

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSTH-27
<b>DA Number</b>	DA/0221/1920
<b>LGA</b>	Goulburn Mulwaree Council
<b>Proposed Development</b>	Alterations and additions to waste and resource management facility
<b>Street Address</b>	Lot 1 DP 1064103 & Lot 265 DP 750050, 100 Sinclair Street Goulburn
<b>Applicant/Owner</b>	Goulburn Mulwaree Council (manager of Crown Land)
<b>Date of DA lodgement</b>	29/01/2020
<b>Number of Submissions</b>	Nil.
<b>Recommendation</b>	Conditional consent
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	<p><u>Council related development over \$5 million</u></p> <p>Development that has a capital investment value of more than \$5 million if—</p> <p><b>(a) a council for the area in which the development is to be carried out is the applicant for development consent, or</b></p> <p>(b) the council is the owner of any land on which the development is to be carried out, or</p> <p><b>(c) the development is to be carried out by the council, or</b></p> <p>(d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).</p> <p><u>Private infrastructure and community facilities over \$5 million</u></p> <p>Development that has a capital investment value of more than \$5 million for any of the following purposes—</p> <p>(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, <b>waste or resource management facilities</b>, water supply systems, or wharf or boating facilities,</p> <p>(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.</p>
<b>List of all relevant s4.15(1)(a) matters</b>	<b>Acts of legislation:</b>

	<ul style="list-style-type: none"> <li>▪ Environmental Planning and Assessment Act 1979,</li> <li>▪ Protection of the Environment Operations Act 1997,</li> <li>▪ Biodiversity Conservation Act 2016, and Environment Protection and Biodiversity Conservation Act 1999</li> </ul> <p><b>Environmental Planning Instruments:</b></p> <ul style="list-style-type: none"> <li>▪ State Environmental Policy (Sydney Drinking Water Catchment) 2011,</li> <li>▪ State Environmental Planning Policy No. 33- Hazardous and Offensive Development</li> <li>▪ State Environmental Planning Policy No 55- Remediation of Land,</li> <li>▪ State Environmental Planning Policy No 64- Advertising and Signage,</li> <li>▪ State Environmental Planning Policy (Infrastructure) 2007,</li> <li>▪ State Environmental Planning Policy (State and Regional Development) 2011,</li> <li>▪ Planning Proposal (ref PP_2019_GOUL_002_00) to rezone Land at the North East Goulburn Enterprise Corridor from B6 Enterprise Corridor to IN1 General Industrial Zone, and to permit Rural Industries with consent in the IN1 zone,</li> <li>▪ Goulburn Mulwaree Local Environmental Plan 2009.</li> </ul> <p><b>Relevant development control plan:</b></p> <ul style="list-style-type: none"> <li>▪ Goulburn Mulwaree Development Control Plan 2009.</li> </ul> <p><b>Relevant regulations:</b></p> <ul style="list-style-type: none"> <li>▪ Environmental Planning and Assessment Regulations 2000.</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects (SEE) and associated Appendices</li> <li>• DA_0221_1920 Architectural Plans</li> <li>• DA_0221_1920 Addendum to SEE contamination assessment</li> <li>• DA_0221_1920 Revised Flora and Fauna Report</li> <li>• DA_0221_1920 Additional information suitable to Essential Energy</li> <li>• DA_0221_1920 Crown Lands referral advice</li> <li>• DA_0221_1920 EPA referral advice</li> <li>• DA_0221_1920 Transport for NSW referral advice</li> <li>• DA_0221_1920 NRAR referral advice</li> <li>• DA_0221_1920 Department of Primary Industries referral advice</li> <li>• DA_0221_1920 NSW RFS referral advice</li> <li>• DA_0221_1920 Water NSW concurrence advice</li> <li>• DA_0221_1920 Draft Schedule of conditions</li> <li>• DA_0221_1920 Re-Use Hub Fencing details</li> <li>• DA_0221_1920 Re-Use Hub CCTV details</li> </ul>
<b>Report prepared by</b>	Dialina Day, Senior Development Assessment Officer
<b>Report date</b>	<b>24 June 2020</b>

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**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**

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**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?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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**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**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

*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*

## **DA/0221/1920, 1090 Sinclair Street Goulburn, Alterations and Additions to Waste and resource management facility**

### **Executive Summary**

A Development Application has been lodged with Goulburn Mulwaree Council for alterations and additions to the existing Waste Management and Resource Management Facility at Lot 1 DP 1064103 & Lot 265 DP 750050, 100 Sinclair Street Goulburn. The Capital Investment Value (CIV) of the proposal is \$7,224,068 (Excluding GST).

All relevant matters of consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* have been addressed to the satisfaction of Council. The proposal is considered to have acceptable and positive environmental outcomes.

The proposal's objective is to promote and encourage waste recovery and re-use through the provision of new and improved purpose built infrastructure. The proposed Re-Use Hub will be located at the front of the site and will allow for the drop off of items, which are capable of being re-used. Council will then re-sell these items.

The Resource Recovery Shed is located internally to the site and is clustered around existing infrastructure including recycling collection facilities, maintenance workshop, service vehicle depot, washing facilities, site offices and car parking. This building will predominantly house the drop off area for the various waste streams and the new gatehouse. The Resource Recovery Shed will accommodate the NSW Environment Protection Authority (EPA) Community Recycling Centre (CRC) initiative, which caters for the drop off of hazardous materials such as paint, batteries and oil.

The Resource Recovery Shed will include office spaces for operational staff, as well as an education centre to provide opportunities to host school and other interested community groups.

The proposal includes ancillary works consisting of a new wash bay, retaining walls, stormwater management systems, water storage tanks and signage.

Following the assessment of the Development Application, the proposal is considered to have positive environmental impacts, subject to the recommended conditions of consent. All internal and external referral agencies have reviewed the development application and find the proposal to be satisfactory.

