

## JOINT REGIONAL PLANNING PANEL (Southern Region)

JRPP No	<b>2015STH012</b>
DA Number	<b>DA.2015.093</b>
Local Government Area	<b>Palerang</b>
Proposed Development	<b>Construct and Operate Waste Transfer Station and Resource Recovery Centre</b>
Street Address	<b>Bombay Road, Braidwood</b>
Applicant/Owner	<b>Palerang Council</b>
Number of Submissions	<b>Departments – Three Submissions</b> <b>Adjoining Owner – One Submission</b>
Regional Development Criteria (Schedule 4A of the Act)	<b>Section 32 Waste management facilities or works</b>  Development for the purposes of: (c) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> .
List of All Relevant s79C(1)(a) Matters	<b>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No. 44 – Koala Habitat Protection</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>• State Environmental Planning Policy (Infrastructure)</li> <li>• State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</li> <li>• Palerang Local Environmental Plan 2014</li> </ul> <b>List any relevant development control plan: s79C(1)(a)(iii)</b> <ul style="list-style-type: none"> <li>• Yarrowlumla Development Control Plan - Rural Zones</li> </ul>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• EIS, prepared by Hyder Consulting dated, May 2015</li> <li>• Bushfire Protection Assessment, prepared by Australian Bushfire Protection Planners Pty Limited, dated 29 April 2015</li> <li>• Air Quality Impact Assessment, prepared by Wilkinson Murray Pty Limited, dated 24 April 2015</li> </ul>

	<ul style="list-style-type: none"> <li>• Noise Impact Assessment, prepared by Wilkinson Murray Pty Limited, dated 27 April 2015</li> <li>• Stage 1 Preliminary Contamination Assessment, prepared by MEtech Consulting Pty Ltd, dated 8 February 2015</li> <li>• Water Management Plan, prepared by Hyder Consulting, dated 21 August 2015</li> <li>• Biodiversity Assessment, prepared by Hyder Consulting, dated 1 May 2015</li> <li>• Traffic Impacts Assessment , titled Technical Memorandum, prepared by Hyder Consulting</li> <li>• Memorandum, prepared by Hyder Consulting, dated 21 August 2015</li> <li>• Aboriginal heritage Due Diligence assessment, prepared by Artefact, dated 19 March 2015</li> </ul>
Recommendation	<b>Consent subject to the attached conditions</b>
Report by	<b>Haydon Murdoch</b>

## Assessment Report and Recommendation

SUBJECT	Determination under section 80 of the <i>Environmental Planning &amp; Assessment Act 1979</i> of Development Application DA.2015.093 for a waste transfer station at Lot 109 DP 755911, Bombay Road, Braidwood.		
FILE NO.	DA.2015.093	DIVISION	Planning & Environmental Services

### Synopsis

Applicant:	Palerang Council
Owner:	Palerang Council
Date lodged:	18 May 2015
Site Area:	6.93 ha
Zoning:	SP1 Special Activities and SP2 Infrastructure – Palerang Local Environmental Plan 2014 (Development site within SP2 Zone)

### Recommendation

That Development Application DA.2015.0936 for the construction of a Waste Transfer Station at Lot 109 DP 755911 – Bombay Road, Braidwood be approved under Section 80 of the *Environmental Planning and Assessment Act 1979*, subject to the attached conditions.

### Report

#### Proposal description

The proposal seeks approval for the construction of a waste transfer station in the northern half of the site within the SP2 Zone section of Lot 109 DP755911. Specifically, the proposal includes:

- Clearing of existing vegetation and earthworks including levelling (cut and fill)
- Construction and operation of a Waste Transfer Station (WTS) and Resource Recovery Centre (RRC) including:
  - Construction of access tracks
  - Development of an internal road network and establishment of an entry intersection on Bombay Road
  - A Transfer Facility designed to allow the top loading of waste into the Municipal Solid Waste (MSW) and recyclables bins
  - Two bin bays for MSW and two bin bays to accommodate the recyclables bins (7.1m x 48.0m)
  - A Buy-Back Centre, Staff Office (6.0m x 9.0m) and Amenities Block (3.0 x 3.0m)
  - Roofed Recycling Storage Bays (3.0m x 15.6m) for E-waste, batteries, oil, paint etc

- A Materials Storage and Processing Area (MSPA) for the bulk storage of metals, bulky waste, construction and demolition (C&D) wastes, green waste and the processing of green waste and concrete
- A weighbridge
- Landscaping, signage and other ancillary works
- Water management structures including an on-site detention pond, rain gardens and a leachate pond
- Staff and visitor car parks.

The waste to be received for the Proposal will include: general MSW, green waste, Commercial and Industrial (C&I) waste, C&D waste, tyres, mattresses, white goods and scrap metal, large items including furniture, dead animals (by arrangement), batteries, oil, E-waste, small saleable items, other small valuable items and paint. The EIS provides an estimate of the waste tonnages to be accepted at the WTS and the proposed processing or transfer arrangements.

The operating hours for the Proposal will be for limited hours within a range between 7.30am -5.30pm on any day. Initially it is planned to operate the facility to the following timeframe:

- **Open to public**
  - 1:00pm - 4:00pm Monday, Wednesday, Friday
  - 10:00am - 4:30pm Saturday, Sunday.
- **Open for Palerang Council operations** (e.g. garbage truck deliveries, waste removal and some commercial operators)
  - 7:30am - 4:30pm Monday to Friday
  - 9:00am - 5:30pm on the Saturday and Sunday.

#### **Site description and location**

The proposal site is located between Bombay Road and Sandholes Road, approximately 1.5 kilometres west of Braidwood. The development site is located on the northern half of 109 DP755911, Bombay Road, Braidwood. Lot 109 is rectangular in shape with an area of 6.93 hectares. The proposal covers an area of approximately 4.3 hectares in the part of the lot that is zoned SP2. The Proposal Site is situated on the northern lower slopes of Mount Gillamatong and has an undulating landscape sloping northwards. The site is part of an agricultural landscape and, until recently, had been used for cattle and sheep grazing (since the 1870's). Grazing has recently ceased on the property and the land is currently unused. There are no buildings on the site however two power transmission lines cross the site (running generally east-west along the southern edge of the site and north-west along the eastern edge of the site, joining at the south-eastern corner of the site

Surrounding development is of a rural/rural residential nature comprising dwellings and detached structures on varying allotment sizes containing undulating slopes, drainage lines and dams. The development will adjoining Council's Sewer Treatment Plant to the west of the site.

