

APPENDIX F

SUMMARY OF SUBMISSIONS

First Round of Submissions Received - 23 October 2015 to 23 November and 12 January 2016 and 4 March 2016		
Category	Issues Raised	Response
<u>Noise</u>	1. Noise impacts from heavy vehicle movements, including reversing alarms, exhaust brakes, opening and closing of doors et cetera), and noise and vibration impacts generally from increased traffic in the locality.	<p>Mitigation measures will be required to meet 37 dBA for the residential properties during the night time period.</p> <p>The applicant intends to undertake noise compliance measurements once the approval is operational.</p>
	2. Noise impacts from 24 hour / 7 day operation, in particular, impacts at night time, and impacts from the general operation of the facility, including machinery.	<p>The proposed operating hours have the potential to create noise from activity occurring on site, particularly during night time periods. The operation of trucks reversing into the recovery hall and use air breaks and the weighbridge results in noise impacting resident's amenity.</p> <p>Mitigation measures to be applied.</p>
	<p>3. Problems with the submitted noise information, including:</p> <ul style="list-style-type: none"> Number 1 Kealman is adjacent to the site (30m away) and yet in the EIS the closest sensitivity receptor was 228m away. Noise from increased truck movements on other nearby roads, such as, Canberra Avenue, Gilmore Road and 	<p>The property at 1 Kealman Road is considered as an industrial noise receiver in accordance with INP due to the industrial zoning.</p> <p>If approval is forthcoming trucks would not be permitted at the residential end of Gilmore Road outside of standard business hours until 7am in the morning.</p>

<p><u>Noise continued</u></p>	<p>Lanyon Drive, were not taken into account;</p> <ul style="list-style-type: none"> • Incorrect, inaccurate noise data, predictions and modelling; • Impacts of operating noise on surrounding dwellings and businesses – particularly those within 228m of the site not addressed / taken into account; • Inadequacy of proposed noise mitigation methods, (including fencing, polycarbonate sheeting, and lack of air-locks / air curtains); and • Lack of details of the truck routes to and from the site. 	<p>A peer review was undertaken on the Noise Report and is in Appendix K.</p> <p>Businesses in the area are considered industrial noise receivers in accordance with INP and the industrial amenity criteria of 65dBA or 70dBA is applied.</p> <p>The applicant intends to undertake noise compliance measurements once the development is operational.</p> <p>If approval is forthcoming air locks would be required on all pedestrian doors. To reduce noise and air emissions larger doors to the facility would require automatic closing mechanisms.</p> <p>If approval is forthcoming trucks would not be permitted at the residential end of Gilmore Road outside of standard business hours until 7am in the morning.</p>
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<u>Traffic</u>	<p>1. Problems with the submitted traffic information, including:</p> <ul style="list-style-type: none"> • Inaccuracies; • Outdated data – from 2014; and • Insufficient data, such as – number of truck movements, size of trucks proposed truck routes, no assessment of impacts to nearby residential streets. 	<ul style="list-style-type: none"> • Traffic report had been updated • Traffic congestion and queuing will be limited as light phasing can be adjusted, and most trips are out of peak hours. An additional 30 truck movements envisaged, most out of peak hours. • Truck sizes have been identified and templates applied.
	<p>2. Impacts from increased truck movements, including:</p> <ul style="list-style-type: none"> • Interference with resident and business access to and from their homes/businesses; • Safety of vulnerable pedestrians (children) in the locality; • Functionality of nearby intersections and already congested roads; and • Wear and tear to roads and increased road maintenance costs. 	<ul style="list-style-type: none"> • Kealman Road/Canberra Avenue intersection not to be used as part of this development. Engineering controls will be conditioned to restrict left-hand turns from Bowen place by trucks. • Upgrade of Bowen Place will be required.

<u>Traffic continued</u>	3. Safety of proposed entry to Kealman Road.	<ul style="list-style-type: none"> Kealman Road/Canberra Avenue intersection is not to be used as part of this development. Engineering controls will be conditioned to restrict left-hand turns from Bowen Place by trucks.
	4. Has a traffic management plan been completed with recommendations of any necessary upgrades to road network?	<ul style="list-style-type: none"> Upgrade of Bowen Place will be required along with other treatment to ensure trucks can turn onto Kealman Road from Bowen Place safely.
	5. Impacts from employees parking in adjoining street.	<ul style="list-style-type: none"> The site provides for parking of 59 cars and 18 trucks, and meets the intent of the QDCP 2012 for parking.

