COUNCIL ASSESSMENT REPORT

Panel Reference	PPS-2019STH007
DA Number	**DA19/0036**
LGA	**Wagga Wagga**
Proposed Development	**Waste Disposal Facility (Non-Putrescible Landfill)**
Street Address	**225 Trahairs Rd, Bomen, NSW 2650**
Applicant/Owner	**Applicant: Christopher Egan, Riverina Warehousing Solutions Pty Ltd** **Owner: Riverina Warehousing Solutions Pty Ltd**
Date of DA lodgement	**30 January 2019**
Total number of Submissions **Number of Unique Objections**	• **47 (first exhibition period), 22 (second exhibition period), 50 different individuals/entities over both periods.** • **42 (first exhibition period), 21 (second exhibition period)**
Recommendation	**Approval**
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	**Particular designated development** **Development for the purposes of—** **(c) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.**
List of all relevant s4.15(1)(a) matters	• **Wagga Wagga Local Environmental Plan 2010** • **State Environmental Planning Policy (Activation Precincts) 2020** • **State Environmental Planning Policy (Infrastructure) 2007** • **State Environmental Planning Policy No 55 – Remediation of Land** • **State Environmental Planning Policy No 33 – Hazardous and Offensive Development** • **State Environmental Planning Policy (Koala Habitat Protection) 2021** • **State Environmental Planning Policy (State and Regional Development) 2011** • **Wagga Wagga Development Control Plan 2010** • **Clause 92A of the Environmental Planning and Assessment Regulation 2000 - Additional matters that consent authority must consider for Wagga Wagga**

List all documents submitted with this report for the Panel's consideration	• **Site plans, cell plans, cross sections, shed plans and elevations**
	• **Environmental Impact Statement including:**
	  ○ **Threatened species assessment of significance**
	  ○ **Operational odour assessment**
	  ○ **Noise and vibration impact assessment**
	  ○ **Aboriginal heritage due diligence report**
	  ○ **Geotechnical report**
	  ○ **Visual impact assessment**
	  ○ **Preliminary site investigation**
	  ○ **Greenhouse gas emission estimate**
	  ○ **Construction and operational air quality assessment**

Clause 4.6 requests	**Not Applicable**
Summary of key submissions	• **Groundwater and surface water impacts** • **Visual impacts** • **Dust/air quality impacts (including on surrounding businesses)** • **Odour impacts (including on surrounding businesses)** • **Consistency with Special Activation Precincts** • **Fire risk** • **Suitability of site** • **Carbon impacts** • **Source of waste**
Report prepared by	**Steven Cook**
Report date	**30 September 2021**

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*	**Yes**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Not applicable**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*	**No**
Conditions Have draft conditions been provided to the applicant for comment? *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*	**No**

Executive Summary

1. The applicant seeks consent for a Waste Disposal Facility (Non-Putrescible Landfill) within a former liquid waste evaporation pond associated with the adjacent former wool scouring plant. The development is Designated Development and an Environment Impact Statement (EIS) has been prepared for the development in accordance with the 'Secretary's Environmental Assessment Requirements' (SEARs) issued by the NSW Department of Planning Industry and Environment.

2. The EIS identifies a total capacity to accept around 630,000m^3 of non-putrescible waste, however the drawings indicate a lesser capacity, as a result of the required capping depths and battering. The application identifies the facility is expected to receive 60,000 tonnes of waste in the first year (approximately 67,000m^3), increasing 1.5% annually, with a total lifespan of approximately 9 years. The waste cells would have a finished height approximately 6m above current pond surface level (including 1.9m of capping).

3. The development application also identifies a range of other works proposed on the site including:

    a. The removal of a waxy residue at the base of the ponds associated with the former woolcombing activities, and disposal at a licenced waste facility (including temporary storage on site for up to two years)
    b. Construction of access and a hardstand waste inspection area / transfer station
    c. Erection of a storage shed with amenities
    d. Construction of a piped drainage system
    e. Shaping and lining of former pond to create waste cells and leachate basin

4. The development is Integrated Development, requiring an Environment Protection Licence under the Protection of the Environment Operations Act 1997. The Environment Protection Authority have provided General Terms of Approval for such a licence.

5. The site is zoned IN1 General Industrial under the Wagga Wagga Local Environmental Plan 2010 and is permitted with consent. The development has been assessed as being consistent will all relevant provisions of the WWLEP 2010.

6. The site is within the Bomen Special Activation Precinct, with *State Environmental Planning Policy (Activation Precincts) Amendment (Wagga Wagga) 2021* being notified on the NSW Legislation website on 21 May 2021, and due to come into force on 31 December 2021. Under the SEPP the site is to be zoned part Regional Enterprise Zone (REZ) and Part Rural Activity Zone (RAZ). The waste cells and development area are located within the REZ, where waste disposal facilities are permitted with consent. The remainder of the site is zoned RAZ where waste disposal facilities will be prohibited.

7. Clause 92A of the Environmental Planning and Assessment Regulation 2000 requires the consent authority to take into consideration whether the development is consistent with the Wagga Wagga Special Activation Precinct Master Plan. The Master Plan has been considered, and the development is assessed as being consistent with this document.

8. Under the SAP Master Plan, the evaporation ponds are mapped as being within the flood planning area from overland flow. This is due to the scale at which the mapping was carried out, which was sufficient to show the evaporation ponds, but insufficient to capture the existing deflection drains upstream of the ponds. It is considered that risks associated with overland flow on this site can be suitably managed, and conditions of consent have been recommended.

9. The application has been assessed against all relevant SEPPs, including:

    a. State Environmental Planning Policy (Activation Precincts) 2020
    b. State Environmental Planning Policy (Infrastructure) 2007
    c. State Environmental Planning Policy No 55 – Remediation of Land
    d. State Environmental Planning Policy No 33 – Hazardous and Offensive Development
    e. State Environmental Planning Policy (Koala Habitat Protection) 2021
    f. State Environmental Planning Policy (State and Regional Development) 2011

    The development is considered consistent with all relevant provisions of these SEPPs.

10. With regarding to SEPP (Infrastructure) 2007 the development has been assessed against clause 123 which relates to waste disposal facilities. In this assessment the publication *EIS Guideline: Landfilling* (Department of Planning, 1996) was considered, and it was assessed that the development site is not inconsistent with the principals, and that the site does not trigger any 'environmentally sensitive areas to be avoided' set out in this document.

11. A preliminary site investigation was carried out under SEPP 55 and the site was considered suitable for the proposed development. The existing waxy residue in the ponds exceeds limits for total recoverable hydrocarbons, however, the PSI notes these materials "are naturally derived from sheep's wool" and that "the exceedances do not pose a risk to human or environmental health".

12. The development was assessed as being 'potentially offensive industry' under SEPP 33, but not an 'offensive industry' following further assessment under the SEPP.

13. The development was assessed against the provisions of the Wagga Wagga Development Control Plan 2010 and considered consistent.

14. Potential impacts, including impacts on groundwater, surface water, visual impacts, dust, odour, noise and vibration, flora and fauna and traffic have all been assessed and are

considered manageable. The EPA GTAs include extensive conditions addressing many of these matters, including management plans for stormwater (including a requirement to be a nil discharge site), groundwater, and air quality and odour management.

15. In relation to visual impacts, impacts are not considered significant in the context of the landscape and due to distances from receivers. Extensive landscaping is recommended to be required by conditions of consent.

16. Two separate exhibition periods were carried out. 47 public submissions were received during the initial exhibition period, all by way of objection (42 being unique submissions). During the second exhibition period 22 public submissions were received (21 being unique submissions), all by way of objection. 3 of these submissions were from entities that did not make a submission during the first exhibition period, with the remaining 19 making new submissions.

17. Over the two exhibition periods, 50 persons or entities made submissions into the development. This included directly adjoining businesses, as well as residential receivers from the broader locality. Submissions raised a range of issues, including matters such as the source of the waste, and inconsistencies with the decision is *M.H. Earthmoving Pty Ltd vs Cootamundra – Gundagai Regional Council (No 3)*. All submissions have been considered in full and are considered adequately addressed.

18. Submissions were also received from public authorities, being Essential Energy, Water NSW, Riverina Water, Environment Protection Authority, Transport for NSW, the NSW Department of Planning, Industry and Environment, and Regional Growth NSW Development Corporation.

19. Of note, Riverina Water drew particular attention to the impacts of the development on drinking water. In this regard the EPA has made specific comment on the suitability of the site with regard to impacts on groundwater and surface water.

20. The site of the proposed development has been assessed as being suitable and the development is considered to be in the public interest.

21. The development is recommended for approval, subject to conditions as detailed in the report.

City of Wagga Wagga

Report of Development Application

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No.:	DA19/0036
Modification No.:	N/A
Council File No.:	D/2019/0036
Date of Lodgement:	31/01/2019
Applicant:	Riverina Sustainability Centre Pty Ltd PO Box 1082 WAGGA WAGGA NSW 2650 Mr Christopher Egan
Proposal:	Waste Disposal Facility (Non Putrescible Landfill)
Description of Modification:	N/A
Development Cost:	$1,580,000
Assessment Officer:	Steven Cook
Determination Body:	Southern Regional Joint Planning Panel - State Environmental Planning Policy (State and Regional Development) 2011, Schedule 7 (7)(c)
Other Approvals	Environment Protection Licence - Protection of the Environment Operations Act 1997
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	27/7/19-30/8/19 and 24/5/21-2/7/21
Advertising:	27/7/19-30/8/19 and 24/5/21-2/7/21
Owner's Consent Provided:	31/01/19
Location:	Northern side of Trahairs Rd, approximately 2km north of East Bomen Rd and 400m east of Byrnes Rd

SITE DETAILS

Subject Land:	225 Trahairs Rd BOMEN NSW 2650 Lot 2 DP 1249028, Lot 4 DP 1249028
Owner:	Riverina Warehousing Solutions Pty Ltd

REPORT

DESCRIPTION OF DEVELOPMENT

The proposal is for a waste disposal facility being a non-putrescible landfill.

The facility is proposed within a former liquid waste evaporation pond associated with the adjacent former wool scouring plant. The pond has a footprint of 86,700m^2, and an existing depth of approximately 2m. The pond is proposed to be modified to create six waste cells and a leachate management pond. The waste cells are proposed to be constructed in a staged manner, commencing from the southern end of the pond, and then progressively to the north.

Once modified the waste cells would have a footprint of approximately 77,600m^2. The drawings indicate that it is proposed that the cells would be filled to a height approximately 6m above existing pond surface level (including 1.9m of capping). The EIS identifies a total capacity to accept around 630,000m^3 of non-putrescible waste, however the drawings indicate a lesser capacity, as a result of the required capping depths and battering. Irrespective of the claimed maximum volume, it is recommended that conditions of consent be imposed requiring the cells to be constructed generally in accordance with the submitted plans and typical details.

The Application identifies that the facility is expected to receive 60,000 tonnes of waste in its first year, increasing by 1.5% annually, resulting in a total lifespan of approximately nine years at the increased volumes estimated by the Applicant. The reduction in capacity identified will result in a shorter lifespan. As each cell is filled it is proposed to cap, topsoil and revegetate the area.

In addition to the waste cells, the development proposes:

- Removal of the existing waxy residue at the base of the ponds, with temporary storage on site for up to two years prior to disposal at a licenced waste facility for the receipt of such waste.
- Construction of a piped groundwater relief system to intercept and collect groundwater from underneath the sub-cells.
- Lining the sub-cells with an impermeable clay liner, geotextile and HDPE liners, and free-draining aggregate layer.
- Construction of a piped drainage system to collect and drain leachate from the waste cell.
- Construction of a lined leachate storage and evaporation pond with aerator.
- Repair of existing upslope earthen drain to direct overland stormwater flows away from the waste cells.
- Construction of ingress, egress and internal access road of sufficient size to allow storage and turning of semi-trailers.
- Construction of designated waste inspection area and transfer station.
- Storage shed within amenities.
- Blasting of granite within cells, if necessary.

Allowance is also made for a future weighbridge, however this is not proposed at this time.

Waste is proposed to be transported to the site via the existing road network, using triaxle semi-trailers and B-doubles. Vehicle movements are not anticipated to exceed 10 loads per day. The facility is not proposed to be open to the general public.

The premises are proposed to operate 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday.

The development is 'Designated Development' under the *Environmental Planning and Assessment Act 1979* as it is a kind listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*, being a "waste management facility…that dispose…solid waste…that comprises more than 200 tonnes per year of other waste material" (clause 32(1)). An Environmental Impact Statement is required to be prepared for Designated Development in accordance with Schedule 2 of the Regulations. These requirements include preparing the EIS in accordance with the Department of Planning, Industry and Environment's 'Secretary's Environmental Assessment Requirements', known as SEARs. In issuing SEARs the Department consult with other government agencies to determine their requirements for the development.

The development is 'Integrated Development' as it requires an Environment Protection Licence from the Environment Protection Authority under Clause 43(b) and Schedule 1 the *Protection of the Environment Operations Act 1997*, being "waste disposal by application to land" (clause 39 of Schedule 1).

Waste
Waste to be disposed of in the site is to be general solid waste (non-putrescible) sourced from the commercial and industrial sector. The NSW EPA *Waste Classification Guidelines Part 1: Classifying waste* states that:

General solid waste may only be classified as non-putrescible if:

- *it does not readily decay under standard conditions, does not emit offensive odours and does not attract vermin or other vectors (such as flies, birds and rodents), or*
- *it has a specific oxygen uptake of less than 1.5 milligrams O2 per hour per gram of total organic solids at 20 degrees Celsius, or*
- *it is such that, during composting (for the purpose of stabilisation), the mass of volatile solids in the organic waste has been reduced by at least 38%, or*
- *it has been treated by composting for at least 14 days, during which time the temperature of the organic waste must have been greater than 40 degrees Celsius and the average temperature greater than 45 degrees Celsius.*

Non-putrescible materials typically do not:

- *readily decay under standard conditions*
- *emit offensive odours*
- *attract vermin or other vectors (such as flies, birds and rodents)*

The Guidelines list the types of waste that are pre-classified as 'general solid waste (non-putrescible): The list includes:

- *glass, plastic, rubber, plasterboard, ceramics, bricks, concrete or metal*
- *paper or cardboard*
- *garden waste*
- *wood waste*
- *waste contaminated with lead (including lead paint waste) from residential premises or educational or child care institutions*
- *virgin excavated natural material*
- *building and demolition waste*
- *asphalt waste (including asphalt resulting from road construction and waterproofing works)*

The submitted Environmental Impact Statement identifies the following predicted waste streams and types of waste for the proposed facility:

Waste stream	Type of waste	Waste classification
Construction & demolition waste	• Broken concrete, brick and other rubble. • Soil (uncontaminated). • Road millings. • Timber. • Plaster board. • Compressed cement sheet.	General solid waste (non-putrescible)
Visy Pulp and Paper Mill, Tumut	• Compactor plastics – light mixed plastics. • Grapple Materials – heavy plastics, some metals, rubber and fibre. • Glass material – glass, ceramics and stone chips. • Fines/sand – with a small amount of fibre. • Flotsam – wire, rope, plastics, metal and some fibre. • Carbonates – mix of sodium and calcium carbonates, lime and a small volume of unburnt organics. • Power boiler fly ash – boiler wood ash, inorganics. • Power boiler sand – with some metals and small rocks.	General solid waste (non-putrescible)
Kurrajong Recyclers	• Crushed glass. • Some limited electrical wire contamination.	General solid waste (non-putrescible)
Other undefined non-putrescible waste	• Undefined	General solid waste (non-putrescible)

THE SITE & LOCALITY

The site, being Lots 2 & 4 DP 1249028, 225 Trahairs Rd, Bomen, is located on the eastern side of Byrnes Rd and northern side of Trahairs Rd, approximately 2km north of East Bomen Rd. The site has frontage to both Trahairs Rd and Byrnes Rd, wrapping around the lot that is located directly on the corner. An existing rural-style access to the site is in place from Trahairs Rd.

The site is clear of any buildings, but contains three large disused effluent ponds associated with the former wool scouring plant that was located on land to the south of the site on the opposite side of Trahairs Rd. The pond subject to this Development Application is located on Lot 2, being the westernmost of the two lots, whilst the remaining ponds are located on Lot 4 to the east.

Lot 2 contains scattered vegetation to the northern end of the lot, whilst the south-eastern corner of Lot 4 has been densely planted out. A ridge (at approximately the 240m contour) crosses the western end of the site, with the land on the site falling predominantly to the east, with the lowest point on the site situated just above the 210m contour. The pond subject to the development application is located along the 230m contour.

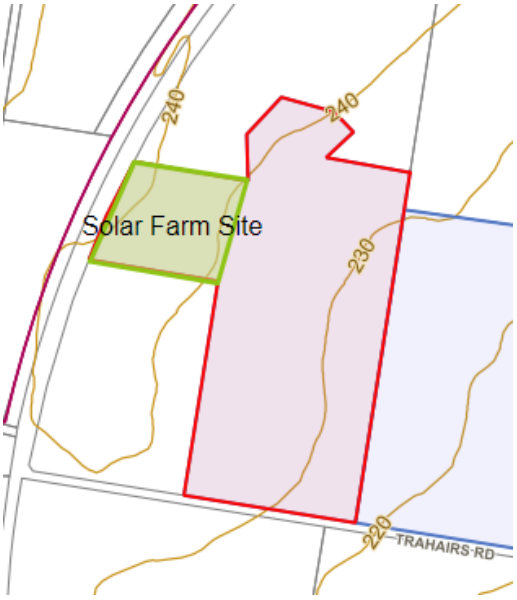


Figure 1 - Solar Farm Site

A solar farm was recently approved on the subject site (DA21/0151). The solar farm is to be located on the eastern edge of the site, clear of the development area, with the land associated with it to be subdivided off.

The locality is dominated by a mix of industrial and rural uses. Industrial uses predominate along Byrnes Rd to the south. Directly adjacent to the site, on the corner lot around which the site wraps, is an oilseed crushing and refining plant (known as ROBE). South of the site is the former wool scouring plant which is now utilised for a range of industrial and warehousing uses. Further, to the south of the former wool scour, is a battery recycling facility. To the west of the site is the Main Southern Railway, and associated with this around 500-1000m to the southwest a largescale intermodal freight facility and industrial subdivision is under construction. To the north, east and southeast the site is surrounded by large scale solar farms.

The core of the existing Bomen Industrial Estate is located around 3km to the southwest of the site.

The wider locality is rural in nature, consisting of agricultural holdings of a range of sizes. The site is visible from a large portion of this rural area due to the undulating character of the locality.

The site is located within an area that has been investigated to form the Wagga Wagga Special Activation Precinct (SAP). The SAP recognises the strategic importance of the Bomen area, with its strong transport linkages and proximity to major infrastructure. A range of technical documents have been prepared and a Master Plan endorsed. The SAP would permit a range of uses to be carried out as Complying Development within the area, subject to compliance with relevant planning documents, including a Master Plan and Delivery Plan. For the land to be within the SAP, State Environmental Planning Policy (Activation Precincts) 2020 would need to be amended to include the land associated with the proposed SAP. Amendments to this effect have been published, but are not proposed to take force until 31 December 2021.

Figure 2 - Site and Locality Aerial Photograph

Relevant Previous Consents
DA289/92 – Proposed Woolcombing Plant
DA21/0151 – Electricity Generating Works (Solar Farm) and Subdivision of Land

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

(a)(i) - The provisions of any environmental planning instrument (EPI)
Local Environmental Plan
Wagga Wagga Local Environmental Plan 2010
Under the provisions of the WWLEP 2010 the site is zoned IN1 General Industrial. The proposed development is considered to be most appropriately defined under the WWLEP 2010 as a 'waste disposal facility'. Waste disposal facilities are defined as follows:

'Waste disposal facility' means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery

and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Waste disposal facilities are a type of 'waste or resource management facility'. Waste disposal facilities are permitted with consent in the IN1 zone as an innominate land use.

The objectives of the IN1 zone are as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*

The proposed development is considered consistent with the objectives of the zone. The facility, whilst not being strictly an 'industrial' land use, is of a kind consistent with industrial type uses. Furthermore, the proposed development will minimise adverse effects on other land uses as set out in detail in this assessment report. Finally, the development will employ five fulltime staff, consistent with the objective to encourage employment opportunities.

Clause 5.10 relates to heritage conservation. There are no heritage items listed in the WWLEP 2010 either within or in the vicinity of the site that are likely to be impacted by the proposed development.

Part 6 of the WWLEP applies as the land is within an Urban Release Area (URA).

Clause 6.1 of the WWLEP requires that the Director-General for the Department of Planning provides certification that satisfactory arrangements are in place for the provision of state public infrastructure prior to the issuing of any Development Application within a URA. The Director-General provided this certification on 30th November 2011.

Clause 6.2 of the WWLEP 2010 requires that development consent must not be granted for development on land in a URA unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required. The development has minimal requirements in regard to essential public utility infrastructure. The site is not serviced by reticulated sewer or stormwater and they are not considered essential to the development. Stormwater will be captured and managed on site. A pump-out toilet facility is proposed for staff. Reticulated water is available in the vicinity of the site. As such, it is considered that public utility infrastructure that is essential for the proposed development is available, and that the development can be adequately serviced.

Clause 6.3 of the plan requires that a Development Control Plan, addressing certain matters, is in place before Development Consent can be granted. Such a DCP is in place.

Clause 7.1A relates to earthworks and is as follows:

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
(e) the source of any fill material and the destination of any excavated material,
(f) the likelihood of disturbing relics,
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Earthworks are proposed around the proposed waste cells to excavate and shape the base of the sub-cells, as well as in conjunction with the construction of roads and hardstand areas. Given the majority of the earthworks are contained within the existing ponds, impacts on drainage patterns, soil stability, and on watercourses is unlikely to be significant. The earthworks beyond the basins will be constructed in conjunction with works to manage stormwater on site. Material excavated will largely be stockpiled on site for reuse on the site. Conditions of consent should be imposed to ensure that any fill removed from the site is taken to an approved facility.

Earthworks are likely to improve the potential for future use or redevelopment of the land, given that the site is already significantly compromised by the ponds, and their filling will open up options for future use of the site.

Given the location and scale of the earthworks impacts on the amenity of adjoining properties is unlikely to be significant. As discussed in detail in part (b) of this assessment report, impacts on relics are considered unlikely.

All relevant matters under Clause 7.1A of the WWLEP 2010 have been considered in full and the development is considered acceptable with regard to these matters.

Clause 7.3 applies to land identified as “Biodiversity” on the ‘Terrestrial Biodiversity Map’ of the WWLEP 2010. Small sections along the eastern boundary are mapped as such.

Clause 7.3 of the WWLEP 2010 requires that:

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters-
(a) any potential adverse impact of the proposed development on any of the following-
(i) a native vegetation community,
(ii) the habitat of any threatened species, population or ecological community,
(iii) a regionally significant species of plant, animal or habitat,
(iv) a habitat corridor,
(v) a wetland,
(vi) the biodiversity values within a reserve, including a road reserve or a stock route,
(b) any proposed measures to be undertaken to ameliorate any such potential adverse impact.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and-
(a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or
(b) if a potential adverse impact cannot be avoided, the development-
(i) is designed and sited so as to have minimum adverse impact, and

(ii) incorporates effective measures so as to have minimal adverse impact, and (iii) mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.

The Environmental Impact Statement identified the following potential impacts of the development:

- *Removal of about 0.7668 ha of exotic groundcover.*
- *Removal of three mature trees.*
- *Displacement of resident fauna, particularly aquatic species.*
- *Removal of fauna habitat features particularly mature trees.*
- *Inadvertent impacts on adjacent habitat or vegetation.*
- *Transport of weeds and pathogens from the site to adjacent vegetation.*
- *Loss of breeding habitats particularly for aquatic species.*
- *Impacts on the habitat of threatened species or ecological communities.*
- *Impacts of development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities (TECs).*
- *Impacts of vehicle strikes on fauna.*

It is noted, in considering biodiversity matters in relation to this Development Application, that the Development Application was lodged on 31st January 2019. In accordance with Clause 28(1) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*:

The former planning provisions continue to apply (and Part 7 of the new Act does not apply) to the determination of a pending or interim planning application.

A 'pending or interim planning application' is defined (in part) as

An application for planning approval (or for the modification of a planning approval) made within 18 months after the commencement of the new Act if an environmental impact statement is to be submitted in connection with the application and the Secretary of the Department of Planning and Environment issued, before the commencement of the new Act, environmental assessment requirements for the preparation of the statement

The Development Application required the submission of an environmental impact statement. The 'Secretary's Environmental Assessment Requirements' (SEARs) were initially issued on 26th July 2016 which was prior to the commencement of the *Biodiversity Conservation Act 2016* (BC Act 2016). The BC Act 2016 commenced on 25 August 2017. The Development Application was lodged with Council on 31 January 2019, which therefore is within the 18 month period to be considered a 'pending or interim planning application'.

As such, the *Threatened Species Conservation Act 1995* (TSC Act 1995) applies to this development. It is further noted that at the time that the Development Application was lodged that the land was Biodiversity Certified Land for the purpose of the BC Act 2016/TSC Act 1995.

The effect of the Biodiversity Certification, as set out by Section 8.4 of the *Biodiversity Conservation Act 2016* is that:

An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the Environmental Planning and Assessment Act 1979.

A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

Notwithstanding, in accordance with the SEARs an Assessment of Significance (per the TSC Act 1995) was carried out for the development which concluded that a significant impact was unlikely on any NSW-listed threatened species, population or ecological community, on the basis that the proposal would not:

- *Lead to a reduction of the size or area of occupancy of a population, or fragment or disrupt the breeding cycle of a population.*
- *Affect habitat critical to the survival of these species.*
- *Affect habitat or introduce disease such that these species would decline.*
- *Introduce invasive species harmful to these species.*
- *Interfere with the recovery of these species.*

In addition, Assessments of Significance completed for federally-listed endangered ecological communities conclude that a significant impact is unlikely on the basis that:

- *The amount of habitat to be removed or disturbed by the proposal is relatively small in the context of the greater area of habitat that would remain.*
- *No fragmentation or isolation of habitat would occur.*
- *The proposal would not modify or destroy abiotic factors.*
- *The proposal would not cause a substantial change in the species composition.*
- *The proposal would not cause a substantial reduction in the quality of the ecological community.*

As such, it is considered that the development is unlikely to impact on the matters set out in Clause 7.3 of the WWLEP 2010. The consent authority can satisfied that the development is consistent with the objectives of this clause and that the development is designed, sited and managed to avoid any potential adverse environmental impact. All relevant matters under Clause 7.3 have been considered in full.

Clause 7.9 requires that Council consider the impact of developments on the primacy of the Wagga Wagga Central Business area. The development is for a waste disposal facility which would not be permissible or appropriate in the Wagga Wagga CBD. Therefore the development is considered unlikely to impact on the primacy of the existing CBD.

Clause 7.11 applies where the consent authority is satisfied that the proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Wagga Wagga Airport. The subject site is around 128m below the OLS at its highest point and as such, the development will not penetrate the OLS and the clause does not apply.

There are no other provisions of the WWLEP 2010 relevant to the development.

State Environmental Planning Policies

State Environmental Planning Policy (Activation Precincts) 2020

Following the submission of this Development Application, on 21/05/21 *State Environmental Planning Policy (Activation Precincts) Amendment (Wagga Wagga) 2021* was notified on the NSW Legislation website which will incorporate the Wagga Wagga Special Activation Precinct

into the SEPP. The site is located within the Wagga Wagga SAP.

The relevant provisions of the SEPP are as follows:

Clause 5 states that the SEPP applies to land within an Activation Precinct. Section 1 of Schedule 2 of the SEPP states that:

The land shown as Wagga Wagga Activation Precinct on the State Environmental Planning Policy (Activation Precincts) 2020 Wagga Wagga Activation Precinct Land Application Map is declared to be the Wagga Wagga Activation Precinct.

The site is situated on such land, and thus would fall within an Activation Precinct. However, section 15 of Schedule 2 states:

A development application for development on land in the Wagga Wagga Activation Precinct that was lodged before the land was part of that Precinct and that has not been finally determined is to be determined as if this Schedule had not commenced.