## Consent authority

## Assessment

## Section 77A - Designated development

### 32 Waste management facilities or works

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- (ii) that comprises more than 100,000 tonnes of "clean fill" (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or
- (iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or
- (iv) that comprises more than 200 tonnes per year of other waste material, or
- (b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:
  - (i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or
  - (ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or
  - (iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or
- (c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or
- (d) that are located:
  - (i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or
  - (ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or
  - (iii) within a drinking water catchment, or
  - (iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or
  - (v) on a floodplain, or
  - (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.
- (2) This clause does not apply to:
  - (a) development comprising or involving any use of sludge or effluent if:
    - (i) the dominant purpose is not waste disposal, and
    - (ii) the development is carried out in a location other than one listed in subclause (1) (d), above, or
  - (b) development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or
  - (c) development for which State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas requires consent.

**drinking water catchment** means:

- (a) land within a restricted area prescribed by a controlling water authority, including:
  - (i) an inner or outer catchment area declared under the Sydney Water Catchment Management Act 1998, and
  - (ii) a catchment district proclaimed under section 128 of the Local Government Act 1993, or
- (b) land within 100 metres of a potable groundwater supply bore.

The proposal was referred to the following State Agencies:

- Roads and Maritime Services (response received)
- Water NSW (response received)
- NSW Office of Environment & Heritage (no response received)
- NSW Environmental Protection Authority (no response received)
- NSW Rural Fire Service (response received)
- NSW Department of Planning & Environment (no response received)

In accordance with Section 80 (9) (b) of the EP&A Act and clause 81 of the EP&A Regulation, the three submissions received as part of the public participation period were forwarded to the Director General of the Department of Planning and Environment on 1 October 2015.

### Section 91 - Integrated Development

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

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

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

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

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

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

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

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

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

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

#### **42 Waste storage**

(1) This clause applies to **waste storage**, meaning the receiving from off site and storing (including storage for transfer) of waste.

(2) However, this clause does not apply to any of the following:

- (a) the storage of stormwater,
- (b) the storage of up to 60 tonnes at any time of grease trap waste, waste lead acid batteries or waste oil collected for recovery (but not when accompanied by any other kind of waste),
- (c) the storage of sewage within a sewage treatment system,

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

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

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

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

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

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

Water Management Act 2000 – The proposed development does not require a water use approval, water management work approval or activity approval.

#### **Section 94 contribution plans**

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

#### **Section 64 contribution plans**

Section 64 contributions do not apply to the proposed development.

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



A biodiversity assessment was undertaken on the by a suitably qualified person and was lodged with the development application. The assessment concluded that no threatened flora or fauna species have been located on the site and that no significant habitat would be destroyed or impacted as a result of the proposed development. It is not considered that the proposed development will result in any significant impacts on threatened species, population, or ecological community, or its habitat.

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

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

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

Clause	Comment
<b>Aim of PBP</b>	
<i>The aim of PBP is to use the NSW development assessment system to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment.</i>	The proposed development is considered to be consistent with this aim because adequate Asset Protection Zones (APZ), water supplies, access/egress, landscaping, and emergency evacuation measures will be implemented to reduce impact of bushfire on users of the facility and provide adequate room for emergency services to traverse the site without resulting in any significant amenity or environmental impacts. Furthermore, the application was referred to the NSW RFS for comment. No objection was received subject to the attached conditions of consent.
<b>Objectives of PBP</b>	
<i>(i) afford occupants of any building adequate protection from exposure to a bush fire;</i>	The proposed waste transfer station is classified as a Class 8 building under the Building Code of Australia (BCA) and as such AS 3959 does not apply. It is considered that the intermittent use of the building, the preparation of an early evacuation plan, the implementation and maintenance of an APZ, and the provision of suitable water supply and access/egress will afford occupants of any building adequate protection from exposure to a bush fire.
<i>(ii) provide for a defendable space to be located around buildings;</i>	The proposed internal access roads and the recommended APZ around the waste transfer station will provide an adequate defendable space around buildings.
<i>(iii) provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame</i>	The recommended APZ around the waste transfer station will provide appropriate separation between the surrounding vegetation and buildings to reduce potential for direct flame contact and material

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

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

*State Environmental Planning Policies (SEPPs)*

**State Environmental Planning Policy No 33—Hazardous and Offensive Development**

Clause 8 of the SEPP states:

*"In determining whether a development is:*

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

*(b) an offensive storage establishment, offensive industry or other potentially offensive industry,  
consideration must be given to current circulars or guidelines published by the  
Department of Planning relating to hazardous or offensive development.”*

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

#### **State Environmental Planning Policy No 44—Koala Habitat Protection**

Clause	Comment
<b>7 Step 1—Is the land potential koala habitat?</b>	
<p><i>(1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.</i></p> <p><i>(2) A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.</i></p> <p><i>(3) If the council is satisfied:</i>  <i>(a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application.</i></p>	<p>A Biodiversity Assessment for the Braidwood Waste Transfer Station was prepared by Hyder Consulting Pty Ltd and submitted as part of the development application.</p> <p>It was concluded that koala habitat is not present on the Proposal site and that no impacts on koalas are predicted as a result of the Proposal. Council can be satisfied that the land is not a potential koala habitat.</p>

#### **State Environmental Planning Policy No 55—Remediation of Land**

Clause	Comment
<b>7 Contamination and remediation to be considered in determining development application</b>	
<p><i>(1) A consent authority must not consent to the carrying out of any development on land unless:</i>  <i>(a) it has considered whether the land is contaminated, and</i>  <i>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be</i></p>	<p>A Stage 1 Preliminary Contamination Assessment has been prepared for the Proposal site by Metech Consulting Pty Ltd (see Appendix I), which confirmed that the Proposal site has no potentially significant on or off-site sources of contamination.</p>

Clause	Comment
<p><i>suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p> <p><i>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i></p> <p><i>(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i></p> <p><i>knowledge).</i></p>	

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

The Proposal includes way finding signage, which will be visible from a public area, Bombay Road, and therefore is subject to approval under SEPP 64.