<u>Hours of Operation (24/7)</u>	1. Operation of the development 24 hours a day, 7 days a week will create unacceptable negative impacts on the amenity of residences and businesses in the area, particularly in relation to noise, odour and traffic.	Hours of operation has been addressed in Section 6 of the assessment report. It is considered that with adequate noise mitigation measures and restriction of traffic access routes the facility could operate 24/7. Odour is an issue that remains unresolved and is discussed in detail in Section 6 of the assessment report.
	2. Curfews on the operating hours requested.	If consent is forthcoming appropriate conditions of consent would be imposed to ensure operations can continue 24/7 and minimize impacts to residents in the locality. This is not dissimilar to the operation of the existing Suez facility.
<u>Visual Impacts and Views</u>	1. Visual impacts from unsightly development on one of the main entrances to Queanbeyan.	The recovery hall is unlikely to be visible from the main entrance to Queanbeyan due to existing buildings in the foreground, such as the Kent container storage and the silos of the concrete batching plant. The recovery hall will be visible for a short distance while on Canberra Avenue. It is not considered that the building is out of context with surrounding industrial buildings. If approval is forthcoming amended plans would be required to treat the façade of the building to provide visual relief and provide landscaping along Bowen Place and Kealman Road.

<p><u>Location and Site Selection</u></p>	<p>2. Proposed vegetation screening is minimal and will take a long time to grow.</p>	<p>If approval is forthcoming amended plans would be required to treat the façade of the building to provide visual relief and provide landscaping along Bowen Place and Kealman Road.</p>
	<p>3. Facility will be visible from elevated residential areas.</p>	<p>The ridge level of the recovery hall is RL 617. The ground level of dwellings to the east are RL 630-640. The dwellings are 5-6 m at ground level above the ridge level of the hall and the facility will impact on views towards the north west.</p>
	<p>4. Site is visible from RE1 – Public Recreation zoned land. This will have a negative visual impact on this land.</p>	<p>The site will be visible due to its height across other industrial buildings. The RE1 recreation zone land is at RL620 at the bottom of ridge. The visibility of the recovery hall will not impact on views or use of the recreation zoned land and is not considered a reason to refuse the development application.</p>
	<p>1. This type of development being located on one of the main entrances to Queanbeyan will contribute to negative perceptions of the city and is bad for Queanbeyan's image.</p>	<p>This issue is addressed in Section 7.0 of the assessment report.</p>

	<p>2. The site is too close to residential areas and other sensitive land uses. There are 1300 homes located within 500m or less of the site.</p>	<p>This issue is addressed in Section 6.0 and 7.0 of the assessment report.</p>
	<p>3. An alternative location should be found. There are better locations for such a facility elsewhere, such as Hume, Mugga Lane and Pialligo.</p>	<p>This issue is addressed in Section 7.0 of the assessment report.</p>

<u>Location and Site Selection continued</u>	4. An appropriate buffer zone between the proposed facility and non-industrial uses hasn't been provided.	<p>An "appropriate buffer" distance from the proposed development is difficult to establish. Ideally a facility should be maximised where possible to reduce impact of potential, noise and traffic.</p> <p>The Handbook for Design and Operation of Rural and Regional Transfer Station, 2006 provide a guide of 250m. This distance is not a legislated control and is only considered as a guide. The proposed development is less than 250m from residential development. It is considered that the impacts from the proposed development on the residential locality are unacceptable and the application is recommended for refusal.</p>
	5. The site selection process was flawed. No public consultation, perfunctory analysis, and little regard to NSW government guidance on site selection.	<p>This is discussed in Section 7.0 of the assessment report.</p>

<u>Location and Site Selection continued</u>	6. Proposed facility is to serve the ACT, with no benefit to Queanbeyan residents. Therefore, it should be located in the ACT.	This is an opinion and is not a planning consideration for assessment of this development application.
	7. The site is elevated and has spectacular views at night. The land should be considered for rezoning to high density residential as population pressure increases.	This is discussed in Section 7.0 of the assessment report.

