



Planning and Strategy Committee of the Whole

11 October 2017

**SUPPLEMENTARY UNDER
SEPARATE COVER ATTACHMENTS**

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
PLANNING AND STRATEGY COMMITTEE OF THE WHOLE**

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Item 4.6 Joint Regional Planning Panel Meeting - 18 October 2017 - Consideration of DA 338-2015 - Waste or Resource Management Facility - 172-192 Gilmore Road, Queanbeyan West

Attachment 1 FINAL JRPP Assessment Report for Waste or Resource Management Facility (1)2

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

11 OCTOBER 2017

- ITEM 4.6 JOINT REGIONAL PLANNING PANEL MEETING - 18 OCTOBER
2017 - CONSIDERATION OF DA 338-2015 - WASTE OR
RESOURCE MANAGEMENT FACILITY - 172-192 GILMORE
ROAD, QUEANBEYAN WEST
- ATTACHMENT 1 FINAL JRPP ASSESSMENT REPORT FOR WASTE OR
RESOURCE MANAGEMENT FACILITY (1)

**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	Wetaline 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.

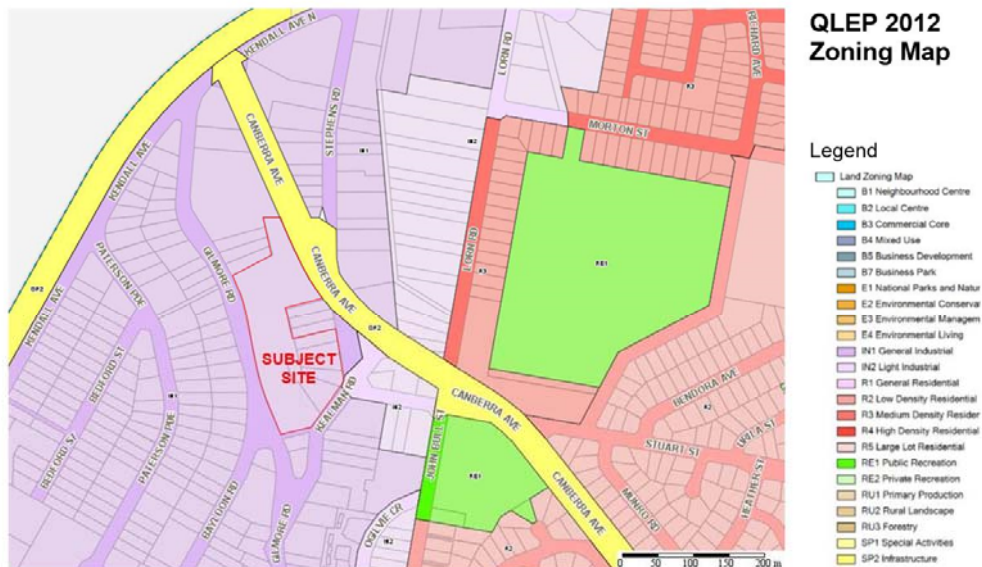


Figure 2: Zoning map of the subject site and surrounds

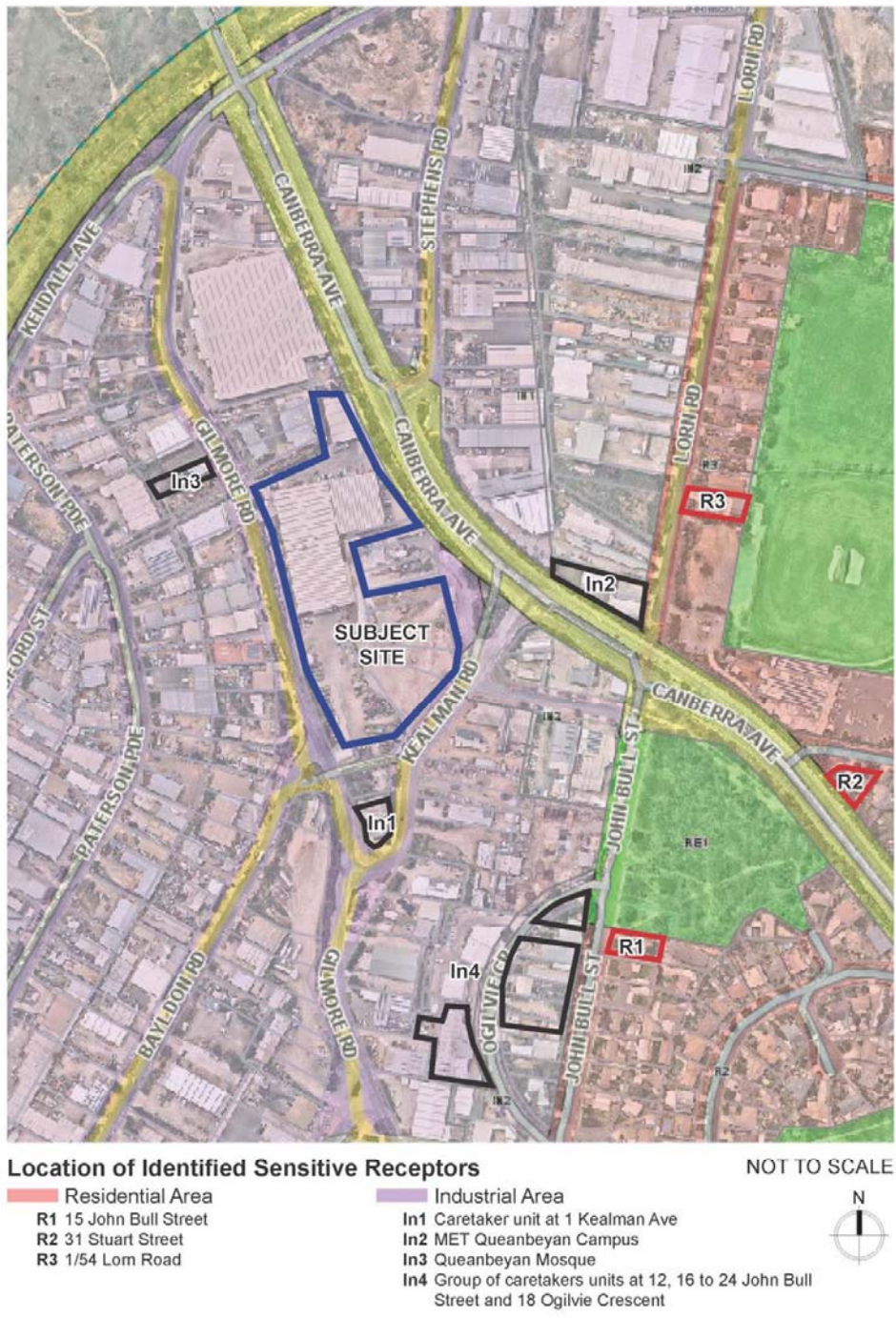


Figure 3: Location of Identified Sensitive Receptors

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	Truck depot and waste transfer station (paper, cardboard, fluorescent tubes and batteries) including: <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	Site excavated to be level with Bowen Place. The volume plan submitted with the application indicates a maximum volume of 28,127m ³ to be removed to a finished level of RL604.7. 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 30,000m ³ and therefore make the application designated development. A condition of consent was imposed -that the finished level shall not be less than RL604.7.

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 DA advertised and notified	10 September 2015
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