

**JOINT REGIONAL PLANNING PANEL
(Southern Region)**

JRPP No	2015STH023
DA Number	338-2015
Local Government Area	Queanbeyan- Palerang Regional Council
Proposed Development	Waste or Resource Management Facility
Street Address	172-192 Gilmore Road (Part Lot 1 DP 1169293), 7 Kealman Road (Lot 2 DP 1000911) 1 Bowen Place (Lots 348, 349 and 350 DP 8458) Queanbeyan West
Applicant/Owner	Wild Environment on behalf of SUEZ
Number of Submissions	<i>1st Round</i> 112 public submissions objecting to the proposal 3 petitions comprising 577 signatures 1 submission supporting the proposal – ACT Government <i>2nd Round following amendment</i> 26 public submissions which included 5 from new submitters
Regional Development Criteria (Schedule 4A of the Act)	Schedule 4A of Environmental Planning and Assessment Act 1979 Clause 8(c) Particular designated development Waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to Environmental Planning and Assessment Regulation 2000

List of All Relevant s79C(1)(a) Matters	<p>Relevant environmental planning instruments: s79C(1)(a)(i)</p> <ul style="list-style-type: none"> • Schedule 3 of the Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 33 Hazardous and Offensive Development • State Environmental Planning Policy No. 55 Remediation of Land • State Environmental Planning Policy SEPP 64 Advertising Signs and Structure • Queanbeyan Local Environmental Plan 2012 <p>Relevant Development Control Plans: s79C(1)(a)(ii)</p> <ul style="list-style-type: none"> • Draft Queanbeyan Local Environmental Plan 2012 <p>Relevant Development Control Plans: s79C(1)(a)(iii)</p> <ul style="list-style-type: none"> • Queanbeyan Development Control Plan 2012 • Draft Queanbeyan Development Control Plan 2017
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Environmental Impact Statement – Volume 1 • Environmental Impact Statement – Volume 2 • Submissions Round 1 • Submissions Round 2 • Responses to Additional information requests • Amended Plans dated 28 October 2016
Recommendation	Refusal
Report by	Jacinta Tonner -Queanbeyan-Palerang Regional Council

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Assessment Report and Recommendation

1.0 Executive Summary

Owner	Weteline Pty Ltd
Description of land	Currently the site is vacant after extensive extraction of material (28,127m ³)
Site area	13,708.5m ²
Zoning	IN1 – General Industrial Queanbeyan Local Environmental Plan 2012
Existing Use	Vacant land
Employment Generation	40 full time positions at ultimate capacity Short-term employment during construction period
Estimated value	\$3,000,000

Development Application 338-2015 seeks approval for a waste or resource management facility to process up to 70,000 tonnes/year of putrescible and non-putrescible waste, up to 9,000 tonnes/year of paper, cardboard and plastic recyclables, 2,400 tonnes/year of J120 liquid waste and 2,400 tonnes/year of K110 grease trap waste and the storage of fuel.

The proposal is classified as 'Designated Development' as it is captured within Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg 2000), and falls under the definition 'Waste management facilities or works'. The proposal is also classified as 'Integrated Development' as it requires an Environmental Protection License (EPL) to authorise the carrying out of a scheduled activity at the subject premises.

The Director-General Requirements were sought (noting their expiry September 2015) and an Environmental Impact Statement (EIS) was prepared. The development application was lodged 10 September 2015.

In accordance with the EP&A Reg 2000 with regard to Designated Development and Integrated Development, the application was placed on public exhibition for a minimum of 30 days from 12 Jan to 4 March 2016.

Submissions from 117 submitters (not including petitions) were received objecting to the proposal and one submission was received supporting the proposal from the ACT Government as an adjoining land owner. Three petitions were received with 577 signatures objecting to the proposal. Submissions were referred to NSW Planning and Environment (NSW P&E) and NSW Environmental Protection Authority (EPA).

The NSW EPA assessed the EIS and General Terms of Approval (GTA) were issued.

This report summarises the key issues associated with the development application and provides an assessment of the relevant matters of consideration in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), the Queanbeyan Local Environmental Plan 2012 (QLEP 2012) and the Queanbeyan Development Control Plan 2012 (QDCP 2012).

The application was referred internally to Council's Building, Development Engineering and Environmental Health Sections. In addition, the application was referred externally to the NSW EPA, NSW Health, Commonwealth Department of Defence (CDOD), Canberra Airport, NSW Police, Fire and Rescue NSW, NSW Roads and Maritime Services (NSW RMS).

The most contentious issues raised by the internal and external bodies and the community related to air quality, noise and traffic. Though RMS do not support the proposed development with regard to traffic, Council is satisfied that traffic issues have been satisfactorily addressed. It is considered that noise issues can be adequately addressed through mitigation measures. Air quality remains unresolved and due to the impact that it may have on the surrounding residents and businesses the development is recommended for refusal.

The application is referred to the Southern Joint Regional Planning Panel (SJRPP) for determination pursuant to Clause 23G of the EP&A Act 1979.

2.0 Introduction

2.1 Site and Surrounds

The subject site is located within the Queanbeyan-Palerang Regional Council Local Government Area. The site is located 1km east of the ACT border and is on the most western side of Queanbeyan City within an existing industrial area. The Queanbeyan Central Business District (CBD) is due east approximately 2.1km from the site.

The natural contour in the vicinity of the site is Reduced Level 610 (RL). Land to the east rises to a ridge of RL638 and RL650 to the South East before it falls away towards the CBD and the Queanbeyan River with a RL of 570m. Towards the west in the ACT the land gently falls away to RL580-590.

Mapping from the Bureau of Meteorology website shows that the prevailing wind direction for the Canberra and Queanbeyan region is westerly to north-westerly (http://www.bom.gov.au/jsp/ncc/climate_averages/windvelocity/index.jsp?period=aug#maps)

The major roads in the vicinity of the site are Canberra Avenue, Gilmore Road and Lanyon Drive.

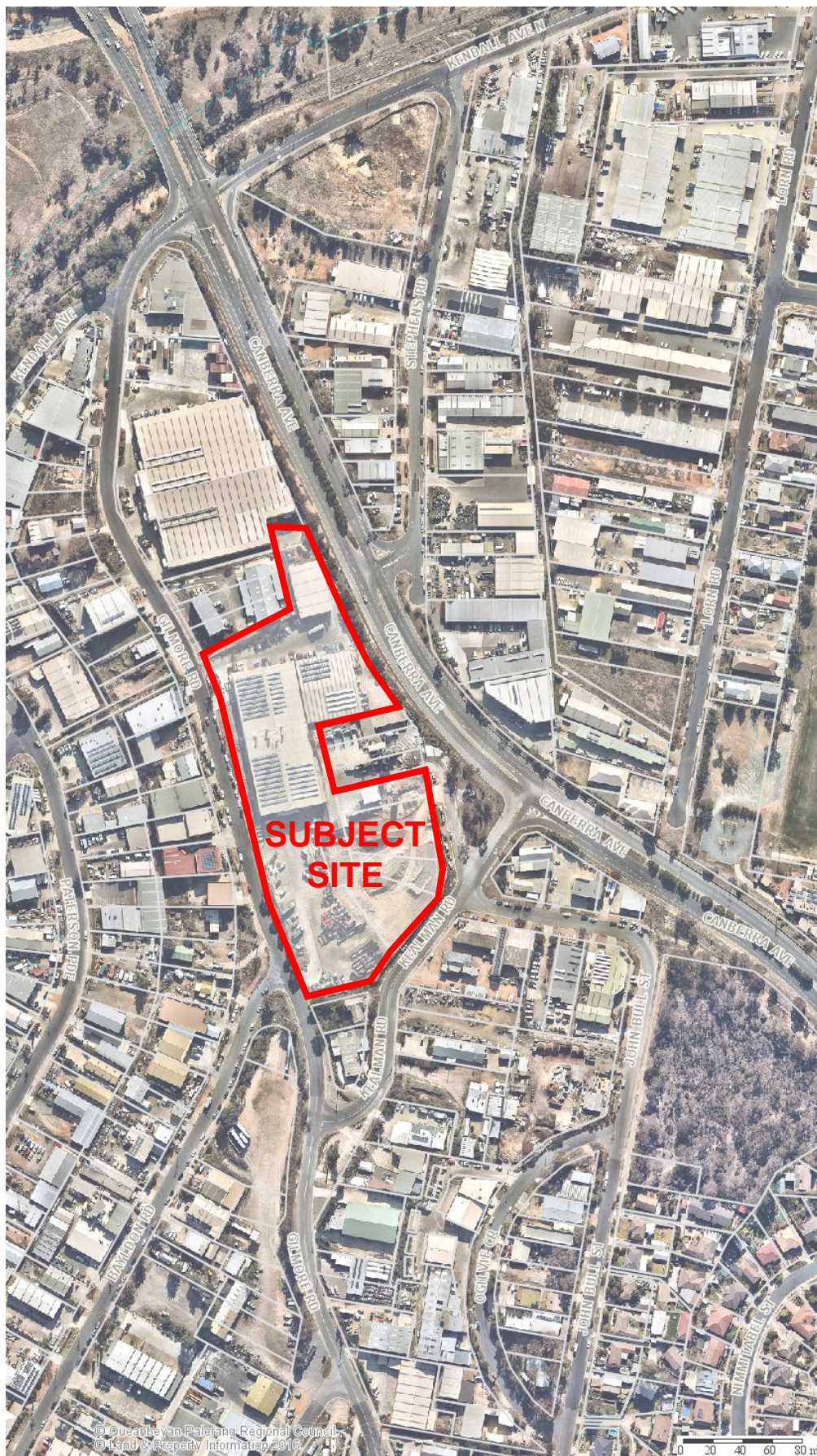


Figure 1: Aerial photograph of the subject site and surrounds

The site has the following characteristics.

- Frontages to Gilmore Road, Kealman Road and Bowen Place. Access points are from Gilmore Road and Bowen Place
- To the north is a concrete batching plant that has access onto Bowen Place via Kealman Road. The batching plant and subject site are visible from Canberra Avenue.
- Immediately to the south of the site is a studio establishment (No.3 Kealman Road) and a Joinery with an approved caretakers dwelling (No.1 Kealman Road). The building at 1 Kealman Road was originally approved as a warehouse. Subsequently, an office component was found to be used as a dwelling-house without approval. In order for its use to be continued, development consent was applied for noting other unauthorised building work associated with the property, including part of the building built outside the property and within the road reserve. A building certificate was issued which included the unauthorised works. The land was zoned 4(a) Industrial A under the Queanbeyan Local Environmental Plan 1998. Development consent was granted on 11 December 2008 for “use of part of the building as a dwelling, use of the main building as a furniture joinery; and signage”. A condition of consent required “the approved dwelling must be used in association with the approved use of the main building”. For all intents and purposes, the dwelling is considered a “caretakers dwelling” within an industrial zone which does not warrant the same level of amenity as dwellings in residential zones.
- Surrounding the subject site is a mix of industrial types of developments including landscape supplies, timber warehouse, freight and transport depots, smash repairers, wholesale warehouses, approved mosque (183-185 Gilmore Road), motor mechanical and car repairs, food premises, bathroom supplies, retail agricultural equipment, air conditioning and heating services.
- The western part of the site is currently used as an approved recycling facility and truck depot by Suez (DA 337-2014).
- The development site comprises three sites at 1 Bowen Place, 7 Kealman Road and 172-192 Gilmore Road. All sites are existing industrial sites and zoned IN1 – General Industrial.
- The site at 172 Gilmore Road (Pt Lot 1 DP 1169293) is currently occupied by a number of tenancies: a warehouse, a smash repairer with associated parking and SUEZ’s truck depot and waste transfer station (Paper, cardboard, fluorescent tubes and batteries).
- No.1 Bowen Place was previously used for a business selling insulation bats and is now vacant. The last approval for this site was the extractive industry which has more recently been carried out and is devoid of any vegetation or structures.
- No.7 Kealman Road was previously used for a landscaping supply business and is now vacant land. This land was also part of the excavation and is devoid of any vegetation or structures. DA 16-2015 was approved 26 June 2015 for extractive industry subject to conditions. Conditions of interest require a survey plan of volume of materials excavated from the site, lots to be consolidated, and the finished level of the site shall be no less than RL604.7 in accordance with the Volume Plan (Appendix H)

To date a survey plan has not been submitted as excavation works are still in progress and lots are not consolidated. The submitted plans for the proposed development show an RL605.00.

The nearest residential properties are:

- 1) 210 m east of the proposed development in a R3-Medium Density Residential Zone; and
- 2) R2 230m south of subject site- John Bull Street in a Low Density Residential Zone

A caretakers dwelling is 32m from the southern most edge of the subject site but is within an industrial zone. There has been some discussion in the assessment process as to whether the caretaker's dwelling at 1 Kealman Road is a sensitive receptor. The dwelling is within an industrial zone and Section 2.11 of *Industrial Noise Policy* (INP) recommends that "isolated" residences within industrial zones shall be treated as industrial receivers. In accordance with the INP, the industrial amenity criteria of 70dB(A) is applied to this residence.

There are two schools in proximity to the site:

- 1) The MET Campus (Brethren) a sensitive receptor, 100m from the subject site;
- 2) Queanbeyan West Primary School 570m from the subject site.

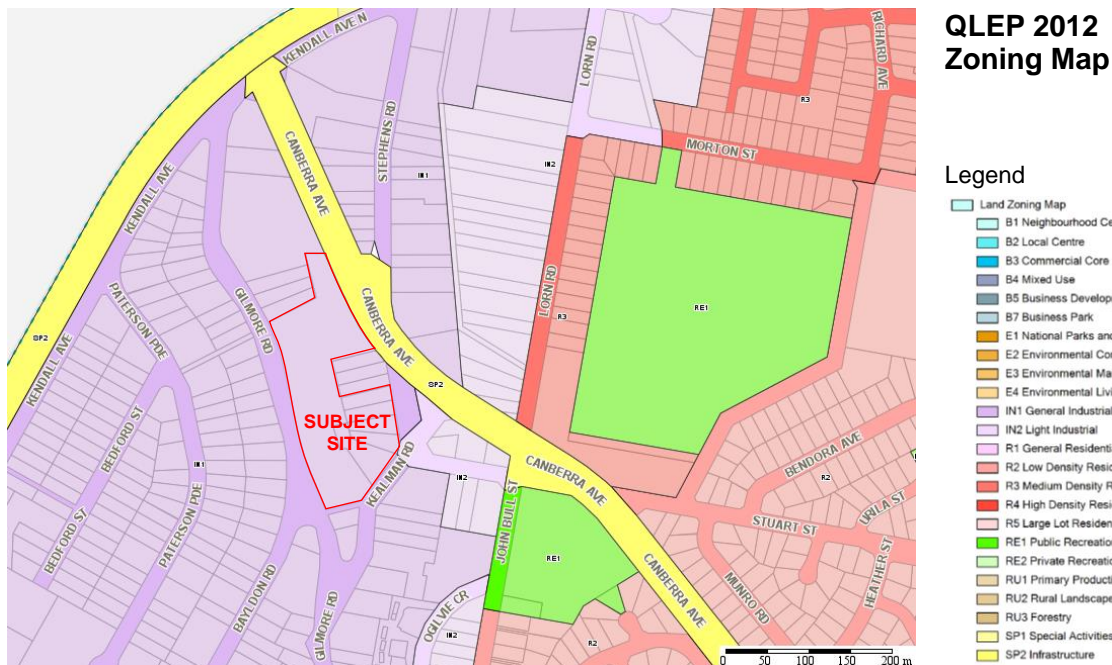
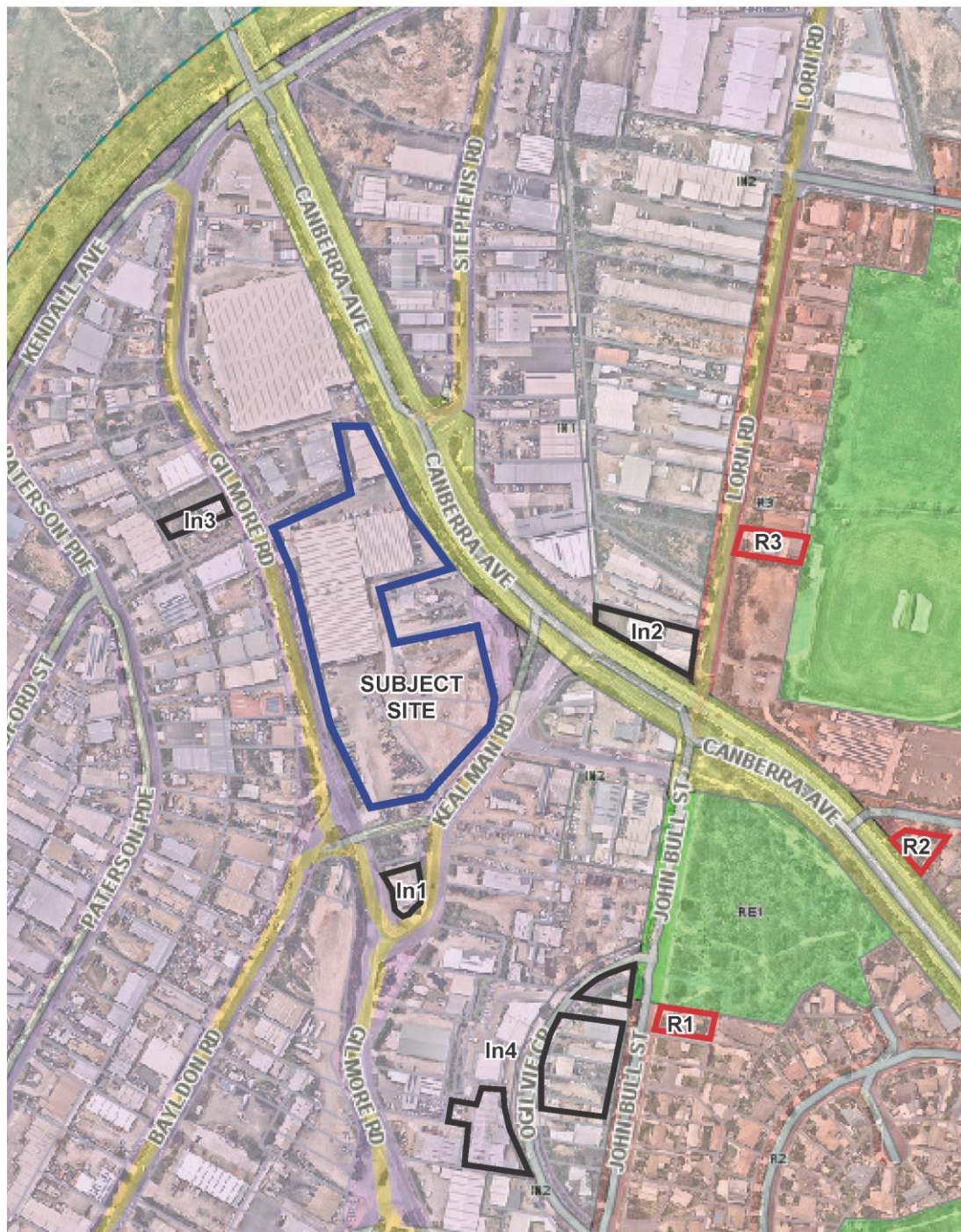


Figure 2: Zoning map of the subject site and surrounds



Location of Identified Sensitive Receptors

NOT TO SCALE

Residential Area

- R1 15 John Bull Street
- R2 31 Stuart Street
- R3 1/54 Lorn Road

Industrial Area

- In1 Caretaker unit at 1 Kealman Ave
- In2 MET Queanbeyan Campus
- In3 Queanbeyan Mosque
- In4 Group of caretakers units at 12, 16 to 24 John Bull Street and 18 Ogilvie Crescent



Figure 3: Location of Identified Sensitive Receptors

2.2 Background

The following development applications have been approved for the subject site.

