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17 October 2019

contact: Planning & Development
reference: SSD-9143

Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam,

SUBJECT: COUNCIL SUBMISSION - GOULBURN POULTRY PROCESSING PLANT
LOCATION: 52 SINCLAIR STREET, GOULBURN (LOT 22 DP750050)

I refer to the Department's request for Council's comments towards SSD-9143 Goulburn Poultry Processing Plant Mixed Use Development and trust the following advises accordingly.

Goulburn Mulwaree Council strongly supports the proposed development currently on public exhibition, and provides the following comments for consideration during the assessment of the Development Application.

Permissibility

Under the *Goulburn Mulwaree Local Environmental Plan 2009* (GMLEP 2009), the site is zoned B6 Enterprise Corridor, RU6 Transition and E3 Environmental Management.

The cold storage facility defined as a warehouse and distribution centre under GMLEP 2009 and is permissible with consent in the B6 Enterprise Corridor zone. A childcare centre is permissible with consent in all three zones. The poultry processing facility defined as a livestock processing facility (a rural industry) is prohibited in all three zones.

The Environmental Impact Statement (EIS) focuses on the mixed nature of the proposed uses without clearly specifying what the dominant land use is. Council would consider the poultry processing plant (PPP) as being the dominant use as it is the SSD component, and as it requires other facilities on the site such as the live bird shed, by-product processing facility and wastewater treatment plant. Notwithstanding, Table 17 of the EIS suggests that the PPP is not the dominant use which is unclear. If the EIS concludes there is no dominant use then this should be further explained.

Planning Proposal

Council is currently processing a Planning Proposal (PP) which is seeking to rezone the North East enterprise Corridor (Common and Sinclair Streets) to IN1 General Industrial. The PP has gateway approval from DPIE and is pending public exhibition. The PP follows a grant from the NSW Growing Local Economies Fund and recommendations from the GMC Employment Lands Strategy.

One of the keystone industries for the precinct identified in the business case for the PP is the PPP. The grant funding is intended to provide infrastructure to assist in the activation

of this precinct which has remain largely undeveloped since being rezoned to B6 Enterprise Corridor under GMLEP 2009.

SSD-9143 is consistent with the land uses permissible in the IN1 zone in the PP which seeks to also add “rural industries” as a permissible use to the IN1 zone. With regard to the E3 zoned area, this is intended to be retained under the PP. It is assumed that the area was zoned E3 under GMLEP 2009 due to visual prominence and not necessarily in relation to biodiversity significance. The location of the building footprint (as proposed) outside of this area is supported.

Sewerage Treatment Plant Capacity

Council has recently upgraded the Goulburn Sewerage Treatment Plant to accommodate up to 30,000 equivalent persons (EP) with capacity to 40,000 EP, with augmentation.

The impact of the proposed development on the capacity of the water/sewer system may impact on the ability to meet the demands for other uses, such as residential expansion/growth. Further, if such infrastructure is approved without payment of applicable contributions, it may be that Council would not be able to meet the demands of future residential growth. It is suggested that the impacts of waste and waste water management in p.38 of the Social Impact Assessment (Appendix K) may also be downplayed.

Similarly, the EIS does not address the capability of the wastewater treatment process in relation to the required discharge to sewer. There has also been no contact to Council to determine what pre-treatment is required for a discharge to sewer. Table 65 of the EIS was produced providing vague secondary treatment standards that can be reached by their proposed facility. Conditions on other large trade waste dischargers in town have significantly lower nutrient levels than the range provided in this table. It is not known whether this treatment technology would meet the requirement imposed. The development of conditions is by Council and requires Department of Industry (DOI) concurrence. This is a process that has not been completed and should have been completed for the EIS.

The document states that any discharge will be in accordance with the Council's Liquid Trade Waste Policy however, this is not demonstrated in the detail provided and Council need to ensure that this technology can meet the limits required. The limits would be non-negotiable as they are vital to protect the operation of Council's wastewater treatment plant.

Contributions and Infrastructure Upgrades

Section 5.9 of the EIS mentions the haulage contribution rate at \$160 per trip per day, where the rate applicable to the current financial year is \$185. This is the rate that would be applied to the development, if approved.

Discussions have been occurring with the developer regarding payment of section 64 and 7.11 contributions. These discussions have not yet been resolved and are still in progress with Council. Notwithstanding, it is acknowledged that p.202 of the EIS commits to submitting a section 305 application under the *Water Management Act 2000* with Council.

The development has estimated its water usage to be 14ML/week, however the daily average of 2.68ML/day for 7 days a week equates to a usage of around 18 ML/week. For a weekly use of 14ML, this is an equivalent tenement (ET) of 3165.2 for water and 5241 ET for sewer. This is a large and significant impact on Council's infrastructure. Given 1 ET = 2.4 EP in Council's Development Servicing Plan, this equates to significant equivalent population increase of 7,596.5 for water and 12,578.4 for sewer.

This would consume most of the capacity of the Sewerage Treatment Plant included in the next upgrade and the water capacity would be used. The Goulburn Raw Water yield was found secure in 2011 based on 1% growth for 30 years. This did not include significant high water user industries in Goulburn. This development would use the existing capacity available in our systems, forcing Council to move to the next upgrades for both water and sewer. There would also be impacts to both the water and sewer distribution systems. Given the demands on our system, Council would need to consider limiting the water, and subsequent sewer, generated at the site. This could be capped at 8 to 10ML of water usage per week to reduce impacts to our system for the community.