Clause	Comment
<b>Schedule 1 Assessment criteria</b>	
<p><b>1 Character of the area</b></p> <ul style="list-style-type: none"> <li><i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i></li> <li><i>Is the proposal consistent with a</i></li> </ul>	<p>The proposed signage will be generally consistent with road signage on Bombay Road, and thereby continue to be compatible with the surrounding character of the area.</p>

Clause	Comment
<i>particular theme for outdoor advertising in the area or locality?</i>	
<b>2 Special areas</b> <ul style="list-style-type: none"> <li>• <i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i></li> </ul>	The proposed signage will not be in proximity to a special area (such as environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways) and therefore will not detract from any of these areas. The proposed signage will be located within a rural context which may be able to viewed (distant views) from surrounding rural/residential dwellings.
<b>3 Views and vistas</b> <ul style="list-style-type: none"> <li>• <i>Does the proposal obscure or compromise important views?</i></li> <li>• <i>Does the proposal dominate the skyline and reduce the quality of vistas?</i></li> <li>• <i>Does the proposal respect the viewing rights of other advertisers?</i></li> </ul>	The proposed signage will not obscure or compromise any important views or impact on any other advertisers.
<b>4 Streetscape, setting or landscape</b> <ul style="list-style-type: none"> <li>• <i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i></li> <li>• <i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i></li> <li>• <i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i></li> <li>• <i>Does the proposal screen unsightliness?</i></li> <li>• <i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i></li> <li>• <i>Does the proposal require ongoing vegetation management?</i></li> </ul>	The size of, and materials for, the proposed signage will be selected to ensure compatibility with the surrounding area.
<b>5 Site and building</b> <ul style="list-style-type: none"> <li>• <i>Is the proposal compatible with the scale, proportion and other</i></li> </ul>	The proposed signage will be consistent with the proposed development and adjacent sewage treatment plant, and is therefore considered proportional to the site and existing and proposed

Clause	Comment
<p><i>characteristics of the site or building, or both, on which the proposed signage is to be located?</i></p> <ul style="list-style-type: none"> <li>• <i>Does the proposal respect important features of the site or building, or both?</i></li> <li>• <i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i></li> </ul>	structures.
<p><b>7 Illumination</b></p> <ul style="list-style-type: none"> <li>• <i>Would illumination result in unacceptable glare?</i></li> <li>• <i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i></li> <li>• <i>Would illumination detract from the amenity of any residence or other form of accommodation?</i></li> <li>• <i>Can the intensity of the illumination be adjusted, if necessary?</i></li> <li>• <i>Is the illumination subject to a curfew?</i></li> </ul>	No sign will be illuminated.
<p><b>8 Safety</b></p> <ul style="list-style-type: none"> <li>• <i>Would the proposal reduce the safety for any public road?</i></li> <li>• <i>Would the proposal reduce the safety for pedestrians or bicyclists?</i></li> <li>• <i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i></li> </ul>	The purpose of the signage is to improve way finding to and within the Proposal site, thereby improving safety.

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

Clause	Comment
<b>104 Traffic-generating development</b>	
<p>(1) <i>This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:</i></p> <p>(a) <i>new premises of the relevant size or capacity, or</i></p> <p>(b) <i>an enlargement or extension of existing premises, being an alteration</i></p>	<p>This clause of the SEPP applies to the proposed development because a waste transfer station of any size is a development type that is specified in Column 1 of Schedule 3.</p> <p>The application was referred to the Roads and Maritime Services (RMS) with a response received on 17 June 2015 stating that the RMS have no</p>

Clause	Comment
<p>or addition of the relevant size or capacity.</p> <p><i>(3) Before determining a development application for development to which this clause applies, the consent authority must:</i></p> <p><i>(a) give written notice of the application to the RTA within 7 days after the application is made, and</i></p> <p><i>(b) take into consideration:</i></p> <p><i>(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and</i></p> <p><i>(ii) the accessibility of the site concerned, including:</i></p> <p><i>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></p> <p><i>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i></p> <p><i>(iii) any potential traffic safety, road congestion or parking implications of the development.</i></p>	<p>objections to the proposal subject to the attached conditions of consent.</p> <p>Access to the site was assessed by Council's Development Engineer who stated that the proposed road works to Bombay Road and the internal access road to the proposed waste transfer station are sufficient for the expected traffic volumes subject to the recommended conditions of consent.</p> <p>Due to the location of the proposed development within a rural area and its proposed use as a point for residents to dispose their waste, it is not considered possible to minimise the expected traffic generation.</p> <p>The application proposes 6 parking bays, of which one is to be provided as an accessible parking spot. A Traffic Impact Assessment has been prepared as part of the application. It indicated that 6 parking bays is sufficient for the volumes based on other similar infrastructure. It is therefore considered that the proposed parking allocation is suitable for visitor and staff parking.</p>

#### State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

Clause	Comment
<b>3 Aims of Policy</b>	
<p><i>The aims of this Policy are:</i></p> <p><i>(a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and</i></p> <p><i>(b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and</i></p>	<p>Under the SEPP the consent authority must not grant approval for development unless it is satisfied that the proposal will have a neutral or beneficial effect on water quality, as assessed by the <i>Neutral or Beneficial Effect on Water Quality Assessment Tool 2011 (NorBE Tool)</i>, set out in the <i>Neutral or Beneficial Effect on Water Quality Assessment Guideline 2011 (SCA, 2011)</i>.</p> <p>Clause 11 of the SEPP prescribes that the consent authority must not grant consent for a proposal within the SDWC without the concurrence of Water NSW. The DA and EIS for the Proposal was therefore referred to Water NSW for assessment. Concurrence</p>



Clause	Comment
<i>(c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.</i>	was granted subject to the attached conditions of consent.

***Local Environmental Plans – Palerang Local Environmental Plan 2014 (PLEP)***

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

Clause	Comment
<b>Part 1 Preliminary</b>	
<b>Clause 1.2 Aims of Plan</b>	
<p><i>(2) The particular aims of this Plan are as follows:</i></p> <p><i>(a) to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,</i></p> <p><i>(b) to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,</i></p> <p><i>(c) to retain, protect and encourage sustainable primary industry and commerce,</i></p> <p><i>(d) to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,</i></p> <p><i>(e) to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,</i></p> <p><i>(f) to identify, protect and provide areas used for community health and recreational activities,</i></p> <p><i>(g) to ensure that innovative</i></p>	<p>The proposed development has been assessed as consistent with the relevant clauses of the PLEP in the tables below. Having regard to this, the proposed development is considered to protect and improve the economic, environmental, social and cultural resources and prospects on the Palerang community; provides additional public services and facilities; does not detract from primary industry and commerce; consistent with the principles of ecologically sustainable development because it will minimise the potential for serious or irreversible damage to the environment caused by activities on the site; it will not detract from the health, diversity or productivity of the existing environment which will ensure it is maintained for future generations; and will not impact on community health and recreational activities.</p>