In addition to the above, the Schedule itself has a delayed commencement, with *State Environmental Planning Policy (Activation Precincts) Amendment (Wagga Wagga) 2021* stating that Schedule 2 commences on 31 December 2021.

Therefore, the SEPP should be considered in a similar manner to if it were a draft environmental planning instrument. It should be given reasonably significant weighting as it should be considered substantially certain, given it has been published. It could not yet be considered imminent, as it does not commence for approximately 3 months.

Having regard to this weighting, the remainder of the SEPP is assessed as follows:

Clause 6 of the SEPP would switch off the Wagga Wagga Local Environmental Plan 2010 for the site. This is of minimal consequence, as the assessment under the WWLEP 2010 demonstrates no significant inconsistencies with that plan.

Clause 8 sets out the requirements for a master plan for an Activation Precinct. A Master Plan has been endorsed for the site - The Wagga Wagga Special Activation Precinct Master Plan.

Clause 9 sets out the requirements for a delivery plan for an Activation Precinct. At the time of writing this report, a delivery plan had not been approved for the site, nor had a draft plan been exhibited.

Clause 10 sets out that:

A consent authority must have regard to the following when determining an application for development consent to carry out development on land within an Activation Precinct-
(a) the master plan for the Activation Precinct,
(b) any delivery plan that applies to the land on which the development is to be carried out,
(c) any draft master plan or draft delivery plan that is published on the NSW planning portal.

As noted above a master plan has been endorsed for the site, however a delivery plan has not. The master plan is considered below.

The master plan sets out 16 principles for the SAP under five groupings:

1. Economic development
    a. A nationally significant economic precinct
    b. A future-proofed Precinct
    c. A strategic approach to managing growth
2. Place and landscape
    a. Industry in the landscape
    b. A good neighbour
    c. Quality design
3. Environment and sustainability
    a. Eco-Industrial precinct
    b. Circular economy
    c. Net zero emissions
    d. Water security and quality
    e. A safe precinct
4. Community
    a. A connected, green place
    b. Connection to Country
5. Infrastructure and transport
    a. Digital connectivity
    b. Integrated utilities
    c. Great access for all modes

The development is considered to be generally consistent with these principles as demonstrated by this assessment below.

The master plan states that:

Section 3 Controls of this Master Plan sets out aims and performance criteria for development within the Precinct, to ensure the Principles are realised.

The Section 3 aims and performance criteria are assessed as follows:

3.1 Economic Development
3.1.1 Land Use
The aims of this section include minimising land use conflict, and ensuring appropriate amenity and outlook for the neighbouring residential and rural area. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	**Comment**
Protecting rail frontage for future infrastructure	
A – The land identified for the 'Riverina Intermodal Freight and Logistics Hub (RiFL Hub)' on Figure 3: Wagga Wagga Special Activation Precinct Structure Plan is to be preserved for rail-related logistics and transport facilities.	N/A to this development. The development is not on land referenced in the criteria.
B – The area shown as 'Possible future expansion of rail siding infrastructure' on Figure 3: Wagga Wagga Special Activation Precinct Structure Plan is strategically important and may be a good location for the	N/A to this development. The development is not on land referenced in the criteria.

expansion of rail-related freight and logistics facilities in the future as demand increases. The potential location, design and expansion of this area would be detailed as part of a Delivery Plan for the land. These lots have the same development potential as the land in the remainder of the Regional Enterprise Zone, however, an Activation Precinct Certificate should not be issued for development that might compromise long term opportunities and subdivision of large strategic lots should be avoided.	
Appropriate locations for retail and business services	
C – An Activation Precinct Certificate should only be issued for neighborhood shops, food and drink premises and business premises where: i. The uses are required to service the needs of the Special Activation Precinct employment population. ii. The uses will not compromise the intent of the zone and the Special Activation Precinct by introducing more sensitive uses and generating pedestrian or vehicle traffic in areas otherwise identified for a broad range of industrial uses. iii. The uses would not be better located in other places, such as the Wagga Wagga City Centre. iv. The use is, where possible, co-located with other retail and business uses and open space to form concentrated nodes of activity throughout the Precinct. v. The use is located in, or very close to, one of the Commercial Nodes as identified in the Delivery Plan. The potential locations of Commercial Nodes is shown on Figure 3 Wagga Wagga Special Activation Precinct Structure Plan.	N/A to this development. The development is not of a type referenced in the criteria.
Office Uses	
D – Office uses must only be ancillary to a principal use.	Office uses are not proposed.
Hydrogen Development	
E – Consultation with Safe Work NSW, Fire and Rescue NSW, the Department of Planning, Industry and Environment's Industry Assessments and the EPA is required prior to the issue of an Activation Precinct Certificate for hydrogen development.	N/A to this development. Hydrogen is not proposed.

Appropriate locations for solar	
F – Solar energy farms will be permissible as per Schedule 2 of the Activation Precincts SEPP. Figure 4: Permissibility of solar energy farms and the below provide a summary of the permissibility of this use across the Precinct.	N/A to this development. The development is not of a type referenced in the criteria.
Development on easements	
G – To avoid public safety risks, where developments cannot avoid transmission line easements, uses that do not encourage people to congregate under transmission lines or close to electricity infrastructure should be given preference over other land uses.	A transmission line easement crosses the south-eastern corner of Lot 2. The development is not proposed within the easement
Heavy vehicle fatigue management	
H – Large scale freight transport facilities, transport depots or truck depots are encouraged to include heavy vehicle driver accommodation to manage heavy vehicle driver work health and safety consistent with the National Heavy Vehicle Regulator fatigue management framework.	N/A to this development. The development is not of a type referenced in the criteria.

3.2 Place and Landscape

3.2.1 Wiradjuri cultural heritage

The aims of this section include ensuring the SAP celebrates and protects its history and landscape values, particularly its occupation by First Australians and their connection to the land as well as to ensure Aboriginal culturally significant places and artefacts are protected, maintained and enhanced. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	**Comment**
Protecting the place and sites	
A – The land indicated as land to be reserved for heritage, culture and habitat on Figure 3: Wagga Wagga Special Activation Precinct Structure Plan is to be retained as a place of significance.	N/A to this development. The development is not on land referenced in the criteria.
B – Aboriginal culturally significant places and sites should be integrated with areas of environmental significance and green space (where appropriate) across the Precinct.	Significant places and sites have not been identified on the subject land.
C – Further Aboriginal cultural heritage assessment must be undertaken in accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (as modified from time to time) prior to any development on the land indicated as further assessment areas on Figure 5: Areas requiring further heritage	N/A to this development. The development is not on land referenced in the criteria. Notwithstanding, assessment of the impacts of the development on Aboriginal cultural heritage was carried out. This is discussed in detail in part (a)(iii) of this assessment report.

assessment. This further assessment must include a visual survey. Once suitably assessed, any land identified as having Aboriginal cultural heritage significance should be included on the Environmentally Sensitive Areas (ESA) map contained in Schedule 2 of the Activation Precincts SEPP. The ESA map indicates locations where complying development cannot occur.	
D – Prior to any development occurring on the land indicated as 'Dukes Creek Potential Archaeological Deposit' on Figure 5: Areas requiring further heritage assessment, a test excavation program is required to determine the presence and extent of archaeological deposits to inform future management.	N/A to this development. The development is not on land referenced in the criteria.
Protecting landscape value	
E – The Bomen Axe Quarry should incorporate story-telling and memory. It should incorporate important artefacts and significant existing trees.	N/A to this development. The development is not on land referenced in the criteria.
F – Development in the Precinct should have regard for the natural topography and views and vistas to and from the Precinct.	The development is assessed as having regard for the natural topography of the land as well as vistas to and from the precinct. Given that the development proposes to fill existing basins on slopes below the main ridgeline (and existing development such as ROBE), and will be capped at their completion, it is considered that the development will not be visually obtrusive to those areas with the greatest views of the site. This is discussed in detail in part (b) of this assessment report. Culturally significant views have not been identified in proximity to the site.
Protecting important corridors	
G – The view from Bomen Axe Quarry to Kangal is important, and the protection of this view should be considered in the design of the public domain and the design of buildings in that view line.	The site is not within the view from the Bomen Axe Quarry to Kengal (The Rock).
H – The physical connection between the Quarry and the Bomen lagoon is also important. Consideration should be given as to how this connection could be reinstated as part of the public domain	The site is not located between the Axe Quarry and Bomen lagoon.

3.2.2 Landscape character and visual impact

The aims of this section include minimising the visual impact of new industries and development, and providing the areas of Brucedale, Cartwrights Hill, North Wagga Wagga

and Eunony Valley with an outlook to trees and landscape as well as to position development below ridges and hillscapes to protect the natural skyline wherever possible. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	**Comment**
A – New planting in the road reserves, the ridge line and in riparian corridors (waterways), in the locations indicated at Figure 7: Landscape strategy for minimising visual impact, are encouraged to minimise the visual impacts of new development on existing residences and views into the Precinct from the roads.	Trahairs Rd is identified on Figure 7 however extensive vegetation already exists in the road reserve in the vicinity of the site. This vegetation is to be preserved other than potentially three trees which may need to be removed for access.
B – Planting should reflect the landscape character of the area.	Noted. Details of plantings have not been provided. Whilst it is considered that the development will largely recede into the background, it is recommended that a landscape plan showing vegetative screening of the site, including of the cells, and the site when viewed from Trahairs Rd, should be required as a condition of consent for the development. Any such plan should be prepared in accordance with this performance criteria.
C – Development must ensure that on-site landscaping, careful building siting and high-quality building design makes a positive contribution to the views into the Precinct.	The nature of the development means that it will largely recede into the background of the site and will have negligible impacts on views into the precinct. Visual impacts are discussed in detail in part (b) of this assessment report. Landscaping is discussed above.
D – Significant planting on private lots is encouraged to improve the quality of streets and contribute to the Precinct's landscape character. Planting along boundary lines is encouraged.	The site already contains some planting. Further landscaping is recommended as discussed above.
E – Where possible, buildings will be located to minimise how visible development is above ridgelines and against escarpments and from watercourses. Any visual intrusion must be mitigated through the choice of design, colours, materials and landscaping with local native flora.	Other than some minor ancillary structures, no buildings are proposed under this Development Application. The mounds themselves, which will be located below adjacent ridgelines, will be progressively capped and vegetated which will help reduce visual intrusion. Details of the vegetation of the mounds has not been provided. Details should be a requirement of any planting/landscaping plan for the site.
F – Solar energy farms must not be developed on land with a slope >10%.	N/A – Not a solar farm
G – Landscape buffer treatments to the boundaries of any new solar farms must be provided on site, with particular consideration given to boundaries that have	N/A – Not a solar farm

a visual interface with surrounding residential areas.	
H – Early tree planting (within the first phase of delivery) must occur to mitigate view impacts as development takes place over time. Prioritisation of planting should occur based on stages of development.	Noted. As discussed, it is recommended that a landscape plan showing vegetative screening of the site should be required as a condition of consent for the development. This plan should be in accordance with part L below and should include the timings of plantings.
I – Tree planting must occur in the early stages of delivery along the Dukes Creek tributary.	N/A – The site is not on the Dukes Creek tributary.
J – A landscape and vegetation management plan must be completed prior to delivery.	Noted. As discussed, it is recommended that a landscape plan showing vegetative screening of the site should be required as a condition of consent for the development.
K – The Secretary or their delegate must endorse the landscape and vegetation management plan prior to delivery.	Secretary sign-off is not relevant as the Department is not yet the consent authority for the area. The plan will be required to be to the satisfaction of Council.
L – For the land indicated as the former wool combing ponds site on Figure 7: Landscape strategy for minimising visual impact: i. Vegetation buffers must be provided on the southern, northern and eastern boundaries and layered across the different bench levels of the site to maintain a vegetated site appearance up the hill. ii. Vegetation buffer plantings between bench levels should run north-south across the site (aligned to the contours). iii. Vegetation to the eastern boundary of the site should maintain the depth of the established planting and extend this depth to the northern boundary. iv. Vegetation should be planted close enough to provide a continuous canopy and layered to provide coverage at both lower and higher levels.	This performance criteria specifically relates to the subject site, albeit the eastern end which is not directly impacted upon by this development. Notwithstanding, the vegetative buffer requirements are considered appropriate and of benefit to be applied across the whole site to help minimise visual impact. It is recommended that any condition of consent requiring a landscape plan make specific reference to these requirements and that they be applied to the whole site.
M – For the land indicated as the Byrnes Road site on Figure 7: Landscape strategy for minimising visual impact: i. Planting along the southern part of the site must occur early, so that vegetation can grow sufficiently to be an effective screen earlier in the life of any development in this location. ii. Vegetation should be planted close enough to provide a continuous canopy and layered to provide coverage at both lower and higher levels.	N/A – Site is not the site referenced in this criteria.

3.2.3 Built from

The aims of this section include ensuring built from has sustainable bulk, scale, proportions and details. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	**Comment**
General criteria for all development in the Precinct	
A – Streets, particularly where pedestrian and cycling activity is planned, should be as active, and green as possible to improve human comfort, amenity and walkability. This can be achieved by considering the following design principles, particularly for development fronting active transport links: i. Retail or office components should be oriented towards the primary street frontage and provide entries to the street where appropriate. ii. Front setbacks should provide generous planting, including canopy trees. iii. Car parking areas, hard stand areas and loading docks in the front setback should be minimised. iv. Multiple car entries should be avoided where possible. v. Buildings should be designed to present to the street.	The development does not introduce significant elements which contribute to an active street. The design principles in many respects are not relevant to the development, however, it is noted that only a single entry is proposed to the site, and the overall site is not dominated by car parking areas, hard stand areas and loading docks.
B – All buildings should be accessible by pedestrians via a safe, clear walkway.	Buildings on the site are minor and are for back-of-house type operations and minor staff amenites.
C – Buildings should be efficient, well-designed and incorporate generous landscaping. This can be achieved by: i. Ensuring building bulk, orientation and design contributes to the energy efficiency of buildings. ii. Careful building siting to minimise impact on existing vegetation, providing opportunities for landscaping on-site, minimising hardstand areas wherever possible and mitigating impacts on neighbours. iii. Providing vegetated side and rear boundaries, where appropriate, to connect habitat corridors, minimise visual impact and increase tree canopy. iv. Considering how the building could be designed to a flexible space for other uses in the future. v. Incorporating preparedness for natural hazards and climate change into	As noted above, proposed buildings are minor ancillary structures which do not significantly contribute to the built form on the site. As discussed previously, vegetative screening is recommended to be conditioned for the site. The structures are unlikely to be used long-term into the future following completion of this development.

design. vi. the use of low-emissions building products and integrated renewable energy generation systems. vii. the use of building materials that minimise urban heat impacts.	
D – Site earthworks must work with the topography of the Precinct and be appropriate for the intended land use.	Earthworks are proposed within the ponds to excavate and shape the base of the sub-cells, as well as in conjunction with the construction of roads and hardstand areas. The earthworks are to directly further the development, and excavations make use of existing depressions on the site. Earthworks are considered appropriate.
For heritage-listed sites	
E – Where appropriate, and subject to approvals, heritage-listed items in the Precinct should be considered for re-use as community, cultural, education or retail uses to create community nodes within the Precinct and ensure the ongoing enjoyment and maintenance of these buildings.	The site does not contain any listed heritage items.
F – Building height must not obstruct the Obstacle Limitation Surfaces to ensure adequate access to the Wagga Wagga Airport is maintained.	The subject site is around 128m below the OLS at its highest point and as such, the development will not penetrate the OLS
Development of land indicated as the former wool combing ponds site on Figure 7: Landscape strategy for minimising visual impact	
G – Buildings and structures on this land must have a maximum height of 15 metres.	As noted previously, the eastern end of the site is land to which this criteria applies. No structures or buildings are proposed on that part of the development site. It is noted that if the criteria applied to the site that the development would comply, with the finished height of the cells (including capping) 6m above existing pond level.
H – Bench levels for this site should aim to cut into the site more than fill, to make landscape buffers between the bench levels more effective in screening the built form.	Significant benching is not proposed. Given the height of the cells it is considered that screening will be effective.
Development of land indicated as the Byrnes Road site on Figure 7: Landscape strategy for minimising visual impact	
I – Buildings and structures on this land must have a maximum height of 15 metres.	N/A – Site is not the site referenced in this criteria.

3.3 Environment and Sustainability

3.3.1 Biodiversity, vegetation and riparian corridors

The aims of this section include preserving the Precinct's landscape, cultural, heritage and biodiversity values and to minimise the removal of remnant vegetation wherever possible. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	Comment
A – All trees and grasslands to be retained where possible, and incorporated into landscape areas, vegetated setbacks, into car park design or into the public domain.	The development proposes the possible removal of three mature trees to provide site access which is relatively minor in the context of the site. Groundcover to be removed consist of exotic groundcovers.
B – Areas of high-ecological value and Tier 1 and 2 trees, shown at Figure 8: High value biodiversity areas to be retained, should not be removed. The only exception is for unavoidable tree loss as part of the delivery of streets, utilities or stormwater infrastructure by Regional Growth NSW.	Areas of high ecological value are not impacted upon by this development.
C – Significant planting of climate ready species on private lots is encouraged to create new habitat, provide connections between habitat and mitigate urban heat island impacts. These species are those from a genetic source (usually seed) that have been assessed as being able to grow comfortably in the conditions projected from the present day to the end of the life of the tree.	As noted previously, it is recommended that a condition of consent be imposed requiring the provision of a landscaping plan. It is anticipated that this plan would include new plantings.
D – Tree planting should occur in the Rural Activity Zone to contribute to the improvement of biodiversity.	As above
E – Riparian corridors, as shown in Figure 9: Classification of riparian corridors must be preserved and revegetated where possible. Setbacks to the corridors are to be provided in accordance with the Water Management Act 2000, which requires the following setbacks, amongst other controls: i. 1st order streams • 10m setback each side of the watercourse, measured from the bank edge ii. 2nd order streams • 20m setback each side of the watercourse, measured from the bank edge iii. 3rd order streams • 30m setback each side of the watercourse, measured from the bank edge iv. 4th order streams • 40m setback each side of the watercourse, measured from the bank edge	The site does not contain any riparian corridors identified in Figure 9.
F – Over time, opportunities to redesign streets where they intersect with 3rd and 4th	N/A

order riparian corridors should be investigated, with a view to separating the two, promoting uninterrupted flow, and providing road crossings with culverts and bridges.	

3.3.2 Air quality and odour

The aims of this section include maintaining air quality and amenity for people who work and live in the precinct and its surrounds and ensuring that development minimises impacts on air quality and amenity. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	**Comment**
A – An individual odour emitting operation must not result in exceedance of the cumulative Received 2 Odour Unit Limit Contour for any receiver shown at Figure 11: Maximum received odour limits and maximum odour emission rates.	The EIS modelling was not carried out with specific regard to the criteria set out in this section as they were adopted in the Master Plan well after the preparation of the EIS. These limits were created to facilitate a streamlined approval process in the SAP area and were to be used to measure the cumulative impacts across the precinct. The modelling for this development demonstrates compliance with *Environmental Guidelines: Solid Waste Landfills (EPA 2016)* which is the relevant state guideline for this type of development. The Environment Protection Authority has issued General Terms of Approval which are specifically relevant for the development require that the development not result in an 'offensive odour'. The EPA assessment stated that "the EPA acknowledge that there is the potential for odour generation during the operation of the proposal, however the EPA has determined that any impacts are considered relatively small and are manageable through the implementation of proactive and reactive management strategies". It is noted, however, that modelling in the EIS suggest that compliance with this specific criteria can be achieved.
B – Development must not exceed the odour emission rate per hectare from the site in accordance with the Maximum Odour Emission Rate shown at Figure 11: Maximum received odour limits and maximum odour emission rates.	See above.
C – Development must not exceed the air	See above.

quality emission rate per hectare from the site in accordance with the Maximum NOx Emission Rate shown at Figure 12: Air quality impact.	It is also noted that the EIS did not specifically assess NOx emission rate as it was determined "exhaust-emissions would not be so significant as to adversely affect local air quality". This was as a result of the negligible amount of plant and equipment used in the operation.
D – An individual air quality impacting operation must not result in exceedance of the cumulative Extent of Impact 95ug/m3 Contour shown at Figure 12: Air quality impact.	See above.
E – Development with stacks should be in the preferred stack locations shown in Figure 13: Preferred locations for stacks. Development for any stacks outside of this area will need to be subject to additional impact assessment as part of any application for development.	N/A – No stacks are proposed.
F – The technical study that informed the Master Plan modelled environmental impacts of existing industries and technology in Australia. As such, proposals involving new technology or emerging industries in NSW must be accompanied by an air quality assessment and odour modelling to demonstrate compliance can be achieved.	N/A
G – The Development Corporation must establish appropriate monitoring facilities early in the Precinct's development as part of the enabling works. A minimum of four unattended monitoring stations at locations along the Precinct boundary that are representative of receiver locations and areas between industrial activity and receivers should be provided or any alternative approach must demonstrate that it will achieve equal or better outcomes.	This requirement is for the Development Corporation and not for individual developers.

3.3.3 Noise

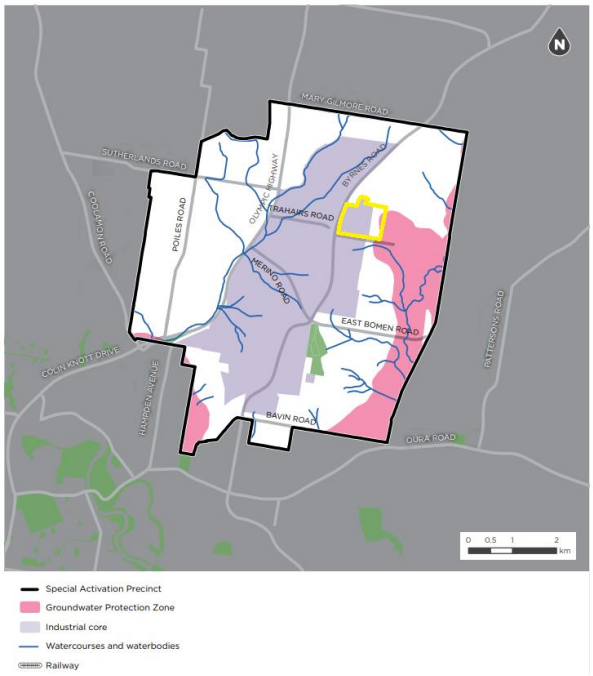
The aims of this section include managing the emission of noise for people who work and live in the precinct and its surrounds and to ensure that development minimises noise impacts. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	Comment
A – Development must demonstrate noise generated is consistent with the sound power allowance per hectare as set out by Figure 14: Maximum attenuate sound power level (receiver) from the source site	The EIS modelling was not carried out with specific regard to the criteria set out in this section as they were adopted in the Master Plan well after the preparation of the EIS. These limits were created to facilitate a streamlined approval process in the SAP area and were to be used to measure the cumulative impacts across the precinct. The Environment Protection Authority has issued General Terms of Approval which require that the development comply with project specific criteria with regard to noise. It is noted, however, that modelling in the EIS suggest that compliance with this specific performance criteria can be achieved.
B – An individual noise impacting operation must be not result in exceedance of the cumulative Extent of Impact 35dBA Contour shown at Figure 14: Maximum attenuate sound power level (receiver).	See above.
C – The Development Corporation is responsible for ensuring that the cumulative impacts of development are consistent with this precinct-scale target, through the issue of individual Activation Precinct Certificates.	See above.
D – The Development Corporation must establish appropriate monitoring facilities early in the Precinct's development as part of the enabling works. A minimum of four unattended monitoring stations at locations along the Precinct boundary that are representative of receiver locations and areas between industrial activity and receivers should be provided or any alternative approach must demonstrate that it will achieve equal or better outcomes.	This requirement is for the Development Corporation and not for individual developers.

3.3.4 Water Resources (Stormwater and Groundwater)
The aims of this section include to protect the highly productive groundwater resources and to minimise the impacts of development on the quality, quantity and levels of groundwater. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	Comment
A – Maintain or improve the ecological condition of waterbodies and their riparian zones in catchments over the long term.	No watercourses or riparian zones traverse the site. Stormwater will be managed on the site around the waste cells, and into on-site stormwater management infrastructure. Water within waste cells and runoff from the sorting

	areas will be treated and managed as leachate.
B – The stormwater run-off at the Precinct boundary must not be altered in terms of Predevelopment flow and water quality (except where an improvement in water quality can be demonstrated). The following must be achieved: i. Less than a 10% change in the modelled annual runoff from each site and in the aggregate in wet, dry and average rainfall conditions (being 90th percentile, 10th percentile and 50the percentile rainfall years for the nearest relevant rainfall gauge with at least 50 years of rainfall records). ii. A neutral or beneficial effect on water quality (in terms of annual pollutant loads for the same rainfall conditions considered as in B(i));	The EPA GTAs require that the site be operated as a nil discharge facility. In addition, the EPA GTAs require the submission of a Stormwater Management Scheme.
C – The quality of water leaving the Precinct at its edges must be pre-development quality or better in terms of: i. pH ii. total suspended solids iii. Total phosphorous iv. Total nitrogen v. Gross pollutants	See above
D – Discharge of wastewater and/or contaminated storm water to watercourses or waterways is not permitted unless otherwise specified in an environmental protection licence issued under the *Protection of the Environment Operations Act 1997*	This is not proposed under this development.
E – Development must: i. obtain the appropriate water licenses in accordance with the Water Management Act 2000 and consider the relevant Water Sharing Plan; ii. ensure that waste and resource management facilities manage wastewater, firewater, leachate and stormwater separately; iii. be designed to prevent adverse environmental impacts including the risk of contamination to groundwater sources and the town water supply; and iv. consider the potential for water reuse.	As noted above stormwater is to managed across the site, with a separate leachate system. The EPA GTAs require the submission of a Stormwater Management Scheme. Licences under the Water Management Act 2000 are not required.

F – Erosion and sediment control should be managed during construction to ensure impacts to waterways are minimised in accordance with Managing Urban Stormwater: Soils and Construction prepared by Landcom dated March 2004. Consideration should be given to limiting the amount of exposed excavated soil to a particular area during construction.	Standard conditions of consent are recommended to ensure that erosion and sediment control is managed during construction.
G – The following land uses are not permitted within the groundwater protection zone (shown at Figure 15: Groundwater protection zone) unless the Issuing Authority is satisfied that the development is unlikely to adversely impact on existing groundwater sources, is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies and is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from onsite storage or disposal facilities: i. industries ii. intensive livestock agriculture iii. rural industries iv. sewerage systems v. turf farming vi. waste or resource management facilities vii. water supply systems viii. works comprising waterbodies (artificial).	The 'groundwater protection zone' is indicated on the figure below: **Figure 15:** Groundwater protection zone  The approximate subject site is indicated in yellow. A small part of the site is coincident with the 'groundwater protection zone', however, only the western half of the site is to be developed for the landfill, well clear of this area. Notwithstanding, the EPA in their GTAs advised that: *The EPA has reviewed the information provided and notes that the assisted drainage of groundwater that may generate along the weathered rock profile protects the integrity of the engineered waste cells and prevents groundwater ingress and contamination downgradient. The geological siting of the facility on a weathered granite ridge away from high yielding alluvial groundwater is appropriate.*

	The EPA notes that the proposed groundwater monitoring objectives and design are aligned with an efficient conceptualisation during baseline, operation and post-closure of the proposal. Any impacts are considered manageable through the preparation and implementation of a Groundwater Management Plan which would include the development of a groundwater monitoring strategy.

