

6.7 Devaluation of property

In terms of S79C of the EP&A Act 1979 loss of property value is not a matter for consideration. This is a consistent position taken in the Land and Environment Court (*Alphatex Australia v The Hills Shire Council* (No 2) [2009] confirming that such issues are not relevant planning considerations. Whilst it is acknowledged that some may hold these concerns, it is not relevant for consideration in terms of the context of the planning regime.

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

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

6.8 Vermin

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

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

6.9 Hazardous Waste

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

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

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

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

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

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

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

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

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

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

The criteria as stated by the applicant are:

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

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

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

The preferred site was identified based on the following reasons:

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

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

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

Assessment Comments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.1 Lodgement of DA and Exhibition

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

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

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

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

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

8.2 Submissions Received

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

External referrals

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

Internal referrals

- Building Team
- Development Engineering Team
- Environmental Health Team

General Public

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

8.3 External Referrals

8.3.1 ACT Government

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

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

8.3.2 Department of Defence

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

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

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

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

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

8.3.3 NSW Police

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

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

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

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

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

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

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

8.3.4 NSW Environment Protection Authority (EPA)

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

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

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

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

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

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

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

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

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

8.3.5 NSW Health

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

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

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

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

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

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

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

8.3.6 Fire and Rescue NSW

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

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

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

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

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

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

8.3.7 Commonwealth Infrastructure and Transport and Canberra Airport

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

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

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

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

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

8.3.8 NSW Planning and Environment (NSW P&E)

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

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

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

8.3.9 NSW Transport – Roads and Maritime Services (RMS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.4 Internal Referrals

8.4.1 Building Team

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

The following issues were identified:

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

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

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

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

8.4.2 Development Engineering Team

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

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

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

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

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

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

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

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

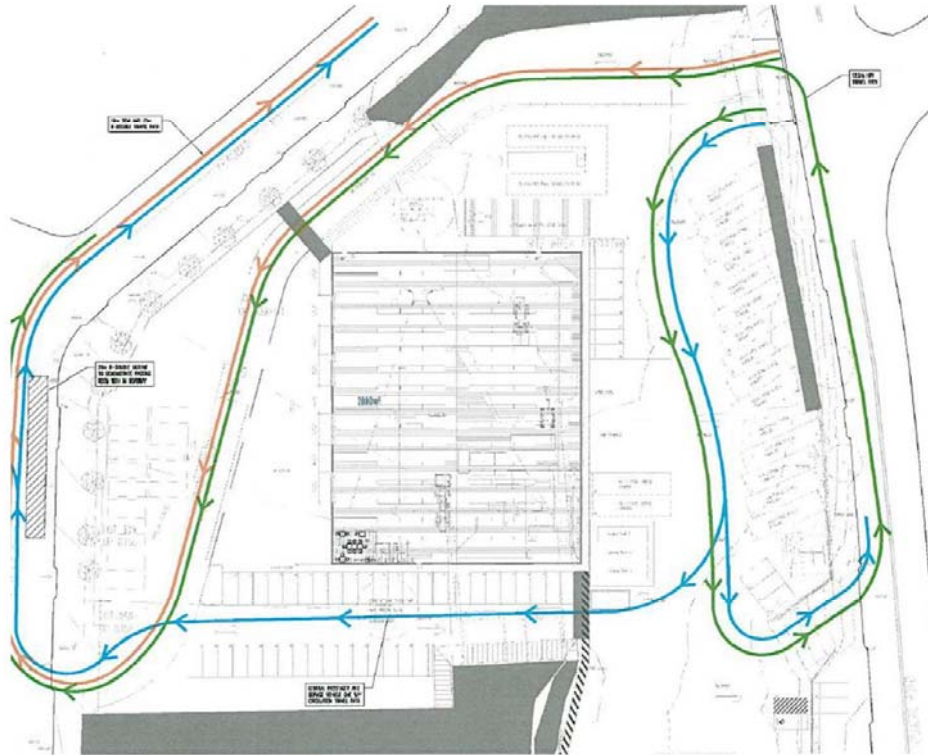


Figure 5: -Site Plan showing the proposed traffic circulation off Gilmore Road through the site onto Bowen Place.

Environmental Health Team

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

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

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

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

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

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

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

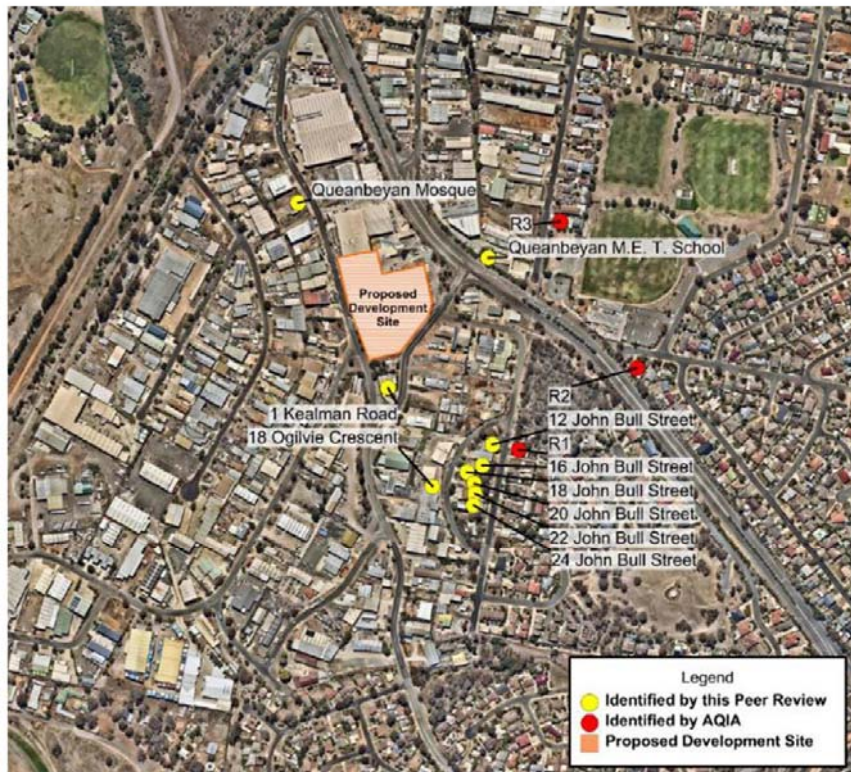


Figure 6: Location of Additional Potential Sensitive Receivers

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

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

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

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

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

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

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

8.5 Public Submissions

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

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

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

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

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

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

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

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

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

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

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

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

10.0 Conclusion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.0 Recommendation

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

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

12.0 Appendices

Appendix A – Queanbeyan Development Control Plan 2012 Assessment

Appendix B – Caretakers' dwellings

Appendix C – Location of Identified Sensitive Receptors

Appendix D – SEPP 33 Threshold Test

Appendix E – Agency Submissions

Appendix F – Summary of Submissions

Appendix G – JRPP Public Meeting Representations

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

Appendix I – ACT Government letter of support

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

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

Appendix L – Summary of Submissions from applicant

13.0 List of abbreviations used in the report

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