

SOUTHERN REGIONAL PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-83
DA Number	DA2021/011
LGA	Snowy Valleys Council
Proposed Development	Proposed waste management facility for the purpose of sorting and composting a maximum of 10,000 tonnes per annum of organic material, including food organics garden organics (FOGO), and associated access and supporting infrastructure and associated site works.
Street Address	Lot 1 DP 197308 Snowy Mountains Highway, Gilmore NSW 2720
Applicant/Owner	Snowy Valleys Council
Date of DA lodgement	21 January 2021
Number of Submissions	Two (2)
Recommendation	Approval, subject to conditions.
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)	Waste management facilities or works that meet the requirements for designated development (clause 7 of Schedule 6).
List of all relevant 4.15 matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2000 • Protection of the Environment Operations Act 1997 • National Parks and Wildlife Act 1974 • Biodiversity and Conservation Act 2016 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazard) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conversation) 2021 • Tumut Local Environmental Plan 2012 • Snowy Valley Development Control Plan 2019
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Planning Secretary's Environmental Assessment Requirements (SEARs) 2. Development Plans 3. Environmental Impact Assessment 4. External & Internal Response Table 5. DCP Compliance Table 6. Recommended Conditions of Consent

	7. NSW EPA General Terms of Approval 8. Heritage NSW General Terms of Approval
Report prepared by	Lachlan Rodgers and Jeremy Swan, The Planning Hub – Independent Town Planning Consultant on behalf of Council
Report date	24 October 2022

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? **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 (S7.11EF)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **Not Applicable**

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 **Yes**

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2. Development Plans
3. Environmental Impact Assessment
4. External & Internal Response Table
5. DCP Compliance Table
6. Recommended Conditions of Consent

1. PURPOSE OF REPORT

The purpose of this report is to seek the Southern Regional Planning Panel (the Panel) determination of a Development Application (DA) proposing the construction of a waste management facility for the purpose of sorting and composting a maximum of 10,000 tonnes per annum of organic material, including food organics garden organics (FOGO), and associated access, supporting infrastructure and associated site works at Lot 1 DP 197308 Snowy Mountains Highway, Gilmore.

The Panel is the determining authority for this DA as, pursuant to Part 2.4 of State *Environmental Planning Policy (Planning System) 2021* and Part 2.15 of the *Environmental Planning and Assessment Act 1979*, as the development is for the purposes of a waste management facility that meet the requirements for designated development.

2. SUMMARY OF RECOMMENDATION

That the Panel grant consent to DA2021/011 consisting of the construction of a waste management facility for the purpose of sorting and composting organic material and associated site works pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.

3. EXECUTIVE SUMMARY

Council is in receipt of a Development Application submitted on 21/01/2021, seeking approval for the construction of a waste management facility for the purpose of sorting and composting a maximum of 10,000 tonnes per annum of organic material, including food organics garden organics (FOGO), and associated access and supporting infrastructure and associated site works at Lot 1 DP 197308 Snowy Mountains Highway, Gilmore.

The purpose of the development application is to divert organic material from landfill in a sustainable and ongoing way. There will be two streams of feedstock to the site being FOGO kerbside collected waste and green waste from transfer stations.

The final composted product will be offered for sale including for use by graziers, and fruit producers with a means to improve productivity and manage land sustainably. The quality compost product will also provide Council with a supply of material to improve the region's parks and sporting fields for community enjoyment. The compost will add value to land to which it is applied by improving soil health, carbon storage, and moisture retention.

At the time of lodgement, the site was zoned RU1 Primary Production pursuant to the Tumut Local Environmental Plan (LEP) 2012. Resource Recovery Facilities (waste or resource management facility) are permitted with consent in the RU1 zone. In July 2021 the site was rezoned to part IN1 General Industrial and part RU1 Primary Production. Resource Recovery Facilities remain permissible with consent in the IN1 zone and therefore the rezoning of the site does not have any implications for the subject application.

The application is classified as integrated development under the Environmental Planning and Assessment Act 1979 as follows:

- it requires an environmental protection license under the Protection of the Environment Operations Act 1997; and
- it requires an Aboriginal Heritage Impact Permit under National Parks and Wildlife Act 1974.

The application is designated development under the Environmental Planning and Assessment Regulation 2000 as it involves a composting facility that will process more than 5,000 tonnes per year of organic material.

The Planning Secretary's Environmental Assessment Requirements (SEARs) were issued on 1 June 2020 and are provided in **Attachment 1**. The application was supported by an Environmental Impact Statement (**Attachment 3**) that was prepared in accordance with the SEARs.

In accordance with the designated and integrated development requirements the application was referred to the following external authorities for assessment:

- NSW Rural Fire Service (RFS);
- Environment Protection Authority (EPA);
- Natural Resource Access Regulator (NRAR);
- DPE – Biodiversity and Conservation Division (BCD);
- NSW Office of Environment & Heritage;
- Transport for NSW (TfNSW);
- Essential Energy;
- Fire & Rescue NSW; and
- Brungle/Tumut Local Aboriginal Land Council.

The Panel was briefed on the application on 2 August 2022. The key items discussed at the briefing consisted of the outstanding referrals for the development and additional information requested by Council Officers during the assessment of the application.

Subsequent to the Panel briefing all outstanding information and referrals have been received and no objection was raised to the development from the relevant external authorities subject to conditions of consent.

An Odour Assessment was submitted in support of the proposal. The application was referred to NSW EPA for their concurrence and approval. NSW EPA requested additional information in their assessment of the application which was subsequently provided by the applicant.

NSW EPA reviewed the revised Odour Assessment and issued their General Terms of Approval (GTAs) for a maximum capacity of 3,000 tonnes per annum (tpa). EPA noted that the assessment provided within the Odour Assessment was sufficient for a facility with a capacity of 3,000 tpa and any increase in capacity would be subject to a staged approach and further assessment and approval by EPA. The proposed development is a scheduled activity and requires licensing by NSW EPA and therefore the maximum capacity of the facility will be determined by NSW EPA as part of the licensing process once the application is determined.

The subject application has been assessed for a maximum capacity of 10,000 tpa for all other aspects and therefore it is recommended that the subject application be determined on that basis with the NSW EPA GTAs forming a condition of consent that will restrict the initial operation of the facility to a capacity of 3,000 tpa. This will allow for the applicant to submit subsequent modification applications seeking an increase in capacity subject to approval by NSW EPA and amendment of their GTAs.

The assessment has found that the development is consistent with the aims and objectives of and the following legislations and environmental planning instruments:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Protection of the Environment Operations Act 1997
- National Parks and Wildlife Act 1974
- Biodiversity and Conservation Act 2016
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazard) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conversation) 2021
- Tumut Local Environmental Plan 2012

- Snowy Valley Development Control Plan 2019

The proposal is generally consistent with all relevant environmental planning instruments and is considered satisfactory. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979, including likely impacts, the suitability of the site for the development, and the public interest, and the proposed development is considered appropriate.

Considering the above, it is recommended that the Southern Regional Planning Panel determine the Development Application pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979 and grant consent subject to the conditions as provided at **Attachment 6**.

4. BACKGROUND

Application Background

The purpose of the development application is to divert organic material from landfill in a sustainable and ongoing way. There will be two streams of feedstock to the site being FOGO kerbside collected waste and green waste from transfer stations.

The final composted product will be offered for sale including for use by graziers, and fruit producers with a means to improve productivity and manage land sustainably. The quality compost product will also provide Council with a supply of material to improve the region's parks and sporting fields for community enjoyment. The compost will add value to land to which it is applied by improving soil health, carbon storage, and moisture retention.

The Site and Locality

The subject site is located within Gilmore in the Local Government Area (LGA) of Snowy Valley Council. Gilmore is located to the south west of Tumut.

The surrounding area is zoned RU1 Primary Production and RU3 Forestry under the provisions of the Tumut Local Environmental Plan (LEP) 2012. Surrounding land uses consist of the Bellettes inert landfill, ANL landscaping suppliers, AKD Softwoods timber store yard and rural residential properties, refer to Figure 1 and 2 below for the site's location and context.