The following statutory provisions have been considered and Council's assessment outcome is summarised below:

- *State Environmental Planning Policy No 33- Hazardous and Offensive Development*: the proposal is not considered to be hazardous, offensive or potentially hazardous or offensive development.
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*: considering clause 10, the proposal has been considered by Water NSW to have a neutral or beneficial impact on water quality, subject to conditions of concurrence.
- *State Environmental Planning Policy No 55- Remediation of Land*: considering clause 7, the proposal is not considered to have any detrimental impacts on human health and the land is suitable in its contaminated state.
- *State Environmental Planning Policy No 64- Advertising and Signage*: the proposed business identification signage is considered to be in harmony with the objectives and assessment criteria within this Policy.

- *State Environmental Planning Policy (Infrastructure) 2007*: the proposal was considered under clause 45 and a referral response was obtained from Essential Energy supporting the proposal subject to conditions.  
Additionally, the proposal was considered under clause 104 and a referral response was received from Transport for NSW, supporting the development proposal.
- *Goulburn Mulwaree Local Environmental Plan (LEP) 2009*: the proposal was considered under clause 2.7 (demolition) and 7.1A (earthworks) and the proposal is considered to meet the requirements of the LEP.

Under *State Environmental Planning Policy (State and Regional Development) 2011*, the application is referred to the Southern Regional Planning Panel for determination as the consent authority under section 4.5 of the *Environmental Planning and Assessment Act 1979*.

The proposal ensures and promotes long term environmental benefits to Council and the wider community by reducing waste to landfill and increasing waste recovery and re-use. The Resource Recovery Shed will ensure all waste streams that can be separated will be separated to maximise resource recovery.

The benefits that will be generated as result of the proposed development, far outweigh the extent of environmental impact proposed.

The proposal warrants the support of the consent authority due to the significant environmental benefits it offers in the long term, as well as the example it sets to the wider community. The facility currently cannot recover any waste, other than recyclables. The systems in place at the facility do not allow for efficient waste sorting. This means that a high proportion of waste material that is taken to the facility is disposed of to landfill. This is unsustainable and Council must upgrade its facility to be able to promote waste recovery to the community and allow for efficient sorting to ensure much lower volumes of waste are conveyed to landfill. The education facility will allow Council to educate and demonstrate to interested community groups that it is committed to reducing landfill waste and promoting recycling and reuse.

It is, therefore, recommended that the development application be approved subject to conditions provided under separate cover.

## **Background**

A Development Application was lodged with Council on 29 January 2020 for alterations and additions to the existing Waste or Resource Management Facility. The land is owned by the Crown and managed by Goulburn Mulwaree Council. The application was received after detailed consultation with Council staff through a pre-lodgement meetings held on 16 August 2018 and 28 August 2019.

Besides the waste management site operations, the land also accommodates a Drill Mud Processing Facility which was approved by Council on 16 August 2019. This facility is for the acceptance of drill mud, area for drying, and then its utilisation as landfill capping. The subject proposal is not expected to have any unreasonable cumulative impacts on the site, given this recent approval.

Council was recently awarded a grant from Infrastructure NSW Government of \$7,150,000 (plus a Council contribution of \$638,082) for the following work:

- Intersection upgrade work to the junction of Common Street and Sydney Road, to accommodate an articulated vehicle up to 25 metres in length (B-Double).

- Intersection upgrade work to the junction of Common Street and Sinclair Street to accommodate an articulated vehicle up to 19 metres in length (semi-trailer).
- Sinclair Street (from junction of Common street to the Council waste management facility entrance) to be widened to 9 metres and incorporate kerb and gutter, stormwater drainage and future provision for services.
- Road works and associated stormwater drainage work to the section of Common Street, between Sydney Road and Chiswick Street.

Council applied for the grant with an aim to stimulate future industrial development alongside important locations such as the Goulburn Waste Management Facility. The Employment Lands Strategy (ELS) identified the North Goulburn Enterprise Corridor Industrial Precinct for rezoning from B6 Enterprise Corridor to IN1 General Industrial under the Goulburn Mulwaree Local Environmental Plan (GM LEP 2009). This Planning Proposal has been completed and the first milestone of the grant is subsequently satisfied.

The traffic demands of Sinclair Street will remain unchanged as a result of the proposed grant work. Common Street and Sinclair Street currently caters for B- Double heavy vehicle. The grant proposal will improve road conditions, and continue to allow for B-Double vehicles to access the site.

### **Proposed Development**

Development application DA/0221/1920 is for alterations and additions to the existing Council operated Waste Management and Resource Management Facility located at Lot 1 DP 1064103 & Lot 265 DP 750050, 100 Sinclair Street Goulburn. An aerial image of the property is in Figure 1.

The proposal includes the following work:

- Construction of a Re-Use Hub building within Lot 1 DP 1064103. This includes site preparation work including earthworks and vegetation removal, and ancillary work including landscaping and signage, at the completion of construction. The Re-Use Hub will be located closest to the site entrance and will sell second hand items that would otherwise have been destined for land fill. The Re-Use Hub building will also include areas that allow for the refurbishment and/or cleaning of any items before their sale.
- Demolition of existing infrastructure including recycling sheds, gatehouse, truck wash bay, decommissioned water tanks, waste oil tank and pavements as indicated on the demolition plan.
- Construction of Resource Recovery Shed. This facility will allow customers to drive through and drop off of waste items, including waste that can be recovered and recycled. This will negate the need for customers to drop off waste to the various 'piles' within the site. The CRC will be located within the Resource Recovery Shed. The CRC is being funded by the Environment Protection Authority (EPA) and will accept hazardous materials. Limited quantities will be stored. The collection and disposal will be undertaken by specialist contractors engaged by the NSW Government.
- Education Centre and offices, and staff amenities. The education centre will be a multi-functional space, providing education in waste management and sustainability to school students and community interest groups. The education centre will be utilised as a training and meeting space for Council's Operational staff.
- Additional weighbridge, new gatehouse and new wash bay. The additional weighbridge will ensure more efficient site operations. This will allow the actual load weights for each waste type to be recorded (currently they are estimated).
- Construction of the stormwater management systems to service the whole development.