DA	Address	Proposed Development	Details
337-2014 (Approved 19 December 2014)	172-192 Gilmore Road Queanbeyan West Pt lot 1 DP 1169293	Truck depot and waste transfer station (Paper, cardboard, fluorescent tubes and batteries) 3000tonnes/year	<p>Truck depot and waste transfer station (paper, cardboard, fluorescent tubes and batteries) including:</p> <ul style="list-style-type: none"> • plastic bin storage, and bin repair • paper destruction and cardboard baling (250 tonnes /month) • minor storage of fluorescent tubes and batteries • truck maintenance & wash bay • paint booth • office • 34 car parking spaces proposed. 44 required. The 34 was considered acceptable • two containers for storage of dangerous good <p>The operation is for 24 hours of operation 7 days a week as detailed in the SEE. 30 truck movements a day.</p>
DA16-2015 (Approved 26 June 2015)	7 Kealman Road, Lot 2 DP 1000911 1 Bowen Place, Lots 348,349,350 in DP 8458 170 Gilmore Road, Lot 1 DP 1169293	Excavation of land – 28,127m ³	<p>Site excavated to be level with Bowen Place.</p> <p>The volume plan submitted with the application indicates a maximum volume of 28,127m³ to be removed to a finished level of RL604.7.</p> <p>If, based on the area nominated on the volume plan, the site were to be excavated to a level of RL604.25 it would put the volume over the 30,000m³ and therefore make the application designated development. A condition of consent was imposed -that the finished level shall not be less than RL604.7.</p>

3.0 Proposed Development

3.1 Description of Proposed Development

The proposed development is for the construction of a building to expand the current waste transfer and resource recovery facility which incorporates a truck maintenance depot and waste transfer station for paper, cardboard, fluorescent tubes and batteries, operated by Suez. The proposal includes the erection of a large building (Recovery Hall). The waste streams targeted include:

- general solid waste (putrescible and non-putrescible) up to 70,000tonnes/year
- expansion of current paper cardboard and plastics recyclables (source separated and co-mingled) up to 12,000tonnes/year from an existing 3000tonnes/year
- J120 Waste oil/hydrocarbons mixture/emulsion in water (liquid waste) 2400tonnes/year
- K110 Grease trap waste 2400tonnes/year
- Storage of fuel
- No clinical or radioactive waste would be accepted at the site

The proposed recovery hall would handle less than 100,000 tonnes/year of waste. It is anticipated that approximately 95,000 tonnes/year of waste would be accepted and transferred from the facility.

Putrescible waste will be transferred from the site within 24 hours to an approved processing facility or licensed landfill in Sydney.

Capital Cost

The development has a capital cost of \$ 3 million and would employ 40 full time staff at its ultimate capacity.

Operation Hours

The operating hours are 24 hours a day 7 days a week. This allows services to be offered in peak waste collection times and minimises congestion and travel time associated with operations during peak hours. The development proposes incorporation of storage to enable off peak deliveries to and from the facility.

Building Design (Original design)

A 9.87m high recovery hall above ground with a floor area of 1900² and basement carpark is proposed. Construction materials for the recovery hall include a concrete slab floor, concrete clad panels and coloured sheet metal roof. No sanitary facilities are provided in the building. Roller shutter doors enable vehicle access into the recovery hall and basement carpark entry.

Site Design and Vehicular Circulation (Original design)

Access points are from Gilmore Road, and Bowen Place. Heavy rigid trucks access the recovery hall from Bowen Place with a double weighbridge at the entry and exit point. Cars access the basement parking from Gilmore Road.

Internal roadways, entry and exit driveways have been designed for B-Double vehicles.

Parking and Truck Movements

A total of 61 car parking spaces are proposed in the basement car park.

60 truck movements per day (Monday to Friday) are anticipated at off peak period to minimise travel time and 15 truck movements per day are expected on weekends

Signage

Two business identification signs (13m x0.5m) are proposed on the Gilmore Road (west) and Bowen Place (east) elevations.

Water Treatment System

The proposal includes a water management system that captures and treats process water utilised in the recovery hall. It is proposed that the treated water will be sent to the adjoining concrete batching plant for reuse.

Stormwater

Roof water would be captured up to a five year ARI rain event and reused on site for amenities area, vehicle wash-down and landscaping. Excess water would be discharged to storm water.

The stormwater system for surface water is designed to collect and store rainwater (up to a 1 in 5 year ARI rain event) on site and discharge to the street stormwater network.

Trade Waste

In the original plan details of trade waste was not provided.

Site Management

Fog wetting agent deodorisers and dust suppressant spray system to be installed

3.2 Amendments Submitted During the Assessment Process

The proposed development was amended in response to Council's request for additional information. Amended plans and reports dated 28 October 2016 were received on 4 November 2016.

The amended proposal includes:

- Removal of the retail component
- Site redesign in relation to traffic movements – Entry from Gilmore Road and exit from Bowen Place for all vehicles
- Increase in building height from 10m to 12m and relocation of building
- Removal of basement carpark.
- External car parking (59 car spaces and 18 heavy rigid truck parking spaces)
- Additional air and noise reports provided.
- All treated process water to Council's sewer and not to adjoining batching plant site.
- Additional details in relation to water management –Stormwater will continue to be collected to on site detention, yard water to pass through grease and litter traps (advanced GPT's) prior to storage tanks, then to OSD for reuse or to Council's stormwater system
- An additional weighbridge
- Relocation of grease trap storage facilities on site
- A 1.8m high dark green sheet metal fence.
- Trade Waste details: The floor slab of the sorting hall is designed to capture leachate through a 2 stage treatment system vacuum filter, filter press to separate solids and liquids. Liquids are treated with an oil/water separator to remove any oils present. Final wastewater sent to the sewer via a trade waste connection

The applicant was of the view that the amended development was not substantially different to the original EIS and re notification and advertising was not required. Council disagreed with this view and renotified and readvertised the amended proposal from the 22 November 2016 to 23 December 2016.

3.3 Project Need and Justification

In respect of project need and justification, the EIS indicates the principal reason for the proposed facility at the subject site is because the current sites at Hume (ACT) has limited capacity for expansion and is not suitable to develop as a large resource recovery facility capable of handling a range of waste types.

The applicant states the consequences of not proceeding include the following:

- Supply of materials for beneficial reuse would be reduced;
- Community, Government and regulatory expectation for reducing waste as a valuable resource would not be met;
- Further stress would be placed on finite, already limited landfill resources;
- The opportunity for contributing to a reduction in leachate contamination and volumes from landfill would be lost; and
- There would be no reduction in greenhouse gas from putrescible materials in landfill.

The EIS states that if SUEZ were not to expand its recycling and reprocessing activities it would become increasingly non-competitive and at odds with the company's Mission Statement:

Our mission is to satisfy our customers' needs by providing innovative and cost effective waste management solutions. In fulfilling this mission we will protect the environment, provide a rewarding work place and promote a spirit of partnership with the communities and enterprises we serve".

3.4 Reports, Plans, Documents, Letters and Responses to Letters

Director General requirements	13 September 2013
DA 338-2015 lodged- EIS Volume 1 and 2	10 September 2015
DA advertised and notified	
Initial DA Notification	23 Sept to 23 Oct 2015
Request for additional information (1)	2 November 2015
Retail component removed	8 January 2016
Request for additional information (2)	11 January 2016
DA notification area expanded to 500m from the subject site and therefore all exhibition dates extended to 4 March 2016.	12 Jan and extended to 4 March 2016
Request for additional information (3)	4 February 2016
Response to additional information letter (1)	5 February 2016
JRPP hold site inspection	9 February 2016
Community Information session held by Suez	19 February 2016
Wild Environment & Suez presentation to Council	25 February 2016
Response to additional information request (2)	2 March 2016
Request for additional information (4)	9 March 2016
JRPP hold public meeting	15 March 2016
Request for additional information (5)	5 April 2016
NSW EPA GTA's issued	19 April 2016
Request for additional information (6)	12 August 2016
Council confirms information requested to be submitted by 14 October	12 September
Wild Environment requests additional two weeks to respond	14 October 2016
Amended Development Application (dated 28 October 2016) received Information Submission includes: <ul style="list-style-type: none"> • Response to submissions • Revised air quality report by Todoroski • Revised noise impact assessment – Wilkinson Murray • Revised Traffic Impact Assessment – AusWide • Amended plans 	4 November 2016
Application re advertised due to amended plans	22 Nov – 23 Dec 2016
Request for additional information (7) – Traffic issues	15 December 2016
Applicant submits revised draft of traffic and access issues	24 April 2017
Request for additional information (8) – Traffic issues	11 May 2017
Applicant responds to Agency submissions	20 June 2017
Council engage SLR Consulting to peer review air and noise reports	30 March 2017
SLR provide independent peer review	7 August 2017
Applicant invited to address peer review comments and outstanding RMS comments	22 August 2017
Applicant responds to Council with final position on Air, Noise and Traffic	12 September 2017

4.0 Statutory Assessment

4.1 Environmental Planning and Assessment Act 1979

The following provisions of the EP&A Act 1979 are relevant to this development

- a) Section 5 – Objects
- b) Section 23G – Joint regional planning panels
Schedule 4A - Development for which regional panels may be authorised to exercise consent authority functions of councils
- c) Section 76A – Development that needs consent
- d) Section 77A – Designated Development – Schedule 3 Designated Development (EP&A Reg. 2000)
- e) Section 79 – Public participation- designated development
- f) Section 79C – Evaluation;
- g) Section 91A – Development that is integrated development;

4.1.1 EP&A Act Section 5 – Objects

The objects of the Act are:

(a) *To encourage:*

- (i) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *The promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) *The protection, provision and co-ordination of communication and utility services,*
- (iv) *The provision of land for public purposes,*
- (v) *The provision and co-ordination of community services and facilities, and*
- (vi) *The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *Ecologically sustainable development, and*
- (viii) *The provision and maintenance of affordable housing, and*

(b) *To promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

(c) *To provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed development is considered to be generally consistent with the objects of the Act, except for object (a)(i), in that the proposal does not represent or encourage the proper development of the city of Queanbeyan for the purpose of promoting the social welfare of the community. As will be outlined in further detail within this Report, the proposed development is not considered to be an appropriate—or proper—use of the site due to the extent of its likely negative impacts on the amenity of numerous residential properties and members of the Queanbeyan community.

4.1.2 EP&A Act Section 23G - Joint Regional Planning Panels

Clause (2A) of this section provides that:

An environmental planning instrument may only confer a council's functions as consent authority on a regional panel if the development is of a class or description set out in Schedule 4A. The functions of a consent authority may only be conferred on a regional panel in accordance with subsection (2)(a) and this subsection.

Under Section 23G(2A) the JRPP is the consent authority as set out in Schedule 4A of the EP&A Act 1979:

Schedule 4A - Development for which regional panels may be authorised to exercise consent authority functions of councils

8. Particular designated development

Development for the purposes of:

- (a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000, or*
- (b) marinas or other related land and water shoreline facilities, which meet the requirements for designated development under clause 23 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000, or*
- (c) **waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.***

The proposed development is a particular designated development a “waste management facility or work” which meets the requirement for designated development under Clause 32 of Schedule 3 to the EP&A Reg. 2000. Schedule 3 lists various development types that are designated development. Clause 32 is of relevance

32 *Waste management facilities or works*

(1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:

(a) *that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:*

- (i) *that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*
- (ii) *that comprises more than 100,000 tonnes of “clean fill” (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or*
- (iii) *that comprises more than 1,000 tonnes per year of sludge or effluent, or*
- (iv) *that comprises more than 200 tonnes per year of other waste material, or*

(b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:

- (i) *that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*
- (ii) **that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or**
- (iii) **that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or**

(c) *that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or*

(d) *that are located:*

- (i) *in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or*
- (ii) *in an area of high water table, highly permeable soils, acid sulphate, sodic or saline soils, or*
- (iii) *within a drinking water catchment, or*
- (iv) *within a catchment of an estuary where the entrance to the sea is intermittently open, or*
- (v) *on a floodplain, or*
- (vi) **within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.**

- (2) *This clause does not apply to:*
- (a) *development comprising or involving any use of sludge or effluent if:*
 - (i) *the dominant purpose is not waste disposal, and*
 - (ii) *the development is carried out in a location other than one listed in subclause (1)(d), above, or*
 - (b) *development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or*
 - (c) *development for which State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas requires consent.*

Assessment Comments - The proposed development as outlined in the EIS (September, 2015) is:

- a waste management facility or works that store and dispose of waste or sort, recycle, recover material from waste
- sorts, consolidates or temporarily sorts waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse;
- has an intended handling capacity of more than 10,000 tonnes per year of waste containing food
- is located within 500 metres of a residential zone;
- is located within 250 metres of a dwelling not associated with the development; and
- is likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, dust) vermin or traffic.

In this regard the JRPP is the consent authority.

4.1.3 Section 76A – Development that needs consent

Section 76A of the EP&A Act states that development consent is required by virtue of Clause 120 and 121 of the State Environmental Planning Policy (Infrastructure) 2009.

4.1.4 Section 77A – Designated Development

The proposed development is declared to be designated development by EP&A Reg 2000, Schedule 3 Designated Development Clause 32 “Waste management facilities or works” see 4.1.2 above.

4.1.5 Section 79 – Public Participation- Designated Development

Section 79 of the EP&A Act 1979 sets out the public participation requirements for designated development and this is supported by Clause 77-80 of the EP&A Reg 2000.

In accordance with the EP&A Act 1979 and EP&A Reg 2000, the development application was placed on public exhibition for a period not less than 30 days from 23 September 2015 to 23 October 2015. Adjoining owners and occupiers were notified in accordance with QDCP 2012.

An exhibition notice was erected on site describing the development proposal and the development proposal was advertised twice in the Queanbeyan Chronicle and Queanbeyan Age for a minimum period of 30 days.

It was determined in this particular case notification of the development application be expanded further than the QDCP 2012 requirements to all properties within 500m of the subject site. The exhibition periods were extended from 12 January 2015 to 4 March 2016. Public notices in the newspapers and site exhibition notice were updated accordingly.

Amended plans were received on 4 November 2016.

The development application was renotified to owners and occupiers and readvertised in the Queanbeyan Age from 22 November 2016 to 23 December 2016. A new exhibition notice was erected on site advertising the amended development proposal and exhibition period.

4.1.6 Section 79C(1)– Evaluation

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *The provisions of:*
 - (i) *Any environmental planning instrument, and*
 - (ii) *Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *Any development control plan, and*
 - (iiia) *Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) *The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) *Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *The suitability of the site for the development,*
- (d) *Any submissions made in accordance with this Act or the regulations,*
- (e) *The public interest.*

The assessment against the provisions of s79C are discussed in Sections 5 to 9 of this report.

4.1.7 Section 91A – Development that is integrated development;

The proposed development is integrated development under Section 91 of the EP&A Act as the proposed development is a scheduled premises and requires an approval under the Protection of the Environment Operations Act 1997 (POEO 1997).

5.0 Evaluation Against Section 79C(1)(a)(i) – 79C(1)(a)(iv)

5.1 Section 79C(1)(a)(i) – Environmental Planning Instruments

5.1.1 State Environmental Planning Policies

The proposal has been assessed against the provisions of the following relevant State Environmental Planning Policy:

- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy 33 - Hazardous and Offensive Development
- State Environmental Planning Policy 55 – Remediation of Land.
- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy - Advertising Signs and Structures

These are discussed below.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

Assessment Comments - The development is traffic generating development under Clause 104 of the Infrastructure SEPP. As specified in Schedule 3, the erection of a new premises for a waste transfer station of any size or capacity and the enlargement or extension of existing premises for recycling facilities is traffic generating development. In relation to subclauses 3(a) and 3(b) the consent authority must take into consideration any submission made by the NSW RMS. The DA has been referred to the RMS and comments are provided in Section 8.

Permissibility of the Development

Clause 120 and 121 of the Infrastructure SEPP refer to the permissibility of the development. The relevant sections of these provisions are discussed below.

Clause 120 Definitions - In this Division:

prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU1 Primary Production,
- (b) RU2 Rural Landscape,
- (c) **IN1 General Industrial,**
- (d) IN3 Heavy Industrial,
- (e) SP1 Special Activities,
- (f) SP2 Infrastructure.

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

waste disposal facility means a facility for the disposal of waste by landfill, incineration or other means, including associated works or activities such as recycling, resource recovery and other resource management activities, energy generation from waste gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

waste or resource management facility means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

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

121 Development permitted with consent

- (1) Development for the purpose of waste or resource management facilities, other than development referred to in subclause (2), may be carried out by any person with consent on land in a prescribed zone.

Assessment Comments - The subject site is zoned IN1 General Industrial, a prescribed zone, under the QLEP 2012. The Infrastructure SEPP defines the development as a “waste or resource management facility” and under Clause 121(1) development for the purpose of waste or resource management facility may be carried out by any person with consent on land in a prescribed zone.

State Environmental Planning Policy 33 - Hazardous and Offensive Development

State Environmental Planning Policy No. 33: Hazardous and Offensive Development (SEPP 33) is a systematic approach for assessing development proposals for potentially hazardous and offensive industry or storage. SEPP 33 introduces performance-based definitions of ‘hazardous’ and ‘offensive’ and sets out specific assessment requirements for such proposals.

Clause 8 of SEPP 33 - establishes that in determining whether development is hazardous or offensive consideration must be given to current circulars or guidelines issued by the Department of Planning relating to hazardous or offensive development. As such, consideration is required to be given to the Department of Planning’s Applying SEPP 33 - Hazardous and Offensive Development Application Guidelines.

In the Director General requirements for the EIS it was specified that a preliminary hazard risk screening be undertaken in accordance with the requirements of SEPP 33 and the document “Applying SEPP 33” and if necessary a preliminary hazard analysis (PHA) was to be undertaken to determine the risk to people, property and the environment at the proposed location and in the presence of controls. A PHA was undertaken and submitted with the EIS.

Part 2 of the Hazardous and Offensive Development Application Guidelines establishes a threshold test for classifying development. An assessment of the proposed development against the threshold test follows:

Preliminary Hazard Screening - Risk Screening Criteria				
Class	Description	Quantity to be stored	Threshold Quantity	Threshold exceeded?
Class 1.2	Explosives	None	N/A	N/A
Class 1.3	Explosives	None	N/A	N/A
Class 2.1	Flammable Gases	None	N/A	N/A
Class 2.2	Non-Flammable Gases	None	N/A	N/A
Class 2.3	Toxic Gases	None	N/A	N/A

Class 3 PGI	Flammable Liquids	None	N/A	N/A
Class 3 PGII & PGIII	Flammable Liquids	500L	10 Tonnes at 1m from boundary	No
Class 4.1	Flammable Solid	None	N/A	N/A
Class 4.2	Flammable Solid	None	N/A	N/A
Class 4.3	Dangerous when wet	None	N/A	N/A
Class 5.1	Oxidising Substances	None	N/A	N/A
Class 5.2	Organic Peroxides	None	N/A	N/A
Class 6.1 PGII & PGIII	Toxic Substances	None	N/A	N/A
Class 6.2	Infectious substances	None	N/A	N/A
Class 8 PGI	Corrosive Substances	None	N/A	N/A
Class 8 PGII	Corrosive Substances	None	N/A	N/A
Class 8 PGIII	Corrosive Substances	200kg	50t	No
Class 9	Miscellaneous	None	N/A	N/A

Assessment Comments - Based upon the above assessment the proposed development is not classified as a 'potentially hazardous industry', however the proposed development is considered to be a 'potentially offensive industry' as in the absence of safeguards, it would emit a polluting discharge which would cause a significant level of offence. Therefore an Environment Protection Licence (EPL) is required for the purposes of the proposed development under POEO Act 1997. GTA where issued by the NSW EPA on 19 April 2016 and amended GTAs issued on 22 December 2016 including advice that the EPA has determined it is able to issue an EPL for the proposal. This demonstrates that the potentially offensive aspects can be controlled to a level which is not significant.

Clause 13 of the SEPP - establishes a number of matters that require consideration for development for the purposes of a 'potentially hazardous industry' or a 'potentially offensive industry'. An assessment of the proposed development against the relevant provisions of Clause 13 follows:

13 Matters for consideration by consent authorities

In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):

- (a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development;*

Assessment Comment - Consideration has been given to the relevant provisions of the Department of Planning's Applying SEPP 33 - Hazardous and Offensive Development Application Guidelines within the table above with the proposed development being defined as 'potentially offensive industry' but not 'offensive industry.'