3.3.5 Flood Risk Management

The aims of this section include to allow development on land that is compatible with the flood hazard and flood function of that land considering projected changes as a result of climate change. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	**Comment**
A – The performance criteria for peak flow is detention of post development flows to match the pre-development peak flow up to and including the 1 in 100 AEP flood event with climate change.	Standard conditions of consent will require that stormwater run-off from the site is managed to predevelopment flows. In addition, the EPA GTAs require the submission of a Stormwater Management Scheme.
B – Development must generally, occur outside of the FPA (shown at Figure 16: Flood prone land) unless it can be demonstrated that risks can be suitably managed. This allows for the maintenance of flood function and to avoid adverse effects on flood behaviour to the detriment of other properties or the environment of the floodplain.	Parts of the site are mapped as being within the FPA in Figure 16. The modellers have confirmed that the flooding assessment for the SAP Masterplan involved the development of a TUFLOW hydraulic model using available ground survey at the time suitable for Masterplan level assessments of flood behaviour. This survey, being sourced from 2013 LiDAR is not of a detailed nature and would be unlikely to include local features on specific sites (such as creek channels, or in the case of the site, stormwater deflector drains or banks). The site does contain two existing deflection drains upstream of the ponds. The width of these drains are such that they are not captured in the Masterplan flood model and so under the SAP Masterplan flood mapping, the ground depressions that are proposed for landfill are shown as flood prone. The flood extent mapping shown in the SAP Masterplan does not differentiate flood depths. However, the survey would have been

	sufficient to show the existing ground depressions (former effluent evaporation ponds) that are proposed to be used as landfill cells. As such, flood flows are shown to fill the effluent evaporation ponds in the absence of any diversion drains within the model. It is noted that even with diversion drains the former ponds would be expected to accumulate some water (from direct rainfall on their surface) in a flood event. However, the depth of accumulated water is unknown and would require calculation. Given the matters discussed above it is considered that the risks associated with overland flow on this site can be suitably managed, however, to ensure that this is achieved it is recommended that a condition of consent be imposed requiring that an overland flow assessment should be carried out for the development prior to the commencement of works.
C – The 1 in 100 AEP with climate change event must be managed within the Precinct boundary by: i. Development is to provide on-site detention to control flood flows up to the 1 in 100 AEP event. ii. Precinct-wide infrastructure will generally use regional detention basins to manage flooding events for the incremental flows between the 1 in 100 AEP and up to the 1 in 100 AEP event with climate change.	Standard conditions of consent will require that stormwater run-off from the site is managed to predevelopment flows. Further conditions relating to flood modelling are recommended above
D – Development must be sited, designed and located to avoid or mitigate the flood risk to people, property and infrastructure such that: i. Flood risk is managed through site-specific built form and design. ii. Sensitive, vulnerable and critical uses are avoided in the floodplain.	See Part A above
E – Development and uses which involve the storage or disposal of hazardous materials must not be located in the floodplain (FPA or SPC) unless the materials are totally isolated from floodwaters.	See Part A above
F – The following land uses are not permitted within the land mapped within the FPA (shown at Figure 16: Flood prone land) unless it can be demonstrated that risks can	The development is for a waste or resource management facility, however, as discussed above, the mapping showing the site as being within the FPA is considered to be as

be suitably managed (e.g. through freeboard levels): i. aquaculture ii. industries iii. intensive livestock agriculture iv. liquid fuel depots v. highway service centres vi. rural industries vii. service stations viii. sewerage systems ix. heavy industrial storage establishments x. turf farming xi. waste or resource management facilities xii. water supply systems xiii. freight transport facilities	a result of the scale of the mapping and conditions of consent have been recommended to manage risks.
G – The following sensitive, vulnerable and critical land uses are not permitted within the land mapped within the Flood Planning Area (FPA) or the Special Flood Considerations (SPC) area (shown at Figure 16: Flood prone land). i. centre-based child care facilities ii. educational establishments iii. emergency services facilities	N/A
H – Despite (I) above, tertiary institution uses may be appropriate in the SPC area where it can be demonstrated that the site can be safely evacuated in a flood event. An evacuation plan must be submitted as part of the application for an Activation Precinct Certificate for this type of development, and the Issuing Authority must form the opinion that the site can be safely evacuated before an Activation Precinct Certificate can be issued.	N/A

3.3.6 Sustainability

The aims of this section include to establish a circular economy framework with closed looped systems that maximise resource efficiency. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	**Comment**
A – Development must be inclusive and sustainable and demonstrate alignment with the principles in the UNIDO Eco-Industrial Park framework.	The EIP framework describes performance requirements for EIPs for four key categories: park management performance, environmental performance, social performance, and economic performance. These principals generally relate to the Bomen SAP area as a whole, however, they

	have been considered in the assessment of this application and it is considered that the development aligns with these principles.
B – Green and blue infrastructure must be embedded into the Precinct wherever possible to create circular economy opportunities.	As discussed previously, a landscape plan with additional plantings is recommended to be required as a condition of consent.
C – The Precinct is to be net zero emissions consistent with the Climate Active Carbon Neutral Standard for Precincts.	This is a precinct wide requirement, rather than a requirement for individual developments. The Development Corporation will need to manage this across the SAP.
D – Consideration must be given to climate responsiveness and resilience. Climate change risks, hazards and opportunities must be considered in the design, construction and operation of the precinct.	Climate change risks and hazards have been considered in the assessment of this Development Application. For example flooding has been considered, taking into account additional flooding as a result of climate change.
E – Development should support a closed water cycle network, sustainable and active transport opportunities and the integration of green and blue infrastructure.	The proposed development does not introduce any special features in this regard, however, as noted additional green infrastructure is recommended to be required.

3.3.7 Assessing potentially hazardous and offensive development
The development is not considered to be 'potentially hazardous development' as defined by State Environmental Planning Policy No 33 – Hazardous and Offensive Development. It is, however, considered that the development is 'potentially offensive development'. Therefore this section of the SAP Master Plan applies, however, there are no performance criteria for potentially offensive development, with the only criteria for potentially hazardous development.

3.3.8 Managing development on contaminated land
The criteria in this section relate to 'sensitive uses' on contaminated lands, and processes for issuing Activation Precinct Certificates and Complying Development Certificates. Therefore this section of the SAP Master Plan is not relevant to the proposed development. Potential contamination is considered in full under the SEPP 55 section of this assessment report.

3.3.9 Fire, Safety, Human Health and Biosecurity
The aims of this section include to ensure appropriate consideration is given to hazards and risks. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	**Comment**
A – Development must conform to the specifications and requirements of the current version of Planning for Bush Fire Protection published by the NSW Rural Fire Service. Bushfire requirements will only apply where land is located within a bushfire prone area. As clearing and development	The development is considered to comply with PBP 2019. This is discussed in detail in part (a)(iii) of this assessment report.

occur (and the risk changes), areas identified as bushfire prone will be adjusted over time	
B – Development's that receive combustible waste material must consider Fire and Rescue NSW's Fire Safety Guideline - Fire Safety in Waste Facilities.	It is recommended that a condition of consent be imposed requiring the development of a fire management plan, which includes fire management in accordance with this document. It is noted that the EPA GTAs also have conditions in regard to fire management.
C – New intensive agriculture development must consider biosecurity risks.	N/A

3.4 Community

The aims of this section include to ensure the delivery of social and community infrastructure that supports Wagga Wagga as it grows. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	**Comment**
A – Prior to issuing an Activation Precinct Certificate for development within the commercial nodes, the Issuing Authority should consider how it will contribute to the social and community infrastructure needs of the Precinct and surrounding areas.	N/A
B – Public shared spaces within the Precinct should be designed to facilitate and encourage connections between people as well as businesses wherever possible.	N/A

3.5.1 Streets and movement

The aims of this section include to ensure the timely and orderly delivery of access to sites in the Precinct. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	**Comment**
A – The street network will be augmented over time to ensure effective servicing, active transport opportunities and orderly operation of the Precinct, in accordance with Figure 19: Proposed street network.	No additions to the street network are proposed under this development.
B – Development must provide operational access and egress for emergency services and occupants.	Some upgrading of Trahairs Rd and the access to the site will be conditioned to ensure access to the site is acceptable. Subject to these works, access to the site is considered acceptable.

3.5.2 Active and public transport
The criteria in this section relate to provision of active transport opportunities throughout the Bomen road network. As the development does not proposed an extension to the road network this section of the SAP Master Plan is not relevant to the proposed development.

3.5.3 Utilities and Services
The aims of this section include to ensure utilities and services are appropriately located and protected. The development is considered consistent with the aims, as demonstrated in the assessment against the performance criteria below. All aims have been considered in full.

Performance Criteria	**Comment**
A – Utilities and services must be integrated with existing infrastructure and where possible, integrated or aligned with road or public/active transport networks or green infrastructure corridors.	Given the nature of the use, limited reticulated utilities are required to service the development. Water and power are available.
B – Precinct-wide utility infrastructure and services must be designed to provide for the ultimate growth and development of the Precinct.	The development does not propose "precinct-wide utility infrastructure".
C – Development within the Precinct should have access to water, waste water, recycled water, gas, telecommunications (including fibre), stormwater drainage, electricity and hydrogen.	As noted, given the nature of the use, limited reticulated utilities are required to service the development. Connections to water and electricity are available. Sewerage is proposed to be pumped out.
D – Precinct-scale utility infrastructure and services should incorporate renewable energy supply and generation within the precinct to achieve sustainability and circular economy principles.	The development does not propose "precinct-wide utility infrastructure".
E – Development which is proposed within or adjacent to high voltage transmission line easements must comply with the terms of the easement and any electricity supply authority guidelines.	The development does not propose development on such land. Easements are on the site and are discussed under the SEPP (Infrastructure) 2007 part of this report.

Clauses 11-13 of the SEPP relate to Activation Precinct Certificates, which are issued by the Development Corporation. Under the *Environmental Planning and Assessment Regulation 2000*, an Activation Precinct Certificate is required to accompany an application for development consent for development on land within an Activation Precinct. The Development Application does not include one, and does not require one as the site is not yet within an Activation Precinct. Furthermore, an Activation Precinct Certificate can only be issued by the Development Corporation if there is a master plan and delivery plan that apply to the land. Neither are in place at this time.

Schedule 2 of the SEPP sets out zones, land use tables and exempt and complying development for the SAP. It also sets out that the consent authority in the Regional Enterprise Zone (REZ) zone is the Planning Secretary. As the Schedule is not yet in force, the consent authority remains Council.

The proposed zoning of the subject site under the master plan is split between the Regional Enterprise Zone (REZ) and the Rural Activity Zone (RAZ) as shown on the figure below.

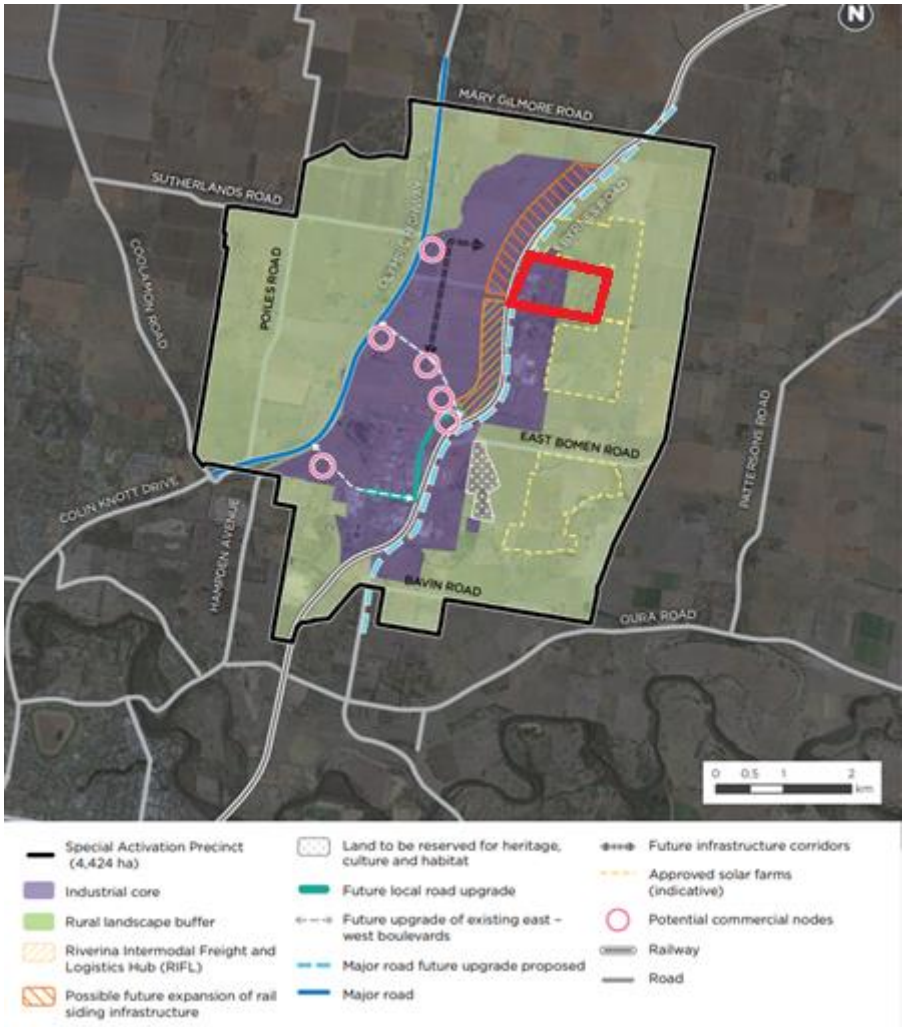


Figure 3 - Activation SEPP Zoning

The development footprint is located solely within the REZ.

Waste disposal facilities are permitted with consent as an innominate landuse in the REZ. They are prohibited as an innominate landuse in the RAZ, however, as noted the development footprint does not extend onto this land.

The objectives of the REZ are:

- *To encourage regional enterprise and innovation in industry, environmental management and performance and in urban and industrial design.*
- *To effectively manage land uses of varying intensities or environmental sensitivities, and to minimise the risk of conflict associated with incompatible land uses.*
- *To provide opportunities for regional economic development and employment.*
- *To attract industries that would contribute to and benefit from being close to major freight transport networks.*
- *To protect and enhance the local character of the precinct and contribute to the surrounding environment and its amenity.*
- *To encourage the development of industry leading renewable energy generation and resource and waste management.*

The proposed development encourages regional enterprise by providing an appropriate landuse for an impacted/disturbed site, and by introducing waste facilities within the Bomen precinct which could be utilised by other industries. Furthermore, the development is considered to be of a kind that can be effectively managed to minimise impacts on other land uses (of varying intensities) and environmental sensitivities, and to minimise the potential for land use conflicts. In addition, the proposed development provides economic development and additional employment opportunities in the region. Finally, the development proposes a facility for resource and waste management. As such, the development is considered consistent with these objectives.

The objectives of the RAZ are:

- *To provide a transition between rural and urban land uses.*
- *To protect and enhance the rural character of Wagga Wagga Activation Precinct and contribute to the surrounding environment and its amenity.*
- *To provide a buffer between future residential and employment growth areas.*
- *To support agricultural and rural land uses.*

As noted, the development footprint does not extend into the RAZ zoned area. As such, it is considered that the proposed development is not inconsistent with these objectives.

There are no other provisions of the SEPP applicable to the development. Overall the development is considered not inconsistent with the provisions of the SEPP where they would be reasonably applicable.

State Environmental Planning Policy (Infrastructure) 2007
Section 45 of SEPP (Infrastructure) 2007 states that:

(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out—

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is—

(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The Development Application was initially referred to Essential Energy under this Clause who requested further detail on the proximity of the development to power lines and easements. Following these comments, and upon further review, it was determined by Council Officers that the Application is not of a kind captured under this clause, as the basin is not proposed within 5m of an overhead powerline, nor is it within, or immediately adjacent to an easement.

Section 104 of the SEPP requires that development identified under Schedule 3 of the SEPP as 'traffic generating development' be referred to Transport for NSW for comment, and that any comments received from TfNSW within 21 days be taken into consideration. Per Schedule 3 of the SEPP, 'waste or resource management facilities' of 'any size or capacity' with access to a road generally are considered to be traffic generating development.

As such the Development Application was referred to TfNSW. This occurred twice, during the initial public exhibition period in 2019, and when the Application was renotified in 2021.

TfNSW, in their 2019 correspondence, noted that "Council may consider the need to upgrade the current treatment at the intersection of Byrnes Road with Trahairs Road and the access driveway from Trahairs Road". The need for any upgrades to the road network is considered throughout this assessment report. TfNSW also noted the need for the preparation and submission of a Construction Traffic Management Plan, which should be conditioned on any consent. Finally, TfNSW noted that the classified road network that provides access to the Bomen Industrial area has capacity to accommodate the additional traffic resultant from the proposed development.

The 2021 correspondence stated that TfNSW raised no objection "on the basis that the Consent Authority ensures that the development is undertaken in accordance with the information submitted and in accordance with previous correspondence issued by TfNSW."

Clause 123 of the SEPP provides matters the consent authority must take into consideration in determining a development application "for the purpose of the construction, operation or maintenance of a landfill for the disposal of waste, including putrescible waste". Specifically:

(a) whether there is a suitable level of recovery of waste, such as by using alternative waste treatment or the composting of food and garden waste, so that the amount of waste is minimised before it is placed in the landfill, and
The proposed waste to be disposed of at the site is non-putrescible waste. Therefore it will not contain composting food or garden waste. With regard to other materials it is noted that provision is provided for on site for the screening/removal of certain material, such as timber and metal for recycling and transfer to recycling facilities. By its nature, some of the waste to be brought to the site appears to be the by-products/unrecyclable components of the recycling process. It is considered that there is a suitable level of recovery of waste occurring within the process.

(b) whether the development—
(i) adopts best practice landfill design and operation, and
(ii) reduces the long term impacts of the disposal of waste, such as greenhouse gas emissions or the offsite impact of odours, by maximising landfill gas capture and energy recovery, and
The EIS makes reference to and indicates throughout that the development has been designed and will be operated in accordance with NSW EPA's *Environmental Guidelines: Solid Waste Landfills (2016)* which is current best practice in NSW.

As the proposed development is for a non-putrescible landfill, gas emissions will be generally low and not considered significant, and will decline over time following closure. Gases are proposed to be captured via a network of pipes and gravel lenses connected to a landfill gas flare adjacent to the proposed leachate pond.

(c) if the development relates to a new or expanded landfill—

(i) whether the land on which the development is located is degraded land such as a disused mine site, and

(ii) whether the development is located so as to avoid land use conflicts, including whether it is consistent with any regional planning strategies or locational principles included in the publication EIS Guideline: Landfilling (Department of Planning, 1996), as in force from time to time, and

The development is proposed within the ponds associated with a former wool combing facility.

Wagga Wagga City Council is currently a member of the Canberra Region Joint Organisation and was previously a member of the Riverina Eastern Regional Organisation of Councils. The 'CRJO Regional Waste Strategy 2018-2023' largely focuses on Council waste disposal/management, and provides limited guidance on locational matters. The development is not inconsistent with the strategy. The 'REROC Regional Waste Management and Resource Recovery Strategy 2017-21' likewise provides minimal guidance on locational matters. The development is not inconsistent with the strategy. Likewise the 'REROC Regional Waste Management & Resource Recovery Strategy 2014-2021' contains little locational guidance, but does include a strategy that encourages new facilities:

Strategy 4.2.2: Facilitate the development of partnerships that encourage investment in new waste management infrastructure.

Whilst not a waste strategy it is noted that the development is not inconsistent with the 'Riverina Murray Regional Plan'.

The *EIS Guideline: Landfilling (Department of Planning, 1996)* contains five 'locational principals' for site selection for a landfill. These are set out in the following flow chart.

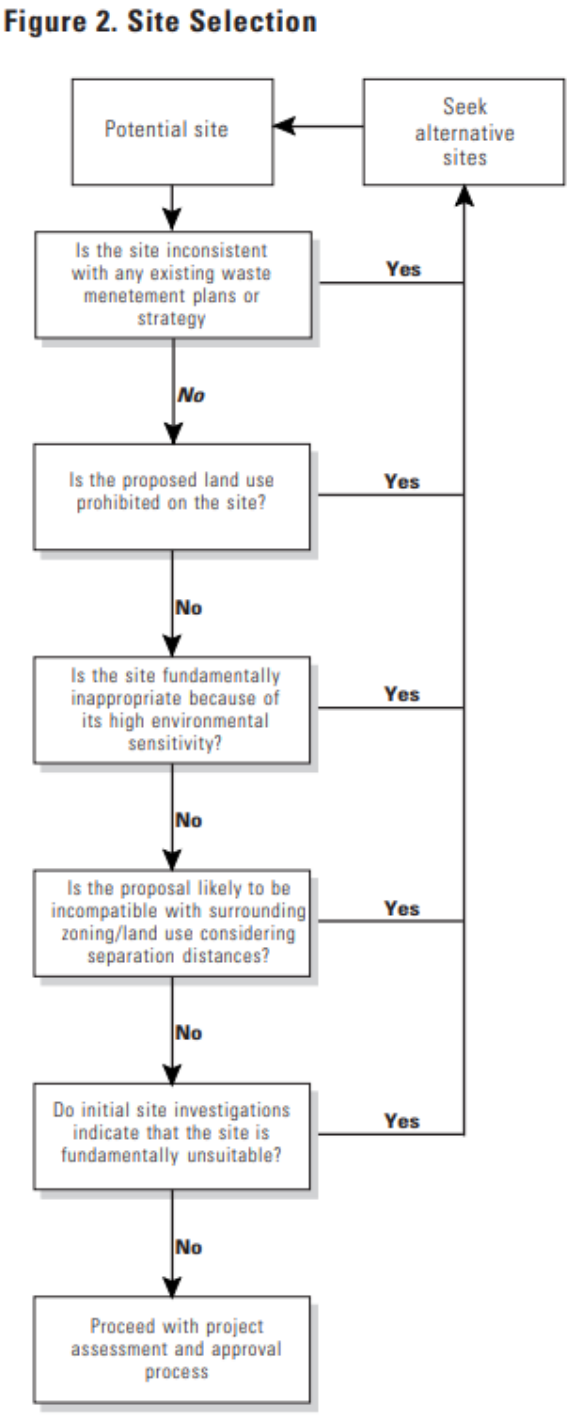


Figure 4 - Locational Principals EIS Guideline

Regarding these principals, the site is not inconsistent with existing waste management plans and strategies, the land use is not prohibited on the site, is not fundamentally inappropriate because of high environmental sensitivity, is not incompatible with surrounding zoning/land use considering separation distances (including being consistent with Table 2 of the Guidelines), and site investigations do not indicate that the site is fundamentally unsuitable. Therefore, in accordance with the Guidelines, the development can proceed with project assessment.

With regard to environmentally sensitive areas, the Guidelines state that areas in Table 1 of the Guidelines (reproduced below) should be excluded from further consideration for siting a landfill.

Table 1. List of Environmentally Sensitive Areas to be Avoided

Area	Objective
A site* within 250 metres of an area of significant environmental or conservation value identified under relevant legislation or environmental planning instruments, including: • national parks, marine national parks • historic and heritage areas, building or sites protected under the Heritage Act or National Parks and Wildlife Act or areas on the register of the National Estate • any reserves for environmental protection, e.g. aquatic, marine, nature, karsts • areas covered by a conservation agreement or identified as a critical habitat under the Threatened Species Conservation Act • wilderness areas identified or declared under the Wilderness Act • world heritage areas • areas mapped under SEPP 14 — Coastal Wetlands, SEPP 26 — Littoral Rainforests • areas zoned under a LEP or REP for environmental protection purposes, e.g. high conservation, scenic, scientific, cultural or heritage • other areas protected under the National Parks and Wildlife (NP&W) Act, Crown Lands Act Fisheries Administration Act or any other legislation	To avoid the risk of damaging areas of high environmental value
Sites within an identified sensitive location within a drinking water catchment, including: • any lands nominated or mapped as 'special areas' under the Sydney Water Regulation • lands within 3 kilometres from the top water level of the following storages: Wingecarribee Reservoir, Fitzroy Falls Reservoir, and the Tallowa Dam • any lands nominated as Special Areas (or similar wording) by local water supply authorities or in the vicinity of a groundwater bore used as drinking water	To avoid the risk of polluting drinking water should failure of the landfill occur
Sites within 250 metres: • of a residential zone • of a dwelling, school or hospital not associated with the facility	To protect the amenity of residential areas
Sites located: • in or within 40 metres of a permanent or intermittent waterbody (including rivers, lakes, bays or wetlands) • in an area overlying an aquifer which contains drinking water quality groundwater which is vulnerable to pollution (consult DLWC for criteria to determine the vulnerability of groundwater)	To protect groundwater and surface water resources
Sites located: • within a karst region (either protected under the NP&W Act or not) • with substrata which are prone to land slip or subsidence	To avoid sites with unsuitable substrata
Sites within a floodway which may be subject to washout during a major flood event. Councils should be consulted for information about local flooding characteristics. A major flood event is considered to be a 1 in 100 year event	To avoid landfill washout risk if a significant flood event was to occur

Figure 5 - Table 1 of Landfill EIS Guidelines

In this regard the site:

1. Is not within 250m of an area of significant environmental or conservation value.
2. Is not within an identified sensitive location within a drinking water catchment (noting the site is not mapped on the LEP Groundwater Vulnerability maps).
3. Is not within 250m of a residential zone or a dwelling, school or hospital not associated with the facility.
4. Is not within 40m of a permanent or intermittent waterbody.
5. Does not overlay an aquifer which contains drinking water quality groundwater which is vulnerable to pollution.
6. Is not within a karst region nor a site with a substrata prone to landslip or subsidence.
7. Is not within a floodway, on a site subject to washout in a major flood event.

With regard to the matter of aquifers, whilst the site does overlay an aquifer, it is a low quality and low transmissivity aquifer unsuitable as a drinking water supply.

The Applicant further advised:

> *The main source of water for Goldenfields Water, Riverina Water, and local stock and domestic supplies rely on the gravel aquifers of the Murrumbidgee River floodplain. This includes the two alluvial aquifers including, the Tertiary Lachlan formation (deep) and the Quaternary Cowra Formation (shallow) (Refer section 4.3). These aquifers are recharged by leakage from the river and contribution from adjoining tributary aquifers.*
>
> *Historical drilling records identify two aquifers beneath the development site. A shallow aquifer at approximately two metres depth (weathered granite) and a deeper aquifer between four to 13 m (limit of drilling) depth (fractured granite). Both are a product of the Silurian granites below the site. The general characteristics of groundwater associated with these types of aquifers include low rates of supply and generally moderate to brackish salinity. Therefore, in most circumstances it is not suitable for domestic use (Refer section 4.3).*

In addition to the above, the aquifer is not considered to be vulnerable to pollution. In this regard the EPA have advised:

> *The EPA has reviewed the information provided and notes that the assisted drainage of groundwater that may generate along the weathered rock profile protects the integrity of the engineered waste cells and prevents groundwater ingress and contamination downgradient. The geological siting of the facility on a weathered granite ridge away from high yielding alluvial groundwater is appropriate.*
>
> *The EPA notes that the proposed groundwater monitoring objectives and design are aligned with an efficient conceptualisation during baseline, operation and post-closure of the proposal. Any impacts are considered manageable through the preparation and implementation of a Groundwater Management Plan which would include the development of a groundwater monitoring strategy.*

With regard to flooding, these matters are discussed in part(a)(i) under the SAP Masterplan discussion. The flood mapping under the SAP Masterplan has occurred at a scale that does not pick up local features which would result in overland flow diverting around the cells. Furthermore, it is considered that flooding risks on the site are able to be managed, and conditions of consent have been recommended to ensure that the development complies with this locational requirement.

As such the site is considered to be consistent with the locational principals in the 'EIS Guideline: Landfilling'.

(d) whether transport links to the landfill are optimised to reduce the environmental and social impacts associated with transporting waste to the landfill.
The waste to be transported to the landfill will be from Wagga Wagga and adjoining local government areas. The site is well connected to major road networks and waste transported to the site from outside the local government area will be able to access the site directly without significant travel through the urban areas of the city. Access to the site will be restricted to commercial operators ensuring load sizes will be larger. Travel distances to the site are not

considered to be unreasonable in the context of waste disposal. Transport links are considered optimised and sufficient to reduce the environmental and social impacts associated with transporting waste to the landfill.