- Ancillary works including construction of retaining walls, installation of water storage tanks, signage and earthworks.

The overall objective of the project is to transform the Waste Management Centre into a modern waste facility focused on the reduction of waste to landfill. The Resource Recovery Shed aims to provide a centralised point of waste disposal for customers.



**Figure 1. Location of development site (source: NSW Department of Finance, Services and Innovation (DFS) – Spatial Services Division, April 2014).**

The development has a CIV of over \$5 million (\$7,224,068). Goulburn Mulwaree Council has been the land manager of Crown Lot 265 DP 750050, since 13 January 1995. The Crown has been consulted and offers no objection to the proposal.

The development proposal is classified as Regional Development and the Southern Regional Planning Panel is the determining authority.

### **Site Context**

The land, being the Goulburn Mulwaree Council Waste Management Facility, is irregularly shaped and located to the east of the Goulburn urban fringe. The land is situated approximately 2.5 kilometres from the north Goulburn exit on the Hume Highway. The land is accessed directly off Sinclair Street where it

terminates. The site of the proposed re-use hub building slopes from south-east to north-west. The topography of the location of the Resource Recovery Shed has been modified as it was formerly landfill area. The land contains various buildings and ancillary structures utilised for the purposes of the existing waste management facility. The land has been used predominantly for waste disposal by landfill since 29 September 1900. With the importance of environmental sustainability, the site has gradually adapted to more sustainable practices. The development proposal will create further potential for this.

The proposed development is defined as alterations and additions to a *Waste or Resource Management Facility*:

*waste or resource management facility means any of the following—*

- (a) a resource recovery facility,*
- (b) a waste disposal facility,*
- (c) a waste or resource transfer station,*
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).*

The land subject to this Development Application is zoned SP2 Infrastructure, for the purpose of waste Management, as indicated on the Land Zoning Map. The proposal is for this purpose and is therefore permissible with consent.

The land is surrounded by undeveloped rural land to the north and east and commercial land to the west, some of which is developed, particularly to the north-west. There is a dwelling on a large rural lot located to the south west. Land used by the Goulburn Rifle Range is located to the south of the subject land.

### **Consultation and Submissions made in accordance with Act or Regulations**

#### Public Submissions

The development is 'advertised development' (nominated Integrated Development) under Division 7 of Part 6 of the Environmental Planning and Assessment Regulation 2000, as the proposal requires an approval under the *Protection of the Environment Operations Act 1997*. The proposal was advertised in the local newspaper (Goulburn Post) for 29 days and advertised on Council's website for the same period.

The proposal was notified to fifteen (15) adjoining/adjacent property owners.

Following the advertised period, no submissions were received.

It is noted that following consultation between the applicant and the Environment Protection Authority (EPA), the applicant withdrew the component of the Development Application to be considered as integrated development, therefore, not requiring General Terms of Approval under the above legislation. Following liaison with EPA, the assessing officer accepted the request. The extent of variation to the Environment Protection Licence (EPL) is considered minor. Nevertheless, EPA have provided advice to the Development Application which is considered below.

#### **External Referrals**

The development proposal was referred to the following external agencies:

NSW EPA have provided their referral response with no recommended conditions. Support is given to the development. The proposal will have minor impacts on the requirements of the EPL. If development consent is granted to the proposal then the development proponent will be required to liaise with the EPA to resolve



any discrepancy in the EPL. Recommended conditions will be imposed to ensure that the EPL variation is sought prior to the occupation of the development.

Water NSW is required to be consulted under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. Their concurrence is required for this proposal and their conditional concurrence has been granted.

Essential Energy under clause 45 of *State Environmental Planning Policy (Infrastructure) 2007*. The proposed work will take place within the immediate vicinity of existing power lines which traverse the site. The proposal will also include the relocation of electricity infrastructure. Essential Energy have provided a response, generally supporting the development and providing recommended conditions of consent.

Transport for NSW under clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*, as the proposal may result in increased traffic generation. A referral response was obtained from RMS which did not raise any matters of concern.

PEJAR Local Aboriginal Land Council as the proposed development may have potential impacts on aboriginal heritage. No response was received. The applicant has prepared a due diligence assessment and this is considered to adequately address any potential impacts to potential aboriginal heritage. The applicant has also submitted an Aboriginal Cultural Heritage Report prepared by the Pejar Local Aboriginal Land Council. The report indicates that no Aboriginal artefacts were located within this project area, however, the construction phase of the development may reveal artefacts that have not yet been found. Conditions will be recommended to ensure that any impacts to aboriginal heritage during construction are mitigated.

Section 88(1)(b) of the *Environmental Planning and Assessment Regulation 2000* requires that written notice of the application must be given to 'such public authorities in the opinion of the consent authority, may have an interest in the determination of the application'. The assessing officer considers that the following agencies may have an interest in this Development Application:

Natural Resources Access Regulator as natural drainage lines traverse the land in various locations. No concerns were raised.

NSE Rural Fire Service (RFS) as the land is wholly bushfire prone. A response was received which supports the proposal and provides recommended conditions of consent in relation to emergency provision, Asset Protection Zones (APZ) around built assets, construction requirements, services and internal roads.

Department of Primary Industries (Fisheries) who have provided a response raising no concerns.

Crown Lands have advised that they have no objection to the development proposal.

### **Internal Referrals**

Internal referrals were required to be made to the following officers:

Development Engineer: No concerns were raised regarding the development proposal. The proposed stormwater measures and internal road upgrades are considered satisfactory. No conditions of consent are recommended.