Clause	Comment
<i>environmental design is encouraged in residential development.</i>	
<b>Land Use Table</b>	
<b>Objectives for development within Zone SP2 Infrastructure</b>	
<ul style="list-style-type: none"> <li>• <i>To provide for infrastructure and related uses.</i></li> <li>• <i>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</i></li> </ul>	<p>The development relates to providing additional infrastructure and services to the Braidwood and surrounding communities. The development adjoins Council Sewer Treatment Plant. Therefore, it is considered that the development meets the objectives of the SP2 zone.</p> <p>The State Environmental Planning Policy (Infrastructure) permits the use of the development on the site.</p>
<b>Part 4 Principle development standards</b>	
<b>4.3 Height of Buildings</b>	
<p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to enhance the natural character and landscape of Palerang,</i></p> <p>(b) <i>to protect residential amenity and solar access,</i></p> <p>(c) <i>to manage the visual impact of development,</i></p> <p>(d) <i>to reflect the predominantly low-rise character of development in Palerang.</i></p> <p>(2) <i>The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.</i></p>	<p>The Height of Buildings Map does not prescribe any maximum height for the development site. However, the development is considered to meet the objectives of Clause 4.3. The Proposal includes a number of mitigation measures which will ensure that it integrates into the surrounding visual context including:</p> <ul style="list-style-type: none"> <li>- The site will be maintained in a clean and orderly state during the construction phase of the proposal</li> <li>- A 10 metre vegetation buffer will be established and maintained along the northern boundary of the proposal site to provide visual screening</li> <li>- All open space areas will be landscaped with a mix of locally native species</li> <li>- Suitable materials and finishes, including those which are non-reflective and blend with the surrounding landscape, will be selected for the buildings and structures which are part of the Proposal. The colour pallet of all structures will be selected in consideration of the rural setting and to minimise impacts on the visual landscape</li> <li>- All landscaping will be maintained.</li> </ul> <p>It is therefore considered, that the development is likely to have minimum visual impact on the</p>

Clause	Comment
	surrounding area.
<b>Part 6 Additional local provisions</b>	
<b>6.1 Earthworks</b>	
<p><i>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i></p> <p><i>(2) Development consent is required for earthworks unless:</i></p> <p><i>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i></p> <p><i>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</i></p> <p><i>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</i></p> <p><i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p><i>(b) the effect of the development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p><i>(h) any appropriate measures proposed to avoid, minimise or</i></p>	<p>Having regard to the submitted Water Management Plan (WMP) and Cultural Heritage Assessment it is not considered that the proposed earthworks will result in any significant impacts on the site or surrounding land subject to the implementation of the recommended conditions of consent.</p>

Clause	Comment
<p><i>mitigate the impacts of the development.</i></p> <p><b>Note.</b> The <a href="#">National Parks and Wildlife Act 1974</a>, particularly section 86, deals with harming Aboriginal objects.</p>	
<b>6.3 Terrestrial Biodiversity</b>	
<p><i>(1) The objective of this clause is to maintain terrestrial biodiversity by:</i></p> <p><i>(a) protecting native fauna and flora, and</i></p> <p><i>(b) protecting the ecological processes necessary for their continued existence, and</i></p> <p><i>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</i></p> <p><i>(2) This clause applies to land identified as "Biodiversity" on the <a href="#">Terrestrial Biodiversity Map</a>.</i></p> <p><i>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:</i></p> <p><i>(a) whether the development is likely to have:</i></p> <p><i>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i></p> <p><i>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></p> <p><i>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></p> <p><i>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</i></p> <p><i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p><i>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</i></p> <p><i>(a) the development is designed, sited</i></p>	<p>A biodiversity assessment was undertaken on the site by a suitably qualified person. The assessment concluded that no threatened flora or fauna species have been located on the site and that no significant habitat would be destroyed or impacted as part of the proposed development. As such, it is not considered that the proposed development will result in any significant impacts on threatened species, population, or ecological community, or its habitat and will be consistent with the objectives and requirements of this clause.</p>

Clause	Comment
<p><i>and will be managed to avoid any significant adverse environmental impact, or</i></p> <p><i>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p>	

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

There are no draft environmental planning instruments that are relevant to the development.

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

The proposal is considered against the relevant clauses of the *Palerang Development Control Plan 2015* as follows:

Clause	Comment
<b>Part A Preliminary Information</b>	
<b>A4 Purpose</b>	
<p><i>The purpose of this DCP is to provide more detailed provisions and to support the aims of the PLEP 2014. The aims of the PLEP 2014 are:</i></p> <p><i>a) to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,</i></p> <p><i>b) to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,</i></p> <p><i>c) to retain, protect and encourage sustainable primary industry and commerce,</i></p>	<p>The proposed development has been assessed as consistent with the purpose of the DCP. The proposed development is considered to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community; it provides additional public services and facilities; it does not detract from primary industry and commerce; consistent with the principles of ecologically sustainable development because it will minimise the potential for serious or irreversible damage to the environment caused by activities on the site; it will not detract from the health, diversity or productivity of the existing environment which will ensure it is maintained for future generations; and it will not impact on community health and recreational activities.</p>

Clause	Comment
<p><i>d) to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,</i></p> <p><i>e) to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,</i></p> <p><i>f) to identify, protect and provide areas used for community health and recreational activities,</i></p> <p><i>g) to ensure that innovative environmental design is encouraged in residential development.</i></p>	
<b>A21 Ecologically Sustainable Development</b>	
<p><i>Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles:</i></p> <p><i>a) The precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.</i></p> <p><i>In the application of the precautionary principle, public and private decisions should be guided by:</i></p> <p><i>i. Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and</i></p> <p><i>ii. An assessment of the risk-weighted consequences of various options</i></p> <p><i>b) Inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the</i></p>	<p>The development has been assessed as being consistent with the principles of ecologically sustainable development. The development has been accompanied by a Biodiversity Assessment that concludes that there will be no impact on fauna and flora species or damage to the greater environment. The Waste Transfer Station will provide a more sustainable solution for the disposal of waste in the Braidwood area providing a benefit for future generations.</p>