<u>Odour</u>	<p>1. Concerns with proposed odour mitigation methods, including:</p> <ul style="list-style-type: none"> • No mechanical ventilation proposed; • Odour will escape from the building when the doors are opened; • No scrubbers proposed to be installed in the roof exhaust fans; • Adequacy of odour monitoring and policing of odour issues; and • Risk of relying on engineering solutions that may fail. 	These issues remain a concern and are discussed in Section 6.0 of the assessment report.
	<p>2. Odour modelling is based on the assumption of an enclosed shed.</p>	<p>The modelling has been calculated on odour sources in the open and has predicted levels below the relevant air quality criteria at the residential receptor locations. Enclosure would contain odours, the concern is for fugitive emissions from door openings.</p>
	<p>3. Odour impacts on nearby residences, businesses and sporting facilities. from:</p> <ul style="list-style-type: none"> • putrescible waste; • green waste; • truck wash waste; and • grease trap waste. <p>Prevailing north-westerly winds will intensify odour issues.</p>	Odour impacts are addressed in Section 6.0.

<u>Odour continued</u>	4. Compliance with NSW EPA requirements – Odour Control Methods.	Peer review of odour reports. Refer Chapter 6.0 and Appendix K.
	5. Reuse of leachate and truck wash water for re-use at the nearby concrete batching plant.	Deleted from proposal.
	6. Attention drawn to NSW Health findings re; odour for other similar developments in Goulburn, Bywong and Wolumbia.	Advice noted.

<u>Air Quality / Pollution / Dust</u>	1. Prevailing north westerly winds could transfer hazardous dust containing airborne contaminants to residences and businesses.	If approval is forthcoming the consent would be conditioned to address dust emissions.
	2. Concealed contaminated waste such as asbestos may become airborne.	A draft EMP was submitted 4 November 2016. If approval is forthcoming the consent would be conditioned to require a detailed environmental management plan that addresses site operations, dust control and systems for dealing with unwanted hazardous materials.
	3. Dust emissions during construction.	If approval is forthcoming the consent would be conditioned to address dust emissions.

<u>Risks, Health and Safety</u>	1. Concerns regarding the adequacy of risk mitigation and management, including treatment, control systems, monitoring, recording and notification to the public.	If approval is forthcoming the consent would be conditioned to include the EPA General Terms of Approval and an Environmental Protection Licence (EPL) will be required.
	2. Concerned that this site is possibly highly contaminated with asbestos from the destruction of the previous landscape business.	Discussed in Section 5.1 State Environmental Planning Policy No 55 – Remediation of Land. As no development has been undertaken on the newly leveled site after the excavations, the site is considered suitable for the proposed use and is within an established industrial area and is likely to remain in use as an industrial site in the future. No further consideration of contamination is necessary under the SEPP.
	3. The submitted Fire Safety Study does not take into account the risk outside of “normal conditions”, such as extremely hot days and high winds.	The proposed development and amended plans were referred to Fire and Rescue NSW. If approval is forthcoming the consent would be conditioned to address updated Fire Safety Study. This is discussed in Section 8.0 of the assessment report under Fire and Rescue NSW.
	4. Work Health and Safety of employees of the facility is not addressed in the EIS.	Work Health and Safety of employees of the facility is an unresolved issue as mechanical ventilation is not proposed.

<u>Risks, Health and Safety continued</u>	5. Has Council undertaken an independent risk assessment or hazard and site evaluation? If so, are these documents open to the public?	An assessment of SEPP 33 Hazardous and Offensive Development was undertaken. This is discussed in Section 5.0 of the assessment report and Appendix D.
	6. General concerns about the impacts on health from toxic waste, dust, airborne pathogens and smells. Potential for adverse health impacts to people with chronic allergies, asthma and other illnesses.	This is discussed in Section 6.0 of the assessment report.
	7. Safety of children going to school from increased truck movements, as well as general pedestrian safety.	<p>All trucks will be using existing B-Double access approved routes.</p> <p>Busy roads like Canberra Avenue and roads within industrial areas require additional care as a pedestrian.</p>