Utilities Officer: No concerns were raised although a condition of consent is recommended requiring the application for a 305 certificate and the issue of a 306 notice of requirements prior to the issue of a Construction Certificate.

**Building Officer:** The proposal has been referred to Council's Team Leader Building Surveying who supports the proposal, subject to conditions of consent.

**Landscape Officer:** The application was referred to Council's Landscape and Heritage Planner. It was concluded that the extent of landscaping proposed is suitable, given the nature and extent of the development proposed. The native vegetation type is *Inland Scribbly Gum- Brittle Gum Low woodland* of the eastern tablelands, South Eastern Highlands Bioregion. Up to 0.36ha will be directly impacted by the proposal. This is made up of 0.35 ha which is in moderate to good condition and 0.01 ha of scattered trees. A relatively small number of remnant individual trees are proposed to be removed to allow the construction of the Re-use Hub.

To counterbalance the loss of native vegetation, it is recommended that the site to the immediate east of the development area be re-vegetated with species of the *Inland Scribbly Gum- Brittle Gum Low woodland* of the eastern tablelands, South Eastern Highlands Bioregion. As the land is bushfire prone, the planting of tree species can be minimised and shrub and ground cover species can be planted. This is unlikely to conflict on the NSW Rural Fire Service's advice for APZ requirements.

### **Assessment against Legislation and Policies**

#### ▪ **Environmental Planning and Assessment Act 1979**

The proposal has been assessed in accordance with section 4.15 of the above legislation.

The application has been referred to NSW RFS under section 4.14 to seek specialist advice, given that the land is wholly bushfire prone and that the land has a single ingress and egress route. The nature of the proposal is such that the site is regularly visited by members of the public who have limited site familiarity.

As indicated above, a referral response has been obtained and all recommended conditions will be imposed in the recommended consent.

In accordance with Council's Community Participation Plan, as prescribed under the above legislation, the Development Application was notified to fifteen (15) adjoining/adjacent property owners. The application was also advertised for a period of twenty nine (29) days in the local newspaper (Goulburn Post) and exhibited on Council's website for the same period. No submissions were received.

#### ▪ **Environmental Planning and Assessment Regulation 2000**

Part 1 of Schedule 3 defines *Waste Management Facilities or Works* as designated development, as the proposed development is occurring within a drinking water catchment. The proposal is considered as alterations and additions to an existing facility, therefore, Part 2 of Schedule 3 is applicable. Part 2 contains provisions for Council's consideration as to whether or not the proposed alterations and additions will significantly increase the environmental impacts of the total development, compared with the existing or approved development.

The development proposal is considered not to be Designated Development for the following reasons:

- The proposal is not known to have had any previous compliance issues in relation to how the site is run or managed by Council. The Council has a good working relationship with the EPA and all terms of their licence have been complied with.

- As the site has been used as a landfill site since 1900, parts of the site have been progressively developed as those former landfill sites have been rehabilitated. No risk to public or employee safety issues have arisen from those restored landfill areas. The proposal will be built over previously landfilled areas and these areas have been investigated for potential contamination which is considered not to be detrimental to human health. Mitigation measures will be imposed to ensure that the future Resource Recovery Shed will not pose risk to life or human health.
- The proposal will not increase the volume and type of waste to be accepted and disposed at the site. The proposal will improve waste recovery from items such as polystyrene which will be compacted and allows opportunity for recycling.
- The proposed development largely aims to formalise the existing waste management centre by providing a central location for waste to be handled and managed. The existing waste management services offered will not change, although there will be additional services offered and these include the re-use facility and education centre, to be used in conjunction with the existing facility. The changes to occur as part of the proposal are site improvements to make the overall site more functional, practical and safe, and to promote sustainability by encouraging separation of waste items at the point of disposal. The Resource Recovery Shed and CRC will allow this to occur.
- The land has minimal conservation value as the site in which the development is currently operating is mostly cleared and highly disturbed. The proposal will not have any significant impacts on any threatened species of flora or fauna and will be occurring within the part of the land that is disturbed.
- The proposal is considered not to have any detrimental noise, water or air quality impacts. There will be a new polystyrene compactor installed within the CRC within the Resource Recovery Shed. This and the hydraulic tipping wells are not considered significant noise generators given the location of the proposed development and its proximity to the closest residence (being in the order of approximately 270m).
- The water quality impacts have been considered by Water NSW who have provided conditional concurrence to the proposal.
- The proposal is not considered to have any detrimental air quality impacts given the extent of additional machinery to be used will be the polystyrene compactor and tipping wells.
- The proposal will not significantly alter the scenic character and special features of the land, as well as the surrounding locality. The proposal will be taking place within already disturbed land that is not located on any ridgelines or visually prominent areas.
- It is considered that the potential environmental impact of the proposal will be minimal given the extent of work proposed in the context proposed. The operational elements of the proposal will largely remain the same although with improved capacity to sort waste into the various waste streams which is not occurring to its full potential. The receiving environment can accommodate the proposed development.
- The proposal will ensure that a large majority of customers will access the Resource Recovery Shed or the Re-use building and no other parts the site. This will improve the existing site operation by promoting efficiency in the waste sorting process and increasing waste recovery for potential recycling.
- The proposal is predominantly a positive one, creating a central building hub in which customers can sort their waste into their various waste streams. The Re-Use Hub is separated from the waste and recycling component of the facility which promotes site efficiency and managed traffic flow through the site.

The proposal is not considered to have any unreasonable overall environmental impact, and therefore, is not considered Designated Development.

▪ **Protection of the Environment Operations Act 1997**

The existing facility is listed as a Scheduled Activity under the above legislation. As mentioned earlier in this report, the proposal is likely to require some minor variations to the EPL from the EPA. The EPA have been consulted and are satisfied that this may occur following the issue of development consent, if granted.

