

Development Application

Application Number: 202036891

Before Starting

PLEASE NOTE: This wizard will time out if left inactive for a period of more than two hours, after which time you will lose your application and be required to complete a new wizard. It is recommended you **save** this session if it is to be left inactive for an extended period of time.

Please ensure that your screen is set to the highest resolution (e.g. 1280 by 1024 pixels) to ensure all content in the wizard is visible.

Type of Application

The type of application you are applying for is a **New Application**

Are you applying for a:

Development Application

Has a pre-application meeting been held in relation to this proposal?

No

Lease/Site Details

Site Number: 1

If your rural property is identified by a Block/Section/Suburb, please select the "Urban" radio button.

Urban

| Suburb | Section | Block Number | Unit Number |
|----------|---------|--------------|-------------|
| FYSHWICK | 8 | 9 | |

Street Address

16 IPSWICH STREET, FYSHWICK

Site Number: 2

If your rural property is identified by a Block/Section/Suburb, please select the "Urban" radio button.

Urban

| Suburb | Section | Block Number | Unit Number |
|----------|---------|--------------|-------------|
| FYSHWICK | 8 | 11 | |

Street Address

FYSHWICK

Applicant Details

What type of applicant are you:

Business

ACN or ABN

14659841354

Company Name

Purdon Planning Pty Ltd

Position held / Title

Admin

Salutation

None

First Name

Merissa

Surname

Devine

Postal Address 1

Unit 4

Postal Address 2

1-3 Torrens St

Postal Address 3

Suburb

BRADDON

State/Territory

ACT

Postcode

2612

Country

Australia

Phone Number

62571511

Fax Number

Mobile Number

Email

purdons@purdon.com.au

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a:

Registered company

Australian Company Number (ACN)

65169054353

Company Name

Capital Recycling Solutions

Position held / Title

Project Manager

Salutation

Mr

First Name

Ewen

Surname

McKenzine

Postal Address 1

16 Ipswich Street

Postal Address 2

Postal Address 3

Suburb

Fyshwick

State/Territory

ACT

Postcode

2609

Country

Australia

Phone Number

0409666183

Fax Number

Mobile Number

Email

ewen@benedict.com.au

Notice of Decision and Plans

Please specify the delivery method for the return of plans. Unless otherwise specified, your Notice of Decision and/or plans will be returned via email.

Email

Are you applying for an *Estate Development Plan* OR *Home Business*?

No

Zone

Please specify which zone applies to this application (please select one zone only). Please click [here](#) to access ACTMAPi and locate the zone.

IZ2 Mixed use industrial zone

If more than one zone is applicable to your application, please specify them below:

Development/Precinct Code

Please specify which development code applies to this application.

Industrial Zones Development Code

Please specify all relevant precinct code/s applied to your proposal

Fyshwick Precinct Code

Fully Describe Your Proposal

Please provide a full description of your proposal (Note: This must accurately describe all aspects of your proposal and include any lease changes being applied for.)

Consolidation of the two blocks.

Proposed Use of the Land

Describe the use of the development. **Example:** Office, childcare facility, gymnasium. (Note: Please refer to the Territory Plan definitions for land use definitions. Please also consider what is permitted under any Crown Lease for the site.)

Consolidation

Is the proposed use consistent with the current Crown lease?

No

Assessment Track

Please indicate which assessment track applies to this Development Application: (If you are not sure which assessment track applies, please contact Environment, Planning and Sustainable Development Directorate on (02)62071923)

Merit

Has an Environmental Significance Opinion been sought for this proposal?

No

For more information about which track your development application will be assessed in, please click [here](#). *Please note, the Environment, Planning and Sustainable Development Directorate may refuse to accept a development application made in an incorrect assessment track. If the Environment, Planning and Sustainable Development Directorate assesses an application made in the incorrect assessment track it must refuse the application (S.114 (3)).*

Type of Development

Please indicate which type of development applies to this development application.

Lease Variation

Does this proposal involve a variation to a Units Plan?

No

Please select a [Lease Variation](#) sub type:

Consolidation

Heritage

Heritage

Is the [Heritage](#) item relevant to your proposal?

No

Waste Management, Noise

Waste Management for waste facilities and management

Waste Management for liquid trade waste

Noise

Subdivision, National Capital Plan, Crime Prevention, Access & Mobility

Subdivision (other than residential zones)

National Capital Plan

Crime Prevention through Environmental Design

Access and Mobility

Site Access, Parking, Landscape, Lighting

Site Access

Landscape

Lighting

Signs, Water Sensitive Urban Design

Signs

Water Sensitive Urban Design (Mains Water Consumption)

Water Sensitive Urban Design (Stormwater Quality)

Water Sensitive Urban Design

Water Sensitive Urban Design (Stormwater Quantity)

Driveways (For works on verge only)

PLEASE NOTE: For proposals that include construction or modification of a driveway this application **MUST** be signed by the land custodian (Government Land Custodian - Asset Acceptance) as the works will be undertaken on unleased land **EXCEPT FOR DUAL OCCUPANCY DEVELOPMENT PROPOSALS**. For more information on driveways, garages and carports, please click [here](#).

Survey Requirements - S.139(2)(l) - P & D Act 2007

If this application is for approval of a development that requires construction work to be carried out on land that has previously been developed and is not leased for rural purposes, a survey certificate for the land where the development is to be carried out (prepared and signed by a registered surveyor) must accompany this application unless exempt by Regulation 25 of the [Planning and Development Regulations 2008](#)

Development Undertaken Without Approval - S.205 - P & D Act 2007

*If YES - Under Section 139(2)(m) of the Planning and Development Act 2007, plans of the development signed by a registered surveyor confirming the location and dimensions of the development **must** be submitted with this application. The plans need to confirm the height, width and length dimensions of the development and the setback dimensions of the development from the block boundaries. The information may be provided on one plan or on a series of plans provided each plan is signed by a registered surveyor. Note: For all unapproved development involving construction the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features must comply with utility standards, access provisions and asset clearance zones. For more information on development exempt from approval, please click [here](#). For more information on development applications for developments undertaken without approval, please refer to S205 under the [Planning and Development Act 2007](#)*

Exclusion from Public Inspection

In accordance with the requirements of Sections 28 and 30 of the [Planning and Development Act 2007](#), the Environment, Planning and Sustainable Development Directorate must make the details and associated documents relevant to a development application available for public inspection.

If you wish to apply to have all or part of this development application excluded from public inspection, you must meet the requirements of Section 411(5) or 412(1) of the Planning and Development Act 2007

Are you requesting an exclusion from [Public Inspection](#)?

No

Conflict of Interest Declaration

Does the applicant or the lessee have any association with the Environment, Planning and Sustainable Development Directorate staff?

No

NOTE: There are penalties for deliberately giving false and misleading information. The Planning and Land Authority or Minister may revoke an approval if satisfied that the approval was obtained by fraud or misrepresentation

Applicant/Lessee Declaration

I/we hereby apply for approval to carry out the development described on the land specified in this application;

I/we declare that this application is accompanied by all of the required information or documents that address the relevant rules and/or relevant criteria for it to be considered for approval;

I/we understand that the information submitted with this application form will undergo a documentation check prior to the payment of fees and formal lodgement of the application. Further information may be required prior to the acceptance of the development application by the Authority;

I/we understand that this application will be considered lodged once the relevant application fees have been paid;

I/we understand that if during the assessment of this application it is found to have been submitted in the incorrect assessment track the application will be refused and I/we will not be entitled to a refund or transfer of fees;

I/we understand that the documentation provided on CD/DVD or via the electronic lodgement process will be considered to be the relevant documentation associated with this application. All development application documentation will be made available for *public inspection* including via the Internet unless exclusion has been approved;

If the time for deciding the application (prescribed period) has ended and a decision has not been reached I/we understand that the application will be deemed refused and the Environment, Planning and Sustainable Development Directorate will not provide written advice of this decision. I/we also understand that the Environment, Planning and Sustainable Development Directorate is able to still consider the application and make a decision after the expiration of the prescribed period;

I/we hereby authorise the Environment, Planning and Sustainable Development Directorate its servants and agents to erect sign/s on the subject property(s) as required;

I/we hereby authorise ACT Government officers to access the subject property(s) for the purpose

of evaluating the proposal(including the inspection of driveways and trees);

I/we (lessee) appoint the applicant whose signature appears in the attached *letter of appointment* to act on my/our behalf in relation to this Development Application. This authorises the applicant to pay all application fees, bonds and securities, liaise with the Environment, Planning and Sustainable Development Directorate when required, alter, amend or provide further information as necessary and receive any communications relating to this Development Application;

I understand that costs associated with the relocation of any engineering services (light poles, storm water, sumps etc) will be at my expense and that I will indemnify the ACT Government, its servants and agents against any claims arising during the relocation of these services;

I understand that construction of any driveway associated with this application may not commence until the contractor has received endorsement by the relevant government entity;

I understand that a Certificate of Design Acceptance and a Road Opening Permit and Temporary Management Plan must be obtained from the relevant government agencies prior to the start of construction works;

I/we declare that all the information given on this form and its attachments is true and complete;

If lodging on behalf of a company, organisation or Government agency: -

I/we declare I/we have the appropriate delegation or authority to sign on behalf of the company, organisation or Government agency.

I declare that I am the person shown in this eDA form as the Applicant, and by clicking the ACCEPT button below I understand that this replaces my requirement to sign a hard copy of this application.

I accept the above declarations

Accept

Acceptance date

25 Feb 2020

Before Submitting

You have almost completed the first stage of your Development Application/Pre-Application request. **PLEASE ENSURE YOUR WIZARD SESSION IS SAVED BEFORE PROCEEDING.** This will enable you to resume your session in the event of a system outage or other interruption.

When you click on Finish below, you will be navigated to a new page which will enable you to upload any associated plans/documents prior to submitting to EPSDD for review.

Development applications (DAs) can be delayed unnecessarily because EPSDD does not have all the information it needs to undertake an assessment and make a decision.

To avoid delays ensure all required sections of the wizard are answered correctly and all required documentation is uploaded. In particular:

1. A signed appointment letter from all lessee's must be provided if works are to be performed on the verge, a signed endorsement letter must be provided by the relevant Government Custodian;
2. Public register plans for residential applications are included;
3. You MUST include a statement against the criteria for development applications that will be assessed in the Merit track;
4. If the application is for a single unit on a unit titled block body corporate authorisation is required if there is works on a common property

If you are still not sure how to proceed or want to ensure you have everything you need for your application, you can visit the EPSDD Customer Service Centre, 16 Challis Street, Dickson, or call us on 6207 1923 and ask to speak with a technical officer.

Privacy Notice

The personal information on this form is provided to the Environment, Planning and Sustainable Development Directorate (EPSDD) to enable the processing of your application. The collection of personal information is authorised by the Planning and Development Act 2007. If all or some of the personal information is not collected EPSDD cannot process your application. The Planning and Development Act 2007 requires the details of applications, decisions and orders to be kept on a register and made available for public inspection. Information and documentation relevant to a development application may be made available via the Internet. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office, the Registrar General's Office, ACTEW Corporation, ActewAGL, Territory and Municipal Services Directorate and other Government agencies with a direct interest in the development assessment process. The information may also be disclosed where authorised by law or court order, or where the Directorate reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement-related activities conducted by, or on behalf of, an enforcement body. EPSDD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPSDD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPSDD Information Privacy Policy can be found at www.environment.act.gov.au

Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC) affect your proposal?

The EPBC came into operation on 16 July 2000. It establishes an environmental assessment and approval system that is separate and distinct from the ACT system. It does not affect the validity of ACT development assessment and approval processes, but may affect the assessment track. The ACT cannot provide preliminary advice on whether a proposal falls within the definition of a controlled action, or requires referral to the Commonwealth. You should consult with the Commonwealth to determine if your proposal is a controlled action before seeking any approvals under the Planning and Development Act 2007. For information about the EPBC, including the referral process and when a referral should be made, contact: the Department of Sustainability, Environment, Water, Population and Communities, GPO Box 787, CANBERRA ACT 2601
Telephone: 62741111

Contact Details: Environment, Planning and Sustainable Development Directorate Customer Service Centre GPO Box 158, Canberra City 2601 16 Challis Street, Dickson ACT 2602

Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays) Phone: (02) 6207 1923
Email: epdcustomerservices@act.gov.au Website: www.environment.act.gov.au



URBAN PLANNING
REPORT AND
STATEMENT AGAINST
CRITERIA

Capital Recycling
Solutions

FEBRUARY 2020

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1.0 Introduction

1.1 Purpose

This Planning Report has been prepared by Purdon Planning Pty Ltd and Capital Recycling Solutions (CRS) as supporting documentation for a Merit Track Development Application (DA) on behalf of CRS.

This Development Application relates to the Territory requirement for consolidation of Block 9 (Shell Block) and Block 11 Section 8 (subject block) into one single Block. This is required by the conditions of the direct sale offer by the Suburban Land Agency on 22 August 2019. The draft consolidated Deposited Plan is submitted with the DA. This Consolidation will also cause the consolidation of the current Lease Purpose Clause for the Shell Block and using it for the newly created allotment. The Subject Block has historically been unleased Territory land and currently has a lease purpose clause requiring its consolidation with the Shell Block.

CRS is the lessee of the adjoining Shell Block which Block 11 Section 8 is to be consolidated with, in accordance with a condition of sale requirement which states that consolidation of the two Blocks must occur within 12 months of the sale offer acceptance. The land sale offer was formally accepted by CRS and the land purchase monies were paid and acknowledged by the ACT Government on 18 September 2019.

This proposed development, being consolidation, is permissible in the zone and is lodged as a merit track proposal.

1.2 Background

The Shell Block was previously used by Shell as a rail-supplied fuel storage and road distribution depot. CRS purchased this block in 2016.

The Shell Block was historically used for the storage and distribution of petroleum products for further transport by truck since 1958.

CRS has recently received DA approval to utilise the subject land for the purpose of a Freight Transport Facility (FTF) (DA 201834656) on 6 June 2019. A second Development Application was lodged by CRS for a Rail Freight Terminal (RFT) and FTF (DA 201835108) on the adjacent railway land to the Subject Block.

This Consent utilises both the Shell and Subject Blocks for the purpose of access. This was also approved on 6 June 2019. The approval for the RFT and TTF was the catalyst for the land sale offer in line with the original purchase application.

Figure 1 - Site Locality

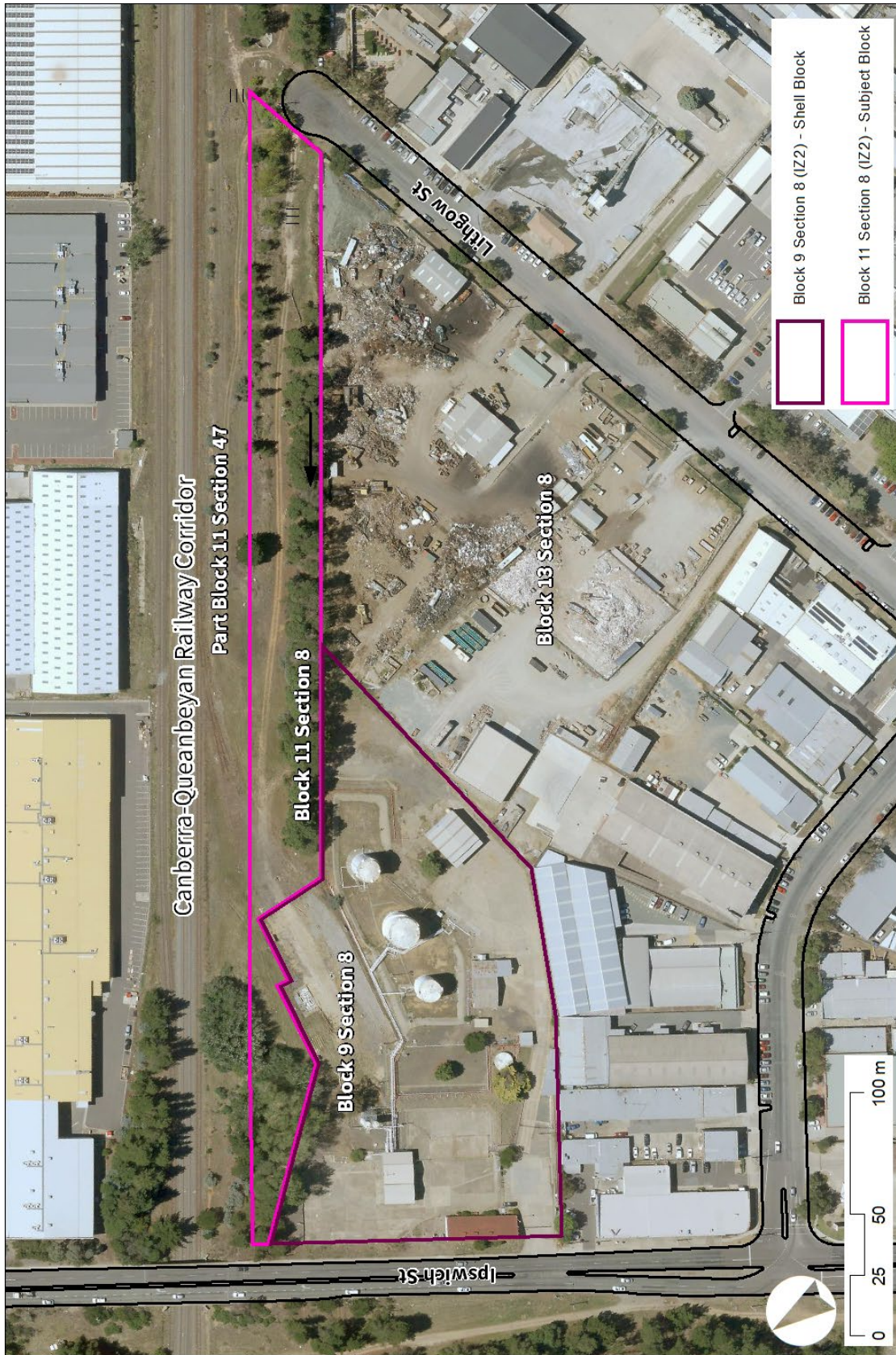


1.3 Project Team

The core project team involved in preparation of this DA comprises:

| Company | Tasks |
|-----------------------------|---------------------------------------|
| Capital Recycling Solutions | Proponent/project management |
| Purdon Planning | Urban planning |
| Veris | Survey and Deposited Plan preparation |

Figure 2 - Subject Sites



2.0 Proposed Development

2.1 Summary Description

This development application proposes to merge two existing Deposited plans to create a single new allotment with a common Lease Purpose Clause based on the uses currently permissible on Block 9 Section 8. These uses are consistent with the Territory Plan and its permissible uses for this zoning:

Block 9 Section 8 (DP 5469) – (Shell Block) is an irregular shaped allotment that has a 121m frontage to Ipswich Street. This Block has a serrated frontage to Block 11 Section 8 which measures some 287m.

Block 11 Section 8 (DP 11483) – (Subject Block), is also an irregular shaped, long thin block that has a 475m frontage to the railway land on Block 11 Section 47. Block 11 Section 8 has had no Lease Purpose Clause. This Block was a subdivision created for the purpose of this sale.

There is a condition of purchase of Block 11 Section 8 imposed on CRS from the Territory to consolidate and merge these two Blocks within 12 months of the purchase.

2.2 Urban Design

The consolidation, rehabilitation and use of the new block will improve the urban design, security and utility of the site. Recent development approvals over both Blocks will improve the consolidated allotment by remediating and formalising the stormwater collection and transfer from the immediate activities as well as the Fyshwick catchment. There will be formal access created from Lithgow Street, onsite sealed surfaces, fencing and screening as part of those approvals.

The proposed new block will further assist in preventing illegal dumping and vandalism on the blocks, which has occurred regularly. In its current state, the Subject Block is overrun by weeds and some legacy structures from its previous uses. The Subject Block has little site fencing and no security other than that provided by CRS through the adjacent Shell Block which CRS has security fencing surrounding it.

2.3 Site Access/Egress/Parking/Amenities

The Shell Block has a formal street address to 16 Ipswich Street and enjoys existing driveway access on this frontage.

The adjacent Subject Block has a small frontage to the cul-de-sac on Lithgow Street. There is an informal dirt track that has allowed pedestrian and vehicle access from the cul-de-sac in the past and has resulted in illegal dumping and vandalism.

Hardstand and parking facilities are already located on the Shell block. Some additional spaces have been approved on the new proposed driveway from Ipswich Street on the Subject Block.

2.4 Existing utility services

Support from ICON Water for the proposed relocation of the water line has already been granted (June 2019). The re-routing of this utility such that it does not pass through the Subject Block and will now cross the railway track at the end of Lithgow Street. This work will be done by Icon Water and will involve works on the Block 11 Section 47 (Railway Block) in line with a separate development application and Consent (DA 201834656).

2.5 Storm water

Development approval (DA 201834656) included consent from Transport Canberra & City Services (TCCS) to establish formal storm water management works through the Subject Block.

A box culvert will be installed underneath the approved hardstand and access roads for surface storm water flow management.

The capacity of the overland flow component has already been estimated based on information provided by TCCS. Cardno have designed a box culvert to accommodate overland flow as part of the Fyshwick Augmentation.

2.6 Existing Street Network & Traffic

No changes are necessary to the adjacent road network as a result of this application. All driveway access to and from the Subject Block's existing Ipswich Street and Lithgow Street frontages are already approved. The access crossing would be from the cul-de-sac at the end of Lithgow Street and involves no crossing of pedestrian footpaths. The Shell Block entry/exit already exists and was formerly used for shipping fuel from the Shell Co. depot. As such the facility has capacity to receive trucks with the existing street layout. The new proposed allotment would now benefit from having two street frontages for access

2.7 Security & Crime Prevention

The perimeter of the site, where appropriate, will be fenced and gated to prevent public access. Further, development of the site will improve security and lighting and assist in preventing illegal activities that already occur (illegal dumping and vandalism).

2.8 Entity Referrals / Advice

The proposed consolidation is a by-product of a Territory land sale requirement that has come at the end of a long period of consultation with various entities since 2015. The development activities have already been the subject of various pre-application discussions with ACTPLA Leasing, TCCS, ICON Water and ACT Planning. This application is solely related to the consolidation of the two Blocks which is a requirement of the Territory for the land sale.

3.0 The Site

The Shell Block is some 20,570m² and has a mixture of old fuel storage infrastructure including disused tanks, pipework, sheds, offices and large sections of concrete hardstand. Much of this has been decontaminated.

The recently acquired block (Block 11 Section 8, Fyshwick) is 12,080m² and is largely vacant land. This Block has open and unformed stormwater channelling and also contains an Icon water main. The site has not had any formal development other than rail access tracks infrastructure traversing across providing railway access to the Shell fuel facility since it was approved in 1958. These tracks have been recently removed.

Both the Shell Block and Subject Block are currently the subject of an EIS application (DA201700053) for a recycling facility. The Shell Block (Block 9 Section 8, Fyshwick) is currently owned/leased by the proponent for that proposed facility. The Shell Block has a long history as a transport related facility using both road and rail access from the south shunt.

The Subject Block is adjoined to the north by the Railway Block and this is the rail corridor that carries the main ACT/NSW train line and associated shunts. There are three rail lines adjacent to the Subject Block in this part of the Railway Block corridor. The Subject Block has some 475m frontage to the Railway Block.

The proposed consolidated block will be some 32,650m² in size (3.265ha) (Attachment E).

Other site characteristics include:

- Nearby land Uses:** Harvey Norman and a couple of warehouse style developments are situated to the north of the Railway Block corridor on the opposite side of the rail line. Several auction houses are located to the south of the site which have frontages to Wiluna Street. There is a waste recycling and transfer facility (Tiger Waste) and a metal recycling facility (Access Recycling) adjacent to the south.
- The elevated Monaro Highway located some 200m to the west and separates the proposed site from industrial lands. There are two concrete batching plants located opposite on the eastern side of Lithgow Street.
- Topography:** ACTMAPi shows that the proposed site has a gentle fall from east to west of 2m representing an average slope of about 2.5%.
- Drainage:** A new box culvert will be installed, as part of recent approvals, underneath any new hardstand for surface storm water collection and flow management
- Heritage:** The site is not listed on the ACT Heritage Register.
- Vegetation:** The site in its current state contains a variety of overgrown weeds. There is a double row of pine trees adjacent to Access Recycling on the southern boundary.
- Traffic/Pedestrians:** Pedestrian circulation occurs along the Ipswich Street frontage via an existing footpath. There are no pedestrian pathways along the western side of Lithgow Street where the new access is proposed to the subject site. There will be no pedestrian access to the sites as it will be fenced or there will be machinery in use regularly if developed as per the consents. This proposal will have no impact on traffic and pedestrian movements for Fyshwick and the surrounding area as it is for the purpose of land consolidation and the uses and impacts of any activities are the subject of other consents or applications.
- Services:** The Subject Block has a storm water drainage channel easement leading to Jerrabomberra Creek. TCCS have already given approval for formalisation of this as part of already approved site works to assist in resolving future stormwater drainage issues in Fyshwick South.

4.0 Strategic & Statutory Planning Framework

This section assesses the proposed development in the context of the strategic and statutory planning framework for the Territory, Canberra and Fyshwick.

4.1 National Capital Plan

The Monaro Highway is some 207m from the proposed new Allotment subject of this DA. A DCP for the site is not required as the site is not directly adjacent to a Main Avenue. There are no other special requirements under the National Capital Plan that apply to the site.

Advice has been received previously (on other development applications for both Blocks) from the NCA to the extent that a DCP is not required for the site given it is not fronting an Approach Route.

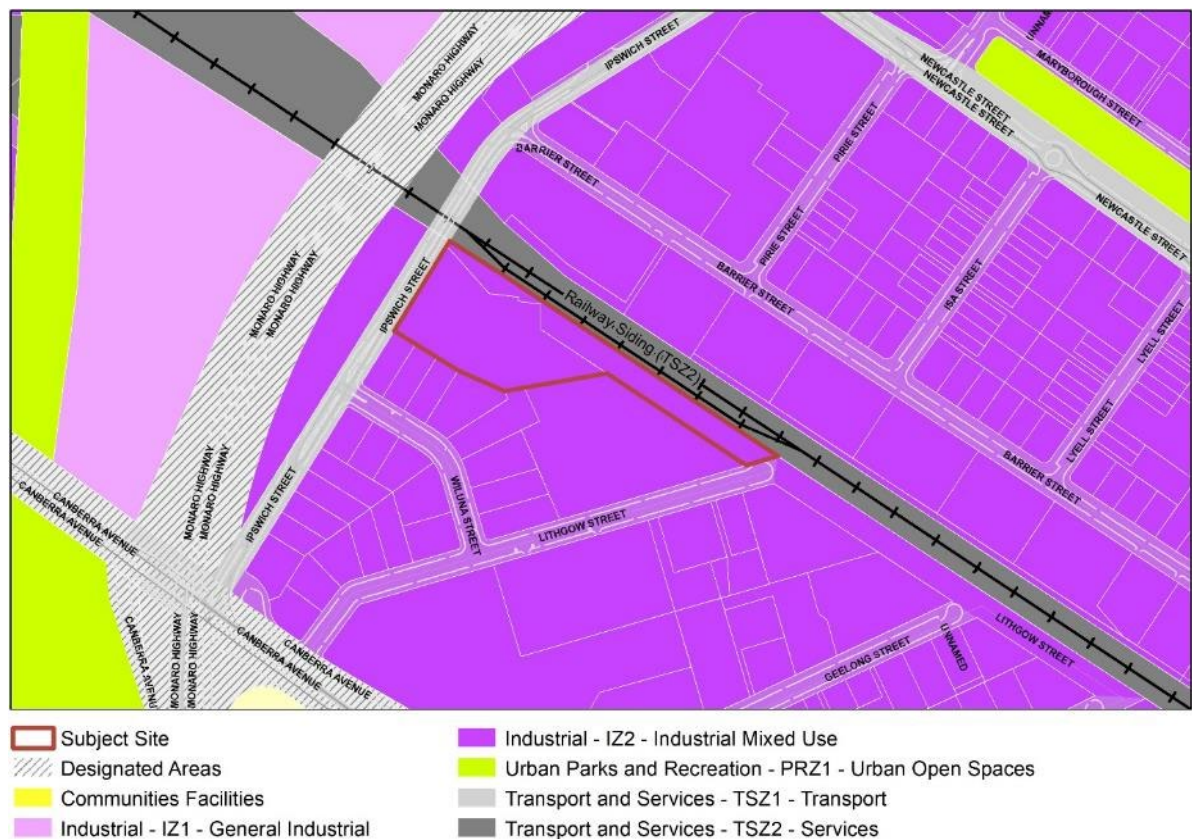
4.2 Territory Plan

The Territory Plan includes broad principles and policies that guide development, through land use specific objectives and policy.

Both the Shell Block and Subject Block share the same Territory IZ2 – Industrial Mixed-Use zoning.

The proposed consolidation of the two Blocks and the lease purpose clause is consistent with the Territory Plan zoning.

Figure 3 - Territory Plan Land Use Zones



4.2.1 Permitted Uses

IZ2 - Industrial Mixed-Use Zones permits the following activities under the merit track:

| | |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| Ancillary use | Minor road |
| Bulk landscape supplies | Minor use |
| Bulky goods retailing | Municipal depot |
| Car park | NON-RETAIL COMMERCIAL USE |
| Caretaker's residence | Outdoor recreation facility |
| Club | Parkland |
| Communications facility | Pedestrian plaza |
| COMMUNITY USE | Plant and equipment hire establishment |
| Consolidation | Public transport facility |
| Craft workshop | Recyclable materials collection |
| Defence installation | Recycling facility |
| Demolition | Restaurant |
| Development in a location and a type identified in a precinct map as additional merit track development | Scientific research establishment |
| Drink establishment | Service station |
| Emergency services facility | SHOP |
| Freight transport facility | Sign |
| Funeral parlour | Store |
| General industry | Subdivision |
| Indoor entertainment facility | Temporary use |
| Indoor recreation facility | Transport depot |
| Industrial trades | Varying lease (where not prohibited, code track or impact track assessable) |
| Light industry | Vehicle sales |
| Liquid fuel depot | Veterinary hospital |
| Major road | Warehouse |
| MAJOR UTILITY INSTALLATION | Waste transfer station |

Consolidation of the two Blocks and the updating and consolidation of the lease purpose clause from the Shell Block, to apply to the newly created allotment is permissible under Merit Track assessment.

4.2.2 Territory Plan Codes

Lease Variation General Code

The proposed consolidated Allotment complies with the Code requirement in that the proposed new allotment will be consistent with the Territory Plan and secondly the land is suitable for the development or use authorised by previous development consents.

The Subject Site and the Shell Block have recent Development Consent for use as a Freight Transport Facility. Other aspects of the code are assessed in Attachment A.

Industrial Zones Development Code

The Code includes several provisions which guide new development, including materials and finishes, building heights, access, amenity, services and the like.

A general review of the Code identifies that the proposed consolidation complies with all the relevant rules and criteria for the zone. (See Attachment B).

Fyshwick Precinct Map and Code

The site is identified as being in the RC2 Industrial Mixed-Use area of the Precinct Code. The Code sets gross floor area restrictions for shops in this area. This rule is not applicable as this proposal is not for shop (See Attachment C).

Crime Prevention Through Environmental Design General Code

A statement against the Crime Prevention Through Environmental Design General Code is not required for consolidation.

5.0 Crown Lease

5.1.1 Lease Purpose Clause

Block 9 Section 8 has the following lease purpose as registered on 9 July 1981.

3. THE LESSEE COVENANTS WITH THE COMMONWEALTH as follows:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(a) To use the premises only for the purpose of an industry or industries (other than a noxious trade) and for any purpose subsidiary to such industry or industries provided that not more than one residence shall be erected on the land;</p> | <p>PURPOSE</p> |
| <p>ENVIRONMENTAL PROTECTION</p> | <p>(b) That the Commonwealth shall have the right at its own instigation or in accordance with a report and recommendation of any authority empowered or charged under Statute with responsibility for pollution control to serve upon the Lessee from time to time a Pollution Control Notice. Such Notice may specify steps to be taken by the Lessee to remove or abate any pollution occasioned by the use of the premises and the time within which such steps are to be completed or to take effect. Thereupon the Lessee shall at his own cost fully and within the time specified comply with such Notice provided that if there is provision under any Statute or Regulation for an appeal against the requirement to remove or abate the pollution specified in the Notice the Lessee shall be entitled to make an appeal and shall only be required to remove or abate the pollution in accordance with the decision given by the appeal tribunal;</p> |
| <p>MANUFACTURING PROCESSES</p> | <p>(c) That the Lessee shall give prior notice to the Commonwealth of the manufacturing processes to be conducted on the premises and of the wastes to be produced and of any substantial variation to the processes or the wastes;</p> |
| <p>ENVIRONMENTAL DISPUTES</p> | <p>(d) That the Lessee shall at his own expense comply with any direction in writing given by the Commonwealth requiring the Lessee to undertake any works which the Commonwealth considers reasonably necessary to prevent the manufacture or discharge of wastes considered to be hazardous noxious offensive or harmful to the environment within seven days of the date of any such direction served on the Lessee PROVIDED ALWAYS THAT</p> <p>(i) if the Lessee within seven days of receipt of any direction given pursuant to this sub-clause gives notice in writing to the Commonwealth that the Lessee disputes the reasonableness of such direction AND IF within a period not exceeding twenty-one days from the date of notification of such dispute the Commonwealth and the Lessee are unable to settle the dispute the Commonwealth shall forthwith refer the matter to the person for the time being appointed Land Commissioner under the Land Valuation Ordinance 1936 (or such body as serves substantially the same objects as the said Land Commissioner should it cease to exist) for determination whose decision in respect of the dispute and the payment of costs shall be binding on both the Commonwealth and the Lessee; and</p> <p>(ii) subject to paragraph (i) of this sub-clause the amount of any costs payable by the Lessee to the Commonwealth on demand and from the date of demand until paid shall for all purposes of this lease be deemed to be additional rent payable under this lease on demand;</p> |

Block 11 Section 8 has the following Lease Purpose Clause

- | | |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| <p>PURPOSE</p> | <p>(a) To use Block 11 Section 8 Division of Fyshwick only for the purpose of consolidation with Block 9 Section 8 Division of Fyshwick;</p> |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------|

It is proposed to consolidate the Blocks such that the newly created Allotment and its lease purposes clause are the same Lease Purpose Clauses that are currently applicable to the Shell Block and is consistent with the Territory Plan.