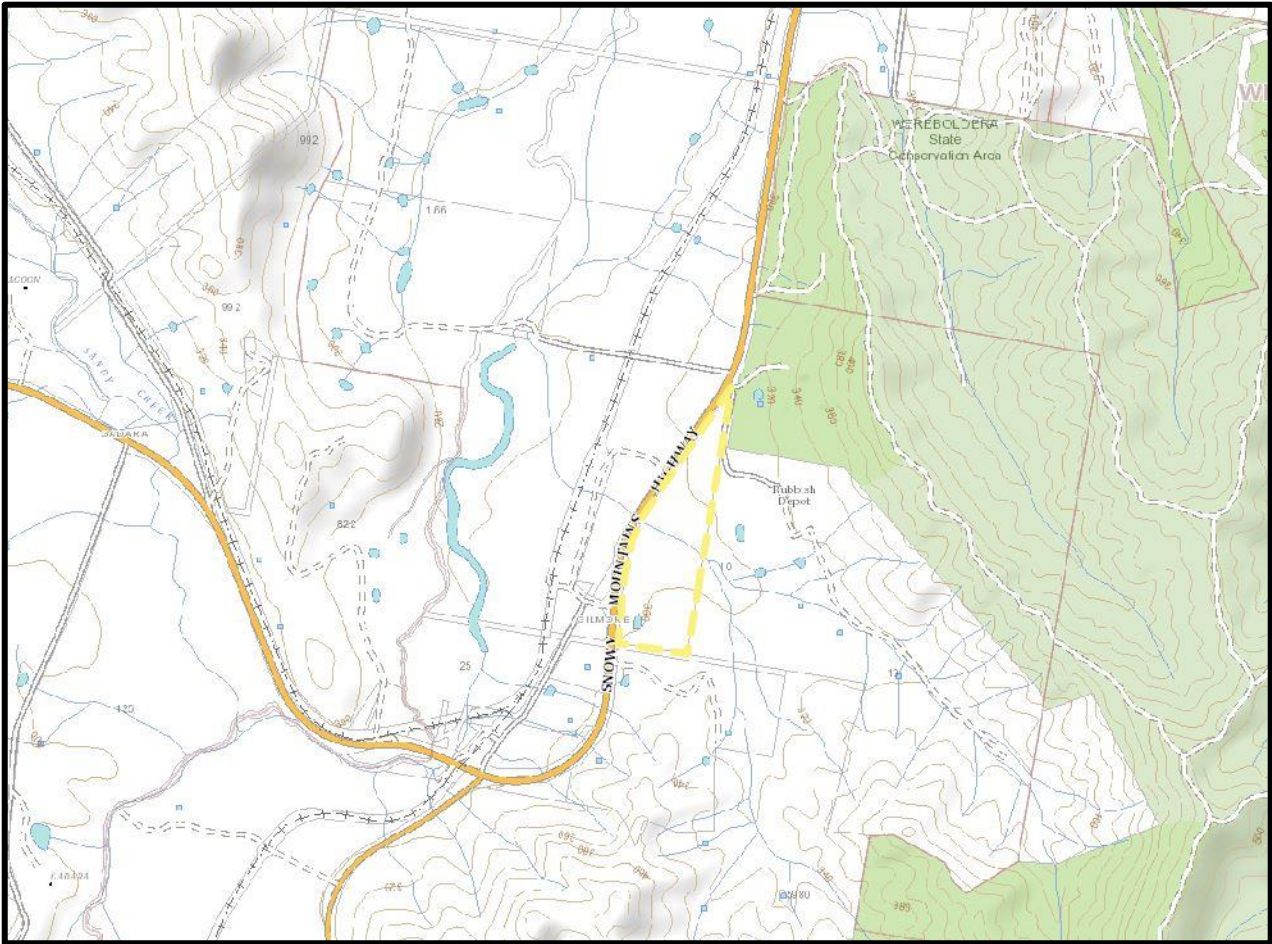


Figure 1 – Location of the site outlined in yellow (Source: NSW Planning Portal).

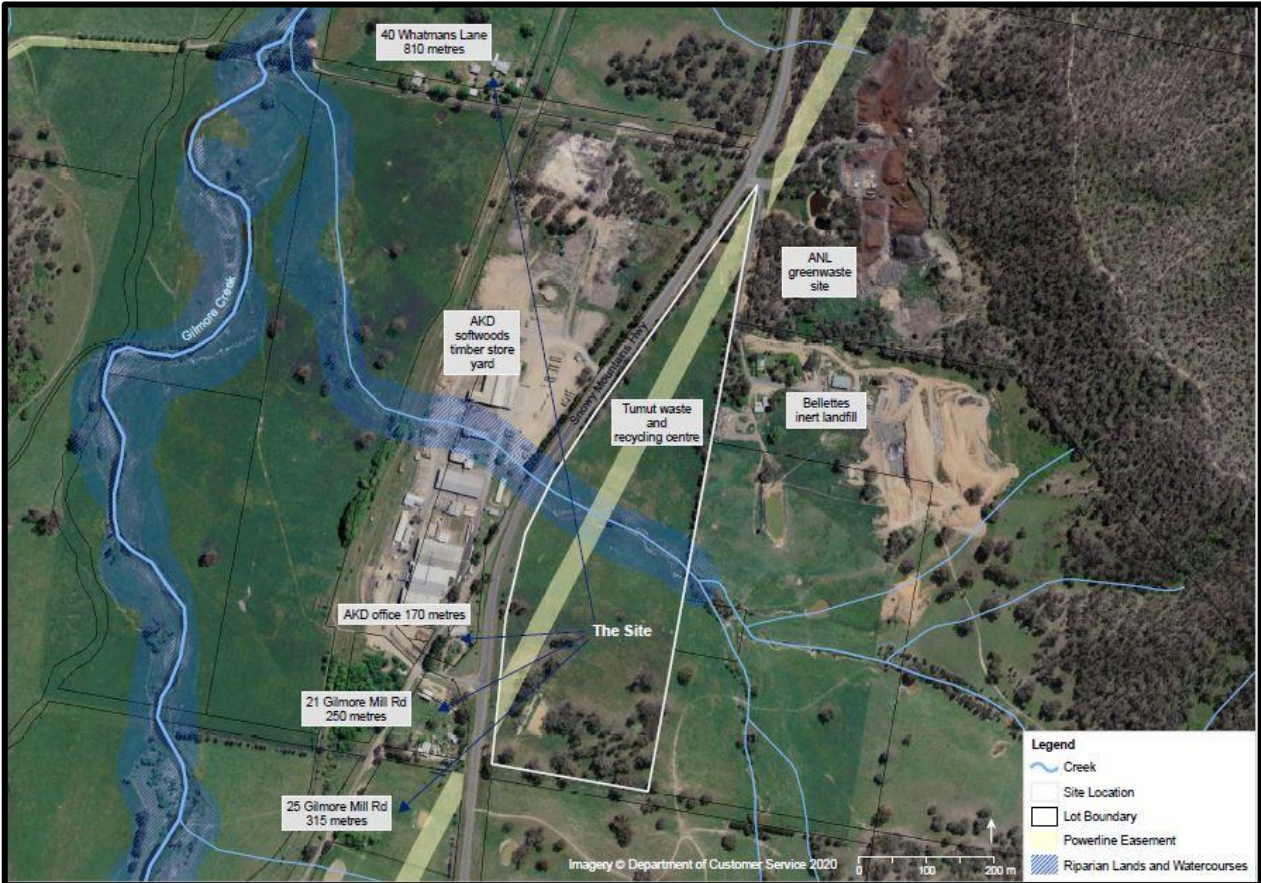


Figure 2 – Locality Plan outlining the site's location and surrounding land uses (Source: RMCG).

The subject site is located on the eastern side of Snowy Mountains Highway within the locality of Gilmore.

The site is commonly known as Snowy Mountains Highway, Gilmore and is legally described as Lot 1 DP 197308. The site is zoned RU1 Primary Production under the provisions of the Tumut Local Environmental Plan (LEP) 2012 and contains the existing Tumut Waste and Recycling Centre (TWRC).

TWRC includes a recycling facility that manually sorts the Council's recycling stream into a premium product, a singulator machine for the container deposit scheme, a waste transfer shed, a second-hand shop, and transfer station drop-off points for waste and recycling.

The proposed development seeks consent for the construction and operation of a waste management facility for the sorting and composting of organic material on the southern portion of the site. The proposed development will be operated in line with the existing TWRC.

The site has an existing watercourse running through the middle of the site and a portion of the site is mapped as being bushfire prone land.

An aerial view of the site and applicable zoning is provided in Figures 3 and 4 below.