▪ **Biodiversity Conservation Act 2016, and Environment Protection and Biodiversity Conservation Act 1999**

The proposal will require native vegetation removal of up to 0.36 ha of native vegetation, to facilitate the proposed Re-Use Hub building.

The proposal is not identified within the Biodiversity Values Map as land having high biodiversity value.

The submitted Flora and Fauna Report, which was considered by Council's Casual Native Vegetation Officer, indicates that the site of the proposed Re-Use Hub contains Plant Community Type (PCT) Red Stringybark- Brittle Gum- Inland Scribbly Gum dry open forest on skeletal hills of the tablelands, South East Highlands. This PCT is not identified as a Threatened Ecological Community (TEC) under either of the above pieces of legislation. Approximately 0.36 hectares of this PCT will be removed to accommodate the proposed Re-Use Hub. The field survey results within the report did not identify any threatened flora or fauna listed under either of the above pieces of legislation. A species likelihood of occurrence analysis was undertaken and concluded that no threatened flora or fauna listed under either or the Acts above would be likely to be present on the site. The report indicated that there is a moderate chance that the Dusky Woodswallow and/or Varied Sitella could utilise the site. The test of significance was conducted and indicated that the proposal is unlikely to have any significant impacts on these fauna species.

Based on the small area size and previous and ongoing site disturbance, it is unlikely that threatened flora or fauna species are present on the site.

The proposal is not considered to have unreasonable ecological impacts.

▪ **State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

The site is located within the Sydney Drinking Water Catchment and requires the concurrence of Water NSW. The proposal has been assessed as having a neutral or beneficial impact on water quality. Conditional concurrence has been granted.

▪ **State Environmental Planning Policy No 33- Hazardous and Offensive Development**

The proposal, being alterations and additions to the existing Waste and Resource Management Facility, is not considered to be potentially hazardous or offensive industry. The proposal is ancillary to the existing operation which has already taken necessary measures to ensure that environmental impacts are alleviated. This includes the use of the site in a location where adequate buffering has been provided with surrounding land uses including residential and industrial. The use of machinery to process waste, such as the polystyrene compactor, is not considered to have any detrimental impacts in terms of odour or noise.

The facility incorporates suitable hours of operation that aim to alleviate impacts to the amenity of adjoining/adjacent premises.

▪ **State Environmental Planning Policy No 55- Remediation of Land**

It is considered that the subject land is potentially contaminated as the proposal has been operating for sanitary purposes since late 1900. The purpose and use of the land will not change under this development proposal.

Considering clause 7 of this Policy, it is considered that the proposed development is suitable in its contaminated state. The locations where the laboratory results exceeded the Site Assessment Criteria (SAC) are landfilled areas and the samples taken for contamination assessment were from intermediate landfill cover. The proposed development, will not exacerbate the potential for further contamination or increase the risk to human health. It will cap existing hard stand area which will alleviate any potential for subsurface contamination.

Some asbestos was located within the landfill cover soils in test pit TP102, beneath the top 100mm of the surface. This test pit is located on the edge of the development footprint.

The proposal will undertake mitigation measures, such as occupational hygiene and unexpected finds protocols, during the construction phase of the development, to ensure that risk to human health is alleviated. This shall be reinforced via recommended conditions of consent.

Separate liaison with EPA officers was conducted in order to seek advice with regard to risks of the Resource Recovery Shed building constructed over former landfill areas and specifically, impacts from gases generated from the decomposition of putrescible waste. This consultation determined:

- The building foundation design will be required to be considered against EPA Guidelines to ensure that there is sufficient ventilation to alleviate the risk of explosion to buildings or human health through asphyxiation.
- Monitoring programs are also recommended to ensure that gas levels within the future building does not accumulate to dangerous levels.

These shall be recommended as conditions of consent.

▪ **State Environmental Planning Policy No 64- Advertising and Signage**

Considering the aims and objectives of this Policy, the proposed business identification signage for the proposed Re-Use Hub is suitable and will be compatible with what is desired for the immediate industrial area. The size of the proposed freestanding sign is approximately 1.5m<sup>2</sup> in area which is appropriate. The sign will not be illuminated and is of suitable scale given the extent of proposed built development. The sign will not be visually obtrusive, being located well below the height of surrounding structures and will provide guidance to persons visiting the site.

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

This SEPP requires that clause 123 must be taken into consideration when determining a Development Application for development for the purposes of construction, operation or maintenance of a landfill for the disposal of waste. The development proposal does not strictly involve any changes to the landfill component of the facility, however, the proposal will significantly influence the extent of waste destined for landfill, by ensuring that any waste recovery and re-use can be maximised. The facility also runs a composting facility which ensures food waste is no longer contributing to landfill.

Under this Policy, the proposal being alterations and additions to a *Waste or Resource Management Facility* is permissible with consent. Under Schedule 3 of this Policy, a *Waste or Resource Management Facility* of any size or capacity is required to be referred to Transport for NSW and any response considered in the assessment. Transport for NSW was consulted and no concerns were raised.

The application was referred to the electricity supply authority under clause 45 of this Policy and a referral response has been obtained. This has been considered earlier in this report.

▪ **State Environmental Planning Policy (State and Regional Development) 2011**

The proposed development is considered Regionally Significant Development as the proposed development has a CIV of over \$5 million. Council is the applicant of the development application, the manager of the Crown land (on Lot 265 DP 750050), and the development is also to be carried out by the Council.

Therefore, the proposal must be determined by the Southern Regional Planning Panel.

▪ **Planning Proposal- North East Goulburn Enterprise Corridor**

This Planning Proposal does not directly impact the proposed development. However the Planning Proposal impacts adjoining land to the west that is currently zoned B6 Enterprise Corridor. This will allow that land to be utilised for industrial purposes. Part of the consideration of this Planning Proposal includes a grant for road upgrade works in Common Street and the intersection of Common Street and Sydney Road. This has been considered in more detail in the 'background' section above.