6.0 Probable Impact of the Development

This section is based on the project description in Section 2 and identifies the probable impact of the proposal.

6.1 Consistency with Strategic Plans

The proposed consolidation is consistent with all relevant statutory and strategic plans for the ACT and Fyshwick, including:

- National Capital Plan
- Territory Plan and Codes

6.2 Heritage

There are no buildings or places of any heritage significance on the respective Blocks.

Heritage buildings and places in the general locality will not be affected by this proposal.

6.3 Traffic & Site Access

This consolidation proposal will not detrimentally affect the surrounding road network.

The Shell Block has been utilised as a fuel storage and distribution facility since 1958 and the consolidation will allow for a new access off Lithgow Street which will dissipate traffic and improve precinct safety through the increase in ingress points. There are already several other industrial activities adjacent and nearby with significant vehicle movements associated. These adjacent uses include two concrete batching plants and waste storage and processing facilities.

Traffic matters have been addressed in separate applications that involve both blocks. The consolidation will remove some of the requirement to create rights of carriageway for access purposes to the Subject Block.

6.4 Parking

Significant hardstand for parking already exists on the Shell Block and has been considered and approved in recent development applications involving both Blocks of land. There will not be an increase or decrease in parking requirements because of this DA.

6.5 Emergency Services Access

The proposed new allotment will now be accessible from two public streets surrounding the site and emergency access will be improved by this proposal.

7.0 Conclusion

This report is submitted as part of the documentation for an application for consolidation of two Blocks as required by the Territory as a condition of sale.

This report assesses the development against all relevant Code Rules and Criteria in the Territory Plan and outlines the planning and design context for the development, together with its impact on adjacent areas.

The DA has been lodged as a merit track proposal.

It is recommended that ACTPLA and other consent authorities support the proposed consolidation

Purdon Planning

February 2020

Attachments

| | |
|--------------------------------------------------------------|----|
| <u>Attachment A: Lease Variation General Code</u> | 14 |
| <u>Attachment B: Industrial Zones Development Code</u> | 16 |
| <u>Attachment C: Fyshwick Precinct Code</u> | 20 |

Attachment A: Lease Variation General Code

| Rules | Criteria |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lease Variation General Code | |
| Part A Lease Variations in the merit or impact track | |
| Element 1: Variations General | |
| 1.1 Varying leases - general | |
| There is no applicable rule | C1 A lease is varied only where all of the following are achieved: <ul style="list-style-type: none"> i) The varied lease is consistent with the Territory Plan including relevant codes ii) the land to which the lease applies is suitable for the development or use authorised by the varied lease |
| Both blocks have a history of use by the petroleum supply and storage activities by Shell since the late 1950's. The consolidation of the Blocks will formalise their combined use, consistent with the activities permissible by the Territory Plan. This has been reflected in recent development approvals involving both Blocks and the current EIS for a recycling facility (subject to assessment) which have been assessed as consistent under the Territory Plan. Both blocks are subject to the same zoning and therefore the consolidation is consistent with the Territory Plan | |
| Element 2: Variations to increase rights | |
| 2.1 Increasing rights | |
| There is no applicable rule | C2 A right under a lease is increased only when all the following are achieved if the additional rights are granted and activated <ul style="list-style-type: none"> i) Sufficient car parking on site or is available off site in accordance with the Parking and Vehicular Access General Code ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in the level of noise for the occupants of dwellings on the block or on adjoining land |
| Not applicable. No increase in rights is proposed. | |
| Element 3: Variations to add uses - general | |
| 3.1 Adding uses - general | |
| There is no applicable rule. | C3 An additional use is authorised by a lease only when all of the following are achieved if the additional use is granted and activated: <ul style="list-style-type: none"> i) Sufficient car parking is provided on site or is available off site in accordance with the Parking and Vehicular Access General Code |

| Rules | Criteria |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in level of noise for the occupants of dwellings on the block or on adjoining land v) no unreasonable risk to occupants of the block through any contamination of the block or on adjoining land vi) no unreasonable level of odour for the occupants of dwellings on the block or on adjoining land vii) no unreasonable level of light emission for the occupants of dwellings on the block or on adjoining land |
| Not Applicable – There is no additional uses proposed. | |
| Element 4: Variations to add particular uses | |
| 4.1 Community and Recreational Facilities | |
| There is no applicable rule | <p>C4 Community facilities or recreational facilities that are authorised by a lease comply with the Community and Recreational Facilities Location Guidelines General Code</p> |
| Not applicable. Proposal does not involve Community or Recreational facilities. | |
| 4.2 Secondary residence | |
| <p>R6 A variation to a lease to authorise a secondary residence is approved only where the block affected by the lease is 500m2 or larger</p> | <p>The is a mandatory requirement. There is no applicable criterion.</p> |
| Not applicable as there no residences involved in this proposal. | |
| Part B Lease variation in the code track | |
| Not Applicable. No code track developments proposed. | |

Attachment B: Industrial Zones Development Code

| Rules | Criteria |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Part A (2) – IZ2 - Industrial Mixed-Use Zone | |
| Element 1: Restrictions on Use | |
| 1.1 Gross Floor Area | |
| Part B – General Development Controls | |
| Element 1: Restrictions on Use | |
| 1.1 Community Use | |
| 1.2 Non-Retail Community Uses | |
| 1.3 Caretaker’s Residence | |
| Element 2: Building and Site Controls | |
| 2.1 Subdivision | |
| Not applicable. This application is for land consolidation only | |
| 2.2 Demolition | |
| R10 In accordance with section 148 of the Planning and Development Act 2007, the application is accompanied by a Statement of Endorsement from utility provider (including water, sewerage, storm water, electricity and gas) stating that: a) All network infrastructure on or immediately adjacent the site has been identified on the plan b) All potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified c) All required network disconnections have been identified and the disconnection works comply with utility requirements d) All works associated with the demolition comply with and are in accordance with utility asset access and protection requirements. | C10 If a Statement of Endorsement is not provided the application will be referred to relevant utility provider in accordance with the requirements of the Planning and Development Act 2007. |
| Complies. Development Consent and entity approvals have already been granted for both Blocks in other applications. This DA is a requirement of the Territory to finalise a lease arrangement that has been triggered by recent approval of the rail freight terminal. | |
| 2.3 Height | |
| 2.4 Setbacks | |
| Not applicable. No structures are proposed in this application. | |
| 2.5 National Capital Plan | |
| The proposed consolidated block is some 200m from Monaro Highway which is an identified Approach Route in the National Capital Plan. A DCP is not required as the site is not directly adjacent to the Monaro Highway. Advice has been received from NCA to confirm that a DCP is not required. | |
| Element 3: Built Form | |
| 3.1 Building Design | |
| 3.2 Materials and Finish | |
| Not applicable. No building structures are proposed in this application. | |
| 3.3 Interface | |
| There is no applicable rule. | C20 Public access to shops and offices ancillary to industrial buildings provide legible and safe entries located to the front of buildings. |

| Rules | Criteria |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Not applicable. No shops or offices are proposed in this application. | |
| There is no applicable rule. | C21 Fencing visible from the public domain is compatible with the predominant building on the site, and is at least 50% transparent. |
| Not applicable. No new fencing is proposed as part of this consolidation. | |
| 3.4 Crime Prevention Through Environmental Design | |
| There is no applicable rule. | C22 The development meets the requirements of the Crime Prevention Through Environmental Design General Code. |
| Not applicable, consolidation does not require a statement against the Crime Prevention Through Environmental Design General Code. | |
| 3.5 Access and Mobility | |
| Not applicable. This application is for a land consolidation only | |
| 3.6 Location Requirements for Community and Recreation Facilities | |
| Not applicable. No community and recreation facilities are proposed. Consolidation only | |
| Element 4: Parking and Site Access | |
| 4.1 Vehicle Access and Parking | |
| There is no applicable rule. | C24 Driveways and pedestrian entrances to the site are clearly visible from the front site boundary. |
| Complies with C24. Vehicle access from Ipswich street is existing and visible. The footpath is already established. Access from Lithgow Street is from the end of a cul de-sac and will be clear. There is no existing footpath at this location as the street is a dead end . | |
| R26 Loading docks or vehicular entries to buildings are not provided on the street frontages of buildings. | C26 Loading docks and building entries do not dominate the street frontage or conflict with parking and pedestrian movements in front of the building. |
| Not applicable. No building structures are proposed in this application. | |
| There is no applicable rule. | C27 Parking and vehicular access must comply with the requirements of the Parking and Vehicular Access General Code. |
| Complies with C27. Recent Development Consents have considered and provided for onsite parking on the Blocks. No new parking is proposed in this application. | |
| R28 Parking facilities are located behind the minimum front setback but forward of any onsite activity. | C28 The location of car-parking areas maximises opportunities for passive surveillance from areas within and adjacent to the site. |
| Not applicable. No new parking is proposed in this application. | |
| There is no applicable rule. | C29 Where applicable, bicycle parking complies with the requirements of the Bicycle Parking General Code. |
| Not applicable. This application is for land consolidation only. | |
| 4.2 Services Access and Delivery | |
| Element 5: Amenity | |
| 5.1 Landscape | |
| Not applicable. This application is for land consolidation only | |

| Rules | Criteria |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.2 Noise | |
| There is no applicable rule. | C33 Where the proposed use is adjacent to, or is, a noise producing activity, noise attenuation measures are utilised to protect the amenity of the area and promote compatibility of uses. |
| Not applicable. Noise assessment has been undertaken by Rudds as part of a separate Applications. No activity is proposed in this application. | |
| R34 A Noise Management Plan prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society, endorsed by Environment Protection is provided for the following uses: -club -drink establishment -hotel -industry (except light industry) -indoor entertainment facility -restaurant The Noise Management Plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbours. | C34 If an endorsed Noise Management Plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007. |
| Not applicable. A noise management assessment has not been submitted with this application as there is no activity proposed other than the consolidation of land, | |
| 5.3 Lighting | |
| 5.4 Signs | |
| Not applicable. No lighting or signage is proposed. | |
| Element 6: Environment | |
| 6.1 Water Sensitive Urban Design – Mains Water Consumption | |
| 6.2 Water Sensitive Urban Design – Storm water Quality | |
| Not applicable as this proposal is for consolidation of blocks only. | |
| 6.3 Water Sensitive Urban Design – Stormwater Quantity | |
| Not applicable. Recent development approvals have achieved compliance; however, this application involves no structures or hardstand in this application. | |
| 6.4 Heritage | |
| Not applicable. There are no heritage objects or buildings on the site. | |
| 6.5 Contamination | |
| R43 A statement is provided that the potential for land contamination has been assessed in accordance with the ACT Government Strategic Plan – Contaminated Sites Management 1995 and the ACT Environment Protection Authority Contaminated Sites Environmental Protection Policy 2000, and it is demonstrated that the land is suitable for the proposed development. | C43 If a statement that the site has been assessed is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007. |
| It is acknowledged that the Blocks may be contaminated, and a statement of assessment has been prepared as part of any applications already submitted and/or approved in relation to the blocks. The Blocks are not listed on the ACT Contaminated sites register and this application is solely for the purpose of land consolidation. | |

| Rules | Criteria |
|-----------------------------------------------------------------------------|----------|
| 6.6 Trees | |
| 6.7 Hazardous Material | |
| 6.8 Excavation | |
| 6.9 Erosion and Sediment Control | |
| None of the above is applicable. No tree removal or demolition is proposed. | |
| Element 7: Services | |
| 7.1 Waste Management | |
| 7.2 Utilities | |
| 7.3 Liquid Trade Waste | |
| 7.4 Wastewater | |
| 7.5 Storage | |
| 7.6 Servicing and Site Management | |
| Not applicable. This proposal is for land consolidation only. | |

Attachment C: Fyshwick Precinct Code

| Rules | Criteria |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| RC1 – West Fyshwick Industrial Area | |
| Element 1: Use | |
| 1.1 SHOP – floor area limit | |
| R1 The maximum gross floor area of SHOP complies with all of the following: a) on Fyshwick section 30 block 18, for display and sale of alcohol beverages – 1200 m2 b) in all other locations – 200 m2 | This is a mandatory requirement. There is no applicable criterion. |
| Not applicable as the Blocks are not located within West Fyshwick Industrial Area. No shops proposed. | |
| RC2 – Industrial Mixed-Use Zone | |
| Element 2: Use | |
| 2.1 SHOP – floor area limit | |
| R2 The maximum gross floor area per shop complies with all of the following: a) SHOP selling food or supermarket, except produce market – 200m2 b) SHOP, except bulky goods retailing – 3000m | This is a mandatory requirement. There is no applicable criterion |
| Not applicable. No shops are proposed in this application. | |
| RC3 – Canberra Avenue Corridor | |
| Element 3: Use | |
| 3.1 Restaurant and Shop | |
| Element 4: Buildings | |
| 4.1 Number of storeys | |
| 4.2 Setback | |
| 4.3 Materials and Finish | |
| None of the above are applicable as the Blocks are not within the ‘Canberra Avenue Corridor’ area. | |
| RC4 – Agricultural Area | |
| Element 5: Use | |
| 5.1 Agriculture | |
| Not applicable. The Blocks are not in an agricultural area. | |
| RC5 – Block 8 Section 48 Fyshwick | |
| Not applicable. | |

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Braddon ACT 2612

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www.purdon.com.au



L/V ONLY DA ASSESSMENT CHECKLIST

9/8 FYSHWICK – DA NUMBER 202036891

DA LEASING OFFICER: Anna

NOTIFICATION CLOSES: 3 APRIL 2020

DUE: 21 APRIL 2020

REQUIRED

| | | | |
|-----------------------------------|-------------------------------------|-----------------------------------------|-------------------------------------|
| SPREADSHEET | <input checked="" type="checkbox"/> | PEER REVIEW CHECKLIST | <input checked="" type="checkbox"/> |
| LV APPLICATION FEE RECEIPT | <input checked="" type="checkbox"/> | FINAL DOCS CHECKED & CLEARED | <input checked="" type="checkbox"/> |
| LEGISLATIVE REQUIREMENTS | <input checked="" type="checkbox"/> | By Karen walker on 16 April 2020 | |
| TERRITORY PLAN CODE REQUIREMENTS | <input checked="" type="checkbox"/> | EDEVELOPMENT UPDATED | <input checked="" type="checkbox"/> |
| ENTITY REFERRALS: Reg Gen; ACTVO | <input checked="" type="checkbox"/> | SPREADSHEET UPDATED | <input checked="" type="checkbox"/> |
| Evo Energy; Icon Water; TCCS; EPA | <input checked="" type="checkbox"/> | PDF & REFERENCE TO C/S & cc LVC TEAM | <input checked="" type="checkbox"/> |
| NOTICE OF DECISION | <input checked="" type="checkbox"/> | | |
| ACTLIS | <input checked="" type="checkbox"/> | | |
| DRAFT CROWN LEASE | <input checked="" type="checkbox"/> | | |
| DISPATCH ADVICE CHECKLIST | <input checked="" type="checkbox"/> | | |



PROPOSAL: To consolidate block 9 section 8 Fyshwick with Block 11 Section 8 Fyshwick

SCRITERIA: To be the same Lease Purposes that are currently applicable to the Block 9 and that are consistent with the Territory Plan.

Related Developments:

- **Direct sale of Blk 11** DA2015-217
- **EIS-201600066** - Materials Recovery Facility (MRF)
- **DA-201630668** – hardstand (found by Supreme Court)
- **EIS 201700053** - request for scoping document / second EIS
- **DA201835108** - construction of a **rail freight terminal** and a freight transport facility
 - The proposal is predominantly for loading, unloading and manoeuvring shipping containers to be transported by rail
- **DA201834656**: construction of a hardstand for use as a freight transport facility, relocation of existing water main
 - Obj: “new application was required because rail use is prohibited in the IZ2, however approved DA201834656 for the same hardstand”

Entity Advice: (and Karen’s advice)

- **Icon Water** – Conditional Acceptance.
“The proposed consolidation of the blocks is supported on the condition that the water main relocation works as per DA 201834656 is completed and assets handed over to Icon Water prior.
Are these conditions required specifically for the consolidation of the blocks or are they required for the previous development?”

“Yes, the conditions apply for both DAs as the development work as per DA 201834656 is a prerequisite for Icon Water to allow for the consolidation of the blocks. Icon Water cannot accept the consolidation of the blocks prior to the relocation works as per DA 201834656 for the live water main running through Block 11 is completed.”

L/V ONLY DA ASSESSMENT CHECKLIST

9/8 FYSHWICK – DA NUMBER 202036891

DA LEASING OFFICER: Anna

NOTIFICATION CLOSES: 3 APRIL 2020

DUE: 21 APRIL 2020

- **TCCS** – Supported subject to conditions
“The proposed consolidation of the two blocks (9,11/8) into one single block is supported. However, the proponent needs to satisfy the previously approved DA comments (DA 201834656)”
As this DA is only for a consolidation of blocks and there is no development proposed as part of this DA I will include your comments as advice for the lessee and applicant.
- **Evo Energy** – Conditional Acceptance
Proponent is required to submit the Request for "Preliminary Network Advice" form to connectionapplication@evoenergy.com.au (available on Evoenergy website) prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets.
Comments appear to be the standard advice provided for all lease variations and are acceptable to include as advice.
- **EPA** – Contamination C.O.A
As this proposal is for the consolidation of the blocks only there is no proposal to include additional uses. Only uses already permitted on site will be included in the consolidated lease.

Contamination advice in the notice of decision will alert the lessee that any additional uses proposed in the future will require a private assessment and EPA endorsement with regards to contamination.

DRAFT CROWN LEASE:

- New lease must include territory Plan terms
- See the final agreed uses for industry and industries (alias filed in assessment folder)
- hazardous industry is not be permitted in the IZ2 Mixed Use Zone
- Other uses are assessed as suitable for the site
NB: Assessment of the probable impacts, including traffic, environmental and social impacts for the use and construction of a freight transport facility are assessed under related design and siting DA 201834656.

L/V ONLY DA ASSESSMENT CHECKLIST

9/8 FYSHWICK – DA NUMBER 202036891

DA LEASING OFFICER: Anna

NOTIFICATION CLOSES: 3 APRIL 2020

DUE: 21 APRIL 2020

REPRESENTATIONS:

Process of Direct sale

- consolidation of these two blocks is a culmination of a process fraught with ACTPA mistakes and manipulation of planning process beginning with the corrupt Direct Sale process
- No government record of an application for a Direct Sale of Land Eligibility exists for the site, or statutory declaration from the Lessee that follow the proper requirements, but instead the direct sale was granted by ministerial approval
- There was no public notification of a direct sale
- The intention of the original application for direct sale eligibility was for rail use but is prohibited in the IZ2-Industrial Mixed Use Zone Development Table
- The Territory Plan was not varied
- another application should be required unless there is legislation that allows a successful applicant to change the purposes of the land being acquired under this method

For Karen

Rail Freight Terminal (rail use) is prohibited in IZ2:

- The consolidation of block 9 and 11 section 8 in Fyshwick is solely designed as a step to use rail on an IZ2 block where it is currently prohibited both under the Crown lease terms and under the Territory Plan.

For Karen

Lack of strategic planning:

- Full intended uses of the site were not disclosed to the Authority in light of information that the owner intends for a waste-to-energy plant, and to treat putrescible waste for recyclables
- The totality of the project should have been revealed from the outset and put for consultation prior to any approvals.
- Development applications for waste management facilities in Fyshwick are being managed in a piecemeal way
- Assessment needs to be strategic rather than on compliance with various codes
- There is no strategic government statement about the role and intended nature of waste management facilities in Fyshwick
- Does not implement the ACT Planning Strategy which acknowledges Hume as 'a key location for sustainable and innovative waste conversion and recycling businesses'
- Fyshwick provides industry direct to the consumers of Canberra and waste facilities are an industry to industry or / Government to industry business.
- Does not take into account the changing nature of Fyshwick towards lighter fabrication, retail, cultural related businesses, cafes, child care, breweries, distilleries and technology start-ups

last two points for Karen

The Authority is required to assess and determine applications based on the option the applicant has proposed. This proposal to consolidate has been assessed, as submitted, in accordance with the requirements of the Territory Plan and the *Planning and Development Act 2007*. There is currently

L/V ONLY DA ASSESSMENT CHECKLIST

9/8 FYSHWICK – DA NUMBER 202036891

DA LEASING OFFICER: Anna

NOTIFICATION CLOSES: 3 APRIL 2020

DUE: 21 APRIL 2020

no requirement for a development application for a lease variation to be accompanied by associated construction works. Lessees may seek to vary their leases in accordance with the Territory Plan.

Public interest:

- The negative impact upon the inner south community and the Fyshwick traders have been ignored
- Appears to be a politically driven aim to re-introduce rail freight to the ACT
- For each development related to the major waste facility, the public did not want it located in the IZ2 Mixed Industrial Zone amidst a successful commercial and retail centre
- All related developments have never been demonstrated to meet a public need

For Karen

EIS:

- Both blocks involved in this consolidation DA are the subject of an EIS process still under consideration, which should be concluded before to any other DA is determined.
- A waste hub and on the hardstand along the rail corridor of B11 S8, creates issues including proximity to residential areas, health risks, and traffic

The proposed development of consolidation is listed as an assessable development in the IZ2 Mixed Use Zone development table. Consolidation is therefore determined to be a merit track assessable application. A completed EIS is not required for this application.

Risk:

- This, and none of the other related proposals for a Materials Recovery Facility, Freight Transport Facility, or Railway Terminal, address the cumulative economic, environmental or social risk impacts on the Territory

This application seeks the consolidation of blocks only. It does not include any redevelopment of the site. The probable impacts of each related development, including the cumulative impacts of other developments within the area, have been considered as part of previous assessments.

Traffic:

- Traffic impacts on the surrounding area, including cumulative and future impacts.
- Consolidation of these blocks will result in through traffic over the site with heavy vehicle movement increased over Ipswich, Wiluna and Lithgow Streets

This application does not increase the load on any services. It does not propose any new uses or building works. Therefore there is no change to the existing use of the services and infrastructure as a result of this approval.

This application for consolidation was referred to Transport Canberra and City Services (TCCS) who endorsed the application. Although TCCS did not raise any concerns regarding traffic advice to the applicant has been included to address this concern.

Contamination:

- Contamination has not been appropriately addressed.
- The Environment Protection Authority (EPA) is required to issue the relevant pollution control notices over the parcels.

L/V ONLY DA ASSESSMENT CHECKLIST

9/8 FYSHWICK – DA NUMBER 202036891

DA LEASING OFFICER: Anna

NOTIFICATION CLOSES: 3 APRIL 2020

DUE: 21 APRIL 2020

- Approval should be conditional on the relevant provisions relating to contamination and manufacturing process/pollution control notices

This application was referred to the EPA in accordance with the requirements of the *Planning and Development Act 2007*. On DD MM YY advice was received from EPA who raised concerns relating to contamination. EPA's comments have been incorporated as advice as this proposal is for the consolidation of the blocks and only uses already permitted on site will be included in the consolidated lease. Any additional uses proposed in the future will require a private assessment and EPA endorsement with regards to contamination.

Consolidation:

- The purpose clause of the new lease over both blocks must retain the Commonwealth Control for Environmental Protection as presented in Section 5 Lease Purpose Clause of the DA application criteria supporting documents.

The Crown lease over Block 9 contains specific environmental and manufacturing provisions. As a result of the consolidation of blocks, the provisions currently applicable over Block 9 will be integrated into one Crown lease to enable future development across both blocks within Section 8.

Value

- After consolidation, development of a hardstand along the section of the rail corridor will enormously increase the value of the consolidated blocks
- The parcels of land subject to this lease variation are likely to be listed for sale before the EIS process is finalised.

For Karen

Each development application is assessed on its own merits, in accordance with the legislation in force at the time. Comparisons with other developments on the blocks did not form part of the assessment process with regards to this approval.



Checklist

DA Assessment and Decision Peer Review

ASSESSMENT OFFICER: Anna Gianakis

REVIEWING OFFICER: Karen Walker

APPLICATION NUMBER: 202036891

BLOCK: 8 SECTION: 8

DIVISION: Fyshwick

1 Purpose

The purpose of this checklist is to assist an Environmental and Sustainable Development Directorate (ESDD) Officer to undertake the correct process for undertaking a peer review for a DA assessment and Notice of Decision. The peer review is not a re-assessment of the development application.

2 Checklist

| Item | Completed (Yes / No / Not Applicable) | Comment |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------|
| Conflict of Interest declared | No | |
| Legislated requirements Assessment | Yes | |
| Territory Plan Assessment (justification provided were necessary against relevant Rules and Criterion) | Yes | |

| Item | Completed (Yes / No / Not Applicable) | Comment |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------------|---------------------------------|
| Internal Referral to MPRG, EPC, DAP | N/A | |
| Entity advice recorded and addressed in NoD | Yes | |
| Written Representations recorded and addressed in NoD | Yes | |
| Leasing input provided for NoD | N/A | |
| Key assessment issues have been addressed in the NoD | Yes | |
| Correct classification to make the decision | Yes | Senior officer to make decision |
| Is there any suggestion of an improper influence on the assessment or decision making for the DA | | No |

Karen Walker
Reviewing Officer

16 April 2020

3 Record of Peer Review

When completed, the Case Officer shall scan and save this checklist in the Objective assessment folder for the Development Application.



ACT
Government

Environment, Planning and
Sustainable Development

Form

Territory Plan Code Requirements Merit Track

ASSESSMENT REPORT

IZ2 Industrial Mixed Use Zone

ASSESSMENT OFFICER: Anna Gianakis

APPLICATION NUMBER: 202036891

BLOCKS: 9 & 11 SECTION: 8

DIVISION: FYSHWICK

PROPOSAL: To consolidate block 9 section 8 Fyshwick with Block 11 Section 8 Fyshwick

Territory Plan Code Requirements

This document provides analysis of a development proposal in relation to the relevant codes contained in the Territory Plan. The proposal meets all rules of the code(s) that are relevant to the development with the exception of those either identified in the statement against relevant criteria submitted for the proposal or, listed in the tables below. The statement against relevant criteria demonstrates the proposal meets all relevant criteria that are, either:

- the applicable criterion to a relevant rule that is not met; or,
- the criterion is relevant and there is no applicable rule,

with the exception of those listed in the tables below.

1. Assessment of Compliance with Industrial Zone Development Code

The Industrial Zone Development Code is a Code relevant to this proposal. The comments for the criterion or rule identified in the tables below are provided where it is considered warranted to clarify why a particular criterion or rule is either met or not met.

Part A(1)

Not relevant – block is not located within a IZ1 General Industrial Zone

Part A(2)

Not relevant – The proposal is for educational establishment, not SHOP.

Part B

Element 1: Restrictions on Use – not relevant as no new uses are proposed

Element 2: Building and Site Controls - not relevant no changes to building as a result of this application

Element 3: Built Form - not relevant no changes to building as a result of this application

Element 4: Parking and Site Access. **Parking and site** access arrangements are not changing as part of this application.

Element 5: Amenity - Meets. There are no changes to landscaping, noise, lighting, signs or an emergency management plan in this proposal

Element 6: Environment – There are no environmental impacts as part of this application. It is noted that past EIS-201600066 for Materials Recovery Facility (MRF) and current EIS 201700053 request for scoping document, relate to the sites and are not finalised at the time of this assessment.

Element 7: Services – Meets. The application was referred to the relevant agency in accordance with the requirements of the *Planning and Development Act 2007*. Although no changes are proposed to the existing services as part of this consolidation DA, conditions of approval have been imposed in the decision in accordance with Icon Water Requirements that Icon Water cannot accept the consolidation of the blocks until the relocation works as per DA 201834656 for the live water main running through Block 11 is completed.

2. Assessment of Compliance with Fyshwick Precinct Code

The Fyshwick Precinct Map and Code is a Code relevant to the proposed site. Section 8 is identified in area RC2 – Industrial Mixed Use Zones in the Fyshwick Precinct Map, however there are no additional rules or criterion in the Fyshwick Precinct Map and Code that are relevant to this proposal.

3. Assessment of Compliance with Lease Variation General Code

The Lease Variation General Code is a Code relevant to this proposal. The comments for the criterion or rule identified in the tables below are provided where it is considered warranted to clarify why a particular criterion or rule is either met or not met.

Part A – Lease variations in the merit or impact track

Element 1 – Variation in general – see assessment above, the land is suitable for the use

Element 2 – Variation to increase rights –no rights are being increased as part of this application

Element 3 – Variation to add uses general – not relevant no additions uses are proposed

Element 4 – Variation to add particular uses – not relevant no new uses are proposed

PART B – Lease variations in the code track

not relevant as application was lodged in the merit track



Form

Legislated Requirements Merit Track

ASSESSMENT REPORT

ASSESSMENT OFFICER: Anna Gianakis

APPLICATION NUMBER: 202036891

BLOCKS: 9 & 11 SECTION: 8

DIVISION: FYSHWICK

Zone: IZ2 Mixed use Zone

The Planning and Development Act 2007

This document provides analysis of a development proposal in the Merit Track in relation to the legislated requirements of the Planning and Development Act 2007 (the Act), specifically Section 119 and Section 120.

Planning and Development Act 2007 - Section 119

In deciding a Merit Track development application, the decision maker must ensure the application meets the following four items numbered S119 (1)(a) to (c) and S119 (2). Approval of an application in the Merit Track must not be given unless the application meets the Section 119 requirements.

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|------------------------------------------|
| <p>S119 (1)(a) The relevant code</p> <p>NB: Refer to form Territory Plan Code Requirements Merit Track to complete this question</p> | The relevant code(s) for the development proposal are: | |
| | Precinct Code: | Fyshwick Precinct Map and Code |
| | Development Code: | Industrial Zones Development Code |
| | General Code: | Lease Variation General Code |
| <p>The proposal is not consistent with the above code(s) for reasons identified in Form – Territory Plan Code Requirements – Merit Track.</p> | | |

| | |
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| <p>S119 (1)(b) Any land management agreement for the land (for proposed development relating to land comprised in a rural lease)</p> | <p>The proposal is not for a proposed development relating to land comprised in a rural lease.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>S119 (1)(c) the advice of the Conservator of Flora and Fauna in relation to the proposal (if the proposed development will affect a registered tree or declared site)</p> <p>NB: In accordance with Section 119(3)(a), the application must not be approved unless the approval is consistent with the advice of the Conservator of Flora and Fauna in relation to a proposal that will affect a registered tree or declared site.</p> <p>NB: Section 119A may affect the operation of this section for proposals relating to Light Rail. Assessment should be included here where relevant. Section 119A does not apply to a proposal involving a protected matter. In most cases it cannot be used for a DA subject to an ESO.</p> | <p>The proposal is not for a proposed development that will affect a registered tree or declared site.</p> |
| <p>S119 (2) Consistency with advice given by an entity to which the application was referred under division 7.3.3 of the Act.</p> <p>NB: Under Section 119 (2) of the Act, development approval must not be given for a development proposal in the merit track if approval would be inconsistent with any advice given by an entity to which the application was referred under division 7.3.3 unless the person deciding the application is satisfied that –</p> <p>(a) the following have been considered:</p> <ul style="list-style-type: none"> (i) any applicable guidelines; (ii) any realistic alternative to the proposed development, or relevant aspects of it; and <p>(b) the decision is consistent with the objects of the Territory Plan</p> <p>NB: Section 119A may affect the operation of this section for proposals relating to Light Rail. Assessment should be included here where relevant. Section 119A does not apply to a proposal involving a protected matter. In most cases it cannot be used for a DA subject to an ESO.</p> | <p>The decision is not inconsistent with any advice given by an entity to which the application was referred under division 7.3.3 of the Act.</p> |

Planning and Development Act 2007 - Section 120

In deciding a Merit Track development application, a decision maker must consider the following six items numbered S120 (a) to S120 (g).