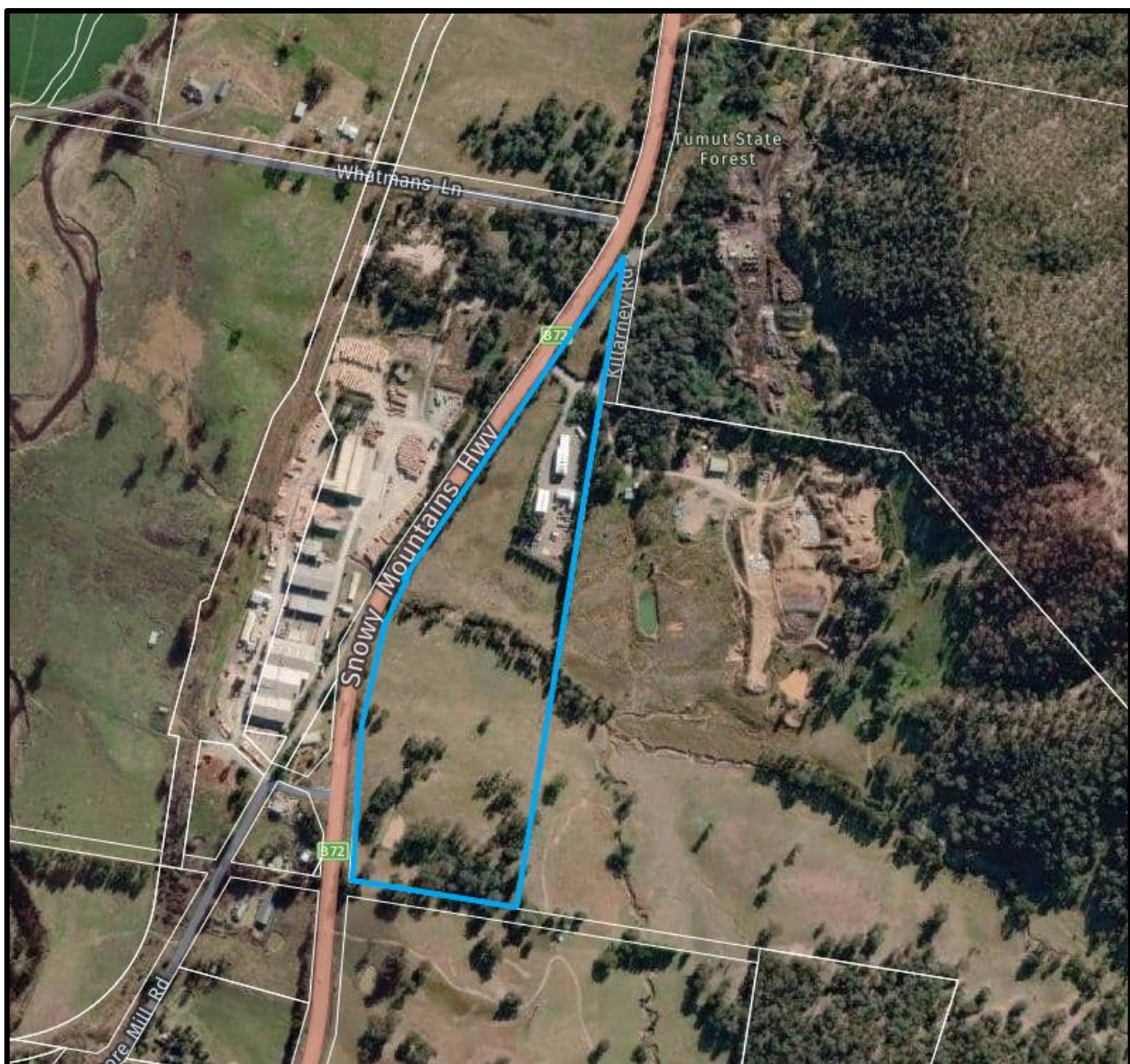


Figure 3 – Site aerial with the site outlined in blue (Source: Nearmap).

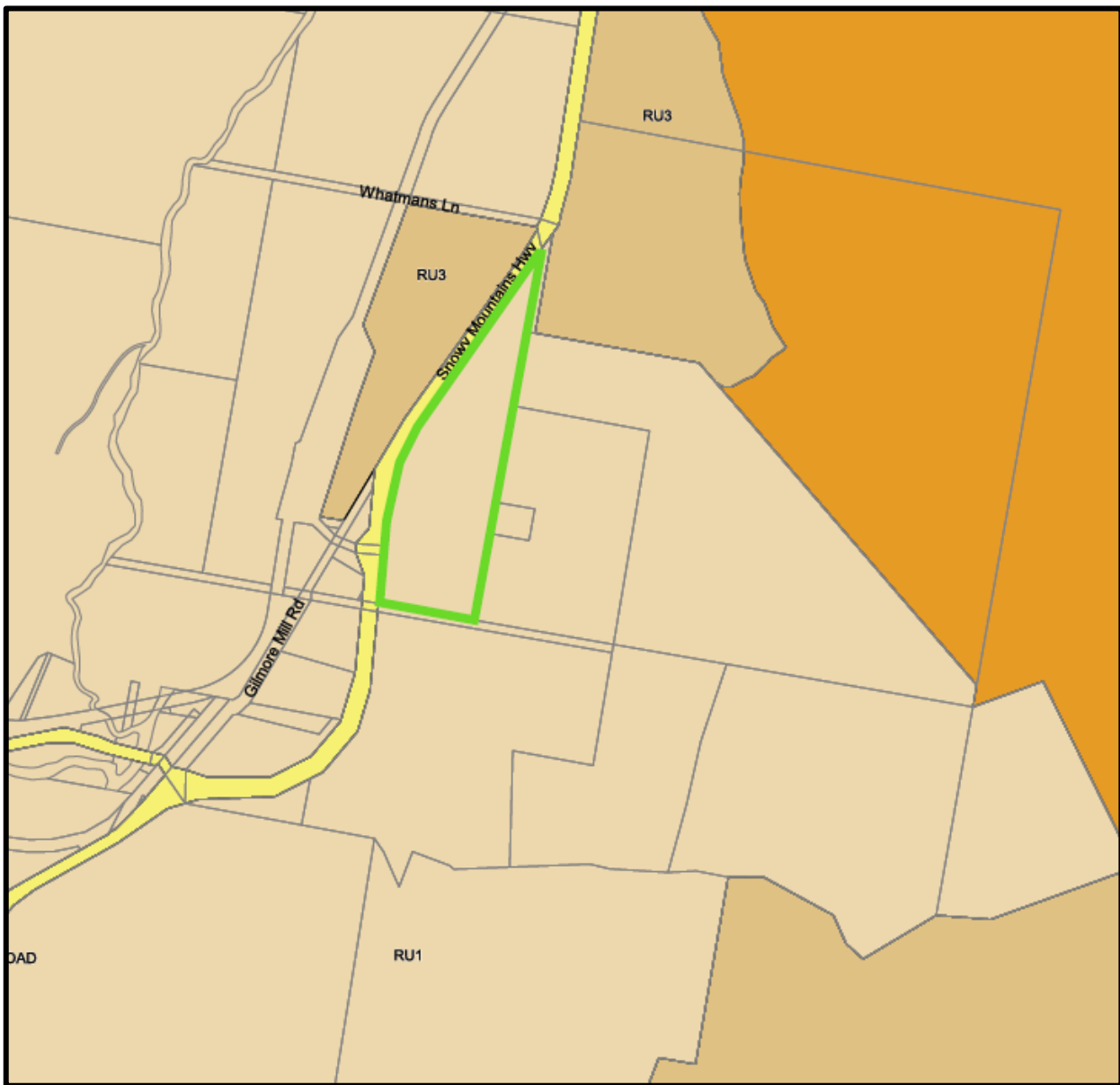


Figure 4 – Zoning of the site and surrounding area (Source: NSW Legislation).

The Subject Application

The subject application was lodged with Snowy Valleys Council on 1 January 2021 for the construction of a waste management facility for the purpose of sorting and composting a maximum of 10,000 tonnes per annum of organic material, including food organics garden organics (FOGO), and associated access and supporting infrastructure and associated site works at Lot 1 DP 197308 Snowy Mountains Highway, Gilmore.

The application is classified as integrated development under the Environmental Planning and Assessment Act 1979 as follows:

- it requires an environmental protection license under the Protection of the Environment Operations Act 1997; and
- it requires an Aboriginal Heritage Impact Permit under National Parks and Wildlife Act 1974.

The application is designated development under the Environmental Planning and Assessment Regulation 2000 as it involves a composting facility that will process more than 5,000 tonnes per year of organic material.

The Planning Secretary's Environmental Assessment Requirements (SEARs) were issued on 1 June 2020 and are provided in **Attachment 1**. The application was supported by an Environmental Impact Statement (**Attachment 3**) that was prepared in accordance with the SEARs.

Notification and Referrals

The application was referred to the following external authorities in accordance with the SEARs:

- NSW Rural Fire Service (RFS);
- Environment Protection Authority (EPA);
- Natural Resource Access Regulator (NRAR);
- DPE – Biodiversity and Conservation Division (BCD);
- NSW Office of Environment & Heritage;
- Transport for NSW (TfNSW);
- Essential Energy;
- Fire & Rescue NSW; and
- Brungle/Tumut Local Aboriginal Land Council.

The relevant authority's responses are summarised in **Attachment 4**.

An Odour Assessment was submitted in support of the proposal. The application was referred to NSW EPA for their concurrence and approval. NSW EPA requested additional information in their assessment of the application which was subsequently provided by the applicant.

NSW EPA reviewed the revised Odour Assessment and issued their General Terms of Approval (GTAs) for a maximum capacity of 3,000 tonnes per annum (tpa). EPA noted that the assessment provided within the Odour Assessment was sufficient for a facility with a capacity of 3,000 tpa and any increase in capacity would be subject to a staged approach and further assessment and approval by EPA. The proposed development is a scheduled activity and requires licensing by NSW EPA and therefore the maximum capacity of the facility will be determined by NSW EPA as part of the licensing process once the application is determined.

The subject application has been assessed for a maximum capacity of 10,000 tpa for all other aspects and therefore it is recommended that the subject application be determined on that basis with the NSW EPA GTAs forming a condition of consent that will restrict the initial operation of the facility to a capacity of 3,000 tpa. This will allow for the applicant to submit subsequent modification applications seeking an increase in capacity subject to approval by NSW EPA.