State Environmental Planning Policy No 55 - Remediation of Land
Clause 7 of SEPP 55 requires that:

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

With respect to SEPP 55, the site was previously used for effluent disposal and evaporation in association with a wool scouring plant which is considered to be a potentially contaminating activity. A preliminary site investigation of the site was carried out. The PSI involved limited sampling on the site which identified Total Recoverable Hydrocarbons (TRH) that exceed Ecological Screening Limits and management limits. The PSI notes, however, that:

The waxy residue material is from a known natural source, sheep. As the material exceeding these screening levels and management limits are naturally derived from sheep's wool, the exceedances do not pose a risk to human or environmental health. Therefore, the site is considered to be suitable for continued commercial/industrial land use without risk to human health or the environment.

In addition, the material identified is proposed to be removed from the site prior to use of each relevant waste cell. It is recommended that it be condition that it be disposed of at an EPA licenced facility to ensure this material is disposed of appropriately.

In light of this, the consent authority can be satisfied that it has considered whether the site is contaminated, and it can be satisfied that the site is suitable for the proposed development.

State Environmental Planning Policy No 33—Hazardous and Offensive Development
SEPP 33 provides a definition for "potentially hazardous industry", which is defined as:

"potentially hazardous industry" means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

(a) to human health, life or property, or
(b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.

SEPP 33 also provides a definition for "potentially offensive industry", which is defined as

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

Clause 8 of SEPP 33 states that:

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.

In this regard, the NSW Department of Planning has published "Hazardous and Offensive Development Application Guidelines - Applying SEPP 33" ("SEPP 33 Guide"). The SEPP 33 Guidelines set out that 'waste (landfilling/processing)' may be a potentially offensive industry. It is not listed as a potentially hazardous industry.

Potentially hazardous industry assessment
Notwithstanding that it is not listed in the SEPP 33 Guidelines, the SEARs required that screening under the Guidelines was required to be carried out for this development to determine if the development is potentially hazardous. The screening method in SEPP considers volumes of hazardous substances, vehicles movements and setbacks. As per Part

3 of SEPP 33, if a development is potentially hazardous industry, a Preliminary Hazard Analysis must be prepared for the development.

In relation to the subject development, fuel is to be delivered to site when required by plant. No onsite storage of fuel is proposed. The screening method determined that the development would not exceed SEPP 33 thresholds for the transportation and storage of dangerous goods and therefore was not "potentially hazardous development", and as such a Preliminary Hazardous Analysis was not required to be prepared.

Potentially offensive industry assessment
As noted, the SEPP 33 Guidelines sets out that 'waste (landfilling/processing)' may be a potentially offensive industry. The Guidelines state:

Question 2.3 What information do I need to determine if a proposal is 'potentially offensive industry' and therefore within SEPP 33?

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.*

The EPA forms part of the former DECCW. The development does require a licence from the EPA. In addition, in the absence of safeguards, it is considered that the development would cause a significant level of offense. As such, the development is considered to be a 'potentially offensive industry'.

Once a development is determined to be 'potentially offensive industry' an assessment must be carried out to determine whether it is indeed 'offensive industry'.

An 'offensive industry' is defined under the SEPP as:

'offensive industry' means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

The Guidelines provide direction on assessing whether a 'potentially offensive industry' is an 'offensive industry':

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'.

The EPA has issued General Terms of Approval for an Environment Protection Licence. Therefore, if consent is granted to the Development Application, the development will be required to comply with the EPL and compliance can be achieved.

The Guidelines go on to state:

In most cases, compliance with DECCW requirements should be sufficient to demonstrate that a proposal is not an offensive industry. In some cases depending on surrounding land uses, and particularly for proposals which do not require a DECCW licence, consent authorities should also consider:

- *Do any other authorities need to license the proposal? For example, for some proposals the Department of Health or the local water authority may be required to license emissions. Some pollution control approval may also be required under legislation or bylaws administered by council; and*
- *Can conditions be attached to further reduce the level of offence? Conditions which might be appropriate could include (depending upon circumstances): – restricting hours of operation; and – ensuring adequate separation distances to surrounding land uses.*

If, after considering these matters, the consent authority considers that the level of offence will not be significant, then the proposal should not be refused for reasons due to offence.

In relation to these additional matters, it is noted that further licencing is not required for the development. In relation to conditioning, as discussed throughout this report, a range of conditions of consent are proposed to reduce the level of offense from the development.

In considering all these matters, it is considered that compliance with the EPA Licence for the development will be sufficient to ensure that the development is not 'offensive industry'.

Section 13 of the SEPP has matters for consideration for 'potentially offensive development'. Specifically the consent authority must consider:
(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and
The correct current circulars have been considered in this assessment as discussed above.

(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and
The Development Application was referred to the EPA as the development requires an EPL. The EPA provided GTAs for the development. Consultation with other public authorities with specific regard to SEPP 33 was not considered necessary.

(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
N/A. Not potentially hazardous industry.

(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
The location of the development is considered appropriate given its location within an industrial zone. The site has been significantly compromised from past development, and has limited opportunities for industrial development. Use of a site such as this for a landfill is considered preferable to compromising a greenfield site. Furthermore, filling of the basins will help

facilitate a future use of the land at the conclusion of the development.

(e) any likely future use of the land surrounding the development.
The land is within the Bomen Special Activation Precinct, and as such surrounding land is expected to be used for industrial purposes into the future.

Finally, it is noted that the Development Application was advertised in accordance with the requirements of Clause 14 of the SEPP.

State Environmental Planning Policy (Koala Habitat Protection) 2021
The Koala SEPP 2021 applies to the site.

Clause 18 of the Koala SEPP 2021 states that:

A development application made in relation to land, but not finally determined before this Policy applied to the land, must be determined as if this Policy had not commenced in its application to the land.

The SEPP was commenced in March 2021 and therefore was made after the Development Application was lodged. As such the application must be determined as if the policy had not commenced its application to the land.

At the time that the Application was made, *State Environmental Planning Policy No 44—Koala Habitat Protection* applied to the land. If the Application was assessed as though SEPP 44 was in force, the consent authority is first required to consider whether the land is 'potential koala habitat'. Per the policy:

'potential koala habitat' means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

There are no tree species identified on site which are listed in Schedule 2 of the SEPP as a koala food tree. Therefore the site is not considered to be potential koala habitat and thus the consent authority "is not prevented, because of this Policy, from granting consent to the development application".

It is noted that SEPP 44 was repealed on 29 February 2020. On 1st March 2020 *State Environmental Planning Policy (Koala Habitat Protection) 2019* commenced. The Koala SEPP 2019 was then in force until 30th November 2020, when it was repealed and replaced by *State Environmental Planning Policy (Koala Habitat Protection) 2020* which essentially reinstated the provisions of SEPP 44 to the land. Finally, on 17 March 2021 the Koala SEPP 2021 commenced.

Therefore, if the correct interpretation of the savings provision under the Koala SEPP 2021 is that the application is to be assessed under the Koala SEPP that was in force on the land immediately before the commencement of the Koala SEPP 2021, rather than the SEPP in place at the time of lodgement of the Application, then the relevant SEPP would be the Koala SEPP 2020. As the Koala SEPP 2020 reinstated the provisions of SEPP 44, the consent authority can be satisfied that the site is not potential koala habit and "is not prevented, because of this Policy, from granting consent to the development application".

State Environmental Planning Policy (State and Regional Development) 2011
SEPP (State and Regional Development) 2011 sets out what development is "state significant development" and "regionally significant development" for the purposes of the *Environmental Planning and Assessment Act 1979*.

Clause 20 of the SEPP states that:

(1) Development specified in Schedule 7 is declared to be regionally significant development for the purposes of the Act.

Schedule 7 of the SEPP includes:

7 Particular designated development
Development for the purposes of—
…
(c) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.

As the development is for a 'waste management facility' that is Designated Development, the development is considered to be 'regionally significant development'. In accordance with the *Environmental Planning and Assessment Act 1979* the Southern Regional Planning Panel has the functions of the consent authority for regionally significant development.

(a)(ii) - The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)
There are no draft environmental planning instruments relevant to this Development Application.

(a)(iii) - Any development control plan
Wagga Wagga Development Control Plan 2010
The WWDCP 2010 applies to the land. The relevant provisions of the WWDCP 2010 are addressed as follows:

1.5 Guiding Principles
The guiding principles of the WWDCP 2010 are as follows:

GP1 Sustainability, climate change management, and efficient use of resources
- *i. To protect and enhance the viability of natural systems*
- *ii. To achieve good environmental outcomes*
- *iii. To manage incremental change to retain sustainable outcomes*
- *iv. To support waste minimisation strategies*
- *v. To protect the indigenous, European and natural heritage*
- *vi. To avoid use of rainforest and old growth timbers*

GP2 Site responsive development
- *i. To design for compatibility with topography, physical characteristics and setting*
- *ii. To achieve a positive contribution to the streetscape and/or natural environment*
-

GP3 Design quality

i. To achieve quality sustainable development
ii. To respond to site conditions

GP4 Quality public domain
i. To achieve vibrant and attractive public spaces
ii. To enhance opportunities for community connection
iii. To design for crime prevention and public safety

The proposed development is considered to be consistent with these Guiding Principles as set out by this assessment.

1.10 - Notification of a Development Application
The application was initially placed on public exhibition from 27th July 2019 to 30th August 2019 in accordance with the provisions of the WWDCP 2010. 47 public submissions were received during this period, all by way of objection. Three of these submissions were identical to three other submissions. Two were identical to another submission (in part) with no additional unique content. This resulted in 42 unique submissions. It is noted that a number of these unique submissions contained shared portions but had clearly been individually composed, contained unique content, and were not considered form letters. It is further noted that one submitter made seven submissions however, for the purpose of counting submissions this was considered as a single submission.

Following the receipt of additional information, the application was placed on public exhibition for a second period from 24th May 2021 to 2nd July 2021. This period was extended after a clerical error resulted in incorrect documents being published on the Council website in the initial days of the second exhibition period. Submitters were advised that all submissions from the initial exhibition period would still be considered in the assessment of the Application, and did not need to be resubmitted. During the second exhibition period 22 public submissions were received, all by way of objection. 3 of these submissions were from entities that did not make a submission during the first exhibition period, with the remaining 19 making new submissions. Of the 22 submissions, two were identical. It is noted that two entities made multiple submissions – one making two and the other five. Again these were counted as a single submission on each occasion.

Over the two exhibition periods, 50 persons or entities made submissions into the development.

It is noted that a submission was also received prior to the initial exhibition period by an individual who later made submissions covering the same material. This submission was not counted for the purpose of counting total submissions however the matters raised were considered and assessed in full.

Submissions were received from Essential Energy, Water NSW, Riverina Water, Environment Protection Authority, Transport for NSW, the NSW Department of Planning, Industry and Environment, and Regional Growth NSW Development Corporation during the course of the Development Application.

Submissions are discussed in part (d) of this assessment report.

Section 2 - Controls the Apply to All Development
2.1 Vehicle access and movements
C1 Access should be from an alternative secondary frontage or other non-arterial road where possible.

The site has frontage to both Byrnes Rd and Trahairs Rd. Access is proposed via Trahairs Rd which is considered to be the secondary frontage.

C2 A Traffic Impact Study may be required where adverse local traffic impacts may result from the development. The traffic impact study is to include the suitability of the proposal in terms of the design and location of the proposed access, and the likely nature, volume or frequency of traffic to be generated by the development.
The total number of vehicles proposed to access the site each day is not significant. During construction 20 heavy vehicles (40 movements) are expected on average as well as 10 light vehicles (20 movements). During operation 10 loads or 20 heavy vehicle movements per day are expected to be generated, along with 10 light vehicles (20 movements).

The local and wider road network is assessed as having sufficient capacity to accommodate the additional movements. It is noted that the intersection of Trahairs Road with Byrnes Road already supports heavy vehicle turning and access for the ROBE facility. Trahairs Rd itself to the site access will require a minor extension of the road seal to provide suitable access, but the existing road itself has sufficient capacity to support the development.

In light of this it is assessed that a standalone Traffic Impact Study is not necessary and matters have been adequately assessed within the EIS. It is further noted that traffic assessment for the entire precinct was carried out as part of the SAP master planning process and that significant investment in road infrastructure and upgrades has and is continuing to occur across the precinct as it develops into the future.

C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.
The design of the site enables vehicles to enter and exit in a forward direction.

C4 Provide adequate areas for loading and unloading of goods on site. The loading space and facilities are to be appropriate to the scale of development.
Adequate area exists on site for the loading and unloading of vehicles.

C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.
It is recommended that standard conditions of consent be imposed to ensure compliance with this control.

C6 Ensure adequate sight lines for proposed driveways.
No concerns are raised with regard to driveway sightlines.

2.2 Off-street parking
C1 Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.
Landfills are not listed in the parking table of the WWDCP 2010. Industrial parking rates, which are calculated at a Gross Floor Area rate are not considered appropriate given the size of the site (and the absence of buildings with GFA). As such, it is considered appropriate to consider parking on its merits.

The EIS indicates that there will be parking provided on the site for four light vehicles and two heavy vehicles however this is not indicated on plan. Give the amount of traffic anticipated, that the premises is anticipated to employ two full-time equivalent positions, that the site is not open to the general public, and the significant area on site in the event that additional parking

is required, this is considered sufficient. It is recommended that a condition of consent be imposed requiring the submission of an amended plan showing these parking spaces.

C2 The design and layout of parking is to be in accordance with the relevant Australian Standard at the time of lodgement of an application.
C3 Parking spaces are to be provided for disabled persons. Accessible parking spaces to comply with the relevant Australian Standard at the time of lodgement of an application.
Standard conditions of consent are recommended to ensuring parking is provided in accordance with these standard. Accessible parking is assessed at Construction Certificate stage.

C4-C7 are not relevant to this development

C8 A traffic and parking study may be required for certain proposals, including but not limited to proposals for schools and other education uses including child care centres, business parks, hospitals, cinemas and gyms.
The need for a traffic study is addressed under 2.1.

C9 Provide trees within the parking area at a rate of 1 tree per 5 spaces in a row. Each tree to have a minimum mature spread of 5m and to be located in a planting bed with minimum width of 1.5m (between back of kerbs) and minimum area of 3.5m2.
C10 Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.
C11 To ensure sightlines are maintained for drivers and pedestrians, trees used within or adjacent to car parking areas shall have a minimum clear trunk height of 2.5m, with shrubs and ground covers not to exceed 500mm in height.
Due to the nature of the use, specific landscaping within the car parking area is not considered appropriate, however, more general landscaping is recommended across the site, including around the car parking area. This is discussed in further detail throughout the report.

2.3 Landscaping
C1 A landscape plan is required for applications for :
- *Commercial and Industrial developments*
- *Residential development (other than dwelling houses).*

C2 Natural features at the site, such as trees, rock outcrops, cliffs, ledges and indigenous species and vegetation communities are to be retained and incorporated into the design of the development.
C3 Use native and indigenous plants, especially low water consumption plants in preference to exotic species.
C4 Trees should be planted at the front and rear of properties to provide tree canopy.
C5 Provide landscaping in the front and side setback areas, and on other parts of the site to improve the streetscape, soften the appearance of buildings and paved areas, and to provide visual screening.
C6 Landscaping should provide shade in summer without reducing solar access in winter. Limited use of deciduous species is acceptable where used to achieve passive solar design.
A landscape plan has not been supplied. The development is not strictly commercial or industrial so it was not required under this clause. Notwithstanding, to help minimise the visual intrusion of the development, screen landscaping of the site is recommended. As such, it is recommended that a condition of consent be imposed requiring the submission of a landscape plan.

2.4 Signage
No signage is proposed. The controls in this section are not relevant.

2.5 Safety and security
C1 Use good site planning to clearly define public, semi-public and private areas.
C2 Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.
C3 Minimise blank walls along street frontages.
C4 Avoid areas of potential concealment and 'blind' corners.
C5 Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.
C6 Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.
C7 Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.
C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion

With minimal built form on the site the controls in this section have limited applicability. The site will be open, which will ensure good surveillance of the site. Access is considered to be clearly identifiable.

2.6 Erosion and Sediment Control Principles
There are no specific controls in this section. Standard conditions of consent to manage construction are recommended. The EPA GTAs contain further conditions to protect adjoining properties from surface water impacts.

2.7 Development adjoining open space
The site does not adjoin open space.

2.8 Development near high pressure-gas pipeline infrastructure
The site is located in close proximity to the gas pipeline, however the part of the site subject to the Development Application, including the landfilling area, is located over 750 from the pipeline easement and close to 1km from the pipeline itself. As such the controls in this section are not applicable to the development.

Section 4 Environmental Hazards and Management
4.1 Bushfire
C1 Applications are to satisfy the relevant provisions of Planning for Bush Fire Protection 2006 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.

C2 Where required, a clear separation is to be provided between buildings and bushfire hazards in the form of a fuel-reduced Asset Protection Zone (APZ). In all cases the APZ is to be located wholly within the land zoned Residential. Refer to the requirements of Planning for Bush Fire Protection 2006

The site is not mapped as bushfire prone land, but the site and some surrounding land, in its undeveloped and unmanaged state, would be considered a potential grassland hazard. *Planning for Bush Fire Protection 2019* applies to all development applications on land classified as bushfire prone. In this instance the development would be classed as 'other development'. Section 8 of the PBP2019 is therefore relevant:

8.1 Introduction
…In order to comply with PBP the following conditions must be met:

- *satisfy the aim and objectives of PBP outlined in Chapter 1;*
- *consider any issues listed for the specific purpose for the development set out in this chapter; and*
- *propose an appropriate combination of BPMs…*

The aim and objectives are as follows:

The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.

More specifically, the objectives are to:

- *afford buildings and their occupants protection from exposure to a bush fire;*
- *provide for a defendable space to be located around buildings;*
- *provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;*
- *ensure that appropriate operational access and egress for emergency service personnel and occupants is available;*
- *provide for ongoing management and maintenance of BPMs; and*
- *ensure that utility services are adequate to meet the needs of firefighters.*

The only building proposed at this stage is a minor storage shed which is well separated from other structures. Adequate defendable space is available around the building. Driveways and roads provide clear access and egress to the site as required for emergency service personnel and occupants. The site is serviced by mains water supply. The objectives of PBP are considered to have been met and satisfied.

The storage shed would be considered Class 10 in the NCC. 8.3.2 of PBP 2019 applies and has been summarised below:

8.3.2 Class 10 structures
…There is no bush fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas…

Given that the building is located more than 6m from a dwelling there are no bush fire requirements.

There are no specific issues listed in Chapter 8 of PBP 2019 relating to landfills.

5.4 Environmentally Sensitive Land
There are no controls in this section for development located within the Biocertified area, as the site was at the time the Development Application was made.

Remaining Sections
The Bomen Urban Release Area has a designated chapter in the WWDCP 2010. Section 1.7 of the WWDCP 2010 states that where an area has a dedicated chapter in the DCP, no further reference to the controls in section D of the DCP (i.e. sections 7-12) is required. Therefore the application will not be assessed under these sections. The relevant sections of the Bomen chapter are addressed as follows:

Section 13 - Bomen Urban Release Area
13.4 Site Topography and Landscape Character
O1 To require new development to respond to site features including ridgelines and slopes, significant vegetation and creek lines.
O2 To avoid adverse impact upon land which contributes significantly to the overall visual quality of the landscape.
The development is considered to meet these objectives as demonstrated in the assessment below.

C1 Retain existing vegetation along the Olympic Highway and Byrnes Road and along creek lines and all other treed locations indicated on the Bomen Site Topography and landscape character plan.
Trahairs Rd is indicated as a "significant tree line" on the relevant plan. The Development Application has identified three trees that may require removal from Trahairs Rd to facilitate access to the site. This is considered minor in the context of Trahairs Rd and will not impact on the overall biodiversity and aesthetic value of this corridor.

C2 Protect ridgelines as visual features of Bomen. Ridgelines at all times, are to remain visible above the topmost ridge of all new buildings, when viewed from any point along the eastern boundary of the Bomen Urban Release Area.
No significant buildings are proposed in this development, however the development will result in waste cells that extend beyond existing ground level. The ground level just to the east of the cells is at approximately 230m AHD, with the existing bank of the pond at approximately 232m AHD. The top of the capping is proposed at approximately 238m AHD. The ridgeline to the west of the cells upon which ROBE is erected is over 240m. Therefore the proposed waste cells will not protrude beyond the existing ridgeline (which is already impacted by the ROBE facility), however, to ensure that this is maintained in the final development, it is recommended that a condition of consent be imposed requiring that the top of the capping of the cells does not exceed the 238m AHD height.

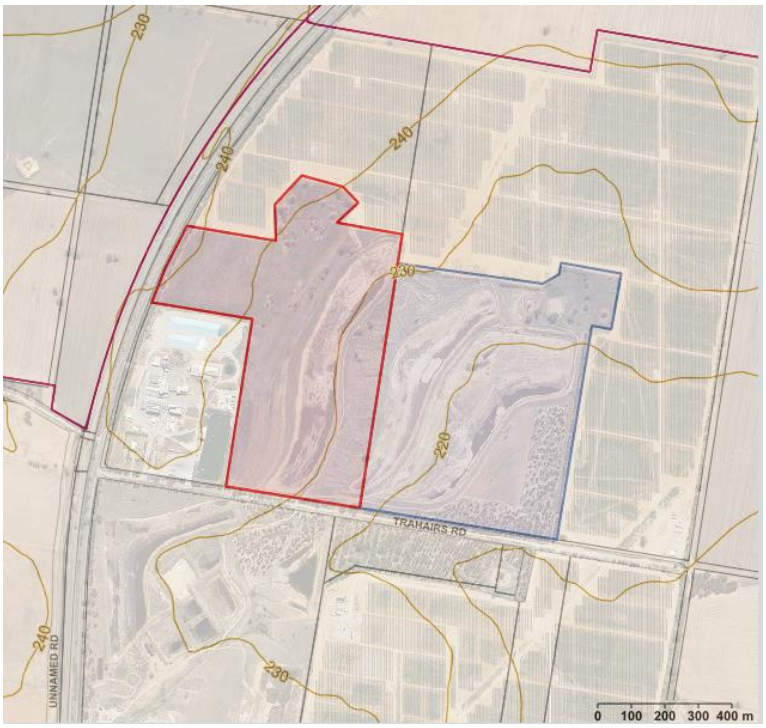


Figure 6 - Site Contours

C3 Roads and pathways should generally run along the contours of the land and generally perpendicular to the contour where the land is steeper.
The new access road to the site runs along the contours of the land.

C4 Development Applications shall include management and mitigation information for land identified in the LEP as environmentally sensitive.
The site includes land identified as biodiversity. This is address in part(a)(i) of this assessment report.

C5 Development with large building footprints should be sited on flatter land to avoid excess cut and fill. 3D modelling including view corridors will be required for development applications for sloping land with a gradient of over 10 percent.
No significant buildings are proposed at this time. Only minor cut and fill is proposed. The gradient of the land is not over 10 percent.

13.5 Distribution of Land Uses
O1 To locate new development in the most appropriate location within the Bomen Urban Release Area.
O2 To manage the impact of development east of the ridgeline, in particular runoff. In relation to stormwater runoff, consideration must be given to type of development proposed and its location. For example, consider area of roof and hard surfaces, ability to collect and re-use stormwater, and risk of water pollution.
O3 To encourage heavy industry to be located on land west of Byrnes Road.
O4 To buffer adjacent residential land from heavy industry.
The proposed development is considered to be appropriately located. Impacts of the development, including stormwater runoff, can be appropriately managed. The proposed development is not considered to be 'heavy industry'. The development is considered to meet these objectives as demonstrated in the assessment below.

C1 Development Applications shall respond to the distribution of uses proposed in the Bomen Precinct Plan.
The precinct plan does not indicate land uses beyond zoning, which the development has been demonstrated as being complaint with.

C2 It is preferred that the eastern side of Byrnes Road will contain larger lots (> 5Ha) (see Subdivision Design Principles Diagram. Figure 12) and that "cleaner" developments locate in that area.
The development does not propose the creation of lots. "Clean" developments is an unclear, ambiguous term, however, it is noted that the proposed development will not result in substantial emissions.

C3 It is preferred that heavier industry locates on the land west of Byrnes Road, which can accommodate a variety of lot sizes.
The development is not for a heavy industry.

13.6 Major Infrastructure Planning
13.6.1 Location of Major Infrastructure Corridors
The controls and objectives in this section relate predominantly to subdivisions.
O1 Protect existing major infrastructure (electricity and gas) through easements.
O2 Provide essential services to new development in Bomen i.e. water, sewer, electricity, gas, communications.
O3 Ensure the efficient and cost-effective provision of services.

O4 Locate new major road corridors to correspond with major infrastructure locations.
Where relevant, the development is considered to meet these objectives as demonstrated in the assessment below.

C1 Maintain existing easements for infrastructure, as shown in the Bomen Precinct Plan Map.
The development does not impact on existing easements on the site.

C2 New infrastructure shall be located in major road corridors except for Trahairs Road
New infrastructure is not proposed.

C3 Subdivision can only be considered where there are appropriate arrangements for servicing (electricity, gas, water, sewer and communications).
Subdivision is not proposed.

C4 The developer shall be responsible for providing reticulated mains sewer supply to allotments, including associated pump stations, to the satisfaction of Council.
Subdivision is not proposed.

C5 Developers should discuss expected water usage with Riverina Water County Council at an early stage of project planning, as there may be restrictions of supply due to existing infrastructure capacity or topography. Development is not permitted over the utility corridor that accommodates the water supply main.
The Development Application was referred to Riverina Water who provided comments.

C6 Developers should refer to the Precinct Plan Map for sewer servicing planning. Detailed sewer design plans for each stage of subdivision must be submitted with the development application for that stage of subdivision.
Subdivision is not proposed. Sewer is not proposed in the development.

C7 Developers should consult with Telstra to determine telecommunications requirements. Costs for providing communications infrastructure will be shared between Telstra and the developer.
Subdivision is not proposed, nor is substantial infrastructure proposed on the site.

C8 Gas supply depends on the type of industry that establishes in Bomen. Developers should consult with Country Energy Gas in relation to gas supply.
Subdivision is not proposed. Gas is not required to service the development.

C9 Developers shall supply load applications to Country Energy to determine specific electrical requirements. Where sites are serviced by existing overhead 11kV electrical mains the proponent should consult with Country Energy to determine the opportunity for these lines to be placed underground. Developers are encouraged to discuss timing of placement of underground cables in order to reduce costs.
Subdivision is not proposed. Undergrounding electrical infrastructure is not considered appropriate at this time.

C10 Use existing available land for the purposes of a corridor to provide services and service road (refer to Proposed Road Location and Hierarchy diagram Figure 6)
N/A to this development.

13.7 Sewer and Effluent Disposal
O1 To ensure that all new development is connected to reticulated sewer mains in advance of development occurring on the land.

Subdivision is not proposed. Sewer is not proposed in the development and is not considered necessary.

C1 The developer shall be responsible for providing reticulated mains sewer supply to allotments, including associated pump stations, to the satisfaction of Council.
Subdivision is not proposed. Sewer is not proposed in the development.

C2 Sewerage and Drainage provision should be installed in accordance with: Appendix A of Part 2 "Service Areas" of the City of Wagga Wagga Development Servicing Plan for Sewerage 2007, where this plan is applicable, and; the map appendix A included in Part 2 Service Area of the City Of Wagga Wagga Development Servicing Plan (DSP) for Sewerage 2007, covers the Bomen Urban Release Area.
Subdivision is not proposed. Sewer is not proposed in the development.

C3 The map in Appendix C included in Part 2 "Areas of land to which this Policy applies" of the City of Wagga Wagga Development Servicing Plan (DSP) for Drainage 2007 cover the Bomen Urban Release Area.
The site is outside the Stormwater DSP area.

13.8 Location of principal Internal Movement Linkages
O1 Provide access for all types of vehicles.
O2 Provide public transport access to and within Bomen.
O3 Achieve efficient road design and limit extent of road surfaces within Bomen.
O4 Design carriageway widths to reflects the functional significance of the road.
O5 Locate roads, cycle ways etc to reflect the typography of the land.
O6 Provide appropriate freight movement infrastructure within the Bomen area, in particular to cater for long haul freight vehicles.
The objectives in this section are largely not relevant. Subdivision is not proposed. Limited upgrades of Trahairs Rd to provide access to the site will be required.