Clause	Comment
<p><i>benefit of future generations</i></p> <p><i>c) Conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,</i></p> <p><i>d) Improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, including the following:</i></p> <p><i>i. Polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement.</i></p> <p><i>ii. The users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste.</i></p> <p><i>iii. Environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.</i></p>	
<b>Part B General Provisions</b>	
<b>B1 Site Analysis</b>	
<p><i>Objective</i></p> <p><i>a) To ensure that site attributes and constraints are carefully considered in the site planning and assessment process Development application requirements</i></p> <ul style="list-style-type: none"> <li>• <i>Plans of the proposed development at a scale that shows the detail of the proposed development</i></li> <li>• <i>A due diligence assessment for Aboriginal heritage. Refer to section B10.2 Aboriginal Heritage in this DCP.</i></li> <li>• <i>An A3 sized site plan is required for all development at a scale that allows it to be easily read. The following scales are provided as a guide:</i> <ul style="list-style-type: none"> <li>• <i>1:100 to 1:200 within a village area</i></li> <li>• <i>1:500 to 1:2000 for rural</i></li> </ul> </li> </ul>	<p>The development application has been accompanied by suitably prepared plans to scale. The EIS and the appendices prepared by Hyder Consulting fulfilled the requirements within B1.</p>

Clause	Comment
<i>residential/rural development</i> • 1:1000 for a road. • north point and bar scale <i>Note: Development on large lots may require lodgement of more than one site plan, each at different scales to allow all the site attributes and constraints to be read.</i>	
<b>B3 Flora, fauna, soil and water courses</b>	
<i>The management of assets such as native flora and fauna, soil and watercourses is important as they are the key to ensuring quality air and water and high levels of biodiversity which in turn means lower levels of pest and weed species and productive soils which provide opportunities for agriculture. The PLEP 2014 contains clauses relating to terrestrial biodiversity, soil erosion and salinity, and watercourses. Additionally, there is State (and in some instances Commonwealth) legislation relating to each of these. Before commencing any works that involve the disturbance of these assets it is necessary to check what approvals are required.</i>	<p>A biodiversity assessment was undertaken on the site by a suitably qualified person. The assessment concluded that no threatened flora or fauna species have been located on the site and that no significant habitat would be destroyed or impacted as part of the proposed development.</p> <p>The water management plan and development plans demonstrate minimal impacts relating to soil erosion, salinity and watercourses.</p>
<b>B4 Bush fire Prone Land</b>	
<i>B4.1 All development applications</i> <i>1) Applications must satisfy the relevant provisions of Planning for Bush fire Protection 2006.</i> <i>2) Development design and the siting of building envelopes and Asset Protection Zones should consider any potential environmental impact and steps to mitigate the impact on environmentally sensitive lands. Further detailed requirements are set out in section B3.1 Terrestrial Biodiversity in this DCP.</i>	<p>The proposal is considered to be consistent with B4 (subject to the inclusion of the recommended conditions of consent) because it has been assessed as consistent with the RFS document <i>Planning for Bushfire Protection 2006</i> which addresses each of the matters outlined in this clause. Furthermore, the NSW RFS had no objections to the development subject to the attached conditions of consent.</p>
<b>B5 Crime Prevention through Environmental Design</b>	
<i>Objective</i> <i>a) To ensure the incorporation of crime prevention strategies in new development</i> <i>b) To promote active, pedestrian and cyclist orientated environments</i>	<p>The proposal is considered to be consistent with the B5 Objectives as it has been assessed as being consistent with the relevant controls within the table below.</p>



Clause	Comment
<p><i>where developments are designed to integrate into the public domain</i></p> <p><i>c) To maximise opportunities for natural surveillance of public spaces, buildings, site entrances and internal spaces</i></p>	
<p><i>Control</i></p> <p><i>1) The four crime prevention principles through environmental design general design principles are to be considered in the design of all developments</i></p> <p><i>2) Public, semi-public and private areas are to be clearly defined</i></p> <p><i>3) Natural surveillance is to be provided to communal and public places in the design of the development</i></p> <p><i>4) Landscaping that obstructs casual surveillance and allows intruders to hide should not be used. Note: Plants such as low hedges and shrubs, creepers, ground covers and high canopied vegetation are good for natural surveillance</i></p> <p><i>5) Large shrubs, trees and building works that could enable an intruder to gain access to a dwelling or neighbouring dwelling should be avoided</i></p> <p><i>6) Lighting to enable natural surveillance, particularly in entrances and exits, service areas, pathways and car parks is to be provided in accordance with the relevant Australian Standard. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties</i></p> <p><i>7) An appropriate level of security for individual dwellings and communal areas should be provided to reduce opportunity for unauthorised access</i></p> <p><i>8) Dwellings and communal areas are to be designed to provide a sense of ownership</i></p> <p><i>9) Public facilities (for example Automatic Teller Machines, telephones, bicycle storage) are to be located in areas of high activity</i></p> <p><i>10) Fence design is to maximise the</i></p>	<p>The development has been assessed as being consistent with the controls in B5 as outlined below:</p> <ul style="list-style-type: none"> <li>- The principles for environmental design (natural surveillance, access control, territorial reinforcement and space management) are considered to be met. The site will be manned during operating hours and closed to the public outside these hours. Access to the site is clearly identified and controlled.</li> <li>- Appropriate landscaping to minimise the impact of the development on the surrounding area will not detract from the potential surveillance opportunities.</li> <li>- The type of fencing provides a suitable security measure outside operating hours and is design to maximise natural surveillance.</li> <li>- All entries are clearly visible.</li> <li>- The site office is located to allow for natural surveillance of the site.</li> <li>- Closed Circuit Television (CCTV) will be installed onsite and a telephone connection will be provided to the Site Office and Buy-Back Centre. The Proposal will also include lighting installed around the site. Access for operational staff will be via a keycard controlled electronic gate with a manual override.</li> </ul>



Clause	Comment
<p><i>natural surveillance from the street to the building and</i></p> <p><i>from the building to the street and minimise the opportunities to hide</i></p> <p><i>11) Entries are to be clearly visible and identifiable from the street</i></p> <p><i>12) Entrances are to be designed to allow users to see into the building before entering</i></p> <p><i>13) Administration areas and offices in industrial developments are to be located at the front of the building</i></p> <p><i>14) Blank walls along street frontages are to be minimised</i></p> <p><i>15) Blind corners in pathways, stairwells, hallways and car parks are to be avoided</i></p> <p><i>16) Public toilets and rest areas are to be located to promote their use and maximise public surveillance without creating visual intrusion</i></p> <p><i>17) Dwellings are to be clearly identified by a street number to prevent unintended access and to assist persons trying to find the dwelling</i></p>	
<b>B7 Engineering Requirements</b>	