- (b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply;*

Assessment Comment - The subject application is integrated development as an EPL is required for the purposes of the proposed development under the POEO Act 1997. Accordingly the subject application was forwarded to the NSW EPA for their concurrence. GTA were issued by the NSW EPA on 19 April 2016 and amended GTA's issued on 22 December 2016 including advice that the EPA has determined it is able to issue an EPL for the proposal

- (c) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application);*

Assessment Comment - The Applicant has provided an Options Assessment giving consideration to feasible alternatives to the proposed development including a do nothing option and the use of an alternative site. This assessment was based upon criteria relating to site area, security of tenure, location, access, transport costs, compatibility with surrounding land uses and potential for 24 hours operation. This assessment identifies the intensification of the existing use of the site as the preferred option.

- (d) any likely future use of the land surrounding the development.*

Assessment Comments - The area surrounding the subject site is zoned IN1 General Industrial Zone under the Queanbeyan Local Environmental Plan 2012. In recognition of this zoning the desired future character of the locality is considered to consist of a broad range of industrial activities and supporting land uses.

In summary, having considered the subject application against the relevant provisions of SEPP 33 and the Department of Planning's Applying SEPP 33 - Hazardous and Offensive Development Application Guidelines, the proposed development, subject to the implementation of appropriate mitigation measures, is classified as 'potentially offensive development.' The SEPP 33 Guidelines stipulate that if the EPA is willing to issue a license under its pollution control legislation POEO Act 1997, it is considered the level of offence would not be significant. GTA's have been received which indicate (subject to compliance with the approval terms) a license would be considered by the EPA. As such, the SEPP 33 assessment criteria has been satisfied for the purpose of this development.

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of the SEPP requires Council to consider previous land uses on the site and determine if the proposed land use is acceptable.

The previous land use for the site was for extractive industry and 28,127m³ of material was excavated to level it. At the time of assessment of DA 16-2015, SEPP 55 was considered. Council gave consideration as to whether the land was contaminated. A portion of the land had previously been used as a landscaping supply depot. The applicant indicated that the previous uses were unlikely to have resulted in contamination of the site and a Phase 1 report would not be provided. At the time Council's Environmental Health Officer raised no concerns in relation to contamination.

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.

State Environmental Planning Policy (State and Regional Development) 2011.

Clause 8 of the SEPP identifies if certain types of development are State significant development in accordance with Schedule 1.

Schedule 1 – State significant development – general

23 Waste and resource management facilities

- (1) Development for the purpose of regional putrescible landfills or an extension to a regional putrescible landfill that:*
 - (a) has a capacity to receive more than 75,000 tonnes per year of putrescible waste, or*
 - (b) has a capacity to receive more than 650,000 tonnes of putrescible waste over the life of the site, or*
 - (c) is located in an environmentally sensitive area of State significance.*
- (2) Development for the purpose of waste or resource transfer stations in metropolitan areas of the Sydney region that handle more than 100,000 tonnes per year of waste.*
- (3) Development for the purpose of resource recovery or recycling facilities that handle more than 100,000 tonnes per year of waste.*
- (4) Development for the purpose of waste incineration that handles more than 1,000 tonnes per year of waste.*
- (5) Development for the purpose of hazardous waste facilities that transfer, store or dispose of solid or liquid waste classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste that handles more than 1,000 tonnes per year of waste.*
- (6) Development for the purpose of any other liquid waste depot that treats, stores or disposes of industrial liquid waste and:*
 - (a) handles more than 10,000 tonnes per year of liquid food or grease trap waste, or*
 - (b) handles more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste.*

Assessment Comments -

1. This schedule refers to a regional putrescible landfill or extension to a landfill. The proposed development is not a landfill site.
2. The development is a waste or resource transfer station but is not in a metropolitan area of the Sydney region.
3. The development is a resource recovery or recycling facility. The applicant has confirmed that the development does not handle more than 100,000 tonnes of waste per year.
4. The development does not include waste incineration.
5. The development is not for the purpose of hazardous waste facility that transfers, stores or disposes of solid or liquid waste classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste that handles more than 1000 tonnes per year of waste.
6. The development is not for the purpose of any other liquid waste depot that treats, sorts or disposes of industrial liquid waste and does not handle more than 10,000 tonnes per year of liquid food or grease trap waste. The applicant has confirmed that 2,400 tonnes/year is the total quantity of grease trap waste handled and 2,400 tonnes/year of J120 waste.

In addition the proposed site is not identified in Schedule 2 – State significant development – identified sites. The proposed development is not a state significant development under this Clause.

State Environmental Planning Policy 64 (Advertising Signs and Structures)

The proposed signage is defined as a business identification sign and a building identification sign.

Under Clause 8 of the SEPP before development consent can be granted for signage the consent authority must be satisfied that the objectives of the Policy are met and that the proposed signage satisfies the assessment criteria in Schedule 1 below:

Schedule 1 Assessment criteria (Clauses 8, 13 and 17)

1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

Assessment Comments - The proposed signage is appropriate for the use of the site as a waste or resource management facility. The proposed signage is considered compatible with the existing and desired future character of the area. Similar building identification and business identification signage exists within the street and surrounding area.

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

Assessment Comments - The proposed development is not located in a heritage conservation area or within the vicinity of a heritage item. It is appropriate in its location within the IN1 General Industrial Zone. The proposed development's associated signage will not have any additional adverse impacts on amenity, the locality and the streetscape.

3 Views and vistas

- Does the proposal obscure or compromise important views?*
- Does the proposal dominate the skyline and reduce the quality of vistas?*
- Does the proposal respect the viewing rights of other advertisers?*

Assessment Comments - The proposed signage does not obscure or comprise important views, dominate the skyline or reduce the quality of views and vistas. Additionally, it will not have any adverse impacts on adjoining businesses and development. No signage extends above the building roof and is located wholly within the site boundary.

4 Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

Assessment Comments - The proposed signage has been designed to be integrated into the building façade and to have a minimal level of visual clutter.

5 Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

Assessment Comments - The proposed signage is integrated and is respectful of the features of the proposed building. The proposed signage is compatible with the scale, proportion and other characteristics of the site.

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

Assessment Comments - The proposed signage is not considered advertising signage, therefore this clause is not considered applicable to the proposed development.

7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

Assessment Comments - There are no details indicating that the signage is illuminated. If the proposed signage is illuminated it will need to comply with the relevant Australian Standards. This can be required as a condition of consent.

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

Assessment Comments - It is not anticipated that the proposed signage will have any adverse impact on safety of any public road, safety for pedestrians and bicyclists. The signage provides identification of the building and its purpose as well as providing signage for wayfinding.

Summary - The proposed signage meets the objectives and Assessment Criteria set out in the SEPP. If development consent is forthcoming appropriate conditions will be imposed.

5.1.2 Regional Environmental Plan –Sydney Canberra Corridor Regional Strategy

Assessment Comments - The Sydney-Canberra Corridor Regional Strategy establishes a framework for the long term growth and environmental diversity of local government areas within the Sydney to Canberra Corridor including the Queanbeyan-Palerang Local Government Area. The strategy seeks to manage growth while ensuring that the rural landscape and environmental settings that define the region are not compromised. The proposed development, providing for additional job opportunities within existing employment lands within a major regional centre without compromising the future use of any surrounding rural, residential or environmental zoned land is considered to be generally consistent with the strategy.

5.1.3 Local Environmental Plans

5.1.3.1 Queanbeyan Local Environmental Plan 2012

The relevant clauses of the Queanbeyan Local Environmental Plan 2012 (QLEP 2012) are discussed below.

1.2 Aims of Plan

The particular aims of this Plan are as follows:

- (a) to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles,*
- (b) to provide for a diversity of housing throughout Queanbeyan,*
- (c) to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community,*
- (d) to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek,*
- (e) to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra,*
- (f) to maintain the unique identity and country character of Queanbeyan,*
- (g) to facilitate the orderly growth of the urban release area in Googong in a staged manner that promotes a high level of residential amenity and the timely provision of physical and social infrastructure through appropriate phasing of the development of land.*

Assessment Comments - The proposed development facilitates the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles.

The proposed development is within an industrial area and is located in an appropriately zoned area thereby satisfying the hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community.

The proposed development does not impact Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas.

The proposed development does not impact the scenic quality views and vistas from main roads and other vantage points. The site adjoins other industrial sites that are visible from Canberra Avenue and will not impact views and vistas. Though the proposed development is visible from Canberra Avenue, the roof level at 617.15 (12m + ground level RL 605.15) is well below levels that would obstruct views and vantage points.

In this regard the proposed development generally complies with the aims and objectives of the QLEP 2012 particularly (a) and (c).

1.4 Definitions

The relevant definitions that apply to the proposed development are as follows:

waste or resource management facility means any of the following:

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

This definition is consistent with the **waste or resource management facility** definition in the Infrastructure SEPP.

1.6 Consent authority

The consent authority for the purposes of this Plan generally is the Council. However for this proposed development, categorised as Item 8 of Schedule 4A (EP&A Act 1979) being *particular designated development – Development for the purposes of 8(c) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000*, the JRPP is the consent authority.

2.3 Zone objectives and Land Use Table

Under the provisions of the QLEP 2012 the land is zoned IN1 – General Industrial. Development for the purposes of a “waste or resource management facility” is not specified. However, Clause 121(1) of the Infrastructure SEPP provides that any person may carry out a “waste or resource management facility” with consent on land in a prescribed zone. IN1 zone is a prescribed zone and the provisions of the Infrastructure SEPP prevail over the QLEP 2012.

(1) Objectives of the IN1 General Industrial Zone

- a) To provide a wide range of industrial and warehouse land uses.*
- b) To encourage employment opportunities.*
- c) To minimise any adverse effect of industry on other land uses.*
- d) To support and protect industrial land for industrial uses.*
- e) To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

Assessment Comments - The proposed development is generally consistent with objectives (a), (b) and (d). It provides for a range of industrial and warehouse land uses, generates employment opportunities and is located in a suitable zone. While (e) is not relevant, objective (c) is the crux of the argument for this development - that is, to minimise any adverse effect of industry on other land uses. Issues raised by objectors, referral agencies and Council's contracted specialists indicate that the proposed development will have an adverse effect on adjoining other land uses is the locality and therefore this objective of the zone is not met. The impact on adjoining land uses is significant enough that the application warrants refusal.

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- a) to ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,*
- b) to protect the heritage character of Queanbeyan and the significance of heritage buildings and heritage items,*
- c) to nominate heights that will provide a transition in built form between varying land use intensities.*

Assessment Comments - The proposed development is generally consistent with these objectives.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Assessment Comments - The maximum height of a building shown on the Height of Building Map for the Industrial Zone is 12.0m. The height of the proposed building is 12.0m and therefore complies with this clause.

7.1 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) Development consent is required for earthworks unless:
 - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.**
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
 - (b) the effect of the development on the likely future use or redevelopment of the land,*
 - (c) the quality of the fill or the soil to be excavated, or both,*
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,*
 - (e) the source of any fill material and the destination of any excavated material,*
 - (f) the likelihood of disturbing relics,*
 - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*
 - (i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.**

Assessment Comments - The objective of this clause is to ensure that the earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Minor excavation may occur in the cut and fill process, and the grading and levelling of the base for the placement of the sorting hall, car park and driveway. Any spoil that remained shall most likely be utilised for the earthen buffer mound or other areas that require filling. No major earthworks comprise part of the proposed development. Extensive earthworks to create a site with more acceptable grades for development was previously approved under a separate development consent DA 16-2015

Appropriate measures such as sediment and erosion controls would be imposed if the development is approved and shall be implemented prior to any construction and in perpetuity. Detailed plans of any retaining walls in excess of 1.0M in height must be certified and signed by a structural engineer and submitted to Council for approval before the Construction Certificate is issued.

7.6 *Airspace operations*

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide for the effective and ongoing operation of Canberra Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*
 - (b) *to protect the community from undue risk from that operation.*
- (2) *If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.*
- (3) *The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:*
 - (a) *the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or*
 - (b) *the development will not penetrate the Limitation or Operations Surface.*
- (4) *The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.*
- (5) *In this clause:*

Limitation or Operations Surface *means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Canberra Airport.*

relevant Commonwealth body *means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Canberra Airport.*

Assessment Comments - The objectives of this clause are to ensure that structures during and post construction do not penetrate the Obstacle Limitation Surface (OLS) and prevent the ongoing operation of Canberra Airport. The OLS for this site is RL615. The ridge height of this development is 12m (RL 617.15). As the development penetrates the OLS the application was referred to the relevant Commonwealth body – Canberra Airport for comment. Council has received advice that the Commonwealth has no objection to its construction subject to conditions.

A summary of the submission from Canberra Airport is in Section 9.0 of this report.

7.9 *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,*

Assessment Comments The development has available supply of town water to the development site. It is envisaged that the water usage will not compromise supply to surrounding customers and the infrastructure should be adequate to meet the demands of the proposed development. Should the application be approved, the applicant will be required to supply a hydraulic design where the proposed service location and size is to be nominated with investigation to determine if the current service on Lot 1 DP 116929 (as the sites lots are to be consolidated) can be upgraded to meet the development's needs. If the current service serving the site cannot be suitably upgraded a second service is to be constructed at the applicant's cost by the authority at a size and location to be shown on the hydraulic plans.

(b) *the supply of electricity,*

Assessment Comments - The site is currently connected to the power network and has adequate resource available for the proposed development.

(c) *the disposal and management of sewage,*

Assessment Comments - The property has sewer running adjacent to the Bowen Place boundary and should be adequate in size and location for the development to discharge. The applicant by virtue of its proposed operations will become a trade waste discharger, the mix of connections will be Concurrence C and A classifications. The Department of Primary Industries (Office of Water) will be the consent authority for the licensing of the discharge of putrescible waste wash down as this waste inherently has high levels of BOD (Biological Oxygen Demand) and COD (Chemical Oxygen Demand) that will require reduction prior to discharge to the authority's sewer network.

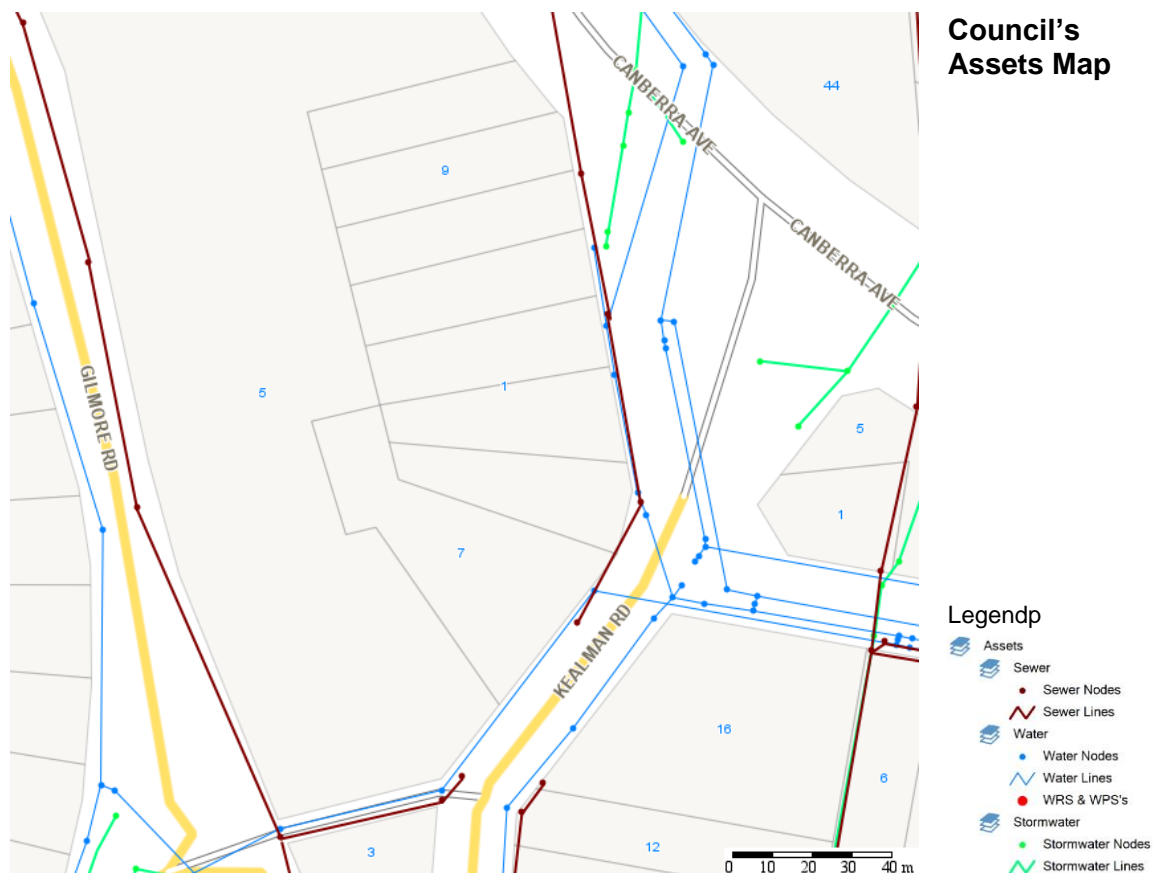


Figure 4: Council's assets (sewer, water and stormwater)

(d) *stormwater drainage or on-site conservation,*

Assessment Comments - The site will have extensive hardstand areas created. The applicant has proposed to install gross pollutant traps to capture contaminants from the hardstand runoff. Stormwater from roof will be captured as well and all discharged via an on-site detention system, and reused on site where possible for vehicle wash down and landscaping. The approach embraces the concept of WSUD (water sensitive urban design) with ultimate discharge into Council's stormwater system in Gilmore Road. The applicant will be required to construct a storm water management system that ensures a discharge no greater than predevelopment flows into Council infrastructure meeting the requirements of a 20% rain event.

7.11 Development near HMAS Harman

- (1) *The objective of this clause is to contribute to the protection of the operational environment of HMAS Harman and its role as a national defence facility.*
- (2) *This clause applies to land within 2 kilometres of HMAS Harman, measured from the intersection of Waller Road and Pharup Place, that is also within Zone IN1 General Industrial or Zone IN2 Light Industrial.*
- (3) *Development consent may be granted to the erection of a building with a height exceeding 8.5 metres on land to which this clause applies if the consent authority has referred the development application to the Commonwealth Department of Defence and has considered any comments received from that Department within 28 days after the Department was notified.*

Assessment Comments - The objective of this clause is to protect HMAS Harman as a national defence facility. The subject site is located within 2 km of HMAS Harman and is within Zone IN1 General Industry and as the building height exceeds 8.5m the application was referred to the Commonwealth Department of Defence. Comments received from this Department must be considered before development consent can be granted. The Department has no objection to the proposed development.

5.2 Section 79C(1)(a)(ii) - Draft Local Environmental Plans

5.2.1 Draft Queanbeyan Local Environmental Plan

Council has prepared an amendment to the Queanbeyan Local Environmental Plan (QLEP) 2012. The draft LEP is on public exhibition for a period of 28 days between 19 September and 20 October 2017.

The draft LEP was prepared to ensure the plan remains current and accurate and is a housekeeping exercise. There are no amendments to the draft QLEP 2017 that would require further assessment than what has been undertaken in the QLEP 2012 assessment.

5.3 Section 79C(1)(a)(iii) – Development Control Plans

5.3.1 Queanbeyan Development Control Plan 2012 (QDCP 2012)

A detailed assessment against the provisions of QDCP 2012 has been carried out in Appendix A to this report. The areas of non-compliance in regard to the QDCP 2012 are summarised below.

Development in Industrial Zones

Objectives

- 8.1.2 (2) - *The proposed development does not protect the amenity of existing residences within and close to the industrial development.*
- 8.1.2 (3) - *The proposed development is considered to result in incompatible land uses being located in proximity to one another.*

The proposed development does not satisfy objectives 8.1.2 (2) and 8.1.2 (3) of Part 8 – Industrial Development. The key issue is that the amenity of existing residents close to the industrial development is not protected and despite the development being permissible in an industrial zone it is considered to be incompatible to other land uses in the locality due to 24/7 odour impact to businesses and residents close to the development and for the Queanbeyan community downwind of the subject site. This is discussed in Section 6.0 of the report.

Setback

Objectives

- 8.2.1 (3) - *Provide buffers to adjoining land uses to reduce adverse impacts on surrounding land.*
- 8.2.1 (4) - *To preserve residential amenity.*

The proposed development does not “provide any buffers to adjoining land uses to reduce adverse impacts on surrounding land” and as a result the residential amenity is not preserved.

Controls

- 8.2.1 (a) - The proposed development does not comply with controls set out in 8.2.1 (a) minimum landscape widths. Though the development complies with the building line setbacks it does not comply with the minimum landscaped widths.