The planning proposal is not considered to have any detrimental impacts on the proposed development. It will provide improved access to the site as a result of proposed road works, and aims to stimulate industrial development in the immediate locality. At the time of finalising this report, this Planning Proposal was finalised.

▪ **Goulburn Mulwaree Local Environmental Plan 2009**

The proposed development meets the aims of the LEP. The development proposal provides for improved infrastructure designated to the land, that being waste management. The proposal is permissible with consent.

Clause 2.7: The demolition of various structures is proposed, including the existing gatehouse, four (4) steel structures, the existing grassed kerbed island, some vegetation, existing truck wash bay and existing general waste concrete bays and retaining walls.

The SEE includes a plan of the structures to be demolished. The removal of these structures is considered necessary to accommodate the development proposal and their removal is supported. Appropriate demolition conditions will be recommended.

Land Use Table – SP2 Infrastructure

The objectives of the SP2 Mixed Use zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The proposed development is not considered to have any detrimental impacts on the objectives of the SP2 zone. The proposed development is an improvement to the existing waste management facility and will introduce improved technology to ensure that the waste handling process is efficient, safe and orderly for all site users.

The proposed development is defined as Waste or resource management facility, i.e.

**waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**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 or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

The existing facility operates predominantly as a waste disposal facility and waste or resource transfer station. The facility accommodates landfill areas that allow for the direct disposal of waste, and a transfer station which involves the temporary storage of hazardous waste materials such as paint and smoke alarms. Recyclables are also temporarily stored and then transferred to nearby recyclers who will further process these.

The proposed Re-Use Hub is defined as a Retail Premises which is defined as:

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,



*(i) plant nurseries,  
(j) roadside stalls,  
(k) rural supplies,  
(l) shops,  
(la) specialised retail premises,  
(m) timber yards,  
(n) vehicle sales or hire premises,  
but does not include highway service centres, service stations, industrial retail outlets or restricted premises.*

The proposal is a retail premises as there are second hand goods which are retailed from the site. Some goods may require some work to make them functional and this is classified as an industrial activity, however, predominantly the Re-Use Hub will sell items that are fit for their intended purpose.

Clause 7.1A: the proposal will require the provision of up to two (2) metres of cut and fill to facilitate the proposed development, particularly in relation to the proposed Re-Use Hub. The areas of disturbance by undertaking earthworks will be landscaped to assist in soil stability. The proposal includes adequate stormwater management systems in order to alleviate adverse stormwater impacts and ensure neutral or beneficial impact on water quality. The impacts of proposed earthworks on indigenous heritage is not considered to be unreasonable.

The proposed earthworks will not have any detrimental impacts on environmental functions and process, neighbouring uses or heritage items and features of surrounding land.

▪ **Goulburn Mulwaree Development Control Plan 2009**

3.1 Indigenous Heritage & Archaeology

This has been considered earlier in this report.

3.5 – Landscaping

The proposed development involves a suitable level of landscaping that is proportional to the extent of development proposed. The application was referred to Council's Landscape and Heritage Planner who supports the proposed landscaping plan and makes the following comments:

*Plant species Anigozanthus Yellow Gem and Phormium tenax are not sufficiently drought hardy to survive on the site without regular watering, Alternate drought and frost hardy species shall be selected.*

*Further, to counterbalance the loss of native vegetation, it is recommended that the immediate east of the development area of the re-use hub and resource recovery shed be re-vegetated with species of Tablelands Low Woodland.*

The above will be included as recommended conditions of consent.

Some examples of plant species that would be suitable for landscaping as they are native to the site, low growing and should be easy to obtain would include: Lomandra longifolia (grassy tussock), Dianella revoluta & Dianella longifolia (Flax lilies – grassy growth form), Calytrix tetragona (small shrub), Hibbertia obtusifolia (dwarf shrub), Grevillea arenaria (small to medium shrub), Hardenbergia violacea

(groundcover or scrambling climber if it has something to climb on), *Chrysocephalum apiculatum* (groundcover).

The Flora and Fauna Report submitted with the Development Application was considered by Council's Casual Native Vegetation Officer. Following a request for additional information to clarify the Plant Community Type (PCT), no objection is raised as to the outcome of the report.

### 3.6 – Vehicular access & parking

The proposal has considered the traffic and access servicing requirements for the development application.

For the proposed Re-Use Hub building, the largest vehicle to utilise this facility is a 12.5 metre single unit truck/bus. The proposed plans demonstrate that forward entry and exit can be facilitated.

The Re-Use Hub provides:

- 5 car parking spaces,
- A single space for a bus,
- One accessible car parking space, and
- An additional 5 car parking spaces intended for vehicles with trailers attached.

The Re-Use Hub is considered a retail use, however, there are designated areas within the building allocated for undertaking maintenance work to items such as cleaning or assembling. For the purpose of calculating car parking numbers, the requirements for an Industrial Building are best suited to this development. The car parking calculations incorporate retail uses. Considering the car parking provisions for an *Industrial Building* the number of car parking spaces proposed is satisfactory. An Industrial Building use requires one space per 100m<sup>2</sup> Gross Floor Area (GFA), plus one space per 40m<sup>2</sup> office GFA, plus one space per 37m<sup>2</sup> retail GFA. The proposal provides more than the minimum required car parking spaces (i.e. 8).

For the proposed Resource Recovery Shed incorporating the CRC, Offices and Education Centre, are all considered ancillary to the purposes of the existing facility. The Resource Recovery Shed will predominantly cater for drive through customers although car parking provision is required to be considered for the internal floor area. The car parking provisions for an *Industrial Building* will be applied to this building. Considering this, the Resource Recovery Shed will require four (4) car parking spaces. The proposal provides a bus car park which is appropriately located adjacent to the building entrance to the Education Centre. Two additional car parking spaces are also provided and this is considered satisfactory.