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| S120 (a) Zone Objectives | <p>The development is proposed to take place in the IZ2 Mixed Use Zone.</p> <p>The application meets the relevant objectives of the zone.</p> <ul style="list-style-type: none"> a) Support the diversification and expansion of the ACT's industrial base and employment growth b) Facilitate investment in a wide range of industrial and related activities, with efficient land utilisation and provision of infrastructure e) Encourage the design and construction of industrial and commercial buildings that are energy efficient, functional and flexible <p>This lease variation only DA to consolidate two blocks relates to design and siting DA201834656 for the construction of a hardstand for use as a freight transport facility.</p> <ul style="list-style-type: none"> j) Preserve and promote viable industries that can coexist with more commercially oriented uses <p>Consolidation as the result of the direct sale of Block 11 will not change the uses currently permitted, and no new uses are proposed. It is noted that the intended use for the consolidated block is freight transport facility, of which the probable impact on the more commercially oriented uses within the area have been assessed under related design and siting DA201834656.</p> |
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| S120 (b) Suitability of the Land | <p>The proposed development seeks approval to use the land or a building or structure of the land for the purposes of a consolidation of the land into one single block.</p> <p>The proposed use is listed as an assessable development in the IZ2 Mixed Use Zone development table, and is therefore determined to be a permissible uses for the land.</p> <p>The proposed development is not in accordance with the provisions of the Crown Leases, however this proposal is for the surrender of the Crown Leases and regnant of one new Lease.</p> <p>The land is suitable for the development proposed.</p> |
| S120 (c) Environmental Significance Opinion | No environmental significance opinion required or in force for the development proposal |
| S120 (d) Representations | <p>Six Representations were received. Concerns raised include:</p> <ul style="list-style-type: none"> • Process of Direct sale • Rail Freight Terminal (rail use) is prohibited in IZ2: • Lack of strategic planning: • Public interest: • EIS • Risk • Traffic • Contamination • Consolidation • Increased property value |

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| <p>S120 (e) advice given by an entity in accordance with section 149 of the Act</p> <p>NB: Under Section 150 of the Act, if entity advice is not received within 15 working days, the entity is taken to have given advice in support of the application.</p> | <p>Entity advice received is addressed in the Notice of Decision</p> <ul style="list-style-type: none"> - Icon Water – Conditional Acceptance. <i>“The proposed consolidation of the blocks is supported on the condition that the water main relocation works as per DA 201834656 is completed and assets handed over to Icon Water”</i> <p>NB: This consolidation DA relates to design and siting DA201834656 a freight transport facility and relocation of existing water main.</p> <p>A Condition of Approval to specify Icon Water’s requirements has been included in the Decision.</p> <ul style="list-style-type: none"> - TCCS – Supported with Conditions <i>“The proposed consolidation of the two blocks (9,11/8) into one single block is supported. However, the proponent needs to satisfy the previously approved DA comments (DA 201834656)”</i> <p>As this DA is only for a consolidation of blocks and there is no development proposed as part of this DA, comments are included as advice for the lessee and applicant.</p> <ul style="list-style-type: none"> - Evo Energy – Conditional Acceptance <i>“Proponent is required to submit the Request for “Preliminary Network Advice” form prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets.</i> <p>Comments are included as advice as they appear to be the standard advice provided for all lease variations.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>- EPA – Contamination C.O.A</p> <p>This proposal is for the consolidation of the blocks only, and no additional uses are proposed. Only uses already permitted on site will be included in the consolidated lease.</p> <p>Comments are included as advice to the lessee that any additional uses proposed in the future will require a private assessment and EPA endorsement with regards to contamination.</p> <p>Further advice received 6/4/20 that EPA support that their comments be included as advice.</p> |
| S120 (f) the plan of management for the land (if the proposed development relates to land that is Public Land) | The proposal is not for a proposed development relating to land that is public land. |
| Proposal for development on land reserved under S315 for the purpose of wilderness area, national park, nature reserve, or special purpose reserve. | The proposal does not occur on land that is reserved under S315 of the Act for the purpose of wilderness area, national park, nature reserve, or special purpose reserve. |
| S120 (g) the probable impact of the proposed development, including the nature, extent and significance of probable environmental impacts. | <p>Based on the matters to be considered by the relevant Code there are no probable environmental impacts of significance associated with the proposed development.</p> <p>NB: Assessment of the probable impacts, including traffic, environmental and social impacts for construction of a hardstand for use as a freight transport facility, and relocation of existing water main are assessed under related design and siting DA201834656.</p> |
| Site Inspection (Although not a legislative requirement as such, a site inspection may assist with the assessment of the proposal against the provisions of S120) | No site inspection was required as sufficient evidence could be derived from other assessment methods. |

| Lease Variation Charge Calculation Summary Sheet | | | | | |
|--------------------------------------------------|--|----------|--|----------------|--------------------|
| Block: | | Section: | | Suburb: | |
| DA Number: | | | | LVC Officer: | |
| Date of Approval: | | | | Check Officer: | |
| Date of Calculation: | | | | Date of Check: | |
| Section 277 Amount (If applicable) | | | | | \$ - |
| Section 276E Schedule 1 Amount (If applicable) | | | | | \$ 7,500.00 |
| Section 276E Schedule 2 Amount (If applicable) | | | | | \$ - |
| section 276E Schedule 3 Amount (If applicable) | | | | | \$ - |
| GRAND TOTAL - LVC Payable | | | | | \$ 7,500.00 |

SECTION 276E SCHEDULE 1 CALCULATION SHEET

| a residential lease in a Residential Zone. | | |
|--------------------------------------------|-----------------|------------|
| Number of Dwellings | Schedule Amount | Sub Totals |
| | \$ 30,000.00 | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

| a residential lease to 3 dwellings or less in a Residential Zone. | | |
|-------------------------------------------------------------------|-----------------|------------|
| Number of Dwellings | Schedule Amount | Sub Totals |
| | \$ 7,500.00 | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

| a residential lease to a number greater than 3 dwellings in a Residential Zone. NOTE: | | |
|---------------------------------------------------------------------------------------|-----------------|-------------------|
| Number of Dwellings | Schedule Amount | Sub Total Payable |
| | \$ 7,500.00 | \$ - |
| | \$ 5,000.00 | \$ - |
| 0 Total: | | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

| land under a non-residential lease to 3 non-residential units or less in an Industrial | | |
|----------------------------------------------------------------------------------------|-----------------|-------------------|
| Number of Units | Schedule Amount | Sub Total Payable |
| | \$ 7,500.00 | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

| land under a non-residential lease to a number grearer than 3 non-residential units in | | |
|----------------------------------------------------------------------------------------|-----------------|-------------------|
| Number of Units | Schedule Amount | Sub Total Payable |
| | \$ 7,500.00 | \$ - |
| | \$ 5,000.00 | \$ - |
| 0 Total: | | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

| 4. Variation to consolidate two or three leases. | | |
|--------------------------------------------------|-----------------|-------------------|
| Cosolidation Number | Schedule Amount | Sub Total Payable |
| 1 | \$ 7,500.00 | \$ 7,500.00 |
| Is there a remission? If so what % rate. | 0% | \$7,500.00 |

| plus \$5,000 for each additional lease | | |
|------------------------------------------|-----------------|-------------------|
| Consolidation Number | Schedule Amount | Sub Total Payable |
| | \$ 7,500.00 | \$ - |
| | \$ 5,000.00 | \$ - |
| 0 Total: | | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

SECTION 276E SCHEDULE 1 CALCULATION SHEET

| 6. Variation to subdivide into two or three leases. | | |
|-----------------------------------------------------|-----------------|-------------------|
| Subdivision Number | Schedule Amount | Sub Total Payable |
| | \$ 7,500.00 | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

| additional lease up to 3 not including the first lease plus \$5,000 for each additional | | |
|-----------------------------------------------------------------------------------------|-----------------|-------------------|
| Subdivision Number | Schedule Amount | Sub Total Payable |
| | \$ 7,500.00 | \$ - |
| | \$ 5,000.00 | \$ - |
| 0 Total: | | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

| 8. Variation to increase the maximum gross floor area of service station. | | |
|---------------------------------------------------------------------------|-----------------|-------------------|
| Additional Gross Floor Area | Schedule Amount | Sub Total Payable |
| | \$ 500.00 | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

| under the <i>Liquor Act 2010</i> . | | |
|------------------------------------------|-----------------|-------------------|
| Additional Gross Floor Area | Schedule Amount | Sub Total Payable |
| | \$ 250.00 | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

| complex. | | |
|------------------------------------------|-----------------|-------------------|
| Number of Additional Self Care Units | Schedule Amount | Sub Total Payable |
| | \$ 40,000.00 | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

| 11. Variation to increase the maximum number of care beds in a retirement complex. | | |
|------------------------------------------------------------------------------------|-----------------|-------------------|
| Number of Additional Care Beds | Schedule Amount | Sub Total Payable |
| | \$ 10,000.00 | \$ - |
| Is there a remission? If so what % rate. | | \$0.00 |

| the lease for a stated purpose to remove the reference to the association in relation | | |
|---------------------------------------------------------------------------------------|-----------------|-------------------|
| Removal of Association | Schedule Amount | Sub Total Payable |
| | \$ 7,500.00 | \$ - |
| Is there a remission? If so what % rate. | 0% | \$0.00 |

Sub Total of Section 276E Schedule 1 Calculation Amount: \$ 7,500.00

From: Wang, Zhimei
Sent: Thursday, 11 June 2020 2:45 PM
To: purdons@purdon.com.au
Cc: Hurst, Jackie; Darke, Ed
Subject: LVC Determination - DA202036891 - Fyshwick S8 B9 & B11
Attachments: 20200611 - Signed LVC Cover Letter to Lessee - Fyshwick S8 B9 & B11 (A25705495).pdf; 20200610 - Signed LVC Notice of Assessment S276e - Fyshwick S8 B9 & B11 (A25705498).pdf

UNCLASSIFIED

Good afternoon Ms Devine

Block 9 & 11 Section 8 Suburb of FYSHWICK
DA Number: 202036891

Please find attached the Notice of Assessment for the above block.

Please make sure a copy of this invoice is forwarded to the Lessee as no Lessee email address has been provided to us.

Payment options can be found on the bottom of the Invoice.

Please call me if I can be of further assistance on 6207 5403.

Kind Regards

Zhimei (May) Wang
DA Leasing Services | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
P **02 6205 8774** | F 02 6207 1956 |
Email : zhimei.wang@act.gov.au | web: www.planning.act.gov.au



ACT
Government

Environment, Planning and
Sustainable Development

Lease Variation Charge

Mr Ewen McKenzine
Capital Recycling Solutions
16 Ipswich Street
FYSHWICK ACT 2609

Dear Mr McKenzine,

**BLOCKS 9 & 11 SECTION 8 FYSHWICK
DEVELOPMENT APPLICATION NUMBER 202036891**

I refer to the Notice of Decision dated 16 April 2020 for the above development approval.

As you are aware, prior to the registration of the lease variation the lessee is required to pay any assessed Lease Variation Charge (LVC).

Please find attached to this letter a Notice of Assessment which outlines the LVC payable. A copy of the Notice of Assessment has also been sent by email to the applicant for the development application for their information.

Please note that the lease variation component of the Development Approval (DA) will expire two (2) years from the date the DA took effect. This DA took effect 15 May 2020 and will therefore expire 15 May 2022. There is no provision within legislation to extend this timeframe. You must make arrangements to lodge the Crown lease surrender regrant at the Land Titles Office before the expiry of the approval.

After the LVC payment has been received, DA Leasing will prepare all documents and provide further correspondence explaining the process for registration of the Crown lease surrender regrant. Registration at Land Titles Office must occur prior to the expiry of the DA, see Condition A, section 4-5 in your Notice of Decision.

Once the LVC is paid please forward a copy of the receipt to actpladaleasing@act.gov.au or contact DA Leasing on (02) 6207 5403.

Should you require any further information in relation to this matter please contact me using the details above.

Yours sincerely



Zhimei (May) Wang
DA Leasing
Planning Delivery Division
11 June 2020

CC: Ms Merissa Devine – Purdon Planning Pty Ltd – purdons@purdon.com.au

GPO Box 158 Canberra ACT 2601 | phone: 132281 | www.act.gov.au



ACT
Government

Environment, Planning and
Sustainable Development

**NOTICE OF ASSESSMENT
LEASE VARIATION CHARGE**
Planning and Development Act 2007
Section 276D

Mr Ewen McKenzine
Capital Recycling Solutions
16 Ipswich Street
FYSHWICK ACT 2609

| Unit | Block | Section | Division | Development Application No. |
|------|--------|---------|----------|-----------------------------|
| - | 9 & 11 | 8 | FYSHWICK | 202036891 |

The Lease Variation Charge for the above Development Application has been determined in accordance with the *Planning and Development Act 2007*.

| Section 276E Chargeable Variation | |
|---------------------------------------|------------------|
| Schedule 1, Item 4 – Specific Charges | |
| Variation Description | Variation Amount |
| Consolidate two (2) leases | \$7,500.00 |

| | |
|---------------------------------------------|-------------------|
| Total Lease Variation Charge Payable | \$7,500.00 |
|---------------------------------------------|-------------------|

Payment Options

Lease Variation Charge Deferral

Applies to LVC amounts of \$50,000.00 or more. For information and to apply please visit the ACT Revenue Office website: <https://www.revenue.act.gov.au/lvc/lvc-deferrals> or call 6207 0028.



In Person (Cash, Cheque, EFTPOS, Bankcard, MasterCard and Visa)

Environment, Planning and Sustainable Development Customer Service Centre –
Office Hours 8.30am to 4.30pm Monday to Friday 16 Challis Street Dickson ACT 2602



By Post (Cheque made payable to ACT Government)

Environment, Planning and Sustainable Development GPO Box 158 Canberra ACT 2601



By Phone (Bankcard, MasterCard and Visa).

Contact Environment, Planning and Sustainable Development during business hours on telephone (02) 6207 1923.



Online (MasterCard and Visa in \$10,000.00 payments)

Please visit the Access Canberra website - www.accesscanberra.act.gov.au - , click on the “Pay Online” tab, and then “Notice of Assessment Lease Variation Charge Payment” in the alphabetical listings. At the bottom of the page, please click “Open New Form” and complete details for payment. Please note, you will need to make multiple payments for amounts larger than \$10,000.00.

CASHLINK CODE: 341010

Jonathan Teasdale
Delegate of Commissioner for Revenue

10 June 2020

Notice of Assessment Lease Variation Charge - Tax receipt

This transaction will appear on your credit card statement as ACCESS CANB INTERNET.

| Date and time | Reference code | Payment receipt number | Total amount paid |
|------------------------|----------------|------------------------|-------------------|
| 15 Jun 2020 9:42:22 AM | 2PR7ZZ | 2713316555 | \$7,500.00 |

Environment, Planning and Sustainable
Development Directorate
ABN81 633 873 422

GPO Box 158
Canberra ACT 2601

Email: epdcustomerservices@act.gov.au
Phone: 02 6207 1923

Notice of Assessment Lease Variation Charge

This payment is for: *

Lease Variation Charge

| Suburb/District * | Section * | Block * | Unit(s) |
|-------------------|-----------|---------|---------|
| FYSHWICK | 8 | 9 | |

If you require help with suburb/district, section or block details, visit [ACTMAPI](#).

Development Application No. *

202036891

Amount as per Notice of Assessment *

\$7,500.00

If payment amount is greater than \$10,000 please see your fee advice for an alternative payment method.

I declare that the payment is being made in accordance with the Notice of Assessment I have received from Environment, Planning and Sustainable Development Directorate. *

Payer name *

EWEN MCKENZIE

Phone number *

0409666183

Payment amount

\$7,500.00

APPLICATION TO REGISTER A CROWN LEASE

Form 031 - ACL

Land Titles Act 1925

IMPORTANT INFORMATION

This form is to be used to lodge an application to register a crown lease under the *Land Titles Act 1925* (the Act). You can access the Act at www.legislation.act.gov.au. You may also obtain further information and forms at www.act.gov.au/accesscbr.

PRIVACY INFORMATION

The collection of personal information in this form is required by law under the *Land Titles Act 1925*, to ensure accurate and legal transfer of title or registration of other interests relating to land and for maintaining publicly searchable registers and indexes. Personal information collected on this form will be handled in accordance with the Territory Privacy Principles in Schedule 1 of the Information Privacy Act 2014. More detailed information about how Access Canberra handles this personal information is available at: <https://www.act.gov.au/acprivacy>

INSTRUCTIONS FOR COMPLETION

- A Crown lease is a dutiable document
- Two signed original copies of the Crown leases are required to be lodged with this document.
- The Buyer Verification Declaration must be completed prior to lodgement of this form. The submission date and reference number must be recorded on this form.
- **Aggregation** - Only complete the question on the transfer instrument if purchasing multiple properties within a 12 month period. Two or more dutiable transactions of separate dutiable properties must be aggregated if they occur within 12 months of each other; involve transferees who are the same or associated people; and the transactions are part of substantially one arrangement relating to all items of dutiable property. If you do not believe your transactions should be aggregated you must provide the corresponding code on the transfer instrument. Furthermore, where there are multiple properties on the one transfer instrument an annexure should be lodged with this form identifying the individual consideration for each property transferring. This will be taken as the clients request for the transactions not be aggregated in accordance with section 24 (2) of the *Duties Act 1999*.
- The value entered into the Consideration Field must reflect the total value of the property, being the higher of the consideration or market value, including GST if applicable
- If a duty concession/exemption is being claimed or the transferee is applying for Deferred Duty, please record the applicable code number. The codes and required documentation to retain are available on www.revenue.act.gov.au
- All information should be typed or clearly printed. If completing this form by hand please use a solid black pen only.
- The first named buyer on this form will be the primary contact for ACT Revenue Office purposes
- This office will not accept lodgement of this form if it is not completed in full.
- Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear and all parties must sign in the margin. Do not use correction fluid or tape.
- Ensure all required documents are attached.
- Execution by:
 - a) **A Natural Person** – Should be witnessed by an adult person who is not a party to the document.
 - b) **Attorney** – if this document is executed by an Attorney pursuant to a registered power of attorney, it must set out the full name of the attorney and the form of execution must indicate the source of his/her authority e.g. “AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation”. (This execution requires a witness).
 - c) **Corporation** – Section 127 of the *Corporations Act* provides that a company may now validly execute a document with or without using a Common Seal if the document is signed by:
 - i. Two directors of the company;
 - ii. A director and a secretary of the company; or
 - iii. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director must state sole director. (This execution does not require a witness).

LODGEMENT AND CONTACT INFORMATION

Website:

www.accesscanberra.act.gov.au

General Enquiries:

13 22 81

In Person:

Environment, Planning and Land Shopfront

Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson

Opening hours - Monday to Friday 8:30am to 4:30pm (*excluding public holidays*)

| LIST ALL PARCELS IN SURRENDERED LEASE/S | | | |
|-----------------------------------------|-------------------|---------|-------|
| Vol: Folio | District/Division | Section | Block |
| 2427:22 | Fyshwick | 8 | 11 |
| 832:21 | Fyshwick | 8 | 9 |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| DEVELOPMENT STATUS (Tick the appropriate box – one box must be completed) | LAND USE (Tick the appropriate box – one box must be completed) |
| <input type="checkbox"/> Land Only <input type="checkbox"/> Incomplete Building <input checked="" type="checkbox"/> Building Completed | <input type="checkbox"/> Residential <input type="checkbox"/> Rural <input checked="" type="checkbox"/> Commercial |

| |
|-------------------------------------------------------------------------------------------------------------------|
| ARE YOU APPLYING FOR A CONCESSION, EXEMPTION OR DUTY DEFERRAL? (See instructions) |
| <input checked="" type="checkbox"/> Yes (if yes provide code number) Code Number: 068 <input type="checkbox"/> No |

| |
|-------------------------------------------------------------------------------------------------------------------------------------------|
| DOES THIS TRANSFER REQUIRE AGGREGATION WITH OTHER DUITABLE TRANSACTIONS? (See aggregation instructions, point 4) |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <input type="checkbox"/> No (if no provide code number) Code Number: |

| | |
|--------------------------------------------------------------------------------------------------|--------------------|
| CONSIDERATION (See instructions for completion – higher of market value or consideration) | GST PAYABLE |
| GRANT OF NEW CROWN LEASE | NOT APPLICABLE |

| | |
|-------------------------------------------|-----------------------------------------------------------------|
| AGREEMENT / CONTRACT FOR SALE DATE | SETTLEMENT DATE (the date the buyer is liable for rates) |
| NOT APPLICABLE | NOT APPLICABLE |

| OFFICE USE ONLY | |
|--------------------------|--|
| Lodged By | |
| Data Entered/Examined By | |
| Volume & Folio issued | |
| Registered By | |
| Registration Date | |

DETERMINATION/SURRENDER OF A CROWN LEASE

Form 057 - DCL

Land Titles Act 1925

IMPORTANT INFORMATION

This form is to be used to lodge a determination/surrender of a crown lease under the *Land Titles Act 1925* (the Act). You can access the Act at www.legislation.act.gov.au. You may also obtain further information and forms at www.act.gov.au/accesscbr.

PRIVACY NOTICE

The collection of personal information in this form is required by law under the *Land Titles Act 1925*, to ensure accurate and legal transfer of title or registration of other interests relating to land and for maintaining publicly searchable registers and indexes. Personal information collected on this form will be handled in accordance with the Territory Privacy Principles in Schedule 1 of the Information Privacy Act 2014. More detailed information about how Access Canberra handles this personal information is available at: <https://www.act.gov.au/acprivacy>

INSTRUCTIONS FOR COMPLETION

- The Seller Verification Declaration must be completed prior to lodgement of this form. The submission date and reference number must be recorded on this form.
- All information should be typed or clearly printed. If completing this form by hand, please use a solid black pen only.
- This office will not accept lodgement of this form if it is not completed in full.
- The first named buyer on this form will be the primary contact for ACT Revenue Office purposes.
- Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear, and all parties must sign in the margin. Do not use correction fluid or tape.
- Ensure all required documents are attached. If there is insufficient space in any panel, please use an Annexure Sheet.

CERTIFICATIONS

Any inapplicable certification statement(s) must be deleted.

Certification statements must be made by the Certifier, being one of the following:

- a. A legal practitioner**
- b. If the applicant is not represented by a legal practitioner – the applicant (i.e. self-represented party)**
- c. If a party to an instrument is not represented by a legal practitioner – that party (i.e. self-represented party)**

All certifications apply where the Certifier is a legal practitioner.

The first two listed certifications do not apply where the Certifier is a self-represented party. Self-represented parties are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

By certifying this form, the legal practitioner acknowledges they have taken reasonable steps to verify that their client or his, her or its administrator or attorney is a legal person and has the right to enter into the conveyancing transaction.

Note: - An attorney or a body corporate cannot make certification statements.

LODGEMENT INFORMATION

In Person:

Environment, Planning and Land Shopfront
Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson. Opening hours - Monday to Friday 8:30am to 4:30pm (*excluding public holidays*)

CONTACT INFORMATION

Email: actlandtitles@act.gov.au

Phone: (02) 6207 0491



DETERMINATION/SURRENDER OF A CROWN LEASE

Form 057 - DCL

Land Titles Act 1925

| LODGING PARTY DETAILS | | | |
|-----------------------|---------------|---------------------------|--------------------------|
| Name | Email Address | Customer Reference Number | Contact Telephone Number |
| | | | |

| TITLE AND LAND DETAILS | | | |
|------------------------|-------------------|---------|-------|
| Volume & Folio | District/Division | Section | Block |
| 832:21 | FYSHWICK | 8 | 9 |
| 2427:22 | FYSHWICK | 8 | 11 |

| | |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| FULL NAME AND ADDRESS OF LESSEE/S (Surname Last) (ACN required for all Companies) | THE SELLER VERIFICATION DECLARATION HAS BEEN SUBMITTED (must be completed prior to lodgement of this document) |
| CAPITAL RECYCLING SOLUTIONS PTY LIMITED ACN 169 054 353 16 IPSWICH STREET FYSHWICK ACT 2609. | Provide date and reference number/s Submission Date: Reference Code: |

| | |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| CONSIDERATION (Please provide monetary sum and/or reason for surrender) | CONSENTING PARTY – SUPPORTING DOCUMENTATION (One form required for each party required to consent) |
| GRANT OF NEW CROWN LEASE | <input type="checkbox"/> Please complete and attach – Form 042 – C – Consent |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| DEVELOPMENT STATUS (Tick the appropriate box – one box must be completed) | LAND USE (Tick the appropriate box – one box must be completed) |
| <input type="checkbox"/> Land Only <input type="checkbox"/> Incomplete Building <input checked="" type="checkbox"/> Building Completed | <input type="checkbox"/> Residential <input type="checkbox"/> Rural <input checked="" type="checkbox"/> Commercial |

| LESSOR'S EXECUTION | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Signed by the person duly authorised by ACT Planning and Land Authority (Please print full name of authorised signatory). POSITION NUMBER: SENIOR OFFICER GRADE: Signature of authorised person | Print full name and address of witness <div style="text-align: center;"> ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE 480 NORTHBOURNE AVENUE DICKSON ACT 2602 </div> Signature of witness |

CERTIFICATION *Delete the inapplicable**Lessee**

- *The Certifier has taken reasonable steps to verify the identity of the Lessee or his, her or its administrator or attorney.
- *The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- *The Certifier has retained the evidence to support this Registry Instrument or Document.
- *The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

<Name of certifying party>
<Capacity of certifying party>

for: <Company name>

on behalf of the Lessee

DATE**OFFICE USE ONLY**

| | | | |
|-----------------|--|-----------------------|--|
| Lodged by | | Registered date / by | |
| Data entered by | | Attachments/Annexures | |

Planning and Development Act 2007

Development Application

Application Number: **202037590**

Before Starting

PLEASE NOTE: This wizard will time out if left inactive for a period of more than two hours, after which time you will lose your application and be required to complete a new wizard. It is recommended you **save** this session if it is to be left inactive for an extended period of time.

Please ensure that your screen is set to the highest resolution (e.g. 1280 by 1024 pixels) to ensure all content in the wizard is visible.

Type of Application

The type of application you are applying for is a **New Application**

Are you applying for a:

Development Application

Has a pre-application meeting been held in relation to this proposal?

No

Lease/Site Details

Site Number: 1

If your rural property is identified by a Block/Section/Suburb, please select the "Urban" radio button.

Urban

| Suburb | Section | Block Number | Unit Number |
|---------------------------------------|---------------------------------|---------------------------------|----------------------|
| <input type="text" value="FYSHWICK"/> | <input type="text" value="47"/> | <input type="text" value="11"/> | <input type="text"/> |

Street Address

Site Number: 2

If your rural property is identified by a Block/Section/Suburb, please select the "Urban" radio button.

Urban

| Suburb | Section | Block Number | Unit Number |
|---------------------------------------|--------------------------------|--------------------------------|----------------------|
| <input type="text" value="FYSHWICK"/> | <input type="text" value="8"/> | <input type="text" value="9"/> | <input type="text"/> |

Street Address

Site Number: 3

If your rural property is identified by a Block/Section/Suburb, please select the "Urban" radio button.

Urban

| Suburb | Section | Block Number | Unit Number |
|----------|---------|--------------|-------------|
| FYSHWICK | 8 | 11 | |

Street Address
FYSHWICK

Applicant Details

What type of applicant are you:

Business

ACN or ABN

14659841354

Company Name

Purdon Planning Pty Ltd

Position held / Title

office administrator

Salutation

None

First Name

Jenny

Surname

Jones

Postal Address 1

Unit 4

Postal Address 2

1-3 Torrens St

Postal Address 3

Suburb

BRADDON

State/Territory

ACT

Postcode

2612

Country

Australia

Phone Number

62571511

Fax Number

Mobile Number

Email

purdons@purdon.com.au

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a:

Registered company

Australian Company Number (ACN)

65169054353

Company Name

Capital Recycling Solutions Pty Ltd

Position held / Title

Project Manager

Salutation

None

First Name

Adam

Surname

Perry

Postal Address 1

15 Lithgow Street

Postal Address 2

Postal Address 3

Suburb

Fyshwick

State/Territory

ACT

Postcode

2609

Country

Australia

Phone Number

0408762296

Fax Number

Mobile Number

0408762296

Email

purdons@purdon.com.au

Notice of Decision and Plans

Please specify the delivery method for the return of plans. Unless otherwise specified, your Notice of Decision and/or plans will be returned via email.

Email

Are you applying for an *Estate Development Plan* OR *Home Business*?

No

Zone

Please specify which zone applies to this application (please select one zone only). Please click [here](#) to access ACTMAPi and locate the zone.

IZ2 Mixed use industrial zone

If more than one zone is applicable to your application, please specify them below:

Transport & Services Zone

Development/Precinct Code

Please specify which development code applies to this application.

Industrial Zones Development Code

Please specify all relevant precinct code/s applied to your proposal

Fyshwick Precinct Code

Fully Describe Your Proposal

Please provide a full description of your proposal (Note: This must accurately describe all aspects of your proposal and include any lease changes being applied for.)

Proposal to construct a Materials recovery facility which processes 300,000 tonnes per annum. This use aligns with the Territory Plan definitions of recycling facility and waste transfer station.

Proposed Use of the Land

Describe the use of the development. **Example:** Office, childcare facility, gymnasium. (Note: Please refer to the Territory Plan definitions for land use definitions. Please also consider what is permitted under any Crown Lease for the site.)

Recycling facility & waste transfer station.

Is the proposed use consistent with the current Crown lease?

No

Assessment Track

Please indicate which assessment track applies to this Development Application: (If you are not sure which assessment track applies, please contact Environment, Planning and Sustainable Development Directorate on (02)62071923)

Impact

Has an Environmental Significance Opinion been sought for this proposal?

No

For more information about which track your development application will be assessed in, please click [here](#). *Please note, the Environment, Planning and Sustainable Development Directorate may refuse to accept a development application made in an incorrect assessment track. If the Environment, Planning and Sustainable Development Directorate assesses an application made in the incorrect assessment track it must refuse the application (S.114 (3)).*

Type of Development

Please indicate which type of development applies to this development application.

Non-Residential (including Commercial and Industrial)

Lease Variation

Does this proposal involve a variation to a Units Plan?

No

Please select a *Lease Variation* sub type:

Clause Changes

Nominating Remission

Are you seeking remission under the Planning and Development (Remission of Lease Variation Charges - Economic Stimulus and Sustainability) Determination 2014 (No 1) (DI-2014-48)?

Yes

Non-Residential

Please select a Non-Residential sub type:

New building

National Capital Design Review Panel (NCDRP)

Does the proposal include building/s that are five (5) or more storeys?

No

Have you consulted with the National Capital Design Review Panel (NCDRP)?

No

From 1 October 2019, a proponent must consult with the NCDRP about a development proposal that is 5 or more storeys. Application will not progress, please contact designreview@act.gov.au

Gross Floor Area (GFA) and Cost of Works

Please ensure that all values contain a decimal point followed by two digits

Gross Floor Area Calculation

A - Gross Floor Area (existing) (m²)

7213.7

B - Gross Floor Area to be demolished (m²)

150.00

C - Gross Floor Area to be added (m²)

7093.7

D - Total Gross Floor Area of development (A-B+C)(m²)

14157.4

E - COST OF WORKS (\$)

10000000.00

Other Area Calculation (not already included in the areas provided above)

F - Area of other BCA Class 10 structures included in this application (e.g. metal carport, pergola, deck, verandah) (m²)

0.00

G - Parking areas – undercover

0.00

H - COST OF WORKS (F & G) (\$)

0.00

Cost of Associated Works

I - Cost of all associated works such as landscaping (\$)

10000.00

J - Cost of all public works and/or off site works (\$)

100000.00

K - TOTAL COST OF WORKS (E+H+I+J)

10110000

Cost of works **MUST be calculated in accordance with the current version of [Building \(General\) \(Cost of Building Work\) Determination](#) OR a summary of costs from a bill of quantities prepared by a quantity surveyor supplied with application. A summary of costs from a bill of quantities MAY be requested for proposals where cost of work is between \$0 and \$10 million. A summary of costs from a bill of quantities **MUST** be provided for proposals where cost of work is over \$10 million.*

Demolition, Trees

Demolition

Is the [Demolition](#) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for [referral](#) to Entity?

Yes

Trees

Is the Trees item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Heritage

Heritage

Is the *Heritage* item relevant to your proposal?

No

Hazardous Materials, Contamination, Erosion and Sediment Control

Hazardous Material

Is the Hazardous Materials item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Contamination

Is the Contamination item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Erosion and Sediment Control (for sites less than 0.3 of a hectare)

Is the Erosion and Sediment Control (for sites less than 0.3 of a hectare) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for [referral](#) to Entity?

Yes

For works such as class 10 structures, additions and alterations, and backyard swimming pools - a note on the plan that "the development will comply with the ACT Environment Protection Authority, Environment Protection Guidelines for Construction and Land Development in the ACT" is required. In circumstances where there is a reasonable risk that soil from the required earth works in the front of the block will impact on the stormwater system because the block slopes towards the street a separate Erosion & Sediment Control Plan will be required

Erosion and Sediment Control (for sites greater than 0.3 of a hectare)

Is the Erosion and Sediment Control (for sites greater than 0.3 of a hectare) item relevant to your proposal?

No

Waste Management, Noise

Waste Management for waste facilities and management

Is the Waste Management (for waste facilities) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for [referral](#) to Entity?

Yes

Waste Management for liquid trade waste

Is the Waste Management (for liquid trade waste) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for [referral](#) to Entity?

Yes

Noise

Is the Noise Management item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Servicing & Site Management, Utilities

Servicing and Site Management

Is the Servicing and Site Management item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Utilities

Is the *Utilities* item relevant to your proposal?

Yes

Please tick the relevant entities

Water

Electricity

Sewerage

Stormwater

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Are you relocating or constructing any new services?(If unsure please contact relevant service providers before submitting this application).

Yes

Are easements required?(If unsure please contact relevant service providers).

Yes

Have supporting plans been provided?