<p><u>Application and Notification Process, and Technical Issues</u></p>	<p>1. Various concerns raised regarding the application process, including:</p> <ul style="list-style-type: none"> • Incorrectly advertised in QBN Age (incorrect titling and mapping); • Late notifications; • Lack of community consultation from the developer and Council; • Non-English speaking residents and disadvantaged people in the area may not fully understand the potential impact of proposal. 	<p>The development proposal was advertised and notified in accordance with the legislative requirements.</p>
	<p>2. Council's notification to premises that may be impacted failed to mention that 50% of the waste would be putrescible.</p>	<p>The development proposal was advertised and notified in accordance with the legislative requirements as a waste or resource management facility. Full details of the development application were available during exhibition periods for the public to view at various locations.</p>
	<p>3. Limited availability of the EIS not being available on-line. Unreasonable to have to have to pay a fee of \$25 in order to receive a copy of the EIS.</p>	<p>Noted. This is an opinion and is not a planning consideration for assessment of this development application.</p>

<u>Application and Notification Process, and Technical Issues continued</u>	4. Application was advertised in local paper in September 2015 and at the time no letter was sent to property owners. Why were notification letters only sent in January 2016?	This is discussed in Appendix A.
	5. Notification letters should have been sent to more properties, not just those within a certain distance of the site.	This is discussed in Appendix A. An advertisement was also placed in the Queanbeyan Age during the exhibition period.
	6. The community consultation has been unacceptable given the significant community impact.	The development proposal was advertised and notified in accordance with the legislative requirements.
	7. Council pursued / proposed the facility in the first instance. Council seems to be on side with applicant.	Noted. This is an opinion and is not a planning consideration for assessment of this development application.
	8. Any comment for or against the proposal by a councillor or councillors does not represent a conflict of interest or a ground for exclusion from the Joint Regional Planning Panel.	Noted. This is an opinion and is not a planning consideration for assessment of this development application.
	9. Proposal isn't permissible in the IN1 zone.	The development proposal is not permissible in the land use table as a specified

<p><u>Application and Notification Process,</u> <u>and Technical Issues</u> <u>continued</u></p>		development but the development is permissible in a IN1 zone under the under Infrastructure SEPP as a waste or resource management facility.
	10. Not environmentally or socially sustainable and therefore in breach of EP&A Act	This is discussed in Section 4.0 of the assessment report.
	11. The proposed facility is a State significant development as it relates to regional waste management strategies which involve the ACT and other districts surrounding the ACT.	This is discussed in Section 5.0 of the assessment report.
	12. Proposal for the handling of around 95,000 tonnes of material per a year is not much under the 100,000 tonnes per a year that would require the proposal to be treated as State Significant Development. How will the development be monitored to ensure the proposed development keeps to the 95,000 tonne upper limit over time?	Environment Protection Licence is required.

<u>Application and Notification Process, and Technical Issues continued</u>	13. What processes will Council use to ensure the facility complies with legislative requirements?	Conditions of development consent for ongoing monitoring. Environment Protection Licence is required.
	14. Lack of public consultation by the applicant in the site selection process. Not one residential property included in this process, only five industrial businesses.	This is discussed in Section 7.
	15. Applicant did not clearly state their intention to receive 70,000 tonnes of general waste in discussions with submitter.	Discussions between the applicant and submitter are not a planning consideration for assessment of this development application.
	16. The proponent has failed to meet and provide for key statutory planning objectives as no regard given by proponent to protecting amenity of existing residences close to the development.	This is discussed in Section 6.0 of the assessment report.

<u>Application and Notification Process, and Technical Issues continued</u>		
	17. Excavation work associated with the current DA already being undertaken on the site.	DA 16-2015 was approved on 26 June 2015 for excavation of materials from the subject site.
	18. There is no information about regional waste management strategies in the EIS or detail about the growth of the region and the requirements for managing waste now and into the future. No information is provided how the proposed facility will accommodate increased waste management requirements.	This is discussed in Sections 6.0 and 7.0 of the assessment report.
	19. Advice from NSW Health must be sought before any final conclusions are made.	This is discussed in Section 8.0 of the assessment report. .