The application was publicly notified in accordance with the requirements of the Environmental Planning and Assessment Regulations 2000 from the 4 March to the 2 April 2021. 1 submission was received during the notification period.

Panel Briefing

The Panel was briefed on the application on 2 August 2022. The key items discussed at the briefing consisted of the outstanding referrals for the development and additional information requested by Council Officers during the assessment of the application.

Subsequent to the Panel briefing all outstanding information and referrals have been received and no objection was raised to the development from the relevant external authorities subject to conditions of consent.

5. THE PROPOSAL

The applicant seeks development consent for the construction of a waste management facility for the purpose of sorting and composting a maximum of 10,000 tonnes per annum of organic material,

including food organics garden organics (FOGO), and associated access and supporting infrastructure and associated site works at Lot 1 DP 197308 Snowy Mountains Highway, Gilmore.

Specifically, the development will comprise of the following:

- Construction of a new internal access road from the existing TWRC including a creek crossing.
- Construction of office, equipment shed and parking spaces;
- Construction of a composting pad with clay barriers and associated leachate dam;
- Provision a wash bay for trucks;
- Provision of vegetated swales.

The proposed development divert organic material from landfill in a sustainable and ongoing way. There will be two streams of feedstock to the site: FOGO kerbside collected waste and green waste from transfer stations.

The final composted product will be offered for sale including for use by graziers, and fruit producers with a means to improve productivity and manage land sustainably. The quality compost product will also provide Council with a supply of material to improve the region's parks and sporting fields for community enjoyment. The compost will add value to land to which it is applied by improving soil health, carbon storage, and moisture retention.

The key infrastructure for the development is as follows:

<i>Receival Pad</i>	Stage 0, which includes the receiving pad, will be concreted to withstand high loader use and truck movement over time, as well as to provide a solid surface for manual screening operations
<i>Composting pad</i>	The composting pad will be made of compacted clay with a gravel top. Cut and fill construction will cut from the lower eastern section of the pad and fill in the south western section.
<i>Leachate Capture and Storage System</i>	<p>The leachate capture and storage system will include a leachate barrier liner for the whole active area with a 1° slope directed to a leachate dam. A pumping system will allow leachate to be rearticulated on compost.</p> <p>The leachate is proposed to be used for rearticulation of the composting piles when moisture content is low. Surface water will be monitored in the creek on the rare occasion it flows. At a minimum, two ground water quality monitoring bores will be established adjacent to the creek line – one on the western section as the gully enters the site and one on the eastern section as the gully exists the site.</p>
<i>Shed and Office</i>	The shed will include an office and plant storage. It will be 20 m x 10 m and include a slab. The shed will provide safe storage for record keeping and plant equipment. The shed will be constructed on a concrete slab
<i>Site Access, Internal Roads and Parking</i>	The site will be accessed through the existing TWRC. This will include the construction of a new internal road that will cross the creek over culverts. The internal access road will mimic the TWRC speed control of max 15km/h. It will be graded at approximately 3% crossfall and sealed with 40mm hot mix

	<p>Asphaltic Concrete (AC) to ensure weather will not impede access. The road will be 3.5m wide for single lane and 7m wide for dual lane and will be setback from the boundary by 2.5m. The road construction will adhere to AS 2890.2.</p> <p>The access to the site is designed to minimise impact on the creek and flooding – the road is single lane as it crosses the creek to minimise impact on the riparian environment. The access road is lowered on the northern side of the creek to allow the passing of floodwaters (the pad on the southern side is raised to prevent floodwaters impacting on the composting facility, potentially leading to a pollution event).</p> <p>The on-site traffic will enter on the north eastern side and follow an anti-clockwise movement. This will be graded and gravelled, and a speed limit of 15 km/h will be implemented. All utilities will follow the access road to minimise disturbance of the site.</p> <p>Parking spots for staff and visitors will be positioned adjacent to the office and include approximately 5 spots and one disabled parking space over a 15 m x 10 m area.</p>
<i>Wash Bay</i>	<p>The washbay will be located on the northern side of the creek directly adjacent to the road. The wash-bay will facilitate the cleaning of trucks to prevent debris or contaminants leaving site on to adjacent roads. The wash bay will be a covered and bunded space. There will be a series of treatments in the closed-loop water treatment system which will allow water to be recycled in the wash bay. No wash bay waste water will be released to the environment.</p>
<i>Landscaping and Surface Water Management Infrastructure</i>	<p><u>Vegetated Swales</u></p> <p>The vegetated swales are set back from the posed development area of the composting pad. They are focused on the southern and eastern upper ranges of the site and will include grass, shrubs, and small trees. The aim of these is to increase infiltration and stability of the land.</p> <p><u>Bunding</u></p> <p>Bunds of 300 mm height will surround the compost pad. Bunds will be planted with suitable vegetation (grass). The bunds exclude runoff from entering the site and becoming leachate, thus remaining uncontaminated.</p> <p><u>Cut off Drains</u></p> <p>The cut off drains are design features that disperse water that comes up against bunds, to manage channelling and erosion. Drains and cut-off drains will surround the site and be diverted to sediment traps to ensure sediment retention.</p>

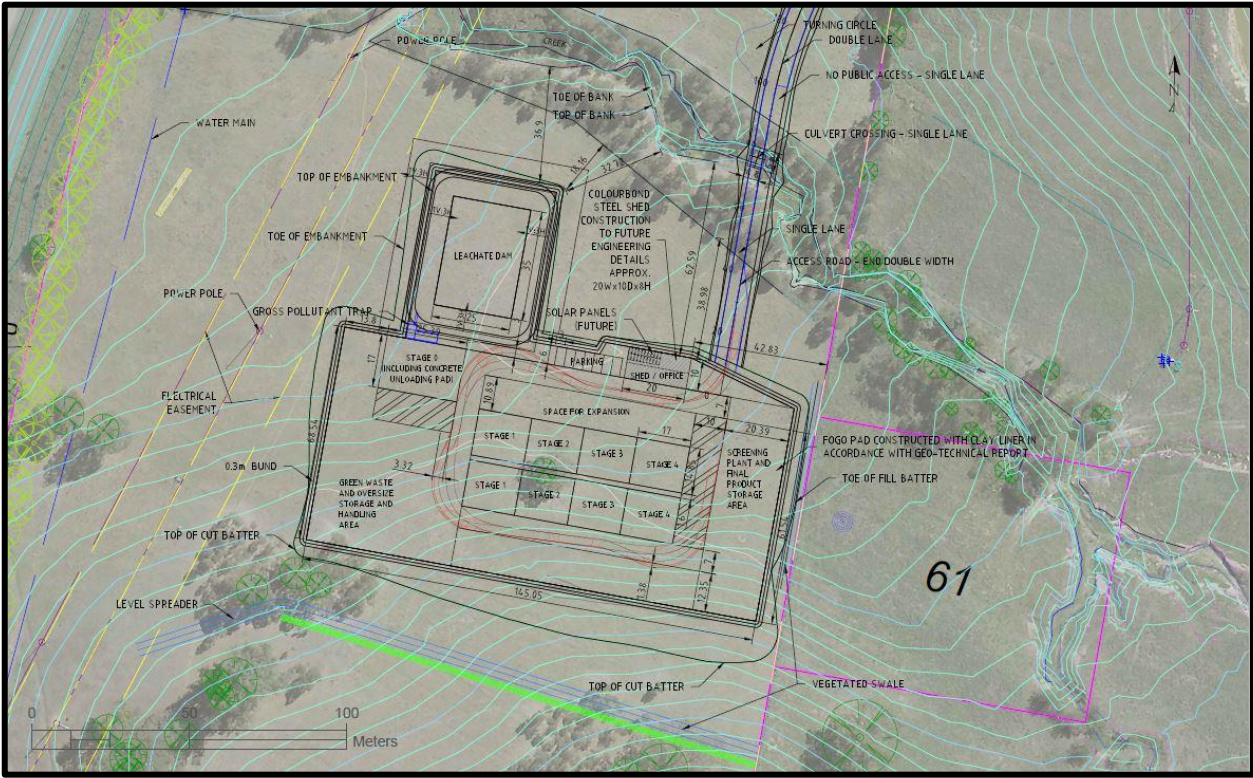


Figure 5: Layout of Proposed Composting Facility (Source: Snowy Valleys Council)

