

DETERMINATION AND STATEMENT OF REASONS
SOUTHERN REGIONAL PLANNING PANEL

PANEL REF & DA NO	PPSSTH-124 – Goulburn-Mulwaree Council – DA/0313/2122 – 282 Carrick Road, Carrick 2580 – Establishment and operation of a temporary waste or resource management facility (resource recovery facility) that would recover and process up to 45,000 tonnes of excavated public road material (EPRM) for a maximum period of 18 months.
ADDRESS	282 Carrick Road, Carrick
APPLICATION TYPE	Clause 7(c), Schedule 6 of the SEPP (Planning Systems) 2021: Waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2021</i> .
APPLICANT	Denrith Pty Ltd
LGA	Goulburn Mulwaree Council
DETERMINATION (s4.16)	Approval
DATE OF DETERMINATION	9 November 2022
DATE OF PANEL DECISION	9 November 2022
DATE OF PANEL MEETING	15 July 2022
PANEL MEMBERS	Clare Brown (Acting Chair), Andrew Hutton, Stephen Gow, Jason Shepard, Scott Martin
APOLOGIES	None
DECLARATIONS OF INTEREST	None
MEETING DETAILS	Papers circulated electronically on 1 July 2022.

MATTER DETERMINED

PPSSTH-124 – Goulburn Mulwaree – DA/0313/2122 at 282 Carrick Road, Carrick – Establishment and operation of a temporary resource recovery facility (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- The definition of EPRM has been amended to ensure EPRM from the MPBR Project site is received only. **Reason:** To provide clarity that the EPRM is from the project site as presented in the submitted environmental impact statement (EIS) and that no approval is granted to process EPRM from alternate or additional sites;
- Condition 1 has been amended to include a maximum 45,000 tonnage of EPRM from the MBPR Project site. **Reason:** To reflect the volumes of the material as detailed in the submitted EIS and assessed by Council;
- Condition 13A (new condition) has been added to ensure that a baseline background noise level is identified prior to the commencement of activities. **Reason:** to ensure meaningful monitoring of noise levels on the site during the operational phase.
- Condition 16 (new condition) has been added to ensure the temporary use has an Unexpected Finds Protocol with respect to Aboriginal heritage. **Reason:** For abundant caution;
- Condition 19 (new condition) has been added to ensure a Complaints Management Program is established prior to the temporary use commencing. **Reason:** To provide clarity to Applicant, Council and the Community on the way in which complaints will be managed;
- Condition 24 (former Condition 22) has been amended to include consideration of the mitigation measures identified in section 4.9 of the TIA. **Reason:** To provide clarity of the as to the nature of the works the subject of the Road Occupancy Licence relevant to the management of traffic and traffic flows;
- Condition 25 (former Condition 23) has been amended to ensure all relevant matters are effectively signed off prior to the receipt of EPRM at the site. **Reason:** The conditions relate to the operations on site and are required to be in place from commencement of operations;
- Condition 28 (former Condition 26) has been amended to provide a level of flexibility for the applicant whilst ensuring the proposal can comply with the information as submitted for consideration.
- Condition 29 (new condition) has been added to provide the applicant the flexibility of adding more haul periods;
- Condition 31 (new condition) has been added to record haul period and traffic movement data associated with the temporary use. **Reason:** Establish process to confirm volumes received and dispatched from the site under the terms of the development consent;
- Condition 35 (new condition) has been added to reflect the discussions in the meeting regarding prohibiting the use of Carrick Road for access to the site. **Reason:** To define the scope of the approved access for the temporary use on site;
- Condition 36 (new condition) has been added to ensure the applicant prepares an Environmental Monitoring Plan which includes quarterly environmental reporting. **Reason:** to comply with the information as submitted in the Noise impact assessment report and monitor and report on compliance with environmental constraints.
- Minor corrections to conditions 19 and 31.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Cumulative locality and context concerns
- Traffic safety with the existing operations of the site and the proposed temporary use including intersection impact;
- Justification of the location;

- Noise impacts;
- Air quality; and
- Income from the business

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report or by the imposition of additional conditions as noted above.

PANEL MEMBERS	
 Clare Brown (Chair)	 Andrew Hutton
 Stephen Gow	 Jason Shepard
 Scott Martin	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-124 – Goulburn Mulwaree – DA/0313/2122
2	PROPOSED DEVELOPMENT	Establishment and operation of a temporary resource recovery facility that would recover and process up to 45,000 tonnes of excavated public road material (EPRM) for a maximum period of 18 months
3	STREET ADDRESS	282 Carrick Road, Carrick
4	APPLICANT/OWNER	Denrith Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act 1979, ○ Protection of the Environment Operations Act 1997, ○ SEPP (Biodiversity and Conservation) 2021 ○ SEPP (Planning Systems) 2021 ○ SEPP (Resilience and Hazards) 2021 ○ SEPP (Resources and Energy) 2021 ○ SEPP (Transport and Infrastructure) 2021 ○ Goulburn Mulwaree Local Environmental Plan 2009 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Goulburn Development Control Plan 2009 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Environmental Planning and Assessment Regulations 2021 • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 1 July 2022 • Written submissions during public exhibition: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Wednesday, 16 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Clare Brown (Chair), Andrew Hutton, Stephen Gow ○ <u>Council assessment staff</u>: Ellie Varga, Stephanie Mowle (Development Manager) Peter Nunn Engineer ○ <u>DPE</u>: Amanda Moylan • Site visit: Wednesday, 16 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Clare Brown (Chair), Andrew Hutton, Stephen Gow ○ <u>Council assessment staff</u>: Ellie Varga, Stephanie Mowle (Development Manager) Peter Nunn Engineer ○ <u>DPE</u>: Amanda Moylan • Final briefing from the Applicant and the Council on Friday, 15 July 2022

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Clare Brown (Acting Chair), Andrew Hutton, Stephen Gow, Jason Shepard and Scott Martin ○ <u>Council assessment staff</u>: Ellie Varga ○ <u>Applicant representatives</u>: Chris Shepherd, Kristopher Brunton, Rachael Christie, Matthew Harwood, Connor Francis, Andrew Divall and Mel Kraus ○ <u>Project Officer Transport for NSW</u>: Monty Nguyen ○ <u>DPE</u>: Amanda Moylan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report