No

Subdivision, National Capital Plan, Crime Prevention, Access & Mobility

Subdivision (other than residential zones)

Is the Subdivision (other than residential zones) item relevant to your proposal?

No

National Capital Plan

Is the [National Capital Plan](#) item relevant to your proposal?

No

Crime Prevention through Environmental Design

Is the [Crime Prevention](#) item relevant to your proposal?

No

Access and Mobility

Is the [Access and Mobility](#) item relevant to your proposal?

No

Site Access, Parking, Landscape, Lighting

Site Access

Is the Site Access item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Landscape

Is the [Landscape](#) item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Lighting

Is the [Lighting](#) item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Signs, Water Sensitive Urban Design

Signs

Is the [Signs](#) item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Water Sensitive Urban Design (Mains Water Consumption)

Is the Water Sensitive Urban Design (Mains Water Consumption) item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Water Sensitive Urban Design (Stormwater Quality)

Is the Water Sensitive Urban Design (Stormwater Quality) item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Water Sensitive Urban Design

Water Sensitive Urban Design (Stormwater Quantity)

Is the Water Sensitive Urban Design (Stormwater Quantity) item relevant to your application?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Driveways (For works on verge only)

PLEASE NOTE: For proposals that include construction or modification of a driveway this application **MUST** be signed by the land custodian (Government Land Custodian - Asset Acceptance) as the works will be undertaken on unleased land **EXCEPT FOR DUAL OCCUPANCY DEVELOPMENT PROPOSALS**. For more information on driveways, garages and carports, please click [here](#).

Does your proposal include construction or modification of driveway/s?

Yes

Please indicate the works to be undertaken

Relocation of existing entrance

Survey Requirements - S.139(2)(l) - P & D Act 2007

If this application is for approval of a development that requires construction work to be carried out on land that has previously been developed and is not leased for rural purposes, a survey certificate for the land where the development is to be carried out (prepared and signed by a registered surveyor) must accompany this application unless exempt by Regulation 25 of the [Planning and Development Regulations 2008](#)

Do you have a [survey certificate](#) with this application?

Yes

Development Undertaken Without Approval - S.205 - P & D Act 2007

Is this application for development undertaken without approval?

No

*If YES - Under Section 139(2)(m) of the Planning and Development Act 2007, plans of the development signed by a registered surveyor confirming the location and dimensions of the development **must** be submitted with this application. The plans need to confirm the height, width and length dimensions of the development and the setback dimensions of the development from the block boundaries. The information may be provided on one plan or on a series of plans provided each plan is signed by a registered surveyor. Note: For all unapproved development involving construction the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features must comply with utility standards, access provisions and asset clearance zones. For more information on development exempt from approval, please click [here](#). For more information on development applications for developments undertaken without approval, please refer to S205 under the [Planning and Development Act 2007](#)*

Exclusion from Public Inspection

In accordance with the requirements of Sections 28 and 30 of the [Planning and Development Act 2007](#), the Environment, Planning and Sustainable Development Directorate must make the details and associated documents relevant to a development application available for public inspection.

If you wish to apply to have all or part of this development application excluded from public inspection, you must meet the requirements of Section 411(5) or 412(1) of the Planning and Development Act 2007

Are you requesting an exclusion from [Public Inspection](#)?

No

Conflict of Interest Declaration

Does the applicant or the lessee have any association with the Environment, Planning and Sustainable Development Directorate staff?

No

NOTE: There are penalties for deliberately giving false and misleading information. The Planning and Land Authority or Minister may revoke an approval if satisfied that the approval was obtained by fraud or misrepresentation

Applicant/Lessee Declaration

I/we hereby apply for approval to carry out the development described on the land specified in this application;

I/we declare that this application is accompanied by all of the required information or documents that address the relevant rules and/or relevant criteria for it to be considered for approval;

I/we understand that the information submitted with this application form will undergo a documentation check prior to the payment of fees and formal lodgement of the application. Further information may be required prior to the acceptance of the development application by the Directorate;

I/we have provided all relevant documentation in accordance with the [minimum documentation requirements for lodgement of a Development Application \(DA\)](#). Please note, a fee may be charged if your application does not contain all the required documentation;

I/we understand that this application will be considered lodged once the relevant application fees have been paid;

I/we understand that if during the assessment of this application it is found to have been submitted in the incorrect assessment track the application will be refused and I/we will not be entitled to a refund or transfer of fees;

I/we understand that the documentation provided on CD/DVD or via the electronic lodgement process will be considered to be the relevant documentation associated with this application. All development application documentation will be made available for [public inspection](#) including via the Internet unless exclusion has been approved;

If the time for deciding the application (prescribed period) has ended and a decision has not been reached I/we understand that the application will be deemed refused and the Environment, Planning and Sustainable Development Directorate will not provide written advice of this decision. I/we also understand that the Environment, Planning and Sustainable Development Directorate is able to still consider the application and make a decision after the expiration of the prescribed period;

I/we hereby authorise the Environment, Planning and Sustainable Development Directorate its servants and agents to erect sign/s on the subject property(s) as required;

I/we hereby authorise ACT Government officers to access the subject property(s) for the purpose of evaluating the proposal(including the inspection of driveways and trees);

I/we (lessee) appoint the applicant whose signature appears in the attached *letter of appointment* to act on my/our behalf in relation to this Development Application. This authorises the applicant to pay all application fees, bonds and securities, liaise with the Environment, Planning and Sustainable Development Directorate when required, alter, amend or provide further information as necessary and receive any communications relating to this Development Application;

I understand that costs associated with the relocation of any engineering services (light poles, storm water, sumps etc) will be at my expense and that I will indemnify the ACT Government, its servants and agents against any claims arising during the relocation of these services;

I understand that construction of any driveway associated with this application may not commence until the contractor has received endorsement by the relevant government entity;

I understand that a Certificate of Design Acceptance and a Road Opening Permit and Temporary Management Plan must be obtained from the relevant government agencies prior to the start of construction works;

I/we declare that all the information given on this form and its attachments is true and complete;

If lodging on behalf of a company, organisation or Government agency: -

I/we declare I/we have the appropriate delegation or authority to sign on behalf of the company, organisation or Government agency.

I declare that I am the person shown in this eDA form as the Applicant, and by clicking the ACCEPT button below I understand that this replaces my requirement to sign a hard copy of this application.

I accept the above declarations

Accept

Acceptance date

26 Aug 2020

Before Submitting

You have almost completed the first stage of your Development Application/Pre-Application request. **PLEASE ENSURE YOUR WIZARD SESSION IS SAVED BEFORE PROCEEDING.** This will enable you to resume your session in the event of a system outage or other interruption.

When you click on Finish below, you will be navigated to a new page which will enable you to upload any associated plans/documents prior to submitting to EPSDD for review.

Development applications (DAs) can be delayed unnecessarily because EPSDD does not have all

the information it needs to undertake an assessment and make a decision.

To avoid delays ensure all required sections of the wizard are answered correctly and all required documentation is uploaded. In particular:

1. A signed appointment letter from all lessee's must be provided if works are to performed on the verge, a signed endorsement letter must be provided by the relevant Government Custodian;
2. Public register plans for residential applications are included;
3. You **MUST** include a statement against the criteria for development applications that will be assessed in the Merit track;
4. If the application is for a single unit on a unit titled block body corporate authorisation is required if there is works on a common property

If you are still not sure how to proceed or want to ensure you have everything you need for your application, you can visit the EPSDD Customer Service Centre, 16 Challis Street, Dickson, or call us on 6207 1923 and ask to speak with a technical officer.

Privacy Notice

The personal information on this form is provided to the Environment, Planning and Sustainable Development Directorate (EPSDD) to enable the processing of your application. The collection of personal information is authorised by the Planning and Development Act 2007. If all or some of the personal information is not collected EPSDD cannot process your application. The Planning and Development Act 2007 requires the details of applications, decisions and orders to be kept on a register and made available for public inspection. Information and documentation relevant to a development application may be made available via the Internet. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office, the Registrar General's Office, ACTEW Corporation, ActewAGL, Territory and Municipal Services Directorate and other Government agencies with a direct interest in the development assessment process. The information may also be disclosed where authorised by law or court order, or where the Directorate reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement-related activities conducted by, or on behalf of, an enforcement body. EPSDD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPSDD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPSDD Information Privacy Policy can be found at www.environment.act.gov.au

Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC) affect your proposal?

The EPBC came into operation on 16 July 2000. It establishes an environmental assessment and approval system that is separate and distinct from the ACT system. It does not affect the validity of ACT development assessment and approval processes, but may affect the assessment track. The ACT cannot provide preliminary advice on whether a proposal falls within the definition of a controlled action, or requires referral to the Commonwealth. You should consult with the Commonwealth to determine if your proposal is a controlled action before seeking any approvals under the Planning and Development Act 2007. For information about the EPBC, including the referral process and when a referral should be made, contact: the Department of Sustainability, Environment, Water, Population and Communities, GPO Box 787, CANBERRA ACT 2601 Telephone: 62741111

Contact Details: Environment, Planning and Sustainable Development Directorate Customer

Service Centre GPO Box 158, Canberra City 2601 16 Challis Street, Dickson ACT 2602
Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays) Phone: (02) 6207 1923
Email: epdcustomerservices@act.gov.au Website: www.environment.act.gov.au

Dear Mr/s Jones

An initial check of your Development Application has been undertaken and the following matters require your attention before the submission can be formally accepted.

DA Number: 202037590
 Block: 11, Section: 47
 Suburb: FYSHWICK, District: CANBERRA CENTRAL

Site Details: Block: 9, Section: 8
 Suburb: FYSHWICK, District: CANBERRA CENTRAL

Block: 11, Section: 8
 Suburb: FYSHWICK, District: CANBERRA CENTRAL

Applicant Name: Jenny Jones

A completeness check has been undertaken and further information is required prior to lodgement. Please provide: (1) A completed Environmental impact statement (EIS), in accordance with s 139(2)(g)(ii) of the Planning and Development Act 2007 (the Act). (2) A revised application form outlining details for each lessee/land custodian that relate to the DA, the full description of the proposal to include a description of the proposed lease variation, the cost of works calculated in accordance with the current version of Building (General) (Cost of Building Work) Determination and proposed and existing gross floor area consistent with the plans. (3) A current version of the letter of authorisation form (Form 4), signed by the lessee, any sub-lessee and each relevant land custodian. (4) A revised statement against criteria addressing all relevant rules and criteria from each relevant code of the Territory Plan and summarising outcomes of any supporting studies or investigations and how they relate to the detailed design. (5) Revised plans including information required for assessment and outlined in minimum documentation requirements. (6) A list of interested parties. (7) A valuation report and certificate prepared by a certified practicing valuer addressing the lease variation charge associated with the proposed lease variation. A follow up email will be sent to explain in further detail. Regards Dominic Riches

Matters to address:

Fees for Completeness Check Failure Notices from 1 July 2020

The following fees are based on how many failure notices are issued during the completeness check process. Any fees payable will be added to the payment advice once the DA is accepted for lodgement.

- One failure notice issued \$200.00*
- Two failure notices issued \$598.00*
- Three failure notices issued \$1,397.00*
- Four failure notices issued \$2,991.00*

PLUS a further \$1,588.00 for each additional failure notice

Note: If a DA is withdrawn and the same or substantially the same proposal is submitted within 3 months, any completeness check failure fees for the original DA submission are payable before the DA will be accepted for lodgement.

This email was automatically generated - please do not respond. If you need to contact the Environment, Planning and Sustainable Development Directorate in relation to this correspondence, please contact the Gateway Team on (02) 6205 2888 or through the [online enquiry form](#).

DA Gateway Team
Environment, Planning and
Sustainable Development
Directorate

Planning and Development Act 2007

Development Application

Application Number: **202037590**

Before Starting

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Please ensure that your screen is set to the highest resolution (e.g. 1280 by 1024 pixels) to ensure all content in the wizard is visible.

Type of Application

The type of application you are applying for is a **New Application**

Are you applying for a:

Development Application

Has a pre-application meeting been held in relation to this proposal?

No

Lease/Site Details

Site Number: 1

If your rural property is identified by a Block/Section/Suburb, please select the "Urban" radio button.

Urban

| Suburb | Section | Block Number | Unit Number |
|---------------------------------------|--------------------------------|---------------------------------|----------------------|
| <input type="text" value="FYSHWICK"/> | <input type="text" value="8"/> | <input type="text" value="11"/> | <input type="text"/> |

Street Address

Site Number: 2

If your rural property is identified by a Block/Section/Suburb, please select the "Urban" radio button.

Urban

| Suburb | Section | Block Number | Unit Number |
|---------------------------------------|--------------------------------|--------------------------------|----------------------|
| <input type="text" value="FYSHWICK"/> | <input type="text" value="8"/> | <input type="text" value="9"/> | <input type="text"/> |

Street Address

Applicant Details

What type of applicant are you:

Business

ACN or ABN

14659841354

Company Name

Purdon Planning Pty Ltd

Position held / Title

office administrator

Salutation

None

First Name

Jenny

Surname

Jones

Postal Address 1

Unit 4

Postal Address 2

1-3 Torrens St

Postal Address 3

Suburb

BRADDON

State/Territory

ACT

Postcode

2612

Country

Australia

Phone Number

62571511

Fax Number

Mobile Number

Email

purdons@purdon.com.au

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a:

Registered company

Australian Company Number (ACN)

65169054353

Company Name

Capital Recycling Solutions Pty Ltd

Position held / Title

Project Manager

Salutation

None

First Name

Adam

Surname

Perry

Postal Address 1

15 Lithgow Street

Postal Address 2

Postal Address 3

Suburb

Fyshwick

State/Territory

ACT

Postcode

2609

Country

Australia

Phone Number

0408762296

Fax Number

Mobile Number

0408762296

Email

purdons@purdon.com.au

Notice of Decision and Plans

Please specify the delivery method for the return of plans. Unless otherwise specified, your Notice of Decision and/or plans will be returned via email.

Email

Are you applying for an *Estate Development Plan* OR *Home Business*?

No

Zone

Please specify which zone applies to this application (please select one zone only). Please click [here](#) to access ACTMAPi and locate the zone.

IZ2 Mixed use industrial zone

If more than one zone is applicable to your application, please specify them below:

Development/Precinct Code

Please specify which development code applies to this application.

Industrial Zones Development Code

Please specify all relevant precinct code/s applied to your proposal

Fyshwick Precinct Code

Fully Describe Your Proposal

Please provide a full description of your proposal (Note: This must accurately describe all aspects of your proposal and include any lease changes being applied for.)

Proposal to construct a Materials recovery facility (and associated works) which processes 300,000 tonnes per annum. This use aligns with the Territory Plan definitions of recycling facility and waste transfer station. Lease variation to add recycling facility and waste transfer station to the Crown Lease.

Proposed Use of the Land

Describe the use of the development. **Example:** Office, childcare facility, gymnasium. (Note: Please refer to the Territory Plan definitions for land use definitions. Please also consider what is permitted under any Crown Lease for the site.)

Recycling facility & waste transfer station.

Is the proposed use consistent with the current Crown lease?

No

Assessment Track

Please indicate which assessment track applies to this Development Application: (If you are not sure which assessment track applies, please contact Environment, Planning and Sustainable Development Directorate on (02)62071923)

Impact

Has an Environmental Significance Opinion been sought for this proposal?

No

For more information about which track your development application will be assessed in, please click [here](#). *Please note, the Environment, Planning and Sustainable Development Directorate may refuse to accept a development application made in an incorrect assessment track. If the Environment, Planning and Sustainable Development Directorate assesses an application made in the incorrect assessment track it must refuse the application (S.114 (3)).*

Type of Development

Please indicate which type of development applies to this development application.

Non-Residential (including Commercial and Industrial)

Lease Variation

Does this proposal involve a variation to a Units Plan?

No

Please select a *Lease Variation* sub type:

Clause Changes

Nominating Remission

Are you seeking remission under the Planning and Development (Remission of Lease Variation Charges - Economic Stimulus and Sustainability) Determination 2014 (No 1) (DI-2014-48)?

Yes

Non-Residential

Please select a Non-Residential sub type:

New building

National Capital Design Review Panel (NCDRP)

Does the proposal include building/s that are five (5) or more storeys?

No

Have you consulted with the National Capital Design Review Panel (NCDRP)?

No

From 1 October 2019, a proponent must consult with the NCDRP about a development proposal that is 5 or more storeys. Application will not progress, please contact designreview@act.gov.au

Gross Floor Area (GFA) and Cost of Works

Please ensure that all values contain a decimal point followed by two digits

Gross Floor Area Calculation

A - Gross Floor Area (existing) (m²)

900.00

B - Gross Floor Area to be demolished (m²)

900.00

C - Gross Floor Area to be added (m²)

7334.00

D - Total Gross Floor Area of development (A-B+C)(m²)

7334

E - COST OF WORKS (\$)

Other Area Calculation (not already included in the areas provided above)

F - Area of other BCA Class 10 structures included in this application
(e.g. metal carport, pergola, deck, verandah) (m²)

G - Parking areas – undercover

H - COST OF WORKS (F & G) (\$)

Cost of Associated Works

I - Cost of all associated works such as landscaping (\$)

J - Cost of all public works and/or off site works (\$)

K - TOTAL COST OF WORKS (E+H+I+J)

Cost of works **MUST be calculated in accordance with the current version of [Building \(General\) \(Cost of Building Work\) Determination](#) OR a summary of costs from a bill of quantities prepared by a quantity surveyor supplied with application. A summary of costs from a bill of quantities MAY be requested for proposals where cost of work is between \$0 and \$10 million. A summary of costs from a bill of quantities **MUST** be provided for proposals where cost of work is over \$10 million.*

Demolition, Trees

Demolition

Is the [Demolition](#) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for [referral](#) to Entity?

Yes

Trees

Is the Trees item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Heritage

Heritage

Is the *Heritage* item relevant to your proposal?

No

Hazardous Materials, Contamination, Erosion and Sediment Control

Hazardous Material

Is the Hazardous Materials item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Contamination

Is the Contamination item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Erosion and Sediment Control (for sites less than 0.3 of a hectare)

Is the Erosion and Sediment Control (for sites less than 0.3 of a hectare) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for [referral](#) to Entity?

Yes

For works such as class 10 structures, additions and alterations, and backyard swimming pools - a note on the plan that "the development will comply with the ACT Environment Protection Authority, Environment Protection Guidelines for Construction and Land Development in the ACT" is required. In circumstances where there is a reasonable risk that soil from the required earth works in the front of the block will impact on the stormwater system because the block slopes towards the street a separate Erosion & Sediment Control Plan will be required

Erosion and Sediment Control (for sites greater than 0.3 of a hectare)

Is the Erosion and Sediment Control (for sites greater than 0.3 of a hectare) item relevant to your proposal?

No

Waste Management, Noise

Waste Management for waste facilities and management

Is the Waste Management (for waste facilities) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for [referral](#) to Entity?

Yes

Waste Management for liquid trade waste

Is the Waste Management (for liquid trade waste) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for [referral](#) to Entity?

Yes

Noise

Is the Noise Management item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Servicing & Site Management, Utilities

Servicing and Site Management

Is the Servicing and Site Management item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Utilities

Is the *Utilities* item relevant to your proposal?

Yes

Please tick the relevant entities

Water

Electricity

Sewerage

Stormwater

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Are you relocating or constructing any new services?(If unsure please contact relevant service providers before submitting this application).

Yes

Are easements required?(If unsure please contact relevant service providers).

Yes

Have supporting plans been provided?

No

Subdivision, National Capital Plan, Crime Prevention, Access & Mobility

Subdivision (other than residential zones)

Is the Subdivision (other than residential zones) item relevant to your proposal?

No

National Capital Plan

Is the [National Capital Plan](#) item relevant to your proposal?

No

Crime Prevention through Environmental Design

Is the [Crime Prevention](#) item relevant to your proposal?

No

Access and Mobility

Is the [Access and Mobility](#) item relevant to your proposal?

No

Site Access, Parking, Landscape, Lighting

Site Access

Is the Site Access item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Landscape

Is the [Landscape](#) item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Lighting

Is the [Lighting](#) item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Signs, Water Sensitive Urban Design

Signs

Is the [Signs](#) item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Water Sensitive Urban Design (Mains Water Consumption)

Is the Water Sensitive Urban Design (Mains Water Consumption) item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Water Sensitive Urban Design (Stormwater Quality)

Is the Water Sensitive Urban Design (Stormwater Quality) item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Water Sensitive Urban Design

Water Sensitive Urban Design (Stormwater Quantity)

Is the Water Sensitive Urban Design (Stormwater Quantity) item relevant to your application?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Driveways (For works on verge only)

PLEASE NOTE: For proposals that include construction or modification of a driveway this application **MUST** be signed by the land custodian (Government Land Custodian - Asset Acceptance) as the works will be undertaken on unleased land **EXCEPT FOR DUAL OCCUPANCY DEVELOPMENT PROPOSALS**. For more information on driveways, garages and carports, please click [here](#).

Does your proposal include construction or modification of driveway/s?

Yes

Please indicate the works to be undertaken

Relocation of existing entrance

Survey Requirements - S.139(2)(l) - P & D Act 2007

If this application is for approval of a development that requires construction work to be carried out on land that has previously been developed and is not leased for rural purposes, a survey certificate for the land where the development is to be carried out (prepared and signed by a registered surveyor) must accompany this application unless exempt by Regulation 25 of the [Planning and Development Regulations 2008](#)

Do you have a [survey certificate](#) with this application?

Yes

Development Undertaken Without Approval - S.205 - P & D Act 2007

Is this application for development undertaken without approval?

No

*If YES - Under Section 139(2)(m) of the Planning and Development Act 2007, plans of the development signed by a registered surveyor confirming the location and dimensions of the development **must** be submitted with this application. The plans need to confirm the height, width and length dimensions of the development and the setback dimensions of the development from the block boundaries. The information may be provided on one plan or on a series of plans provided each plan is signed by a registered surveyor. Note: For all unapproved development involving construction the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features must comply with utility standards, access provisions and asset clearance zones. For more information on development exempt from approval, please click [here](#). For more information on development applications for developments undertaken without approval, please refer to S205 under the [Planning and Development Act 2007](#)*

Exclusion from Public Inspection

In accordance with the requirements of Sections 28 and 30 of the [Planning and Development Act 2007](#), the Environment, Planning and Sustainable Development Directorate must make the details and associated documents relevant to a development application available for public inspection.

If you wish to apply to have all or part of this development application excluded from public inspection, you must meet the requirements of Section 411(5) or 412(1) of the Planning and Development Act 2007

Are you requesting an exclusion from [Public Inspection](#)?

No

Conflict of Interest Declaration

Does the applicant or the lessee have any association with the Environment, Planning and Sustainable Development Directorate staff?

No

NOTE: There are penalties for deliberately giving false and misleading information. The Planning and Land Authority or Minister may revoke an approval if satisfied that the approval was obtained by fraud or misrepresentation

Applicant/Lessee Declaration

I/we hereby apply for approval to carry out the development described on the land specified in this application;

I/we declare that this application is accompanied by all of the required information or documents that address the relevant rules and/or relevant criteria for it to be considered for approval;

I/we understand that the information submitted with this application form will undergo a documentation check prior to the payment of fees and formal lodgement of the application. Further information may be required prior to the acceptance of the development application by the Directorate;

I/we have provided all relevant documentation in accordance with the [minimum documentation requirements for lodgement of a Development Application \(DA\)](#). Please note, a fee may be charged if your application does not contain all the required documentation;

I/we understand that this application will be considered lodged once the relevant application fees have been paid;

I/we understand that if during the assessment of this application it is found to have been submitted in the incorrect assessment track the application will be refused and I/we will not be entitled to a refund or transfer of fees;

I/we understand that the documentation provided on CD/DVD or via the electronic lodgement process will be considered to be the relevant documentation associated with this application. All development application documentation will be made available for [public inspection](#) including via the Internet unless exclusion has been approved;

If the time for deciding the application (prescribed period) has ended and a decision has not been reached I/we understand that the application will be deemed refused and the Environment, Planning and Sustainable Development Directorate will not provide written advice of this decision. I/we also understand that the Environment, Planning and Sustainable Development Directorate is able to still consider the application and make a decision after the expiration of the prescribed period;

I/we hereby authorise the Environment, Planning and Sustainable Development Directorate its servants and agents to erect sign/s on the subject property(s) as required;

I/we hereby authorise ACT Government officers to access the subject property(s) for the purpose of evaluating the proposal(including the inspection of driveways and trees);

I/we (lessee) appoint the applicant whose signature appears in the attached *letter of appointment* to act on my/our behalf in relation to this Development Application. This authorises the applicant to pay all application fees, bonds and securities, liaise with the Environment, Planning and Sustainable Development Directorate when required, alter, amend or provide further information as necessary and receive any communications relating to this Development Application;

I understand that costs associated with the relocation of any engineering services (light poles, storm water, sumps etc) will be at my expense and that I will indemnify the ACT Government, its servants and agents against any claims arising during the relocation of these services;

I understand that construction of any driveway associated with this application may not commence until the contractor has received endorsement by the relevant government entity;

I understand that a Certificate of Design Acceptance and a Road Opening Permit and Temporary Management Plan must be obtained from the relevant government agencies prior to the start of construction works;

I/we declare that all the information given on this form and its attachments is true and complete;

If lodging on behalf of a company, organisation or Government agency: -

I/we declare I/we have the appropriate delegation or authority to sign on behalf of the company, organisation or Government agency.

I declare that I am the person shown in this eDA form as the Applicant, and by clicking the ACCEPT button below I understand that this replaces my requirement to sign a hard copy of this application.

I accept the above declarations

Accept

Acceptance date

01 Oct 2020

Before Submitting

You have almost completed the first stage of your Development Application/Pre-Application request. **PLEASE ENSURE YOUR WIZARD SESSION IS SAVED BEFORE PROCEEDING.** This will enable you to resume your session in the event of a system outage or other interruption.

When you click on Finish below, you will be navigated to a new page which will enable you to upload any associated plans/documents prior to submitting to EPSDD for review.

Development applications (DAs) can be delayed unnecessarily because EPSDD does not have all

the information it needs to undertake an assessment and make a decision.

To avoid delays ensure all required sections of the wizard are answered correctly and all required documentation is uploaded. In particular:

1. A signed appointment letter from all lessee's must be provided if works are to performed on the verge, a signed endorsement letter must be provided by the relevant Government Custodian;
2. Public register plans for residential applications are included;
3. You **MUST** include a statement against the criteria for development applications that will be assessed in the Merit track;
4. If the application is for a single unit on a unit titled block body corporate authorisation is required if there is works on a common property

If you are still not sure how to proceed or want to ensure you have everything you need for your application, you can call the Land, Planning and Building Services Shopfront on 6207 1923 and ask to speak with a technical officer.

Privacy Notice

The personal information on this form is provided to the Environment, Planning and Sustainable Development Directorate (EPSDD) to enable the processing of your application. The collection of personal information is authorised by the Planning and Development Act 2007. If all or some of the personal information is not collected EPSDD cannot process your application. The Planning and Development Act 2007 requires the details of applications, decisions and orders to be kept on a register and made available for public inspection. Information and documentation relevant to a development application may be made available via the Internet. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office, the Registrar General's Office, ACTEW Corporation, ActewAGL, Territory and Municipal Services Directorate and other Government agencies with a direct interest in the development assessment process. The information may also be disclosed where authorised by law or court order, or where the Directorate reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement-related activities conducted by, or on behalf of, an enforcement body. EPSDD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPSDD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPSDD Information Privacy Policy can be found at www.environment.act.gov.au

Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC) affect your proposal?

The EPBC came into operation on 16 July 2000. It establishes an environmental assessment and approval system that is separate and distinct from the ACT system. It does not affect the validity of ACT development assessment and approval processes, but may affect the assessment track. The ACT cannot provide preliminary advice on whether a proposal falls within the definition of a controlled action, or requires referral to the Commonwealth. You should consult with the Commonwealth to determine if your proposal is a controlled action before seeking any approvals under the Planning and Development Act 2007. For information about the EPBC, including the referral process and when a referral should be made, contact: the Department of Sustainability, Environment, Water, Population and Communities, GPO Box 787, CANBERRA ACT 2601 Telephone: 62741111

Contact Details: Environment, Planning and Sustainable Development Directorate, Land,

Planning and Building Services Shopfront, GPO Box 158, Canberra City 2601, 8 Darling Street,
Mitchell ACT 2911 Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays)
Phone: (02) 6207 1923 Email: epdcustomerservices@act.gov.au Website:
www.environment.act.gov.au



STATEMENT AGAINST CRITERIA

MATERIALS RECOVERY FACILITY

Capital Recycling Solutions

September 2020

Prepared By:



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1.0 Introduction

1.1 Purpose

This Planning Report has been prepared by Purdon Planning Pty Ltd and Capital Recycling Solutions (CRS) Pty Limited as supporting documentation for a Development Application (DA) on behalf of CRS (Proponent). The Proponent has received correspondence from ACT Planning (ACTPLA) on 3 July 2020, advising that the Minister has decided to take no action on the previously lodged Revised EIS and therefore the EIS process is now complete. As such, a DA can now be submitted for the proposed Materials Recovery Facility (MRF).

The following blocks are the subject of this DA:

- Blocks 9 and 11 Section 8 Fyshwick (recently consolidated into Block 14 Section 8 and referred to in this document as 'subject site')

Works subject of this DA include new driveway crossings, an enclosed MRF building, weighbridge, parking, hardstand, and office.

This DA also proposes a Lease Variation to the new Crown Lease for the subject site to permit use for 'waste transfer station' and 'recycling facility' which are both uses consistent with the zoning.

This planning report includes the following:

- Summary and recommendations contained in the EIS Assessment Report prepared by ACTPLA;
- Description of works;
- A description of the proposed lease purpose variation to include waste transfer station and recycling facility;
- Relevant strategic and statutory planning considerations;
- Impact assessment;
- Details of proposed mitigation measures related to the construction and operation of the MRF; and
- Statements against the relevant codes in the Territory Plan, as well as all matters required for consideration under the Planning and Development Act 2007.

This application is lodged for consideration as an impact track DA.

This impact track assessment report should be read in conjunction with detailed documents and plans lodged with this DA and the previously assessed EIS. The Revised EIS documents and ACTPLA assessment are submitted with the DA for ease of reference.

1.2 Background and Consent History

The proposed MRF facility aligns with the Territory Plan definitions for a "waste transfer station" and "recycling facility". The MRF is designed to receive and process a maximum of 300,000 tonnes per annum (Tpa) of municipal solid waste (MSW) and commercial, industrial, and light construction wastes (C&I). These wastes are to be delivered by collection trucks and then processed inside the MRF with the residues then compacted into shipping containers for landfill. Recyclables will be containerised or sent for additional processing by truck. The containers of waste residues will then travel via rail (or truck as a contingency) using the adjacent rail freight terminal, to the Woodlawn bioreactor landfill (Woodlawn) for disposal. Recyclables will be transported from site using either rail containers or by truck depending upon the recycling markets.

The proposed MRF works consists of:

- Demolition of existing infrastructure
- Construction of the MRF processing building
- Construction of ancillary weighbridges, parking, driveway, hardstand areas and associated works
- Construction of a signalised intersection at the entry/exit to Ipswich Street, noise fence on the southern boundary and mature screening trees along Ipswich Street.

The subject site was originally used as a bulk storage and distribution depot for liquid fuels. This activity commenced in the 1950's and finished in the late 2000's. Fuel was delivered to the site by rail and then delivered by truck around Canberra.

Since 2010, the subject site has been unutilised. In 2015, the Proponent purchased the site for uses in line with this Proposal. The Block is not listed on the Register of Contaminated Sites but is known to have some soil contamination due to its historical use as a fuel depot.

Block 11 Section 8, Fyshwick was, until recently, unleased TCCS land used for service easements (water and stormwater). The block was purchased in 2019 by CRS and has recently been consolidated with other CRS land holdings to form the subject site (Block 14 Section 8, Fyshwick). CRS requires this block as part of the Proposal as it has the new MRF building located partially on it and it connects the former Shell Block to the rail corridor on B11 S47 (Unleased Territory Land).

On 16 April 2018, ACTPLA accepted a Revised EIS application on behalf of the Proponent (EIS 201700053) for a Materials Recovery Facility on Blocks 9 and 11 Section 8, Fyshwick (now consolidated into Block 14).

On 6 November 2018, a DA (DA 201834656) was submitted on behalf of the Proponent, for the construction of access roads and hardstand for a freight transport facility (FTF), and the relocation of the water main, on Blocks 9 and 11 Section 8, Fyshwick. This DA was conditionally approved on 5 June 2019

On 30 January 2019, a DA (DA 201835108) was submitted on behalf of the Proponent for the construction of a rail freight terminal (RFT) and freight transport facility (FTF) on part Block 11 Section 47, Fyshwick and the use of Blocks 9 and 11 Section 8, Fyshwick for access. This DA was conditionally approved on 5 June 2019.

On 5 March 2020, a DA (DA 202036891) was submitted on behalf of the Proponent for the consolidation of Blocks 9 and Block 11 into one allotment. This was a requirement of the direct sale process. This DA for consolidation was conditionally approved on 16 April 2020. The consolidated X plan, creating one block was deposited with the Land Titles office on 21 September 2020.

On 3 July 2020, ACTPLA advised that the Minister would take no action on the Revised EIS therefore the Proponent can now lodge this MRF DA in the Impact Track.

1.3 Revised EIS summary and recommended conditions (ACTPLA Assessment Report)

The EIS Assessment Report prepared by ACTPLA contained a list of considerations in Section 6 as well as required avoidance and mitigation measures that are to be included in any subsequent DA.

