrastructure;
- Achieve an acceptable proximity to the organics collection catchment (i.e. keep transport distances to a minimum); and
- Site available for lease.

The EIS indicates that besides the chosen site the proponent also considered sites at Ettamogah, Bowna and Bungowannah. It is revealed that the Gerogery site was selected for the following reasons:

- satisfied the selection criteria;
- was of a suitable size;
- had good access to the regional transport network; and
- was available and at agreeable terms.

It is the purpose of the assessment report to discuss the suitability of the proposed site and not make a comparison or discuss the attributes of alternative sites. To consider the suitability of the proposed site the assessment report will undertake the following:

- analyse whether land that has agricultural zoning is suitable for the proposed activity;
- determine whether the selection criteria of the proponent is adequately satisfied and whether there should have been further assessment criteria; and

- provide some concluding commentary as to the suitability of the site.

As mentioned previously in this report, the proposed composting facility at 'Kalawa' is permissible with consent courtesy of the State Environmental Planning Policy - Infrastructure.

Given the scale of the proposed development and the chosen method of composting it is considered that rural land is needed to accommodate the development proposal. Rural zoned land may be found throughout the region and is not limited to the Greater Hume local government area.

A selection criterion of the proponent was a site that maximised buffer distances to neighbouring properties. It is apparent from the EIS that within a 2 kilometre radius of the proposal there are no sensitive receptors other than the landowner of 'Kalawa'. However with reference to **ANNEXURE 8** it can be seen that the village of Gerogery is located within a 3.5 kilometre radius of the proposal. Modelling indicates that at this distance there should be acceptable odour impacts. However, from discussions with EPA officers the author has been advised that odour modelling cannot be guaranteed and there will likely be days when odours emanate from the facility that interferes with the comfort or repose of a persons in the village area or who are in other areas outside the premises.

The proponent sought to avoid environmentally sensitive areas such as those that have significant environmental conservation value and the proposed development is not located on such land. However with reference to **ANNEXURE 8** the proposed site is within 3.5 kilometres of the Table Top Nature Reserve and it is apparent from **ANNEXURE 8** that privately held land on neighbouring properties has significant native vegetation that is contiguous with the nature reserve and extends to within 1.5 kilometres of the development proposal. The Hume Shire Strategic Directions DCP maps the entire area as being of high natural resource value.

Avoiding identified drinking water catchments is another consideration of the proponents which is considered necessary for this type of development. In this regard with reference to **ANNEXURE 9** and the EIS the proposal is located within 150 metres Maryvale Creek which enters Gerogery Creek and then through other waterways to discharge in to Lake Hume.

The 'general terms of approval' of the EPA has a condition that the contaminated water containment system be increased to have retention capacity for a 1 in 50 year 24 hour storm event, which exceeds the requirements for storage capacity listed within the former Department of Environment and Conservation *Guidelines for Composting and Related Organic Composting Facilities*. Consequently rainfall events that are in excess of the 1 in 50 year category will result in discharge to the environment, including Lake Hume. Consequently with respect to the stated selection criterion contained within the EIS, the proposal fails this test.

The site overlays an underground aquifer and the development proposal involves the extraction and use of a quantity of this water. It is not known whether the aquifer is either drinking water quality or vulnerable to pollution. The EPA 'general terms of approval'

require that due to potential for leaching of contaminated stormwater into shallow groundwater the sedimentation pond will need to be lined with a compacted clay or equivalent at least 900mm thick with an in-situ coefficient of permeability of less than 1×10^{-9} m/s.

The site is not vulnerable to either land slip or subsidence. Residents raised concerns regarding earth tremors experienced in the locality which will be addressed later in this report when submissions are considered. As mentioned previously, the EIS has undertaken hydrological calculations for Maryvale Creek and its potential to inundate the site following a 1 in 100 year ARI event. It is noted that such flooding would not be expected as freeboard is predicted to be several metres above the minimum 0.5 metres that is often required by Councils.

The proponent has indicated that the development required secure access to basic services and infrastructure. Originally the development was not going to be connected to mains power however subsequent information revealed that it will now be connected. The site is also to use a combination of ground water and rain water collection and storage to meet the demands of the proposal for water. The security of the water supply is questionable as during drought conditions neither water source may be available.