C1 The preferred road hierarchy and layout for Bomen is shown in the Proposed Road Location and Hierarchy diagram. Applications for subdivision should respond to this plan.
C2 Road design shall be suitable for potential future use by B-triple vehicles.
C3 The Bomen area shall include service facilities, driver facilities and rest areas, and areas for the standing of and uncoupling of large vehicles
C4 A maximum of one additional road access point from the Olympic Highway into Bomen between Bomen Road and Trahairs Road.
C5 Development is not to have an active frontage with direct access onto the Olympic Highway. All access should be to internal roads. (see diagram opposite).
C6 New industrial development shall be designed with vehicular access from internal roads only and not require access to the Olympic Highway to move within the estate.
C7 Provision of an internal north-south road to avoid traffic using the Olympic Highway as a link between different parts of Bomen.
C8 Carriageway and intersection widths should reflect road status and purpose.
The controls in this section are largely not relevant. Subdivision is not proposed. The development does not front the Olympic Highway.

13.8.1 External Site Linkages
O1 To provide logical and efficient connection of new staged subdivision to arterial roads.
The development is not for a subdivision.

C1 Applications for subdivision should show connection to arterial roads, as well as respond to and integrate with the road layout established in earlier stages of development and to the

proposed road hierarchy for new development.
The development is not for a subdivision.

C2 Development applications may require detailed traffic study to investigate and provide solutions to potential traffic generation impacts on the existing and proposed road network. Particular attention to the Olympic and Sturt Highways and Eunony Bridge Roads will be required, The traffic study should determine the anticipated traffic generation created by the estate and the various staging within the estate and define the required works and the critical stage at which such works are warranted to be undertaken.
The proposed development is not considered to trigger the need for a detailed traffic study as discussed in detail in C2 under Section 2.1.

C3 The proposed additional intersection with the Olympic Highway shall be designed and constructed as a grade separated interchange, suitable for B-triple access. Funding and staging of this interchange shall be discussed and agreed between Council, the Roads and Traffic Authority and developers as part of the Development Application process.
N/A to this development.

13.8.2 Rail
O1 Provide a rail access corridor adjacent to the main rail line.
See comments against C1 below.

C1 Land adjacent to the railway, generally 450m to 750m in width measured from the railway line, is identified for transport related facilities and industries requiring access or proximity to the railway, as shown in the Bomen Railway and Landscape Buffer Plan. Only developments requiring and utilising rail directly will be allowed adjacent to the rail corridor. This control only applies to greenfield sites within the designated area, There are a number of existing sites that have already been developed which maintain existing use status.
The site is within 750m of the railway line, however it is not a greenfield site, with previous development limiting the types of uses that could be carried out on the site. Furthermore, the site is not directly adjacent to the railway land, being separated by Byrnes Rd. Therefore the site's capacity to be used for railway purposes is diminished.

C2 Generally these areas are required for activities such as:
- *loading and unloading of freight and containers*
- *storage and repair of containers*
- *servicing of and repairs to locomotives and rolling stock*
- *warehousing*
- *heavy vehicle servicing and parking*
- *transport and rail-dependent industries*

See above.

C3 Developers requiring rail access shall consult with the relevant rail infrastructure provider as part of preparing any Development Application relating to the land.
See above.

13.9 Land Release and Subdivision Staging
The development is not for a subdivision and therefore the controls in this section are not relevant.

13.10 Environmental Conservation, Biodiversity and Natural Resource Management
13.10.1 Natural Resource Management

O1 To ensure trees, vegetation and creek lines that contribute to the environmental and amenity value of the locality and region are preserved.
O2 To maintain and enhance the ecological values of waterways and wetlands, including water quality, stream integrity, biodiversity and habitat, within the Bomen Urban Release area.
O3 To maintain and enhance riparian buffers to preserve the environmental values associated with waterway and wetlands, having specific regard to fauna and flora habitats and ecosystems, stream integrity (including erosion management), land use impacts and recreational/visual amenity.
O4 To enhance the landscape, cultural and ecological qualities of Bomen.
O5 To protect and manage biodiversity in and adjacent to urban areas
O6 To comply with the Biodiversity Certification Report.
Vegetation is considered to be adequately protected on the site. Additional landscaping will minimise the visual impacts of the development and enhance the landscape of Bomen. The development is considered to meet these objectives as demonstrated in the assessment below.

C1 A development application for:

- *land containing the Yellow Box Woodland remnant along the Trahairs Road road reserve west of Byrnes Road as identified in Figure 14 of the "Biodiversity Certification Report";*
- *the larger areas of low conservation value treed native vegetation as identified in Figure 14 of the "Biodiversity Certification Report"; and,*
- *any low conservation value treed native vegetation within the mapped (biodiversity) sensitive area shown on the Natural Resources Sensitivity Map - Biodiversity, shall be accompanied by a draft management plan which will not only provide for protection but also for revegetation of the perimeter areas of the Bomen industrial zones with the multiple objectives of management for visual impact mitigation, assistance in the management of surface water runoff, acoustic protection and biodiversity offsetting and enhancement.*

The proposed development does not impact on any land identified in Figure 14 of the Biodiversity Certification Report (extract below):

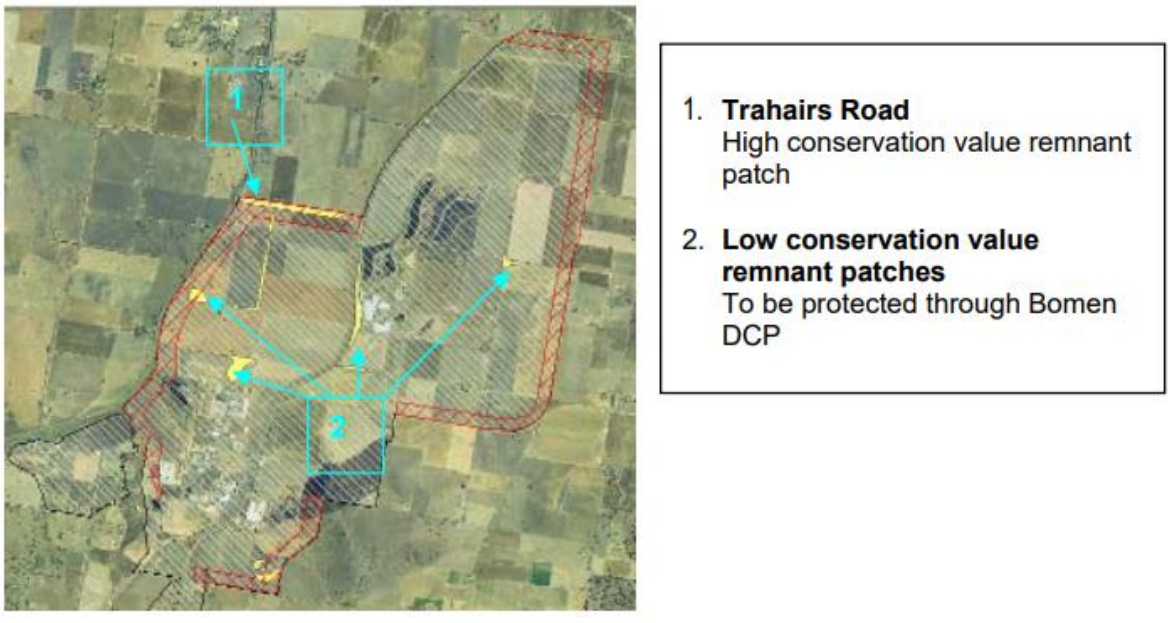


Figure 7 - Biodiversity Certification Report "Figure 14: Vegetation at Bomen"

Biodiversity impacts on other vegetation in the control has been adequate considered and assessed in the biodiversity assessments that accompanied the EIS. In addition, further vegetation to assist with the matters set out in this control is recommended to be required on the site, as discussed throughout this report.

C2 Trees within the area referred to in C1 are to be protected in accordance with a conservation management plan, prepared by a qualified ecologist and approved by Council.
See above.

C3 Revegetation of the area referred to in C1 is to be undertaken in accordance with a management plan approved by Council.
See above.

C4 Ridgelines identified in Figure 4 to be preserved as a landscape buffer.
No ridgeline vegetation is proposed to be impacted by this development.

13.11 Stormwater and Drainage
O1 Integrated water cycle management and water sensitive urban design principles should be incorporated into all development, including grassed vegetation swales, natural drainage corridors, sand filters, permeable pavements, gross pollutant traps and constructed wetlands.
O2 Implement rainwater harvesting and re-use systems, to reduce demand for potable water and decrease the volume of stormwater generated.
Stormwater and drainage arrangements are considered acceptable and water re-use has been incorporated. The development is considered consistent with these objectives.

C1 Provide stormwater detention facilities to capture rainwater and surface runoff to ensure post development flows do not exceed pre-development flows, for storm events up to and including the 1 in 100 year storm event.
Standard conditions of consent are recommended in this regard. In addition, the EPA's GTAs require the submission of a Stormwater Management Scheme.

C2 All new and existing roads will be required to have collector pits and an underground pipe system to carry water to the discharge point for each lot. Interallotment drainage will also be required to collect drainage from higher lots and avoid uncontrolled discharge onto lower lying properties.
No new roads are proposed.

C3 Developers proposing subdivision involving a variety of lots shall design lots to allow for appropriate stormwater management by means of, either kerb and gutter or swale drainage.
Subdivision not proposed.

C4 Developers will be required to manage stormwater resulting from the development. Preferred solutions for managing stormwater include:
- *Developers shall provide details of their stormwater management plan at the time of submitting a development Application.*
- *Collection of stormwater by rainwater tanks for re-use onsite is preferred.*
- *Surface water runoff may be required to be collected and treated onsite.*
- *Broadacre development is suitable for swale stormwater management. Small, intense development will require kerb and gutter stormwater management.*

Concept details have been provided and are considered acceptable.

C5 Each lot is to incorporate a range of water sensitive urban design measures to achieve the nominated water quality targets.

EPA GTAs control provisions to manage water quality.

C6 Stormwater runoff from communal areas is to be treated through communal water sensitive urban design measures to achieve the nominated water quality targets.
Not applicable.

13.11.1 Water Conservation
O1 Implement rainwater harvesting and re-use systems for each development.
C1 Development should include the provision of rainwater collection measures for reuse onsite.
Water reuse is proposed. The EIS advises that water for dust suppression would be sourced from on stormwater detention.

13.12 Heritage Conservation
O1 To protect Aboriginal cultural heritage values by responding to the archaeological sensitivity of the site.
C1 Proponents are to comply with the provisions of the NPW Act 1974 with respect to Aboriginal cultural heritage.
C2 Prior to the commencement of development within the Bomen Urban Release Area further investigations of PADS and areas of high or moderate sensitivity as shown on the Heritage Plan, are required at the development assessment stage, to identify whether or not Aboriginal objects are present. Such investigations must comply with the provisions of the National Parks and Wildlife Act 1974.
C3 Proposals must be designed to avoid harm to Aboriginal objects and/or Aboriginal places by designating the areas where they are located and appropriate buffers as open space and documenting proposed management practices to ensure the conservation of those objects and/or places.
C4 Satisfactory consultation is to be carried out with Council and Aboriginal stakeholders to confirm the proposed method of management for areas containing Aboriginal objects and/or Aboriginal Places.
C5 Council must be provided with documented justification where proposals cannot avoid harm to Aboriginal objects and/or Aboriginal Places.
C6 Where harm to Aboriginal objects and/or Aboriginal Places is proposed, the development will be 'Integrated Development' under section 91 of the Environmental Planning and Assessment Act 1979 and necessary approvals must be obtained from DECCW in accordance with the NPW Act prior to Council determining the development application.
C7 A member of the Wagga Wagga Local Aboriginal Land Council or other Aboriginal stakeholder group must be invited to supervise works carried out in proximity to an Aboriginal object, Aboriginal place, or other site with Aboriginal cultural heritage values.
The site includes land identified as having moderate sensitivity per C2 of this section.

An assessment was carried out in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* ('Code of Practice'). The Code of Practice provides a five-step approach to determining whether an activity is likely to cause harm to an Aboriginal object, as defined by the *National Parks and Wildlife Act 1974*.

The assessment is detailed in the EIS. The assessment concluded that:

The assessment area was assessed as having negligible potential to contain Aboriginal objects and no Aboriginal artefacts were identified. No mature trees adjacent to the development site were found to be culturally modified.

It is recommended that standard conditions of consent relating to unexpected finds be

incorporated into any conditions of consent.

It is considered that the above controls of the WWDCP 2010 have been considered and have been satisfied via this process.

13.13 Environmental Hazards and Conditions
13.13.1. Design Principles for Environmental Hazards and Conditions
P1 The design and construction of development should recognise, and be designed within the environmental hazards and constraints of the site.
As demonstrated by this assessment report, the development has been designed in accordance with this principle.

P2 Development should manage environmental hazards associated with their land use, including odour and noise, so as to not impact on other land uses.
As detailed in this report, impacts such as noise, odour, dust, and runoff will be managed to minimise the impact of the development on other uses.

13.13.2 Odour
O1 To minimise odour impacts on the amenity of surrounding land uses arising from new industrial activity at Bomen.
Odour modelling carried out for the development demonstrated that odour impacts are consistent with *Environmental Guidelines: Solid Waste Landfills (EPA 2016)*. Odour impacts on residential receivers are less than one odour unit (OU). Odour impacts on the adjacent industrial receiver (ROBE) indicate that impacts will be between 1 and 2 OU throughout the life of the development.

It is noted that the *Environmental Guidelines: Solid Waste Landfills (EPA 2016)* state:

> *The assessment should demonstrate that predicted off-site odours from the new or expanded landfill will not exceed the impact assessment criteria given in the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (NSW DEC, 2005). These criteria range from 2 odour units (99th percentile for Level 2 assessments) for schools, hospitals and urban areas with populations of 2000 or greater, up to 7 odour units (99th percentile for Level 2 assessments) for a single rural residence.*

Industrial receivers are not noted in the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* as such, with the impact assessment criteria as follows:

Population of affected community	Impact assessment criteria for complex mixtures of odorous air pollutants (OU)
Urban (≥~2000) and/or schools and hospitals	2.0
~500	3.0
~125	4.0
~30	5.0
~10	6.0
Single rural residence (≤~2)	7.0

Figure 8 - Impact assessment criteria for complex mixtures of odorous air pollutants (nose-response-time average, 99th percentile)

As such, it is considered that the impacts on ROBE are acceptable. It is further noted that the Applicant has stated that the Odour Impact Assessment Study for the ROBE development carried out in 2008 indicates 6 OU covering the entire ROBE site (as well as the development site). As such, the potential 2 OU and 1 OU generated by the proposed development would be redundant in this context.

O2 To ensure that the land uses in proximity to off-site residential land uses are confined to those emitting minimal or no odour to ensure compatibility with adjoining land uses.
The site is not in close proximity to off-site residential land uses. The closest residential receiver is approximately 1.5km from the development site.

C1 Uses located within 400 metres of residential land are to be limited to those emitting minimal or no odour compatible with adjoining residential/rural residential land uses.
The site is well over 400m from residential land.

C2 Developments that have processes, inputs and outputs that are likely to generate significant or offensive odour will be required to undertake an odour modelling and assessment process to ascertain the impact of such odours on sensitive receptors and to outline measure to minimize and mitigate against such odours.
Odour modelling was carried out for the development. The modelling demonstrated that odour impacts are consistent with *Environmental Guidelines: Solid Waste Landfills (EPA 2016)*. Impacts on sensitive receivers is not considered significant.

13.13.3 Noise
O1 To minimise noise and acoustic impacts on the amenity of surrounding land uses arising from new industrial activity at Bomen.
O2 To ensure that the land uses in proximity to off-site residential land uses are confined to those emitting minimal or no noise, to ensure compatibility with adjoining land uses.
The development is not located in close proximity to off-site residential receivers. Modelling carried out with the Development Application indicates to noise impacts from the development will acceptable and not significant.

C1 New noise sensitive uses should be located away from potential noise sources, such as road and rail.
The proposed development is not a noise sensitive use.

13.13.4 Contamination
O1 To remediate any areas of contaminated land identified within Bomen.
C1 Development Applications shall include an assessment of the potential contamination of the development site, and details of measures to address any contamination identified.
Contamination matters were addressed under the SEPP 55 assessment above.

13.14 Subdivision
The development does not propose any subdivision.

13.15 Industrial Development
13.15.2. Site Layout and Orientation
O1 Buildings should be oriented and designed to conserve non-renewable energy and to respond to passive solar orientation objectives.
C1 Orientation and openings to maximise the north and south exposure.
C2 Orientation and openings to maximise natural cross flow ventilation.
C3 In relation to the location of offices, minimise east and west facing orientation, openings and windows, or provide adequate shading. (see Site Layout and Orientation diagram below)

C4 Well considered landscaping will provide valuable shade throughout summer and allow for the use of the winter sun.
The only building proposed is a small storage shed. As such the controls in this section are largely irrelevant.

13.15.3. Building Design
O1 Allow for a variety of building footprints and scale based on subdivision size.
O2 Encourage building design that conserves energy through natural light and ventilation. Locate office components to maximise solar access.
O3 Encourage consistency of building heights throughout the Bomen Urban Release Area, while allowing for a variety of building forms.
O4 Provide security for businesses without compromising the visual aesthetics and overall character of the development.
C1 The front elevation must be designed to address the street, provide a corporate image and an inviting entrance. (see C6 below).
C2 The main entrance to the building must be clearly visible or 'signalled' in the design. Entrance points to buildings are to be designed as focus points and must provide protection for pedestrians by means of substantial integrated building elements such as a veranda, canopy or colonnade.
C3 Avoid expanses of blank walls and blank facades, especially on front facades.
C4 Building elevations on corner lots must address both street frontages with a high standard of architectural design
C5 Masonry construction is considered more appropriate to office functions than to industrial functions of the building. (see following Building Design Differentiation of Components).
C6 Security fencing, cyclone mesh and chain wire fencing are not encouraged forward of the building line. Where fencing is required at the property boundary it should be decorative, open in character and below 1.8m in height, and complemented by quality landscaping.
C7 Building colours should generally be sympathetic and complementary with the natural environment and site landscaping.
C8 Large areas of one material should be treated with muted colours and tones avoiding strong hues. Large expanses of unmodulated metal finished cladding are not appropriate.
C9 Small and important building elements such as canopies, steel bracing and columns, sunscreens, ventilation louvres etc should be treated with a muted highlight colour to provide visual interest on building facades. Avoid strong colour contrasts.
C10 Use of roof lights and ventilation, in response to the orientation of the building, is preferred (see Building Design - Natural Light and Ventilation diagrams opposite).

As noted, the only building proposed is a small storage shed. As such the controls in this section are largely irrelevant other than the fencing control. In this regard, the EIS notes that 1.8m high security fencing is proposed. The height of this fencing is consistent with this control. Details of the fencing have not been provided, and so it is recommended that a condition of consent be imposed requiring the provision of this detail.

13.15.5. Landscaping
O1 Protect the existing established tree lines and tree groupings indicated on the Site Topography and Landscape Character Diagram in Figure 4.
O2 Protect the interpretability of significant landscape features when viewed from areas external to the Urban Release Area.
O3 Protect and enhance the landscape appearance of the site adjacent to major arterial roads.
O4 Encourage the highest possible quality of landscape design of development adjacent to rural land uses on the eastern edge of the site.
O5 Protect and enhance the appearance of existing creeklines.
O6 Within any individual visual catchment, to protect established landscape quality, provide

landscape plantings to screen new buildings or otherwise screen new buildings by way of existing plantings.
O7 Provide landscaping as part of the front setback and carparking areas, as well as rear boundaries of new development.
Minimal vegetation is to be impacted by the proposed development. The development is proposed below the existing ridgeline to the west of the development site. It is recommended that a condition of consent be imposed requiring the carrying out of addition landscaping on the site, including setback areas, and to help screen the site when view from locations external to the site.

C1 Development adjacent to the Olympic Highway will be required to provide a privately owned and maintained landscape buffer, a minimum of 20m, to screen the development from the highway (see following Landscape Buffer to Olympic Highway diagram). Details of planting will be approved by Council officers. Planting is the responsibility of the developer and is required to commence prior to release of a subdivision certificate. Refer to Precincts Map for location of buffer.
N/A.

C2 Development Lots to the East of the Major Ridgeline - Eastern Side of Byrnes Road.

All development lots adjoining rural land and the full width of the eastern boundary of development lots east of the ridgeline between Byrnes Road and Windmill Lane (see Site Topography and Landscape Character diagram) will be required to provide a privately owned and maintained landscape buffer, of 10m minimum width, to screen their development from the rural land and assist with managing stormwater runoff. Details of planting will be approved by Council officers. Planting is the responsibility of the developer and is required to commence prior to release of a subdivision certificate. Refer to Precincts Map for location of buffer and to the following landscape buffer diagrams. All landscape buffers are to be planted with semi-mature native trees of minimum planted height 1.5m and maximum spacing 10m. The landscape buffer is also to include: shrub plantings; a swale drain located as indicated and bunding to contain surface runoff within the swale drain. The swale drain is to discharge to onsite detention.
As noted above, screen plantings and additional landscaping is recommended to be required.

C3 Details of the landscape buffer, including maintenance, shall be recorded within an 88B instrument at the time of subdivision. Details will include both words and a plan.
No subdivision is proposed.

C4 All new buildings located east of the ridgeline identified in Control C2 shall have their roof ridgelines located below the contour indicated in the following diagram.
No diagram is provided in the DCP, however, it is noted that final height of the cells will be below the height of the ridgeline to the west of the development site.

C5 Landscaping is required to screen major infrastructure facilities, such as reservoirs and electrical substations.
Noted.

C6 A landscape plan in accordance with Section 2.4 of WWDCP 2010 is required. Multi-lot subdivision requires the inclusion of street trees or tree corridors as part of the landscape plan.
No subdivision is proposed.

C7 Landscaping of road corridors is required. Details of planting will be approved by Council delegated officers. Planting is the responsibility of the developer and is required to commence

prior to the release of a subdivision certificate. Alternately landscaping can be undertaken by way of a bond arrangement with Council.
No subdivision or new roads are proposed.

13.15.6. Signage
No signage is proposed.

13.15.7. External Lighting and Service and Storage Areas
C1 No glare from light spillage shall adversely impact adjoining properties or passing motorists.
Lighting of the site is not proposed. Standard conditions of consent regarding obtrusive light are recommended.

C2 No open storage of goods, unserviceable vehicles or machinery shall occur within the front boundary setback area (forward of the building line), which shall be used only for landscaping and drainage, car parking, servicing, loading and unloading, or where appropriate and subject to the approval of Council, for trade display.
The site has no defined building line as such, with only a small storage shed proposed. Activities associated with the use are proposed across the site. Existing screening along Trahairs Rd will help minimise the visual impact of these activities.

C3 All open storage areas shall be screened from the street and adjoining properties by landscaping, fencing and/or other means acceptable to Council.
As noted, significant existing screening exists along Trahairs Rd. Conditions of consent will require additional screening of the site. Further conditions requiring that the site be maintained in a clean and tidy manner are also recommended.

C4 Rubbish bin storage areas must also be screened from all road frontage.
Noted.

C5 All plant and equipment storage areas are to be adequately screened from public view from road frontages.
A storage shed is proposed for plant.

13.15.8. Vehicle Access and Parking
O1 Provide suitable staff, visitor and service access and parking to businesses.
Adequate parking is available on the site.

C1 All car parking and vehicle access must be contained on site and be set back from the street as follows.
The diagram referenced shows parking setback behind landscaping in a typical industrial type development. Parking arrangements in the proposed development are considered acceptable.

C2 Service vehicles are to be separated from visitor and staff parking areas, screened from the street and located at the rear or sides of the buildings behind the front building line (refer to Siting and Setbacks diagram in C1 Section 9.10).
The site is not open to the general public. Vehicles accessing the site will not be service vehicles as such, but vehicles delivering waste. They will be managed across the site as the cells evolve.

C3 Provide clear paths for pedestrian movement separate from areas of frequent vehicular movement.

The only pedestrian movement on site will be staff. These operational details will need to be managed by the operators.

C4 Parking areas are to be provided with suitable species of shade tree at a ratio of 1 per 4 car bays, evenly throughout the parking areas.
This is discussed in the WWDCP 2010 Section 2.2 assessment.

C5 Parking areas must be designed to channel water into the vegetated allotment swale (refer to Section 8.1.3 Stormwater).
Conditions of consent require stormwater management plans. Parking areas will be addressed in this plan.

C6 Parking areas and access driveways must be paved or sealed with asphalt or other Council approved seal.
Conditions of consent are recommended to require the site access and hard stand area are sealed.

13.15.9. Development near residential areas
The development is not located near residential areas.

13.15.10. Development adjacent to rural zones
The development is in proximity to land zoned RU1 – Primary Production under the WWLEP 2010, as well as the Rural Activity Zone of the SAP.

O1 Minimise impacts on rural amenity from industrial land uses, through design, noise control and landscape amenity.
Impacts on rural amenity are considered acceptable as set out by this assessment report.

C1 Applications are to include detail on overall building height at the point closest to any boundary adjoining to rural zones.
Height of buildings and cells have been provided.

C2 Development adjoining rural land is required to provide a privately owned and maintained landscape buffer, a minimum of 20m, to screen development from the rural land and to assist with managing stormwater runoff. Details of planting will be approved by Council's delegated officers. Planting is the responsibility of the developer and is required to commence prior to the release of a subdivision certificate. Refer to Precincts Map for location of buffer.
The development does not directly adjoin rural land, but conditions of consent requiring additional landscaping are recommended.

C3 External building and street lighting is not to spill onto adjoining rural land. Building Design must include low reflective materials.
Lighting of the site is not proposed. Only a small storage shed is proposed.

There are no other provisions of the WWDCP 2010 relevant to this application.

(a)(iiia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
No related planning agreement has been entered into under section 7.4.

(a)(iv) - the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

92A Additional matters that consent authority must consider for Wagga Wagga
Clause 92A applies to development in the Wagga Wagga Local Government Area and is as follows:
(1) In determining a development application for development on land to which Wagga Wagga Local Environmental Plan 2010 applies, the consent authority must take into consideration whether the development is consistent with the Wagga Wagga Special Activation Precinct Master Plan published by the Department in April 2021.
(2) This clause does not apply to a development application made on or after 31 December 2021.
(3) This clause prescribes matters for the purposes of section 4.15(1)(a)(iv) of the Act.

The Wagga Wagga Special Activation Precinct Mast Plan has been considered in detail in part(a)(i) of this assessment report. The development is considered consistent with the Master Plan.

(b) - the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
Context and setting
The development is proposed within a developing industrial precinct, which has been recognised for its strategic importance by the NSW State Government through its inclusion within a Special Activation Precinct. The site on which the development is proposed has been previously impacted, forming part of the pond system for the former wool combing plant south of the site. As a result the landscape has been scarred by excavations.

In terms of uses, a waste disposal facility is considered entirely consistent with an industrial zoning, which exists to provide land for uses that require separation from residential and commercial uses. Adjoining uses include other industrial uses, solar farms, and rural land.

The existing character and amenity of the locality is impacted by the industrial uses in the locality. It is considered unlikely that the proposed development will substantially alter the character and amenity of the area in this context. For example, its quite possible that any odour impacts will not be appreciable beyond the odour impacts of the adjacent oilseed crushing and refining plant given odour modelling associated with that site, and history of complaints.

The scale of the development, in terms of bulk, scale and height is considered unlikely to adversely impact on the context and setting of the landscape. Cells will be filled to a height approximately 6m above the existing pond level, including capping, with a finished capping height of 238m AHD. This is lower than the ridgeline to the west of the site which is greater than 240m AHD. This needs to be considered further in the context of the locality, with the adjacent oilseed crushing and refining plant presenting a far bulkier structure, on the ridgeline, dominating the character of the area in terms of bulk and scale.

