

## 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:

<b>Preliminary Hazard Screening - Risk Screening Criteria</b>				
<b>Class</b>	<b>Description</b>	<b>Quantity to be stored</b>	<b>Threshold Quantity</b>	<b>Threshold exceeded?</b>
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 were 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 where 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 28,127m<sup>3</sup> 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:*

- to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles,*
- to provide for a diversity of housing throughout Queanbeyan,*
- 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,*
- 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,*
- to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra,*
- to maintain the unique identity and country character of Queanbeyan,*
- 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 in 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.