Access to the road network is fundamental infrastructure for the proposed development. The proposed development has access to the Olympic Highway which is the second busiest road within the Greater Hume Shire Council area. Although the RMS has issued concurrence to the development proposal it is considered that the access to development proposal from the proposed intersection of Rodgers Road is less than ideal for the following reasons:

- As shown in **ANNEXURE 6** the area is affected in the cooler months by heavy fogs that are known to persist well into the day. The RMS believes that this issue may be addressed through the implementation of a fog management plan. However the only recommendations of such a plan that Council would consider adequate is that the intersection not be used at all by heavy vehicles associated with the development during periods of fog. It is anticipated this would be a significant hindrance to the operation of the proposed facility. It is noted signs alerting to the danger of turning and slow moving vehicles will have little effect during a heavy fog due to the poor visibility.
- The intersection is at the beginning of the southern ascent to the top of the Five Mate Bridge which will have safety implications for the movement of heavy vehicles to and from the site during fog events.
- Given that fogs persist primarily during the morning peak period local motorists will be justifiably anxious as to what vehicles maybe turning on to or off the intersection of Rodgers Road and the Olympic Highway. This is not to mention non-locals who will have no awareness as to the potential for slow moving and turning vehicles on the southern side of the bridge.

- Even in clear conditions, the uphill gradient on the southern side of the Five Mate Bridge will mean that heavily laden trucks carting finished compost from the site will leave north bound motorists travelling at 100km/h no option but to brake in order to give the heavy vehicle time to negotiate the up slope. It is noted there is no opportunity for vehicles to take emergency evasive action once within the confines of the bridge structure and its approaches.

Proximity to the source of organic material was also given as site selection criteria and in this respect the choice of the chosen site appears to be less than desirable. The chosen site is not within the catchment of the source material which is to the south (Albury, Wodonga and Indigo) and the west (Corowa). A site chosen within the confines of the source catchment would better maximise the greenhouse gas abatement savings achieved by the project because there would be significantly less cartage of the collected material. This aspect was discussed in the environmental assessment under the sub heading of energy.

The EIS indicated that other than the selected site, two at Ettamogah and others at Bowna and Bungowannah were considered. It is stated that Bowna and Bungowannah sites were considered unsuitable due to travel distances. With respect to the Bungowannah sites this statement appears to be inaccurate as it is closer to Albury and Wodonga than Gerogery and far closer to Corowa and parts of Indigo Shire. It is noted no sites in Victoria were considered by the EIS despite there being potential for locations central to the source catchment.

A final site selection criterion was that the site be available for lease. Obviously the chosen site meets this criteria and the EIS indicates that it was available and at agreeable terms.

Chosen selection criteria appear to be limited in what was required for a suitable site for the compost operation. Community interest considerations should have been a site selection criterion. It is considered that communities would be more accepting of the proposal if it was in their interest to entertain such a facility. Consequently a site selection criterion should have been as follows:

Is the site in the community's interest?

It is considered that a favourable response to the abovementioned site selection would help abate some of the social and public interest considerations associated with such a development. It is doubtful that if this criterion was included in the site selection process, the Gerogery site would have been entertained by the proponents.

In conclusion, the site is considered to be unsuitable for the following reasons:

- It is too close to the village of Gerogery and surrounding rural residences;
- Land nearby has a high scenic and environmental worth and was mapped as being of high natural resource value;
- It is within the water supply catchment of the Lake Hume;
- Access from the Olympic Way is unsafe due the prevalence of fogs and the position of the intersection at the base of the gradient from the Five Mates Bridge;

- It is not central to the source material catchment; and
- The site selection process should have considered the community impacts of the proposal.

Any Submissions Made in Accordance with the Act or the Regulations

The proposal was referred to a variety of State agencies under the provisions of Integrated and Designated Development and the responses received have already been discussed.

A petition with 63 signatures and 21 individual submissions were submitted to Council in response to the notification of the development undertaken in accordance with the EPA Act and EPA Regulations. At a public meeting held at Gerogery Hall on 7 February 2013 presentations were also made by 14 people. The following table summarises the issues raised in these submissions and presentations and provides a response against each.

Issue Raised	Response
Prohibited use under the GHLEP	This is addressed on page 9 of the report under the discussion relating to SEPP Infrastructure.
Inappropriate location -Significant Haul Route (remote from source), should be industrial site, and should not be located in pristine environment. A less populated and more remote location should have been selected	The conclusion of the assessment of the suitability of the site found that the chosen site is unsuitable for the proposed activity.
Level of capital investment quoted means it is questionable to have the application assessed by the JRRP.	Refer to pages 7 and 8 of this assessment report which addresses this matter.
Odour concerns, (stockpiles, process and proposed ponds)	Odour is discussed in the assessment of air impacts on pages 21 and 22 of this report. The odour modelling submitted has satisfied the EPA to the extent that they have issued their 'general terms of approval'. In doing so the EPA considered all submission that have been made in response to the application.
Noise concerns,	It is considered noise is not an issue. The EPA has issued its general terms of approval.
Dust concerns,	Dealt with under the assessment of air impacts on page 21 of this assessment report. Dust impacts could be managed in accordance with the controls listed within the EIS.
Fire concerns,	Chapter 17 of the EIS adequately deals with the risk of fire. The RFS has been consulted and has issued recommended conditions of approval.
Traffic concerns, Point of Entry to Main Road is unsuitable (influence of Five Mates Bridge), concerns	This is dealt with on page 17 of the assessment report. Council considers that the access is unsuitable for the proposed