ACTPLA has identified the following information to be included in this DA as well as relevant requirements of the Territory Plan and Planning and Development Act (PD Act). Additional design measures proposed in the Revised EIS are also included.

Traffic and Parking: *A traffic and parking assessment report will be required for any subsequent DA. The report must provide an assessment relating to the final design and include SIDRA data, detail on construction traffic and parking. The DA will be assessed against the requirements of the Territory Plan, TCCS design standards and PD Act.*

Utilities: *An external services plan must be provided with the DA outlining the final design and relocation of services. The external services plan must make clear the proposed services that are part of the DA submission. It is noted that Evo energy requires a new twin pad mount substation with a main switchboard to be located onsite.*

Materials and Waste: *The DA must include emergency management options for the proposed facility. The emergency management options must identify multiple other solutions, including licensed landfills that will have the capacity to accept waste if Mugga Lane is not operating at full capacity. The DA and emergency management plan should provide multiple options to ensure the waste is managed appropriately and incorporated into an environmental or waste licence.*

The DA must provide detail on waste types to be handled and propose maximum capacities for each waste type. Storage areas within the MRF building with need to be identified and maximum storage capacities.

Building design will need to reflect the measures proposed in the EIS and noted in the assessment report

Landscape and visual: *The DA must include the detailed design of the proposed buildings, storage areas and the proposed and existing landscaping. The DA must demonstrate that the detailed design is consistent with the requirements of the Territory Plan and PD Act.*

Contamination: *The DA must include contamination management measures which will be part of the Remedial Action Plan (RAP) that is consistent with the EIS and appendices. The contamination measures must demonstrate how contaminated soil and groundwater (including Jerrabomberra Creek) will be managed during the remediation of the site. The details will be considered further as part of the DA assessment process*

The DA must also outline the proposed method for leachate disposal, given the EPA have not supported the transport or disposal of leachate interstate.

Detailed design will need to reflect the measures proposed in the EIS and noted in this assessment report.

Air Quality: *As described above, the DA must provide detail on waste types to be handled and propose maximum capacities for each waste type. Storage areas within the MRF building will need to be identified with maximum capacities.*

Hazardous waste: *The DA will need to provide detail of storage areas for hazardous waste within the MRF building. The areas must provide detail of maximum capacities and any further management measures.*

Hazards and risks: *The DA will need to detail locations and access requirements for the proposed firefighting equipment, hydrants, tanks etc. Water tanks must include locations and capacities.*

Building design will need to reflect the measures proposed in the EIS and noted in this assessment report.

These items listed above are considered and discussed in Section 4.0 of this DA report

Recommended conditions:

In its revised EIS assessment, ACTPLA adopted recommended conditions that could be included in any subsequent Development Application approval. The matters outlined in the tables below are matters for post Development Application consideration and are relevant for the construction and licensing phases.

Table 1: Draft Conditions from ACTPLA EIS Assessment

Table 26 – Draft Conditions of Development Approval

| No. | Condition contents | Endorsement/approval | Construction stage | Draft condition of approval |
|-----|----------------------------------------------------|-----------------------------------------------------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Construction environmental management plan (CEMP) | Planning and land authority | Prior to construction | <p>Prior to construction, a construction environmental management plan (CEMP) is to be prepared and to be endorsed by the planning and land authority. The CEMP must include all mitigation measures proposed in the EIS and can incorporate any other relevant management plans. The CEMP must include improved remedial measures consistent with the EIS. The CEMP must include management of contaminated soil, dust, water, odour, gas and vapour, vehicle control and worker health and safety.</p> <p>Note: The CEMP will be referred to relevant entities for endorsement.</p> |
| 2. | Temporary traffic management plan (TTMP) | Transport Canberra and City Services | Prior to construction | <p>Prior to construction, prepare a temporary traffic management plan (TTMP) to be endorsed by Transport Canberra and City Services (TCCS). The TTMP must incorporate mitigation measures from the EIS.</p> |
| 3. | Remedial Action Plan (RAP) | Environment Protection Authority (EPA) | Prior to construction | <p>The site must be assessed and remediated by a suitably qualified environmental consultant and the works independently audited by an EPA approved contaminated land auditor prior to any change of use of the block.</p> <p>All works must be in accordance with the approved RAP.</p> |
| 4. | Construction environmental management plan (CEMP) | N/A | Construction | <p>All works must be in accordance with the approved CEMP.</p> |
| 5. | Temporary traffic management plan (TTMP) | N/A | Construction | <p>All works must be in accordance with the approved TTMP.</p> |
| 6. | Remedial Action Plan (RAP) | Environment Protection Authority (EPA) | Demolition/construction | <p>All mitigation measures relating to soil and groundwater contamination and site management during remediation in the RAP must be implemented.</p> <p>At completion of remediation and vapour protection works, a site validation report must be prepared in accordance with EPA guidelines. The validation report must be reviewed and endorsed by an accredited Site Auditor and forwarded to the EPA for review and endorsement within 15 working days of the completion of the report.</p> |
| 7. | Operational & Environmental management plan (OEMP) | Planning and land authority | Prior to operation | <p>Prepare an Operational & Environmental Management Plan (OEMP) and have it approved by the planning and land authority. The OEMP must incorporate all mitigation measures from the EIS.</p> |
| 8. | Operational & Environmental management plan (OEMP) | Environment Protection Authority/Transport Canberra and City Services | Prior to operation | <p>Operational management plan to be incorporated into an environmental agreement/licence with Environment Protection Authority or waste licence with TCCS.</p> |

1.4 The Subject Site and Rail Corridor

The subject site for the MRF is Block 14 Section 8, Fyshwick. The subject site is adjoined by Block 11 Section 47, Fyshwick which forms part of the ACT rail corridor. This part Block is currently leased by the Proponent from Transport for NSW for the purpose of use as a rail freight terminal (RFT) including container handling for this proposed MRF. Transport for NSW currently lease the land from the Territory for operation of the rail corridor. A separate DA has been approved (DA201831508) for the construction and use of the RFT, with access via the subject site. The approved EIS has already considered the impacts of using the RFT for rail container storage, loading and unloading.

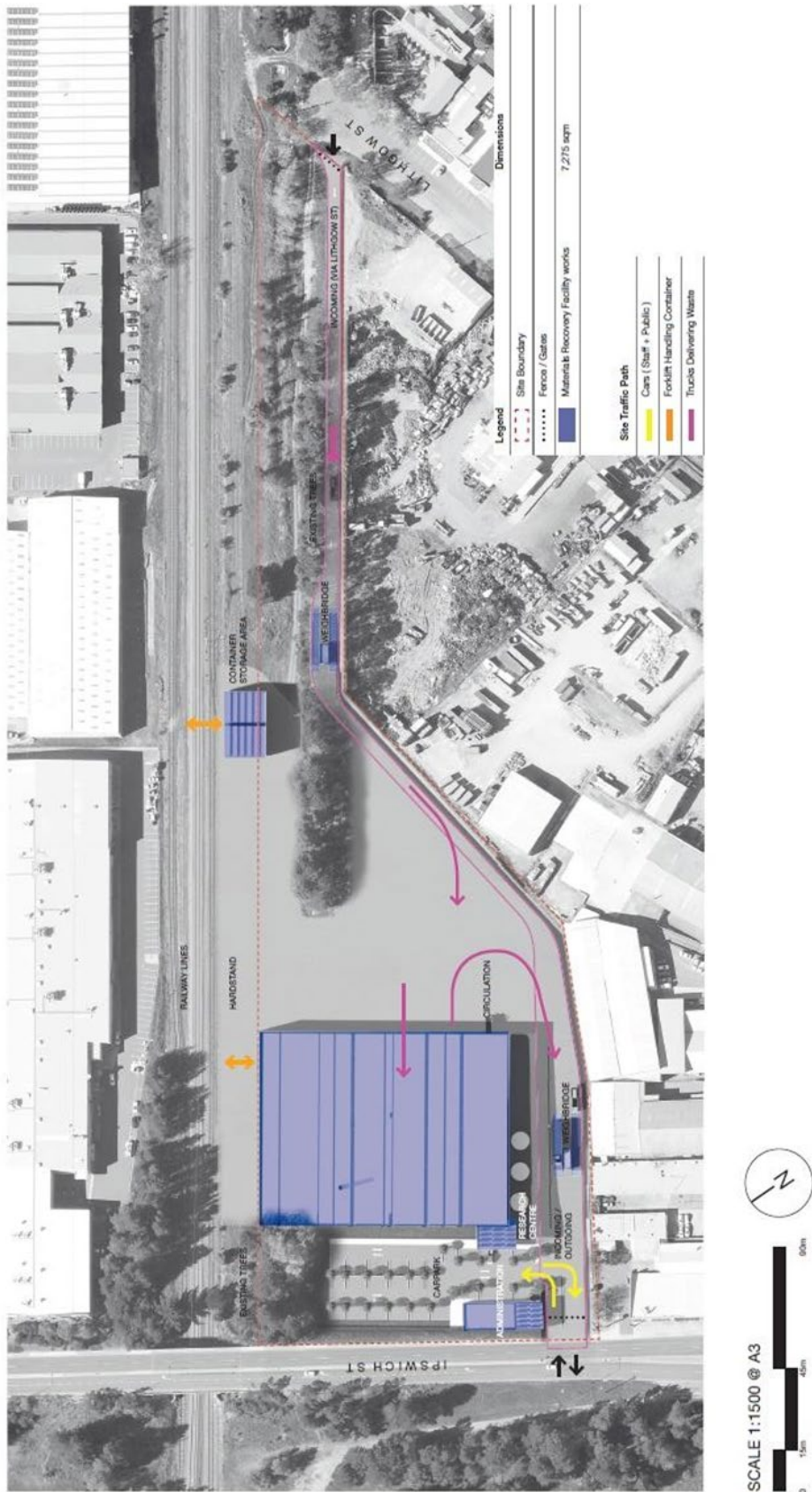
The adjacent Block 11 Section 47, Fyshwick is an active rail transport corridor with three existing rail tracks (two shunts and the Sydney – Canberra main line). Shunt tracks are located on both sides of the main line for access to former industrial sites on each side of the corridor. The south shunt adjoins the subject site and the main track and is approximately 2800m long (see Figure 1 below).

Figure 1: Site Locality



Source: Purdons

Figure 2: EIS Site Plan



2.0 Proposed MRF Development and Lease Purpose Variation

2.1 Site Characteristics

The subject site in its current form contains significant legacy infrastructure from the previous Shell fuel storage and delivery operations. There are several large above ground tanks, associated piping, sheds, firefighting pipework, and hardstand areas. The portion of the block that was used by Shell is fenced, however has been the subject of many theft and vandalism episodes. Block 11 Section 8 (recently purchased block that has been consolidated), Fyshwick is mostly unfenced and has been the subject of illegal pedestrian activity and dumping.

The subject site has several sheds and an existing office building adjacent to the Ipswich street driveway entrance. This office building has also been the subject of theft and vandalism. It is proposed to retain this building and the driveway entrance as part of the proposed facility.

There is a fire hydrant water connection from Ipswich Street at the driveway entrance that runs along the southern boundary to the rear of Block 9. It is proposed to retain this firefighting system and the four fire hydrant access points.

The subject site has a variety of overgrown tree/weed like vegetation. There are numerous semi-mature trees on portions of the block, removal of which is subject of this DA. None of these trees are regulated or protected trees and many are considered weeds.

Adjacent land uses include a metal recycling business, a waste management facility, a large bulky goods retail store, several auction houses, two concrete batching plants and other light industry.

The subject site is not listed on the ACT Heritage Register nor is it listed in the ACT contaminated sites register.

2.2 Proposed Lease Variation

The Territory Plan defines the proposal as a “waste transfer station” and a “recycling facility”, both are permissible in the IZ2 industrial mixed-use zone. The proposal must comply with the Industrial Zones Development Code.

Noting Block 14 Section 8 is a newly consolidated parcel, the Crown Lease is still in draft format. However, based on the Draft Lease provided as part of the Notice of Decision for the block consolidation DA, we understand the Crown Lease purpose clause to be as follows:

- PURPOSE (a) To use the premises only for one or more of the following purposes:
- (i) Bulk landscape supplies
 - (ii) Freight transport
 - (iii) General industry
 - (iv) Industrial trades
 - (v) Industry
 - (vi) Light industry
 - (vii) Plant and equipment hire establishment
 - (viii) Retail plant nursery
 - (ix) Service station
 - (x) Shop limited to – goods (not being new clothing) that have been manufactured or processed on the land or in the building
 - (xi) Shop limited to –
 - a. Food-stuffs or non-alcoholic beverages of a kind commonly known as confectionary or refreshments;

- b. Any other kind of food-stuffs or non-alcoholology beverages, new clothing or goods that have been stored in bulk in the building pending their sale and distribution to persons engaged in retail trade elsewhere that on this land;

PROVIDED ALWAYS THAT the gross floor area for the uses shall be restriction to 46.5 square metres of gross floor area in total:

- (xii) Transport depot
- (xiii) Vehicle sales
- (xiv) Warehouse

The proposed lease purpose clause does not include “waste transfer station” or “recycling facility” which are permitted uses in the IZ2 zone and the subject of this development application. This development application seeks to vary the lease purpose clause to include these uses in line with the Territory Plan.

Upon variation the lease purpose clause will be:

PURPOSE (a) To use the premises only for one or more of the following purposes:

- (i) Bulk landscape supplies
- (ii) Freight transport
- (iii) General industry
- (iv) Industrial trades
- (v) Industry
- (vi) Light industry
- (vii) Plant and equipment hire establishment
- (viii) Retail plant nursery
- (ix) Service station
- (x) Shop limited to – goods (not being new clothing) that have been manufactured or processed on the land or in the building
- (xi) Shop limited to –
 - a. Food-stuffs or non-alcoholic beverages of a kind commonly known as confectionary or refreshments;
 - b. Any other kind of food-stuffs or non-alcoholology beverages, new clothing or goods that have been stored in bulk in the building pending their sale and distribution to persons engaged in retail trade elsewhere that on this land;

PROVIDED ALWAYS THAT the gross floor area for the uses shall be restriction to 46.5 square metres of gross floor area in total:

- (xii) Transport depot
- (xiii) Vehicle sales
- (xiv) Warehouse
- (xv) Recycling facility
- (xvi) Waste transfer station

A valuation report and certificate has been prepared as part of this lease purpose variation assessment and is submitted with the DA.

2.3 MRF Proposal Description

The MRF proposal will involve four key elements:

- 1) **Demolition of the existing fuel facility site infrastructure** (see Figure 2. Below). Much of the materials can be recycled. A demolition plan has been included with this DA package and includes trees to be removed. An inventory, prepared by L&E Consulting, as to the nature of the structural materials to be removed and its hazardous risk levels, is included in the Cardno report attached to the Revised EIS. The issue of site contamination and management is identified by WSP and a Remedial Action Plan (RAP) proposed in the EIS process.
- 2) The **construction of the MRF building**. Its specific requirements are outlined in the Revised EIS and ACTPLA Assessment. This application includes site, ground floor, roof, elevations, sections, parking and landscaping, utilities as well as a development summary that has been prepared by Rothelowman Architects included with this DA package.
- 3) The **construction of ancillary infrastructure** including weighbridges, weighbridge offices, parking, hardstand, landscaping (including 6 x 12m+ trees along Ipswich Street), 2.7m noise protection fence along the southern boundary, water tanks, firefighting equipment, and signalised intersection on ingress/egress to Ipswich Street. These details have also been included on attached site, ground floor A and B, landscape plans included with this DA.
- 4) The **provision and location of key services** including power, firefighting equipment, leachate storage and pump out, onsite detention and stormwater connection detail, relocated water main, site lighting and security. This detail has been included on an attached services plan as well as the site plan and site survey.

Figure 3 Residual fuel storage infrastructure onsite



The subject site generally slopes from east to west which will result in a requirement for cut and fill to achieve the desired interface levels for the MRF building, truck, and forklift movements as well as stormwater flows.

The adjacent approved RFT is designed to meet NSW Country Regional Network Engineering Standards for structures and will slope gently from the rail track back towards the proposed MRF building and hardstand on the adjacent block. The RFT will be used for manoeuvring forklift machinery to load and unload containers from freight trains.

2.4 MRF and Site Operations

The purpose of the MRF is to receive both C&I and MSW wastes, process them through sorting lines and extract valuable recyclable materials. The residues will then be containerised and sent by rail to the Woodlawn bioreactor landfill. The flow of trucks, waste material and containers are indicated on Ground Floor A on the attached plans.

Trucks will access the site in two ways. Firstly, via the Ipswich Street (southbound), where rigid trucks only will be permitted to turn left into the site at the existing Ipswich Street gate. The second access is via Lithgow Street (northbound), where all trucks from the south and any articulated trucks from the north, will turn into Wiluna Street at the traffic lights and then proceed to Lithgow street and enter the site from the east.

Upon entry to the site all trucks will be weighed, documented, and inspected. Trucks will then proceed to the MRF building when instructed, through door number 4 or 5. Trucks will then manoeuvre their loads and tip off inside the shed building, under supervision and instruction by the waste load inspector. Once their loads are inspected and accepted, the truck will depart in a forward motion from the shed via doors number 1 or 2, passing through a wheel bath on the way out. All trucks will leave the site via the proposed new signalised intersection at the Ipswich Street site gate.

Tipped off and inspected waste will be preliminary sorted by a 14T excavator and oversize materials will be broken up or put directly into the sorting bays if reusable. Items like batteries and electrical goods will be placed in plastic lined bins, and any other materials (bulky plastic items) that may obstruct the sorting lines will be put aside for direct loading into the compactor or recycling bins depending upon its recoverability. Wastes will be stored in the C&I and MSW storage areas after triage for steady loading onto the sorting lines.

The excavator will consistently load the sorting lines and recoverable materials will be extracted by hand or by various machines to isolate recoverable materials of recycling value. The types of material expected to be targeted for recovery are:

- Timber
- Plastic
- Ferrous and non-ferrous metals
- Inert (oversize, -8mm fines and 8-70mm aggregates)
- Cardboard/Paper
- Plaster board
- Glass
- Metals (ferrous and non-ferrous)
- Organics (dependant on the ACT green waste bin roll out)

Recovered material will only be stored until there is a truck/container load to be exported.

Storage of recovered materials listed above will be in bays or approx. 5m x 5m x 5m (125m³). The product densities vary, however, materials such as paper/cardboard and plastic will be baled for the purpose of improving transport density. Bales averaging 500Kgs will be stored in the bale storage area until a truck/container load is ready for export. See attached Ground Plan A for indicative locations.

Ferrous and non-ferrous metals will be stored in a bin inside the bay for transport to Access Recycling next door for further processing.

Residues from both sorting lines will be loaded by conveyor (front end loader as a contingency) into slug packers which will compact the waste and then inject it into a 40-foot purpose-built shipping container. The shipping containers will then be transported by forklift and stacked, before being loaded onto a freight train to Woodlawn.

The loading of full and unloading of empty containers from the train will be done using container forklifts. The containers can be stacked and stored on the RFT/MRF site for reuse. This activity has been previously approved across Block 9 and 11 Section 8 Fyshwick and part Block 11 Section 47 Fyshwick.

Hours of operation

The MRF facility will operate across 16 hours (two shifts) for processing dependant on volumes. Waste will be received during these hours. The proposed hours of operation will be:

Table 2: Facility Operation Hours

| Time | Day |
|-------------------|--------------------|
| 6.00am to 10.00pm | Monday to Saturday |
| 8.00am to 2.00pm | Sunday |

3.0 Strategic and Statutory Planning Considerations

This section assesses the proposed development in the context of the strategic and statutory planning framework for Canberra and Fyshwick.

Considered in the Revised EIS phase were the following Acts, strategies, and policies amongst others:

- Planning and Development Regulation 2008 (ACT)
- Environment Protection and Biodiversity Conservation Act 1999 (Comm)
- Environment Protection Act 1997 (ACT)
- Waste Management and Resource Recovery Act 2016 (ACT)
- Waste Management and Resource Recovery Regulation 2017 (ACT)
- State Environment Planning Policy No.33 (NSW)
- ACT Work Health and Safety Act 2011 (ACT)
- 2018 ACT Planning Strategy
- Statement of Planning Intent
- ACT Climate Change Strategy
- ACT Climate Change Strategy AP2 2012
- Transport for Canberra 2012-2031
- ACT Sustainable Energy Policy 2011-2020

It is considered that the proposal aligns with all relevant Acts, strategies, and policies.

3.1 National Capital Plan

The Monaro Highway is an Approach Route recognised in the National Capital Plan (NCP). Special requirements of the NCP apply to land adjacent to Approach Routes and within 200m of the centreline. As the site is not adjacent to the Approach Route, special requirements do not apply.

3.2 Territory Plan

The subject site is zoned IZ2 – Industrial Mixed-Use in the Territory Plan. The proposal is defined as a “waste transfer station” and a “recycling facility” under the Territory Plan. Both activities are consistent with the IZ2 Zoning (see Figure 4 below)

Figure 4: Fyshwick Precinct Zoning Map and site relationship

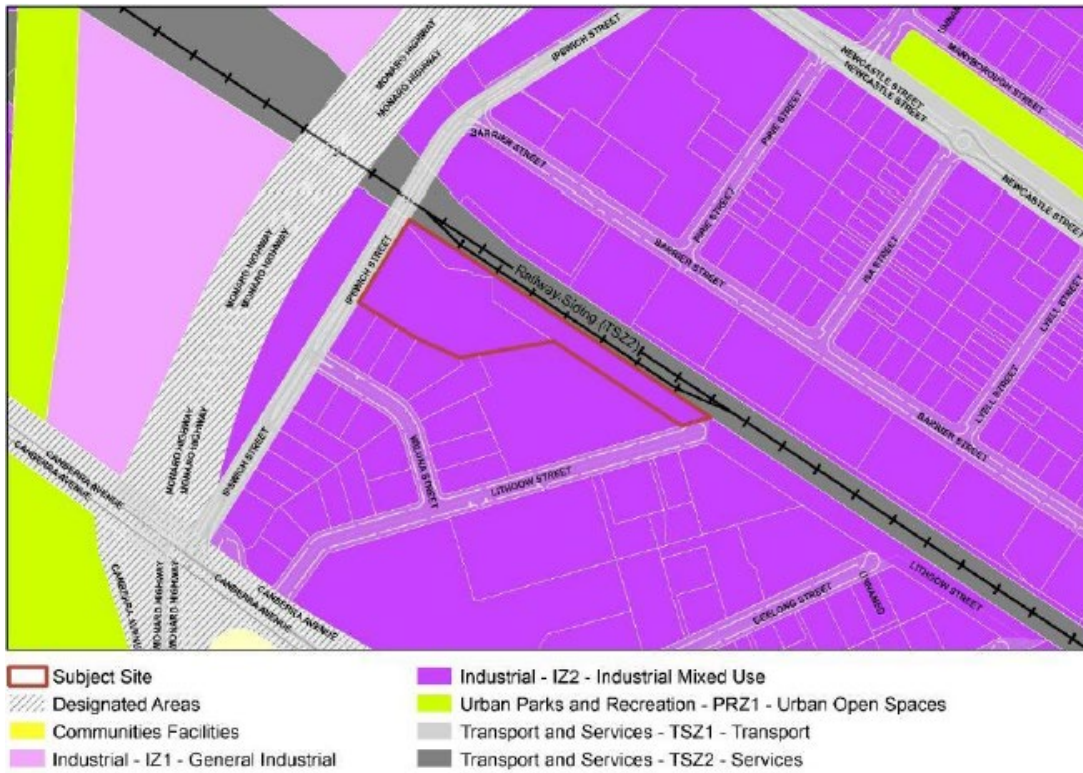


Table 3: IZ2 – Industrial Mixed-Use zone development table

IZ2 – Industrial Mixed Use Zone Development Table

| EXEMPT DEVELOPMENT | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Development approval is not required. Building approval may be required. On leased land, development must be authorised by a lease. | |
| Development identified in the Planning and Development Act 2007 as exempt (see sections 133 and 134 of the Act and section 20 and schedule 1 of the Planning and Development Regulation 2008) | |
| ASSESSABLE DEVELOPMENT | |
| Development application required. On leased land, development must be authorised by a lease. | |
| MINIMUM ASSESSMENT TRACK CODE | |
| Development listed below requires a development application and is assessed in the code track | |
| Development | |
| Varying a lease to do one or more of the following: | |
| <ol style="list-style-type: none"> 1. express or change the number of approved or lawfully erected units 2. remove, relocate or change easements. | |
| MINIMUM ASSESSMENT TRACK MERIT | |
| Development listed below requires a development application and is assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track) or specified as prohibited development in a precinct map. | |
| Development | |
| ancillary use | minor road |
| bulk landscape supplies | minor use |
| bulky goods retailing | municipal depot |
| car park | NON RETAIL COMMERCIAL USE |
| caretaker's residence | outdoor recreation facility |
| club | parkland |
| communications facility | pedestrian plaza |
| COMMUNITY USE | plant and equipment hire establishment |
| consolidation | public transport facility |
| craft workshop | recyclable materials collection |
| defence installation | recycling facility |
| demolition | restaurant |
| development in a location and of a type identified in a precinct map as additional merit track development | scientific research establishment |
| drink establishment | service station |
| emergency services facility | SHOP |
| freight transport facility | sign |
| funeral parlour | store |
| general industry | subdivision |
| indoor entertainment facility | temporary use |
| indoor recreation facility | transport depot |
| industrial trades | varying a lease (where not prohibited, code track or impact track assessable) |
| light industry | vehicle sales |
| liquid fuel depot | veterinary hospital |
| major road | warehouse |
| MAJOR UTILITY INSTALLATION | waste transfer station |

Source: Territory Plan

3.2.1 IZ2 Industrial Mixed-Use Zone Objectives

The Territory Plan objectives for the IZ2 Industrial Mixed-use zone is to:

- a) *Support the diversification and expansion of the ACT's industrial base and employment growth*
- b) *Facilitate investment in a wide range of industrial and related activities, with efficient land utilisation and provision of infrastructure*
- c) *Provide convenient access for ACT and regional residents to industrial goods, services and employment opportunities*
- d) *Ensure that industrial development achieves high environmental standards of cleaner production, waste disposal, noise, and air quality*
- e) *Encourage the design and construction of industrial and commercial buildings that are energy efficient, functional, and flexible*
- f) *Ensure that development along major approach routes and major roads meets appropriate standards of urban design*
- g) *Accommodate industry-associated retailing, services, and other commercial uses without jeopardising an adequate supply of industrial land*
- h) *Provide for a range of commercial and service activities at a scale that will protect the planned hierarchy of commercial centres and the Territory's preferred locations for office development*
- i) *Meet the need for a mix of lower rent bulky goods retailing, specialised industrial, commercial and service activities alongside general industry*
- j) *Preserve and promote viable industries that can coexist with more commercially oriented uses*
- k) *Make provision for small-scale services that support surrounding industrial activities, or which meet the needs of the local workforce?*
- l) *The following Zone Objectives apply specifically to West Fyshwick:*
 - i) *Encourage Canberra's regional role for food processing, wholesaling, distribution and marketing*
 - ii) *Cluster uses which are compatible with and complementary to existing facilities, particularly with regard to food processing and warehousing and the markets, including some small-scale food retailing*
 - iii) *Protect the safety and amenity of food related enterprises*
 - iv) *Promote buildings along Canberra Avenue that maintain and enhance a character appropriate for a major approach road to the Central National Area*

The proposed MRF directly and positively responds to the relevant IZ2 Industrial Mixed-use zone objectives being 'a', 'b', 'c', 'd', 'e', 'f', 'i' and 'j'. The proposed MRF is not located in the West Fyshwick area and therefore zone objective 'l' does not apply.

Statements against the relevant Code criteria are provided in this report (see appendices 1- 4). The MRF will also facilitate a significantly better utilisation of the subject site and provide a much-needed municipal service to the ACT community.

3.3

4.0 MRF Design Impact Assessment

Many of the mitigation commitments proposed in the Revised EIS will be addressed at construction, licensing, and operational stages. However, those commitments that can be addressed through built form, are required to be included in the subject DA.

As part of the Revised EIS assessment, ACTPLA has created a list of items to be addressed in any subsequent DA. These specific items are addressed in Table 4 below.

4.1 EIS Matters Raised by ACTPLA for Inclusion

Table 4: Revised EIS matters raised by ACTPLA for inclusion in the DA

| EPSDD Requirement | Proponent Response |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Traffic and Parking:</u> A traffic and parking assessment report will be required for any subsequent DA. The report must provide an assessment relating to the final design and include SIDRA data, detail on construction traffic and parking. The DA will be assessed against the requirements of the Territory Plan, TCCS design standards and PD Act.</p> | <p>AECOM have now consolidated into a single summary, four separate appendices from the EIS. This includes the initial Traffic Impact Assessment (Appendix E) revised signalisation phasing (Appendix E1), Contingency traffic impact the rail line was unavailable (Appendix W) and sensitivity modelling regarding the facility opening hours (Appendix Y). Further information regarding parking and updated SIDRA data is also provided as requested by ACTPLA. This summary report includes various mitigation measures including: The traffic and parking measures proposed including signalisation, parking and revised entry arrangements for southbound rigid trucks are discussed in Section 4.3 of this report. The Ipswich entry exit detail and parking design detail are incorporated in the attached DA plans</p> |
| <p><u>Utilities:</u> An external services plan must be provided with the DA outlining the final design and relocation of services. The external services plan must make clear proposed services that are part of the DA submission. It is noted that Evo energy requires a new twin pad mount substation with main switchboard to be located on-site.</p> | <p>A specific external services plan has been prepared and is submitted with this DA. This plan includes references to the location of existing services on or adjacent to the site as well as proposed services associated works already consented by DA 201834656 on Block 11, Section 8. Details of existing and proposed services are summarised in Section 4.4 of this report and attached plans.</p> |
| <p><u>Materials and Waste:</u> The DA must include emergency management options for the proposed facility. The emergency management options must identify other solutions, including licenced landfills that will have capacity to accept waste if Mugga is not operating at full capacity. The DA and emergency management plan should provide multiple options to ensure the waste is managed appropriately and incorporated into an environmental or waste licence.</p> | <p>Section 6.11.3.5 of the Revised EIS discussed specific contingencies relating to business interruption scenarios.</p> <p>An updated contingency table (like that produced in the Revised EIS) has been provided as part of this application. The table identifies the risk of business interruption, contingencies relative to the business interruption timing and all reasonable scenarios and alternatives. Mugga Lane landfill remains as one of the solutions even if it does not operate at full capacity. Nominal worst-case tonnages have been included as indicative of the contingency requirement dependant on the interruption situation.</p> |

A contingency summary table has been included as an attachment to this DA submission

The DA must also provide detail on waste types to be handled and propose maximum capacities for each waste type. Storage areas within the MRF building will need to be identified with the maximum capacities

The MRF facility would be approved and licensed to receive 300,000 Tpa of waste material per year.

The composition of the waste material received will depend on several factors including gate price, waste levy, existing contracts, and other commercial matters. The waste types proposed to be handled have been modelled on an expected maximum of the waste types currently going to landfill that has the potential for recovery processing. Based on the maximum tonnage the modelling is as follows:

Commercial and Industrial (includes light construction and demolition, commercial putrescible, clean-up type waste, street sweepings – 210,000Tpa

Municipal solid waste (kerbside collected wastes, green waste) – 91,000

The environmental impacts were assessed on this basis. If the maximums are not achieved, or if MSW continues to go to Mugga Lane landfill, then there would be a lower environmental impact. The nature of waste management varies over time so the purpose of this MRF is to be adaptable to the contracts and policies of the Territory, as well as recycling technologies as they become commercially available.

The storage of waste will be kept to a minimum. There is no merit in storing waste residues on site and the objective is to process and containerise these as quickly as possible to keep the shed free of waste and contain any odour from the unrecoverable food waste proportion.

