

DATE OF DETERMINATION	24 August 2021
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Chris Wilson, Patricia White
APOLOGIES	None
DECLARATIONS OF INTEREST	Tim Fletcher - declared a potential Col with this application, having previously been a full-time employee of SCC.

Public meeting held by teleconference on Monday, 16 August 2021, opened at 10am and closed at 11am.

MATTER DETERMINED

PPSSTH-52 – Shoalhaven City Council – RA20/1001 at 135 Wogamia Rd, LONGREACH - Lot 2 DP 865094 –
The application is to continue with and increase the current operations of Soilco to:

1. import up to 78,000 tonnes per annum of waste material, such as food waste, organics, manure and biosolids, for composting on site;
2. import and process up to 20,000 tonnes per annum of virgin excavated natural material (VENM) and up to 15,000 tonnes per annum of drilling mud. The total of VENM and drilling mud not to exceed 20,000 tonnes per annum;
3. Construct new infrastructure to support the increased operations (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. In addition, the Panel was of the view that:

- The proposed development is permissible with development consent under *State Environmental Planning Policy (Infrastructure) 2007*.
- The Panel notes that the Environment Protection Authority has issued General Terms of Approval for the development.
- Satisfactory arrangements will be in place to monitor and manage the source, quantity and quality of material entering the site;
- The proposed widening and bitumen sealing of Wogamia Road will assist with the mitigation of risks to road safety and amenity;
- Appropriate measures will be put in place to screen the development through the increase in height of the bund and associated landscaping;
- The proposed hours of operation for haulage of materials to and from the site should be subject to an independent review within 12 months of commencement of operations to ensure that management measures with regard to noise, odour and driver behaviour are appropriate and are being implemented.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

1. Condition 8 has been inserted with regard to “environmental impact” as imposed with the existing consent (Condition 7). The wording of this condition has been updated to reflect that proposed by this application and current requirements etc.
2. Condition 13 (now Condition 14) has been amended to include the requirement for a biosecurity risk assessment and response plan. A report is to be provided to Council to demonstrate compliance with the approved EMP.
3. Condition 17 has been deleted and incorporated into Condition 8.
4. Condition 43 has been amended to ensure the approved landscape works are to be maintained to the satisfaction of Council at all times.
5. Condition 46 has been inserted to require the applicant to demonstrate that a negotiated agreement has been entered into with receptor R1, being the occupiers of Lot 1 DP 865094 (known as 154 Wogamia Road, Longreach) with regard to odour.
6. Condition 46 (now Condition 47) has been amended to ensure the finishing hours of operation are consistent with the General Terms of Approval issued by the NSW Environment Protection Authority.
7. Condition 47 (now Condition 48) has been amended to show the approved hours of operation for truck haulage in table format, including a note that these hours will be reviewed as outlined in Condition 52.
8. Condition 50 (now Condition 51) has been amended to specify the number of heavy vehicle movements permitted per day as identified within the Traffic Impact Report.
9. Condition 52 has been inserted to require an independent review of the truck haulage movements within 12 months of the commencement of operations.
10. Condition 55 has been inserted to ensure that mitigation measures detailed in the Environmental Impact Statement are implemented and complied with at all times.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Heavy vehicle movements on local roads, including:
 - number of vehicles;
 - hours of haulage;
 - speed limits;
 - truck noise;
 - road pavement condition; and,
 - driver behaviour;
- Odour associated with on-site processes and truck haulage;
- Current operations and compliance with conditions of consent.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues the conditions of consent have been strengthened to tighten environmental management and reporting and to require an independent review of truck haulage movements with 12 months of commencement of operations under the consent. The independent review will be required to address the effectiveness of strategies to mitigate noise, odour and safety impacts and may recommend improvements or alternative approaches. The independent review will be required to be reported to Council and made publicly available. Following the review, Council may, where appropriate direct changes to out of hours truck haulage.

PANEL MEMBERS



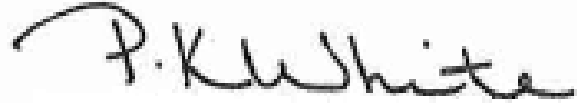
Gordon Kirkby (Chair)



Renata Brooks



Chris Wilson



Patricia White

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-52 – Shoalhaven City Council – RA20/1001
2	PROPOSED DEVELOPMENT	<p>Continue with and increase the current operations of a quarrying and composting facility (waste or resource management facility) to import up to 98,000 tonnes per annum (tpa) of materials to undertake the following activities:</p> <ul style="list-style-type: none"> • Receipt, processing, composting and storage of up to 78,000 tpa of waste material, such as food waste, organics, manure and biosolids. • Receipt, processing, storage and blending of up to 20,000 tpa of Virgin Excavated Natural Material (VENM). • Receipt and processing of drilling mud (15,000 tpa). The combined total of imported VENM and drilling muds is not to exceed 20,000 tpa. • Construct and operate new infrastructure to support the increased operations. • Continued quarrying of up to 15,000 tpa of sands and soils.
3	STREET ADDRESS	135 Wogamia Rd, LONGREACH - Lot 2 DP 865094
4	APPLICANT/OWNER	<p>Applicant: Soilco Pty Ltd</p> <p>Owner: AF & MA Emery</p>
5	TYPE OF REGIONAL DEVELOPMENT	Designated Development - Waste Facility
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Shoalhaven Local Environmental Plan 2014 ○ State Environmental Planning Policy No 55 - Remediation of Land ○ State Environmental Planning Policy (Koala Habitat Protection) 2020 & 2021 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy – (Coastal Management) 2018 ○ State Environmental Planning Policy No 33 – Hazardous and Offensive Development ○ State Environmental Planning Policy (Primary Production and Rural Development) 2019 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Shoalhaven Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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: 12 July 2021 • Written submissions during public exhibition: 9

		<ul style="list-style-type: none"> • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Neal John Marshall, Graham Jones, Nicholas Ewald ○ Council assessment officer – Phil Costello, Catherine Bern, Rebecca Lockart, Andre Vernez, Ben Coddington, Scott Haylett ○ On behalf of the applicant – David Schumacher, Charlie Emery, Jane Barnett • Total number of unique submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: Monday, 16 August 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Chris Wilson, Patricia White ○ <u>Council assessment staff</u>: Andre Vernez, Phil Costello, Catherine Bern, Rebecca Lockart, Ben Coddington, Scott Haylett • Site inspection • Renata Brooks 2 February 2021
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the council assessment report