regarding heavy fogs and slow speeds of trucks entering and leaving the site. Possible growth of the facility and population growth.	activity despite the concurrence being given by the RMS.
Groundwater concerns, pollution and overuse	The EPA considered groundwater contamination and was satisfied with the measures proposed to protect it. Consequently the EPA were prepared to issue their 'general terms of approval'. The use of the groundwater was considered by the NSW Office of Water and they were prepared to grant their concurrence. An additional response was also provided on 19 December that explained that the extraction of 11 ML/year from bores on the property would have minimal effects on the water table.
Lack of detail in the EIS on – Fire prevention Vermin Dust suppression Despatch/distribution detail for processed material	Council sought additional information on these matters. The information provided is included as ANNEXURE 10 and includes further details on fire prevention, dust suppression and despatch of processed material. These matters were discussed previously in the environmental assessment.
The facility will attract pest animals and birds	This matter is discussed previously in the section of flora and fauna.
Not in public interest Should be in Council area that is generating the waste, amenity issues, not used by the Greater Hume Shire and employs few people. Poor social and economic benefits.	A discussion on the public interest follows this section of the assessment report. Economic and social considerations have been discussed in the assessment section of this report.
Health concerns for humans and animals – Leptospirosis	<p>The EIS contained little information with respect of the health considerations that are presented by the development. Council requested additional information that was provided and is included as ANNEXURE 10. This information reveals that the operator of the compost facility considers that their OHS and quality control procedures are sufficient to eliminate health considerations.</p> <p>Overall the information supplied with respect to health considerations was poor in comparison to the requirements in the former Department of Environment and Conservation's <i>Guidelines for Composting and Related Organic Composting Facilities</i>.</p>
Reduction in property value and difficulty selling property because of the loss of amenity in the area. Loss of marketability of the area stifling the rest of the area's	Impact on property values is not a planning consideration under Section 79C of the EP&A Act. However amenity and economic considerations are aspects of the planning

economic development potential	<p>legislation.</p> <p>It is accepted that the marketability of the area for other activities such as tourism ventures and on farm sales may be affected should the area's amenity be impacted on by factors such as pungent odours and the presence of large number of pest animals. The EPA has issued its concurrence in issuing there 'general terms of approval' so amenity considerations have been addressed. It is noted however that terms of approval contain numerous conditions of consent and these have been included due to uncertainty that may exist particularly in relation to odour modelling.</p> <p>It is considered that the marketability of the area will be reduced when the plant is first developed as it will take time for tree lines to establish sufficient height to fully screen the development.</p>
Lack of consultation by proponent	<p>The consultation by the applicant that was undertaken was in accordance with the requirements of the Director General of the Department of Planning and Infrastructure.</p> <p>The application was notified in accordance with the requirements of the EP&A Act and EP&A Regulations.</p>
Inconsistency in information within the EIS particularly concerning traffic movement	<p>Additional information was sought in relation to the traffic. Matters to be addressed included a comprehensive analysis of the transportation of the finished product from the site, types of vehicles, direction headed and the influence of the Five Mates Bridge on northbound vehicles.</p>
Attraction of like industries to the area	<p>It is not possible to pre-empt future outcomes and in response to this comment it is reasonable to say that the relevant planning legislation would apply and any proposal would be assessed on its merits at that time.</p>
Lack of ability to access EIS material (no EIS available online)	<p>The EIS was made available in accordance with the requirements of the EP&A Act and EP&A Regulations.</p>
Contamination of the environment from residual waste such as plastic that is ground down to small sizes	<p>Additional information was received in relation to this matter and is referred to in ANNEXURE 10. The information indicates the steps that will be taken to remove plastic from the composting process. It does</p>