The maximum waste composition to the facility was conservatively modelled for potential odour generation in the EIS process. The recommended maximum to be stored on the tipping floor at any one time is as follows:

Commercial and industrial waste stored only – 953T/max at any one time

Municipal solid waste stored – 211T/max at any one time

A combination of the above on a 70:30 split basis would be - 462T/max at any one time

Recovered materials will be stored in bin/bay storage cells 5m (w) x 5m (d) x 5m (h) – 125m³ max each

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>Bins will be typically utilised for CANDL recycled material:</p> <ul style="list-style-type: none"> • Timber • Plastic • Ferrous and non-ferrous metals • Inert (oversize - 8mm fines and 8-70mm aggregates) • Cardboard • Plaster board <p>Bins will be utilised for MSW recycled material:</p> <ul style="list-style-type: none"> • Paper/cardboard • Plastic • Glass • Metals • Large inert (brick, tile, concrete) • Organics (dependant on the ACT green waste bin roll out) <p>Details of waste storage locations and maximums have been nominally noted on the attached DA plans. The final sequencing and locations may vary depending on the final sorting line design and the waste composition being received at the time. Negotiations regarding incoming waste cannot properly occur until there is an approved facility to consider. This will not occur until after the DA stage.</p> |
| <p>Building design will need to reflect the measures proposed in the EIS and noted in this assessment report.</p> | <p>As mentioned above, the design elements proposed inside the shed building and incorporated on the attached DA plans are:</p> <ul style="list-style-type: none"> Waste Storage locations and max volume Sorting line bin locations Hazardous waste drum locations Shed bunding Fire hose reel locations Fire exits Shed ventilations system Infra- red firefighting system and location Leachate storage tank location Grease and oil storage shed Fuel and gas tank locations |
| <p><u>Landscape and visual:</u> The DA must include the detailed design of the proposed buildings, storage areas and the proposed and existing landscaping. The DA must demonstrate that the detailed design is consistent with the requirements of Territory Plan and PD Act.</p> | <p>A landscaping plan has been developed to comply with the design requirements of the relevant codes. 6 mature screening trees have been incorporated along Ipswich Street as required by the Territory on previous Development Consents.</p> <p>An analysis of the trees and vegetation species and health has been conducted by Tree Canopy Experts. Tree removal proposed in this application is further discussed in Section 4.2 of this DA report. An application to remove the relevant trees proposed</p> |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>in this DA has already been submitted to the ACT Conservator.</p> <p>The building design has incorporated the mitigation measures outlines in the EIS. Externally the building now features tilt up concrete wall and includes the relevant fire safety features. 4 rainwater collection tanks are included (120,000 litres total capacity) to capture and reuse roof collected water. There are photo montages and street view elevations to show the relative size and scale of the proposal against adjacent existing buildings. The proposed MRF building and site facilities comply with the relevant design codes</p> |
| <p><u>Contamination:</u> The DA must include contamination management measures which will be part of the Remedial Action Plan (RAP) that is consistent with the EIS and appendices. The contamination measures must demonstrate how contaminated soil and groundwater (including Jerrabomberra Creek) will be managed during remediation of the site. The details will be considered further as part of the DA assessment process.</p> | <p>The subject site is not listed on the ACT register of contaminated sites.</p> <p>This DA generally proposes filling rather than significant excavation and remedial works in line with the Remedial Action Plan (submitted with the Revised EIS). In addition, ground levels in the old rail unloading area, which is identified as the most potentially contaminated point, will be raised by some 1.1- 1.5m rather than further excavation.</p> <p>The DA plans now include reference to a vapour barrier under the MRF building and passive ventilation system which would be designed and installed to the satisfaction of the site auditor.</p> <p>A copy of the WSP Remedial Action Plan is submitted with this DA and the contamination management processes proposed in the RAP are required to be endorsed by the ACT EPA as part of the approval process.</p> <p>Establishing the current contamination levels (soil and groundwater) would be a part of the EMP and CMP and occur prior to any construction works.</p> |
| <p>The DA must also outline the proposed method for leachate disposal, given the EPA have not supported the transport or disposal of leachate interstate</p> | <p>As outlined in the Revised EIS, there were alternatives for leachate disposal proposed. As the ACT EPA determined, the leachate cannot leave the territory so it will be collected in the proposed 20,000 litre leachate tank and then pumped out to a licenced liquid waste transporter. Discussions have already taken place with ICON water about a trade waste agreement; however, this cannot occur until the leachate can be tested during operations. The attached DA plans show the collection tank which will either be pumped out or discharged to sewer. Provision will be shown for connection to sewer although this will be subject to a trade waste agreement.</p> |

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| <p>Detailed design will need to reflect the measure proposed in the EIS and noted in the assessment report</p> | <p>The vapour barrier and passive ventilation system is incorporated in the sections of the attached DA plans. The leachate collection tank as discussed above is also shown on the site plans and the services plan included a possible sewers connection if a trade waste agreement can be reached with Icon Water after operations commence.</p> |
| <p><u>Air Quality:</u> As described above, the DA must provide detail on waste types to be handled and propose maximum capacities for each waste type. Storage areas within the MRF building will need to be identified with the maximum capacities.</p> | <p>Please see a response to ‘material and waste’ above.</p> <p>Air Quality design mitigations, particularly the design and function of the ventilation system, have been included in the building design. The plans include the nominal location of the extraction vent inside the shed and the ceiling mounted extraction fan (x2). Wall louvres have been included on the eastern wall that will automatically open when the doors are closed to allow constant draw through of air to achieve the 5-x air rotation per hour. This is discussed in Section 4.6 of this report and included in the attached DA plans.</p> |
| <p><u>Hazardous waste:</u> The DA will need to provide detail of storage areas for hazardous waste within the MRF building. The areas must provide detail of maximum capacities and any further management measures.</p> | <p>Government waste audits have indicated that of the 300,000 Tpa that goes to landfill currently some 1% was audited as hazardous (Paint, batteries, chemicals, asbestos, medical other). To avoid risk of contamination, inspections will occur at the tipping floor and waste will be turned over with the excavator before sorting. In the C&I waste stream this method is particularly effective. If loads contain unacceptable waste, they will be reloaded and sent back to the source. As the percentage of contaminated waste is low (1%), this is not a frequent occurrence and will be controlled predominantly at the weighbridge and tipping floor.</p> <p>In the instance where a small amount of hazardous waste was experienced, then specific and agreed OEMP handling procedures would be followed to isolate and store the waste. Contaminated waste, such as lead batteries, will be placed within plastic lined 240 litre drums. If discovered, this type of waste will be isolated by the excavator and put into the plastic drum. Electronics such as TV’s, computers, power drills, smoke alarms and phones will also be put into the drums. These types of items will be collected by MRI- Recycle in Fyshwick for further processing. The location of the hazardous waste bins will be adjacent to the stockpiles and at the end of the sorting lines. The small excavator can place the material safely in the respective drums, as shown on plans submitted with the DA.</p> <p>Asbestos was not identified in the MSW waste audit. However, any hazardous material discovered will be rejected from the facility upon tipping along</p> |

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| | <p>with the entire load it arrived in. An inadvertent piece of asbestos discovered on the sorting line will be isolated, wrapped and taped and then put in a plastic lined drum or skip bin and kept sealed until disposal. A record of rejected loads will be documented. The procedures for this will be outlined in the OEMP which will be established as a requirement of facility licencing.</p> |
| <p><u>Hazards and risks:</u> The DA will need to detail locations and access requirements for the proposed firefighting equipment, hydrants, tanks etc. Water tanks must include proposed locations and capacities.</p> | <p>The details of proposed firefighting equipment have been included in the site plan and services plan attached to this DA. There are existing hydrants from the water main in Ipswich Street which provides four fire hydrants locations along the southern perimeter. The MRF has vehicular access to all sides. There is an existing water tank to be demolished and replaced with four x 30,000 litre rainwater collection tanks (120,000 litres) as shown on the attached plans. These tanks will be incorporated as part of the onsite stormwater retention requirement of 71,000 litres as explained by Cardno in the Stormwater Analysis also submitted with this application.</p> <p>In the EIS, discussion and details in Appendix X relating to a thermal camera operated fire management system developed by Benedict Recycling in some of their facilities. The features of this system have been included in the MRF building floorplan attached to this DA.</p> |
| <p>Building design will need to reflect the measures proposed in the EIS and noted in this assessment report.</p> | <p>This detail of all services (existing and proposed) is shown on the services plan. Firefighting equipment (fire hydrants, fire hose reels), fire doors and thermal camera and water cannon fire systems are also included in the DA plans submitted. Water tanks, leachate tank, fuel tank and gas tank are all shown with their respective capacities and locations.</p> |

4.2 Urban Design

The design of the MRF building and associated facilities have considered all relevant aspects of the Industrial Zones Development Code, particularly in relation to design and form. The Revised EIS has discussed the need to create a MRF Building that mitigates any noise, odour and leachate as well as satisfies the design requirements of the Territory Plan. The creation of any new hardstand, weighbridges, driveway access from Lithgow Street and associated lighting and fencing will ensure activation of an area that is currently prone to weeds, illegal dumping, vandalism, theft, and illegal railway crossings.

A key element of the design is to create a negative pressure environment within the MRF building that utilises a combination of rapid opening doors and louvres in conjunction with a ceiling mounted fan extraction system. This negative pressure environment will mitigate odour and emissions.

Key building design features, other than those required by the relevant codes, were discussed in the Revised EIS and have been incorporated in the MRF design. These features are drawn or noted on the attached DA plans:

- Wall material – tilt up concrete slabs

- Internal push walls 4-5m high
- Roof water collection and storage tanks – onsite retention/dust suppression misting
- Rapid open and close doors
- 150mm bund inside the MRF building to contain any leachate inside and stormwater outside
- Air exchange system inside the shed (5 x per hour) extraction system including wall louvres, fans, and extraction ducting
- Leachate collection tank
- External roof covered self-bunded fuel/gas facilities
- Oils and tool storage
- Firefighting equipment locations hose for reels, hydrants, doors, and extinguishers
- Infra-red fire detection system and water cannon system over the waste stockpiles

4.2 Landscape Design

An application has already been made to the ACT Conservator in July 2020 to remove trees that are affected by this MRF development proposal. The attached demolition and tree removal plan show the trees as listed in the Canopy Tree Assessment, also submitted with this development application. It should be noted that some trees on the site have already been approved for removal by other Development Approval (DA201834656 and DA201835108)). These trees have been separately highlighted, and the trees specifically affected by this application are clearly indicated in red on the attached demolition and tree removal plan.

The trees on site have previously been inspected by the TCCS tree protection officer and most of the trees are not protected or are non-native trees.

The attached Canopy Tree Experts tree assessment shows the location and types of vegetation (weeds, regulated or non-regulated, native, or non-native) on the subject site. The species type, their condition and merit are also included.

4.2.1 Tree Removal

Trees proposed to be removed by this development application are marked on the demolition and tree removal plan attached to this DA.

Comments by Canopy Tree Experts:

“The weed species, including the row of Monterey Pines, do not require approvals for their removal [these have already been Consented for removal by DA34656], however, the removal of the Monterey Pines would be difficult without the removal of the Canary Island Pines. The Canary Island Pines are mostly one sided due to their close association with the Monterey Pines and are unlikely to be stable if left to stand alone.

If the Canary Island Pines are retained the average Tree Protection Zone (according to AS4970-2009) would be in the order of 4 -5m radius.

The other trees that are regulated are the Populus x canariensis (tentative identification). These are of mostly of low or poor quality due to decay and/or the leaning form. Poplars are generally brittle and would not be a good proposition to be retained if the surrounding trees are removed.”

It is proposed to remove all the weed type tree varieties that have been identified on the demolition plans. There are random pockets of plant growth at different locations on the site and some of it is occurring in and around the current open stormwater drains.

The only regulated trees are the Populus x canadensis on the site. Canopy Tree Experts have assessed these as “mostly low or poor quality” and unlikely to survive if the surrounding weed trees are removed. As such the removal of these trees is proposed as part of this DA.

4.2.2 Landscaping

Required by previous DA Consents (DA201834656 and DA201835108) were 6 x 12m+ mature screening trees which will be planted along Ipswich Street as a way of providing screening to the site. These trees as well as other proposed plantings have been included in landscape plans submitted with this DA.

4.3 Traffic and Site Access Design Mitigation

Attached to this DA is an updated Traffic Summary report prepared by AECOM that brings together four different appendices from the EIS process. The EIS included a traffic assessment and then supplementary information was submitted relating to:

Revised signalisation phasing and confirming that there will be no right-hand turn into the site from Ipswich Street;

Traffic impact modelling for business interruption involving the unavailability of the rail line; and

Sensitivity modelling for the hours of operation whereby the traffic impact scenarios for smaller bands of opening hours and the impact on the surrounding streets.

Additional information is included in the updated Traffic Summary including parking analysis for construction and operations and updated SIDRA data has been included as requested by ACTPLA.

4.3.1 Site Access

As part of the EIS process, it was assessed that traffic signalisation (phased with the Wiluna Street traffic lights sequencing) at the existing Ipswich Street site entrance was not technically required. CRS has agreed to the inclusion of signalisation for the MRF to ensure any community road and pedestrian safety concerns were addressed and promote smooth operations. No other changes will be made to the adjacent Ipswich Street road network or alignment because of the proposed MRF development.

Formal driveway access is proposed from the block's existing Lithgow Street frontage. Vehicles using the MRF facility will broadly circulate in the same direction, regardless of their purpose which increases safety and reduces risk of vehicle conflicts. There is limited pedestrian activity in Lithgow Street as it is a cul-de-sac within an industrial area with no established footpaths. This access has been approved in the current RFT and FTF development approvals.

There is an existing informal dirt road from Lithgow Street as shown in Figure 6 below.

The use of the subject site for the purposes of MRF will result in a marginal increase to local traffic volumes due to waste deliveries. The details regarding traffic generation and hours of operation are assessed during the EIS stages and additional information has now been consolidated and summarised by AECOM and is included as part of this DA package.

Figure 5: Lithgow Street cul-de-sac – New site entrance location



4.3.2 Car Park

There is an existing hard stand on Block 9 Section 8. In addition, Block 11 Section 8 has four approved car spaces.

Specific mitigation measures were proposed during the EIS process concerning traffic matters and issues raised via public feedback. Plans submitted with the DA incorporate these measures. These measures include:

- Signalised intersection at the site entrance to Ipswich Street (See attached site plan)
- Traffic lights to be phased with the existing traffic lights at the corner of Wiluna Street and Ipswich Street.

Trucks arriving to the site will access as follows:

Arriving from the north along Ipswich Street

- Rigid trucks can turn left into the site
- Articulated trucks turn left at Wiluna Street and enter via Lithgow Street

Arriving from the south along Ipswich Street

- Rigid and articulated trucks turn right at Wiluna Street and enter at Lithgow Street
- Rigid and articulated trucks arrive along Lithgow Street

Cars arriving to the site will access as follows:

Arriving from the north along Ipswich Street

- Turn left into the site

Arriving from the south

- Turn right at Wiluna and arrive at Lithgow Street entrance

All vehicles will leave the site via Ipswich Street signalised intersection and can turn left or right from the site. The phasing of the new intersection with the existing lights at Wiluna Street is described in the AECOM report included in this DA package.

A statement against the Territory Parking & Vehicle Access Code is provided in the appendix.

Construction site ingress/egress and parking

A Temporary Traffic Management Plan (TTMP) and a Traffic Control Devices (TCD) plan will be prepared by the contractor and submitted for approval by TCCS prior to any construction taking place for the MRF.

AECOM in their attached Traffic Impact Summary has nominated potential construction access and parking locations. In principle the traffic will mimic the access methodology that is proposed for the MRF operations where possible.

4.4 Utilities and Services (existing and proposed)

The proposed MRF development has been the subject of EIS discussions with ACT Planning, TCCS and other relevant services entities (Icon Water, Evo Energy, Jemena) as well as with the current RFT and FTF development approvals on Blocks 9 & 11 Section 8, Fyshwick and part Block 11 Section 47, Fyshwick.

This DA will be referred to relevant entities for further review, comment and endorsements will need to be obtained.

Existing servicing requirements were detailed by Cardno in Appendix H of the EIS and discussed in the following chapters:

- 4.1.1 Electrical
- 4.1.2 Gas
- 4.1.3 Telecommunication Services
- 4.1.5 Water Supply
- 4.1.6 Sewer

For this DA, the utilities identified by Cardno in the EIS have been refined and included in the services plan attached to this DA application. These include:

Electrical: Provision, for the estimated electricity load, of a twin pad mount substation with mains switchboard at the entrance from Ipswich Street (see services plan). A network connection application to ActewAGL is to be provided following the completion of final design

Gas: A gas connection is available from the western side of Ipswich Street (see services plan), however the operational design does not require this connection

Telstra: A connection pit is available adjacent to the existing office (see services plan) and was connected previously. The connection can be re-established by liaison with the Telstra Network Integrity Team during detailed design

Water Supply: The relocation of the DN150 water main has already been assessed and approved in DA 201834656. The relocation works would occur prior to construction of the MRF (see services plan). The DN150 water main from Ipswich Street was calculated to be sufficient for the proposed MRF. A line of fire hydrants already exists along the southern boundary and it is proposed to retain these, and they have been included on the attached site plans.

Sewer: The sewer load for the admin and offices (mainly existing facilities) was calculated in the EIS as 2.1 L/s and deemed sufficient.

The management of leachate in the MRF building has been discussed specifically in the issues raised by ACTPLA. A 20,000litre collection tank has now been shown on the southern edge of the MRF building to collect any leachate that may arise in the building. The leachate will drain to this tank and then be able to be pumped out to a licensed liquid waste transporter or it will be connected to the sewer, provided a trade waste agreement is reached with ICON water. CRS has had preliminary discussion on the trade waste connection; however, this cannot be achieved until operations have commenced and typical samples of leachate are collected and tested. The leachate tank has now been located on the attached site plans. Cardno has confirmed in its discussion with ICON Water

(letter dated 2017-10-19) that the capacity of the existing sewer network and service tie for and additional combined load of 7.5L/s which suggests there is capacity for a trade waste connection. In the short term the tank will be pumped out and treated by a licensed contractor on an as needs basis.

Stormwater: The establishment of a stormwater culvert along Block 11 Section 8, has already been assessed and approved in DA201834656. The approval of the adjacent Rail Freight terminal also considered its impact on the stormwater. This DA assesses the proposed surface and roof area catchments and the appropriate modelling has been conducted and referred to in the Statement against criteria for the Industrial Zone Development Code (Sections 6.1-6.3).

The capacity of the overland flow generated by the MRF has been simulated using DRAINS and BOM's 2016 rainfall data. The detail of the modelling is attached to this DA. Cardno have undertaken conceptual design and hydraulic modelling of the stormwater infrastructure to service the proposed MRF development, with enough capacity for 1 in 100-year storm event as required by Industrial Services Development Code 6.1-6.3.

The requirements for 71m³ of on-site detention for the new MRF design have been calculated by Cardno, as well as considering the impact of already approved other activities on site. The table below outlines the OSD volume required and any offsets for existing. The use of 4 x 30,000ltr rainwater collection tanks have been incorporated at the southern end the MRF building for roof water collection. There is a capacity to capture some 120,000 litres of roof water, as part of the OSD system, and reuse this in the operations inside the MRF building (dust and fire management as well as external landscape maintenance and cleaning activities. Should the tank system be full then the system will release to the stormwater network. The tank location details, and sizes have been included in the attached plans.

Lighting: Proposed lighting for the site includes pole locations (12m high LED and hooded) and wall mounted lighting (11m) that will comply with the relevant Australian Standards and will minimise light spill. The locations of lighting have been approved on previous DA Consents and have been adapted and included on the attached DA site plans

4.5 Air Quality Design Mitigation

Waste types and volumes have been addressed above in Table 2. The volume and type of waste to be stored is conservatively estimated and indicated on the attached DA plans. All waste will be stored in a controlled shed environment to ensure there is no impact to air quality because of odour.

The proposal incorporates a ventilation and extraction system that assists in ensuring the management of the air quality inside the MRF and in the precinct. Incorporated in the attached plans are the following design measures:

- Vent stack (2.64m diameter/9m tall above roof)
- Ceiling mounted twin variable speed fan system and associated extraction ducting to exchange the shed air volume 5 times per hour
- Automatic/manual wall louvres (up to 70m² – three banks in eastern wall) to allow the extraction system to draw air into the building when the doors are closed and create continuous negative air pressure.
- Rapid opening doors (Nos.1-4) on the East elevation to ensure that the building maintains negative air pressure and is managing any fugitive emissions

The proposed measures are endorsed by the report prepared by The Odour Unit (originally submitted with the EIS).

4.6 Erosion and Sediment Measures

The subject site is relatively flat and slopes gently from east to west. The subject site is not located adjacent to any sensitive environmental areas. The attached DA plans show that there will be some significant fill required in the north-western corner of the site, rather than excavation.

An erosion and sediment control plan has been prepared by Rothelowman and has been included as part of the plans submitted with this application.

4.7 Noise Design Mitigations

Rudds Consulting Engineers were engaged by the Proponent as part of the EIS assessment for the MRF. The impacts of operational noise were considered in the EIS process.

Key mitigation measures in the Revised EIS included the construction of a 2.7m noise prevention fence along the southern boundary and noise attenuation kits on the external working forklifts. These measures have already been included in the existing development consent for the Rail Freight Terminal (DA 201835108) but have also been included in the MRF plans attached to this application.

4.7.1 Construction Noise

Rudds considered construction noise in Section 2.4 of its EIS report and this has been included in bold below including the construction noise limits at the site boundaries:

TABLE 7 DEVELOPMENT SPECIFIC CONSTRUCTION NOISE LIMITS

| Location | Noise Standard (L10 dBA) | | |
|---------------------|--------------------------|---------------|-----------------|
| | 6 am to 8 pm | 8 pm to 10 pm | All other times |
| All site boundaries | Exempt | 65 | 55 |

**Note:* A road or road related area cannot be considered an affected place for the purpose of noise assessments. Where there is an intervening road Rudds considers the appropriate compliance location to be the nearest leased boundary on the opposite side of the road to the project site.

2.4.2 AS2436 – 2010 Noise from Construction Work

AS2436 – 2010 *Guide to noise and vibration control on construction, demolition and maintenance sites* provides a series of recommendations to minimise noise and vibration from construction activities. The engineering principles commonly used to control noise fall into the following broad categories:

1. Controlling noise at the source. This includes selecting quiet equipment where possible and maintaining the equipment in accordance with manufacturers specifications.
2. Controlling the spread of noise. This includes siting potentially noisy equipment in a location that minimises noise spill to adjoining sites and providing shielding, where necessary, to further reduce noise from equipment.
3. Controlling noise at the receiver. This includes providing acoustic shielding near the residences. Where this is insufficient, further noise mitigation may be necessary to achieve a satisfactory outcome for the residents.

The principle control measure should always be to control the noise at the source, followed by controlling the spread of noise and then finally controlling noise at the receiver should be the last option chosen of all other options are not sufficient to reduce noise to within acceptable levels.

The proposed construction works are adjacent to industrial land uses and there are no residential or other sensitive land uses (receptors) near the site with the exception of an approved caretaker's residence at the rear of No.8 Wiluna Street (southern side). It is anticipated that any construction noise will not exceed the noise levels (shown above) of the adjacent industrial activities.

The final Construction Environment Management Plan (CEMP) will address construction noise management. A CEMP will be developed as part of the detailed design phase prior to construction and licensing.

Assessment of the construction noise was included in the Rudds Noise report attached to the Revised EIS – submitted with this development application.

4.8 Fire Risk Management Mitigations

The MRF building design has now incorporated the following fire safety features in the attached DA plans:

- Emergency fire doors x 4 locations
- 30m Fire hose reels (FHR) such that they overlap in coverage x 7 locations
- Portable extinguishes located adjacent to the FHR's x 7 locations

An infrared thermal camera and water cannon system has been added to the attached plans to monitor waste stockpile temperatures in the MRF and provide rapid dousing water to negate any rise in temperature above 68 degrees in the waste stockpiles and prevent any fire risk. This was discussed in the EIS and specifically outlined in Appendix X of the EIS and is a system designed and implemented by Benedict Recycling in some of their recycling facilities.

Specific to both stockpiles, there will be two thermal cameras located above each stockpile and three water cannons (50mm supply) for dousing each stockpile if required. Each water cannon will deliver 160 litres per minute and will operate automatically or manually as required. Should the thermal camera be triggered then a third-party operator will be notified, and the site supervisor will be able to remotely observe the stockpiles and determine if the fire brigade is called. Inside the shed a strobe light and alarm will also be activated. The system is programmable and can be shut off automatically if the stockpile temperature drops below 68 degrees.

The ring main for this water cannon system will have a generator fitted in case power is shut off from the MRF building. The system will be designed and adapted as part of the detailed design but is included in the attached DA plans.

There is an existing DN150 water main from Ipswich Street that included a series of fire hydrants along the southern boundary. It is proposed to retain this so that there are some four hydrant locations along the southern perimeter of the site for fire truck use. The location of these fire hydrants has been included on the attached DA plans

Firefighting equipment, including fire hose reels, fire exits, and portable extinguisher locations have been included in the attached DA plans

Emergency Services Access

The site will be accessible from both Ipswich and Lithgow Streets and will provide un-obstructed access for emergency service vehicles. The MRF building is accessible from all side for emergency vehicles

4.9 Contingency Plans

A range of contingency plans were discussed in the Revised EIS and these have been summarised and brought forward in this DA. The likelihood of the types of events has now also been included as well as destination options. This are compiled in Appendix 6:

Bushfire

- Asset Protection Zone to be established
- Fire hydrant spacing and sizing to comply with AS 2419.1-2005 and not be in any roadway
- Roads and driveways to be designed to provide safe and operational access to structures and water supply for emergency services.
- An emergency management plan as part of the CMP and OEMP

Water supply for fire suppression

- Ensure that there is adequate water supply and pressure for firefighting requirements

Onsite equipment failure

- Provide alternate/duplicate infrastructure and equipment where possible
 - Duplicate in and out weighbridges
 - Multiple in and out doorways with fast closing doors and twin wheel baths
 - Two separate processing/sorting lines with by-pass arrangements should a specific conveyor belt or piece of equipment fail
 - Two waste compactors to load shipping containers
 - A ventilation system that utilises two variable speed extraction fans operating at 75% capacity. If one fails, the other can be operated at greater capacity whilst the other is serviced or repaired
 - Minimum of two items of equipment such as forklifts, front-end loaders, and excavators to allow operations to be continuous
 - Equipment to have service contracts/replacement arrangements from suppliers to allow operations to continue or be repaired expeditiously
 - CRS to carry a range of critical parts for all equipment to minimise downtime.
 - A minimum of eight hours downtime will be scheduled daily to allow for servicing and maintenance to occur
 - The eight hours of non-operational time each day can be used for maintenance and repairs if required

Electricity interruption

- Approval will be sort by the relevant authority to access portable generators. This will form part of the OEMP to be developed prior to operation and construction.
- Hire equipment will be sourced from local hire companies for short notice deployment

Fire interruption

The following measures are to be implemented to reduce the potential impact associated with a fire:

- Loads will be inspected for hazardous and non-conforming wastes as it arrives and is tipped. There is an opportunity at this stage to assess waste that may be a fire risk and isolate or reject the load
- Benedict Recycling has developed an in-situ automatic thermal camera fire prevention system for its enclosed waste management facilities (see plans included with this DA package)
- In the event of there being a rise of temperature in a stockpile the automated fire system operates as follows:
 - Thermal imaging cameras placed above waste stockpiles will monitor temperature variations and stream infrared images with embedded temperature readings. A rise in temperature of +8 degrees can be detected in a matter of minutes. This technology can look 6 meters deep and identify any “hot spots” within the monitored stockpile areas
 - The system will automatically trigger when the set temperature is detected (currently set at 68 degrees). The site alarm system is also triggered, and a third-party remote monitoring control room will then advise the site supervisor, who can observe the building remotely and assess the need for the fire brigade. A strobe light and siren will activate locally in the shed
 - Water Cannons/Sprinklers are triggered to target the stockpile and wet the identified hotspot. Water cannons will deliver water at 160 litres per minute and are currently set for a 30 second duration, however, this is programmable. The cycle will keep repeating until the temperature readings fall below the programmed threshold. The thermal imaging cameras continuously assesses the temperature and can be monitored together with general security cameras from the site office or remotely via the internet. The process may be repeated until the temperature drops below the thermal temperature setting. The water cannons can also be manually activated via a remote-control panel.

- The camera system runs continuously, however, the water cannons are not left on automatic during operating hours as the heat signature of the operating equipment will trigger the system. The system triggers phone alerts to management.
- Locations of the thermal cameras, water cannons, and ring pipe are included in the DA plans submitted with this application.

Minimising onsite stockpiling and the prevention of inappropriate waste acceptance is key to minimising the risk of fire and avoids the likelihood of business shutdown. The firefighting technology is to be used as a preventative measure when the site is both manned and unmanned.

Railway Track Interruption

The following measures will be implemented to reduce the impact of a railway interruption:

- Programmed rail maintenance is already scheduled into the rail use as the track is shared by daily commuter use
- In the instance of a catastrophic rail track event that closed the track for longer than 3 days, it would necessitate the transfer of containers by road to Woodlawn.
- The intermodal containers proposed can be carried by non-specific container trucks which are readily available for subcontract at short notice. This would add two extra truck movements per hour for the duration of the emergency and would be an unusual circumstance that would affect all rail activities into Canberra. This scenario was discussed in the Revised EIS and outlined in Appendix W of the Revised EIS.
- Should the Government wish to assist in the emergency contingency planning then an alternative could be to utilise Mugga Lane landfill in this circumstance, but it would still involve truck movements as an emergency measure. Assuming Mugga Lane landfill is still operating then the tonnage impacts for the type of waste, and the days, weeks or months are indicated in the contingency table submitted with this application.

Business Interruption Alternatives

In the instance of a short-term business interruption, an alternative arrangement will be required. There are a range of likelihood scenarios and destinations outlined below and in plans and reports included with this DA package.

The types of contingency actions (short and medium term) could include:

- Customers (waste collection contractors) would be advised, and if possible, waste collection schedules would be adjusted.
- Commercial waste could be disposed at other licensed receivers who may be approached to assist until the CRS facility is operational.
- If equipment, electricity, container loading and train access were all unavailable due to a fire, as an example, (although the fire prevention equipment would prevent this) an unaffected section of the building would be utilised for short-term operation
- If the compactors were both unavailable, then a mobile container box tilt platform from Access Recycling would be used. The building and shipping containers would be end loaded directly with mixed heavy/putrescible waste by an excavator with a set of grab buckets. The containers would then be loaded by forklift onto intermodal trucks and transported to Woodlawn
- Walking floor truck and trailers from the waste industry in Sydney, will provide 3 semi-trailers to transport the light, bulky dry commercial and industrial waste component with 5 hours' notice. Typically, these trailers carry some 22+ tons (110m³ capacity) and are used for waste transfer in and around cities. These can be loaded off the floor by the Access Recycling excavator until normal operations resume.

5.0 Conclusion

The report assesses the development against relevant code rules and criteria in the Territory Plan and outlines the planning and design context for the development, together with its impact on adjacent areas.

The DA has been lodged as an impact track proposal because of the Minister taking no action over the Revised MRF EIS. Support for the development has been provided by John Holland Rail and Transport for NSW (TfNSW) the operators and owners of the rail corridor, respectively.

The DA has a full set of detailed plans which include the mitigations referred to in the Revised EIS stage. This DA report demonstrates that the proposed MRF development is consistent with the Territory Plan and planning strategies for Fyshwick. It is also consistent with code requirements for the precinct and relevant detail has been incorporated in this report or the attached plans for development approval.

It has been established that the proposed MRF development and mitigations, which have been included in this DA, will not have adverse impacts on surrounding development and will make a positive contribution to recycling, employment, and other aspects such as supporting the viability of rail freight in NSW and Canberra.

It is recommended that ACTPLA and other consent authorities support the proposed MRF development.