Visual Impact
Following on from the above comments, visual impacts of the proposed development, when viewed from residential receivers in the vicinity of the site are unlikely to be significant. The nearest residential receiver with potential views of the site is approximately 3km from the proposed cells. Therefore any visual impacts will only represent a very small portion of total views available and not likely to be easily discernible. The cells, due to their heights, will not protrude above the ridgeline. The dominant feature in the vicinity of the development site will remain the ROBE facility, which much more significantly impacts on the visual quality of views of the landscape, as well as solar farms in the foreground. Furthermore, additional landscape screening has been proposed which will further mitigate any impacts.

Impacts from roads will not be significant, other than from Trahairs Rd, which is a low traffic environment. The site is already screened by vegetation from Byrnes Rd, whilst topography restricts views from other roads such as East Bomen Rd. Views from roads such as Pattersons Rd are likely to be fleeting and similar in impact to residential properties.

A details Visual Impact Assessment was included in the EIS. The Visual Impact Assessment concluded:

The proposed materials facility would be located in an industrial area of generally low scenic quality. The industrial area is surrounded by agricultural land with moderate to high scenic quality. No viewpoints were considered to be highly or moderately impacted by the proposal.

General measures to reduce impacts for all receivers have also been recommended. These centre on use of design elements to reduce visual contrast, mitigation of construction impacts such as dust and traffic that may reduce visual amenity, and mitigation of operational impacts such as maintaining ground cover around the facility to break up side-on and front views of the proposal and soften the appearance of the facility.

Access, transport and traffic
The total number of vehicles proposed to access the site each day is not significant. During construction 20 heavy vehicles (40 movements) are expected on average as well as 10 light vehicles (20 movements). During operation 10 loads or 20 heavy vehicle movements per day are expected to be generated, along with 10 light vehicles (20 movements).

The local and wider road network is assessed as having sufficient capacity to accommodate the additional movements. It is noted that the intersection of Trahairs Road with Byrnes Road already supports heavy vehicle turning and access for the ROBE facility.

It is further noted that traffic assessment for the entire precinct was carried out as part of the SAP master planning process and that significant investment in road infrastructure and upgrades has and is continuing to occur across the precinct as it develops into the future.

A construction management plan is recommended to manage traffic related impacts during the construction phase.

Traffic impacts are considered acceptable.

Services
The development has limited servicing needs. Water and power is available to the site. A stormwater management plan is required by the GTAs.

Heritage
The site is not in close proximity to any listed items of environmental heritage. Aboriginal cultural heritage is considered in detail in part(a)(iii) of this assessment report under Section 13.2. An assessment carried out determined that impacts on Aboriginal cultural heritage are unlikely.

Natural Hazards
The site is potentially bushfire prone land. This is considered in part (a)(iii) of this assessment report under Section 4.1 .

Human-Made Hazards
Hazard screening under SEPP 33 determined that the development would not exceed SEPP 33 thresholds for the transportation and storage of dangerous goods and therefore was not "potentially hazardous development". As such a Preliminary Hazardous Analysis was not required to be prepared. This is detailed in part(a)(i) of this assessment report.

Potential contamination on the site from previous activities is discussed in detail in the SEPP 55 assessment in part(a)(i) of this assessment report. The only contaminated material found on the site was a black waxy residue in the base of the ponds from the former woolcombing activities. The PSI noted:

The waxy residue material is from a known natural source, sheep. As the material exceeding these screening levels and management limits are naturally derived from sheep's wool, the exceedances do not pose a risk to human or environmental health. Therefore, the site is considered to be suitable for continued for commercial/industrial land use without risk to human health or the environment.

The EIS opens up the possibility that the black waxy residue would be composted on site. Additional information provided in response to an additional information request from the EPA advised that this was no longer proposed, with the material (Approximately 2000m^3 in total) to be windrowed and then stockpiled (for up to 2 years) within the existing pond area adjacent to the cell to be constructed. Following this the material is to be disposed of at an appropriately licensed facility. A waste classification was carried out for the material which concluded that the waste classification is "Restricted Solid Waste (non-putrescible)".

The *Environmental Guidelines: Solid Waste Landfills (EPA 2016)* contain recommendations for the management of fire risk from landfill facilities. To help minimise the risk of fire, including to adjoining properties, it is recommended that a condition of consent be imposed requiring the preparation of a fire management plan for the site, consistent with the guidelines.

Economic Impact in the Locality
The proposed development is considered to generally result in a positive economic impact in the locality. The development will result in employment generation, both during construction, as well as on an ongoing basis, with the development to employ two full time equivalents.

The provision of a landfill within the Bomen Special Activation Precinct is also considered to be of positive economic benefit. The landfill will be an attractor for industry considering relocation to the SAP, as it will provide a local waste disposal option, reducing haulage costs.

Social Impact in the Locality
The development is unlikely to result in any significant social impacts. The development is not considered to represent a health or safety risk to the community.

Other Land Resources
The development is proposed on a site already impacted by previous development, with limited value as prime agricultural land. The remediation of the site, by filling the former basins, will help facilitate future development of a compromised site.

Pollution and off-site environmental effects
Groundwater
The proposed development is considered to be of limited risk to aquifers and groundwater, being appropriately sited in the landscaped and being appropriately designed.

Whilst the site does overlay an aquifer, the Applicant has assessed that it is a low quality and low transmissivity aquifer unsuitable as a drinking water supply.

The Applicant further advised:

> *The main source of water for Goldenfields Water, Riverina Water, and local stock and domestic supplies rely on the gravel aquifers of the Murrumbidgee River floodplain. This includes the two alluvial aquifers including, the Tertiary Lachlan formation (deep) and the Quaternary Cowra Formation (shallow) (Refer section 4.3). These aquifers are recharged by leakage from the river and contribution from adjoining tributary aquifers.*
>
> *Historical drilling records identify two aquifers beneath the development site. A shallow aquifer at approximately two metres depth (weathered granite) and a deeper aquifer between four to 13 m (limit of drilling) depth (fractured granite). Both are a product of the Silurian granites below the site. The general characteristics of groundwater associated with these types of aquifers include low rates of supply and generally moderate to brackish salinity. Therefore, in most circumstances it is not suitable for domestic use (Refer section 4.3).*

The EPA has reviewed the Application, including the EPAs groundwater experts, who have advised:

> *The EPA has reviewed the information provided and notes that the assisted drainage of groundwater that may generate along the weathered rock profile protects the integrity of the engineered waste cells and prevents groundwater ingress and contamination downgradient. The geological siting of the facility on a weathered granite ridge away from high yielding alluvial groundwater is appropriate.*
>
> *The EPA notes that the proposed groundwater monitoring objectives and design are aligned with an efficient conceptualisation during baseline, operation and post-closure of the proposal. Any impacts are considered manageable through the preparation and implementation of a Groundwater Management Plan which would include the development of a groundwater monitoring strategy.*

As noted in the EPA comments, a Groundwater Management Plan is required under the GTAs.

EPA GTAs also include conditions for groundwater monitoring.

Surface Water
The development is unlikely to adversely impact on surface waters. All surface water is proposed to be retained on site for reuse. Leachate management is proposed, and the EPA GTAs have required the submission of a Stormwater Management Plan and a Surface Water Management Plan. The EPA provided further comment on surface water impacts as follows:

> *The EPA note that the water balance provided within the assessment indicates that the site would be operating as a nil discharge site. The EPA has determined that any impacts as considered relatively small and are manageable through the implementation of proactive and reactive management strategies.*

EPA GTAs also include conditions for surface water monitoring.

Dust/Air Pollution

A "Construction and Operational Air Quality Assessment" was carried out for the development. The modelling was carried out in accordance with the EPA document "Approved Methods for Modelling and Assessment of Air Pollutants in NSW". The modelling assessed the generation of dust from the development including total suspended particles (TSP), and fine particles (PM_{10} and $PM_{2.5}$).

The assessment identified that activities with the greatest potential to cause dust include excavation of the waste disposal cell, storage, management and haulage of excavated materials, management of the waste disposal cell during operations, and dust generated from the wind erosion of stockpiled materials and exposed surfaces.

An assessment of air quality impacts, considering particulate matter, sulfur dioxide [SO2], nitrogen dioxide [NO2], carbon monoxide [CO] and volatile organic compounds [e.g. benzene] was also carried out.

The assessment considered that approximately 24% of the material received would include soils and other emission-generating materials such as fly ash, sand, road waste products. The assessment was carried out using the following impact assessment criteria from "Approved Methods for Modelling and Assessment of Air Pollutants in NSW":

Pollutant	Averaging time	Impact assessment criteria	Criteria applies at:
Total suspended particles (TSP)	Annual	90 µg/m³ (100th percentile)	Nearest existing or likely future off-site sensitive receptors
Airborne particulate matter (as PM_{10})	24-hour	50 µg/m³ (100th percentile)	
	Annual	25 µg/m³ (100th percentile)	
Airborne particulate matter (as $PM_{2.5}$)	24-hour	25 µg/m³ (100th percentile)	
	Annual	8 µg/m³ (100th percentile)	
Sulfur dioxide (SO_2)	10-minutes	712 µg/m³ (100th percentile)	
	1-hour	570 µg/m³ (100th percentile)	
	24-hour	228 µg/m³ (100th percentile)	
	Annual	60 µg/m³ (100th percentile)	
Nitrogen dioxide (NO_2)	1-hour	246 µg/m³ (100th percentile)	
	Annual	62 µg/m³ (100th percentile)	
Carbon monoxide (CO)	15-minutes	100 mg/m³ (100th percentile)	
	1-hour	30 mg/m³ (100th percentile)	
	8-hour	10 mg/m³ (100th percentile)	
Benzene	1-hour	29 µg/m³ (99.9th percentile)	At and beyond the site boundary

Figure 9 - Air Quality Impact Assessment Criteria

Background conditions were examined in the Wagga Wagga area for the period 2014 to 2017. During this time the 'Approved Methods' impact assessment criterion for a number of limits were exceeded, most likely as a result of dust storms and bush fires, solid fuel heaters and crop residues.

The assessment modelled that during construction the 24-hour averaged PM_{10} impact assessment criteria was exceeded for residential receivers R6 and R11. The modelling also indicated a potential risk of maximum 24-hour averaged PM_{10} concentrations being above the EPA's 50 µg/m3 at the nearest industrial receiver (I01) (i.e. ROBE).

In this regard, the assessment concluded:

> *Regarding dust generated from activities at the site, during construction of the facility, 24-hour averaged PM_{10} concentrations were predicted to exceed the 50 µg/m^3 impact assessment criterion at the nearest residential sensitive receiver locations (R6 and R11) to the west and north, as well as at industrial receiver I01. Contributions from the site at R6 and R11 were predicted to be less than 3 µg/m^3, with background levels contributing 48 µg/m^3. As per the Approved Methods, further assessment was completed which determined that PM10 contributions from the site would not result in any additional exceedances at these two locations. At industrial receiver I01, modelling indicated the potential for three additional exceedances, although all were on days where background concentrations were 46 µg/m^3 or higher. Cumulative TSP, annually averaged PM_{10} and 24 and annually averaged PM2.5 concentrations were otherwise not predicted to exceed relevant impact assessment criteria during construction.*

With regard to operations, the assessment concluded:

> *None of the EPA's impact assessment criteria, except the 24-hour averaged PM_{10} criterion at I01 were predicted to be exceeded during the most intensive phase of operations. Modelling indicated the potential for one additional day where cumulative concentrations would be above the 50µg/m^3 criterion on a day when background concentrations were already 48µg/m^3.*

The modelling made a number of recommendations to minimise impacts. These include:

> *to identify unfavorable weather and elevated background conditions so that site activities could be scaled accordingly, as well as measures to reduce emissions generated from the site including the use of water carts and site speed limits; reducing the extent of exposed areas to the extent practical; wherever possible, locating dust generating activities away from receivers wherever possible, and other management approaches.*

With regard to other emissions, the modelling "found that exhaust emissions from vehicles, plant and equipment combusting fossil fuels at the facility did not present a material to risk to local air quality".

The EPA GTAs include conditions regarding dust management including air quality monitoring and the preparation of an Air Quality and Odour Management Plan.

Flora and fauna
Impacts on flora and fauna are discussed in detail in part(a)(i) of this assessment report. Significant impacts are not assessed as being likely.

Noise and Vibration
A 'Construction and Operational Noise & Vibration Assessment' was carried out for the development.

Construction noise was assessed as being within identified limits for both residential receivers as well as nearby industrial receivers. Road traffic noise due to construction was assessed as being less than 2.1dB(A). With regards to vibration the assessment concluded that criteria for residential receivers would be achieved, however, with regards to ROBE, impacts could potentially arise as a result of the use of "large vibratory roller/compactor and hydraulic

hammer". The report recommended that smaller equipment be used to ensure vibration levels are met at the industrial receiver.

In relation to operational noise, criteria are predicted to be met at all surrounding residential and industrial receivers. Traffic noise was also predicted to be less than 2 dB(A) at surrounding residential receivers. Operational mitigation measures have also been recommended in the assessment.

EPA GTAs contain a range of conditions controlling noise, including setting limits, as well as vibration, including from blasting.

Noise and vibration impacts are not considered to be significant.

Energy Impacts
The energy demands from the development are primarily from machinery on the site and from the transport of waste to the premises. All waste is proposed to be transported to the premises from Wagga Wagga and the surrounding areas of Albury and Tumut. EPA licence conditions require that waste received at the premise has:

a) Been generated outside of the Metropolitan Levy area as defined in Part 1 Section 3(1) of the Protection of the Environment Operations (Waste) Regulation 2014;
b) Come directly from the Visy Pulp and Paper Mill, located at Tumut NSW; or
c) Not come from areas outside of New South Wales.

Energy impacts are considered acceptable.

Site Design and internal design
The design of the site, including internal design, is considered acceptable.

Cumulative Impacts
The development site is within the Bomen Special Activation Precinct. Modelling for the SAP creates overall limits for development within the area, which inherently takes into account cumulative impacts. As such, future development, once the SAP is in place, will need to manage those cumulative impacts of the development before they are able to proceed.

The Principles of Ecologically Sustainable Development
The Precautionary Principle
The Precautionary Principle requires 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. In this regard, a range of measures have been proposed to prevent environmental degradation. These are primarily conditioned in the EPA GTAs.

Inter-generational Equity
The proposed development has been demonstrated as not causing significant environmental harm. Landfills are an essential requirement at present time to manage waste that cannot be otherwise recovered. It is considered that appropriate measures are in place to ensure resource recovery before the waste is placed in landfill.

Carbon emissions are minimised by drawing waste presently located in the Wagga Wagga area as well as the nearby areas of Albury and Tumut.

Conservation of Biological Diversity and Ecological Integrity
As demonstrated by this report, impacts on biodiversity are not considered to be significant.

Improved Valuation, Pricing and Incentive Mechanisms
The nature of the development is that it is for the receipt of waste which is one of the end points of this principle. The cost of receiving this waste, and managing the landfill in a manner that minimises impacts on the environment will need to be factored into the cost of depositing waste into the landfill.

The development is considered consistent with the principles of ESD.

(c) – The suitability of the site for the development
The site is considered suitable for the proposed development. It is an existing compromised site and as such greenfield land can be protected for other uses. The filling of the basins on the site will help facilitate future use of the land. The site is on appropriately zoned land, with limited close sensitive receivers. Its location within the Bomen Special Activation Precinct will allow it to service existing and future businesses in the precinct.

Existing contamination on the site has been demonstrated as being able to be managed. Hazards on the site are considered reasonable and able to be managed, including in regards to bushfire.

The site is located in a location where impacts on groundwater are not considered likely. Impacts such as odour, noise, dust and water can be managed through the imposition of conditions of consent.

(d) - any submissions made in accordance with this Act or the Regulations
Referrals
The Development Application was referred externally to the Environment Protection Agency, Transport for NSW, Essential Energy, the former Water NSW, Riverina Water, Australian Rail Track Authority, Department of Planning Industry and Environment, and Regional Growth NSW Development Corporation.

Notification
The application was initially placed on public exhibition, including placement on the Council website, the erection of a site sign, and letters to nearby properties, from 27th July 2019 to 30th August 2019 in accordance with the provisions of the WWDCP 2010.

Following the receipt of additional information, the application was placed on public exhibition, including placement on the Council website, the erection of a site sign, and letters to nearby properties, for a second period from 24th May 2021 to 2nd July 2021. This period was extended after a clerical error resulted in incorrect documents being published on the Council website in the initial days of the second exhibition period. Submitters were advised that all submissions from the initial exhibition period would still be considered in the assessment of the Application, and did not need to be resubmitted.

Public Submissions and those from public authorities
Submissions by Public Authorities
Submissions were received from Essential Energy, Water NSW, Riverina Water, Environment Protection Authority, Transport for NSW, the NSW Department of Planning, Industry and Environment, and Regional Growth NSW Development Corporation during the course of the Development Application.

Essential Energy
The Development Application was initially referred to Essential Energy under Clause 45 of SEPP (Infrastructure) 2007 who requested further detail on the proximity of the development to power lines and easements. Following these comments, and upon further review, it was determined by Council Officers that the Application is not of a kind captured under Clause 45, as the basin is not proposed within 5m of an overhead powerline, nor is it within, or immediately adjacent to an easement.

Water NSW
Water NSW, as the agency was known at the time of the submission, advised that "for the purposes of the Water Management Act 2000, no further investigation is required by this agency.

Riverina Water
Riverina Water advised that their "main concern with the proposed development is the potential for contamination of surface water and groundwater" and emphasised the "importance of monitoring any potential contaminants". Riverina Water noted that the Leachate Barrier System outlined in the EIS "should contain any leachate and prevent any contamination of groundwater".

Riverina Water also questioned who would be carrying out the testing of the bores to monitor possible groundwater contamination. In this regard it is noted that the EPA GTAs contain conditions which explicitly detail the bores to be monitored by the developer. Furthermore, the GTA sets out monitoring and recording conditions for the keeping of records with regard to this monitoring.

Environment Protection Authority
The development requires an Environmental Protection Licence (EPL) under Section 43(b) of the *Protection of the Environment Operations (POEO) Act 1997*. As such, the development was required to be referred to the Environment Protection Authority who issue licences under the POEO Act. In this regard, the EPA has issued extensive General Terms of Approval for an EPL. These GTAs must be included on any consent.

The GTAs cover a wide range of potential environmental issues, including noise, odour, dust and water impacts. The EPA also provided some general comments which have been referenced throughout this assessment report.

It is noted that the EIS foreshadows a Project Environmental Management Plan, consisting of a CEMP, and an Operation Environmental Management Plan. Given the volume of individual plans required under the GTAs, it is considered that an additional Development Application condition requiring the preparation of these documents is unnecessary and would result in double up.

Transport for NSW
The TfNSW submission is discussed in part(a)(i) and (iii) of this assessment report. No objection was raised by TfNSW.

NSW Department of Planning, Industry and Environment, and Regional Growth NSW Development Corporation
DPIE and RGDC made a joint submission to the Development Application. The joint submission noted that the site includes land zoned Regional Enterprise, and that a Waste Disposal Facility will be permitted in this zone.

The joint submission states that "whilst a landfill is not explicitly contemplated in the SAP Master Plan, a use of this nature could be supported in the zone provided it does not conflict with the zone objectives and meets the relevant assessment criteria". As demonstrated by this assessment report, it is considered that the development achieves this.

The submission also suggests that "protection and enhancement of the local character of the precinct and its contribution to the surrounding environment and its amenity" along with "opportunities for the development to encourage industry leading renewable energy generation and resource and waste management" should be considered. In this regard it is noted that this assessment report demonstrates that the development will protect and enhance the character of the precinct and its contribution to the environment and amenity. Regarding opportunities, the development proposes screening to ensure waste going to landfill is minimised.

The Department is of the view that subject to other matters being satisfied, that they "believe the long-term remediation and revegetation of the wool combing ponds in this area would be a benefit to the precinct". However, the Department does:

particularly note the concerns raised by ROBE regarding odour and consider this an important conflict that needs to be addressed along with confirmation that the proposal will not have a deleterious impact on the groundwater protection zone identified in the Wagga Wagga SAP Master Plan. If Council approves the proposed development, we would also ask Council to ensure that the height of any filling does not impact on the visual amenity of Eunony Valley.

It is considered that impacts on ROBE, groundwater and visual amenity have been considered in detail throughout this report and impacts are acceptable.

Finally, the joint submission recommended tree-planting and revegetation for screening. This has been recommended to be conditioned throughout this assessment report.

<u>Public Submissions</u>
47 public submissions were received during the initial exhibition period, all by way of objection. Three of these submissions were identical to three other submissions. Two were identical to another submission (in part) with no additional unique content. This resulted in 42 unique submissions. It is noted that a number of these unique submissions contained shared portions but had clearly been individually composed, contained unique content, and were not considered form letters. It is further noted that one submitter made seven submissions however, for the purpose of counting submissions this was considered as a single submission.

During the second exhibition period 22 public submissions were received, all by way of objection. 3 of these submissions were from entities that did not make a submission during the first exhibition period, with the remaining 19 making new submissions. Of the 22 submissions, two were identical. It is noted that two entities made multiple submissions – one making two and the other five. Again these were counted as a single submission on each occasion.

Over the two exhibition periods, 50 persons or entities made submissions into the development.

It is noted that a submission was also received prior to the initial exhibition period by an individual who later made submissions covering the same material. This submission was not counted for the purpose of counting total submissions however the matters raised were considered and assessed in full.

Due to the volume of submissions, each submission cannot be addressed individually in this assessment report. All, however, have be considered and assessed in full, and have informed the assessments in this report. Issues and key points raised in submissions are addressed below:

Impacts on groundwater, including impacts on drinking water
Impacts on groundwater have been addressed in detail throughout this assessment report and are considered acceptable. Reference in submissions was made to the development being over an aquifer, and of this being inconsistent with the *EIS Guideline: Landfilling*. This is addressed in the assessment of the development against Section 123 of SEPP (Infrastructure) 2007, however, it is noted that the Guidelines do not prevent landfills over aquifers, but rather, that they should not overlay an aquifer which contains drinking water quality groundwater which is vulnerable to pollution. As demonstrated in this assessment report, this is not considered to be the case, and the EPA is satisfied with the risks to groundwater.

Some concerns were flagged regarding perceived inconsistency throughout EIS documents regarding groundwater creating uncertainty about groundwater impacts. It is noted that the application has been reviewed by EPA groundwater experts who are satisfied with the potential for impacts.

Development should be refused consistent with the decision in M.H. Earthmoving Pty Ltd vs Cootamundra – Gundagai Regional Council (No 3)
The decision in M.H. Earthmoving related to a development the Court found to be inconsistent site selection principles in *EIS Guideline: Landfilling* and in particular, that developments should not overlay an aquifer which contains drinking water quality groundwater which is vulnerable to pollution. As demonstrated in the assessment of the development against Section 123 of SEPP (Infrastructure) 2007 it is considered that this development is consistent with the Guideline. It is noted that the developments are not comparable developments, with different circumstances involved.

Surface water impacts. Site unsuitable due to topography / point in landscape. Impacts on Murrumbidgee River. Past issues with evaporation ponds spilling.
Impacts on surface water have been addressed in detail throughout this assessment report and are considered acceptable. Impacts further downstream, including on the Murrumbidgee River are therefore also unlikely. The site is considered suitable for the proposed development.

EIS not prepared with reference to Department of Planning Guidelines 'EIS Guideline: Landfilling'. Not consistent with waste plan for city. Persons preparing documents not suitably qualified. EIS not consistent with SEARs requirements. Error in EIS re: capacity.
The EIS makes reference to and indicates throughout that the development has been designed and will be operated in accordance with NSW EPA's *Environmental Guidelines: Solid Waste Landfills (2016)* which is the key document and current best practice in NSW. The Application has been assessed against the Department of Planning *'EIS Guideline: Landfilling'* in the SEPP Infrastructure (2007) assessment. The development has also been assessed against waste strategies within this same section.

No concerns are raised with regard to the persons preparing documentation.

SEARs are adequately addressed, including project justification, details of waste, hazards and risk, air quality and odour, noise and vibration, soil and water, traffic and transport, biodiversity, visual and heritage. Comment was made that the EIS had failed to meet the SEARs as a stand alone Traffic Impact Assessment was not carried out. It is correct that the former RMS

response to the Department of Planning's consultation in preparing the SEARs does reference a TIA, however this did not form part of the final SEARs. The SEARs required a consideration of impacts. Given the scale of the traffic impacts associated with the development this is considered adequate, as addressed in detail in this assessment report. RMS/TfNSW did not raise any objection to this response in their comments on the Development Application.

There were errors in consistency in the initial EIS regarding the capacity of the landfill. These were rectified following an additional information request.

Traffic Impacts. Impacts on Snowy Mountains Highway, Sturt Highway and Hume Highway. Cumulative impacts on Trahairs Rd. Impacts on the condition of Byrnes Rd.
Traffic impacts have been addressed in the assessment report and are considered acceptable. Impacts on the Snowy Mountains Highway, Sturt Highway and Hume Highway are unlikely to be significant given the volumes of traffic associated with the development. The additional traffic is unlikely to significantly increase the maintenance needs of Byrnes Rd in the context of total traffic on Byrnes Rd.

Proposal need not established
The EIS addresses the need for the development. This includes providing an alternative waste disposal option for the commercial / industrial sector, and making use of a highly disturbed site. The justification is considered acceptable.

Visual impact
Visual impact of the development is addressed in detail in part(b) of this assessment report and is considered acceptable.

Noise and Vibration / Inadequate identification of sensitive receptors
Noise and vibration impacts of the development are addressed in detail in part(b) of this assessment report and are considered acceptable. Whilst modelling was not provided for every sensitive receiver, it is considered that the receptors modelled were adequately representative to assess impacts, particularly given the level of compliance. EPA GTAs contain extensive conditions to manage noise and vibration impacts.

Odour impacts / Inadequate identification of sensitive receptors. ROBE not considered as sensitive receptor
Odour impacts of the development are addressed in detail throughout this assessment report and are considered acceptable. Whilst modelling was not provided for every sensitive receiver, it is considered that the receptors modelled were adequately representative to assess impacts particularly given the level of compliance. Updated assessment considered ROBE as a receptor. EPA GTAs contain extensive conditions to manage odour impacts.

Dust / fly ash impacts, including on solar farm and oilseed crushing and refining plant. ROBE not considered as sensitive receptor
Impacts from particulate matter, including dust and fly ash has been considered in part (b) of this assessment report. Impacts on surrounding properties is largely consistent with Impact Assessment Criteria in 'Approved Methods for Modelling and Assessment of Air Pollutants in NSW'. A limited number of exceedances are modelled, however these and predominantly due to elevated background levels in the area. Mitigation measures were recommended in the assessment and the EPA has imposed GTAs to address dust. As such, it is considered that impacts on adjacent properties, including the solar farm and ROBE, are acceptable.

It is noted that the solar farm has flagged concerns regarding the need for additional cleaning of solar panels. Whilst the solar farm is not directly assessed in the assessment, only being a

recent addition to the landscape, modelling suggests background particulates in the local area will present a far greater impact to the development.

In relation to ROBE, concerns have been raised about the risk of closure of the business from dust/fly ash impacts causing contamination of food products. Whilst the facility was not initially considered in the assessment, updated reports were prepared to consider the ROBE site. These have been discussed in part (b) of the assessment.

Presence of landfill adjacent to ROBE would jeopardise business.
ROBE has contended that the development adjacent to their business represents a significant risk of contamination from dust/fly ash, and that odour impacts would impact on staff and risk damaging and deteriorating food. ROBE has stated that:

It is also our belief that gaining new customers would be near impossible once they discovered the fact that a waste disposal site was located next door to our plant.

The impacts of odour and dust have been discussed, and are considered acceptable against relevant standards/assessment criteria. With regard to the perception of a waste facility next to a food premises, this raises the fundamental question of whether an industry can reasonably expect to limit activities on adjacent land to provide a buffer for their own enterprise. Adjoining land is zoned industrial and a range of emission producing developments are permitted on the land. It is not considered reasonable to restrict all such uses within a certain proximity of another development to provide it with a buffer.