Building Design

Controls

- 8.3.3 (a) - *The façade of buildings facing the street should be of a high design quality. Monotonous facades consisting of one plane and colour are to be avoided.*

The Gilmore Road elevation is a 100m long blank wall at 12m high with no visual relief. The design of the facility has not addressed the building design controls set out in 8.3.3 (a).

Car Parking

In clause 8.2.2 (a) a car parking rate of 1 space per 200m² of site area applies for a Resource Recovery Facility. For a site area of 13,708.5m², 68 car spaces are required (13708/200 = 68).

The proposed development (including parking for the existing facility) provides 59 car spaces (includes 1 disabled parking space) resulting in a shortfall of 9 car spaces. This is considered acceptable as 18 heavy rigid vehicle parking spaces are also provided on site and there is no requirement for truck parking for Resource Recovery Facilities in QDCP 2012.

The site while short on parking spaces addresses the requirements of AS 2890. Council is satisfied that the site's access and manoeuvrability has been addressed.

Pollution Control

Objectives

8.2.7 (3) - Minimise interference to existing and future amenity.

8.2.7 (4) - Ensure satisfactory measures are incorporated to alleviate negative environmental impacts associated with industrial land uses.

Inadequate measures are incorporated to alleviate negative odour impacts. There are no mechanical or air filtration systems or other mitigation measures proposed to reduce adverse odour impacts to minimise interference to existing and future amenity of the Queanbeyan community. With predominant north/north westerly winds, the proposed development is upwind of the Queanbeyan residential area resulting in odours being carried eastwards from the recovery hall particularly when the doors are to receive waste. The objectives of pollution control have not been met and negative environmental impacts associated with the facility will have unacceptable impacts to existing and future amenity.

Waste or Resource Management Facility

Objectives

8.3.1 - To ensure Waste Resource Management facilities are designed and maintained to contribute positively to the streetscape and amenity

The proposed development could be designed in a way that contributes to the streetscape in a more positive way. The proposed development has failed to take into account residential amenity in the locality of the proposed development and the impact that odour will have. This objective has not been met.

5.3.2 Draft Queanbeyan Development Control Plan 2012

Council has prepared an amendment to the QDCP 2012. The Draft DCP is on exhibition from 5 September to 5 October 2017. The objectives and controls are substantially the same as the adopted QDCP 2012 in relation to the proposed development.

However, car parking requirements for Resource Recovery Facilities has been deleted from Part 8 of the Draft DCP and has not been replaced with a similar parking requirement in Part 2. Therefore an additional assessment needs to be undertaken in regard to car parking requirements.

There are no specified car parking requirements for Waste Facilities. A comparable type of development is "Wholesale, Industrial" in Table 2 – Car parking for Service or Delivery Vehicles.

The requirements is one space per 800m² GFA up to 8,000m² GFA plus one space per 1,000m² thereafter.

Under the existing DCP 68 parking spaces are required. Under the draft DCP a total of 59 spaces are required of which 25 should be adequate for truck parking.

The proposed development shows 59 car spaces and 18 truck spaces. The number of overall spaces is adequate however there is a shortfall of 7 truck spaces.

The draft QDCP 2017 comes off exhibition on 5 October 2017. The fact that the development has been under consideration for nearly two years and that the present DCP has specific controls for waste premises Council does not consider that significant weight should be given to the amended car parking controls. In this regard Council will continue to consider the car parking requirements based on minimum parking requirements for Resource Recovery Facilities in Part 8 of the QDCP 2012.

Other relevant amendments in the draft DCP relate to Erosion and Sediment Control. For sites greater than 2,500m² a Soil and Water Management Plan is required to be submitted. In this particular case a soil and water management plan is considered to be an excessive requirement prior to consent being issued. If development consent is forthcoming a condition of consent would require the submission of an erosion and sediment control plan that particularly address containment of waste and water on site.

Development of the site would require production and submission of an erosion sediment and control plan, the site activities and related risk do not attract the controls required within the scope of a soil water management plan.

There are no other substantial changes in the draft DCP that warrant further assessment outside the current QDCP 2012 assessment.

5.3.3 Rural and Regional Transfer Stations

In 2006 the Department of Environment and Conservation NSW published the "Handbook for Design and Operation and Rural and Regional Transfer Stations". The handbook was formulated to assist local councils (and others) that wish to develop resource recovery and/or waste transfer facilities in rural and regional areas in NSW. The handbook is to be used as a tool to assist design and operate transfer stations and draw on successful examples across the state. It aims to promote best practice in the design and operation of a transfer station and resource recovery facility. The proposed development is like a transfer station but on a much larger scale.

This handbook is not designed as an assessment tool but can be used as a guideline to understand issues such as aesthetics, traffic, odour, vermin, and noise. These issues are discussed in Section 6.0 and 7.0 of this report. Of particular interest these guidelines recommend a buffer of 250m from the nearest resident or sensitive receiver. The distance between a transfer station, residential properties and sensitive receivers should be maximised where possible. This would assist to control potential noise, odour and traffic impacts from the proposed development. These are only guidelines for transfer stations and not mandatory controls for waste or resource management facilities.

5.3.4 Section 94 Contributions

Section 94 contribution fees enable Council to levy development contributions towards the cost of providing public services and amenities which will meet demands generated by new development.

The S94 contribution plan applies to all lands within the former Queanbeyan City Council Local Government Area (LGA) but no contributions under this plan are payable in respect on non-residential development.

5.3.5 Section 64 Contributions

Council also levies contributions under Section 64 of the Local Government Act 1993 in relation to Water and Sewer works. The following charges apply.

Section 64 contributions for water and sewer works apply in accordance with the relevant Developer Services Plan.

The following table provides calculations for the applicable ETs:

<u>Item</u>	<u>ETs</u>	<u>ETs</u>
<i>Water (Queanbeyan)</i>		
Determined using 6.3 of Sec 64 ET Guidelines	Total = 1095 kl/y 1 ET = 230 kl/y	4.7
Allow credit for existing lots		15
<u>TOTAL</u>		-11.3 (credit)

<u>Item</u>	<u>ETs per Unit</u>	<u>ETs</u>
<i>Sewer (West)</i>		
Determined using 6.3 of Sec 64 ET Guidelines	Total = 920 kl/y 1 ET = 140 kl/y	6.5
Allow credit for existing lots		15
<u>TOTAL</u>		-9.5 (Credit)

The site generates credit for both water and sewer section 64 charges therefore no charges are applicable to the application.

79C(1)(a)(iiia) any planning agreement

There is no planning agreement or draft planning agreement that has been entered into under section 93F, and no draft planning agreement that a developer has offered to enter into under section 93F of the Act that relates to this development.

5.4 79C(1)(a)(iv) any matters prescribed by the regulations

There are no matters prescribed by the regulations relative to this development.

6.0 Section 79C(1)(b) – Likely Impacts of the Development

6.1 Traffic and Traffic Management

Applicant's Position - The proposed development will attract a further 30 heavy vehicle movements per day within the area on top of the sites current 30 heavy vehicle movements. It is anticipated that up to 15 additional truck movements per day will occur on weekends. The movements will be directed to intersections within the regional road network including Canberra Avenue, Lanyon Drive and the Monaro Highway.

During the development of the site the temporary addition of construction vehicles would only increase the traffic by a minimal amount. AusWide Traffic Engineers were commissioned by the applicant to complete a traffic assessment of the development (2014). The peak net traffic generation is anticipated between 5am and 8am where the proposed development will generate 11 vehicular trips.

The assessment concluded that the proposed traffic flows on the adjacent road network would have minimal impact during the morning and afternoon peak periods as the movements will occur outside peak traffic times.

Mitigation measures to manage possible traffic, access and parking impacts are as follows:

- Where possible site operations are to avoid vehicle movements occurring during commuter peak periods through agreements with customers to avoid peak traffic hours.

The RMS in their letters of 13 October 2015 and 12 September 2016 advised that it did not support the proposed development due to the proposed traffic and conflicts at the Kealman Road and Canberra Avenue intersection.

The applicant subsequently amended their application to address a number of issues including a change to the direction of traffic flow on the site so that vehicles would enter the site from Gilmore Road only and exit the site from Bowen Place only and enter onto Canberra Avenue from the signalised intersection at Gilmore Road/Canberra Avenue.

The RMS in their letter of 20 December 2016 did not support the amended proposal due to its perceived traffic impacts at the Kealman Road and Canberra Avenue intersection even though the applicant had removed this as a proposed intersection for its connection to Canberra Avenue.

Early in 2017 the applicant engaged new traffic consultants Taylor, Thompson and Whitting (TTW) to prepare an amended traffic assessment which was submitted to Council in April 2017.

The amended traffic assessment addresses inaccuracies in AusWide's original reports including:

- The speed limit of Canberra Avenue between Gilmore Road and Kealman Road is 80km/h;
- Revised swept paths for a 19m semi;
- A revised swept path for a 25m B-Double;
- Revised plans showing site manoeuvrability;
- Revised plans that require all vehicles greater than passenger vehicle size to access Canberra Avenue via the Gilmore Road/Canberra Avenue signalised intersection;
- Engineering controls to include the extension of the kerb return into Bowen Place to physically restrict a left turn movement onto Kealman Road by heavy vehicles;
- Special regulatory signage to be implemented within the return to reinforce the restriction - with written support from Monaro Mix.

- TTW predicted that the sites total vehicle trips per day would be 140 comprising:
 - 40 staff vehicle (cars) trips of which 20 occur during the AM peak and 20 occur between 5- 6 am
 - 40 staff vehicle trips (cars) of which 20 occur during the PM peak and 20 occur between 2 and 3pm;
 - 60 service vehicle trips (Heavy Rigid Trucks or Articulated Trucks) generally occur between 5am and 3pm
- TTW conclude that traffic generation is not anticipated to adversely affect traffic flow along Canberra Avenue, Gilmore Road and Kealman Road outside of peak traffic periods as these roads have greater capacities.
- Predicted heavy vehicle trips per day for this development would comprise:
 - 30 arrivals and 30 departures that will occur outside of the peak am and pm periods to maximise productivity of fleet.

TTW provided a summary advising that a SIDRA analysis of traffic generation from the site and impact on Canberra Avenue from Kealman Road was not necessary.

Assessment Comments

Council has received submissions from the public on traffic. In summary these relate too:

- Inconsistencies between documents;
- Congestion on roads and at intersections;
- Additional noise from trucks.
- Contradiction of number of truck movements per day and at peak operational periods;
- Conflict between trucks and cars using Kealman Road/Canberra Avenue intersection;
- Road damage and contributions
- Increased traffic in location;
- Parking

Council in its assessment has addressed the public's concerns ensuring the applicant had either satisfactorily addressed those in relation to regulations, guides, standards or specifications or though Council applying appropriate conditions of consent.

Due to the proposed route having a long standing B-Double access approval from RMS, Council consider that the local road comments by RMS are superfluous to any potential approval, and that the SIDRA analysis of the Kealman Rd/Canberra Avenue intersection required by RMS is of no consequence as traffic will not exit the site via this direction. Council notes that impacts onto Canberra Avenue will be over an even distribution of time via traffic light phasing on Gilmore Road, allowing any increase in traffic generation that will impact onto Canberra Avenue to be managed through light phasing.

It is noted that the unconsolidated lots in Bowen Place if developed individually have the combined potential to impose a larger traffic generation impact on Canberra Avenue than the current proposed development.

The final response received from TTW received late August correctly identifies that RMS requests for intersection analysis are required for an intersection which is not affected and that the mitigations measures proposed satisfy Council concerns in regards to traffic generation from the development by applying RMS and Austroads guidelines.

To maintain and improve the capacity, efficiency and safety of the road network and surrounding area the following conditions are recommended should consent be provided:

- 1) The Traffic and access requirements of the Development application would require the conditioning of intersection works at Kealman Road and Bowen Place for the extension of kerb and the creation of a median to ensure that trucks do not attempt to mount the proposed kerb extension to make the left hand turn onto Kealman Road.
- 2) Increase of the radius of the intersection of Bowen Place for traffic turning left into Bowen Place from Kealman Road.
- 3) Conditioning will also require the applicant to repair any failures in Bowen Place pavement and apply a 7/14 aggregate two coat bitumen reseal.
- 4) Broad band reversing alarms are to be installed on all vehicles to mitigate offensive noise.

Traffic Summary - In conclusion, traffic impacts generated from the proposed development have been resolved subject to conditions and engineering mitigation despite the RMS not supporting the proposed development.

6.2 Noise

Noise was a contentious issue raised during the consultation period of the development application. Operational and traffic noise was a key issue in the Director General requirements to be addressed in the EIS. The assessment needed to include any potential impacts on nearby sensitive receptors.

Applicant's Position - The EIS was accompanied by a Noise Impact Assessment (NIA) prepared by Wilkinson Murray (WM) (Version A), 2015. The assessment found the nearest sensitive receivers were located on John Bull Street, Stuart Street and Lorn Road between 210m and 315m from the subject site. The assessment considered the site activities against the applicable noise criteria for day, evening and night.

The NIA concluded that the predicted construction noise levels comply with the established noise management levels at all receivers.

The NIA stated the most significant sources of operational noise from the site would be vehicle movements within the site and within the transfer building. The predicted worst-case operational noise levels found the operational noise levels exceed the night time intrusiveness at a sensitive receiver (R1) by 1dBA. Otherwise the predicted levels comply with the criteria at the remaining sensitive receivers.

The most significant night noise events are from truck air brakes when stopping. Predicted maximum noise levels complied with established sleep disturbances criteria at two sensitive receivers but the criterion was exceeded by up to 7dBA at one sensitive receiver. Due to the noise levels from Canberra Avenue, the background noise levels at this sensitive receiver are expected to be higher than other receptors. The 7dBA exceedance of the sleep disturbance criterion is expected to be conservative.

The assessment concluded that even if all truck movements were generated by the development during the night time period, the predicted increase in traffic noise levels at the most affected receivers would be less than 0.1dBA.

The predicted noise level at R3 is at least 6dBA below the accepted level of 60-65dBA which is provided as a guideline in the NSW Road Noise policy (RNP) that would unlikely cause sleep disturbance.

In this regard the operational noise levels for high intensity noise events - use of air brakes and from vehicle movement meet the Road Noise criteria.

The applicant concludes that the proposed development would not have a significant noise impact on adjoining neighbours or the nearest residence and the proposed development would comply with the EPA requirements.

Assessment Comments

Following the review of the EIS, the EPA on 23 October 2015 requested additional information and clarification of issues associated with noise impacts. These are detailed below:

1. EPA requests the NIA to be revised and clarify the exact number and location of “sensitive receivers” and the noise impacts at these locations;
2. EPA seeks clarification as to the correct daytime PSNL value (project specific noise levels).
3. The EPA requested that the proponent should provide a quantitative, detailed analysis of sleep disturbance in accordance with the cited guidance in the INP Sleep Disturbance Application Note, or commitments to feasible and reasonable noise mitigation measures that will be implemented to reduce noise levels to within the criteria.
4. The EPA seeks clarification that vehicles will be fitted with noise restricting devices to avoid offsite impacts, particularly during the evening and night periods. The EPA recommends that the proponent use broadband rather than tonal, movement alarms (reversing beepers) or not-audible (such as reversing cameras or proximity alarms) to avoid off-site impacts.

Additional Information was requested from the applicant on 2 November 2015 including the EPA request.

The requested information was submitted on 30 November 2015. A revised Noise Impact Assessment (Version B dated November 2015) was provided as was a response to EPA noise comments.

An updated NIA was submitted WM NIA Version B Feb 2015. It concludes there are no sensitive receivers in the industrial estate.

WM acknowledge the daytime intrusiveness criterion is incorrect and should be 52dBA and other updates of the report have taken place in response to EPA request for clarification.

WM state that the site is designed such that trucks accessing the site will have no cause to reverse when they are outside the transfer building. This is because WM made this assessment based on the original plans. The amended plans submitted on 4 November 2016, accompanied by a WM report dated Version B Nov 2015, indicate that trucks will reverse into the transfer building to unload. This has not been accounted for in WM amended reports and therefore the accuracy of the predicted maximum noise levels is questioned.

WM note that there is a preference for tonal reversing alarms to be fitted to vehicles for safety reasons and requiring road-registered trucks to be fitted with broadband reversing alarms is not considered feasible or reasonable. However, broadband reversing alarms to all mobile plant, which is to remain on the site, is considered good practice and is recommended.

White Noise and broadband reversing alarms are able to be fitted to various trucks and machinery. They are considered to be more effective than tonal “beep beep” reversing alarms for a number of reasons. White sound is easier on the ear and dissipates at twice the rate of conventional alarms. A number of these products are self-adjusting. The self-adjusting alarms contain a microphone that can measure the ambient noise level of an environment. The alarm then adjusts itself to 5-10db(A) higher than this so that it can be heard, yet is not excessive nor intrusive. Broadband reversing alarms are also considered safer as the sound is concentrated within the danger zone making it easier to tell which direction the hazard is approaching from. Broadband is up to 5 decibels lower than a conventional beeping alarm <https://brigade-electronics.com/> and <https://brigade-electronics.com/products/reversing-and-warning-alarms/>.

Due to the potential inaccuracies of the predicted maximum noise levels, if consent is forthcoming a condition of consent will require broadband reversing alarms or similar to be installed on all vehicles that reverse into the site to mitigate potential noise impacts on land owners and occupiers in the vicinity of the subject site. It is noted that EPA prefer broadband reversing alarms.

EPA responded to the amended NIA on 29 January 2016 and noted the amendments made, but considered that a school located in Lorn Road had not been accounted for.

Additional information was requested from the applicant on 4 February 2016 including the EPA's further request.

WM submitted the requested information on 8 February 2016. It is summarised as follows: *the predicted worst-case external noise level at the school due to the operation of the facility is 42 dBA. Therefore the operational noise levels at the school are predicted to comply with the established criterion.* Again the noise associated with trucks reversing into the facility has not been accounted for.

Additional information was requested from the applicant on 5 April 2016 in relation to the concerns raised in the submissions and at the JRPP community briefing regarding noise. The applicant was required to consider the impacts of the development on the residents in the locality including 1 Kealman Road and respond to the submissions raised.

The EPA noted that 1 Kealman Road is considered as an industrial noise receiver in accordance with INP and the industrial amenity criteria of 70dBA should be applied to this residence. WM state that a project specific noise level of 60dBA is applied at all times to this receiver given the proposed 24 hours operations at the facility. Council and the applicant accept that 1 Kealman Road does not warrant the same level of amenity criteria as a dwelling within a residential zone.

GTA were issued by the EPA on 19 April 2016 subject to conditions.

An additional information submission was made by the applicant on 4 November 2016. The additional information included amended plans showing that truck reversing on site is required into the facility. The additional information submission was readvertised.

The EPA reviewed the amended plans and made no changes to GTA's. The EPA noted the change at R3 by 1dBA instead of the original predicted 7dBA exceedance.

Council engaged SLR Consulting Australia (SLR) to peer review the relevant noise report prepared by WM and other relevant documentation including GTA's. SLR's review of 7 August 2017 highlighted a number of limitations in the NIA and documentation. The key issues identified to be of high/medium significance are as follows:

1. *According to the NSW EPA's INP impacts, a proposed addition to an existing facility should include the cumulative impacts of the overall operation. The NIA only assesses the new transfer station.*
2. *The INP requires the noise assessment to consider adverse meteorological conditions, if they are found to be a feature of the area. The NIA does not include an examination of the existing meteorological environment. SLR conducted an assessment of prevailing wind conditions as derived from meteorological data from the Bureau of Meteorology site at Canberra. The assessment concluded that there are prevailing summer winds, and moderate to strong temperature inversions during winter for more than 30 percent of the time. Adverse weather conditions were not included in the NIA.*
3. *Noise modelling for enhancing adverse meteorological conditions indicate a resulting exceedance of the INP derived noise criteria of up to 3dBA.*
4. *Noise modelling for the potential for sleep disturbance indicates exceedances of the sleep disturbance screening level of up to 17dBA. It is also noted Revision A of the NIA adopted a Sound Power Level of 122dBA, which reduced to 115dBA in Revision B. SLR uses a level of 122 dBA for parking brakes (air release), based on measurement.*
It is not recommended that approval be granted for the proposed development until the above issues are satisfactorily resolved.