<p><u>Devaluation of Property</u></p>	<p>1. Impact from the proposal on property values, and questioning whether compensation will be paid.</p>	<p>In terms of S79C of the EP&A Act 1979 loss of property value is not a matter for consideration. This is a consistent position taken in the Land and Environment Court (Alphatex Australia v The Hills Shire Council (No 2) [2009] confirming that such issues are not relevant planning considerations. Whilst it is acknowledged that some may hold these concerns, it is not relevant for consideration in terms of the context of the planning regime.</p>
<p><u>Competition</u></p>	<p>1. Implications of facility for efficacy (capacity to produce a desired result or effect) of ACT proposed regulatory framework.</p>	<p>One submission supports investment in this type of infrastructure within the region and supports the proposed facility from a regional waste management approach. Whereas other submissions object to NSW ratepayers having to burden the impact of dealing with ACT waste because it is not a viable option for SUEZ to locate the facility in ACT. Waste is a regional issue and reducing waste to landfill is a key target in both NSW and ACT Waste Strategies. This facility would contribute to meeting these strategies. There is a competitive market in waste and a commercial enterprise.</p>
	<p>2. Potential for loss of existing facility at Lorn Road.</p>	<p>Concern was expressed that the facility would compete with the existing facility at Lorn Road. Queanbeyan-Palerang Regional Council operate a waste minimisation centre where the public can drop off garden waste and recycling items for free and buy garden mulch which is produced from collection of green waste. Competition between businesses is</p>

		not a planning consideration and therefore there is no weight given to issue.
<u>Environmental</u>	1. Threats to local fauna, especially reptiles, from being attracted to the food waste.	The issue of vermin is discussed in Section 6. of the assessment report. If approval is forthcoming the consent would be conditioned to require a detailed environmental management plan that addresses vermin control.
	2. Proposal is not ecologically or environmentally sustainable development.	This issue is addressed in Section 4 of the assessment report.
<u>Vermin</u>	1. Putrescible waste attracts flies, mosquitoes, rats and other vermin. How can people be sure that any vermin control program will be adequate and enforced? Details regarding pest control measures are unclear and untested.	A draft environmental management plan was submitted. If approval is forthcoming the consent would be conditioned to require a detailed environmental management plan that addresses operational management and vermin control. Vermin is also addressed in Section 6.0

<u>Cumulative Impacts to Amenity</u>	1. Residences are already impacted by noise, dust, odour and trucks from existing businesses. Proposal will worsen this.	The development is permissible within an industrial zone. These impacts are generally expected and hence land is specifically zoned for such uses. The impacts of the proposed development are addressed in Sections 6 and 7.
	2. Residents entitled to amenity which is being slowly degraded by the cumulative industrial developments within the area.	The development is permissible within an industrial zone. These impacts are generally expected and hence land is specifically zoned for such uses. The impacts of the proposed development are addressed in Sections 6 and 7.
<u>Litter</u>	1. Facility will increase litter in the locality and airborne litter on windy days will spread to nearby residences, businesses and major entrance to Queanbeyan.	If approval is forthcoming the consent would be conditioned to require a detailed environmental management plan that addresses litter control.
<u>Supports Proposal</u>	1. The ACT Government's Environment and Planning Directorate has raised no specific concerns. Support full resource recovery and carbon neutral waste sector.	Noted.

Second Round of Submissions Received (Amended Plans)
22 November to 23 December 2016 (26 Submissions) (5 new submitters)

Note: Numerous concerns raised in the first round of submissions were again raised in the second round. Only new issues are summarised below.

Category	Issues Raised	Response
<u>Noise</u>	4. Noise modelling has not taken into account existing noise levels.	Background noise levels have been assessed and peer reviewed by SLR Consulting. . (See Section 6.0 and Appendix K).
	5. Noise impact has not been appropriately considered from B-double and 80 truck movements in the locality.	This issue is addressed in Section 6.0 of the assessment report.
	6. Despite noise being within EPA limits the facility will still result in sleep disturbance.	If approval is forthcoming noise mitigation measures would be required as conditions of consent.

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<u>Traffic</u>	7. Sleep disturbance criteria was exceeded by up to 1dBA at one sensitive receiver.	A 1dBA exceedance is considered negligible and not perceptible to human hearing.
	No new issues relating to traffic were raised in the second round of submissions. Issues have been responded to in the first round of submissions, as detailed in the above table.	

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<u>Odour</u>	1. Lack of adequate filtration and extraction system.	This issue remains a concern and is discussed in Section 6.0.
	2. The amended EIS notes the capability to install a mechanical ventilation and odour treatment system should it be required. The impacts of any system(s) should be assessed now.	This issue remains a concern and is discussed in Section 6.0.
	3. Abandonment of extraction/filtration system. Unventilated building could present hazardous fumes and offensive odours.	This issue remains a concern and is discussed in Section 6.0.