Purdon Planning

September 2020

Appendix 1 : Statement Against Industrial Zones Development Code (Blocks 9 and 11 Section 8)

| Rules | Criteria |
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| Part A (2) – IZ2 - Industrial Mixed-Use Zone | |
| Element 1: Restrictions on Use | |
| 1.1 Gross Floor Area | |
| R2 The maximum gross floor area per shop is as follows: a) supermarket or shop selling food: 200 m ² b) other shops, except for bulky goods retailing: 3000 m ² | This is a mandatory requirement. There is no applicable criterion. |
| Not applicable. No shop is proposed. | |
| Part B – General Development Controls | |
| Element 1: Restrictions on Use | |
| 1.1 Community Use | |
| Not applicable. No community use proposed. | |
| 1.2 Non-Retail Community Uses | |
| R5 The total GFA of any individual or combination of the following must not exceed 2000 m ² per lease: a) business agency b) financial establishment c) office d) public agency. | This is a mandatory requirement. There is no applicable criterion. |
| Not applicable. None of the above land uses are proposed. | |
| 1.3 Caretaker's Residence | |
| Not applicable. No caretaker's residency proposed. | |
| Element 2: Building and Site Controls | |
| 2.1 Subdivision | |
| R7 Subdivision is only permitted where: a) it is part of a development application for another assessable development b) it is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant section of this Code. | This is a mandatory requirement. There is no applicable criterion. |
| Not Applicable – Subdivision is not proposed as part of this DA. | |
| R9 Urban infrastructure designs are in accordance with the Design Standards for Urban Infrastructure (ACT Department of Urban Services). | This is a mandatory requirement. There is no applicable criterion. |
| Complies. Design is in accordance with the Design Standards for Urban Infrastructure. Indicative sketch plans have been provided; designs will be finalised as part of the detailed design phase. | |
| 2.2 Demolition | |
| R10 In accordance with section 148 of the Planning and Development Act 2007, the application is accompanied by a Statement of Endorsement from utility provider (including water, sewerage, storm water, electricity, and gas) stating that: a) All network infrastructure on or immediately adjacent the site has been identified on the plan | C10 If a Statement of Endorsement is not provided the application will be referred to relevant utility provider in accordance with the requirements of the Planning and Development Act 2007. |

| Rules | Criteria |
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| <p>b) All potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified</p> <p>c) All required network disconnections have been identified and the disconnection works comply with utility requirements</p> <p>d) All works associated with the demolition comply with and are in accordance with utility asset access and protection requirements.</p> | |
| <p>Complies. A demolition plan, services plan and survey plan have been submitted with this DA. All relevant utilities have been consulted in the EIS process and have also provided stamped plans for the other Consents on the Blocks where the utilities are identified.</p> <p>A hazard risk inventory was prepared as part of the EIS submissions.</p> <p>The relevant utilities are already disconnected.</p> <p>This DA will be further referred to entities for approval.</p> | |
| <p>2.3 Height</p> | |
| <p>R11 The maximum height of any wall of the building is 12 metres above natural ground level.</p> | <p>C11 Development is of an appropriate scale compatible with an industrial area.</p> |
| <p>Complies with R11. The proposed MRF shed walls are not greater than 12m</p> | |
| <p>2.4 Setbacks</p> | |
| <p>There is no applicable rule.</p> | <p>C12 Front and side boundary setbacks provide an acceptable design solution for the development of the site and are not detrimental to the visual relationship with adjoining buildings or the streetscape.</p> |
| <p>Complies with C12. New buildings are setback from the street. In addition, screening trees are to be established along Ipswich Street frontage as a part of the existing development Consents. The trees are reflected in the plans submitted with the DA</p> | |
| <p>2.5 National Capital Plan</p> | |
| <p>There is no applicable rule.</p> | <p>C13 Where a development is subject to Special Requirements under the National Capital Plan, or any relevant Development Control Plan prepared under the National Capital Plan, the development is not inconsistent with the Special Requirements or Development Control Plan. Where any provision of this code is inconsistent with Special Requirements under the National Capital Plan, or any relevant Development Control Plan prepared under the National Capital Plan, that provision has no effect.</p> |
| <p>Complies with C13. The subject site is some 200m from Monaro Highway which is an identified Approach Route in the National Capital Plan. A DCP is not required as the site is not directly adjacent to the Monaro Highway. Advice has been received from NCA to confirm that a DCP is not required.</p> | |
| <p>Element 3: Built Form</p> | |
| <p>3.1 Building Design</p> | |
| <p>R14 External service equipment must be screened from public view.</p> | <p>C14 External service equipment must be integrated into the building design.</p> |
| <p>Complies with R14. All service equipment has been considered in the design.</p> | |
| <p>There is no applicable rule.</p> | <p>C15 The elevations of all buildings facing roads should</p> |

| Rules | Criteria |
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| | contribute to the quality of the streetscape through well-designed buildings that respect adjoining buildings and street landscaping. |
| Complies with C15. The design is consistent with the streetscape and adjoining buildings. A requirement for large screening trees has been identified by the Territory along Ipswich Street; therefore, the elevation will be largely screened from the street. | |
| 3.2 Materials and Finish | |
| There is no applicable rule. | C17 The roof and/or wall finish is of low reflectivity and not white or off-white or untreated metal. |
| Complies with C17. The walls will be colour painted (not white or off-white) | |
| R18 External walls are clad with durable materials, such as masonry, fibre cement sheeting or prefinished metal. | C18 Where practicable, materials are chosen to increase the sustainability of the building and the built environment. |
| Complies with R18. The construction will use tilt up concrete slabs that will be painted. This will also assist in achieving odour and noise mitigation objectives | |
| There is no applicable rule. | C19 Materials colours and textures are compatible within any development and should contribute to the built character of the adjoining development. |
| Complies with C19. Fyshwick incorporates a variety of building colours and building styles. The proposed MRF building design is considered in keeping with the character of the immediate area. The size and scale of the proposed MRF is illustrated with existing adjoining structures in the Streetscape elevations in the attached plans. | |
| 3.3 Interface | |
| There is no applicable rule. | C20 Public access to shops and offices ancillary to industrial buildings provide legible and safe entries located to the front of buildings. |
| Complies with C20. The existing and proposed offices are located at the front of the site and will be legible by virtue of their location. | |
| There is no applicable rule. | C21 Fencing visible from the public domain is compatible with the predominant building on the site, and is at least 50% transparent. |
| Complies with C21. Chain link fencing is already in use around the site and will be supplanted in a similar style to be both transparent and secure. The southern boundary will have a solid 2.7m high noise prevention fence as part of the noise mitigation measures required. | |
| 3.4 Crime Prevention Through Environmental Design | |
| There is no applicable rule. | C22 The development meets the requirements of the Crime Prevention Through Environmental Design General Code. |
| Complies with C22. Statement against CPTED code provided in appendix 5, below. | |
| 3.5 Access and Mobility | |
| There is no applicable rule. | C23 The development meets the requirements of the Access and Mobility General Code. |

| Rules | Criteria |
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| <p>Not applicable as the proposed Waste Transfer Station and Recycling Facility are not listed as developments in Table 1 of the Access and Mobility General Code, where the code need apply. Nonetheless, any relevant provisions of the Code have been addressed in Appendix 6 below.</p> | |
| <p>3.6 Location Requirements for Community and Recreation Facilities</p> | |
| <p>Not applicable. No community and recreation facilities proposed.</p> | |
| <p>Element 4: Parking and Site Access</p> | |
| <p>4.1 Vehicle Access and Parking</p> | |
| <p>There is no applicable rule.</p> | <p>C24 Driveways and pedestrian entrances to the site are clearly visible from the front site boundary.</p> |
| <p>Complies with C24 – Vehicle and pedestrian entries are clearly defined and visible from the boundary.</p> | |
| <p>R26 Loading docks or vehicular entries to buildings are not provided on the street frontages of buildings.</p> | <p>C26 Loading docks and building entries do not dominate the street frontage or conflict with parking and pedestrian movements in front of the building.</p> |
| <p>Complies with C26. All access to the MRF building is from the north and east and not visible from the Ipswich Street frontage.</p> | |
| <p>There is no applicable rule.</p> | <p>C27 Parking and vehicular access must comply with the requirements of the Parking and Vehicular Access General Code.</p> |
| <p>Complies with C27. 64 staff car parking spaces are proposed, and 2 disabled spaces are included as well as 2 motorcycle parking spaces. The staff car parking is more than the requirements for parking in the Code. See the attached plans for the parking layout</p> | |
| <p>R28 Parking facilities are located behind the minimum front setback but forward of any onsite activity.</p> | <p>C28 The location of car-parking areas maximises opportunities for passive surveillance from areas within and adjacent to the site.</p> |
| <p>Complies with C28. All car parking areas are located such that they are visible from the office areas to ensure passive surveillance</p> | |
| <p>There is no applicable rule.</p> | <p>C29 Where applicable, bicycle parking complies with the requirements of the Bicycle Parking General Code.</p> |
| <p>Not applicable. If necessary, bicycle parking can be accommodated on site in an informal arrangement.</p> | |
| <p>4.2 Services Access and Delivery</p> | |
| <p>R30 Provision is made onsite for the loading and unloading of vehicles, with adequate manoeuvring space so that vehicles can enter and leave the site travelling in a forward direction.</p> <p>Note: Loading/unloading and associated manoeuvring areas is in addition to minimum parking requirements.</p> | <p>C30 Provision is made for associated loading and unloading of goods which complies with all of the following:</p> <ul style="list-style-type: none"> a) demonstrates adequate justification for the proposed arrangements when not entering and exiting in a forward direction b) does not unreasonably compromise the safety of pedestrian and traffic movement and operation of any adjoining facilities such as road, cycleway, or pedestrian pathway, and on-street and off-street parking c) provides adequate space for the manoeuvring of vehicles d) is endorsed by the Department of Territory |

| Rules | Criteria |
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| | and Municipal Services. |
| Complies with R30. All types of vehicles will be entering and leaving the site in a forward direction. The construction of signalised ingress/egress on Ipswich Street will provide safety for both vehicles and pedestrians on Ipswich Street. Lithgow Street is a cul-de-sac and does not have passing traffic or pedestrian arrangements. TCCS have been consulted throughout the EIS process. | |
| Element 5: Amenity | |
| 5.1 Landscape | |
| There is no applicable rule. | <p>C31</p> <p>The minimum setback area includes landscaping, comprising advanced trees and shrubs, in order to minimise the visual impacts of buildings, carparking areas, and plant and materials stored on site.</p> |
| Complies with C31. Advanced trees will be planted along the Ipswich Street frontage to create a visual barrier as well as other planting in appropriate and maintainable locations. A landscaping plan has been submitted as part of this DA. | |
| There is no applicable rule. | <p>C32</p> <p>Tree planting to parking areas are positioned to provide shade to such areas and to soften the visual impact of such areas.</p> |
| Complies with C32. The advanced trees to be planted are located adjacent to the parking area. | |
| 5.2 Noise | |
| There is no applicable rule. | <p>C33</p> <p>Where the proposed use is adjacent to, or is, a noise producing activity, noise attenuation measures are utilised to protect the amenity of the area and promote compatibility of uses.</p> |
| Complies with C33. A noise assessment was undertaken by Rudds as part of the EIS process. Noise associated with the proposed MRF includes internal equipment and external vehicles and equipment was assessed and the inclusion of a 2.7m high noise prevention fence along the southern boundary has been included in the DA plans as well as noise abatement equipment on any external forklifts. | |
| <p>R34</p> <p>A Noise Management Plan prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society, endorsed by Environment Protection is provided for the following uses:</p> <ul style="list-style-type: none"> -club -drink establishment -hotel -industry (except light industry) -indoor entertainment facility -restaurant <p>The Noise Management Plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbours.</p> | <p>C34</p> <p>If an endorsed Noise Management Plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| Complies with R34. A noise management assessment was submitted and assessed with the EIS and any mitigation measures have been incorporated in this application and attached plans. | |
| 5.3 Lighting | |
| <p>R35</p> <p>External lighting is provided to building frontages, to all pathways, roads/laneways, and car parking</p> | <p>C35</p> <p>External lighting is provided in accordance with the Crime Prevention Through Environmental</p> |


| Rules | Criteria |
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| areas in accordance with Australian Standard 1158.1.3 Pedestrian Lighting. | Design General Code. |
| Complies with C35. External lighting has been provided to the MRF hardstand and car parking areas to the Australian Standard and shown on the attached DA plans. | |
| R36 All external lighting provided is in accordance with AS 4282 Control of the Obtrusive Effects of Outdoor Lighting. | C36 All lighting, including security and car park lighting is designed to minimise light spill |
| Complies with C36. External lighting will be provided to the MRF surrounds and car parking areas in accordance with AS4282 and shown on the attached DA Plans | |
| 5.4 Signs | |
| There is no applicable rule. | C37 Signs must comply with the Signs General Code. |
| No signage has been submitted with this application and any signage will be the subject of separate application | |
| Element 6: Environment | |
| 6.1 Water Sensitive Urban Design – Mains Water Consumption | |
| R38 Evidence is provided that shows the development achieves a minimum 40% reduction in mains water consumption compared to an equivalent development constructed in 2003 using the ACTPLA on-line assessment tool or another tool as included in the Water Ways: Water Sensitive Urban Design General Code. The 40% target is met without any reliance on landscaping measures to reduce consumption. This requirement does not apply for extensions with an increase in the combined roof area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area. | C38 This is a mandatory requirement. There is no applicable criterion. |
| Complies with C38. Cardno, in its attached Stormwater Analysis Report, makes the following comment: <i>“Cardno notes that the ACTPLA on-line assessment tool and other tools listed in the Water Sensitive Urban Design General Code can only be used for single residential, multi-unit residential and commercial developments. It enables measures such as rainwater tanks and greywater systems to be assessed in terms of meeting the water use reduction target. The stormwater assessment submitted with this DA is therefore in compliance with rule/criterion 38 of the IZ2 Industrial Zone Development Code and therefore no further mitigation measures or revised plans for reducing stormwater pollutant is required for this DA submission.”</i> | |
| 6.2 Water Sensitive Urban Design – Storm water Quality | |
| R39 All sites of size greater than 2,000m ² need to provide evidence of storm water storage greater than or equal to the volume of 1.4kL per 100m ² of impervious area and release over a period of 1 to 3 days. 50% of the volume of rainwater tanks with a toilet connection may be regarded as contributing towards this requirement. This requirement does not apply for extensions with an increase in the combined roof area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area. | C39 Evidence is provided that demonstrates that for all sites of size greater than 2,000m ² , a reduction of 1-in-3-month storm water peak run off flow to pre-development levels with release of captured flow over a period of 1 to 3 days can be achieved. This requirement does not apply for extensions with an increase in the combined roof area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area. |

| Rules | Criteria |
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Complies with C3: Cardno, in its attached Stormwater Analysis Report, makes the following comment: “As per Element 6.2, Rule 39 of the IZ2:Industrial Zone Development Code (and the WSUD General Code, ACT Practice Guidelines for Water Sensitive Urban Design), stormwater storage capacity of 1.4 kL per 100 m² of total impervious area is to be provided specifically to retain the stormwater generated. This requirement recognises the difficulty of making stormwater retention and detention requirements retrospective for sites within existing urban areas and that commercial and industrial areas were previously expected to have a higher impervious proportion.

Table 1-1 below provides a summary of the pre-and post-development impervious areas used to estimate the required stormwater storage in order to demonstrate compliance with Rule 39 of the IZ2 Industrial Zone Development Code, taking into consideration existing aerial photography, the demolition plan and the proposed EIS Site Plan (See Cardno Stormwater Analysis Report included with this DA)”

Table 1-1 Summary of pre-development and post-development Impervious Areas within the Subject Site

| OSD Requirements | |  | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|------------------------------------------------------------------------------------|---------------------------------------------------|
| Areas | Pre-development Impervious Area (m ²) | Post-Development Impervious Area (m ²) | |
| Roof - Existing Metal Shed (Demolition) | 254.37 | -254.37 | |
| Roof - Existing Metal Shed (Demolition) | 112.75 | -112.75 | |
| Roof - Existing Metal Shed (Demolition) | 31.58 | -31.58 | |
| Roof - Existing Metal Shed (Demolition) | 240.00 | -240 | |
| Roof - Existing Metal Shed (Demolition) | 251.15 | -251.15 | |
| Existing Structure (Demolition) | 839.84 | -839.84 | |
| Existing Structure (Demolition) | 42.22 | -42.22 | |
| Existing Structure (Demolition) | 74.93 | -74.93 | |
| Existing Structure (Demolition) | 138.39 | -136.39 | |
| Existing Structure (Demolition) | 99.03 | -99.03 | |
| Existing Structure (Demolition) | 97.67 | -97.67 | |
| Existing Structure (Demolition) | 32.67 | -32.67 | |
| Existing Building - western boundary (Retained) | 307.95 | 307.95 | |
| Existing Hardstand (Retained) | 4157.36 | 4157.36 | |
| Existing Hardstand/Proposed Carpark Area (Retained) | 2113.3 | 2113.3 | |
| Landscaping | 298.69 | 298.69 | |
| Proposed New Building (Construction) | - | 7312.5 | |
| Total Impervious Area | 9089.90 | 14189.80 | |
| | Difference | 5099.90 | |
| | | | |
| I22 Zone Development Code Element 6, Stormwater Storage Capacity Provision | | 1.4 | kL per 100m ² of total impervious area |
| Required OSD as per as per the WSUD General Code, ACT Practice Guidelines for Water Sensitive Urban Design and the Industrial Zone Development Code Extract, Element 6 | | 71.40 | kL |


R40
 Sites of size greater than 5,000m² need to provide evidence showing a reduction in average annual storm water pollutant export load of:
 a) suspended solids by 60%
 b) total phosphorous by 45%
 c) total nitrogen by 40%
 compared to an urban catchment with no water quality management controls, using the MUSIC model to demonstrate compliance. This requirement does not apply for extensions

C40
 Sites of size greater than 5,000m² need to provide evidence showing a reduction in average annual storm water pollutant export load of:
 a) suspended solids by 60%
 b) total phosphorous by 45%
 c) total nitrogen by 40%
 compared to an urban catchment with no water quality management controls, using any other method. This requirement does not apply for extensions with an increase in the combined roof

| Rules | Criteria |
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| with an increase in the combined roof area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area. | area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area. |
| <p>Complies with C40: Cardno in its attached Stormwater Analysis Report makes the following comment: <i>“As shown in Table 1, the proposed increase in combined roof area, car manoeuvring areas and carparking is approximately 5,099m² in total. This increase is less than 25% of the existing area defined by the site boundary (32,662m²) as shown in Figure 1-1. The stormwater assessment submitted with this DA is therefore in compliance with rule/criterion 40 of the IZ2 Industrial Zone Development Code and therefore no further mitigation measures or revised plans for reducing stormwater pollutant is required for this DA submission.”</i></p> | |
| 6.3 Water Sensitive Urban Design – Stormwater Quantity | |
| <p>R41 All sites of size greater than 2,000m² and subject to redevelopment need to ensure that the capacity of the existing pipe (minor) storm water connection to the site is not exceeded in the 1 in-10-year storm event. All sites of size greater than 2,000m² and subject to redevelopment need to ensure that the capacity of the existing overland (major) storm water system to the site is not exceeded in the 1-in-100-year storm event. For estate and multiple block developments larger than 5000 m², retardation of storm water to meet the above requirements are to be met at the estate scale rather than by measures on individual blocks.</p> | <p>C41 Evidence is provided by a suitably qualified person that shows that for all sites of size greater than 2,000m² and subject to redevelopment EITHER a reduction of 1-in-5 year and 1-in-100-year storm water peak run off flow to pre-development levels. See Waterways General Code for more detail. OR That the capacity of the downstream piped Storm water system to its outlet with an open channel is not exceeded in the 1-in-10-year storm event. For estate and multiple block developments larger than 5000 m², retardation of storm water to meet the above requirements are to be met at the estate scale unless it can be demonstrated that this is less feasible than measures on individual blocks.</p> |
| <p>Complies with C41: Cardno, in its attached Stormwater Analysis Report, notes <i>“that the subject site does not currently have a stormwater connection. However, an existing DN1050 stormwater main is located along the western boundary and through the northern area of the site where an individual connection can be provided. Refer Figure 1-4 on the following page for the calculations showing the required size and capacity of the (minor) stormwater connection for the 1-in-10-year storm event on the subject site).”</i></p> | |

Rules | **Criteria**

Figure 1-4 Stormwater Calculations of the site for the (minor) 10% AEP flood event and stormwater connection

| On-Site Detention Calculator | | | |  | | | |
|-------------------------------------------------------------|--------------------------------------------------------------|------------------------|-------------------|------------------------------------------------------------------------------------|---------------|----------------|-------------------|
| Project: Materials Recovery Facility | | | | | | | |
| Site | Block 9 Section 8 Fyshwick and Block 11, Section 41 Fyshwick | | | | | | |
| Locality | Fyshwick ACT, 2609 | | | | | | |
| Use | Materials Recovery Facility | | | | | | |
| Site Parameters | | | | | | | |
| Pre-development Area | 32662 | m ² | Areas (Ha) | C | Predev | Postdev | |
| Post-development Area | 32662 | m ² | Impervious | 0.95 | 0.787 | 0.565 | |
| | | | Pervious | 0.55 | 2.357 | 1.970 | |
| Flow Path Length | 125 | | Roof | 0.9 | 0.122 | 0.731 | <i>Area Check</i> |
| Average Grade | 2.60% | | Total | - | 3.2662 | 3.2662 | TRUE |
| Ci | 0.90 | | | | | | |
| Cp | 0.55 | | | | | | |
| Design Storm (Minute) | | | | | | | |
| Pre-development TC | 5.0 | min | | | | | |
| Post-development TC | 5.0 | min | | | | | |
| 5 Min 10yr Intensity | 115 | mm/h | | | | | |
| Pre-development Discharge | | | | | | | |
| Site Outflow | 688.0471 | L/s | | | | | |
| | 0.688047 | m ³ /s | | | | | |
| Post-development Discharge | | | | | | | |
| Site Outflow | 727.827 | L/s | | | | | |
| | 0.728 | m ³ /s | | | | | |
| Pipe Sizing Calculations based on Manning's Equation | | | | | | | |
| S (Gradient) | 2.00 | % | | | | | |
| Pipe Diameter | 0.600 | m | | | | | |
| R (Hydraulic Radius) | 0.15 | sq.m/m | | | | | |
| Area | 0.28 | sq.m | | | | | |
| n (Pipe Roughness) | 0.011 | n | | | | | |
| V (Velocity) | 3.63 | m/s | | | | | |
| Q (Flow Rate) | 1026.22 | L/s | | | | | |
| | 1.03 | m³/s | | | | | |

The capacity of the overland flow has been simulated using DRAINS and BOM's 2016 rainfall data. Cardno have previously undertaken conceptual design and hydraulic modelling of the stormwater infrastructure to service the proposed development, with sufficient capacity for 1 in 100-year storm event as required by the IZ2: Industrial Zone Development Code, Element 6.3, Rule 41. In the detailed design phase, the civil engineering consultant will further refine the stormwater design and achieve TCCS Design Acceptance... The results of the DRAINS modelling and stormwater culvert capacity calculations for the major stormwater infrastructure within Block 11, Section 8, Fyshwick are shown below.

The Drains Model produced a peak flow rate of 21,100 L/s (or 21.1 m³/s) during the 1 in 100 year (or 1% AEP) storm event... Therefore, the proposed stormwater box culvert within Block 11, Section 8, Fyshwick has sufficient capacity to collect the run offs from the external upstream catchment. (see attached Cardno Stormwater Analysis Report)

6.4 Heritage

R42

C42

| Rules | Criteria |
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| <p>In accordance with section 148 of the Planning and Development Act 2007, applications for development on land or buildings subject to interim or full heritage registration are to be accompanied by advice from the Heritage Council stating that the development meets the requirements of the Heritage Act 2004.</p> | <p>If advice from the Heritage Council is required, but not provided, then the application will be referred to the Heritage Council in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Not applicable. No heritage objects or buildings are on the sites.</p> | |
| <p>6.5 Contamination</p> | |
| <p>R43 A statement is provided that the potential for land contamination has been assessed in accordance with the ACT Government Strategic Plan – Contaminated Sites Management 1995 and the ACT Environment Protection Authority Contaminated Sites Environmental Protection Policy 2000, and it is demonstrated that the land is suitable for the proposed development.</p> | <p>C43 If a statement that the site has been assessed is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Complies with C43. It is acknowledged that the site may be contaminated, and this was considered in the EIS assessment and relevant measures have been adopted by this DA. See the WSP Remedial Action Plan submitted with this application</p> | |
| <p>6.6 Trees</p> | |
| <p>R44 This rule applies to a development that has one or more of the following characteristics: a) requires groundwork within the tree protection zone of a protected tree b) is likely to cause damage to or removal of any protected trees The authority shall refer the development application to the Conservator of Flora and Fauna. Notes: 1. Under the Planning and Development Regulation 2008 a development application for a declared site under the Tree Protection Act 2005, must be referred to the Conservator of Flora and Fauna. 2. The authority will consider any advice from the Conservator of Flora and Fauna before determining the application in accordance with the Planning and Development Act 2007. 3. Protected tree and declared site are defined under the Tree Protection Act 2005.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>Not applicable. There are no protected trees identified onsite. The application has a report from Tree Canopy Experts attached and an application was made to the Conservator for relevant tree removal in July 2020</p> | |

| Rules | Criteria |
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| 6.7 Hazardous Material | |
| <p>R46 For the demolition of multi-unit housing (including garages and carports) constructed* prior to 1985, and Commercial / Industrial premises constructed prior to 2005, a Hazardous Materials Survey (including an asbestos survey) is carried out and signed by an appropriately licensed person and is endorsed by environment Protection. The Survey is provided and covers the disposal of hazardous materials, showing that:</p> <p>a) Hazardous material disposal (including asbestos) is to be at a licensed disposal facility in the ACT</p> <p>b) If hazardous materials are to be transported for disposal interstate, approval from the Environment Protection Authority is obtained prior to removal of material from the site</p> <p>c) An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</p> <p>* construction date means the date when the Certificate of Occupancy was issued</p> | <p>C46 If an endorsed hazardous material survey is required however evidence of an endorsed hazardous materials survey is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Complies with C46. A Hazardous material survey was submitted by Cardno for consideration in the EIS assessment.</p> | |
| 6.8 Excavation | |
| <p>There is no applicable rule.</p> | <p>C47 Onsite cut and fill are minimised and managed to ameliorate negative off-site impacts.</p> |
| <p>Complies with C47. The total design has been engineered to minimise waste. The finished levels and any required cut and fill are designed to balance within the site as much as possible for the construction of the proposed works.</p> | |
| 6.9 Erosion and Sediment Control | |
| <p>R48 For sites less than 0.3 of a hectare, a plan is provided to demonstrate that the development complies with the ACT Environment Protection Authority, Environment Protection Guidelines for Construction and Land Development in the ACT, August 2007.</p> | <p>C48 If a plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Not applicable. The subject site is greater than 0.3 Ha.</p> | |
| <p>R49 For development on a site greater than 0.3 of a hectare, the application is accompanied by an Erosion and Sediment Control Plan endorsed by ACT Environment Protection.</p> | <p>C49 If an endorsed Sediment and Erosion Control Plan is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Complies with C49. A plan is submitted with DA for consideration</p> | |
| Element 7: Services | |
| 7.1 Waste Management | |
| <p>R50</p> | <p>C50</p> |

| Rules | Criteria |
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| <p>In accordance with section 148 of the Planning and Development Act 2007, applications are to be accompanied by a statement of compliance from the Department of Territory and Municipal Services stating that the waste facilities and management associated with the development are in accordance with the current version of the Development Control Code for Best Practice Waste Management in the ACT.</p> | <p>If a statement of compliance is not provided the application will be referred to the Department of Territory and Municipal Services in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Not applicable. DA to be referred to the relevant entity</p> | |
| <p>7.2 Utilities</p> | |
| <p>R51 A Statement of Compliance from each relevant utility provider is provided, which confirms that the location and nature of earthworks, utility connections, proposed buildings, pavements, and landscape features comply with utility standards, access provisions and asset clearance zones.</p> <p>Note: Where there is a conflict between planning and utility requirements, the utility requirements take precedence over other provisions of this Code.</p> | <p>C51 If a statement of endorsement is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Complies with C51. The relevant Utilities have all been consulted in the EIS process and their requirements considered and incorporated. Recent development Consents on the site have also had similar consultation. The DA will be re-referred as part of standard procedure</p> | |
| <p>7.3 Liquid Trade Waste</p> | |
| <p>R52 A Statement of Compliance from the relevant agency is provided, which confirms that the discharge (or potential discharge by accident or spillage) of non-domestic liquid waste to the sewerage or storm water networks complies with utility standards and requirements.</p> | <p>C52 If a Statement of Compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>The system for trade waste will be designed and constructed. No liquid trade waste can occur until an agreement (testing program) has occurred in the operational phase and there is concurrence from Icon Water. Pump out of trade waste to a licensed liquid waste transporter will occur until the trade waste agreement can occur (or is possible).</p> | |
| <p>7.4 Waste Water</p> | |
| <p>R53 Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p> | <p>C53 This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>Complies with R53. All undercover areas will drain to the leachate tank or sewer</p> | |
| <p>7.5 Storage</p> | |
| <p>R54 Outdoor storage areas are located behind the building line and screened from view from any road or other public area.</p> | <p>C54 Where the proposed use of the site requires open areas for storage of goods and materials, adequate provision is included in the design and layout of the site.</p> |
| <p>Complies with R54. Only shipping containers will be stored outside and are screened from Ipswich Street by the MRF building and mature planting trees.</p> | |
| <p>R55</p> | <p>This is a mandatory requirement. There is no</p> |

| Rules | Criteria |
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| Outdoor storage areas do not encroach on required car-parking spaces, driveways exclusively required for vehicular circulation or landscape areas. | applicable criterion. |
| Complies with R55. No shipping containers will encroach or impede | |
| 7.6 Servicing and Site Management | |
| <p>R56 In accordance with section 148 of the Planning and Development Act 2007, applications are accompanied by a statement of endorsement from the relevant agency stating that the waste facilities and management associated with the development is in accordance with the Design Standards for Urban Infrastructure.</p> | <p>C56 If a statement of endorsement is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| Not applicable. This proposal will not utilise external waste facilities and will manage its own wastes. | |

Appendix 2: Statement Against Fyshwick Precinct Code

| Rules | Criteria |
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| RC1 – West Fyshwick Industrial Area | |
| Element 1: Use | |
| 1.1 SHOP – floor area limit | |
| R1 The maximum gross floor area of SHOP complies with all of the following: a) on Fyshwick section 30 block 18, for display and sale of alcohol beverages – 1200 m2 b) in all other locations – 200 m2 | This is a mandatory requirement. There is no applicable criterion. |
| Not applicable. The subject site as the site is not within West Fyshwick Industrial Area. | |
| RC2 – Industrial Mixed-Use Zone | |
| Element 2: Use | |
| 2.1 SHOP – floor area limit | |
| R2 The maximum gross floor area per shop complies with all of the following: a) SHOP selling food or supermarket, except produce market – 200m2 b) SHOP, except bulky goods retailing – 3000m | This is a mandatory requirement. There is no applicable criterion |
| Not applicable. SHOP is not proposed. | |
| RC3 – Canberra Avenue Corridor | |
| Element 3: Use | |
| 3.1 Restaurant and Shop | |
| Element 4: Buildings | |
| 4.1 Number of storeys | |
| 4.2 Setback | |
| 4.3 Materials and Finish | |
| Not applicable. Subject site is not within the Canberra Avenue Corridor. | |
| RC4 – Agricultural Area | |
| Element 5: Use | |
| 5.1 Agriculture | |
| Not applicable. The subject site is not in RC4. | |
| RC5 – Block 8 Section 48 Fyshwick | |
| Not applicable. | |

Appendix 3: Statement Against Lease Variation General Code

| Lease Variation General Code | |
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| Rules | Criteria |
| Part A – Lease Variations in the merit or impact track | |
| Element 1: Variations - general | |
| 1.1 Varying leases - general | |
| There is no applicable rule. | <p>C1</p> <p>A <i>lease</i> is varied only where all of the following are achieved:</p> <ul style="list-style-type: none"> i) the varied lease is consistent with the Territory Plan including all relevant codes ii) the land to which the <i>lease</i> applies is suitable for the development or use authorised by the varied <i>lease</i>. |
| The proposed uses (Waste Transfer Station and Recycling Facility) are both permissible in the IZ2 – Industrial mixed-use zone that applies to the two blocks. The land is suitable for the proposed development as demonstrated in this DA package and through the EIS process. | |
| Element 2: Increasing rights | |
| 2.1 Increasing rights | |
| There is no applicable rule. | <p>C2</p> <p>A right under a <i>lease</i> is increased only when all of the following are achieved if the additional rights are granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking is provided on site or is available off site in accordance with the <i>Parking and Vehicular Access General Code</i> ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in the level of noise for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land. <p>Note: examples of rights are the maximum <i>gross floor area</i>, the maximum floor area allocated to a particular use, <i>building</i> heights.</p> |
| Not applicable. No additional rights are sought as part of this DA. | |
| Element 3: Variations to add uses - general | |
| 3.1 Adding uses generally | |
| There is no applicable rule. | <p>C3</p> <p>An additional use is authorised by a <i>lease</i> only when all of the following are achieved if the additional use is granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking is provided on site or is available off site in accordance with the <i>Parking and Vehicular Access General Code</i> |

| Lease Variation General Code | |
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| Rules | Criteria |
| | <ul style="list-style-type: none"> ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in level of noise for the occupants of <i>dwelling</i>s on the <i>block</i> or on adjoining land v) no unreasonable risk to occupants of the <i>block</i> through any contamination of the <i>block</i> or on adjoining land vi) no unreasonable level of odour for the occupants of <i>dwelling</i>s on the <i>block</i> or on adjoining land vii) no unreasonable level of light emission for the occupants of <i>dwelling</i>s on the <i>block</i> or on adjoining land. |
| <ol style="list-style-type: none"> 1) Sufficient car parking is provided for on site in accordance with the Parking and Vehicular Access General Code. 2) Traffic flows have been assessed throughout the EIS assessment stages and has been deemed acceptable. Original and Summary Traffic Reports are included as part of the EIS and this DA package. 3) Post occupancy waste management on site can be provided due to the nature of the business proposed. 4) Noise mitigation measures have been incorporated in the design. There are no <i>dwelling</i>s on the blocks or adjoining lands. 5) Any on site residual contamination from the previous use has a remedial action plan proposed as well as design features (including membrane) if required. 6) Any odour impacts have been assessed in the EIS process and mitigation measures incorporated in the design. There are no <i>dwelling</i>s on the blocks or adjoining lands. 7) The lighting will meet AS standards under the Industrial General Code for illumination and spill and have been included in the attached plans. There are no <i>dwelling</i>s on the blocks or adjoining lands. | |
| Element 4: Variations to add particular uses | |
| 4.1 Community and Recreational Facilities | |
| There is no applicable rule. | C4 Community facilities or recreational facilities that are authorised by a <i>lease</i> comply with the <i>Community and Recreational Facilities Location Guidelines General Code</i> . |
| Not applicable. There are no community or recreational facilities uses proposed. | |
| Note Element 4 no longer contains section 4.2, R5 and C5 | |
| 4.3 Secondary residence | |

| Lease Variation General Code | |
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| Rules | Criteria |
| <p>R6</p> <p>A variation to a <i>lease</i> to authorise a <i>secondary residence</i> is approved only where the <i>block</i> affected by the <i>lease</i> is 500m² or larger.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Not applicable. No residences are proposed. | |
| 4.4 Emergency management plan | |
| <p>R6A</p> <p>A variation to a <i>lease</i> to authorise an <i>animal care facility</i> in the industrial zones is approved only where an emergency management plan is provided and has been endorsed by the Emergency Services Authority (ESA).</p> | <p>C6A</p> <p>If an endorsed Emergency Management Plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| Not applicable. Animal care facility use is not proposed. | |
| 4.5 Noise | |
| <p>R6B</p> <p>A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustic Society, is provided for an <i>animal care facility</i>.</p> <p>The Noise Management Plan details the design, siting, and construction methods, which will be used to minimise the impact of noise on neighbouring uses and reduce the intrusion of noise from industrial uses into the facility.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Complies with R6B. This has already occurred in the EIS stage and mitigation measures to manage noise have been included in this DA and attached plans. | |
| Part B – Lease variations in the code track | |
| Element 5: Variations to express the number of dwellings | |
| 5.1 Expressing the number of dwellings or units | |
| <p>R7</p> <p>This rule applies to any of the following:</p> <ul style="list-style-type: none"> a) Varying a <i>lease</i> to express the number of approved or lawfully erected <i>dwellings</i> or units b) Varying a <i>lease</i> to change the number of approved or lawfully erected <i>dwellings</i> or units c) Varying a <i>lease</i> to add a <i>secondary residence</i> where erection of a <i>secondary residence</i> has been approved <p>The variation to the <i>lease</i> is consistent with the following:</p> <ul style="list-style-type: none"> i) all other provisions of the <i>lease</i>; and ii) the Territory Plan, including all relevant codes. | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Not applicable. No dwellings or units are proposed. | |

| Lease Variation General Code | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Rules | Criteria |
| Element 6: Variations to remove, relocate or change easements | |
| 6.1 Removing relocating or changing easements | |
| <p>R8 A proposal to vary a lease to remove, relocate or change easements is consistent with both of the following:</p> <ul style="list-style-type: none"> a) is supported by written endorsement from the relevant service provider b) is supported by drawings and information demonstrating that easements are not required or are provided elsewhere on the land. | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>Not applicable. There are no additional requirements to remove, relocate or change any easements because of this application.</p> | |

Appendix 4: Statement Against the Parking & Vehicle Access Code

Split across two shifts, 48 full-time and 10 part-time staff have been nominated in the Revised EIS for the MRF.