	concede though that small sized plastic pieces could remain within the material.
Pollutants/nutrients will build up in the sedimentation dam resulting in pollution of receiving waters and generation of odours. Nutrient rich waters will have the potential to infiltrate ground water from the grass swales and the secondary dam	The EPA considered all submission prior to issuing their 'general terms of approval'. The EPA is satisfied that ground waters are adequately protected from contamination.
Development Application does not properly demonstrate how it accords with SEPP (Rural Lands) 2008	Many of the principles of the SEPP Rural Lands relate to the rural subdivision. The other principles are similar to the objectives of the HELP and DCP which have been discussed.
Level of finished product does not correlate with stated inflows	Any impacts that arise from the lack of correlation should be able to addressed under the conditions of consent or the environmental protection license.
Disputes claim that no leachate will be produced	Again the EPA has considered all submissions and are satisfied prior to issuing their 'general term of approval' that ground water is protected
Contamination of surface waters	This issue is discussed in pages 20 and 21 wherein it is noted that the proposal meets EPA requirements. However in substantial rain events waste water will discharge to the downstream environment.
Stockpiling of material will be longer than the periods nominated due to receivers having issues with the purchases	It is possible this may occur. Should the development be approved any impacts that arise from this eventuality would be managed via the development consent or alternatively the environmental protection license.
Site is subject to ground tremors possible leading to contamination of ground waters	The applicant submitted additional information in relation to this matter which explained the site is not likely to experience an earthquake.
Lack of validity in modelled data	The validity of the data used in modelling primarily affects the EPA in deciding whether they were prepared to issue their 'general terms of approval'.
Clean water usage is overstated possibly with a view to future expansion of the facility	Any expansion would require a modification/new consent which would be considered based on the merits of the proposal.
Better technologies existed which were offered to participating Councils however these Councils selected the cheapest option	This issue is a social and public interest consideration which has been discussed in the relevant sections of this assessment report.
More suitable locations exist that have required infrastructure such as a connection to sewer	This assessment report has concluded that the chosen site is unsuitable for the proposed activity.

The Public Interest

The intent of the development application which is the processing of organic material to quality controlled compost has many benefits to the wider community including reduced greenhouse gas emissions, resource recovery and reduction in the quantity of material being sent to landfill.

Section 22.8 of the EIS discusses the public interest and it states

The proponent is proposing to undertake the project to respond to local government and community need. The project has been developed based on consideration of the need and alternate sites and technologies for additional resource recovery processing capacity within the Albury – Wodonga region (as summarised in chapter 5). This has shown that, without significantly reducing the amount of waste that is disposed of to landfill, the local governments in the region would not be able to meet State waste recovery targets. The project the organic components of the waste stream (e.g. food) for beneficial reuse.

This statement talks about the need for the facility by the wider community and this is not disputed. However, it is apparent from the submissions that many people in the Gerogery area think that potential amenity issues associated with the development will be detrimental to their community. As discussed in this assessment report, submitters cite their concerns as loss of economic development opportunities, changes to the agricultural nature of the area and detracting from the natural and physical appearance of the location.

In a development proposal such as this one, the people who reside in proximity to the development and experience the impacts of the development will naturally assume that their interests should have greater weighting than those members of the community that enjoy only the broader benefits of the facility. However in deciding whether a development is in the public interest the concerns of one part of the community should not outweigh the concerns of another.

A community need does not mean that a particular development proposal is in the public interest. In the case of the submitted development proposal the attributes for a suitable site given in Section 5.4 of the EIS are generic in nature and within the confines of the local government areas that will utilise the composting facility, it is not unreasonable to suggest that sites meeting these criteria would be abundant. Unlike a mining operation, wind farm or even a waste facility that would use an existing quarry site, the development proposal does not need to exploit any specific attribute of the site. In this particular case all inputs are taken to the site and all outputs are removed. As noted above it is considered that the site is unsuitable for the proposed development and given that there is no specific reason that the development proposal be located at the chosen site the development proposal at this location is not in the public interest.

Conclusion

The assessment of this development proposal has shown that the development proposal complied with the requirements of various state environmental planning policies. However it is poorly aligned with both the objectives of the HLEP and the principles of the Hume Shire Strategic Directions DCP.

Environmental, economic and social considerations have been considered in the assessment of the Consideration of Applications Development Control Plan and in relation to the environmental assessment the development proposal was shown to comply with many of the matters for consideration and this is further borne out by the fact that state government agencies such as the EPA, RMS and DPI NSW Office of Water issued their concurrence and 'general terms of approval'. However, the environmental assessment also reveals that requirements relating to context and setting, access transport and traffic, land resources, energy, social and economic considerations are not satisfied by the development proposal.