However, SLR did concur with the conclusion of the NIA for the operational and construction phase of the proposed development.

Council gave the applicant an opportunity to respond to SLR's peer review. On the 12 September 2017 the applicant concluded that the basis and conclusions of the previous assessment by WM are valid and that no changes are required. Further, the predicted noise levels could be included in the NSW EPA Licence to enable noise compliance measurements to be conducted once the proposal is operational for verification.

Summary on Noise Matters - The applicant's assessment concludes that where all truck movements generated by the development occurred during the night time period, the predicted increase in traffic noise levels at the most affected receivers would be less than 0.1dBA which is not perceptible to human hearing. The applicant concludes that the proposal would comply with NSW GTA's and result in negligible adverse amenity impacts.

SLR conclude that generally they concur with the results of the ambient noise survey in WM report. There is consensus on the resulting noise criteria, project specific criteria and construction sound power levels used in the modelling as well as the predicted noise levels and conclusions of the construction noise assessment.

Consensus has not been reached on issues related to: exclusion of the cumulative impacts of the existing truck depot and recycling facility, identification of sensitive receptors, and exclusion of adverse meteorological conditions.

Temperature inversion or adverse meteorological conditions must also be considered as exceedances of the design criteria of up to 3dBA were predicted by the peer review assessment. It is suggested that noise mitigation measures will be required for the operation to comply under calm/neutral and adverse meteorological conditions.

Neither consultant has taken into account the noise impact of reversing trucks during night periods however, it is considered that mitigation measures can adequately address these noise issues.

Despite these exclusions, the overall conclusions of the NIA are agreed subject to mitigation measures such as air release silencers for parking brakes on trucks. Air release silencers are able to be installed on trucks that utilise an air braking system. These silencers have the function of reducing noise emitted that occurs when compressed air is released by the air braking system.

In *Stockland Developments v Wollongong Council and others* [2004] NSWLEC 470, Roseth SC and Brown C state that “as a general planning principle, where there is conflict between a noise source and a sensitive receptor preference should be given to the attenuation of any noise from the source rather than at the sensitive receptor....In deciding whether the noise should be attenuated at the source, consideration should be given to the degree of conflict between the appropriate noise goals, the difficulty and cost associated with treating the noise at the source, the willingness of the noise generator to be treated and the potential amenity impacts associated with noise attenuation at the receptor”.

Therefore while there remains some conflict between the proposed development and the sensitive receptors a range of measures can be implemented to mitigate against noise which can be imposed as conditions of development consent. These include:

- Periodic noise monitoring once the site is fully operational to validate the assumptions made.
- The Project Specific Noise Level (PSNL) established in the NIA is to be adopted as an approval condition for the development, and noise compliance measurements are to be conducted once the approval is operational.
- Development of an Environmental Management Plan (EMP) which outlines the frequency of opened doors during each 15 minute period during the evening and night time.
- Automated sensor system that closes doors as soon as trucks leave the hall.
- Installation of broad band reversing alarms to be installed on all reversing vehicles.
- No trucks to use residential end of Gilmore Road after 6.00pm and before 7.00am, 7 days a week.
- Air locks placed on all pedestrian doors of the facility.
- Air release silencers for parking brakes on trucks.

Noise from reversing trucks alone would not warrant refusal of the application but does warrant addressing through mitigation measures. Without evidence to state if the noise from reversing trucks is excessive or not it is unreasonable to include this as a reason for refusal. It is considered that Part 2.3.6 Noise and Vibration of the QDCP 2012 has been satisfied and with appropriate noise mitigation measures and compliance with the requirements of the NSW EPA GTA's the proposed development is satisfactory from a noise perspective.

Council is satisfied that the proposal is unlikely to generate any significant noise impacts during construction. However, if development consent is forthcoming construction hours will be limited to day times hours and a noise management plan shall be prepared as part of a construction management plan prior to issue of construction certificate. In this regard the development is considered to comply with QDCP, 12 in particular the objectives for noise and vibrations in Part 2.

6.3 Hours of Operation

Applicant's position - The EIS states that the site would be open twenty-four hours, seven days per week. Hours of operation would vary depending on activities. In section 5.2.4.1 of the EIS it states that the breadth of hours allow services to be offered in peak waste collection times and minimise congestion and travel time associated with operations during peak hours. The peak traffic generation from the site is expected between 5am-8am where the proposed development will generate 11 vehicle trips. The WM report dated November 2015 (Version B) states that a key consideration for the extended operating hours is ensuring noise is appropriately managed. Site activities were considered against applicable noise criteria for the day (7.00am-6.00pm) evening (6pm-10:00pm) and night time (10.00pm-7.00am).

Storage areas would be incorporated into the facility to enable off peak deliveries. It is proposed that up to 60 truck movements per day are anticipated generally at off peak periods to reduce travel time and avoid congestion. During weekends up to 15 truck movements per day are expected.

Assessment Comments

Construction Period

During the construction period of the new waste recovery building and associated infrastructure it is expected that all construction activities would be conducted within standard construction hours i.e 7.00am to 6.00pm Monday to Friday, 8.00am to 4.00pm Saturday and no work Sunday and public holidays. The hours of operation during the construction period are unlikely to impact the amenity of land owners and occupiers so substantially that the application warrants refusal. If consent was forthcoming relevant conditions of consent would be imposed.

Operational Period

In the submissions received there is a direct relationship between hours of operation and noise. Residents in the locality object to the 24 hour, 7day a week operation of the facility due to noise generated from the development.

There are two main sources of concern:

- 1) Trucks moving to and from the facility would impact the amenity of the residents
- 2) The operation of the facility would impact residents during night time

The applicant responds that the assessment concluded that where all truck movements generated by the development during the night time period, the predicted increase in traffic noise levels at the most affected receivers would be less than 0.1dBA. This increase is not perceptible to human hearing (Additional Information Submission 28 October 2016, p.20).

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 of air breaks results in offensive noise impacting resident's amenity. The current truck depot and recycling facility operates 24/7. Based on current management practices and minimal complaints it would appear that the facility is operating appropriately. Given the consistency of the submissions objecting to the potential noise from the proposed development mitigation measures will be imposed as conditions of development consent if forthcoming.

6.4 Air Quality (Dust and Odour)

Air quality is one of the most contentious issues that have been identified particularly in relation to potential odour and the impact this may have on adjoining businesses and residents within 250m of the proposed development and some within 40m of the subject site.

Applicant's Position - It is proposed to construct a facility that has been designed to screen up to 95,000 tonnes per annum of putrescible and non-putrescible waste. Approximately 50% of this would be putrescible waste.

The proposed recovery hall would be completely enclosed except for 4 roller door openings for trucks to enter into the building and unload waste. Trucks would reverse into the hall from the eastern end of the building (Bowen Pace). General Solid waste would be delivered to the site as both source separated and mixed waste. The floor slab of the hall has been designed to capture all leachate.

Putrescible waste would be delivered to a dedicated section of the waste recovery hall. When 20 tonnes of putrescible waste is received the waste would be transferred into a waiting sealed trailer for delivery to a licensed processing facility. Putrescible waste that cannot be accepted for processing would be taken to landfill for disposal.

To manage and minimise potential odours from the putrescible waste it is anticipated that storage of putrescible waste will be limited to 100 tonnes at any one time with material loaded out daily to minimise the time on the floor. The use of odour/suppression sprays installed on the roof and keeping doors closed are measures proposed to mitigate fugitive odours.

The Air Quality and Greenhouse Gas Assessment (AQGGA), dated 13 February 2015 and the addendum to the AQGGA dated 15 March 2016 submitted with the additional information submission was prepared by Todoroski Air Sciences. It included an assessment of the potential impacts of odour, particulate matter and greenhouse gas emissions.

An assessment was based on modelling using conservative assumptions of the potential odour source and applicable odour emission rate. It is stated in the addendum submission that the assumptions are likely to generate an over prediction of the actual impact. Two modelling scenarios were considered.

Scenario 1 - includes incorporation of some of the proposed mitigation measures including an enclosed building and use of odour sprays.

Scenario 2 – includes consideration of the mitigation measures as above but with the inclusion of an extraction and filtration odour management system.

The results indicate that the odour levels at the sensitive receptors from estimated odour emissions emanating from the proposed development would be well below the applicable criteria for both scenarios. The predicted odour levels at the sensitive receptors for Scenario 2 are approximately half of those for Scenario 1.

The odour modelling results indicate that odour levels for Scenario 2 are lower than Scenario 1 and can be attributed to the addition of a filtration odour management system. Both scenarios are lower than the original scenario presented in the air quality assessment (the reason is not explained).

The predicted odour levels for the proposed development are not expected to be greater than 7 odour units (OU) in the surrounding area and can be characterised as appropriate for a sensitive receptor location.

The applicant has responded that if an air extraction and filtration system is required in the future it could be incorporated into the main waste recovery hall.

NSW EPA did issue GTA on 19 April 2016 based on the original odour assessment in the EIS with no extraction or filtration system.

As odour was a major concern raised by the community. As such Council commissioned SLR Consulting to peer review the air quality reports submitted as part of the development application. The review highlighted a number of limitations in the (AQGGA) and supporting documentation. The issues identified as high have been reproduced below:

The key issues identified to be of high/medium significance are as follows:

- *According to the Approved Methods a sensitive receptor is “A location where people are likely to work or reside; this may include a dwelling, school, hospital, office or public recreational area”. Several sensitive receptors including a number of caretaker dwellings (closest is less than 40 metres (m) from the site), a mosque and a school are closer to the Proposed Development Site than the sensitive receptors identified by the AQIA. Air pollutant/odour concentrations have not been assessed for these sensitive receptors. It is noted that according to the EPA’s General Terms of Approval, residents within an industrial zone are treated as industrial receptors for the purposes of noise assessments, but not for air quality assessments.*
- *Odour emission rates adopted by the AQIA are based on measurements carried out at a landfill. These emission rates are significantly less than publicly-available measurements carried out at waste transfer facilities in Australia. The use of the landfill odour emission rates is estimated to result in an under-prediction of ground level odour impacts at sensitive receptors by a factor of 3.7 to 18.2. This means that ground level odour concentrations at the sensitive receptors identified by the AQIA could potentially be in exceedance of the adopted criterion of 2 odour units (ou) (anywhere between 2.2 ou to 10.9 ou).*

- *The Approved Methods requires predicted emission concentrations to be combined with existing background levels before comparison with the relevant impact assessment criteria. While potential background levels for PM10 and PM2.5 concentrations have been established in the AQIA, other potential sources of odour emissions have not been considered. The AQIA only presents predicted incremental concentrations and does not take into account any background PM10 and PM2.5 or odour levels. Given the industrial zoning of the area surrounding the site and existing activities including the a concrete plant immediately to the north of the site, a landscape supplier approximately 100m south east of the site and a recycling centre 500m north east of the site, assuming zero background PM10 and PM2.5 and odour concentrations is not justified.*
- *While enclosing of the waste transfer building could potentially be an efficient measure for reducing fugitive emissions from site, the building would need to be equipped with a suitably designed air extraction system to ensure excessive build-up of odour does not occur inside the building. SLR understands that the current plan is to commission the building with no mechanical ventilation system. The provided documents do not specify what type of natural ventilation (if any) will be used. It is noted that the Applicant will be incorporating the capability for future upgrading of ventilation and odour treatment into the design of the building, but until that time, enclosing the building with no mechanical ventilation may potentially increase odour impacts at nearby receptors when doors or vent/louvres are opened, and may also result in air quality issues for workers inside the building.*
- *From the information presented in the Addendum Report, it is unclear how emissions from the enclosed building with no ventilation have been modelled. The addendum report also fails to specify critical modelling parameters, including ventilation airflow rates, the emission point location(s) and dimension(s), and how building downwash effects have been accounted for.*
- *Dust emissions from shredding activities on site are identified in the site's Environmental Management Plan as a potential source of excessive dust, but has not been identified by the AQIA as a dust source. Moreover, there are discrepancies in the number of truck movements specified in the AQIA and the EIS document.*
- *The latest version of the Environmental Management Plan provided to the Council does not include any information on ventilation or odour extraction and treatment, nor does it define triggers or include details on odour and air quality monitoring methodology.*

SLR concluded that it is not recommended that approval be granted for the proposed development until the above issues are satisfactorily resolved.

The applicant was given an opportunity to respond to SLR's report. A response was received on 12 September. The applicant states that after Todoroski's review of SLR's report it has concluded that the basis and conclusions of previous assessments are valid, and that no changes are required. The predicted air quality levels could be included in the EPA licence to enable noise compliance measurement to be conducted once the proposal is operational for verification.

Although SUEZ operates twelve recycling facilities within Australia, there are no equivalent built sites which could demonstrate success of this model. This leaves a risk in considering the proximity of receivers.

Assessment Comments

Council's Environmental Health Team reviewed Todoroski AQGGA and SLR Consulting's peer review and makes the following comments.

Odour can have a significant impact on people's quality of life. It could be a major source of future complaints if the information provided by the applicants is not managed appropriately or understated.

An amount of 70,000 tonnes a year of general waste including putrescible waste is very significant. Particularly, considering that most premises now days have recycling bins, reducing the amount of non-putrescible material in the waste stream. Which means it is likely to have a higher organic content.

Generally garbage smells. This is due to odour released when putrescible organics such as food scraps, meat, vegetables or nappies start to decompose. The decomposition of waste releases gases including carbon dioxide and organic sulphides. The variation of garbage content produces vastly different levels of odour depending on where the load has originated.

Odour is released after it has been sitting anaerobically, then the lid is opened or material mixed and turned encouraging interaction between decaying microbes in waste and air.

The first question which arises with the assessment is the question of whether all sensitive receptors have been identified and appropriately considered. The EPA's GTA requires the exact locations of dwellings, schools and hospitals. This is in accordance with the Technical Framework prepared by the Air Policy Section of NSW EPA, which defines sensitive receptor as:

A location where people are likely to work or reside; this may include a residential dwelling, school, hospital, office or public recreation area. An odour assessment should also consider the location of known or likely future receptors.

The applicant's air science consultant, Todoroski, has only assessed three dwellings as sensitive receptors. Whereas the independent peer review, undertaken by SLR Consulting, identified a school, a mosque and eight approved caretaker dwellings in addition to the three closest residential zoned properties, Council believes that the approved residences, mosque and school located in the industrial zone should be considered as sensitive receptors.

The response from the applicant's consultant was that:

It is noted that industrial areas are specifically zoned to allow the operation of facilities which have the potential to cause some level of environmental impacts such as noise, or odour, beyond their boundary.

This is a contradictory statement to section 3.3.1 of the EIS assessment, which states that *NSW legislation prohibits emissions that cause offensive odour to occur at any off-site receptor.*

In practice "offensive odour" can only be judged by public reaction to the odour. Reactions to odours can be very subjective and exponential. An offensive odour is one that affects the general life, health and wellbeing of an individual as a result of the intensity, character, frequency and duration of the odour. Managing odour is difficult as human response to odour is sensitive and needs to be reduced by a factor of 10 rather than a factor of two to achieve any significant difference in community perception. Half a bad smell is still a bad smell.

As the proposed development will be an EPA licenced facility, under section 129 of the POEO Act 1997, licenced activities must not cause or permit the emission of any offensive odour from the premises.

The GTA also notes that *No offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. No condition in any licence issued will identify a potentially offensive odour for the purposes of Section 129 of the POEO Act 1997.*

As a guide to assessment, the Technical Framework provides criteria for assessing the design and siting of new facilities. The nuisance value is presented as “Odour Units” and can be as low as 1 OU, which would not be detectable to most people and as high as 10 OU which would be obviously offensive. An odour assessment criterion of 7 OU is likely to represent the level below which “offensive” odours should not occur. Therefore the NSW EPA’s Technical Framework for Odour Assessment recommends that, as a design criterion, no individual should be exposed to ambient odour levels of greater than 7 OU (99th percentile, nose response time average).

The facility will be totally enclosed which makes it more of a work health and safety issue than an environmental issue with the assumption that the enclosed building would prevent the release of a large fraction of the odour from the waste floor. Enclosing the source also ameliorates the rate and hence quality of odour generated from the source, and available in the air for transport to the receiver. The Environmental Management Plan and the mitigation measures outlined in the EIS also include the requirement for storage of 100 tonnes of putrescible material at any one time for a period of 24 hours and uses odour/dust suppression sprays and keeping doors closed.

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. By having the odour sources within an enclosure the modelling suggests that the emissions and also transport of odorous emissions would be restricted and therefore there will not be a need for a filtration odour management system, at this time. This is due to potential odour impacts only impacting the industrial area.

The modelling also states that in terms of monitoring, continuous checking for excessive dust or odour levels will occur by visual identification of dust plumes and human detection of excessive odours. The trucks entering and leaving the building whenever the doors are opened would provide sufficient exchange of air to prevent dangerously high contaminant build-up in the building.

Council does not support these findings and challenged the report by engaging an independent peer review of the original AQGGA. The two reports are incompatible. There is some disagreement in the odour emission rate used to calculate the modelling. The review states that the odour emission rate of 3.65 OU.m³/m²/s is significantly lower than that measured from other transfer stations in Australia.

The building air management strategy is reliant on containment of odours within the building with closed doors. But in reality, the doors are left opened for extended periods during truck movements. Closing the doors immediately after trucks enter/exit the building is not practicable and is unlikely to occur in practice.

Fugitive emissions are likely to account for a substantial part of the total odour emission, and are difficult to capture. This would result in very expensive control equipment or very large ductwork, fans, filters and stacks, or both to dilute gases to acceptable levels at the breathing zone.

The applicants are waiting to assess the need for future upgrading of ventilation and odour treatment into the design of the building and will not be addressing mechanical odour control in the construction of the building. Council considers that fugitive emissions from the site will lead to odour concentrations at nearby sensitive receptors, particularly in the industrial zoned areas and a suitably designed air extraction system, must be required to reduce ground level odours at nearby receptors.

It is suggested that failure to control odours at the earliest stage, can intensify public opposition to the facility and make it difficult to manage the odour problem and protect public health at a later date. It is recommended that proactive requirements be made to control potential odour from the facility before it becomes operational and impacts the community with offensive odour complaints.

The closest sensitive receptor is within the radius of the affected zone for the worst-case scenario for the odour modelling and are therefore likely to be impacted by offensive odours under normal operational conditions without any filtration systems or contingency measures should the odour become unmanageable.

In relation to this issue the NSW Department of Health commented as follows in relation to the original and amended plans:

- *The EIS details the shed will be fully enclosed. The EIS provides only minimal detail on natural ventilation, and does not appear to make any reference to mechanical ventilation within the shed. There will be odour associated with the storage of waste, and fumes associated with machinery delivering and processing the waste. It is considered the odour and fumes generated will raise WH&S and amenity issues.*
- *The applicant claims that there is no requirement for mechanical ventilation to control odour emissions and remains a concern along with the dust and odour suppression system being manually operated by staff before and during unloading of tipping vehicles which is in contradiction of EIS which states it would be automated.*
- *The amendment does not consider the opening and closing of doors with regard to odour emissions*

Summary on Air Quality Issues - The applicant has not provided amended plans to show mechanical ventilation or the inclusion of an odour filtration system in the building. Therefore the proposed development can only be assessed as not having any filtration or mechanical ventilation. There is a level of uncertainty in the information submitted that leaves some doubt as to whether the community will be detrimentally impacted by fugitive odour emissions to an extent that is unreasonable.

Due to this level of uncertainty and the applicant's advice that they do not propose to install an air filtration system despite the fact that the modelling predicts a filtration system will reduce odour emission impacts, Council considers that the air quality issues have not been satisfactorily addressed. Consequently the development application does not meet the objectives of clause 8.1.2 (2) of the QDCP 2012 "Protect the amenity of existing residences within and close to industrial development", nor the zone objective IN1 – General Industrial of the QLEP 2012, clause 2.3 (1) (c) "To minimise any adverse effect of industry on other land uses".