Aboriginal cultural heritage impacts
Impacts on Aboriginal cultural heritage are discussed throughout this assessment report and are considered acceptable.

Impact on flora and fauna. Bird life will be scared away.
Impacts on flora and fauna are discussed throughout the assessment report and are considered acceptable.

Health impacts
Health impacts from the development are not considered likely.

Floating litter. Waste on surrounding roads. Wind blown waste from site.
The site is not accessible to the general public. Loads transported to the site will be required to be covered. EPA GTAs include requirements for cover material to be applied to the cells on a daily basis. Combined these measures are considered sufficient to minimise the risk of waste on surrounding roads and entering adjoining properties.

Source of waste not clear. Types of waste not clear.
These matters are considered to be adequately addressed in the EIS.

Negative carbon footprint from transporting waste, including from Sydney. Concern about the source of waste being from Visy. Concern about waste being transported from Sydney to Tumut to Wagga.
Waste is proposed to be transported to the site from Wagga Wagga, Albury and Tumut. No waste is to be transported to the site from Sydney. It is considered that transport distances to the site will not be excessive.

Not consistent with SAP. Pre-empts and undermines the SAP process
Extensive discussion regarding the SAP is contained within this assessment report. The development is considered to be consistent with the SAP master plan.

Site suitability – site is contaminated, where does contaminated soil go, other contaminants would be present on site, stockpiling of contaminated waste, windrowing of waste
The suitability of the site with regards to contamination is discussed in detail throughout this assessment report. The status of the waxy residue is considered. It is proposed that the material will be transported to a licenced facility.

Adjoining owners not notified of lodgement of Development Application, inconsistent with commitment in community engagement. Poor community consultation pre-lodgement.
This is not a ground on which to refuse the Development Application.

Impacts on "heritage sites"
There are no items of environmental heritage on the site.

Fire risk / No consideration of ROBE in fire assessment.
The *Environmental Guidelines: Solid Waste Landfills (EPA 2016)* contain recommendations for the management of fire risk from landfill facilities. To help minimise the risk of fire, including to adjoining properties, it is recommended that a condition of consent be imposed requiring the preparation of a fire management plan for the site, consistent with the guidelines. This condition of consent should make specific reference to measures to protect the facility from fire from outside sources and to protect adjoining properties such as ROBE from fire generated from the site.

SEPP 33 Assessment is incorrect
SEPP 33 assessment is discussed in part (a)(i) of this assessment report.

Plans for shed with two hectares of catchment
It is unclear what this submission is in reference to. Only a small storage shed is proposed.

Lack of identification and clarity of a single legal and financially responsible entity for the project.
The EPA GTAs include conditions regarding financial assurance.

Vermin / Fly increase. Introduction of weeds to area.
The landfill is for non-putrescible waste. By definition:

General solid waste may only be classified as non-putrescible if:

- *it does not readily decay under standard conditions, does not emit offensive odours and does not attract vermin or other vectors (such as flies, birds and rodents), or*

Therefore vermin and fly increase in the locality is considered unlikely. Likewise, the nature of non-putrescible waste is such that it is unlikely to result in an increase in weeds in the locality.

Site will not be vegetated
As discussed throughout this assessment report, additional vegetation of the site is recommended.

Waste will not breakdown
Landfills remain a necessary component of human settlements. Addressing this issue requires fundamental shifts in waste generation in society.

Site is too close to Riverina Intermodal Freight and Logistics Hub facility
There is no apparent land use conflict with the RIFL Hub.

Development is not ecologically sustainable development
The principles of ESD are discussed in part (b) of this assessment report.

Impacts on amenity of the area. Impacts on tourism.
Impacts on amenity are discussed in detail in part(b) of this assessment report. Given impacts on amenity are considered acceptable, it is unlikely that there would be any impact on tourism in the locality.

No weighbridge on site. How will volumes be monitored?
The EPA GTAs include a requirement that the operator either install a weighbridge or have an alternative method approved in writing by the EPA. It is noted that further consent would likely be required to install a weighbridge. The EIS suggests that the weighbridge at ROBE may be used.

Landfills should be the responsibility of government agencies rather than private enterprise
It is considered that this is not a valid ground for objection.

Relationship between Council and Visy
Submitters reference commercial arrangements between Council and Visy. Conflicts of interest are considered managed as the Application is to be assessed and determined by the Southern Regional Planning Panel, which comprises two Council appointed representatives and three state appointed representatives.

Ongoing risks following closure
The EPA GTAs include conditions requiring the submissions of a closure plan. This plan would address the ongoing management of the site.

Future uses of the site will be constrained by capping method
It is considered that a range of future uses could occur on the site.

(e) - the public interest
The proposed development is considered to be in the public interest. The development is proposed within an appropriate zone, without substantial sensitive receivers in close proximity. It is proposed on an already compromised site which has limited development potential. The use itself will assist in rectifying a compromised site into a more developable state for future uses.

The provision of a landfill within the Bomen Special Activation Precinct is also considered to be of positive. The landfill will be an attractor for industry considering relocation to the SAP, as it will provide a local waste disposal option, reducing haulage costs.

The development has been demonstrated to have impacts that can be managed via conditions of consent and the General Terms of Approval issued by the EPA. The EPA has further advised that the site is suitable with regards to groundwater for a use such as this. Visually, the development is unlikely to unreasonably impact on residential receivers, given the scale of the development and the context in which it will appear.

Other Legislative Requirements
Section 1.7 and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)
As discussed in Part (a)(i) of this assessment report, due to savings provisions, the *Threatened Species Conservation Act 1995* (TSC Act 1995) applies to this development.

It is further noted that at the time that the Development Application was lodged that the land was Biodiversity Certified Land for the purpose of the BC Act 2016/TSC Act 1995.

The effect of the Biodiversity Certification, as set out by Section 8.4 of the *Biodiversity Conservation Act 2016* is that:

An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the Environmental Planning and Assessment Act 1979.

A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

Similar provisions existed in the TSC Act.

Notwithstanding, in accordance with the SEARs an Assessment of Significance (per the TSC Act 1995) was carried out for the development which concluded that a significant impact was unlikely on any NSW-listed threatened species, population or ecological community, on the basis that the proposal would not:

- *Lead to a reduction of the size or area of occupancy of a population, or fragment or disrupt the breeding cycle of a population.*
- *Affect habitat critical to the survival of these species.*
- *Affect habitat or introduce disease such that these species would decline.*
- *Introduce invasive species harmful to these species.*
- *Interfere with the recovery of these species.*

In addition, Assessments of Significance completed for federally-listed endangered ecological communities conclude that a significant impact is unlikely on the basis that:

- *The amount of habitat to be removed or disturbed by the proposal is relatively small in the context of the greater area of habitat that would remain.*
- *No fragmentation or isolation of habitat would occur.*
- *The proposal would not modify or destroy abiotic factors.*
- *The proposal would not cause a substantial change in the species composition.*
- *The proposal would not cause a substantial reduction in the quality of the ecological community.*

Therefore the development is considered complaint with relevant threated species legislation.

Council Policies
No additional Council policies apply to this development.

Comments by Council's Officers and/or Development Assessment Team
Council's other relevant officers have reviewed the application in accordance with Council's processing procedures.

Development Contributions - Section 7.11/7.12 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000
s7.11/s7.12
Sections 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Wagga Wagga Local Infrastructure Contributions Plan 2019-2034* enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. As the cost of development is over $100,000 a section 7.12 contribution of 1% of the development cost is payable. The calculation is as follows:

0.01 x $1,580,000
= $15,800.00

s64 Sewer and Stormwater
Section 64 of the Environmental Planning and Assessment Act 1979, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2006 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

s64 Sewer
No Section 64 sewer contribution is payable for this development as the development does not require connection or have any impact on Council's sewer networks.

s64 Stormwater
No Section 64 sewer contribution is payable for this development as the development is not within a stormwater DSP area. Furthermore, the development does not connect to Council stormwater infrastructure.

Other Approvals
The development requires an Environmental Protection Licence (EPL) under Section 43(b) of the *Protection of the Environment Operations (POEO) Act 1997*. As such, the development was required to be referred to the Environment Protection Authority who issue licences under the POEO Act as Integrated Development. In this regard, the EPA has issued extensive General Terms of Approval for an EPL. These GTAs must be included on any consent.

Conclusion
The development is considered to be satisfactory based on the foregoing assessment.

The development is considered to be consistent with all relevant environmental planning instruments, draft environmental planning instruments, development control plans and the *Environmental Planning and Assessment Regulation 2000*. Impacts have been identified and considered and are assessed as being reasonable or manageable via the imposition of conditions of consent. Submission have been considered in full and addressed.

The development is considered to be in the public interest and will benefit the development of the Bomen Special Activation Precinct.

The EPA have reviewed the application and raised no objection, providing General Terms of Approval for an Environment Protection Licence to operate the premises.

All matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been considered.

RECOMMENDATION

It is recommended that application number DA19/0036 for Waste Disposal Facility (Non Putrescible Landfill) be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO. DA19/0036

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.

A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.

A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.

A.4 To improve the amenity, safety and environmental quality of the locality.

A.5 Having regard to environmental quality, the circumstances of the case and the public interest.

A.6 Having regard to the Wagga Wagga Development Control Plan 2010.

A.7 To help retain and enhance streetscape quality.

A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.

A.9 To protect public interest, the environment and existing amenity of the locality.

A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

C.1 The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
C1	Site Plan	Xeros Piccolo Consulting Engineers	C	11/6/19
C2	Stage 1 Cell General Layout Plan	Xeros Piccolo Consulting Engineers	C	11/6/19
C3	Hardstand Area Layout Plan	Xeros Piccolo Consulting Engineers	C	11/6/19

C4	Leachate Pond Layout Plan	Xeros Piccolo Consulting Engineers	C	11/6/19
C5	Stormwater Management Plan	Xeros Piccolo Consulting Engineers	C	11/6/19
C6	Typical Sections	Xeros Piccolo Consulting Engineers	C	11/6/19
C7	Typical Sections 2	Xeros Piccolo Consulting Engineers	C	11/6/19
C8	Cross Sections Through Stages 1 & 2	Xeros Piccolo Consulting Engineers	C	11/6/19
C9	Cross Sections Through Stages 3 & 4	Xeros Piccolo Consulting Engineers	C	11/6/19
C10	Cross Sections Through Stages 5 & 6	Xeros Piccolo Consulting Engineers	C	11/6/19
C11	Cross Section Through Leachate Pond	Xeros Piccolo Consulting Engineers	C	11/6/19
C12	Proposed Storage Shed Elevations	Xeros Piccolo Consulting Engineers	C	11/6/19
C13	Turning Paths	Xeros Piccolo Consulting Engineers	C	11/6/19
	Tree Removal Plan	nghEnvironmental		21/9/21
	Environmental Impact Statement (including all appendices, other than Appendix K and Appendix T, and as amended by documents and letters listed below)	nghEnvironmental	Final 1.1	30/05/19
	Letter to EPA	Michial Sutherland nghEnvironmental		6/7/20
	Letter to EPA including appendices listed separately below	Nicola Smith nghEnvironmental		22/4/21
	Letter Appendix 1 to letter - Waste Classification but excluding Appendix C of Appendix 1 as it is a duplicate of Appendix R of EIS)	nghEnvironmental	Final Rev 1	31/03/21
	Letter Appendix 2 - Sensitive Receivers Map	nghEnvironmental		18/11/20
	Letter Appendix 3 - Construction and	Jacobs	F0v1	21/01/21 (revision table date)

	Operational Noise & Vibration Assessment			
	Letter Appendix 4 - Construction and Operational Air Quality Assessment	Jacobs	F0v1	15/4/21

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

C.2 Consent is not granted for the construction of a weighbridge under this Development Consent.

C.3 The waste cells shall be constructed and completed generally in accordance with the approved plans and sections, as modified by any conditions of consent, and irrespective of volumes and capacities noted or calculated in the Environmental Impact Statement.

C.4

Requirements before a Construction Certificate can be issued

C.5 Prior to the issue of the Construction Certificate for the storage shed it must be demonstrated that the building complies with the requirements of the Commonwealth Disability Discrimination Act 1992, the NSW Anti-Discrimination Act 1977 and the relevant provisions of the Disability (Access to Premises - Buildings) Standards 2010.

NOTE 1: The Disability Discrimination Act 1992 and the Anti-Discrimination Act 1977 provide that it is an offence to discriminate against a person in a number of different situations. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.

C.6 NOTE 2: Guidelines in respect of disabled access and produced by the Human Rights and Equal Opportunity Commission, are available from the Commission or from Council's Planning Directorate. That these matters must be addressed in the plans and specifications submitted with the application for a Construction Certificate. Provision must be made in the building and on the site for:

a) access to the building for people with disabilities in accordance with the Building Code of Australia;

b) toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities must be accessible to all persons working in, or using, the building; and

c) motor vehicle parking spaces on the site for the exclusive use of people with disabilities in accordance with Table D3 of the Building Code of Australia.

NOTE: These matters must be addressed in the plans and specifications submitted with the application for a Construction Certificate.

C.7 Prior to the release of the Construction Certificate for the storage shed, Conditions C.12, C.13, C.14, C.15, C.16, C.17, C.18, C.19, C.20, C.21 shall be satisfied, to the satisfaction of the General Manager or delegate.

C.8 Prior to the issue of a Construction Certificate, a geotechnical study must be submitted with the "Application to Install an On-Site Sewage Management System" to determine the suitability of the site with respect to the on-site disposal of waste water. An On-Site Sewage Management System Application together with the geotechnical report shall be assessed and approved by Council prior to carrying out any works on the site.

This study must be carried out by an appropriately qualified geotechnical Soil Consultant, with associated testing being conducted by a NATA registered laboratory. Matters such as geology, stratigraphy (in particular, soil profile and permeability) must be addressed.

The study must also state whether or not the proposed dwelling and the proposed waste water disposal area are located in a position and are of a design and capacity to ensure that all waste water generated from the activities carried out on site can be disposed of on the site without causing nuisance and/or pollution, both in the short and the long term.

NOTE 1: Alterations/modifications to the premise or replacement of disposal areas and or the On-site Sewage Management Systems require a geotechnical soil report to determine if the current system can manage additional loads and/or if the current disposal areas are adequately sized to effectively treat waste water generated by the activities on the premise.

NOTE 2: As a site investigation will need to be undertaken in order to determine the design of the floor slab and/or footings, it is suggested that the required geo-technical study with respect to on-site disposal of effluent be carried out at the same time. This should minimise investigation time and costs.

NOTE 3: The final location of the dwelling on the land may be determined by the findings and recommendations of the required geo-technical study. The location of the dwelling should therefore not be finalised until the results of the geo-technical study are known.

C.9 Prior to release of the Construction Certificate, an application to install an On-Site Sewage Management System must be submitted to and approved by Council. The On-site Sewage Management System tank must be installed on the land and the premises connected thereto, in accordance with the provisions of the Local Government Act 1993 Part 1 Approvals and the Local Government (General) Regulation 2005.

NOTE: A Section 68 approval for sanitary plumbing and drainage works must be obtained in conjunction with the On-site Sewage Management System application.

Requirements before the commencement of any works

C.10 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

a) a standard flushing toilet connected to a public sewer, or

b) if that is not practicable, an accredited sewage management facility approved by Council, or

c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

C.11 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works associated with the storage shed commencing.

NOTE 1: No building, engineering, or excavation work associated with the storage shed must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK ASSOCIATED WITH THE STORAGE SHED UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

C.12 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

C.13 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

a) Development Control Plan 2010 (Section 2.6 and Appendix 2)

b) Erosion and Sediment Control Guidelines for Building Sites; and

c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

C.14 Prior to the commencement of works, an Environment Protection Licence must be obtained from the Environment Protection Authority. Satisfactory evidence shall be supplied to Council, to the satisfaction of the General Manager or delegate.

C.15 Prior to the commencement of works, evidence shall be supplied to Council of the satisfaction of the Environment Protection Authority with regard to all plans required under the Environment Protection Licence for construction activities, such as the Erosion and Sediment Control Plan and the Air Quality and Odour Management Plan, to the satisfaction of the General Manager or delegate.

C.16 Prior to the commencement of works, detailed engineering plans shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate that show:

- Trahairs Road, with full formation and full width road, asphalt seal, a minimum of 8 metres wide from the existing asphalt seal in Trahairs Rd west of the site, to a point a minimum 10 metres east beyond the proposed access driveway to the site.
- If required, the pavement shall be widened in the vicinity of the driveway to accommodate the turning paths of B-Double trucks.

- The design shall be in accordance with Council's Engineering Guidelines for Subdivision and Developments for industrial roads.

C.17 Prior to the commencement of works, a Construction Traffic Management Plan, detailing matters such as site access, parking and storage areas shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate.

C.18 Prior to the commencement of works a detailed landscape plan and legend shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate.

(1) Landscape plan shall be in accordance with Council's Landscape Guidelines and Landscape Application Checklist.

(2) A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.

(3) Landscaping of the site should provide screening of the site and cells when viewed generally from the east.

(4) Vegetation buffers must be provided on the southern, northern and eastern boundaries of the site and layered across different bench levels of the site. Vegetation buffer plantings between bench levels should run north-south aligned to the contours. Vegetation to the eastern boundary of the site should maintain the depth of the established boundary and extend this depth to the northern boundary. Screening of car park areas and cells from Trahairs Rd shall be included.

(5) Details for the vegetative treatment of capped cell areas.

(6) Timing for the carrying out of plantings.

(7) Details for ongoing management and replacement of vegetation in the event that plants fail.

(8) Details for the maintenance of ground cover throughout the site.

C.19 Prior to the commencement of works, an amended plan shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate, indicating the parking spaces for 4 light vehicles and 2 heavy vehicles as detailed in the Environmental Impact Statement. The plan shall demonstrate compliance with Australian Standards AS2890.1.2004, AS2890.2 2002 and AS/NZS2890.6.2009.

C.20 Prior to the commencement of works, details of proposed site fencing shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate.

C.21 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of $15,800.00 must be paid to Council, prior to the commencement of works. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions

Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. .The applicable rate of CPI at the time of consent is 117.4

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

C.22 Prior to the commencement of works, an overland flow assessment shall be completed for the site, The assessment shall be carried out using a two dimensional flood model (such as TUFLOW) to determine if the existing stormwater deflection drains are adequate to ensure that overland flow is diverted around the landfill cells for all flood events up to and including the 0.5% AEP flood event.

If required, adjustments (via civil earthworks) to the deflector drains or the inclusion of diversion banks shall be designed to achieve the required diversion capacity and should demonstrate no impact on other properties.

Where any former effluent evaporation ponds are proposed to be used for flood detention, these ponds should have a suitable capacity to control flood discharges from the site to ensure no flood impact off-site (in terms of flood levels and flood velocities) for all events up to and including the 0.5%AEP. Any proposed flood storage to offset a change in site impervious area or mitigate a flood impact should also be able to safely convey the Probable Maximum Flood (PMF) event.

Prior to the commencement of works, a flood impact report addressing the above matters shall be prepared in accordance with the provisions of Australian Rainfall and Runoff 2019 and the NSW Floodplain Development Manual (2005) to demonstrate the effectiveness of any diversions/flood management strategy and submitted to Council, to the satisfaction of the General Manager or delegate. In addition, any amendments to the deflector drains or the inclusion of diversion banks required to satisfy this condition shall be detailed on plan and submitted to Council, to the satisfaction of the General Manager or delegate.

C.23 Prior to the commencement of works, stormwater drainage shall be designed to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations shall be provided.

C.24 Tree removal works shall be carried out by Council or an approved contractor. Council is to be notified of any contractor prior to the commencement of works. Only those trees indicated on the approved plans may be removed.

Tree removal consent only applies to the proposed development. If the development is not commenced the subject street tree/s shall be retained on the road reserve.

The approved works shall be executed so as to comply with the NSW Work Cover Code of Practice - Amenity Tree Industry 1998 No. 034.

Tree stump/s shall be removed below ground level to a depth of 300mm and surface area reinstated to prevent potential injury. Dial before you dig shall be undertaken before the removal of tree/s stumps to prevent damage to underground services.

Tree removal and stump grinding will be undertaken by Council or approved contractor, at the applicant's expense.

C.25 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

C.26 Prior to the carrying out of any works on site it must be demonstrated that the On-Site Sewage Management System and its associated disposal area situated more than 40m away from drainage channels, 100m away from rivers, lakes, water body, etc and 250m away from domestic ground water wells.

Requirements during construction or site works

C.27 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

C.28 Stormwater drainage must be constructed and maintained so as to provide a 1 in 10 year pipe system, satisfactory overland flow path and not adversely affect adjacent properties. Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.

C.29 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

C.30 Inspections are to be carried out on the approved road works in accordance with Council's Engineering Guidelines for Subdivisions and Development (or as amended) by Council. The following aspects of road works shall be inspected at the required hold points:

(a) Pre-start inspection and inspection of traffic management & soil & erosion control measures.

(b) Subgrade proof roll. Survey levels and compaction results.

(c) Subbase proof roll. Compaction results.

(d) Basecourse proof roll. Survey levels and compaction results.

(e) Prior to sealing

(f) Stormwater works, prior to backfilling of trenches.

(g) Concrete works prior to pouring.

(h) Into Maintenance inspection.

(i) Out Of Maintenance inspection at expiry of the maintenance period.

NOTE: Fees for inspections will be charged in accordance with Council's current Fees and Charges Schedule. Please contact Council's Development Engineer on 1300 292 442 to book inspections.

C.31 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. NSW Environment, Energy and Science shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by NSW Environment, Energy and Science.

Requirements prior to issue of an Occupation Certificate or prior to operation

C.32 The applicant must obtain an Occupation Certificate, pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

C.33 Prior to the operation of the premises, the paving of all vehicular movement areas (excluding tracks around basins but including the entire loading/unloading/parking area) must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.

C.34 Prior to the operation of the site, the storage shed and amenities shall be constructed and an Occupation Certificate issued for this building.

C.35 Prior to operation of the site all required roadworks in Trahairs Road shall be completed to the satisfaction of Council, and shall include the following:

- Works-As-Executed Plans
- Into Maintenance Inspection
- Payment of Maintenance bond of 5% of works cost

C.36 Prior to the operation of the site, a fire management plan, consistent with Environmental Guidelines: Solid Waste Landfills (EPA 2016) shall be established for the site. The plan shall also consider and make specific reference to protect the facility from fire from outside sources (including ROBE), and to protect adjoining properties such as ROBE from fire generated from the site. The plan must be developed in consultation with adjoining property owners (with clear evidence of the consultation included in the plan) and shall be complied with at all times.

C.37 Prior to the operation of the site, any amendments to deflector drains or diversion structures required under Condition C.20 shall be completed.

C.38 Prior to the issue of Occupation Certificate, the building must comply with the Fire Safety Schedule, attached.

NOTE: The Fire Safety Schedule supersedes any earlier Fire Safety Schedule and will cease to have effect when any subsequent Fire Safety Schedule is issued.

C.39 Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:

a) has been assessed by a properly qualified person; and

b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.

Further, the assessment must be carried out within a period of three (3) months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

NOTE: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

General requirements

C.40 The approved use must only be conducted

- on Mondays to Fridays, inclusive between the hours of 7:00am and 6:00pm.
- on Saturdays, between the hours of 8:00am and 1:00pm.

C.41 All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE: Compliance with Australian Standard AS4282.1997 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

C.42 The waxy residue located in the ponds from the former woolcombing operation shall be progressively removed and disposed of at an appropriately licenced facility for the receipt of such waste. Stockpiling of any such material on site shall not occur for longer than two years.

C.43 Landscaping shall be implemented and managed in accordance with the approved landscaping plan at all times.

C.44 The maximum finished height of the cells (including capping) shall not exceed 238m AHD.

C.45 The site must be maintained in clean and tidy manner, in the opinion of the General Manager or delegate, at all times.

C.46 Should any stormwater be required to be discharged from the site in future, stormwater drainage shall be designed to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations shall be provided.

C.47 The owner must submit to Council and the NSW Fire Brigade an Annual Fire Safety Statement, each 12 months, commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

C.48 A minimum of 4 car parking spaces and 2 heavy vehicle parking spaces must be made available on site at all times. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004, AS2890.2 2002 and AS/NZS2890.6.2009.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)

(1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.

(2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.

(3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

(a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or

(b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

(a) development consent, in the case of a temporary structure that is an entertainment venue, or

(b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(a) showing the name, address and telephone number of the principal certifying authority for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

i) the name and licence number of the principal contractor, and

ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

i) the name of the owner-builder, and

ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

(a) entertainment venue,

(b) function centre,

(c) pub,

(d) registered club,

(e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(a) protect and support the building, structure or work from possible damage from the excavation, and

(b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

General Terms of Approval

Environmental Protection Licence under the Protection of the Environment Operations Act 1997 (General Terms of Approval issued by the Environment Protection Authority)

Attachment A

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The Development Application DA19/0036 submitted to Wagga Wagga City Council dated 31 January 2019;
- The Environmental Impact Statement titled 'North Ridge Materials Facility' (May 2019) relating to the development; and
- All additional documents supplied to the EPA in relation to the development, including a letter from nghEnvironmental dated 6 July 2020 and a letter from nghEnvironmental dated 22 April 2021.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in section 83 of that Act.

Discharges to Air and Water and Application to Land

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table are identified in the licence for the purposes of the monitoring and/or setting of limits for discharges of pollutants to the air from that point.

Air

EPA IDENTIFICATION	TYPE OF MONITORING POINT	TYPE OF DISCHARGE POINT	LOCATION DESCRIPTION
POINT 23	Meteorological Monitoring		Meteorological station - exact location of monitoring points to be negotiated with the EPA
POINT 24-28	Ambient air quality monitoring		Dust deposition gauge/s to located at sites representative of nearest sensitive receptors -

			exact locations to be negotiated with the EPA

P1.2 The following points referred to in the table are identified in the licence for the purposes of the monitoring and/or setting of limits for discharges of pollutants of water from the point.

Water and land

EPA IDENTIFICATION	TYPE OF MONITORING POINT	TYPE OF DISCHARGE POINT	LOCATION DESCRIPTION
POINTS 1 -12	Groundwater quality monitoring		12 piezometers - exact location of monitoring points to be negotiated with the EPA
POINT 13	Leachate quality monitoring		Leachate storage dam - exact location of monitoring point to be negotiated with the EPA
POINTS 14 - 17	Surface water quality monitoring		Stormwater dam(s) - exact location of monitoring points to be negotiated with the EPA Middle and Eastern evaporative ponds down gradient of the proposed cell

P1.3 The following points referred to in the table are identified in the licence for the purposes of the monitoring and/or setting of limits for the emission of noise from the premise.

Noise

EPA IDENTIFICATIO N	TYPE OF MONITORING POINT	TYPE OF DISCHARGE POINT	LOCATION DESCRIPTION
POINTS 18 - 22	Noise monitoring		Noise monitoring to be at sites representative of nearest sensitive receptors.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in accordance with the carrying out of the development.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises, except the wastes expressly referred to in the column titled ‘Waste’ and meeting the definition, if any, in the column titled ‘Description’ in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled ‘Activity’ in the table below.

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

This condition does not limit any other conditions in this licence.

CODE	WASTE	DESCRIPTION	ACTIVITY	OTHER LIMITS
NA	General Solid Waste (non-putrescible)	As defined in Schedule 1 of the Protection of the Environment Operations Act 1997, in force from time to time	Waste Disposal (application to land)	The total quantity of waste disposed of at the premises must not exceed 75,529 cubic meters (m3) per annum.

L2.2 Waste disposal at the premises must cease nine (9) years from the date the first load of waste is received at the premises, unless otherwise approved in writing by the EPA.

L2.3 Unless expressly permitted by a condition of this licence the only waste permitted to be received at the facility must:

a) Have been generated outside of the Metropolitan Levy area as defined in Part 1 Section 3(1) of the *Protection of the Environment Operations (Waste) Regulation 2014*;
b) Have come directly from the Visy Pulp and Paper Mill, located at Tumut NSW; or
c) Not come from areas outside of New South Wales.