Clause	Comment
<p><i>B7.1 Parking Objective</i></p> <p><i>a) To ensure development provides parking spaces commensurate with the intended use of the site</i></p> <p><i>b) To ensure the design and location of parking areas and other areas used for the movement of vehicles and pedestrians is efficient, safe and convenient, and integrated into the design of the development to minimise the visual impact</i></p> <p><i>c) To ensure that adequate car parking spaces are available within convenient walking distance of the commercial centre of Bungendore and other traffic generating developments.</i></p> <p><i>d) To ensure that car parking sites are designed for access and mobility</i></p> <p><i>e) To ensure that car parking sites consider parking for bicycles, mobility scooters, electric vehicles and motorcycles</i></p> <p><i>f) To ensure car parking is designed to reduce unwanted environmental impacts, such as redirecting stormwater onto adjacent properties</i></p> <p><i>g) To ensure appropriate loading and service vehicle areas are provided in parking areas</i></p>	<p>The proposal has been assessed as being consistent with B7.1 objectives (subject to the schedule of conditions of consent). The application was accompanied by a Traffic Impact Assessment prepared by Hyder Consulting which demonstrates compliance with B7.1.</p>
<b>B7.6 Rural Entrances</b>	
<p><i>B7.6 Rural Entrances Objective</i></p> <p><i>a) To ensure vehicles can enter and exit properties in a safe manner</i></p> <p><i>b) To ensure vehicle entrances are sited in safe locations</i></p> <p><i>Control</i></p> <p><i>1) Vehicular access complies with the provisions of AS 2890 – Parking Facilities. Suitable transitions are provided to the public road.</i></p> <p><i>2) Vehicular entrances are located with safe intersection sight distance in both directions. Where not practical, vehicular entrances are located with safe stopping distance available in both directions (the impracticality of the</i></p>	<p>The proposal has been assessed as being consistent with B7.6 objectives (subject to the schedule of conditions of consent). Bombay Road has a variable width of between 5.5m and 6.5m from its intersection with Araluen Road to the WTS development site. A speed limit of 100km/h is in place at this location and the Hyder Consulting Traffic Impact Assessment (TIA) quotes an ADT of approx. 590v/day for the road and up to 175 ADT (weekend) for the existing landfill site currently in operation, with heavy vehicles comprising 7-11% of this total. It is noted that the number of additional heavy vehicle peak weekly trips at time of the facility opening, is expected to be only 19, with this figure estimated to grow to 23 in 20 years' time. The proposal is to construct a BAL/BAR intersection to Bombay Road. This intersection standard meets the</p>

Clause	Comment
<p>entrance must be justified to Council's satisfaction).</p> <p>3) Gates are to be located with sufficient setback to allow the design vehicle to wait without presenting a hazard to through traffic. Unless stated otherwise, the design vehicle shall be a 12.5m heavy rigid vehicle.</p> <p>4) Culverts, where applicable, are set back outside the road clear zone.</p> <p>5) Entrances are generally designed and constructed to the requirements of Palerang Council standard drawings PAL-SD-101. Refer to appendix A for details</p> <p>6) Landscaping, mailboxes, fences and other structures, where located near driveway crossings, are not to compromise safety aspects such as sight distances for all road users</p>	<p>warrants for the traffic volumes of Bombay Road and the expected traffic volumes the development will generate.</p> <p><i>The Hyder Consulting EIS states:</i></p> <p style="padding-left: 40px;"><i>Peak turning volumes approx. 35 – 40 v/h (weekday between 1300 – 1600)</i></p> <p style="padding-left: 40px;"><i>Peak thru traffic on Bombay Rd 114v/h.</i></p> <p>The Hyder Consulting TIA has assessed the intersection of Bombay Road with Araluen Road and concludes that due to the low numbers of existing and projected traffic volumes, any upgrading works to the intersection due to any increase in traffic generated by this development, are not warranted. It does state however, a Safety Audit may determine if upgrading works are warranted for the existing road network during the detailed design phase of roadworks.</p>
<b>B7.7 Stormwater and sensitive urban design</b>	
<p><i>Objective</i></p> <p>a) To minimise the potential impacts of development and other associated activities on the aesthetic, recreational and ecological values of receiving waters</p> <p>b) To ensure stormwater is controlled in a way that minimises nuisance to neighbouring properties</p> <p>c) To set minimum standards for the collection and management of stormwater on development sites.</p> <p>d) To preserve natural drainage systems, where practicable, and to provide for the repair and enhancement of environmentally significant or degraded land</p> <p>e) To ensure appropriate easements are provided over existing drainage systems on private property</p> <p><i>Control</i></p> <p>1) Stormwater and drainage systems are to comply with Parts B1 of this DCP</p> <p>2) Easements are to be provided for all new and existing stormwater infrastructure</p>	<p>The application has been assessed as being consistent with Clause B7.7 of the PDCP. The Water Management Plan prepared by Hyder Consulting demonstrates that the waste transfer station will have minimal impacts on the surrounding ecological values, neighbouring properties and is able to meet the minimum standards for the management of stormwater.</p>