The existing facility currently provides sixteen (16) on-site car parking spaces within a single car park which will not be impacted by the development proposal. The proposal will not warrant significant changes to current staffing arrangements (up to 16 staff working at/from the site at any one time). It is envisaged that up to two additional casual staff may be employed to cover periodic high demand times. There is adequate area within the site and alongside existing built infrastructure to allow for overflow car parking without having any impacts on the proposed site operations.

The proposed development provides a suitable amount of on-site car parking, and suitable area to allow for the efficient forward entry and exit of all vehicles expected to utilise the site.

### 3.7- Crime Prevention

The existing facility is secured out of hours with chain link style fencing.

The proposal's layout ensures improved site safety conditions for staff and customers. Administrative functions of the facility will be located alongside the main built infrastructure where office and administration staff will be centrally located. This is a significant improvement, particularly to gatehouse staff who were located independently of other staff and site operations.

The proposal provides improved access control which will ensure that the flow of customers through the site is safer and more efficient. Customer access through the site will be limited, incorporating boom gates to landfill areas where only limited customers can access (i.e. regular customers who have been inducted to the site as well as the usual Council waste collection operators). This will ensure a safer working environment for those staff who operate the landfill compactor.

The site maintains no thoroughfare routes or alternative exit points. Areas of the site that customers are able to access are where staff members will be present which provides for good surveillance and site ownership. This has positive impacts to the waste drop off process, encouraging customers to sort their waste correctly, with the assistance of staff, into the appropriate waste streams.

The Resource Recovery Shed, where customers will be interacting with members of staff, will be an open covered area with limited entrapment points and this alleviates potential injury, as well as providing clear sight lines and delineation of areas customers can access.

Number plate details of all vehicles entering the facility will be recorded by cameras. This will facilitate the detection of offenders from any unlawful activity.

The proposed Re-Use Hub will offer increased natural surveillance to the entrance of the site and this in turn promotes territorial reinforcement, improving the definition of ownership of the waste management facility.

The proposed landscaping, pavement indicators and internal signage will define the access areas and infrastructure available for use by the public. Entrance areas and exit points will be clearly delineated.

The Re-Use Hub will be located independently of the Resource Recovery Centre at the site entrance. This building and its immediate surrounds will encompass Closed Circuit Television (CCTV) security camera systems as well as fencing to the rear of the building. Lighting will be installed to complement the effectiveness of CCTV and increase visibility, particularly during evening periods.

Decorative timber style fencing will be installed at the entrance to the car park of the Re-Use Hub to delineate the Re-Use Hub Site. Security chains will be installed between the fenced areas (i.e. the entry and exit points to the Re-Use Hub) during out of hours periods to inhibit unauthorised out of hours drop-offs. This will be beneficial and effective, used in conjunction with the proposed security cameras and lighting as it will create a disincentive to illegally dump.

### 3.14- Biodiversity Management

The land is identified as being predominantly within a High Vegetation Conservation Valued Area.

The proposed Re-Use Hub is to be located within an area where native vegetation is currently located.

The proposal will result in the removal of up to 0.79 ha of vegetated land, with 0.36 ha consisting of native vegetation. A Flora and Fauna Assessment has been submitted with the Development Application and provides that no threatened flora or fauna species listed under the *Environment Protection and Biodiversity Conservation Act 1999* and *Biodiversity Conservation Act 2016* were identified at the site where the development is proposed, and its immediate surrounds.

The proposal is not considered to have any significant impacts on any threatened fauna.

The extent of landscaping proposed is suitable and will incorporate endemic species. Conditions are recommended that requires additional endemic landscaping to be planted on the eastern side of the site access. These areas have been previously cleared and landfilled and can accommodate additional landscaping.

### 3.16 – Stormwater Pollution

The water quality impacts of the proposed development have been considered by Water NSW. The proposal is considered to have a neutral or beneficial impact on water quality, subject to conditions of consent. These will be imposed in the recommended consent.

The proposal will have acceptable stormwater management impacts.

### 3.17- Bushfire Risk Management

The development proposal, although not a Special Fire Protection Purpose, was referred to the NSW Rural Fire Service (RFS), as the site is bushfire prone and the site is visited frequently by persons with limited site knowledge.

The NSW RFS provide their support to the development proposal, subject to conditions. The conditions relate to the requirements for management plans relating to preparing for bushfire events, Asset Protection Zones (APZ), construction requirements for the proposed buildings, and provision for services. These will be included in the recommendation.

### 4.2- Non-residential development- retail, commercial and industrial

The buildings incorporate a good level of architectural design and incorporates elements that promote energy efficient design, given the developmental constraints of the site. The Resource Recovery Shed cannot be oriented to the north, due to the existing site layout although incorporates design elements including translucent sheets to the external roofed area to allow for passive solar access.

The proposed buildings have little contribution to the streetscape due to their location behind the front building line, however, they set a positive example as to desirable built development within an industrial context, incorporating architectural elements that are beyond a basic shed design. The extent of landscaping proposed is reasonable, given the nature and scale of the proposal. Additional landscaping is being recommended to counterbalance the loss of native vegetation.

The proposed building heights are considered appropriate. The proposed heights are:

- Re-Use Hub: 5.5 metres
- Resource Recovery Shed: up to 8 metres.

There is no prescribed building height control. However the proposed height is required to:

- be in keeping with the character of the locality
- not be visually obtrusive
- be required due to the nature of the proposal
- incorporate design to reduce the impact of height and bulk.

The proposed building heights are required to facilitate the required functions of each building, being for conveying of waste types and to make provision for heavy vehicles. The height of each proposed building is not considered excessive, given its context and location within an industrial area. The proposed buildings will be clad with pre-coloured steel, incorporating colours that are not visually obtrusive.