An upgrade of the water pipe along Common Street, beyond what has been nominated in the grant from the NSW Growing Local Economies Fund, would be required to supply water to the site. The mains currently in Common Street are not sufficiently sized to provide the required water to the site. Modelling has indicated that the pipes need to be upsized from 150mm to at least 250mm. It is likely that the existing water ring main at the site would also need upsizing to deal with the water requirements detailed in the EIS.

Consequently, the Department of Planning, Industry and Environment is requested to impose a condition ensuring that the full policy and Council fees and charges are imposed pursuant to section 64 of the *Local Government Act 1993*, unless a separate negotiated agreement is forwarded to the Department.

The above is requesting Council's Development Servicing Plan be applied pursuant to the lodgement of a section 305 application under the *Water Management Act 2000*.

Grant Funding

Council has been successful in obtaining grant funding from the NSW Growing Local Economies Fund to the value of \$7.15 million to rezone land within Common Street to accommodate IN1 General Industrial development, upgrade the Sydney Road/Common Street intersection to provide heavy vehicle access, road upgrades as well as installation of water, sewer and stormwater infrastructure.

Aboriginal Heritage

The conclusions of the Aboriginal Archaeological report are noted. It is suggested that a recommendation should include a site induction for construction works on the presence of GMUPA-1 (culturally significant scarred tree) and GMUPA-2. Site induction during construction phase should include the protocols for unanticipated discoveries for Aboriginal and European sites.

Biosecurity

Biosecurity is an issue raised by the proponent in justifying Sinclair Street as the preferred location. It is important to note that Council's Waste Management Centre is located approximately 500m to the east of the proposed location, and it receives animal carcasses for disposal. It is understood that some of these could be a biosecurity threat through their reasons for death. Council's Waste Management Centre also accepts waste from Aviagen.

Potential Conflict of Landuse

The Social Impact Assessment (Appendix K) does not look at the interface issues regarding the proposed child care centre and the uses proposed on site, and the potential conflicts with other uses off site (particularly if rezoned to IN1).

Section 4.9.3 of the EIS assesses compliance with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the NSW DPE Child Care Planning Guidelines 2017.

The proposed location of a child care facility in a processing plant and industrial area (as proposed) may be contrary to some of the site selection criteria in the Guideline. The site is not located in proximity to compatible social uses and is located on route to the Goulburn Waste Transfer facility/landfill site.

Visual Impact Assessment (VIA)

There would be an immediate impact on views from Common, Long and Chiswick Streets however, given the zoning, the potential for the development of this area for large footprint buildings was always likely. The VIA (Appendix H) only notes one 'regional' view which is from Wollondilly Avenue looking across the valley towards the site. The impact on the regional view is rated as low with a high visual absorption rating given the trees, existing commercial structures on Sydney Road and distance.

The main issue that has been lightly addressed is the view from the Rocky Hill Memorial and Museum which is a public viewing area and is associated with the history of the area, as well as being a war memorial and tourist attraction. The view from the memorial is arguably one of the more important views for consideration.

It is stated that the impact on this view is moderate, and that viewer's time is short. The importance of the use of the site and history are down played in the VIA. The impact on views from this site, given its use and local importance, warrant greater consideration. Notwithstanding, the overall recommendations in the VIA would address the impacts to some degree. Choice of colour scheme, building height and landscaping would be very important to mitigate the impact of the development from this view. In this regard, Council does not accept the choice of zincalume for any roof material. Roof material can be galvanised steel or Colorbond, so as to reduce the visual impacts to the locality.

Flora and Fauna

When inspected, it was found that exotic species present on the site included African Love Grass (*Eragrostis curvula*), Serrated Tussock (*Nassella trichotoma*) and Chilean Needle Grass (*Nassella neesiana*), none of which have been recorded in the flora list in the Ecological Assessment Report (Appendix G). While these omissions do not impact negatively on the overall findings of the report, it is perhaps surprising that these weed species were not recorded during the flora survey.

The flora list also identifies Silvertop Ash (*Eucalyptus sieberi*) as being present on site, but does not record Broad Leaf Peppermint (*Eucalyptus dives*). While it is possible that Silvertop Ash is present on the site, it is not likely as this species has not been previously recorded in the immediate area. It is more likely that this species is Broad Leaf Peppermint that has been misidentified. In addition, the remnant woodland area features Drooping Mistletoe (*Amyema pendula*) which has not been recorded in the flora list. However, as advised previously, these omissions do not impact negatively on the overall findings of the report.

A search of the Bionet Atlas confirmed that potential threatened species that could occur on the subject site and/or be impacted by the proposal have been correctly identified and assessed, except for:

- Grey Headed Flying Fox (*Pteropus poliocephalus*), which is listed as Vulnerable under both the BC Act and the EPBC Act. Grey Headed Flying Foxes are present in the Goulburn area during the warmer months of the year.
- Hoary Sunray (*Leucochrysum albicans* var *tricolor*), which is listed as Endangered under the EPBC Act. This species does not seem to be mentioned anywhere in the report despite it being a significant local species that is well documented as occurring in the Goulburn area.

For further enquiries, please contact Ellie Varga during business hours on (02) 4823 4444 or Ellie.Varga@goulburn.gov.nsw.au.

Yours sincerely,



Stephanie Mowle
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