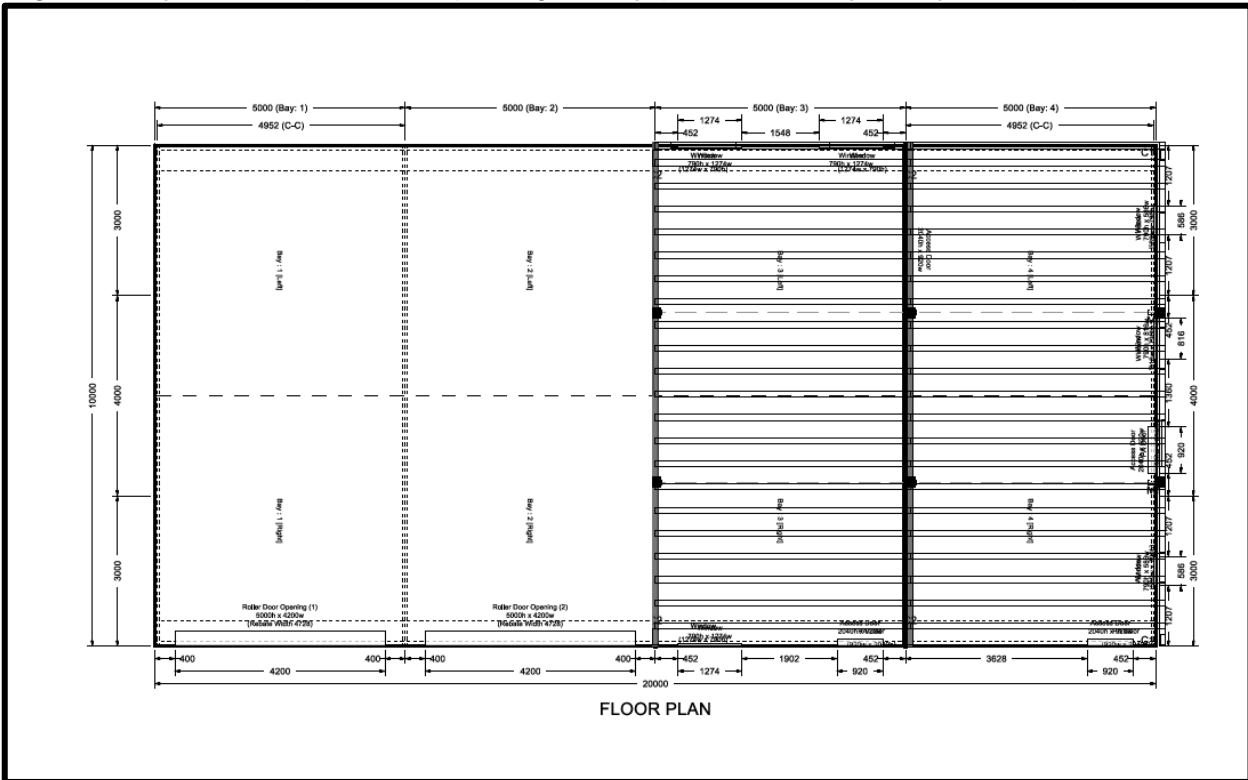


Figure 6: Shed and Office Floor Plan (Source: Tumut River Sheds)

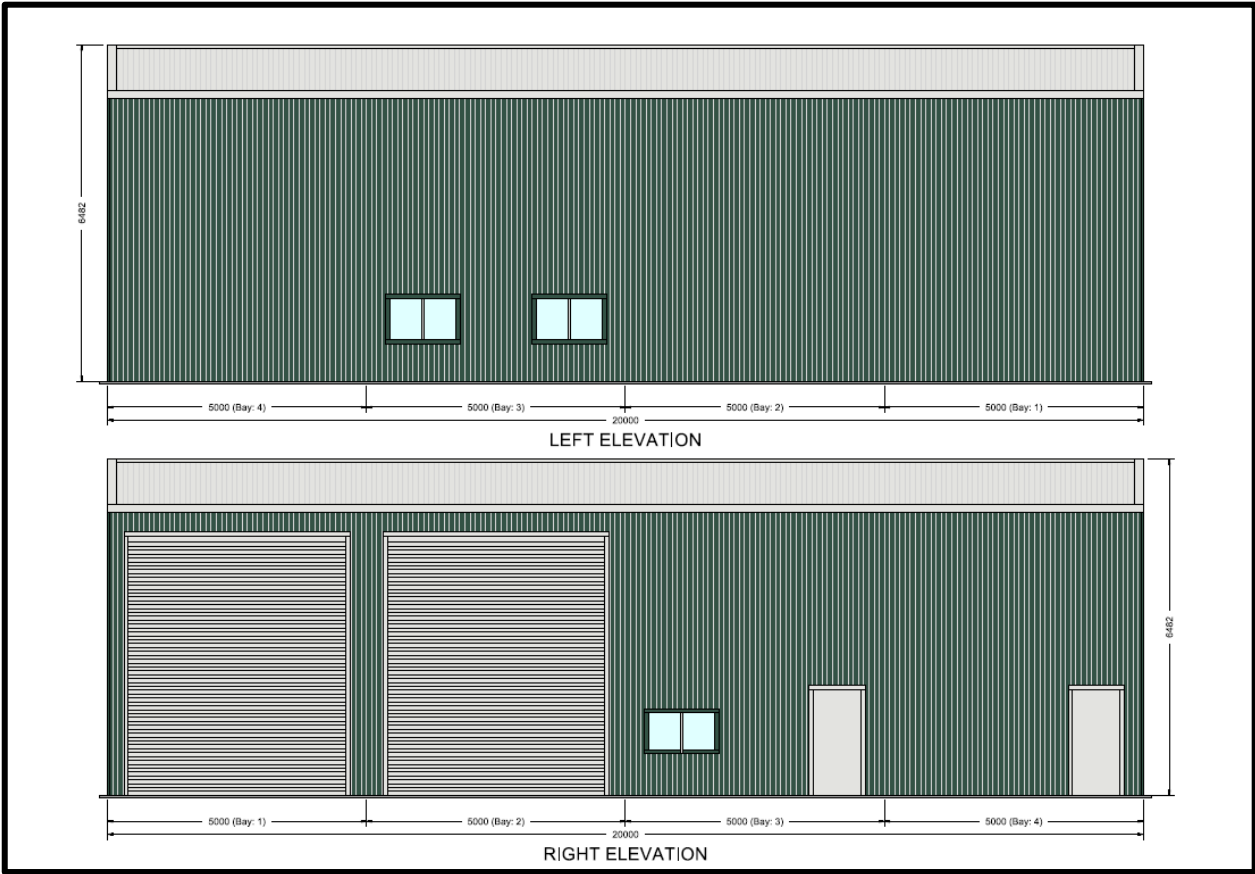


Figure 7: Elevations of Shed and Office (Source: Tumut River Sheds)

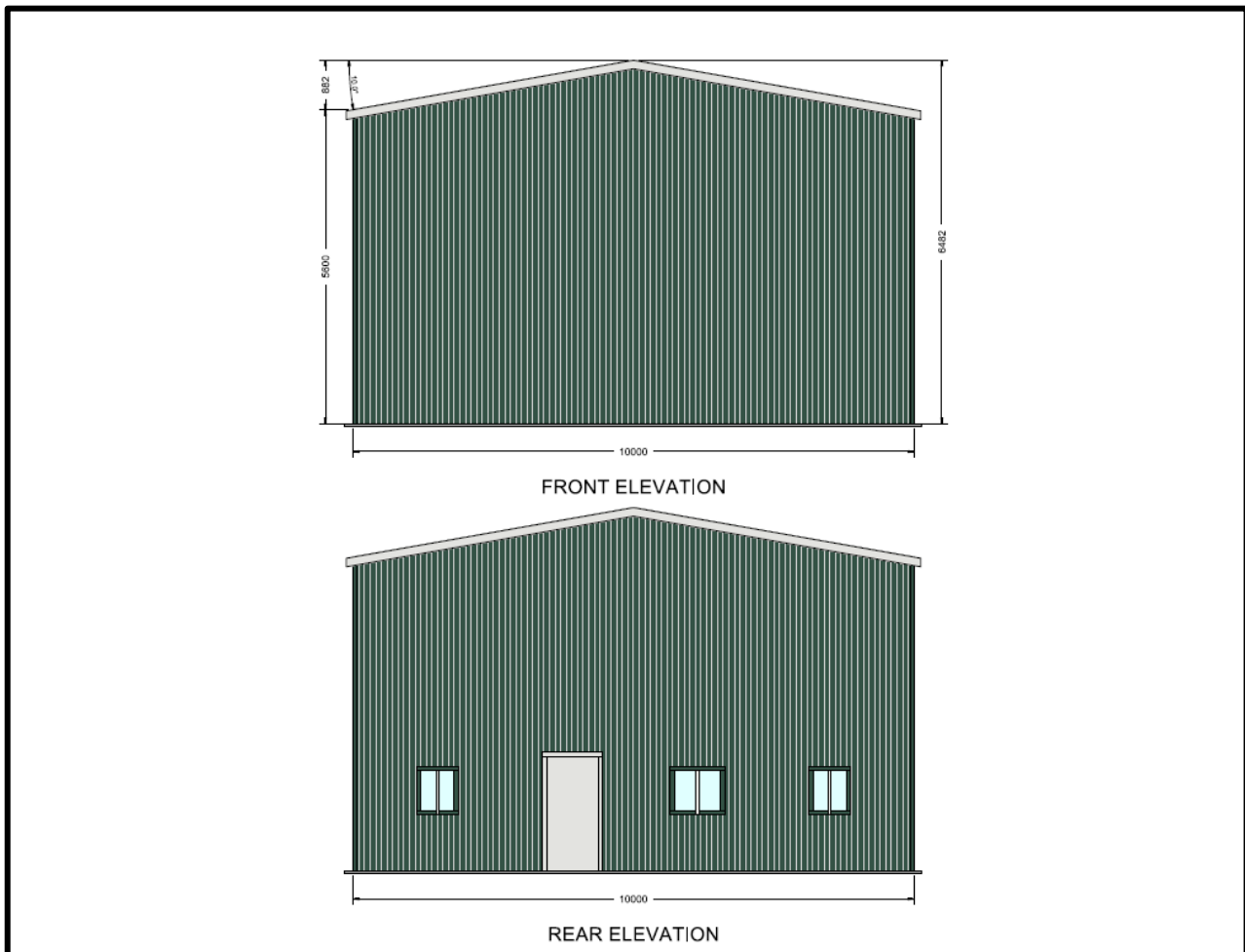


Figure 8: Elevations of Shed and Office (Source: Tumut River Sheds)

Operation of the facility

General

- The facility is proposed to operate from 7:00am to 5:00pm Monday to Sunday consistent with the adjoining TWRC.
- Once operational the facility will employ approximately 3 full-time employees.
- An Operational Environmental Management Plan will be prepared for the facility which will include a Waste Management Plan (WMP).