Clause	Comment
<p>3) Single dwellings are to comply with BASIX water consumption reduction targets</p> <p>4) Stormwater from all development (excluding single dwellings) leaving the site is to meet the performance targets set out in Table 5</p>	
<b>B7.9 Utilities</b>	
<p><i>Objective</i></p> <p>a) To ensure all developments have adequate services to cater for future development, including water for domestic and fire fighting purposes</p> <p>b) To enable installation, maintenance and augmentation of services in a cost effective manner and with minimal impact on the environment</p>	<p>The proposal has been assessed as being compliant with B7.9. Section 5.3.5 Utilities and Services in the EIS provides suitable measures for electricity, water supply and sewage connection.</p>
<b>B7.10 Sewer and Water</b>	
<p><i>Objective</i></p> <p>a) To ensure water and sewerage infrastructure meets the needs of the development</p> <p>b) To ensure that water and sewerage infrastructure provided by the development does not place an unreasonable burden on the community</p> <p>c) To ensure that the infrastructure required to service a development is funded by the development and is provided in a logical and timely manner</p>	<p>The application has been assessed as being consistent with Clause B7.10 in the PDCP (subject to conditions of consent) as the development will be connected to the town sewerage system and water supply.</p>
<b>B8 Erosion and sediment control</b>	
<p><i>B8 Erosion and sediment control</i></p> <p><i>Sedimentation from development sites is a major pollutant for water courses and drainage systems, causing significant environmental damage as it results in phosphorus, micro-organisms, and chemicals polluting waterways. Therefore there is a need to ensure that when a site is developed appropriate measures are implemented to prevent the loss of sediment and to rehabilitate the site through interim and long term</i></p>	<p>The proposal has been assessed as being consistent (subject to the conditions of consent) with B8. Section 8.5.3 Mitigation Measures, Soil Erosion in the EIS outlines the mitigation measures for soil erosion in relation to the development.</p> <p>A <i>Construction Soil and Water Management Plan</i> (CSWMP) will be developed prior to commencement of construction, in accordance with the <i>Blue Book</i>.</p> <p><i>Progressive Erosion and Sediment Control Plans</i> (ESCP) will be developed in accordance with CSWMP to reflect changes to the level of disturbance over the duration of the construction period.</p>

Clause	Comment
<p><i>measures. To this end one of two kinds of plans is to be submitted with all development applications which require disturbance to soil:</i></p> <ul style="list-style-type: none"> <li>• <i>an Erosion and Sediment Control Plan or</i></li> <li>• <i>a Soil and Water Management Plan</i></li> </ul>	
<b>B11 Social and economic Impact Assessment</b>	
	<p>The proposal has been assessed as being consistent with B11 in the DCP. The application addressed socio-economic impacts in Section 9.1 of the EIS. It concluded that the proposal will have a positive impact on the socio-economic environment within the Braidwood region by reducing the volume of waste requiring landfill disposal, supporting the achievement of the <i>Palerang Waste Management Strategy 2005</i> and the <i>NSW Waste and Avoidance and Recovery Strategy Targets 2013-2021</i> and improving the environmental performance of Palerang Council's waste management solutions.</p>
<b>B12 Landscaping</b>	
<p><i>Objective</i></p> <ul style="list-style-type: none"> <li><i>a) To enhance the amenity of an area and development and to blend in new development</i></li> <li><i>b) To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings</i></li> <li><i>c) To conserve significant natural features of the site and contribute to the effective management of biodiversity</i></li> <li><i>d) To retain and provide for mature vegetation, particularly large and medium sized trees</i></li> <li><i>e) To assist in encouraging vegetation corridors</i></li> <li><i>f) To promote privacy</i></li> <li><i>g) To promote energy efficiency by enhancing solar access, shade and reducing heat transfer from concrete drives, roofs and building walls in summer</i></li> <li><i>h) To provide for the infiltration of</i></li> </ul>	<p>The proposal has been assessed as being consistent (subject to the attached conditions of consent) with B12 of the PDCP. The development has proposed the following landscaping measures;</p> <ul style="list-style-type: none"> <li>- A 10 metre vegetation buffer will be established and maintained along the northern boundary of the Proposal site to provide visual screening</li> <li>- All open space areas will be landscaped with a mix of locally native species</li> <li>- All landscaping will be maintained.</li> </ul>

Clause	Comment
<p><i>water to the water table, minimise run-off and assist with stormwater management</i></p> <p><i>i) To improve the microclimate conditions on sites and the solar performance of dwellings</i></p> <p><i>j) To ensure that trees do not interfere with infrastructure and buildings</i></p>	
<b>B14 Potentially contaminated land</b>	
<p><i>Objective</i></p> <p><i>a) To ensure that changes of land use will not increase the risk to health or the environment from previous land use</i></p> <p><i>b) To provide information to support decision making</i></p> <p><i>Control</i></p> <p><i>1) Any development application for the development of land shall consider the potential for the site to be contaminated from a previous or current land use</i></p> <p><i>2) Land identified as being potentially contaminated shall be assessed in accordance with the provisions of State Environmental Planning Policy 55 – Remediation of Land</i></p>	<p>A <i>Stage 1 Preliminary Contamination Assessment</i> has been prepared for the Proposal site by Metech Consulting Pty Ltd (see Appendix I), which confirmed that the Proposal site has no potentially significant on or off-site sources of contamination.</p>
<b>B15 Waste management</b>	
<p><i>B15.1 General Controls</i></p> <p><i>Objective</i></p> <p><i>a) To avoid the generation of waste through design, material selection and building practices</i></p> <p><i>b) To encourage waste minimisation, including source separation, reuse and recycling</i></p> <p><i>c) To ensure efficient storage and collection of waste and quality design of facilities</i></p>	<p>The proposal has been assessed as being consistent (subject to the attached conditions of consent) with B15 in the PDCP.</p> <p>The Proposal will act as a replacement facility for the Braidwood Landfill (also located on Bombay Road, Braidwood) which has been identified for closure, and will service the townships of Braidwood, Araluen, Majors Creek and Nerriga and surrounding rural areas.</p> <p>To ensure construction and operation of the Proposal will not negatively impact the surrounding</p>

Clause	Comment
	environment (e.g. through introduction of litter etc.), appropriate waste management measures will be incorporated into a <i>Construction Environmental Management Plan</i> (CEMP) an <i>Operational Environmental Management Plan</i> (OEMP) for the facility.
<b>B17 Rainwater tanks</b>	
<i>Objective</i> a) <i>To reduce the demand on reticulated water services and stormwater flow from properties</i>	Roof water from the Buy-Back Centre and Transfer Facility will be collected in rainwater tanks for wash down of the Transfer Facility, toilet flushing, watering the landscaped areas or to meet operational needs related to management of green waste. Two tanks of a minimum capacity of 7,000 litres each will be provided.
<b>B19 Sydney, Googong and Captains Flat drinking water catchments</b>	
<i>The Palerang local government area contains three drinking water catchments. These are catchments where surface water for the urban areas of Captains Flat, Queanbeyan, Canberra and Sydney are collected. Through controlling development in these catchments, there is less likelihood of there being poor quality drinking water for these urban areas. Not only is poor quality drinking water unsatisfactory for health reasons, it is expensive to manage such water. The PLEP 2014 Drinking Water Catchment Map shows the three drinking water catchments and clause 6.4 of the PLEP 2014 sets out the requirements in regard to land use and the catchments.</i>	The development site is located within the Sydney Drinking Water Catchment. Development consent requirements are outlined in <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i> . In accordance with the policy concurrence was required from Water NSW. Concurrence was received, subject to the attached conditions of consent. Therefore, it is considered that the development is consistent with B19 of the PDCP.