The proposal is not expected to have any detrimental noise, vibration, air pollution or odour impacts. A new polystyrene compactor will be utilised in the Resource Recovery Shed and located amongst other key infrastructure including the tip wells and the areas in which other waste will be sorted at drop off. The hours of operation of the facility which will remain as existing, from 7:30am to 4:30pm, and the nearest residence is situated approximately 270 metres away. The polystyrene compactor is not considered to be a significant noise generator and will be used on an intermittent, as needs basis. The development proposal is to improve the operation of the existing waste management facility and to reduce landfill waste to zero as much as possible. The proposal is not considered to be intensification of the site, rather, the incorporation of new infrastructure that allows for the site to operate in the most sustainable way.

A condition shall be recommended that requires that the proposal shall not result in any offensive noise to adjoining or adjacent residential receptors.

#### 6.4- Advertising and Signage

The proposal includes internal signage, most of which is directional and guides traffic flow through the site. This is considered necessary and appropriate.

The front of the site, just prior to the entrance to the Re-Use Hub, will incorporate a free-standing sign introducing visitors to the Re-Use Hub. The sign will not be illuminated, results in effective communication for visitors, and will incorporate suitable colour schemes. The sign will be up to 1.8 metres in height, and to an area of up to 1.5m<sup>2</sup> according to the SEE. It is considered that a height of up to 2 metres is appropriate. This will be included in the recommended conditions.

#### 7.3- Drainage and soil and water management

The proposal provides adequate stormwater management which has been considered by Council's Development Engineer. No objections are raised.

The proposed water quality stormwater management impacts, have been considered by Water NSW and the proposal is considered to have a neutral or beneficial impact on water quality. Water NSW does not object to the proposal, subject to the imposition of conditions of consent.

As the proposed Resource Recovery Shed will be built on area that was previously landfilled, a Geotechnical report was prepared and shows that the development is capable on the site. Recommendations are presented with regard to footing extent and subgrade improvement works to ensure longevity of pavements and for placement of fill. The Construction Certificate shall address compliance in regard to requirement foundation design.

Erosion and sediment control measures will be required prior to the commencement of construction and shall be maintained over the course of construction until such time that earthworks are stabilised and the site is landscaped.

### **Likely Impact of Proposed Development**

#### ***Context and Setting:***

The proposal will have positive streetscape impacts. The Re-Use Hub building is to be located at the front of the site and will be visible from Sinclair Street. This will provide some street presence for the facility.

The proposed built development and site layout will allow for improved site operations and waste recovery. The proposed site layout will also improve site safety for the site users and the site visitors.

#### ***Access, Transport and Traffic:***

The new site layout proposed will allow for improved and logical site flow. Areas to be used by visitors/ the public will be adequately signposted, line marked and defined through existing and proposed landscaping. The proposal will reduce conflict between the visiting public and operational vehicles.

Pavements will be hard surfaced and will, therefore, eliminate any dust nuisance.

The proposal is expected to generate a minor amount of additional traffic to the site, the cumulative impacts of the proposal are considered reasonable.

#### ***Visual Amenity:***

The proposal will not result in any negative visual impacts. The proposed Re-Use Building will result in the loss of native vegetation however an acceptable extent of native vegetation will be planted within areas of the site to complement the built form. Parts of the site that are unused and surrounding the site of the proposal, shall be re-vegetated to counterbalance the loss of native vegetation. The Resource Recovery Shed will be located within part of the site that is elevated. It is preferable for built infrastructure to be located away from elevated areas to ensure views from vantage points are not adversely impacted by industrial buildings. However, it is also essential for buildings to be clustered around existing infrastructure so that the visual impact can be alleviated and that services offered to customers is as efficient as possible, whilst also ensuring a safe working environment for all employees. External colours and materials will incorporate dark earthy tones with a good level of architectural design which will assist in alleviating adverse visual impacts.

#### ***Social Impact on the Locality:***

The proposed development will have positive social impacts. The proposal will improve the functionality of the existing facility and will provide a safer environment for the public and employees.

The facility will improve opportunities to maximise resource recovery in an efficient way. This will set a positive example to the local community and will encourage sorting of waste and reuse. The drop off locations for the public will be staffed and this will enable high surveillance of the sorting process.

The proposal incorporates an education centre which will host interested community and school groups and provide them with opportunities to learn about the operations of the facility and encourage sustainability.

### ***Site Design and Internal Design:***

The proposed development will augment the existing site layout to one which is better defined, efficient and safe for all site users, whilst also ensuring that the principal of reducing waste is reinforced and encouraged.

The new site layout will better define areas in which the public can access and will provide areas to sort and dispose of waste within a central location that is safe for employees and the public.

The new design will ensure that all waste streams can be adequately sorted and weighed. The cost for each waste type is different, with waste to landfill attracting the highest fee. This encourages waste to be sorted/recovered from mixed loads, creating a cost incentive, to separate waste streams.

### **Suitability of the Site for the Proposed Development**

The proposal is suitable for the site concerned and is necessary to ensure that Council can begin to promote and increase waste recovery and re-use. The proposal significantly improves the functionality of the site, making the site safer for employees and customers whilst also ensuring the waste sorting process is as efficient as possible.

The proposed development is in the public interest. This important project sets an example to the community of the importance and significance of waste recovery and re-use to the Goulburn Region.

### **Conclusion and Recommendation**

The proposed development has acceptable overall environmental impacts. The immediate impacts to the built and natural environment are not unreasonable. The proposal has been considered and assessed under the applicable provisions of legislation and support is given to the proposal. The impacts to the long term environment are beneficial, with the ultimate objective being to reduce the amount of waste going to landfill.

Conditional consent is recommended to the proposal, to ensure that the proposal is carried out without resulting in adverse environmental impact, and that the long term impacts of the development proposal are not unreasonable.

### **Financial Implications**

Nil.

### **Legal Implications**

The applicant is entitled to appeal the Council endorsed recommendation to the Land and Environment court within 12 months after notice of the Development Application is registered on the NSW Planning Portal.