In relation to odour the development application is not supported for the following reasons:

- 1) *Having regard to submissions received from NSW Health, it is considered that the proposed development presents an unacceptable level of risk in respect to the potential for adverse odour impacts.*
- 2) *The proposed development does not satisfy Clause 8.1.2(2) of the QDCP in that the proposed development does not protect the amenity of existing residences within and close to industrial development in relation to potential odour impacts.*
- 3) *The proposed development does not satisfy clause 8.2.1(3) of the QDCP in that adequate buffers are not provided to adjoining land uses to reduce adverse impacts from odours on surrounding land.*
- 4) *The proposed development does not satisfy the QDCP in that the proposed development does not preserve residential amenity.*
- 5) *The Noise Impact Assessment was prepared using an old plan and as such did not take into consideration reversing movements of vehicles into the building.*
- 6) *The proposed development has not provided for adequate mechanical ventilation and therefore poses a WHS risk for workers.*
- 7) *The proposed development has not provided for adequate treatment of odour and therefore the amenity of residences in the vicinity is unreasonably impacted.*
- 8) *Continuous checking for excessive dust or odour levels by visual identification of dust plumes and human detection of excessive odours is not considered acceptable. Those onsite become inherently desensitised to odour. There is not a tool available that will reliably monitor odour. Compliance would depend on an Authorised Officers nose.*

Particulate matter (dust) emissions primarily from vehicle movement from the site were not considered significant. Greenhouse gas emissions were also considered insignificant with no mitigation measures proposed.

6.5 Context and Setting

The subject site is zoned IN1 General Industrial and is within 250m of residential zoned land. The proposed development generally is suitable within the industrial zone however it is considered the development is too close to residential environment. The potential impacts on adjacent properties is further discussed in the suitability of the site.

As outlined in the QDCP 2012 assessment clause 8.2.3(a) the façade facing shed should be of high design quality, the recovery hall given its height has a substantial mass. Though this is out of context with surrounding development, its mass could be broken up with some façade treatments to provide some visual relief to the immediate streetscape, particularly as viewed from Gilmore Road and Bowen Place.

Further the proposed development provides minimal edge treatments at boundaries. Under the QDCP 2012, clause 8.2.1(a), insufficient landscaping widths have been provided between the property boundary and the parking. If a new DA is submitted issues like those outlined could be address in an amended design.

6.6 Competition/Capacity

One submission supports investment in this type of infrastructure within the region and supports the proposed facility from a regional waste management approach. Whereas another 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. From a business perspective it is logical to locate a business in the most accessible and viable market. However, what is relevant in this situation is ensuring the development has acceptable impacts on those in its vicinity.

Concern was expressed that this 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 not a planning consideration and therefore there is no issue with this concern.

6.7 Devaluation of property

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.

Loss of property values to surrounding dwellings is not a concern that can be substantiated considering the development is permitted within the subject zone.

Due to such position taken by the Courts no further comment is provided on this matter.

6.8 Vermin

Submissions raise concerns that the facility will attract vermin, pests and other air borne pests. NSW Health supports this concern. The applicant was required to provide an Environmental Management Plan (EMP) and address a number of issues including implementation, monitoring and control strategies to address vermin control.

An EMP was submitted with the Additional Information Submission on 4 November (amended plans) and addressed vermin and insect management. NSW Health stated that the EMP could be improved in terms of content and level of detail. Based on this advice Council is of the view that if development consent is forthcoming suitable conditions will be imposed.

6.9 Hazardous Waste

The facility would accept waste types of a hazardous nature and liquid waste. The proposed facility would store several types of dangerous goods. The maximum storage quantities of chemicals will include the following:

- C1 Combustible Liquids – diesel fuel 10,000L
- C2 Combustible liquid – oils 820L
- D220 - Class 8 PG III – 200kg battery acid
- J120 Water/Hydrocarbon mixtures
- K110 Grease trap waste
- D120 - Fluorescent tubes

It was also originally proposed to store the following materials, however these appear not to be nominated in the EIS. It is assumed these material are no longer to be collected.

- F100 Class 3 PG II/III – paint and solvents <500L
- Class 6.2 Medical/clinical waste

It is stated that a Preliminary Hazard Analysis has been prepared in accordance with “Multi-Level Risk Assessment”, “Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning” and the “Hazardous Industry Planning Advisory Paper No. 6 – Guideline for Hazardous Analysis”, all published by Department of Planning and Environment.

Limited information has been provided in the documentation regarding the location and storage of hazardous materials. It is noted that the General Terms of Approval issued by the EPA require all waste to be stored in designated areas and bays within the enclosed buildings at the premises at all times. These locations or bay arrangements have not been clearly identified.

The above ground bunded storage tanks proposed on the southern side of the facility have been nominated for grease trap waste. Location of a tank for Water/Hydrocarbon mixtures has not been identified. These will be collected by specialist sealed liquid waste vehicles and taken to a treatment facility for further processing, treatment and reuse. Waste will be decanted via a sealed vacuum system into the dedicated tankers. Emissions from the grease trap activity will be managed by a self-contained system. This process is not uncommon at other facilities and recognised by NSW EPA.

Hazardous and toxic materials must be stored in accordance with Australian Standard AS 1940-2004 "The Storage and handling of flammable and combustible liquids and the WorkCover "Code of practice for the storage and handling of Dangerous Goods". A detailed design for liquid waste management will be required to be carried out prior to construction should consent be granted. All safeguards and bunding to comply with WorkSafe and EPA requirements will be provided.

7.0 Evaluation Under Section 79C(1)(c) - Suitability of the Site for Development

Applicant's Position - In the EIS the applicant submits justification for the site selection process.

The criteria as stated by the applicant are:

- Sufficient site space
- Security of tenure
- Central location with excellent access
- Access to major arterial road network to minimise transport costs
- Compatible with the industrial nature of the precinct and neighbouring land uses
- Appropriate buffer zones; and
- Potential for 24 hour operation to avoid congested traffic period.

General industrial sites in Queanbeyan West and the ACT were considered but not identified in the EIS. However, Suez's existing site in Hume (ACT) was identified but due to insufficient space the site was not further considered for the proposed facility. There were two sites that the applicant pursued:

1. ACT, Resource Recovery Estate, Mugga Lane - This site was discounted as there is a requirement to source waste within the ACT only and the final destination for waste is also to remain within the ACT. Due to pricing structure it is unlikely that the proposed development would be able to compete commercially.
2. SUEZ's existing Truck Maintenance Depot and Waste Transfer Station, Queanbeyan West. The applicant states that the site meets the criteria outlined above and has additional space available to construct additional structures to facilitate an increase in waste types. This is the preferred site.

The preferred site was identified based on the following reasons:

- The site is currently used as a resource recovery facility and is currently leased by Suez;
- It is dedicated, purpose – created estate;
- The central location of the estate with excellent access to waste and recycling market;
- There is sufficient site space and security of tenure;
- The proposal is consistent with the industrial nature of the precinct and neighbouring land uses and;
- The ability to reuse existing infrastructure suited SUEZ's sustainability initiatives and reduced construction costs.

The applicant outlines that one possible alternative was to “do nothing”, and the facility would not proceed and waste would continue to be diverted to landfill at the current rate. The applicant states that this would result in a Suez becoming increasingly non-competitive and would not be fulfilling the company's Mission Statement. From a more strategic perspective the following would occur:

- Supply of materials for beneficial reuse would be reduced;
- Community, Government and regulatory expectation for reducing waste as a valuable resource would not be met;
- Further stress would be place on finite, already limited landfill resources;
- The opportunity for contributing to a reduction in leachate contamination and volumes from landfill would be lost; and
- There would be no reduction in greenhouse gas from putrescible materials in landfill.

Assessment Comments

Submissions received object to the location of the proposed development for two main reasons:

- 1) the proximity of the site close to the town entry; and
- 2) the proximity of the site to residential development, business zones and other sensitive areas

There is no question that the subject site in isolation is ideal for the proposed waste or resource management facility. The subject site is located within an industrial zone IN1. The proposed “waste or resource management facility” is permitted in this zone with consent. The site is well located with good access to RMS approved B-double truck routes. The site is located close to the town entry with potential views from Canberra Avenue (the main Queanbeyan-Canberra link road), Kealman Road and Gilmore Road.

The site is not visible from the main Canberra Ave/Kendall Ave/Gilmore Road intersection just to the north of the development and there are other industrial developments that are visible at this point – Reece Plumbing, Kent Removals and Storage and associated containers, and closer to the development site, the Monaro Mix concrete batching plant. It is agreed that industrial development is not a preferred land use at the entry point of any town or regional city but it is not uncommon due to proximity of major transport routes.

The proposed facility would be visible for a short distance of less than 50 m when driving in an easterly direction along Canberra Avenue. This section of the road is 400m from the city’s entry and is heavily screened with dense landscaping in the centre line of Canberra Avenue. The location of the proposed development is suitable in relation to the proximity of the town entry.

The 12.0m high building constructed from reinforced concrete panels will be visible from Canberra Avenue and Gilmore Road. The external appearance of the facility is not out of character with other buildings in the industrial areas however, the facility could provide some design relief to the façade to improve its visual appearance from the Bowen Place and Gilmore Road elevations. If development consent is forthcoming amended plans will be required to be submitted to show visual relief to the Bowen Place and Gilmore Road facades.

The facility’s main objective is to divert more waste from landfill by managing regional and local waste which is consistent with the *NSW Waste Avoidance and Resource Recovery Strategy 2014-21*. The site has capacity to meet operational needs with excellent access to transport corridors and is close to its markets. However, the site co-exists with a mix of industrial and light industrial uses within the site’s immediate proximity and even more controversially, is the location of residential dwellings and zoning within 250m of the subject site.

Many existing industries have been able to co-exist within this locality successfully for some time however, complaints arise indicating there are land use conflicts between industrial and residential development. This is not a new issue but is one that has to be considered and balanced appropriately. The justification provided against the compatibility with neighbouring land uses is not well developed in the options for locating the facility.

The Director General's requirements (2013) require an assessment of alternative sites. In particular the EIS should "outline the criteria used in selecting the proposed site and justification of that selection (particularly in terms of safety and pollution issues), including consideration of feasible alternative locations to the proposal and reasons for their rejection as well as the consequences of not undertaking the activity as proposed". A comprehensive site selection process should have justified the sites compatibility with the industrial nature of the precinct and neighbouring land uses more fully.

The applicant states that in the ACT and southwestern NSW area SUEZ operate a resource recovery facility at Hume and Bathurst however, these facilities have limited capacity for expansion to develop as a large resource recovery facility that is capable of handling a range of waste types. There is no evidence that alternative sites outside of Suez's ownership were actively investigated although it is acknowledged that it is unreasonable to consider every possible site that may be suitable for the proposed development when considering alternatives for the proposed site.

Based on the ability of the existing SUEZ facility at 172-192 Gilmore Road to operate as a combined facility the subject site is preferred for the proposed development by SUEZ and the applicant and further site investigation is not required. The applicant states that the buildings, design of the facility and the landform provide adequate buffer and distance from residential areas and as the facility is within a dedicated industrial precinct the site is suitably located. However, having regard to the submissions received from the public and from government authorities the site is not well located and the impacts of the proposed development in relation to noise and odour consideration of an alternative site should be pursued.

Submitters also raised concerns that the site was previously zoned residential and the future zoning should be changed from industrial to residential. Research has indicated that the subject site and land surrounding the site has been zoned industrial as far back as the first municipal planning scheme in 1967.

In the Queanbeyan Residential and Economic Strategy 2031 the same land is identified for industrial purposes and as such there is no consideration for this land to be rezoned for residential purposes.

NSW Health is concerned for the protection and preservation of amenity to residences within close proximity to the development. The impact from the accumulation of waste and exudates associated with the development has not been adequately addressed in the EIS and concern is raised in the second referral dated 21 December 2016. The applicant states that mechanical ventilation to control odour is not required.

Summary - The location of the proposed development for operational purposes is acceptable in relation to zoning and suitability with regard to good access routes. However, there is inconclusive evidence in the information submitted that adjoining residents will not be adversely impacted by odour particularly as there is no mechanical ventilation and no mitigation measures to suppress odours. Nor is there any evidence that alternative sites outside of SUEZ's ownership/tenure were actively investigated. The proposed development in terms of location is not suitable and consideration should be given to refusing the application for the following reasons:

- 1) The proposed development has not provided for adequate treatment of odour and therefore the amenity of residents and workers in the vicinity is unreasonably impacted.
- 2) The applicant has not satisfactorily addressed the Director General's requirements in relation to the consideration of alternative sites for the development.

8.0 Section 79C(1)(d) – Any Submissions made in relation to the Development

8.1 Lodgement of DA and Exhibition

The Director General's requirements for the designated development required that consultation for the proposal was to include surrounding landowners and occupiers that are likely to be impacted by the proposal. (See EIS – Appendix 1).

The development application was therefore publicly notified and exhibited in accordance with the provisions of the EP&A Act as integrated development and designated development for at least 30 days. The development application was placed on public exhibition on 17 September 2015 to 23 October 2015. After a preliminary assessment it was determined that notification to a wider selection of properties was warranted and therefore the application was renotified from 12 January 2016 to 4 March 2016. Properties within an approximate 500m radius from the subject site were notified.

The JRPP chaired a public meeting briefing on 15 March 2016. The purpose of the meeting was to allow the panel to listen to the community and understand the key concerns of the proposal. A summary of the issues raised in the meeting is in Appendix G.

Amended plans were received from the applicant on 4 November 2016 and as a result the modified design was readvertised from the 22 November to 23 December 2016.

In addition the applicant held a public drop in meeting on 25 February 2016.

8.2 Submissions Received

During the public notification period and consultation process with external and internal bodies the following submissions were received:

External referrals

- NSW Fire and Rescue
- NSW Police
- Canberra Airport
- Commonwealth Department of Defence
- NSW Health
- NSW Planning and Environment
- NSW Environment Protection Authority
- NSW Transport – Roads and Maritime Services
- ACT Government

Internal referrals

- Building Team
- Development Engineering Team
- Environmental Health Team

General Public

Submissions were received from 117 submitters during the exhibition periods. A summary of submissions is attached in Appendix F and a discussion of the issues raised is in this report.

8.3 External Referrals

8.3.1 ACT Government

The subject site is within 250m of the ACT boundary and Council notified the ACT government of the proposed development. The ACT Government on 18 February 2016 has advised it does not have any specific concerns on the development but offers the following comments with regard to a shared approach to waste management.

ACT supports investment in improved waste infrastructure for the region. The Canberra Region Joint Organisation (CBRJO) Waste Stream Management Strategy 2012-2032 sets a vision for “a waste-free southeast community where sustainability is second nature (based on a localised, materials transformation future)”. An ACT waste project team is working with the CBRJO on a regional approach to developing waste solutions to help the region achieve economies of scale to enable new business opportunities for materials recovery.

8.3.2 Department of Defence

The subject site is within 2km of HMAS Harman and is within the IN1 – General Industry Zone. Before development consent can be granted in accordance with CI 7.11 of the QLEP 2012 comments from the Department of Defence must be considered where the proposed building height is 8.5m and greater. The proposed height of the building is 12m.

The DA was referred to the Commonwealth Department of Defence (CDD) on 22 February 2016. The CDD has advised that it does not object to a building height which exceeds 8.5m as set out in CI 7.11 of the QLEP 2012. However, the CDD is concerned that the proposed development may emit odours and this will cause a nuisance and pose a workplace health and safety risk to those at HMAS Harman. Therefore CDD recommend a condition that the applicant is to comply with the NSW Environmental Protection Agency (EPA) Technical Framework – Assessment and Management of Odour from Stationary Sources (as amended) should this development be approved.

Secondly CDD has advised in its submissions that noise emissions from a 24 hour operation may impact on residents within HMAS Harman, therefore CDD recommends a condition that the applicant is to comply with the NSW EPA Industrial Noise Policy (as amended) should this development be approved.

Amended plans were referred to the CDD on 1 December 2016 and in response the CDD has no objection to the amended plans and makes no amendment to the comments provided previously.

These comments are noted and if approval is forthcoming appropriate conditions of consent will be included.

8.3.3 NSW Police

In April 2001 the NSW Minister for Planning introduced Crime Prevention Guidelines to Section 79C of the EP&A Act 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. If development presents a crime risk the applicant can be requested to modify the plans to reduce the risk or the consent authority can refuse the application on the grounds that crime risk cannot be appropriately minimised. An assessment is undertaken using the crime prevention strategy "Crime Prevention through Environmental Design (CPTED)".

NSW Police provided comments on 26 October 2015 and the main concerns related to:

- Ensuring the site is adequately secured with suitable fencing;
- All gates and access points to be adequately secured;
- Roller shutter doors to have secure access;
- Safe egress and ingress points are installed.

No objections are raised to the proposed development from a safety perspective.

Amended plans were referred to NSW Police on 29 November 2016.

NSW Police conclude that the proposed development is a low-crime risk however recommend CPTED treatments to reduce opportunities for crime should this development be approved.

These comments are noted and if consent is forthcoming appropriate conditions would be applied.

8.3.4 NSW Environment Protection Authority (EPA)

The proposed development is a licensed facility and therefore the development is integrated development under the EP&A Act 1979 (section 2.0).

The development application was referred to the EPA seeking general terms of approval on 18 September 2015.

In accordance with CI 69 of the EP&A Reg 2000 Council forward a copy of all submissions received in response to the advertised and notified development proposal.

General Terms of Approval were issued on 19 April 2016 and determined that EPA can issue an Environment Protection Licence for the proposal, subject to a number of conditions Appendix J.

Amended plans were referred to EPA on 30 November 2016 seeking EPA's comments on a modification of the development application. The EPA responded on 22 December 2016 that the GTA's concerning noise and odour would not need to be amended.

The EPA reviewed the amended plans and provided the following comments:

- The amended DA removes the proposal to transfer treated wastewater from the neighbouring concrete batching plant, and replaces it with a proposal to enter into a Trade Waste Agreement with QPRC to discharge the treated wastewater into Council's sewerage system. The EPA will therefore need to amend condition L1.1 to remove the mention of the concrete batching plant and replace it with mention of the proposed discharge to Council's sewerage system. The EPA supports the modification.
- The revised noise assessment predicted lower LAeq (15 mins) and LAmax operational noise levels than the original assessment. There does not appear to be an explanation as to why the revised noise levels were lower. The only exceedance now is for LAmax at receiver three by 1 decibel (dB), instead of the original prediction of a 7dB exceedance. The EPA agrees with the proponent that this 1dB exceedance is minor and is unlikely to be perceptible to human hearing. The EPA will not need to amend the GTA's concerning noise.
- The revised odour assessment predicted lower odour levels from the proposal due to the inclusion of the proposed odour management system in the modification, and odour levels therefore remain under the EPA's odour goals. The EPA will not need to amend GTA's concerning odour.

The EPA notes that at the time of providing the revised GTA advice on 22 December 2016 it was not provided with any of the second round public submissions. In accordance with CI 69 of the EP&A Reg 2000 Council forwarded a copy of all submissions received in response to the amended development proposal on 20 June 2017. Subsequent to reviewing the submissions the EPA provided the following advice:

The EPA did not identify any additional environmental issues to those already considered and as such the EPA's original GTA issued in April 2016 and December 2016 remain valid for the proposal with the EPA being able to issue an environment protection licence if the DA is approved. However, the EPA sought clarification from Council that approvals have been granted for caretaker residences within the general industry and light industry zones. In this regard the EPA notes the public concern has been raised in relation to the overall suitability of the site to accommodate the proposed development. Whilst the proposal meets the EPA's guidelines requirements it does not guarantee that potential land use conflicts many not arise as a result of the proposal and it is the consent authorities responsibility to ensure that the selected location is compatible with the existing nature and character of the surrounding areas and will not result in land use conflict scenarios and is in keeping with the broader strategic planning objectives of the area.

8.3.5 NSW Health

The development application was referred to NSW Health seeking comments on 22 February 2016. NSW Health has advised in its submission on 17 March 2016 the following comments for consideration:

- Putrescible waste from commercial sources will generate odour, and attract flies and vermin. The EIS indicates the putrescible waste could be stored for up to 24 hours before collection. The EIS details a vermin control program will be designed. No details of the program are provided in the EIS. A detailed vermin control program including implementation, monitoring and control strategies should be furnished to Council for consideration.