L2.4 The volume of waste disposed at the premises must not exceed a total airspace capacity of 630,000 cubic metres (m3).

L3. Potentially offensive odour

L3.2 In the event of a verified offensive odour complaint a comprehensive odour audit by a suitable qualified professional is to be completed to confirm compliance with section 129 of the Protection of the Environment Operations Act 1997. The scope and timing of the audit is to be acceptable to the NSW EPA.

The licensee must submit a copy of the odour audit findings to the EPA by electronic mail to info@epa.nsw.gov.au within seven days of receiving the report, as well as a description of mitigation measures that will be implemented to mitigate and prevent offensive odour impacts from occurring.

L4 Noise

L4.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

LOCATION	NOISE LIMITS IN DB(A)
	DAY
	$LA_{eq(15\ minute)}$
1540 Olympic Highway, Brucedale (Lot 14, DP 1223064)	42
46 Trahairs Road, Bomen (Lot 1, DP 592928)	41
66 East Bomen Road, Bomen (Lot 1, DP 594679)	40

212 East Bomen Road, Bomen (Lot 3, DP 594679)	40
199 Mary Gilmore Road, Brucedale (Lot 11, DP 819988)	40

L4.2 For the purposes of condition L4.1:

a) Day means the period from 7am to 6pm Monday to Friday and the period from 8am to 1pm Saturday.

L4.3 Noise-enhancing meteorological conditions

a) The noise limits set out in condition L4.1 apply under the following meteorological conditions:

ASSESSMENT PERIOD	METEOROLOGICAL CONDITIONS
Day	Stability Categories A, B, C and D with wind speeds up to and including 3 metres per second (m/s) at 10 metres above ground level.

b) For those meteorological conditions not referred to in condition L4.3(a), the noise limits that apply are the noise limits in condition L4.1 plus 5dB.

L4.4 For the purposes of condition L4.3:

a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Wagga Wagga, NSW.

b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):

i. Use of sigma-theta data (section D1.4).

L4.5 To assess compliance:

a) with the $LA_{eq(15\ minutes)}$ noise limits in condition L4.1 and L4.3, the noise measurement equipment must be located:

(i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to the premises; or where applicable,

(ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,

(iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,

(iv) at any other location identified in condition L4.1

b) with the $LA_{eq(15\ minutes)}$ noise limits in condition L4.1 and L4.3, the noise measurement equipment must be located:

(i) at the reasonably most affected point at a location where there is no residence at the location; or,

(ii) at the reasonably most affected point within an area at a location prescribed by condition L4.5 (a).

L4.6 A non-compliance of conditions L4.1 and L4.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L4.5 (a) or L4.5 (b).

NOTE to L4.5 and L4.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L4.7 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L4.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

L5 Hours of Operation

L5.1 All construction work at the premises must only be conducted between Monday to Friday 7am to 6pm and Saturday 8am to 1pm. No construction work is to occur on Sundays or Public Holidays.

L5.2 Activities at the premises, other than construction work, may only be carried on between Monday to Friday 7am to 6pm, Saturdays 8am to 1pm and no operational activities are to occur on Sundays or Public Holidays.

L5.3 The following activities may be carried out outside the hours of operation permitted by conditions L5.1 and L5.2:

a) construction activities that causes $LA_{eq(15minute)}$ noise levels that are:
   i. no more that 5dB above Rating Background Level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009); and
   ii. no more than the Noise Management Levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses; or

b) the delivery of materials required by the police or other authorities for safety reasons; or

c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or

d) as approved through the process outlined in condition L5.4 of this approval.

In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L5.4 The hours of operation specified in conditions L5.1 and L5.2 may be varied with written

consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L6 Blasting

L6.1 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.2 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.5 Blasting at the premises may only take place between 10:00am-3:00pm Monday to Friday. Blasting is not permitted on weekends or public holidays.

L6.6 Blasting outside of the hours specified in L6.5 can only take place with the written approval of the EPA.

L6.7 The airblast overpressure and ground vibration levels in conditions L6.1 to L6.4 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and land owner.

L6.8 Blasting at the premises is limited to one (1) blast on each day on which blasting is permitted.

L6.9 Blast Monitoring

To determine compliance with Conditions L6.1 to L6.4:

(a) Airblast overpressure and ground vibration levels must be measured and electronically recorded in accordance with the ANZECC guidelines for all production blasts carried out in or on the premises; and
(b) The written record must include:
    i) the time and date of each blast;
    ii) the station(s) at which the noise was measured;

iii) the ground vibration for each blast;
iv) the airblast overpressure for each blast;
v) evidence that during the past 12-month period, a calibration check had been carried out on each blast monitor to ensure accuracy of the reported data; and
vi) the waveform for the ground vibration and overpressure for each blast that exceeds a ground vibration of 5mm/sec (peak particle velocity) or an airblast overpressure of 115dB(L).

(c) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard 2187.2 of 2006.

L6.10 A Blasting/Vibration Management Protocol is to be prepared by the licensee prior to blasting to demonstrate the protocol to comply with conditions set in L6. The Protocol shall include details about:

- Compliance standards;
- Measures to ensure compliance with licence limits;
- Remedial and reporting action plan;
- Monitoring methods and program;
- Notification of procedures for neighbours prior to detonation of each blast;

Operating conditions

O1. Odour

O1.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

O2. Dust

O2.1 All operations and activities occurring at the premises must be carried out in a manner that prevents or minimises the emissions of air pollutants from the premises.

O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O2.3 Drop heights when loading haul trucks must be minimised at all times.

O2.4 The premises must be maintained in a manner that prevents or minimises the emission of air pollutants from the premises.

O2.5 All unsealed haul roads must be regularly watered to prevent or minimise the emission of wheel generated dust.

O3. Stormwater/sediment control - Construction Phase

O3.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the

Department of Housing).

O4. Stormwater/sediment control - Operation Phase

O4.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

O5 Emergency Response

O5.1 The proponent must have in place and implement procedures to minimise the risk of fire at the premises.

O5.2 The proponent must extinguish fires at the premises as soon as possible.

O6 Processes and Management

O6.1 The proponent must take all practicable steps to control entry to the premises.

O6.2 The proponent must install and maintain lockable security gates at all access and departure locations.

O6.3 The proponent must ensure that all gates are locked when the landfill is unattended.

O6.4 The proponent must install and maintain security fencing at a height of 1.8 metres to prevent unauthorised access and stock access to the active landfill cell, leachate dam and leachate transfer pond.

O6.5 The perimeter of the areas where waste has been landfilled must be contoured to prevent stormwater running onto these surfaces from all storm events less than or equal to a 1 in 10-year 24-hour duration storm event.

O6.6 The drainage from all areas at the premises which will liberate suspended solids when stormwater runs over these areas must be diverted into sediment controls that have been designed and maintained in accordance with the guideline Managing Urban Stormwater: Volume 1 and Volume 2B Waste Landfills.

O6.7 The proponent must control pests, vermin and weeds at the premises.

O6.8 The licensee must ensure that adequately trained staff are available at the premises in order to administer the requirements of this licence.

O6.9 The proponent must install and operate a wheel wash, or alternative approved in writing by the EPA, to clean the wheels of all vehicles exiting the premises.

O6.10 The licensee must undertake a weekly boundary litter patrol of the premises so that all wind blown litter caught on the boundary fence and/or in neighbouring paddocks is collected and returned to the appropriate place of disposal.

O7 Waste Management

O7.1 Cover material must be applied in accordance with the following requirements unless otherwise approved by the EPA:

a) Daily Cover - cover material must be applied to a minimum depth of 15 centimetres over all exposed landfilled waste prior to ceasing operations at the end of the day.

b) Intermediate Cover - cover material must be applied to a depth of 30 centimetres over surfaces of the landfilled waste at the premises which are to be exposed for more than 90 days.

c) Cover material stockpiled - at least two weeks cover material must be available at the premises under all weather conditions.

O7.2 The proponent must prepare and submit to the EPA within 12 months prior to the last load of waste being landfilled at the premise a closure plan prepared in accordance with section 76 of the *Protection of the Environment Operations Act 1997*.

O7.3 There must be no incineration or burning of waste at the premises.

O7.4 The proponent must minimise the tracking of waste and mud by vehicles.

O7.5 The proponent must have in place and implement procedures to identify and prevent the disposal of any waste not permitted by this licence to be disposed of at the premises.

O7.6 The active tip face must not exceed 600 square metres (m^2) in area at any one time.

O8 Leachate Management

O8.1 Water which contacts waste, other than virgin excavated natural material, must be managed as leachate.

O8.2 Leachate must only be disposed of by:

a) Evaporation;

b) Irrigation within the active cell of the landfill; or

c) Disposal at a facility licensed to accept such waste.

O8.3 Irrigation of leachate within in active cell must only be undertaken:

a) During dry weather; and

b) Such that ponding or run off within the active cell does not occur and if the active tipping face is enclosed by a 300mm high earthen bund.

O8.4 Use of leachate as a dust suppressant outside of the active cell is prohibited.

O8.5 The licensee must ensure that a freeboard of 500mm is maintained in the leachate pond. The licensee must install a marker in the leachate pond to allow the 500mm freeboard to be

checked visually.

O8.6 The licensee must take all practicable measures to minimise the volume of leachate within the waste mass and to maximise the disposal of leachate collected in the leachate management system.

O9. Groundwater Management Plan

O9.1 Prior to the commencement of operations, the licensee must submit a Groundwater Management Plan to the EPA by electronic mail to info@epa.nsw.gov.au.

The Groundwater Management Plan must describe the following:

- Recommendations for the installation of additional monitoring wells including construction details;
- Development of a groundwater monitoring strategy including sampling methodology and timetable; and
- Preparation of a consolidated Groundwater Management Plan to be implemented during operation of the proposal.

O10. Air Quality and Odour Management Plan

O10.1 Prior to the commencement of construction, the licensee must submit an Air Quality and Odour Management Plan to the EPA by electronic mail to info@epa.nsw.gov.au.

As a minimum the Air Quality and Odour Management Plan must include, but not be limited to:

- Address both the construction and operational phases of the proposal;
- Proactive and reactive mitigation and management strategies for all significant and potentially significant emission sources;
- Key performance indicator(s);
- Monitoring method(s);
- Location, frequency and duration of monitoring;
- Response mechanisms and contingency measures;
- System and performance review for continuous improvement; and
- Compliance reporting.

Monitoring and recording conditions

M1. Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

a) in a legible form, or in a form that can readily be reduced to a legible form;
b) kept for at least 4 years after the monitoring or event to which they relate took place; and

c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

a) the date(s) on which the sample was taken;
b) the time(s) at which the sample was collected;
c) the point at which the sample was taken; and
d) the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Air

Points 24-28

Pollutant	Unit of measure	Frequency	Sampling Method
Particulates - Deposited Matter	Grams per square meter per month	Once a month (minimum of 4 weeks)	AM-19

Water and Land

Points 1-12 Groundwater Quality Monitoring

Pollutant	Units of measure	Frequency	Sampling Method
Alkalinity (bicarbonate and carbonate)	Milligrams per litre	Quarterly	Representative sample
Aluminium	Milligrams per litre	Annually	Representative sample
Arsenic	Milligrams per litre	Annually	Representative sample
Barium	Milligrams per litre	Annually	Representative sample
Benzene	Milligrams per litre	Annually	Representative sample
Cadmium	Milligrams per litre	Annually	Representative sample
Calcium	Milligrams per litre	Quarterly	Representative sample
Chloride	Milligrams per litre	Quarterly	Representative sample
Chromium	Milligrams per litre	Annually	Representative sample
Cobalt	Milligrams per litre	Annually	Representative sample
Conductivity	Milli-siemens per centimetre	Quarterly	In situ
Copper	Milligrams per litre	Annually	Representative sample
Ethylbenzene	Milligrams per litre	Annually	Representative sample
Fluoride	Milligrams per litre	Quarterly	Representative sample
Lead	Milligrams per litre	Annually	Representative sample
Magnesium	Milligrams per litre	Quarterly	Representative sample
Manganese	Milligrams per litre	Annually	Representative sample
Mercury	Milligrams per litre	Annually	Representative sample
Naphthalene	Milligrams per litre	Annually	Representative sample

Nickel	Milligrams per litre	Annually	Representative sample
Nitrate + Nitrite (oxidised nitrogen)	Milligrams per litre	Quarterly	Representative sample
Nitrogen (ammonia)	Milligrams per litre	Quarterly	Representative sample
Organochlorine	Milligrams per litre	Annually	Representative sample
Organophosphate	Milligrams per litre	Annually	Representative sample
pH	pH	Quarterly	In Situ
Phosphorus	Milligrams per litre	Quarterly	Representative sample
Polycyclic aromatic hydrocarbons	Milligrams per litre	Annually	Representative sample
Potassium	Milligrams per litre	Quarterly	Representative sample
Selenium	Milligrams per litre	Quarterly	Representative sample
Sodium	Milligrams per litre	Quarterly	Representative sample
Standing water level	Metres	Quarterly	In situ
Sulphate	Milligrams per litre	Quarterly	Representative sample
Total dissolved solids	Milligrams per litre	Quarterly	Representative sample
Total organic carbon	Milligrams per litre	Quarterly	Representative sample
Total Petroleum hydrocarbons	Milligrams per litre	Annually	Representative sample
Total Phenolics	Milligrams per litre	Annually	Representative sample
Xylene	Milligrams per litre	Annually	Representative sample
Zinc	Milligrams per litre	Annually	Representative sample

Point 13 Leachate Quality Monitoring

Pollutant	Units of measure	Frequency	Sampling Method
Alkalinity (bicarbonate and carbonate)	Milligrams per litre	Annually	Representative sample
Biochemical oxygen demand	Milligrams per litre	Annually	Representative sample
Calcium	Milligrams per litre	Annually	Representative sample
Chemical oxygen demand	Milligrams per litre	Annually	Representative sample
Chloride	Milligrams per litre	Annually	Representative sample
Conductivity	Milli-siemens per centimetre	Quarterly	In situ
Fluoride	Milligrams per litre	Annually	Representative sample
Lead	Milligrams per litre	Annually	Representative sample
Magnesium	Milligrams per litre	Annually	Representative sample
Manganese	Milligrams per litre	Annually	Representative sample
Nitrate + Nitrite (oxidised nitrogen)	Milligrams per litre	Annually	Representative sample
pH	pH	Quarterly	In situ
Phosphorus	Milligrams per litre	Annually	Representative sample
Potassium	Milligrams per litre	Annually	Representative sample
Sodium	Milligrams per litre	Annually	Representative sample
Standing water level	Metres	Quarterly	Representative sample
Sulphate	Milligrams per litre	Annually	Representative sample
Total dissolved solids	Milligrams per litre	Annually	Representative sample
Total suspended solids		Annually	Representative sample

Total organic carbon	Milligrams per litre	Annually	Representative sample
Total Phenolics	Milligrams per litre	Annually	Representative sample
Volume	Cubic meters	Continuous	Representative sample

Points 14-17 - Surface Water Quality Monitoring

Pollutant	Units of measure	Frequency	Sampling Method
Dissolved oxygen	Milligrams per litre	Quarterly	Representative sample
Electrical conductivity	Milli-siemens per centimetre	Quarterly	In situ
Nitrogen (ammonia)	Milligrams per litre	Quarterly	Representative sample
pH	pH	Quarterly	In situ
Potassium	Milligrams per litre	Quarterly	Representative sample
Thermotolerant coliforms	Colony forming units per 100 millilitres	Quarterly	Representative sample
Total dissolved solids	Milligrams per litre	Quarterly	Representative sample
Total organic solids	Milligrams per litre	Quarterly	Representative sample
Total suspended solids	Milligrams per litre	Quarterly	Representative sample

M4 Noise Monitoring

M4.1 To assess compliance with the noise limits specified in condition L3.1, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point/s in accordance with the table below during a period of time representative of typical operating conditions and not undertaken during a shutdown period.

Point 18-22

ASSESSMENT PERIOD	MINIMUM FREQUENCY IN A REPORTING PERIOD	MINIMUM DURATION WITHIN AN ASSESSMENT PERIOD
Day	Special Frequency 1	15 minutes

Note ‘Special Frequency 1’ means noise monitoring occurring at the following times:

a) During construction activities - Monthly (a minimum of 4 weeks)
b) During times when operational activities are only occurring - Quarterly.

M5 Weather Monitoring

M5.1 The meteorological weather station identified as EPA monitoring point 23 must be maintained so as to be capable of continuously monitoring the parameters specified in condition M5.2.

M5.2 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sampling at the frequency, specified opposite in the other columns.

Point 23

PARAMETER	UNITS OF MEASURE	FREQUENCY	AVERAGING PERIOD	SAMPLING METHOD
Air Tempreture	°C	Continuous	1 hour	AM-4
Wind Direction	°	Continuous	15 minute	AM-2 and AM-4
Wind Speed	m/s	Continuous	15 minute	AM-2 and AM-4
Sigma Theta	°	Continuous	15 minute	AM-2 and AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative Humidity	%	Continuous	1 Hhour	AM-4

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

R2 Other reporting conditions

R2.1 The proponent must complete and submit to the EPA an annual Waste Summary Report each financial year.

R2.2 The annual Waste Summary Report must be submitted to the EPA via the Waste and Resource Reporting Portal (WARRP) within 60 days of the end of the financial year.

R2.3 The proponent must submit to the EPA by electronic mail to info@epa.nsw.gov.au a quarterly summary of the total tonnage of waste received at the premises. The quarterly report must be submitted to the EPA within 14 days of the end of each quarter.

Special Conditions

E1 Surface Water Management Plan

E1.1 Prior to the commencement of operation of Cell 1, the licensee must submit to the EPA by electronic mail to info@epa.nsw.gov.au a Surface Water Management Plan that ensures the site operates as a nil discharge site. The plan must include but not be limited to:

- Details on the management of stormwater onsite; and
- Measures to ensure that sufficient freeboard is maintained within the leachate management dam in the event the design storm event is exceeded, or if the cells are not capped within 1.5 years.

E2 Cell Design and Construction Quality Assurance Report

E2.1 The licensee must construct a leachate barrier on the floor and walls in each sub-cell in accordance with the concept designs and specifications contained in *Environmental Impact Statement: North Ridge Materials Facility* (NGH Environmental, May 2019). This includes a leachate barrier comprising, from bottom to top:

a) A groundwater relief layer;
b) A 200mm thick compacted sub-base layer;
c) A liner consisting of a 1000 mm thick clay liner, comprised of compacted clay with hydraulic conductivity less than 1 x 10-9 m/s, and a 2mm thick high-density polyethylene membrane;
d) A protection geotextile;
e) A 300mm thick leachate collection layer comprising drainage gravel of nominal size 20mm with hydraulic conductivity greater than 1 x 10-3 m/s (and including collection pipework across the floor of each sub-cell); and
f) A separation geotextile.

E2.2 Prior to the construction of each sub-cell, the licensee must prepare a Construction Quality Assurance (CQA) Plan that addresses the matters set out in *Environmental Guidelines: Solid Waste Landfills*, Minimum Standards Part 11 (EPA, 2016). It must specify the tests, inspections and other procedures that the licensee will implement during construction to ensure compliance with the approved designs and specifications.

E2.3 At least three (3) months prior to starting construction of each sub-cell, the licensee must submit to the EPA by electronic mail to info@epa.nsw.gov.au for approval a detailed design of the sub-cell, including detailed design of the leachate barrier referred to in condition E2.1 and a Construction Quality Assurance (CQA) Plan referred to in condition E2.2. The licensee must not start construction until the EPA has approved the detailed design and CQA Plan, and given written approval to commence construction.

E2.4 Following construction of each sub-cell, the licensee must submit to the EPA by electronic mail to info@epa.nsw.gov.au <mailto:info@epa.nsw.gov.au>for approval a Construction Quality Assurance (CQA) Report. The licensee must not deposit waste in the completed sub-cell until the EPA has approved the CQA Report and given written approval to commence filling. The CQA Report must be produced by an independent and suitable qualified person and must contain:

a) Details and evidence of the works installed, the testing conducted and the quality assurance procedures implemented;

b) An account of any variations to the approved designs, methods, specifications and CQA Plan; and

c) An opinion by an appropriately qualified and experienced construction quality assurance practitioner on the conformance of the works with the approved designs, methods, specifications and CQA Plan.

E3 Leachate Pond

E3.1. The licensee must construct a leachate pond in accordance with the concept designs and specifications contained in *Environmental Impact Statement: North Ridge Materials Facility* (NGH Environmental, May 2019). This includes a pond liner that is equivalent to the liner specified for the cell lining in condition E2.1.

E3.2. Prior to the construction of the leachate pond, the licensee must prepare a Construction Quality Assurance (CQA) Plan that addresses the matters set out in *Environmental Guidelines: Solid Waste Landfills*, Minimum Standards Part 11 (EPA, 2016). It must specify the tests, inspections and other procedures that the licensee will implement during construction to

ensure compliance with the approved designs and specifications.

E3.3. At least three (3) months before starting construction of the first sub-cell, the licensee must submit to the EPA by electronic mail to info@epa.nsw.gov.au for approval a detailed design of the leachate pond, including detailed design of the liner referred to in condition E3.1 and a Construction Quality Assurance (CQA) Plan referred to in condition E3.2. The licensee must not start construction of the pond until the EPA has approved the detailed design and CQA Plan, and given written approval to commence construction.

E3.4. Following construction of the leachate pond, the licensee must submit to the EPA by electronic mail to info@epa.nsw.gov.au for approval a Construction Quality Assurance (CQA) Report. The licensee must not deposit waste at the site until the EPA has approved the CQA Report for the completed leachate pond and given written approval to commence landfilling. The CQA report must contain:

a) details and evidence of the works installed, the testing conducted, and the quality assurance procedures implemented;
b) an account of any variations to the approved designs, methods, specifications and CQA Plan; and
c) an opinion by an appropriately qualified and experienced construction quality assurance practitioner on the conformance of the works with the approved designs, methods, specifications and CQA Plan.

E4 Final Capping

E4.1 The licensee must construct final capping on each sub-cell within six (6) months of completion of waste disposal in the sub-cell. The final capping must be in accordance with the concept designs and
specifications contained in Environmental Impact Statement: North Ridge Materials Facility (NGH Environmental, May 2019). This includes, from bottom to top:

a) A 300mm thick seal bearing surface comprised of engineering material;
b) A sealing layer consisting of a 600mm thick clay sealing layer, comprised of compacted clay with hydraulic conductivity less than 1 x 10-9m/s, and a 2mm thick high-density polyethylene membrane; and
c) A 1000m thick revegetation layer.

E4.2 Prior to the construction of the cap on each sub-cell, the licensee must prepare a Construction Quality Assurance (CQA) Plan that addresses the matters set out in Environmental Guidelines: Solid Waste Landfills, Minimum Standards Part 11 (EPA, 2016). It must specify the tests, inspections and other procedures that the licensee will implement during construction to ensure compliance with the approved designs and specifications.

E4.3 At least three (3) months prior to starting construction of the cap on each sub-cell, the licensee must submit to the EPA by electronic mail to info@epa.nsw.gov.au for approval a detailed design of the cap referred to in condition E4.1 and a Construction Quality Assurance (CQA) Plan referred to in condition E4.2. The licensee must not start construction until the EPA has approved the detailed design and CQA Plan, and given written approval to commence construction

E4.4 Following construction of the cap on each sub-cell, the licensee must submit to the EPA by electronic mail to info@epa.nsw.gov.au a Construction Quality Assurance (CQA) Report for the EPA's approval. The CQA report must contain:

a) Details and evidence of the works installed, the testing conducted, and the quality assurance procedures implemented;
b) An account of any variations to the approved designs, methods, specifications and CQA Plan; and
c) An opinion by an appropriately qualified and experienced construction quality assurance practitioner on the conformance of the works with the approved designs, methods, specifications and CQA Plan.

E5 Water Quality Monitoring

E5.1 Prior to the construction of the first sub-cell, the licensee must submit to the EPA a Water Quality Monitoring Program, prepared in accordance with the *Environmental Guidelines: Solid Waste Landfills*, Minimum Standards Part 4 (EPA,2016). This must include a campaign of pre-landfill, or baseline monitoring to characterise the groundwater and surface water quality in terms of the landfill leachate parameters specified in the Landfill Guidelines. Once the monitoring program is approved, the licensee must install the monitoring network, conduct baseline monitoring, and submit a report with analysis to the EPA at least three (3) months prior to commencing construction of the first sub-cell.

Note: this baseline monitoring campaign is likely to require at least five (5) rounds of groundwater monitoring.

E6 Weighbridge Requirements

E6.1 Prior to the acceptance of waste at the premises, the licensee must either install a weighbridge that records the total tonnage of waste being disposed of at the premises, or have an alternative method approved in writing by the EPA for recording the total tonnage of waste received at the premises.

E6.2 The licensee must weigh and record all deliveries of waste being disposed of at the premises.

E7 Financial Assurance

E7.1 A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as "Authorised Deposit-taking Institutions" under the Banking Act 1959 of the Commonwealth of Australia and supervised by the Australian Prudential Regulatory Authority (APRA) must be provided to the EPA as required by Condition E7.2.

E7.2 The financial assurance must be in favour of the Environment Protection Authority in an amount to be determined by the EPA once a licence application is received for the premises. The financial assurance is required to secure or guarantee funding of works or programs required by or under this licence. The financial assurance must contain a term that provides

that any monies claimed can be paid to the EPA, or at the written direction of the EPA, to any other person. The licensee must provide to the EPA, along with the original counterpart guarantees, confirmation in writing that the financial institution providing the guarantees is subject to supervision by APRA.

E7.3 The financial assurance must be maintained during the operation of the facility and thereafter until such time as the EPA is satisfied the premises is environmentally secure.

E7.4 The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.

E7.5 The EPA may claim on financial assurance under s303 of the POEO Act if the licensee fails to carry out any work or program required to comply with the conditions of this licence.

E7.7 The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertaken a work or program required to be carried out by the licence which has not been undertaken by the licence holder.

E8 Annual Environmental Monitoring Report

E8.1 The licensee must supply to the EPA an Annual Environmental Monitoring Report concurrently with the submission of the Annual Return.

The report is to supplement the Annual Return and must include but need not be limited to:

a) Results of all monitoring data in graphical and tabulated format. This data is to include both historical monitoring data and data from the current reporting period;

b) An analysis and interpretation of monitoring results; and

c) Actions to correct identified adverse trends.

E9 Complaints Handling Procedure

E9.1 The proponent must prepare a complaint handling procedure from implementation at the premises. The procedure must include details of proposed actions to be taken upon receival of a complaint at the premises.

Attachment B
Mandatory Conditions for all EPA licences
Administrative Conditions

Other activities

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

- Waste disposal (application to land)

Operating conditions

Activities must be carried out in a competent manner

Licenced activities must be carried out in a competent manner. This includes:

d) The processing, handling, movement and storage of materials and substances used to carry out the activity; and
e) The treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licenced activity:

- Must be maintained in a proper and efficient condition; and
- Must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after the condition takes effect.

Reporting conditions

Annual Return Documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

a) Statement of Compliance; and
b) Monitoring and Complaints Summary.

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

Period covered by Annual Return

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

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

Where this licence is transferred from the licensee to a new licensee:

a) The transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and

b) The new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for the purpose

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:

a) In relation to the surrender of a licence - the date when the notice in writing of approval of the surrender is given; or
b) In relation to the revocation of the licence - the date from which notice revoking the licence operates.

Deadline for Annual Return

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

Licensee must retain a copy of the Annual Return

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

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

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

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

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

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

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

a) where this licence applies to a premises, an event has occurred at the premises; or
b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence.

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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

The request may require a report which includes any or all of the following information:

a) the cause, time and duration of the event;
b) the type, volume and concentration of every pollutant discharged as a result of the event;
c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
f) details of any measures taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
g) any other relevant matters.

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

General Conditions

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

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

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

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