Processing

The FOGO loads will be deposited at Stage 0, which is a concreted receiving pad. Here, two staff will sort the material with the use of a loader (Hyundai HL 730-9) to intermittently spread and mix the material. It is estimated that 2% of incoming material will be set aside for landfill due to contamination. This material will be taken over to the TWRC for transfer. An additional 1.5% of oversize contamination is estimated to be set aside for grinding prior to reintroduction into Stage 0. Shredded green waste from the transfer station's self-haul area will be stored adjacent to Stage 0 to blend with the FOGO material and be introduced gradually into the composting process. The site design could store approximately 5,000 m³. The operations proposed suggest that one fifth of the annual green waste (1,300t/3,500m³) is stored on site in two or three windrows. Each windrow will be approximately 12 meters wide and up to three meters high, whilst length can vary depending on direction. Each windrow will be at least 6 meters apart. This height, width, and distance will control the self-combustion risk.

The loads will build the first composting pile in Stage 0. This will be covered daily by a 300 mm bio

blanket of finished mulch product. This process is commonly referred to as Covered Aerated Static Pile (CASP). Once the Stage 0 pile is full (500m³ ≈ 200 tonnes), no additional material will be added and the pile will be aerated for two weeks for initial pasteurisation to be completed, with daily moisture and temperature probing that is logged and monitored. While Stage 0 is composting, a parallel Stage 0 commences. After two weeks, Stage 0 is flipped by a loader ensuring that the material from the outer edges of the MAF pile goes to the centre of Stage 1. This is then covered and is left for two weeks for primary pasteurisation in accordance with the process definition below, and consistent with AS4454 process criteria (sections 3.2.1 and 3.2.2.). Stage 2, 3, and 4 are flipped every 2 weeks to achieve humification and breakdown. The composting process will take somewhere between 6-8 weeks depending on season (temperature and moisture). The input material is estimated to reduce 35% in volume.

Post Stage 4, material is screened, and final decontamination is carried out. A Terra Select T3 trommel screen will enable screening to 20mm. It is estimated 2% will be inert material, mostly rocks, which will be taken to the neighbouring Bellettes' landfill. The screening process is estimated to produce 50% soil conditioner and 40% mulch, which may be sold as a product or reintroduced in Stage 0 for further breakdown and the long goal of producing more soil conditioner. Screened mulch will be used for the daily CASP cover. Estimations have allowed for 10% of screened material to be set aside for grinding prior to reintroduction into Stage 0.

At capacity, the operations could produce approximately 10,000 m³ of soil conditioner and 8,400m³ of mulch, complying with AS4454 classifications. Five batches a year can be completed. The site will have space to stockpile approximately 4,500m³. Piles will be managed for size and moisture/temperature to ensure combustion does not occur. With the client mix (internal Council use, Elliotts, and agriculture) and space limitations, the proposed operations will be able to design a production and sale routine that ensures product availability and flow.

6. ASSESSMENT

An assessment against 4.15 of the Environmental Planning and Assessment Act 1979 is provided below.

Environmental Planning and Assessment Act 1979 – Section 4.15

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property.

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Protection of the Environment Operations Act 1997
- National Parks and Wildlife Act 1974
- Biodiversity and Conservation Act 2016
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazard) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conversation) 2021
- Tumut Local Environmental Plan 2012
- Snowy Valley Development Control Plan 2019

An assessment of the proposed DA against the above instruments is detailed below.

Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent and one or more approvals under other State Government Acts. In accordance with Section 4.46 of the EP&A Act the application triggers integrated development provisions requiring separate General Terms of Approval (GTAs) from:

- NSW EPA - it requires an environmental protection license under the Protection of the Environment Operations Act 1997; and
- Heritage NSW - it requires an Aboriginal Heritage Impact Permit under National Parks and Wildlife Act 1974.

Heritage NSW issued their GTAs on 18 June 2021 and NSW EPA issued their GTAs in June 2022. The GTAs have been included in the recommended conditions of consent provided in **Attachment 6**.

Environmental Planning and Assessment Regulation 2000

Under the provisions of Clauses 13 and 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the proposed Organics Recycling Facility (ORF) is 'designated development', as it involves:

- 'compositing facilities or works' that process more than 5,000 tonnes per year of organic materials, and
- 'waste management facilities or works' that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials.

As a result, an Environmental Impact Statement (EIS) prepared in accordance with section 4.12 of the EP&A Act and Schedule 2 to the EP&A Regulation. Secretary's Environmental Assessment Requirements (SEARs) were issued on 1 June 2020.

Protection of the Environment Operations Act 1997

In accordance with Clause 48 of the Protection of the Environment Operations Act 1997 an environmental protection license is required for scheduled activities. In accordance with Clause 12 of Schedule 1 of the Protection of the Environment Operations Act 1997 the proposed development is a scheduled activity as it will receive and process more than 5,000 tonnes per year of non-putrescible organics and 200 tonnes per year of putrescible organics.

The application was referred to NSW EPA who issued their GTAs in June 2022. The GTAs have been included in the recommended conditions of consent provided in **Attachment 6**.

National Parks and Wildlife Act 1974

An Aboriginal Cultural Heritage Assessment Report (ACHA) prepared by Biosis was submitted in support of the application. The ACHA recommended that an Aboriginal Heritage Impact Permit (AHIP) covering the entire development footprint be obtained.

The application was referred to NSW Heritage who issued their GTAs on 18 June 2021. The GTAs have been included in the recommended conditions of consent provided in **Attachment 6**.

Biodiversity Conservation Act 2016

The proposed development requires the clearing of a small section of existing vegetation to accommodate the works. A Biodiversity Evaluation Report was submitted in support of the development.

A Biodiversity Offset Scheme Entry Threshold (BoSET) map and assessment tool (BMAT) found

that the threshold for the Biodiversity Offset Scheme has not been exceeded and thus, a Biodiversity Development Assessment Report is not required

The proposed vegetation clearing only includes a small section of previously planted she-oaks, none of which are identified as significant vegetation under the Act.

The test of significance against key threatening processes has considered the full impact of the proposal and found that the proposed operations minimal impact (clearing, use) can be managed by vegetation retention, revegetation (fire resistant/tolerant species), and weed management. The proposed development is therefore consistent with the Act and further investigation is not required.

State Environmental Planning Policy (Planning Systems) 2021

In accordance with clause 7 of Schedule 6 of the SEPP, the proposed is regionally significant development as it is for the purposes of a waste management facility that meets the requirements for designated development under the EP&A Regulation. The development application is therefore required to be determined by the Southern Regional Planning Panel.

State Environmental Planning Policy (Resilience and Hazard) 2021

Chapter 3 – Hazardous and Offensive Development

Chapter 3 of the SEPP requires the consent authority to consider whether the proposal is a potentially hazardous or offensive industry that without the implementation of appropriate impact minimisation measures would, or potentially would, pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment.

In this regard, hazardous industry is limited to industrial developments which after all minimisation measures proposed have been employed; the industry would still pose a significant risk to the surrounding community and/or environment. The consent authority is required to undertake a preliminary risk screening analysis to determine if the proposal is deemed, by definition, to be a potentially hazardous or offensive industry. Should it be deemed that the development is potentially hazardous, a preliminary hazard assessment would be required.

The quantities of dangerous goods proposed to be stored on-site are well below the screening thresholds and do not trigger the requirement for a Preliminary Hazard Assessment to be undertaken in this instance.

The subject development will be required to adopt best management practices as part of its ongoing operations, with an Operational Environmental Management Plan (OEMP) and Waste Management Plan (WMP) to be implemented with respect to day to day operation of the facility. Suitable conditions of consent have been provided in the recommended conditions of consent provided in **Attachment 6**.

Chapter 4 – Remediation of Land

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

In particular, *Chapter 4 Remediation of Land* contains a number of objectives that aim to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment:

- a) *By specifying when consent is required, and when it is not required, for a remediation work; and*
- b) *By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and*

c) *By requiring that a remediation work meet certain standards and notification requirements*

Subject to Section 4.6 of the SEPP, a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated.