- The EIS details the shed will be fully enclosed. The EIS provides only minimal detail on natural ventilation, and does not appear to make any reference to mechanical ventilation within the shed. There will be odour associated with the storage of waste, and fumes associated with machinery delivering and processing the waste. It is considered the odour and fumes generated will raise WH&S and amenity issues.
- The EIS details a basement carpark with sixty-one car spaces proposed, with one entry/exit via a ramp and roller shutter door. The EIS does not appear to make any reference to mechanical ventilation within the carpark. There will be fumes associated with vehicles using the carpark. It is considered the fumes generated will raise WH&S and amenity issues [basement subsequently deleted in amended plans].
- The odour modelling in the EIS assumes an enclosed shed. The EIS details vehicle movements per day. The odour modelling does not appear to consider the vehicle movements and the associated opening and closing of doors for the delivery and movement of waste.
- The EIS does not adequately address public health or WH&S. An Operational Management Plan including details of PPE, immunisation, handwash/decontamination facilities should be furnished to Council for consideration.
- The EIS details storage of liquid trade wastes from commercial settings will be stored outdoors for extended periods. The EIS does not address the quality of the waste or quantify the volume of waste. The EIS does not provide detail on the bunding, or address the odours or possibly toxic fumes associated with filling and emptying the storages.
- The EIS details a proposal to treat leachate and truck wash waste water for re-use at the neighbouring concrete batching plant. There are potential public health implications associated with re-using the leachate and waste water. The EIS does not address the quality or quantity of the leachate/waste water, or adequately detail the level of treatment and disinfection proposed. Further, consideration should be given by Council to the setting of specific water quality criterion which must be met by the applicant as part of the Section 68 approval process.
- Concern exists for the protection and preservation of amenity to residences within close proximity to the development. The impact from the accumulation of waste and exudates associated with the development has not been addressed in the EIS.

Council referred amended plans to the NSW Health on 30 November 2016. NSW Health made further comments on the proposal dated 21 December 2016 and stated that:

- The Vermin control program submitted in the operational Environmental Management Plan could be improved in terms of content and level.
- The applicant claims that there is no requirement for mechanical ventilation to control odour emissions and remains a concern along with the dust and odour suppression system being manually operated by staff before and during unloading of tipping vehicles which is in contradiction of EIS which states it would be automated.
- The amendment does not consider the opening and closing of doors with regard to odour emissions

- Public Health and WH&A issues will be addressed through an Operational Management Plan and that final SWMS and other plans will be conditioned.
- There are minimal details on liquid trade waste,
- Uncertainty about stormwater being transported to Monaro Mix.
- Water on site would be used for vehicle wash down and landscaping and not used to clean external hard surfaces – NSW Health suggest that this is a contradiction as to what is occurring on site. A “waste management system specification is required prior to issue of construction certificate”.

These comments are noted and if approval is forthcoming the requirements will form part of the conditions of consent.

8.3.6 Fire and Rescue NSW

Comments on the proposal were provided by Fire and Rescue NSW (FRNSW) on 9 May 2016. FRNSW stated concerns in relation to the following matters:

- Due to the use of the building and site there is significant likelihood for fires to occur and for fires to significantly escalate.
- The main building is not proposed to be provided with automatic fires detection or automatic fires suppression systems; and
- Due to the nature of materials process, there is also potential for contaminated fire water runoff to pollute off-site storm water management systems and water courses. Due to the significant potential there is an increased likelihood that FRNSW personnel would need to actively manage the containment of polluted fire water runoff during a fire incident.

Therefore FRNSW in response to these issues recommended a number of conditions for inclusion in the conditions of development consent (Appendix E).

Council referred amended plans to the FRNSW on 30 November 2016. FRNSW made further comments on the proposal dated 22 December 2016 and stated the following;

- FRNSW recommend that the existing Fire Safety Study (FSS) be updated in accordance with Hazardous Industry Advisory Paper No 2 (HIAP No. 2) and that the FSS is required to be submitted to FRNSW for approval; and
- Item 1 in the Additional Information Submissions notes that SUEZ operates many resource recycling facilities in Australia and internationally and has considerable experience in fire preventions and suppression. In this regard FRNSW recommends that SUEZ incorporate any lessons learned into any updated Fire Safety Study.

These comments are noted and if approval is forthcoming the requirements will form part of the conditions of consent.

8.3.7 Commonwealth Infrastructure and Transport and Canberra Airport

The development application was referred to Canberra Airport and the Commonwealth Department of Infrastructure and transport on 4 February 2016 and amended plans on 2 December 2016 under Clause 7.6 Airspace Operations of the QLEP 2012, as the proposed building penetrated the 615AHD Obstacle Limitation Surface Map for the Canberra Airport.

Canberra Airport stated in their responses and more recent email of 26 September 2017 that the proposed waste management facility building can proceed without further assessment by CASA and Airservices or referral to DIRD subject to condition that :

- The proposed building does not exceed 614.50RL to allow for construction error and a survey certificate confirming the as-installed building height is provided to QPRC and Canberra Airport; or
- If the building is to remain at the proposed height of 617.15RL the applicant will need to apply for a Controlled Activity Approval under the Airspace Protection Regulations.

If a crane is required to construct the new building and the crane will exceed 615.00RL, the Developer must submit a crane operation plan for assessment and referral to CASA and Airservices for aviation safety assessment.

These comments are noted and if consent is forthcoming appropriate conditions would be applied.

8.3.8 NSW Planning and Environment (NSW P&E)

NSW Planning and Environment advised on 1 April 2016 that it has reviewed the submissions and notes that there are no issues of State or regional significance that apply to the proposal. The General Term of Approval provided by the EPA should be incorporated into any development consent granted by the council.

Council forwarded the second round of submissions to the Secretary of NSW P&E on 26 June 2017 to satisfy Section 81 (EP& Assessment Regulations 2000). Council pursued the Department for a formal response on a number of occasions without success. However, discussions with the Industrial Assessment Branch have indicated that Council has met the legislative requirement and as the quantity of putrescible waste proposed to be dealt with was less than 100,000 tonnes the development is not of State significance.

In this regard there are no further issues raised from NSW Planning and Environment.

8.3.9 NSW Transport – Roads and Maritime Services (RMS)

Under clause 104 of the Infrastructure SEPP the proposed development is Traffic Generating Development (Schedule 3) and therefore development comprising a recycling facility and waste transfer facility of any size or capacity is to be referred to RMS. Before determining a development application the consent authority must take into consideration any submissions that RMS provides in relation to the accessibility of the site and any potential traffic safety, road congestion or parking implications of the development.

First Referral – 18 September 2015 - RMS advised in its submission dated 13 October 2015 that it did not support the application in its current form. RMS identified issues to be addressed by the applicant:

- Heavy vehicle traffic generation rates need to be justified. RMS does not consider it acceptable or reasonable to use pro-rata methodology to distribute total movements into hourly movements.
- Staff traffic movements to be considered.
- Intersection analysis using SIDRA to be carried out based on traffic counts for existing AM and PM peaks. This base model needs to be calibrated using on site observations of queue lengths and delay. The future development scenario needs to consider movements associated with the already approved component of this development site. It needs to consider both heavy vehicle and staff movements.
- Depending on the result on the analysis, the developer needs to identify an appropriate intersection treatment.

Second Referral – 8 January 2016 - Council referred additional information to RMS. RMS advised on 1 February 2016 that the application does not provide enough information to assess the impact of the development and required evidence of the existing traffic movements for Stage 1 to justify the assumptions and prediction of the impact Stage 2 will have on the road network.

Depending on the evidence presented a SIDRA analysis may still be required.

Third Referral – 29 August 2016 - Council referred additional information to RMS. RMS advised on 12 September 2016 that it still does not support the application. The following comments are provided:

- RMS continues to have concerns with the intersection of Canberra Avenue and Kealman Road. The applicant has not provided enough information to assess the impacts that the development will create on this intersection.
- RMS required existing traffic counts for the AM and PM peak periods to be provided.
- RMS may require Intersection modelling using SIDRA to be undertaken
- The applicant then needs to identify suitable infrastructure required to ameliorate any traffic impacts and safety impacts associated with the development. Concept plans are required for any works proposed within the road reserve prior to determination to demonstrate that they can be constructed within the road reserve. If the works could not be constructed within the road reserve, RMS would not support the proposal unless appropriate legally binding arrangements were in place to ensure that the appropriate land required to construct the works could be obtained.

Fourth Referral – 30 November 2016 - Council referred amended plans and documentation to RMS. RMS advised on 19 December 2016 that it does not support the application. The following comments are reiterated:

- RMS continues to have concerns with increasing heavy vehicle volumes through the intersection of Canberra Avenue (Kings Highway) and Kealman Road. RMS recognises that the developer has indicated that the peak traffic generation of the development is likely to occur outside of the peak for traffic travelling along the Canberra Ave. In this regard RMS considers the developer should undertake traffic counts at the intersection of Canberra Ave and Kealman Road for both the proposed development peak hour and the existing Canberra Ave peak.
- Based on the abovementioned traffic counts, the developer needs to undertake SIDRA intersection modelling for the intersection of Canberra Avenue and Kealman Road, for the two peak scenarios discussed above. Consideration needs to be given to:
 - Full development of the site
 - AM and PM peak volumes and business peak volumes
 - The base SIDRA models must be calibrated with on-site observations in the AM and PM peak. This can be done by measuring existing queue lengths and delays
 - Electronic copies of all SIDRA modelling files are required for RMS review

RMS highlights that SIDRA intersection modelling had previously been requested in relation to the previous DA (337-2014). RMS understands that while consent to DA 337-2014 was granted by Council without the requested modelling having been undertaken, the applicant was formally advised by Council that modelling would be required prior to the determination of any future expansion of the development.

Additionally, RMS notes that the developer has indicated that articulated vehicles cannot undertake the left turn from Bowen Place into Kealman Road without using the full sealed width of Kealman Road. RMS notes the developer intends to prevent large articulated vehicles from undertaking this manoeuvre. However, it is unclear how the developer intends to restrict this movement.

Fifth Referral – 14 June 2017 - Council referred further information from the applicant's new traffic consultants TTW Taylor, Thomson and Whitting to RMS on 14 June 2017. RMS advised on 7 July 2017 that the DA does not provide sufficient information to assess the impacts of the development on the adjoining classified road. RMS require the following information:

- existing traffic counts for the two identified peak periods.
- RMS also notes the reasoning provided by the applicant for not requiring SIDRA analysis however, it considers that observations alone cannot foresee the impact of the future traffic generation, including the proposed development. Therefore the requested SIDRA data (refer to RMS letters dated 12 September 2016 and 19 of December 2016, attached) should be provided, to allow proper assessment of the proposal; and
- The turning paths for a 25m B-double should be applied to the intersection of Gilmore Road and Canberra Avenue to ensure the existing layouts cater for this size vehicle.

In addition to the above, RMS provides the following comments regarding the current design and impacts on the local road system for Council's consideration:

- Turning templates show a 12.5m large rigid vehicle would be unable to make the left turn from Kealman Road into Bowen Place at the same time as a 25m B-double was exiting Bowen Place. This should be addressed/ameliorated in future amendments;
- There is currently no provision restricting heavy vehicles from turning into Kealman Road from Canberra Avenue, therefore additional measures would be required to prevent vehicles larger than a car attempting the right turn from Kealman Road into Bowen Place;
- The turning paths on sheets C101 and C103 show the vehicle turning from the wrong side of Gilmore Road when entering the site. AUSTROADS turning templates indicate the vehicles appear to be able to enter the driveway from the correct side of the road. This should be confirmed with lodgement of amended turning path plans;
- Turning paths for a 25m B-double should be applied to the junction of Kealman Road and Gilmore Road to ensure the existing layouts cater for this size vehicle;
- RMS notes that the kerb return at the junction of Kealman Road and Bowen Place has been extended to prevent larger vehicles from making the left turn from Bowen place into Kealman Road. Investigations into the other properties that access from Bowen Place should be consulted to ensure that this proposed change will not affect their truck movements; and
- RMS notes that any signage on public roads should be standard signs for example a 'no right turn' sign should be R2-6 type. Any signage may need to be approved through the local traffic committee, and the appropriate road occupancy approval would be required prior to installation.

These comments are noted. The traffic consultant TTW prepared a response to these issues on 12 September 2017. The response has not been referred to RMS and Council's Development Engineer has made the following comments.

The applicant in its latest submission addressed a number of concerns listed by Council and RMS, the main issues and treatments are as listed:

1. Articulated vehicles exiting onto Bowen Place did not demonstrate satisfactory clearance in traffic lanes when halted at the Kealman Road Intersection. The applicant was able to demonstrate via the use of auto tracking software that a 19m articulated vehicle could safely and satisfactorily negotiate the intersection.
2. 25m B doubles partly blocked Bowen Place when turning out of the site. A revised template was used meeting Austroads and satisfying the issue of the trailer location when halted at the intersection.
3. Site Manoeuvrability was brought into question to ensure that all articulated vehicles could manoeuvre on site, the turning templates revised and supplied show adequate manoeuvrability on site.
4. The applicant was asked to show that a truck turning right out of Bowen Place did not compromise the stopping sight distance of traffic travelling towards Canberra Avenue along Kealman Road. The calculations provided by the applicant displayed that the intersection has adequate sight distance.

5. The applicant has proposed that all traffic enter Canberra Avenue via the signalised intersection on Gilmore Road, Council required to be satisfied that no truck could turn left out of Bowen Place and that the adjoining land holder had to support the proposal as this would affect their business (Monaro Mix Concrete)

The applicant was able to provide written support from the adjoining business owner and allow for engineering works to extend the kerb in Bowen Place to inhibit trucks to turn left and use the Kealman Road and Canberra Road intersection. Council also considers that a median in Kealman Road needs to be constructed to stop trucks mounting the kerb extension.

6. The site provides for parking of 59 cars and 17 Heavy Rigid Trucks, Council is satisfied that parking requirements for the proposed development have been addressed and that the articulation within the property meets the requirements of AS 2890.
7. The applicant however has not supplied a SIDRA analysis as previously requested by RMS, however the diversion of traffic through a phased signalised intersection should negate this requirement as the amount of potential traffic through a signal phase will not be increased as the lights phasing is not proposed to change during peak hours. The only affect may occur during non-peak hours where there may be a marginal increase.

Summary of RMS Position - The traffic report of Thomas Taylor and Whiting in its most recent version was referred to RMS in June 2017. RMS has not provided its support for the development in its reply of July 7 2017. RMS has continued to require a SIDRA analysis since the initial referral to them in 2015, which the applicant has not provided, and after review of this version required some intersection information to be provided for local roads.

Assessment Comments - Due to the route having a long standing B-Double access approval from RMS, Council considers that the local road comments by RMS are superfluous to any potential approval, and that a SIDRA analysis of the Kealman Rd / Canberra Avenue intersection required by RMS is of no consequence as traffic will not exit the site via this direction. Council notes that impacts onto Canberra Avenue will be over an even distribution of time via traffic light phasing on Gilmore Road, allowing any increase in traffic generation that will impact onto Canberra Avenue to be managed through light phasing.

The traffic and access requirements of the development application would require the conditioning of intersection works at Kealman Road and Bowen Place for the extension of kerb and the creation of a median to ensure that trucks do not attempt to mount the proposed kerb extension to make the left hand turn onto Kealman Road. The condition will also require the applicant to repair any failures in Bowen Place pavement and apply a 7/14 aggregate two coat bitumen reseal

8.4 Internal Referrals

8.4.1 Building Team

Comments were received from Council's Building Team on the original plans.

The following issues were identified:

1. Exits complying with the requirements of the *National Construction Code (NCC) Volume 1, Part D1 – Provision for escape* are to be provided from the basement carpark area and resource recovery hall. The roller doors servicing the resource recovery hall are not suitable exits as per the requirements of the NCC.
2. An accessible carpark space is to be provided in the proposed basement carpark area.
3. A lift or ramp capable of providing access for people with disabilities is to be provided from the accessible carpark space in the basement to the resource recovery hall.
4. Access for people with disabilities is to be provided from the property boundary to the principal entrance to the resource recovery hall.
5. An accessible unisex sanitary facility, 1 male and 1 female sanitary facility is to be provided in the resource recovery hall.

Amended plans were referred to the Building Team on 1 December 2016. The above comments have been reviewed in light of the amended plans and the following advice is provided:

1. Exits appear to comply with the National Construction Code (NCC) Volume 1, Part D1 – Provision for escape
2. Not applicable as basement car parking is not proposed in amended plans.
3. Not applicable as basement car parking is not proposed in amended plans.
4. Access for people with disabilities is to be provided from the property boundary to the principal entrance to the resource recovery hall. One disabled car space must be provided adjacent to the entry of the resource recovery hall including access with suitable gradient.
5. Male and female sanitary facilities have been provided. The plans do not indicate a disabled sanitary facility however, this can be resolved at Construction Certificate stage.

Assessment Comments – No objection to proposal subject to the imposition of standard conditions.

8.4.2 Development Engineering Team

Water – Comments are incorporated into discussion under Clause 7.9 Essential Services of the QLEP in section 5.1.3.1 of this report.

Sewer - Comments are incorporated into discussion under Clause 7.9 Essential Services of the QLEP in section 5.1.3.1 of this report.

Stormwater - Comments are incorporated into discussion under Clause 7.9 Essential Services of the QLEP in section 5.1.3.1 of this report.

Traffic / Access and Parking - The site traffic generation eventually impacts onto a classified road (Canberra Avenue). RMS are a referral authority for the development under the infrastructure SEPP. The application has been referred to RMS three times, where the applicant has attempted to address Council and RMS issues. The site access and egress has gone through modification to provide an entrance off Gilmore Road and exit onto Bowen Place along an approved RMS B-Double route.

The applicant in its latest submission addressed a number of concerns listed by Council and RMS. The main issues and treatments are as listed below:

1. Articulated vehicles exiting onto Bowen Place did not demonstrate satisfactory clearance in traffic lanes when halted at the Kealman Road Intersection. The applicant was able to demonstrate via the use of auto tracking software that a 19m articulated vehicle could safely and satisfactorily negotiate the intersection.
2. 25m B-doubles partly blocked Bowen Place when turning out of the site. A revised template was used meeting Austroads and satisfied the issue of the trailer location when halted at the intersection.
3. Site manoeuvrability was brought into question to ensure that all articulated vehicles could manoeuvre on site. The turning templates revised and supplied show adequate manoeuvrability on site.
4. The applicant was asked to show that a truck turning right out of Bowen Place did not compromise the stopping sight distance of traffic travelling towards Canberra Avenue along Kealman Road. The calculations provided by the applicant displayed that the intersection has adequate sight distance.
5. The applicant has proposed that all traffic enter Canberra Avenue via the signalised intersection on Gilmore Road. Council needed to be satisfied that no truck could turn left out of Bowen Place and that the adjoining land holder would support the proposal as this would affect their business (Monaro Mix Concrete). The applicant was able to provide written support from the adjoining business owner and made provision for engineering works to extend the kerb in Bowen Place to inhibit trucks to turn left and use the Kealman Road and Canberra Road intersection. Council also considers that a median in Kealman Road needs to be constructed to stop trucks mounting the kerb extension.
6. The site provides parking of 59 cars spaces and 18 Heavy Rigid Truck spaces. Council is satisfied that parking requirements for the proposed development have been addressed and that the articulation within the property meets the requirements of AS 2890.
7. The applicant however has not supplied a SIDRA analysis as previously requested by RMS, however the diversion of traffic through a phased signalised intersection should negate this requirement as the amount of potential traffic through a signal phase will not be increased as the lights phasing is not proposed to change during peak hour. The only affect may occur during non-peak hours where there may be a marginal increase.

Assessment Comments - The applicant has proposed that all traffic enter Canberra Avenue via the signalised intersection on Gilmore Road. As such, the applicant was to satisfy Council that no truck could turn left out of Bowen Place into Kealman Road and that the adjoining land holder had to support the proposal as this would affect their business (Monaro Mix Concrete).

The applicant was able to provide written support from the adjoining business owner and allow for engineering works to extend the kerb in Bowen Place to inhibit trucks turning left and using the Kealman Road and Canberra Road intersection. Council further to this consider that a median in Kealman Road needs to be constructed to stop trucks mounting the kerb extension. Should approval be granted appropriate conditions will need to be applied.