Section 79C(1)(a)(iii)(a) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F,

There are no planning agreements applying to the subject site.

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

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



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

#### **Access and Traffic**

The proposal includes the construction of a new internal access road to the waste transfer station from Bombay Road.

Having regard to this, the proposed construction of the access to the site has been assessed and is considered to be adequate to cater for existing and potential traffic to the site because it will comply with the Austroads standards (reinforced in recommended conditions of consent) and will not result in the deterioration of roads.

#### **Surface and Groundwater**

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

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

#### **Noise**

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

#### **Flora and Fauna**

A *Biodiversity Assessment* was submitted as part of the development application. This addressed terrestrial flora and fauna species and their habitats; determined the likely occurrence of threatened species, populations or ecological communities and their habitats; assessed potential impacts of the proposal on ecological values and provided recommendations with regard to the minimisation of impacts on such values. The assessment concluded that no threatened flora or fauna species have been located on the site and that no significant habitat would be destroyed or impacted as part of the proposed development or landfill rehabilitation.

#### **Visual Amenities**

Section 8.10 in the EIS addressed the potential visual impacts of the development on the surrounding area and sensitive receivers. The application proposes the following mitigation measures:

- The site will be maintained in a clean and orderly state during the construction phase.



- A 10 metre vegetation buffer will be established and maintained along the northern boundary of the Proposal site to provide visual screening.
- All open space areas will be landscaped with a mix of locally native species.
- Suitable materials and finishes, including those which are non-reflective and blend with the surrounding landscape, will be selected for the buildings and structures. The colour pallet of all structures will be selected in consideration of the rural setting and to minimise impacts on the visual landscape.
- All landscaping will be maintained.

Together with the attached conditions of consent it is considered that the above mitigation measures will result in minor impacts to the majority of visual receivers in the surrounding area, with moderate visual impacts expected to occur along Bombay Road.

#### **Air Quality**

An Air Quality and Odour Impact Assessment was submitted with the application. The results gathered during the assessment found that under the worst case operating conditions, odour concentrations will satisfy the project odour criterion at all surrounding residences while the average dust disposition rates will be unlikely to impact on surrounding sensitive receivers. Suitable mitigation measures have also been proposed and will be reinforced in the attached conditions of consent. As such, it is not considered that the proposed development will result in any significant air quality impacts on the surround area.

#### **Heritage**

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

#### **Socio economic Impacts of the Proposal**

Section 9.1.2 (Table 9-3) of the Hyder Consulting EIS identifies the potential socio-economic impacts from the development. The Proposal will have a positive impact on the socio-economic environment within the Braidwood region by reducing the volume of waste requiring landfill disposal, supporting the achievement of the *Palerang Waste Management Strategy 2005* and the *NSW Waste and Avoidance and Recovery Strategy Targets 2013-2021* and improving the environmental performance of Palerang Council's waste management solutions.

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

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

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

##### ***Notification***

The application was notified in accordance with the requirements of the EP&A Regulation 2000. One submission raising three concerns about the proposed development was received.

1. *It is noticed that the road is to be widened at MWC entrance. This tends to indicate the realization that Bombay Road is not wide enough for the type of traffic that is proposed. The Council has filled the edges of the sealed surface after a number of requests to do so, and it can be seen that this edging is extensively used by vehicles. A further request to widen the road to dual carriage is presented.*

#### **Planners Comment**

The additional traffic resulting from the Braidwood WTS on Bombay Road and, in particular, through the Bombay Road/Araluen Road intersection, is not likely to be significant in comparison to the current existing traffic volumes. Furthermore, the application has proposed the following mitigation measures:

- *Ensure collection of low tonnage waste streams is staggered, so that all collection vehicles are not accessing the Proposal site in a single day or week.*
- *Ensure waste collection vehicles are organised for the transportation of waste during week days and outside of public opening hours wherever possible to minimise heavy vehicle presence onsite during peak customer periods (i.e. weekends).*
- *Control of vehicle movements within the facility to be overseen by attendants.*
- *Clear signage and road markings (speed limits, directions, non-access areas and marked parking bays).*
- *Driver induction training would be provided to ensure all waste collection vehicles would use appropriate access and egress routes only.*

Condition ## requires the construction of an intersection to the appropriate standard to ensure that the expected traffic generation will be safely handled.

2. *Although you have advised that a separate committee is responsible for the speed limit on Bombay Road, we request that it is made part of this proposal to ensure definite action. From prior to Boppings Crossing an 80KPH, then drop to 60KPH or even 50KPH is necessary.*

#### **Planners Comment**

As identified in the submission, speed limits are the responsibility of the Traffic Committee and are unable to be addressed through the development application process.

3. *Tree planting. The council seems averse to free planting. Trees take a while to grow and therefore just as you plan material objects like buildings, fencing, drainage and roads, so should there be a tree plan. Trees planted now, either side of the Sewer Works main settling pond adjacent to Bombay Road, would help soften the site proposed and also help reduce noise, dust etc.*

#### **Planners Comment**

Tree planting has been proposed and illustrated on the submitted site, and section plans. Once established the vegetation will have mature height of 10m. To ensure that the vegetation is established, conditions are recommended, requiring that mature stock is used prior to an occupation certificate being issued.

#### *Development Engineer*

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

#### *Health and Building*

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

#### *NSW Roads and Maritime Services*

The application was referred to the Roads and Maritime Services (RMS) because the proposed waste transfer station is classified as a Traffic Generating Development under clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007*. The RMS responded on 4 May 2015 and 17 June 2015 stating that they have no objections to the proposal, provided that their comments are addressed. A response to RMS comments dated 21 August 2015, prepared by Hyder Consulting addressed each of the comments made by the NSW RMS. Confirmation has also been received from RMS that the response prepared by Hyder Consulting is satisfactory.

#### *Water NSW*

The application was referred to Water NSW under section 11 of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. Concurrence was received subject to the attached conditions of consent.

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

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

#### **Conclusion**

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

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

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

#### **RECOMMENDATION**

That Development Application DA.2015.093 for the construction of a Waste Transfer Station at Lot 109 DP 755911 – Bombay Road, Bywong be approved under Section 80 of the *Environmental Planning and Assessment Act 1979*, subject to the attached conditions.