The assessment of the suitability of the site concluded that it was unsuitable for the development proposal. Further, although the composting and re-use of organic waste is indeed in the general public interest, the development proposal itself was not in the interests of either the local or wider community because the site is unsuitable for the intended purpose.

Although the development proposal is satisfactory in some respects it is the opinion of the author that, after taking into account the relevant matters referred in section 79C(1) of the EP&A Act, the considerations in favour of the development are outweighed by the considerations against the development and that the application should be refused by the JRRP for the reasons provided in the grounds for refusal set out below.

GROUND FOR REFUSAL

1. The proposed development is incompatible with objectives (c), (f) and (i) of the Rural (Agriculture) Zone of the *Hume Local Environmental Plan 2001* as it will result in a loss of agricultural land and potentially be incompatible with adjoining and nearby agricultural activities and thus does not satisfy Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
2. The proposed development is incompatible with the principles for natural resource areas, heritage and environmental management as outlined in section 5.3 of the *Strategic Directions Development Control Plan*, as it will compromise an area with significant natural resources and features where tourism and similar ventures could be developed and thus does not satisfy Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
3. The proposed development is incompatible with the principles for economic development and infrastructure as outlined in section 5.4 of the *Strategic Directions Development Control Plan*, as it will compromise productive agricultural land and

thus does not satisfy Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.

4. The proposed development is incompatible with the principles for rural land use and agriculture as outlined in section 5.5 of the *Strategic Directions Development Control Plan*, as it represents a non-agricultural use and development on productive agricultural land and thus does not satisfy Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
5. The proposed development performs poorly against the matters for consideration applicable to context and setting as outlined in section 1.2 of the *Consideration of Applications Development Control Plan*, as it is incompatible with the site and surrounding area and thus does not satisfy Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
6. The proposed development performs poorly against the matters for consideration applicable to access, transport and traffic as outlined in section 1.2 of the *Consideration of Applications Development Control Plan*, as it represents an unacceptable safety risk for traffic on the Olympic Highway and thus does not satisfy Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
7. The proposed development performs poorly against the matters for consideration applicable to land resources as outlined in section 1.2 of the *Consideration of Applications Development Control Plan*, as it is detrimental to the ongoing use of the land for agriculture and thus does not satisfy Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
8. The proposed development performs poorly against the matters for consideration applicable to social impacts as outlined in section 1.2 of the *Consideration of Applications Development Control Plan*, as it does not address this issue in sufficient detail and the development is proposed to be located adjacent to a community having no interest in the development and thus does not satisfy Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
9. The proposed development performs poorly against the matters for consideration applicable to economic impacts as outlined in section 1.2 of the *Consideration of Applications Development Control Plan*, as it produces few economic benefits for the local community and could be detrimental to other rural businesses and thus does not satisfy Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
10. The proposed development has unacceptable impacts in regards to traffic, its context and setting in the environment, in using prime agricultural land, its lack of proximity to the organic collection area and social and economic considerations and thus does not satisfy Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*.
11. The site for the proposed development is unsuitable because of traffic impacts, proximity to both Gerogery and land having high scenic and environmental worth, its location within a water supply catchment, the distance of the site from the source

material and lack of consideration on the community impacts of the proposal and thus does not satisfy Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*.

12. The proposed development has unacceptable impacts in regards to submissions made in regards to traffic concerns, inappropriate location of the development and not being in the public interest due to poor social and economic benefits and thus does not satisfy Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979*.
13. The proposed development is not in the public interest because of traffic impacts and unsuitability of the site and thus does not satisfy Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*.
14. The proposed development is not acceptable because a proper assessment and analysis of feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application has not been provided or carried out.
15. The proposed development is not acceptable because it will potentially emit odours that will interfere unreasonably with the comfort or repose of persons in the village of Gerogery and other persons who live or work outside the premises.

LIST OF ATTACHMENTS

ANNEXURE 1	LOCATION PLAN, SITE PLAN AND ELEVATIONS OF THE BUILDING
ANNEXURE 2	PETITION AND OBJECTIONS
ANNEXURE 3	PRESENTATIONS PRESENTED TO JRPP
ANNEXURE 4	LATE SUBMISSIONS RECEIVED BY COUNCIL
ANNEXURE 5	AGENCY RESPONSES
ANNEXURE 6	FOG PHOTOGRAPHS
ANNEXURE 7	SUBMISSIONS RE ODOURS
ANNEXURE 8	DISTANCE MAP
ANNEXURE 9	WATERWAY
ANNEXURE 10	ADDITIONAL INFORMATION SUPPLIED BY APPLICANT