

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.

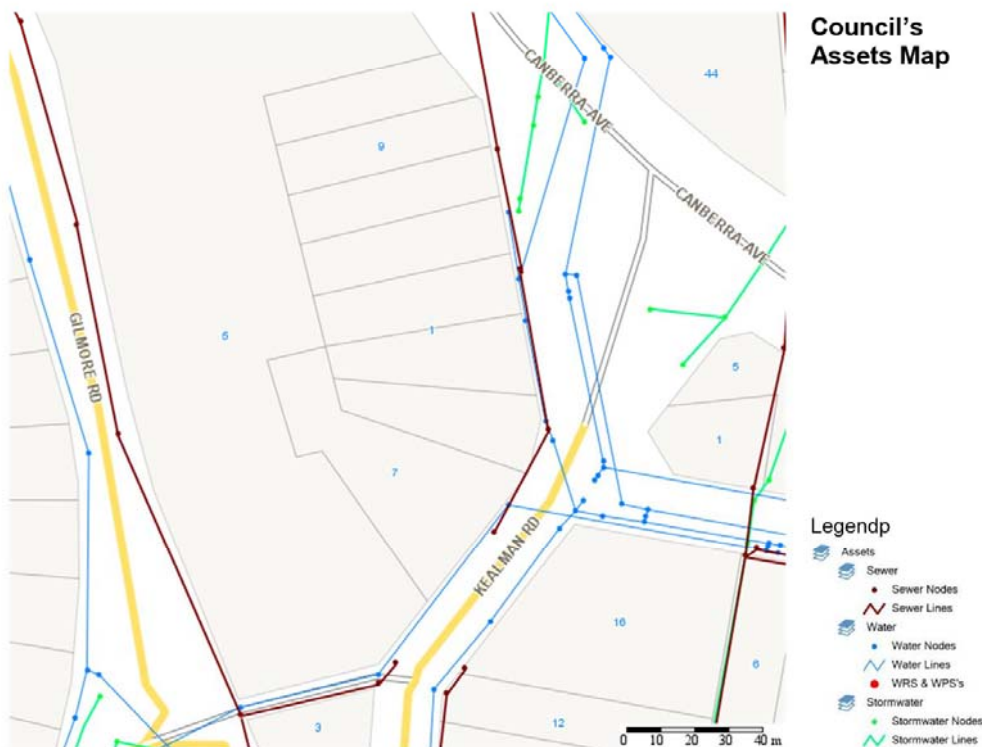


Figure 4: Council's assets (sewer, water and stormwater)

(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
TOTAL		-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
TOTAL		-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.