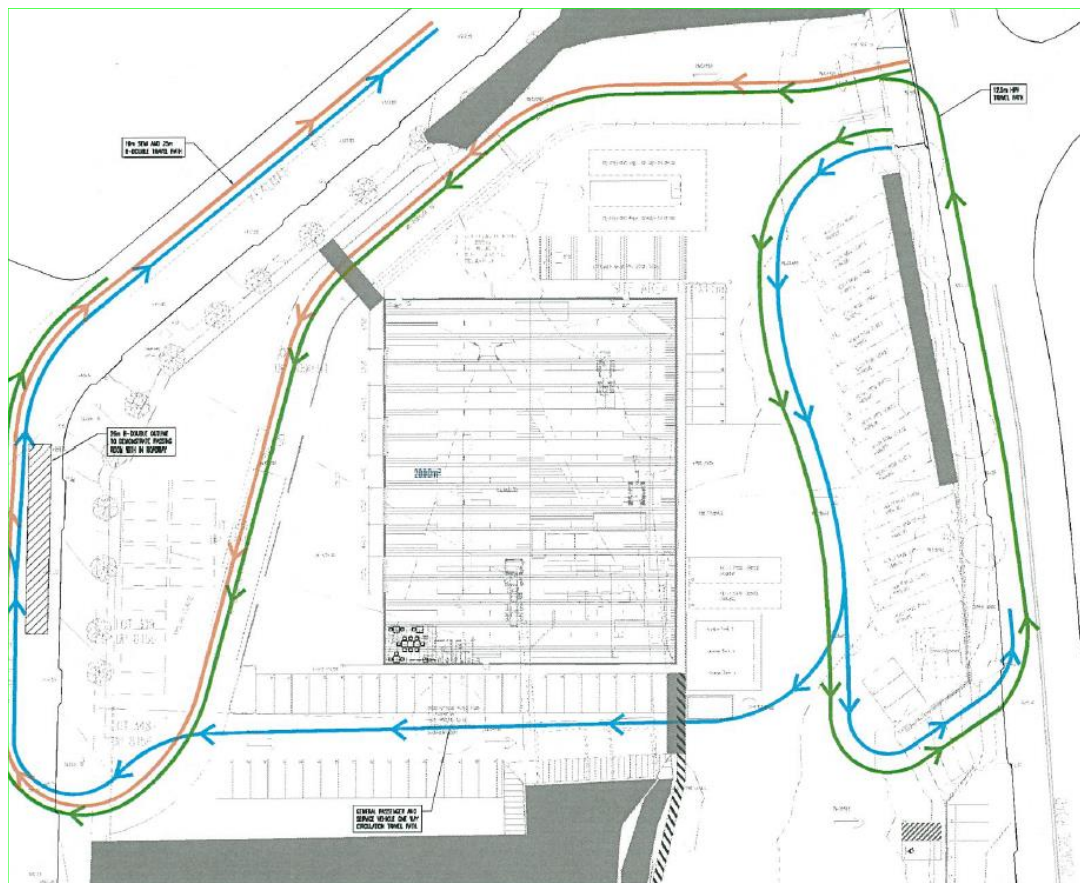


Figure 5: -Site Plan showing the proposed traffic circulation off Gilmore Road through the site onto Bowen Place.

Environmental Health Team

Noise - The noise report provided by the applicant has been assessed by a peer review. Generally the reviewer concurs with the predictions made in accordance with the NSW EPA's Industrial Noise Policy. If approved, the proponent will be required to undertake periodic noise monitoring once the site is fully operational to validate the assumptions made. As the facility is proposed to be operated 24 hours a day, 7 days a week, this imposes a requirement for noise to be appropriately managed to comply with the day, evening and night criteria.

Section C of the EPA's General Terms of Approval required *identification of any noise sensitive locations likely to be affected by activities at the site, such as residential properties, schools, churches and hospitals.*

There are concerns that all sensitive receivers are not recognised in the Noise Impact Assessment for the EIS. The proponent's consultants identified only 4 sensitive receivers:

- R1 – 15 John Bull Street
- R2 – 31 Stuart Street
- R3 – 54 Lorn Road
- I1 – 1 Kealman Road

Receivers R1 through R3 are located on land zoned specifically for residential use. A residential dwelling has been identified at I1, and is on land zoned for industrial use.

It is noted that additional receptors are located in the area zoned for industrial activity. These are all recognised by Council as approved premises.

The additional premises identified include the following premises shown in Figure 6 below:

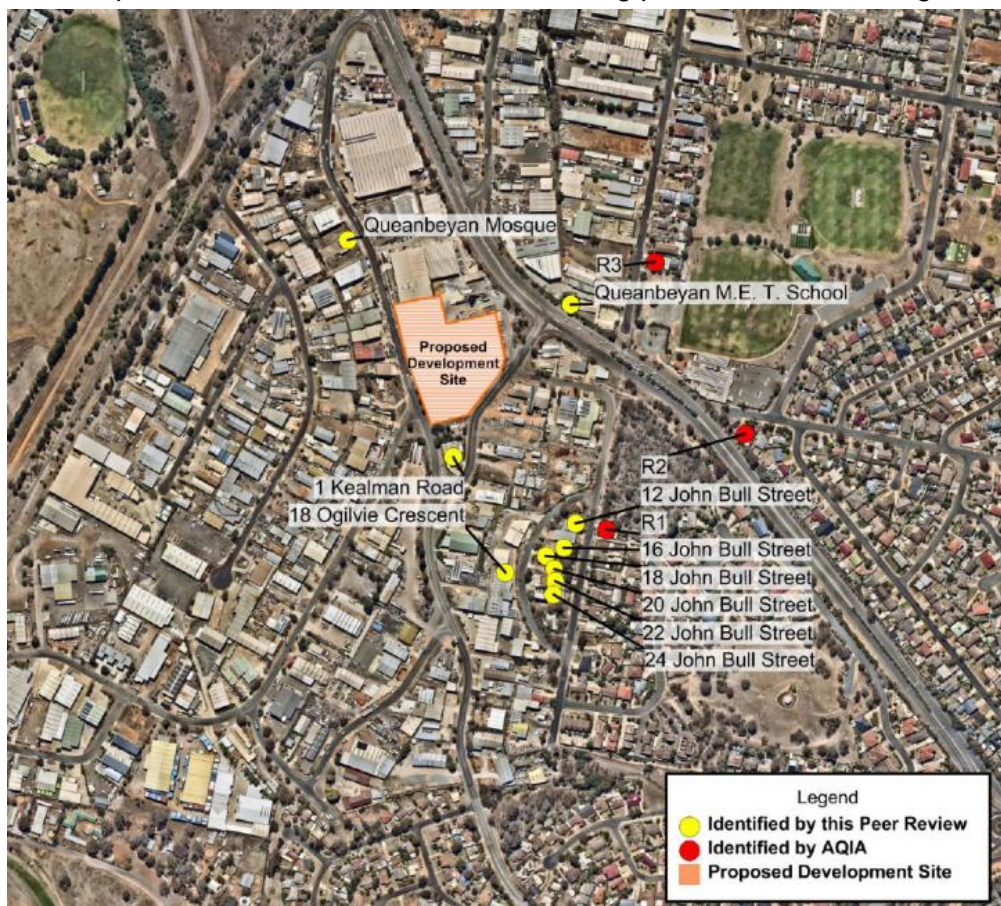


Figure 6: Location of Additional Potential Sensitive Receivers

The applicant's consultant has nominated use of Section 2.2.1 of the NSW Industrial Noise Policy which recommends that the industrial amenity criteria are applied to isolated residences within an industrial zone.

Industrial – an area defined as an industrial zone on an LEP. For isolated residences within an industrial zone the industrial amenity criteria would usually apply.

As the site is proposed to operate on a continual 24/7 basis, the focus of the operational noise assessment is predominantly concerned with the more stringent criteria for night-time operations. Assessment of the night time intrusiveness noise level of 37 dBA (LAeq,15 min) is the primary project specific goal for the residential zoned premises. Temperature inversion or adverse meteorological conditions must also be considered as exceedances of the design criteria of up to 3dBA were predicted by the peer review assessment. It is suggested that noise mitigation measures will be required for the operation to comply under calm/neutral and adverse meteorological conditions.

The isolated residence located at 1 Kealman Road has been treated as an industrial receiver with an amenity criteria of 70dBA. The Noise Impact Assessment contained within the EIS identified a project specific noise level of 60dBA be applied to this receiver given the proposed 24 hour operation of the facility.

Caretaker residences which are clustered in John Bull Street are also subject to the industrial criteria set by the Industrial Noise Policy. These properties have a primary use as a business and as such have less protection from amenity noise compared to areas zoned for dwellings. A controlling factor for these properties is the proximity of the single dwellings on the opposite side of the street. In order to meet the goal of 37 dBA for the residential properties, the caretaker residences will also benefit from mitigation measures.

One recommended mitigation measure within the assessment was that if a truck trailer with parking brake is used within the site, the sound pressure level is calculated to exceed sleep disturbance at the residential zoned properties. A recommendation has been included that if trucks are regularly required to apply trailer/parking brakes within outdoor areas of the proposed site then those trucks be fitted with silenced parking brakes.

Air Quality - Comments are incorporated into the discussion under section 6.4 Air Quality (Dust and Odour) of this report.

8.5 Public Submissions

Public consultation was undertaken in accordance with Clauses 78 and 81 of the EP&A Reg 2000. Two rounds of consultation were carried out as amended plans were received.

In response to the first public notification from 23 September to 23 October and then 12 January 2016 to 4 March 2016 Council received 112 submissions of objection, 1 submission of support and 3 petitions comprising 577 signatures against the proposed development.

In response to the second public notification process from 22 November 2016 to 23 December 2016 Council received 26 submissions of objection, of which 5 new submissions were received from people who had not previously made a submission.

Issues raised are generally addressed in the relevant sections throughout the content of this report. However, a summary of submissions is provided in Appendix F.

The JRPP also held a public meeting on 15 March 2016. Fifteen people made representations at that meeting. A summary of the public meeting submissions is

provided in Appendix G. The issues raised at that meeting are consistent with submissions received during the exhibition and notification periods. Responses to those submissions are in Appendix F.

9.0 Section 79C(1)(e) - The Public Interest

The proposed development has some obvious benefits to the wider regional community. Specifically the reduction of waste sent to landfill which goes along away to achieving ecological sustainable development. The development generates additional employment opportunities, which has positive economic spinoff effects within the region.

However at a local level the conflicts between different land uses are evident. The development results in adverse environmental and health impacts for the residents and occupiers in the community.

The proposed development does not demonstrate consistency with the zone objectives of the IN1 zone in the QLEP and a number of objectives and controls in the QDCP 2012.

There was substantial community objection to the proposed development based on social impacts that relate to amenity of adjoining land owners and occupiers.

Therefore based on the inconsistency with the specified objectives of the Act, QLEP 2012 and QDCP 2012, the considerations in the report, and the consistency in the submissions received objecting to the proposal, the development is considered not to be in the public interest. The proposed development is not supported.

10.0 Conclusion

A proposed development for the construction and establishment of a Waste or Resource Management Facility has been received for the following sites:

- 172-192 Gilmore Road (Part Lot 1 DP 1169293),
- 7 Kealman Road (Lot 2 DP 1000911)
- 1 Bowen Place (Lots 348, 349 and 350 DP 8458)

The proposal is both integrated and designated development. The proposal includes:

- Construction of a 12 m high recovery hall
- general solid waste (putrescible and non-putrescible) up to 70,000t/year
- expansion of current paper cardboard and plastics recyclables (source separated and co-mingled) up to 12,000tonnes/year from an existing 3000t/year
- J120 Waste oil/hydrocarbons mixture/emulsion in water (liquid waste) 2400 tonnes/year
- K110 Grease trap waste 2400tonnes/year
- Storage of fuel

There are no planning agreements entered into, or any draft planning agreements offered by the developer.

The development has been considered in respect of the following EPIs and Plans

- *Sydney Canberra Corridor Regional Strategy*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy 55 – Remediation of Land*
- *State Environmental Planning Policy 64 – Advertising Signs*
- *Queanbeyan Local Environmental Plan 2012*
- *Draft Queanbeyan Local Environment Plan 2012*
- *Queanbeyan Development Control Plan*
- *Draft Queanbeyan Development Control Plan 2017*
- *Section 94 Contribution Plan*
- *Section 64 developer Services Plans for Water and Sewer*

The proposed development is permissible with consent under the Infrastructure SEPP. The JRPP is the consent authority.

The proposed development is integrated development as a licence is required under the *Protection of the Environment Operations Act 1997*. General Terms of Approval have been issued by the NSW EPA.

The proposed development is Traffic Generating Development and was required to be referred to RMS for consideration. Continued concerns were raised by RMS that the development increases heavy vehicle volumes through the Canberra Avenue/Kealman Road intersection and a SIDRA intersection modelling needs to be undertaken. Amendments to the proposal have resulted in a design which prevents heavy vehicle movements through the Canberra/Kealman Road intersection and directs all movements onto Canberra Avenue via the signalised intersection of Canberra Avenue and Gilmore Road. As such Council is satisfied that the SIDRA analysis is no longer required.

The operation of the facility is proposed to operate 24 hours a day/7 days a week. The building does not incorporate any air extraction or filtration systems to reduce the impact of offensive odours on nearby residents and occupiers.

NSW Health are concerned about the workplace health and safety conditions for staff and potential impacts from offensive odour for nearby residents and businesses

The following additional government agencies were consulted and did not raise objection to the proposal and provided recommended conditions of development consent should the application be approved.

- Commonwealth Department of Defence
- Canberra Airport
- Fire and Rescue NSW
- NSW Police

Council is not satisfied that consideration of alternative sites for the proposal has been adequately demonstrated in this application.

The proposed development provides a positive economic benefit to the ACT and Queanbeyan region by providing long term employment opportunities during the operation stage. The ACT government supports the proposed development and notes that the key objective of the facility to divert waste from landfill is a positive economic factor for the region.

Despite the economic need for a facility in the locality, the public in the locality were very vocal in presenting their opposition to the proposed development. Their main concerns relate to air quality, traffic, noise, inappropriate location and hours of operation. These concerns are supported by NSW Health, RMS and Council.

The development fails to meet the objects of the Act, objectives of the QLEP2012 and QDCP 2012 and various controls. The development is located within 250m of a residentially zoned area containing dwellings. The proximity of the development to the residential neighbourhood results in unacceptable impacts specifically in relation to air quality on the residents and businesses in the locality. Weight has been given to the submissions made by the public and it is considered that the development is not in the public interest. Consequently it is recommended that the Southern Joint Regional Planning Panel (SJRPP) consider the above assessment and findings and refuse to grant development consent for the reasons set out in Section 11.0 Recommendations of this report.

11.0 Recommendation

1. Pursuant to Section 80(1)(b) of the *Environmental Planning and Assessment Act 1979 (the Act)* the subject Development Application (DA 338-2015) for a proposed Waste or Resource Management Facility at Part Lot 1 DP 1169293, Lots 348, 349, and 350 DP 8456, Lot 2 DP 1000911, known as 172-192 Gilmore Road , 7 Kealman Road, and 1 Bowen Place, Queanbeyan West, be refused consent for the following reasons:
 - A. The proposed development contravenes the objects of the *Environmental Planning and Assessment Act 1979* listed at Section 5 – specifically Objects (a)(i), in that it does not provide proper management and development of cities for the purpose of promoting the social welfare of the community.
 - B. Pursuant to S79C(1)(a)(i) of the Act:
 - (a) The RMS does not support the proposed development and their considerations should be given some weight given the proposal is a traffic generating development under the SEPP (Infrastructure) 2007 requiring referral to that agency.
 - (b) The proposed development is inconsistent with the objectives of IN1 General Industrial zone listed in the Queanbeyan Local Environmental Plan 2012, specifically objective 2.3(c) as mechanisms are not proposed to ensure that the development will not have any adverse effects on industry and other land uses in terms of air quality.
 - C. Pursuant to S79C(1)(a)(iii) of the Act:
 - (a) The proposal does not comply with the following objectives of the Queanbeyan Development Control Plan 2012:
 - i. 8.1.2 (2) - The proposed development does not protect the amenity of existing residences within and close to industrial development in relation to potential odour impacts.
 - ii. 8.1.2 (3) – The proposal does not prevent incompatible land uses being located in proximity to one another.
 - iii. 8.2.1 (3) - Adequate buffers are not provided to adjoining land uses to reduce adverse impacts from odours on surrounding land.
 - iv. 8.2.1 (4) – The proposal does not preserve residential amenity due to potential odour impacts.
 - v. 8.2.7 (3) - Minimise interference to existing and future amenity.
 - vi. 8.2.7 (4) – The proposal does not ensure that satisfactory measures are incorporated to alleviate negative environmental impacts associated with industrial land uses.
 - vii. 8.3.1 – The proposal does not ensure that Waste Resource Management facilities are designed and maintained to contribute positively to the streetscape and amenity.

- D. Pursuant to Section 79C(1)(b) of the Act – Likely Impacts:
- (a) Having regard to submissions received from NSW Health, it is considered that the proposed development presents an unacceptable level of risk in respect to the potential for adverse odour impacts.
 - (b) The proposed development has not provided for adequate mechanical ventilation and therefore poses a Workplace Health and Safety risk for workers.
 - (c) The proposed development has not provided for adequate treatment of odour and therefore the amenity of residents and businesses in the vicinity is unreasonably impacted.
 - (d) Continuous checking for excessive dust or odour levels by visual identification of dust plumes and human detection of excessive odours is not considered acceptable. Those onsite become inherently desensitised to odour. There is not a tool available that will reliably monitor odour. Compliance would depend on an Authorised Officers nose.
 - (e) The Noise Impact Assessment was prepared using an original plan and as such did not take into consideration reversing movements of vehicles into the building.
 - (f) The development will have detrimental social impacts in relation to the amenity of the Queanbeyan community.
- E. Pursuant to Section 79C(1)(c) of the Act - Suitability of the site for the development:
- (a) The application has not adequately considered alternatives to the proposal, namely alternative development sites.
 - (b) The proposed development does not satisfy the minimum recommended buffer distances for transfer stations to sensitive receivers as provided by Department of Environment and Conservation 2006 publication “Handbook for the Design and Operation of Rural and Regional Transfer Stations”.
- F. Pursuant to Section 79C(1)(e) of the Act the proposed development is not in the public interest for the following reasons;
- (a) The proposed development causes an unacceptable level of impact on the amenity of the residences at John Bull Street, workers in the vicinity and the Queanbeyan community due to potential air quality impacts including odour emissions. This is reflected in the consistency of those submissions received.
 - (b) The proposed development has not provided for adequate mechanical ventilation and filtration to ameliorate the potential impacts of offensive odours.
2. That those persons who made a submission during the periods of public exhibition be notified of the Panel's decision.
3. That the NSW EPA be notified of the Panel's decision.

12.0 Appendices

Appendix A – Queanbeyan Development Control Plan 2012 Assessment

Appendix B – Caretakers' dwellings

Appendix C – Location of Identified Sensitive Receptors

Appendix D – SEPP 33 Threshold Test

Appendix E – Agency Submissions

Appendix F – Summary of Submissions

Appendix G – JRPP Public Meeting Representations

Appendix H – Extracts from DA 337-2014 and DA 16-2015

Appendix I – ACT Government letter of support

Appendix J – General Terms of Approval – NSW Environmental Protection Authority

Appendix K – SLR Consulting Peer Review - Air Quality and Noise

Appendix L – Summary of Submissions from applicant

13.0 List of abbreviations used in the report

ACT – Australian Capital Territory
AQGGA – Air Quality Greenhouse Gas Assessment
CBD – Central Business District
DA – Development Application
CDD – Commonwealth Department of Defence
EIS - Environmental Impact Statement
EMP - Environment Management Plan
EPL – Environmental Protection Licence
EPA – Environment Protection Authority
EP&A Act 1979 – Environmental Protection Agency Act 1979
EP&A Reg 2000 – Environmental Protection Agency Regulation 2000
FRNSW – Fire and Rescue NSW
FSS – Fire Safety Study
GPT – Gross Pollutant traps
GTA – General Terms of Approval
INP – Industrial Noise Policy
JRPP - Joint Regional Planning Panel
NIA – Noise Impact Assessment
NSW (RMS) – New South Wales (Roads and Maritime Service)
NSW PE – New South Wales Planning and Environment
OLS – Obstacle Limitation Surface
OSD – On Site Detention
POEO Act 1997 – Protection of the Environment Operations Act 1997
PSNL – Project Specific Noise Level
QDCP 2012 – Queanbeyan Development Control Plan 2012
QLEP 2012 – Queanbeyan Local Environmental Plans 2012
RL – Reduced Level
SEE – Statement of Environmental Effects
SEPP – State Environmental Planning Policy
SLR- SLR Consulting Australia Pty Ltd
WM – Wilkinson Murray