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Category	Issues Raised	Response
<u>Location and Site Selection</u>		
	<p>1. Facility is not located in accordance with the site selection protocols in the EPA's Rural and Regional Transfer Stations Handbook.</p> <p>The site is within 250m of residences and the Handbook states a buffer greater than 250m or other buffers are to be used.</p>	<p>This issue is addressed in Section 5.0 of the assessment report.</p>

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<u>Miscellaneous</u>	1. Storage of fuel and placement of LPG storage near grease trap waste and will create fire risk.	Hazardous and offensive Development is assessed with screening thresholds in Section 5. The proposed development was referred to NSW Fire and Rescue. This issue is addressed in Section 7.0 of the assessment report and Appendix E.
	2. Concerned that the solid 2.5m fence has been removed and replaced by 1.8m high Colorbond fence.	Noted.
	3. Building height has increased on amended plans to 12m. What was height of original building? Is it visible?	From 10 m to 12 m. The building will be visible.

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<u>Miscellaneous continued</u>		
	<p>4. Storage bins near Bowen Place – All waste to be stored within the building so what is stored in bins outside near Bowen place exit and how are these managed?</p>	<p>Part of the operation of the business requires bin storage. Refer to the EIS for full details of the proposed development. DA 337-2014 was approved for truck depot and waste transfer station. Bins are an integral part of the business.</p>

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<u>Application and Notification Process, and Technical Issues</u>	1. IN1 – General Industry Zone was previously zoned light industry which allowed residences. Submitter not notified of zone change.	This issue is addressed in Appendix B of the assessment report.
	2. Amendment to EIS says 1 Kealman is an industrial receiver and not included into modelling impacts. No accountability for 1 Kealman Road caretaker's residence.	The Industrial Noise Policy recognises caretaker's dwellings as industrial or business receivers. Caretakers dwelling is addressed in Section 2.0.
	3. Council called for tenders for a new waste management and resource recovery strategy for Queanbeyan in December 2012. Conflict of interest between Council and the applicant.	Noted. This is an opinion and is not a planning consideration for assessment of this development application.
	4. DA process was flawed. Council should have rejected the DA and reported to JRPP rather than delay and draw out the process.	The development assessment process was in carried out in accordance with legislative requirements.

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<u>Application and Notification Process, and Technical Issues continued</u>	5. The public only given minimal time to respond but the developers given months to respond.	<p>Noted. This is an opinion and is not a planning consideration for assessment of this development application.</p> <p>The development proposal was advertised and notified in accordance with the legislative requirements.</p>
	6. Community should have been kept up date with processes and advice from State government authorities through a public information/briefing.	<p>Noted. This is an opinion and is not a planning consideration for assessment of this development application.</p>
	7. Site has continued to be developed even though there is no approval.	<p>DA 16-2015 was approved on 26 June 2015 for excavation of materials from the subject site.</p> <p>DA 337-2014 was approved for truck depot and waste transfer station on 31 March 2016.</p>

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<u>Application and Notification Process, and Technical Issues continued</u>	<p>8. Capacity and compliance with SEPP (State and Regional Development). The development life is expected to be 20 years. 700,000t of waste over this period exceeds the 650,000t threshold.</p>	<p>This issue is addressed in Section 5.0 of the assessment report – SEPP State and Regional Development 2011.</p> <p>Schedule 1 - State significant development – general Clause 23 Waste and resource management facilities (1) <i>Development for the purpose of regional putrescible landfills or an extension to a regional putrescible landfill that:</i></p> <p>(a) <i>has a capacity to receive more than 75,000 tonnes per year of putrescible waste, or</i></p> <p>(b) <i>has a capacity to receive more than 650,000 tonnes of putrescible waste over the life of the site, or</i></p> <p>(c) <i>is located in an environmentally sensitive area of State significance.</i></p> <p>This issue raised is in relation to landfill sites. The development is not a landfill site.</p>
	<p>9. Proposal is less than the amount to trigger State significant Development. What assurance is there that the development will not exceed amount? What are consequences? What are opportunities for expansion?</p>	<p>Environment Protection Licence is required. A DA would need to be submitted if the development was to expand.</p>