No potentially contaminating activity have occurred, and the site is not within an investigation area. As such, the subject site is considered to be suitable for the intended development and further investigation is not deemed to be necessary.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

The subject site has frontage to a classified Road being the Snowy Mountains Highway. Furthermore, in accordance with the provisions of Schedule 3 of the SEPP being a 'waste or resource management facility', the proposed development is considered to be Traffic Generating Development.

The application was referred to Transport for NSW (TfNSW) in accordance with Clause 2.119 and 2.122 of the SEPP. TfNSW raised no objection to the development subject to conditions which have been included in the recommended conditions of consent provided in **Attachment 6**.

State Environmental Planning Policy (Biodiversity and Conversation) 2021

Chapter 3 - Koala Habitat Protection 2020

The subject site is located within the Snowy Valleys LGA and has an area of over 1ha and therefore Chapter 3 of the SEPP applies.

In accordance with Clause 3.6 of the SEPP before a council may grant consent to a development application for consent to carry out development on land to which this Part applies, the council must be satisfied as to whether or not the land is a potential koala habitat.

The subject site does not contain any regionally relevant feed tree species and is not subject to a plan of management and therefore the site is not considered to be potential koala habitat.

It is satisfied that the proposed development is likely to have low or no impact on koalas or koala habitat. The proposed development is considered to be consistent with the relevant objectives and control of the SEPP and consent may be granted for the development application.

Tumut Local Environmental Plan 2012

The site is zoned RU1 Primary Production pursuant to the Tumut Local Environmental Plan (LEP) 2012. Resource Recovery Facilities (waste or resource management facility) are permitted with consent in the RU1 zone.

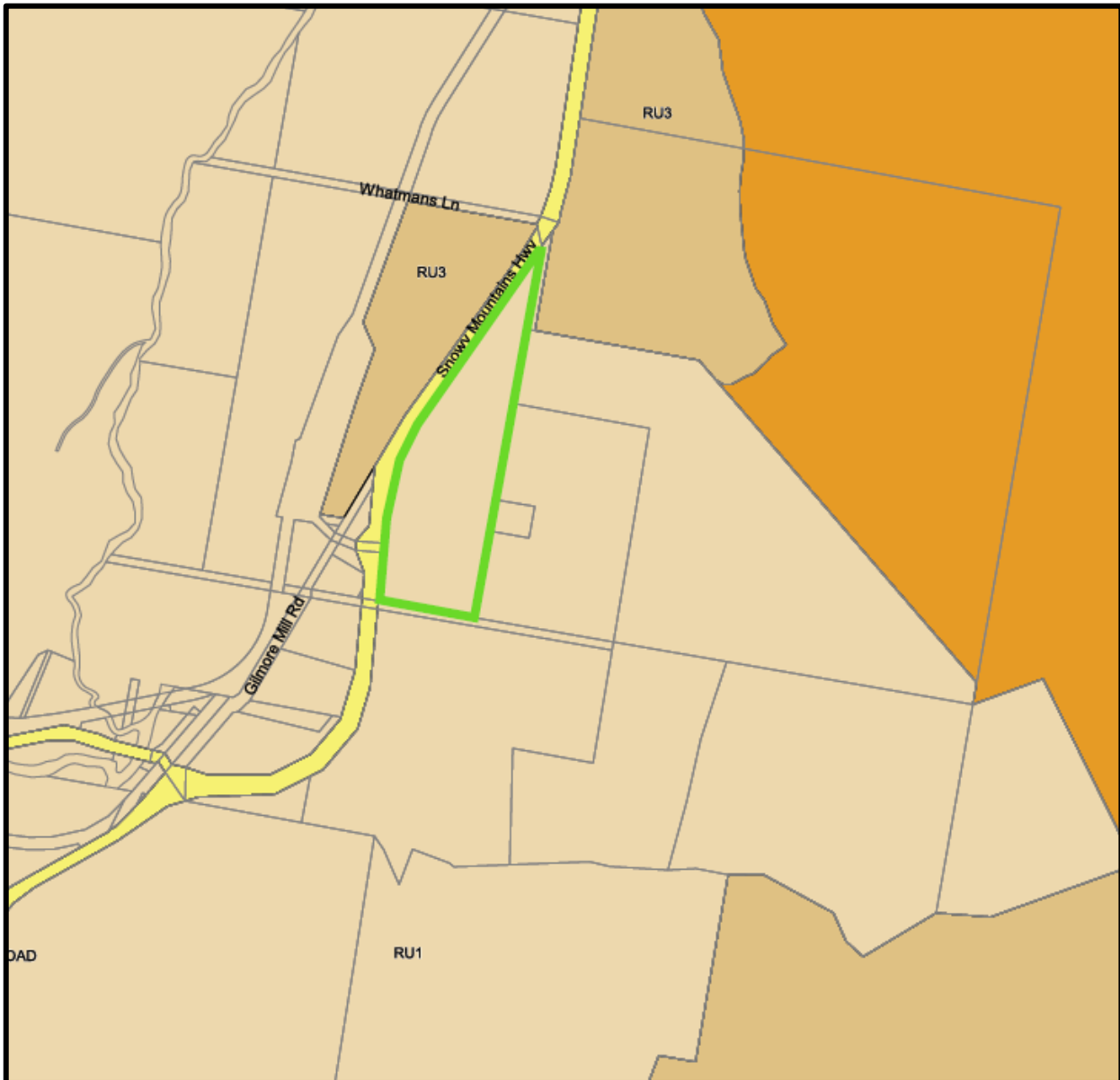


Figure 9 – Zoning of the site outlined in green (Source: NSW Legislation).

The objectives of the RU1 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.*
- *To ensure development prevents or mitigates land degradation.*
- *To protect significant scenic landscapes.*

The subject development is not deemed to be contrary to development objectives for the RU1 land zone as follows:

- The subject development will add to the diversity of existing land uses within the subject locality.
- No fragmentation or alienation of resource lands will result from the proposed development.

- Ongoing compliance with the recommended conditions consent will result in mitigation of potential impacts and/or conflicts with surrounding land uses.

Relevant Clauses

The DA was assessed against the following relevant clauses of the Wingecarribee LEP 2010.

Clause	Requirement	Provided	Compliance
6.1 Earthworks	To ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.	Minor earthworks are proposed to facilitate the proposed development. The proposed development will not affect environmental functions and processes, neighbouring uses or heritage items and features surrounding land. The application was referred to Councils Development Engineers who raised no objections subject to conditions.	Yes
6.4 Groundwater vulnerability	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	The proposed development has been sited and designed to ensure there are no adverse impacts on groundwater. The application was referred to EPA for concurrence. NSW EPA requested additional information in their assessment of the application which was subsequently provided by the applicant. NSW EPA raised no objection to the development and issued their General Terms of Approval (GTAs) in June 2022. Compliance with the GTAs and licensing requirements are conditioned and will ensure the proposed development does not result in adverse impacts on the natural environment.	Yes
6.5 Riparian lands and watercourses	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—	The proposed development has been sited and designed to ensure there are no adverse impacts on the watercourse on the subject site. The application was referred to the Natural Resource Access Regulator (NRAR) who raised no	Yes

	<p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>objection to the development and detailed that a controlled activity approval is not required and no further assessment by this agency is necessary.</p>	
<p>6.8 Landslide risk</p>	<p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and that—</p> <p>(a) the development is designed, sited and will be managed to avoid any landslide risk or significant adverse impact on the development and the land surrounding the development, or</p> <p>(b) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or</p> <p>(c) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.</p>	<p>The proposed development has been sited and designed to ensure it will appropriately manage, stormwater and drainage to avoid any landslide risk or significant adverse impact on the development and the land surrounding the development.</p>	<p>Yes</p>

6.11 Essential services	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	The subject site is capable of being serviced by public utility that are essential for the development.	Yes
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(a)(ii) The Provision of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

At the time of lodgement, the site was zoned RU1 Primary Production pursuant to the Tumut Local Environmental Plan (LEP) 2012. Resource Recovery Facilities (waste or resource management facility) are permitted with consent in the RU1 zone. In July 2021 the site was rezoned to part IN1 General Industrial and part RU1 Primary Production. Resource Recovery Facilities remain permissible with consent in the IN1 zone and therefore the rezoning of the site does not have any implications for the subject application.

(a)(iii) The Provisions of any Development Control Plan

Snowy Valleys Development Control Plan 2019

The Snowy Valleys Development Control Plan (DCP) 2019 provides detailed provisions to supplement the Tumut LEP 2012. An assessment of the proposal against the relevant development controls applying to the subject site and development is provided in **Attachment 5**.

The proposal is generally consistent with the relevant objectives and controls of the DCP.

(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.

Not Applicable

(a)(iv) The Regulations

The Regulations do not prescribe any additional matters that are relevant to the proposed DA.

(1)(b) The likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Natural Environment

The proposed development is not considered to adversely impact on the natural environment and has been designed to ensure any potential impacts are appropriately minimised and mitigated.

The proposed development has been prepared and designed in line with the key environmental planning instruments and policies implemented to minimise impacts on the natural environment as evidenced in the preparation of the following specialist studies in support of the application:

- Environmental Impact Statement;
- Bushfire Assessment Report;
- Geotechnical Investigation;
- Aboriginal Archaeological Assessment Report;
- Archaeological Assessment Report;
- Noise Impact Assessment;
- Biodiversity Evaluation Report;
- Odour Impact Assessment; and
- Water Quality Assessment.

The Environmental Impact Statement (**Attachment 3**) submitted has been prepared in line with the SEARs (**Attachment 1**) issued for the application and adequately addresses all potential environmental effects of the proposal.

In accordance with the designated and integrated development requirements the application was referred to the following external authorities for assessment:

- NSW Rural Fire Service (RFS);
- Environment Protection Authority (EPA);
- Natural Resource Access Regulator (NRAR);
- DPE – Biodiversity and Conservation Division (BCD);
- NSW Office of Environment & Heritage;
- Transport for NSW (TfNSW);
- Essential Energy;
- Fire & Rescue NSW; and
- Brungle/Tumut Local Aboriginal Land Council.

Additional information was requested by the relevant external authorities which was subsequently addressed by the applicant. The application and supporting investigations were reviewed by the external authorities who raised no objections to the proposal, supporting the findings and recommendations of the investigations and provided conditions of consent to ensure compliance.

The external authorities confirmed the relevant environmental investigation were prepared in accordance with the applicable environmental planning instruments and policies and that the development has been designed to appropriately minimise and mitigate any potential impacts on the natural environment.

An Odour Assessment was submitted in support of the proposal. The application was referred to NSW EPA for their concurrence and approval. NSW EPA requested additional information in their assessment of the application which was subsequently provided by the applicant.

NSW EPA reviewed the revised Odour Assessment and issued their General Terms of Approval (GTAs) for a maximum capacity of 3,000 tonnes per annum (tpa). EPA noted that the assessment provided within the Odour Assessment was sufficient for a facility with a capacity of 3,000 tpa and any increase in capacity would be subject to a staged approach and further assessment and approval by EPA. The proposed development is a scheduled activity and requires licensing by NSW EPA and therefore the maximum capacity of the facility will be determined by NSW EPA as part of the licensing process once the application is determined.

The subject application has been assessed for a maximum capacity of 10,000 tpa for all other aspects and therefore it is recommended that the subject application be determined on that basis with the NSW EPA GTAs forming a condition of consent that will restrict the initial operation of the

facility to a capacity of 3,000 tpa. This will allow for the applicant to submit subsequent modification applications seeking an increase in capacity subject to approval by NSW EPA and amendment of their GTAs.

All conditions have been included in the recommended conditions of consent provided in **Attachment 6**.

Therefore, the proposed development is not considered to have any adverse impacts on the natural environment.

Built Environment

The visual character of the area immediately surrounding the subject property predominantly consists of an industrial and rural character with surrounding land uses consist of the Bellettes inert landfill, ANL landscaping suppliers, AKD Softwoods timber store yard and rural residential properties

The likely impacts on the landscape and visual amenity will be the result of the construction of the shed and office. The proposed built form is low scale and consistent with the existing built form within the locality.

A requirement for a detailed landscaping plan to be submitted to Council for approval showing all landscaping for the site (including boundary screening) and details of proposed fencing has been included as a recommended condition of consent prior to the issue of a construction certificate.

The proposed development will therefore be appropriately screened from surrounding development and integrated into the surrounding landscape. The proposed development will not result in any adverse impacts on the built environment or character of the area.

Social and Economic Impacts

The proposed development will result in a positive social outcome as it is in support of a facility that will benefit the community through the removal of a significant volume of materials from the waste stream and process them into useful products.

The development will also provide employment opportunities in the short-term through construction and in the long term through ongoing operation.

The proposed development is therefore considered to result in positive social and economic impacts.

(1)(c) The suitability of the site

For the reasons discussed in this report and the information provided within the EIS, it considered that the site is suitable for the proposed development on the basis that the site is suitably zoned (RU1 Primary Production) and maintains an adequate buffer distance from nearby urban and residential areas.

It is considered the proposal will not lead to an increase in land use conflicts with the surrounding agricultural and industrial uses based on the design, operation, proposed mitigation measures and conditions of consent.

The proposed development is compatible with the surrounding area; therefore, the consent authority can be satisfied that the site is suitable for the proposed development.

(1)(d) Any submissions made in accordance with this Act or the Regulations.

The application was publicly notified in accordance with the requirements of the Environmental Planning and Assessment Regulations 2000 from the 4 March to the 2 April 2021. 1 submission was received during the notification period.

The issues raised in the submission are summarized and addressed below:

Issue Raised	Response
Odour Impacts	<p>An Odour Assessment was submitted in support of the proposal. The application was referred to NSW EPA for their concurrence and approval. NSW EPA requested additional information in their assessment of the application which was subsequently provided by the applicant.</p> <p>NSW EPA reviewed the revised Odour Assessment and issued their General Terms of Approval for a maximum capacity of 3,000 tonnes per annum (tpa). EPA noted that the assessment provided within the Odour Assessment was sufficient for a facility with a capacity of 3,000 tpa and any increase in capacity would be subject to a staged approach and further assessment and approval by EPA. The proposed development is a scheduled activity and requires licensing from the NSW EPA so any potential odour impacts will be appropriately managed and mitigated by the NSW EPA.</p>
Noise Impacts	<p>The application was referred to NSW EPA for their concurrence and approval. NSW EPA requested a Noise Impact Assessment be prepared which was subsequently provided by the applicant. NSW EPA confirmed the potential noise impacts from the construction and operation of the facility were adequately addressed in the report and provided conditions to ensure any potential acoustic impacts are appropriately managed and mitigated. All conditions have been included in the recommended conditions of consent provided in Attachment 6.</p>
Groundwater and Surface Water Impacts	<p>The application was referred to NSW EPA for their concurrence and approval. NSW EPA requested additional information regarding groundwater and surface water which was subsequently provided by the applicant. NSW EPA confirmed the potential impacts on groundwater and surface water were adequately addressed in the additional information and provided conditions to ensure any potential impacts are appropriately managed and mitigated. All conditions have been included in the recommended conditions of consent provided in Attachment 6.</p>
Environmental Management	<p>In accordance with the designated and integrated development requirements the application was referred to the following external authorities for assessment:</p> <ul style="list-style-type: none"> • NSW Rural Fire Service (RFS); • Environment Protection Authority (EPA); • Natural Resource Access Regulator (NRAR); • DPE – Biodiversity and Conservation Division (BCD); • NSW Office of Environment & Heritage.

Issue Raised	Response
	<p>The application and supporting investigations were reviewed by the external authorities who raised no objections to the proposal, supporting the findings and recommendations of the investigations and provided conditions of consent to ensure compliance.</p> <p>The external authorities confirmed the relevant environmental investigation were prepared in accordance with the applicable environmental planning instruments and policies and that the development has been designed to appropriately minimise and mitigate any potential impacts on the natural environment.</p> <p>Conditions of consent were provided by the relevant authorities that ensure the development incorporates adequate environmental monitoring and management measures as part of the construction and operation of the facility. All conditions have been included in the recommended conditions of consent provided in Attachment 6.</p>

(1)(e) The public Interest

The public interest is served through the detailed assessment of this DA under *the Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, Environmental Planning Instruments, Development Control Plan and policies.

That assessment has demonstrated that the proposed development has addressed the requirements of the relevant planning instruments and development controls applicable to it including the objectives of the zone.

The proposed development has also demonstrated that the site is suitable for the proposal. The proposal aims to provide a facility that will benefit the community by as it will remove a significant volume of materials from the waste stream and process them into useful products and all potential impacts will be appropriately minimised and managed.

Based on the above assessment, the proposal is considered to be in the interest of the public.

7. OTHER MATTERS

External Referrals

The subject DA was referred to a number of public agencies and their responses are summarised in in **Attachment 4**.

8. CONCLUSION

The proposed development involves the construction of a waste management facility for the purpose of sorting and composting a maximum of 10,000 tonnes per annum of organic material, including food organics garden organics (FOGO), and associated access, supporting infrastructure and associated site works at Lot 1 DP 197308 Snowy Mountains Highway, Gilmore.

The application is 'designated development' and a detailed Environmental Impact Statement (EIS)

that addresses the matters required by the Environmental Planning and Assessment Regulation and the NSW Department of Planning and Environment (SEAR's), has been submitted and assessed.

The application has been assessed in accordance with the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979. The EIS is deemed to satisfactorily address the environmental impacts of the development and the mitigation measures proposed are considered appropriate to minimise any potential detrimental impacts. Overall, it is considered that the proposed development will have an acceptable and minimal environmental impact if constructed and operated in accordance with the conditions of consent and the Environment Protection License conditions of the NSW Environment Protection Authority. Accordingly, it is recommended that development consent be granted, subject to conditions.

9. RECOMMENDATION

The application has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. The evaluation demonstrates that the proposal is satisfactory in terms of the matters for consideration identified in the legislation. It is recommended that the proposal be granted conditional development consent.