Section 3.5 of the Parking and Vehicular Access General Code discusses the requirements for industrial zone development and would require the following:

Table 5: MRF Parking (required and proposed)

| Required (recycling facility/waste transfer station) Section 3.5 of the Parking and Vehicular Access General Code | Proposed (MRF) – see attached plans |
|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| 24 spaces (1 per peak shift employee) | 64 spaces (48 f/t staff, 10 p/t staff, 6 visitor) |
| 3% spaces for disability parking | 2 spaces (3% x 48 spaces) |
| 3 scooter/motorbike per 100 spaces | 2 spaces |

Staff parking will be accommodated on site (refer to plans submitted with the DA). The excess parking is to ensure sufficient spaces are available for all workers during the overlap period of shifts, approximately 2.00pm.

Appendix 5: Statement Against the Crime Prevention Through Environmental Design Code

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| Element 1: Neighbourhood Design | |
| 1.1 Neighbourhood Design | |
| There is no rule applicable. | C1 Design is in accordance with the recommendations of a crime risk assessment as outlined in the ACT Crime Prevention and Urban Design Resource Manual. |
| Complies with C1: Any relevant design principles have been adopted or adapted. The site is not for public use or thoroughfare. | |
| Element 2: Use | |
| 2.1 General Code | |
| There is no applicable rule. | C2 The development described in Table 1 (attached at conclusion) meets the Crime Prevention Through Environmental Design General Code. |
| Complies with C2: The MRF development (transfer station and recycling facility) is not listed as having to meet the Crime Prevention Code as per Table 1 below. | |

Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

| Rule | Criteria |
|------|----------|
|------|----------|

Table 1: Development required to meet the Crime Prevention Through Environmental Design General Code.

| | | |
|-----------------------------|--------------------------------|-----------------------------------|
| Airport | Health facility | Retirement Village |
| Ancillary use | Hospital | Road |
| Aquatic recreation facility | Hotel | Rural Produce Retailing |
| Boarding house | Indoor entertainment facility | Rural Supply retailing |
| Bulky goods retailing | Indoor recreation facility | Scientific research establishment |
| Business agency | Mint | Service station |
| Car park | Mobile home park | Serviced apartment |
| Caravan park/camping ground | Motel | Shop |
| Child care centre | Multi-unit housing | Special care establishment |
| Civic administration | Municipal depot | Special care hostel |
| Club | Office | Special dwelling |
| Community activity centre | Outdoor recreation facility | Store |
| Community theatre | Parkland | Subdivision |
| Corrections facility | Pedestrian plaza | Supermarket |
| Craft workshop | Personal services | Supportive housing |
| Cultural facility | Place of assembly | Take-away food shop |
| Defence installation | Place of worship | Tourist facility |
| Department Store | Playing field | Tourist resort |
| Drink establishment | Produce market | Transport depot |
| Drive-in cinema | Public agency | Vehicle sales |
| Educational establishment | Public transport facility | Veterinary hospital |
| Emergency services facility | Railway use | Water based recreation |
| Financial establishment | Religious associated use | Zoological facility |
| Funeral parlour | Residential care accommodation | |
| Guest house | Restaurant | |

Element 3: Public Realm

3.1 Open Space and Community (Shared) Areas

| | |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| There is no rule applicable. | <p>C3</p> <p>Natural surveillance of open space and community areas is provided by:</p> <ul style="list-style-type: none"> a) locating adjacent to activity centres; b) encouraging pedestrian (or cyclist) movement through the space; c) ensuring clear site lines from, and between, buildings and open space areas: community areas; and d) designing out any entrapment spaces. |
| Not applicable: No open space shared areas are proposed | |
| There is no rule applicable. | <p>C4</p> <p>Natural access is considered, providing clear entry and exit points and a legible, accessible route through the space.</p> |
| Not applicable: No public pedestrian or non-customer vehicle access is permitted through the site | |
| There is no rule applicable. | C5 |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| | Planting in public spaces do not obscure views along paths and streets, or to entrances and should not create secluded, hiding areas. |
| Not applicable: Not a public space | |
| There is no rule applicable. | C6 Selection of plant material that is sturdy in areas of high crime, to make it difficult to snap main growing stems – heavy standard (140-160mm girth) or semi-mature trees (200-270mm girth) should be used to increase their chance of survival. |
| Not applicable: Not a public space | |
| There is no rule applicable. | C7 Plant material, such as creepers or low hedges may be used to deter access and limit the opportunity for graffiti on fences and walls. |
| Not applicable: Noted | |
| There is no rule applicable. | C8 Hard landscape features such as low walls, bollards are used to delineate movement areas from semi-private areas. |
| Complies with C8: These types of features are incorporated in the landscape design | |
| 3.2 Children’s Play Areas | |
| There is no rule applicable. | C9 Children’s play areas are located and designed to comply with each of the following: a) there is natural surveillance from adjoining areas b) adjacent areas are used by compatible groups c) there are multiple entry/exits |
| Not applicable: No children’s play areas are proposed | |
| 3.3 Lighting | |
| There is no rule applicable. | C10 Provide a schedule of lighting showing that lighting complies with each of the following: a) Australian Standard AS1158 Lighting for Roads and Public Spaces Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| | <ul style="list-style-type: none"> b) Australian Standard AS1158: Lighting for Roads and Public Spaces Part 2: Computer Procedures for the Calculations of Light Technical Parameters for Category V and Category P Lighting c) Australian Standard AS4282: The Control of Obtrusive Effects of Outdoor Lighting, in the case of security lighting |
| Complies with C10: Lighting will comply with workplace standards and has been included on the attached plans | |
| There is no rule applicable. | <p>C11</p> <p>Legitimate users and activities at night are encouraged by lighting:</p> <ul style="list-style-type: none"> a) spaces evenly and consistently (except where accent/feature lighting is necessary) b) inset spaces, entries/exits and paths c) to reduce the casting of shadows that could hide intruders d) directional signage e) building entries f) exterior to interior spaces evenly to allow for surveillance |
| Complies with C11: Noted | |
| There is no rule applicable. | <p>C12</p> <p>Areas that are not intended for nighttime are not lit and are closed off to pedestrians.</p> |
| Not applicable: Not a public space | |
| There is no rule applicable. | <p>C13</p> <p>Damage to light fixtures are minimised by selecting vandal-resistant, high mounted light fixtures. All light bulbs are protected with a suitable lantern bowl.</p> |
| Complies with C13: Noted | |
| 3.4 Signs | |
| <p>R14</p> <p>A statement is provided that all directional signage will comply with the requirements of AS1742.10 (1991) Manual of Uniform Traffic Control Devices – Pedestrian Control and Protection</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Complies with R14: Any required directional signage will be provided before facility licensing | |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
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| Rule | Criteria |
| There is no rule applicable | <p>C15</p> <p>Locate signs so that they comply with each of the following:</p> <ul style="list-style-type: none"> a) they are clearly visible from a distance at all times b) they are not likely to be obscured by growing vegetation c) they are strategically placed at entrances and near activity centres including bus stops, taxi rank and public facilities |
| Complies with C15: Appropriate signage locations will be chosen. | |
| There is no rule applicable. | <p>C16</p> <p>Provide legible signs for all users:</p> <ul style="list-style-type: none"> a) specify signs of high contrast, with light lettering on dark backgrounds with non-reflective surfaces; b) signs should be developed as a system with a consistent pattern, based on a hierarchy of most important messages. |
| Complies with C16 | |
| Element 4: Built Form | |
| 4.1 Interface between buildings and public realm | |
| There is no rule applicable. | <p>C17</p> <p>Building entrances are easily identified, providing easy access to all users, affording visibility to and from the street and minimising the potential for hiding spots.</p> |
| Complies with C17: Noted – Main office is existing and new office complies | |
| There is no rule applicable. | <p>C18</p> <p>Provide clear sightlines from the building foyer so that occupants can see the nearest pedestrian area/surface car park before leaving the building.</p> |
| Complies with C18 | |
| There is no rule applicable. | <p>C19</p> <p>Recessed sections in the building elevation/façade are detailed and located so that there is opportunity for natural surveillance, for spill lighting, and the potential for hiding is minimised.</p> |
| No applicable – no recessed sections proposed | |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
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| Rule | Criteria |
| There is no rule applicable. | C20 Buildings are detailed in a manner that deters scaling (climbing) the building to access balconies from the ground and/or access between individual balconies. |
| Not applicable: There are no balconies | |
| There is no rule applicable. | C21 Where buildings are set back from the street and/or pedestrian path, the area is developed to minimise hiding and entrapment spots. |
| Complies with C21: appropriate lighting, landscaping and design has minimised hiding and entrapment spots | |
| 4.2 Materials and Finish | |
| There is no rule applicable. | C22 Building materials and finishes are of an appropriate quality and detailed in a manner to: a) reduce opportunities for graffiti and vandalism b) facilitate cleaning and replacement c) avoid facilitating illegal access to the building and to services |
| Complies with C22: The new construction work is offset from the street and the site will be fenced and gated when not open or monitored by video from the two weighbridge offices at each entrance | |
| Element 6: Travel and Access | |
| 6.1 Pedestrian Routes, Bicycle Paths and Lanes | |
| There is no rule applicable. | C23 Pedestrian Routes, Bicycle Paths and Lanes are designed to maximise opportunities for natural surveillance by: a) maintaining sightlines along paths between destination points b) allowing overlooking from adjacent area. |
| Not applicable | |
| There is no rule applicable. | C24 Provide direct access routes to buildings streets, car parks and public transport. Signs should be used to assist pedestrians where it is not possible to establish clear sightlines between destinations. |
| Not applicable | |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| There is no rule applicable. | <p>C25</p> <p>Security of pedestrian routes, bicycle paths and lanes are provided by:</p> <p>a) selecting and lighting 'safe routes' to the standard required for pedestrian areas so that these become the focus of legitimate movement after dark;</p> <p>b) ensuring that laneways have more than one entrance to avoid "dead-ends" and entrapment spots, where possible.</p> |
| Not Applicable | |
| There is no rule applicable. | <p>C26</p> <p>When planting adjacent to pedestrian /bicycle routes:</p> <p>a) ensuring there are open sightlines. Low planting (maximum height 600mm) and high-branching trees (two metres) should be used;</p> <p>b) avoiding tall bushes, dense shrubbery and dense clusters of trees, especially immediately adjacent to routes and at predictable stopping points such as road crossings.</p> |
| Not applicable | |
| <p>R27</p> <p>A Statement is provided that pedestrian paths are designed in accordance with AUSTRROADS Guide to Traffic Engineering Practice Part 13. – Pedestrians</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Complies with R27: Pedestrian paths have been considered at the signalized entrance to the site from Ipswich Street | |
| <p>R28</p> <p>A Statement is provided that Bicycle Paths are designed in accordance with AUSTRROADS Guide to Traffic Engineering Practice Part 14. – Bicycles.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Not applicable | |
| 6.2 Pedestrian Underpasses and Overpasses | |
| There is no rule applicable. | C29 |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| | <p>The use of pedestrian underpasses is to be avoided. Where there is no practical or feasible alternative underpasses are designed:</p> <ul style="list-style-type: none"> a) wide enough to accommodate both pedestrian and cycle traffic b) straight and without recesses c) with mirrors so pedestrians can see around corners if there is a turn of 60 degrees or more d) with entrances and exits that are visible from shops, homes or other areas of frequent pedestrian traffic e) to ensure there is no screening of entries/exits f) with signs at each end indicating where it leads and an alternative route to use at night |
| Not Applicable | |
| There is no rule applicable. | <p>C30</p> <p>Overpasses are designed to reduce opportunities to throw missiles at cars or pedestrians.</p> |
| Not Applicable | |
| 6.3 Bus Interchange, Bus Stops and Taxi Ranks | |
| There is no rule applicable. | <p>C31</p> <p>Locate bus stops and taxi ranks so that:</p> <ul style="list-style-type: none"> a) natural surveillance is possible b) there are no walls, landscaping, fences or other structures which block sightlines to bus stops and taxi ranks c) they are not located adjacent to vacant land, alleys, car parks or near possible entrapment spots d) there are short, safe routes to bus stops and taxi ranks from night-time venues such as cinemas, theatres, etc |
| Not Applicable | |
| There is no rule applicable. | <p>C32</p> <p>Major bus stops and taxi ranks are well lit and protected from the weather, or adjacent to areas which are well lit or that provide protection from the weather.</p> |
| Not Applicable | |
| There is no rule applicable. | <p>C33</p> |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| | Directional signage makes it easy to find bus stops or taxi ranks, and provides up-to-date passenger information. |
| Not Applicable | |
| There is no rule applicable. | C34 Interchanges are located on the same level as significant activity generators to avoid entrapment, increase natural surveillance and provide direct routes of access. |
| Not Applicable | |
| Element 7: Services | |
| 7.1 Automatic Teller Machines (ATMs) | |
| There is no rule applicable. | C35 Approaches and entrances to ATMs are highly visible and adequately lit so that people cannot loiter, or enter, without being seen. |
| Not Applicable | |
| There is no rule applicable. | C36 Locations near licensed premises, and bus stops should be avoided to discourage loitering by potential offenders. |
| Not Applicable | |
| There is no rule applicable. | C37 Where ATMs are enclosed in a vestibule or similar, the vestibule should be securely glazed, adequately and secure from non-legitimate users |
| Not Applicable | |
| There is no rule applicable. | C38 Use bollards, or other landscaping, to restrict the potential for vehicle incursions. |
| Not Applicable | |
| 7.2 Local Waste Storage Facilities | |
| There is no rule applicable. | C39 Screening does not provide entrapment or hiding spots and safe access and adequate lighting is provided near the waste storage areas. |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| Not Applicable | |
| 7.3 Local Utility Facilities | |
| There is no rule applicable. | C40 Air conditioning plants, meter boxes and other service points are mounted within a secure building / enclosure for protection. |
| Complies with C40: Any of these elements will be enclosed in detailed design stage | |
| 7.4 Delivery and Storage Facilities | |
| There is no rule applicable. | C41 Ensure that: a) Delivery and storage areas are not isolated from the main building b) Secure storage areas are provided for shop owners |
| Not Applicable | |
| 7.5 Public Toilets | |
| There is no rule applicable. | C42 Ensure that: a) Public toilets are located in obvious locations, but not in isolated areas of activity centres b) Entrances are highly visible so that people cannot loiter or enter without being seen, particularly for toilets close to Children's' playgrounds c) Public seating and telephones are located away from public toilets to avoid opportunities for loitering. |
| Not Applicable | |
| 7.6 Public Telephones | |
| There is no rule applicable. | C43 Public telephones are located in obvious locations, are well lit and well signposted, e.g. near bus stops or taxi ranks. |
| Not Applicable | |

Appendix 6: Statement Against the Access and Mobility General Code

| Access and Mobility General Code (effective 4 October 2013) | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| Part A – General Development Controls | |
| Element 1: Parking | |
| 1.1 Car Parking | |
| R1 j) Designated accessible car parking spaces meet the requirements of <i>AS2890.1</i> and <i>Parking and Vehicular Access General Code</i> . | C1 Car parking is provided at designated locations to meet the needs of people with disabilities. |
| Complies with C1: Required disabled parking provided | |
| R2 Car parking spaces provided for people with disabilities must have vertical clearance for the entire width of the space and the adjacent shared area of not less than 2.5m described in Figure 2.7 of the <i>AS2890.6</i> . | C2 Adequate space is provided to allow a roof-mounted wheelchair to be unloaded either front – in or reverse-in position. |
| Complies with C2: 2 spaces provided | |
| Element 2: External Access to Entrances | |
| 2.1 Continuous Accessible Path of Travel and Walkways | |
| R3 A continuous accessible path of travel is provided that complies with: i) <i>AS 1428.1 - Design For Access and Mobility</i> ; ii) <i>AS 1428.4</i> – Tactile ground surface indicators for the orientation of people with vision impairment to highlight hazards or provide direction; iii) <i>AS 4586</i> – Slip Resistant Classification of New Pedestrian Surface Materials for external paving and ground surfaces; and iv) Designed so that the placement of facilities does not intrude into the continuous accessible path of travel. v) Walkways and glass adjacent to walkways to comply with <i>AS1428.1</i> and <i>AS1428.2</i> | C3 Continuous accessible path of travel is provided for owners, occupants, employees and visitors: a) to all areas and all required facilities of the building; b) from property boundary, designated accessible parking spaces, passenger drop off points and public spaces to entrances of buildings; c) to connect buildings, facilities and spaces that are on the same block or part of the same complex unless topographically impossible; and d) to minimise distances travelled between elements of buildings and facilities. e) Walkways are of an appropriate scale and if clear glass is used adjacent to walkways, are identified by appropriate luminance contrast. |
| Complies with C3 | |
| 2.2 Lighting | |
| R4 Internal lighting along the whole of the continuous accessible path of travel designed to meet <i>AS1680.0</i> . | C4 This is a mandatory requirement. There is no applicable criterion. |
| Will comply with C4 | |

| Access and Mobility General Code (effective 4 October 2013) | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| <p>R5</p> <p>External lighting along the whole of the continuous accessible path of travel meets AS1158.3.1 and the <i>ACT Crime Prevention and Environmental Design General Code</i>.</p> | <p>C5</p> <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Complies with C5 | |
| 2.3 Way Finding | |
| <p>R6</p> <p>Where installed directional signage or other wayfinding methods, e.g. tactile indicators, to be in accordance with <i>AS1428.1</i> and <i>AS1428.4</i> and must identify the continuous accessible path of travel, accessible parts of buildings and all accessible facilities.</p> <p>Details to meet <i>AS1428.1</i> and <i>AS1428.4</i>.</p> | <p>C6</p> <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Will comply with C6 where required | |
| <p>R7</p> <p>There is no applicable rule.</p> | <p>C7</p> <p>For illuminated signs, the luminance of the symbols to be at least 30% in contrast to the background.</p> |
| Will comply with C7 where required | |
| Element 3: Entry and Doorways | |
| 3.1 Doorways and Doors | |
| <p>R8</p> <p>Doorways and doors are designed to meet AS 1428.1- Design for Access and Mobility for:</p> <ul style="list-style-type: none"> a) pedestrian entrances and exits; b) public circulation areas; and any common use areas. | <p>C8</p> <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Will comply with C8 where required | |
| <p>R9</p> <p>There is no applicable rule.</p> | <p>C9</p> <p>Automatic doors for public entrances should be installed in high use commercial and public buildings.</p> |
| Not Applicable | |
| Element 4: Circulation | |
| Stairways, Stairway lifts, Passenger lifts, Ramps, Handrails and Grab rails are provided in accordance with appropriate Australian Standards (refer to Appendix A [of the Code]). | |

| Access and Mobility General Code (effective 4 October 2013) | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| Will comply with Element 4 where required | |
| Element 5: Toilets | |
| Sanitary facilities and associated signage are designed and provided to meet the purpose of the buildings and appropriate Australian Standards (refer to Appendix A [of the Code]). | |
| Will comply with Element 5 where required | |
| Elements 6: Facilities | |
| Street furniture (seating, drinking fountains, litterbins and the like) and ATM facilities are designed and provided in accordance with appropriate Australian Standards (refer to Appendix A [of the Code]). | |
| Not Applicable | |
| Part B - Additional Specific Controls – ADAPTABLE HOUSING | |
| Element 1: Built Form | |
| 1.1 Building Design | |
| R10 Where dwellings are required to be adaptable, the dwellings must be designed in accordance with <i>AS4299 Class C (Adaptable Housing)</i> | C10 This is a mandatory requirement. There is no applicable criterion. |
| Not Applicable | |
| R11 There is no applicable rule. | C11 In multi-unit residential complexes, adaptable dwellings are required to be distributed in the development and be representative sample of sizes provided. |
| Not Applicable | |
| Element 2: Parking | |
| 2.1 Car Parking | |
| R12 Minimum of one accessible car parking space for each adaptable dwelling is designed in accordance with <i>AS2890.6</i> . | C12 Accessible car spaces are to be located in close proximity to the entrance of the adaptable units, and if a lift or stair platform lift is provided to serve adaptable units in multi-unit buildings. |
| Not Applicable | |
| R13 There is no applicable rule. | C13 Where there is a change in grade between the carparking and the adaptable unit, a lift or access ramp is to be provided from any basement or |

| Access and Mobility General Code (effective 4 October 2013) | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| | internal car parking for the adaptable units or visitors to the floor level of any adaptable dwelling. Access ramp to comply with AS1428.1. |
| Not Applicable | |
| Element 3: Access to Common Use Areas | |
| 3.1 Entries | |
| R14 Common use areas including shared corridors in multi-unit developments to meet AS1428.1. | C14 This is a mandatory requirement. There are no Criteria. |
| Not Applicable | |
| Element 4: Circulation | |
| 4.1 Lifts | |
| R15 Passenger lifts meet AS1735.12 - <i>Lifts, Escalators and Moving Walks – Facilities for Persons with Disabilities</i> where they are provided as part of a multi-unit housing development, which includes adaptable dwellings. | C15 Where a multi-storey – multiunit development proposal does not incorporate a lift, the building is designed to be capable of having lift access for future use as adaptable units. |
| Not Applicable | |
| Part B - Additional Specific Controls – SPECIAL PURPOSE DEVELOPMENT | |
| Element 1: Access | |
| 1.1 Special Purpose Development | |
| R16 There is no applicable rule. | C16 Access in a special purpose development for older people with disabilities to be in accordance with AS4299 – <i>Adaptable Housing – Class C</i> and access is provided to, and within, 100% of units within the development. |
| Not Applicable | |
| R17 There is no applicable rule. | C17 For places of shared accommodation for people with disabilities: a) Where developments have a gross floor area not exceeding 300m ² , and no more than 12 person capacity – provide 1 accessible room b) Where developments have a gross floor area exceeding 300m ² provide accessible rooms at the following rates: i) Less than 49 person capacity – 2 rooms |

| Access and Mobility General Code (effective 4 October 2013) | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| | ii) More than 49, but less than 99 – 4 rooms iii) More than 99 persons – 6 rooms. Note Capacity based on no more than average of 2 people per room. |
| Not Applicable | |
| Part B - Additional Specific Controls – FIXED SEATING VENUE | |
| Element 1: Built Form | |
| Seating arrangements to meet with appropriate Australian Standards (refer to Appendix A [of the Code]). | |
| Not Applicable | |
| Element 2: Hearing Augmentation Facilities | |
| Hearing Augmentation Facilities, Emergency Warning Systems and Public Phones are provided according to appropriate Australian Standards (refer to Appendix A [of the Code]). | |
| Not Applicable | |

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STATEMENT AGAINST CRITERIA

MATERIALS RECOVERY FACILITY

Capital Recycling Solutions

FEBRUARY 2021

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1.0 Introduction

1.1 Purpose

This Planning Report has been prepared by Purdon Planning Pty Ltd and Capital Recycling Solutions (CRS) Pty Limited as supporting documentation for a Development Application (DA) on behalf of CRS (Proponent). The Proponent has received correspondence from ACT Planning (ACTPLA) on 3 July 2020, advising that the Minister has decided to take no action on the previously lodged Revised EIS and therefore the EIS process is now complete. As such, a DA can now be submitted for the proposed Materials Recovery Facility (MRF).

The following blocks are the subject of this DA:

- Blocks 9 and 11 Section 8 Fyshwick (recently consolidated into Block 14 Section 8 and referred to in this document as 'subject site')

Works subject of this DA include new driveway crossings, an enclosed MRF building, weighbridge, parking, hardstand, and office.

This DA also proposes a Lease Variation to the new Crown Lease for the subject site to permit use for 'waste transfer station' and 'recycling facility' which are both uses consistent with the zoning.

This planning report includes the following:

- Summary and recommendations contained in the EIS Assessment Report prepared by ACTPLA;
- Description of works;
- A description of the proposed lease purpose variation to include waste transfer station and recycling facility;
- Relevant strategic and statutory planning considerations;
- Impact assessment;
- Details of proposed mitigation measures related to the construction and operation of the MRF; and
- Statements against the relevant codes in the Territory Plan, as well as all matters required for consideration under the Planning and Development Act 2007.

This application is lodged for consideration as an impact track DA.

This impact track assessment report should be read in conjunction with detailed documents and plans lodged with this DA and the previously assessed EIS. The Revised EIS documents and ACTPLA assessment are submitted with the DA for ease of reference.

1.2 Background and Consent History

The proposed MRF facility aligns with the Territory Plan definitions for a "waste transfer station" and "recycling facility". The MRF is designed to receive and process a maximum of 300,000 tonnes per annum (Tpa) of municipal solid waste (MSW) and commercial, industrial, and light construction wastes (C&I). These wastes are to be delivered by collection trucks and then processed inside the MRF with the residues then compacted into shipping containers for landfill. Recyclables will be containerised or sent for additional processing by truck. The containers of waste residues will then travel via rail (or truck as a contingency) using the adjacent rail freight terminal, to the Woodlawn bioreactor landfill (Woodlawn) for disposal. Recyclables will be transported from site using either rail containers or by truck depending upon the recycling markets.

The proposed MRF works consists of:

- Demolition of existing infrastructure
- Construction of the MRF processing building
- Construction of ancillary weighbridges, parking, driveway, hardstand areas and associated works
- Construction of a signalised intersection at the entry/exit to Ipswich Street, noise fence on the southern boundary and mature screening trees along Ipswich Street.

The subject site was originally used as a bulk storage and distribution depot for liquid fuels. This activity commenced in the 1950's and finished in the late 2000's. Fuel was delivered to the site by rail and then delivered by truck around Canberra.

Since 2010, the subject site has been unutilised. In 2015, the Proponent purchased the site for uses in line with this Proposal. The Block is not listed on the Register of Contaminated Sites but is known to have some soil contamination due to its historical use as a fuel depot.

Block 11 Section 8, Fyshwick was, until recently, unleased TCCS land used for service easements (water and stormwater). The block was purchased in 2019 by CRS and has recently been consolidated with other CRS land holdings to form the subject site (Block 14 Section 8, Fyshwick). CRS requires this block as part of the Proposal as it has the new MRF building located partially on it and it connects the former Shell Block to the rail corridor on B11 S47 (Unleased Territory Land).

On 16 April 2018, ACTPLA accepted a Revised EIS application on behalf of the Proponent (EIS 201700053) for a Materials Recovery Facility on Blocks 9 and 11 Section 8, Fyshwick (now consolidated into Block 14).

On 6 November 2018, a DA (DA 201834656) was submitted on behalf of the Proponent, for the construction of access roads and hardstand for a freight transport facility (FTF), and the relocation of the water main, on Blocks 9 and 11 Section 8, Fyshwick. This DA was conditionally approved on 5 June 2019

On 30 January 2019, a DA (DA 201835108) was submitted on behalf of the Proponent for the construction of a rail freight terminal (RFT) and freight transport facility (FTF) on part Block 11 Section 47, Fyshwick and the use of Blocks 9 and 11 Section 8, Fyshwick for access. This DA was conditionally approved on 5 June 2019.

On 5 March 2020, a DA (DA 202036891) was submitted on behalf of the Proponent for the consolidation of Blocks 9 and Block 11 into one allotment. This was a requirement of the direct sale process. This DA for consolidation was conditionally approved on 16 April 2020. The consolidated X plan, creating one block was deposited with the Land Titles office on 21 September 2020.

On 3 July 2020, ACTPLA advised that the Minister would take no action on the Revised EIS therefore the Proponent can now lodge this MRF DA in the Impact Track.

1.3 Revised EIS summary and recommended conditions (ACTPLA Assessment Report)

The EIS Assessment Report prepared by ACTPLA contained a list of considerations in Section 6 as well as required avoidance and mitigation measures that are to be included in any subsequent DA.

ACTPLA has identified the following information to be included in this DA as well as relevant requirements of the Territory Plan and Planning and Development Act (PD Act). Additional design measures proposed in the Revised EIS are also included.

Traffic and Parking: *A traffic and parking assessment report will be required for any subsequent DA. The report must provide an assessment relating to the final design and include SIDRA data, detail on construction traffic and parking. The DA will be assessed against the requirements of the Territory Plan, TCCS design standards and PD Act.*

Utilities: *An external services plan must be provided with the DA outlining the final design and relocation of services. The external services plan must make clear the proposed services that are part of the DA submission. It is noted that Evo energy requires a new twin pad mount substation with a main switchboard to be located onsite.*

Materials and Waste: *The DA must include emergency management options for the proposed facility. The emergency management options must identify multiple other solutions, including licensed landfills that will have the capacity to accept waste if Mugga Lane is not operating at full capacity. The DA and emergency management plan should provide multiple options to ensure the waste is managed appropriately and incorporated into an environmental or waste licence.*

The DA must provide detail on waste types to be handled and propose maximum capacities for each waste type. Storage areas within the MRF building with need to be identified and maximum storage capacities.

Building design will need to reflect the measures proposed in the EIS and noted in the assessment report

Landscape and visual: *The DA must include the detailed design of the proposed buildings, storage areas and the proposed and existing landscaping. The DA must demonstrate that the detailed design is consistent with the requirements of the Territory Plan and PD Act.*

Contamination: *The DA must include contamination management measures which will be part of the Remedial Action Plan (RAP) that is consistent with the EIS and appendices. The contamination measures must demonstrate how contaminated soil and groundwater (including Jerrabomberra Creek) will be managed during the remediation of the site. The details will be considered further as part of the DA assessment process*

The DA must also outline the proposed method for leachate disposal, given the EPA have not supported the transport or disposal of leachate interstate.

Detailed design will need to reflect the measures proposed in the EIS and noted in this assessment report.

Air Quality: *As described above, the DA must provide detail on waste types to be handled and propose maximum capacities for each waste type. Storage areas within the MRF building will need to be identified with maximum capacities.*

Hazardous waste: *The DA will need to provide detail of storage areas for hazardous waste within the MRF building. The areas must provide detail of maximum capacities and any further management measures.*

Hazards and risks: *The DA will need to detail locations and access requirements for the proposed firefighting equipment, hydrants, tanks etc. Water tanks must include locations and capacities.*

Building design will need to reflect the measures proposed in the EIS and noted in this assessment report.

These items listed above are considered and discussed in Section 4.0 of this DA report

Recommended conditions:

In its revised EIS assessment, ACTPLA adopted recommended conditions that could be included in any subsequent Development Application approval. The matters outlined in the tables below are matters for post Development Application consideration and are relevant for the construction and licensing phases.

Table 1: Draft Conditions from ACTPLA EIS Assessment

Table 26 – Draft Conditions of Development Approval

| No. | Condition contents | Endorsement/approval | Construction stage | Draft condition of approval |
|-----|----------------------------------------------------|-----------------------------------------------------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Construction environmental management plan (CEMP) | Planning and land authority | Prior to construction | <p>Prior to construction, a construction environmental management plan (CEMP) is to be prepared and to be endorsed by the planning and land authority. The CEMP must include all mitigation measures proposed in the EIS and can incorporate any other relevant management plans. The CEMP must include improved remedial measures consistent with the EIS. The CEMP must include management of contaminated soil, dust, water, odour, gas and vapour, vehicle control and worker health and safety.</p> <p>Note: The CEMP will be referred to relevant entities for endorsement.</p> |
| 2. | Temporary traffic management plan (TTMP) | Transport Canberra and City Services | Prior to construction | <p>Prior to construction, prepare a temporary traffic management plan (TTMP) to be endorsed by Transport Canberra and City Services (TCCS). The TTMP must incorporate mitigation measures from the EIS.</p> |
| 3. | Remedial Action Plan (RAP) | Environment Protection Authority (EPA) | Prior to construction | <p>The site must be assessed and remediated by a suitably qualified environmental consultant and the works independently audited by an EPA approved contaminated land auditor prior to any change of use of the block.</p> <p>All works must be in accordance with the approved RAP.</p> |
| 4. | Construction environmental management plan (CEMP) | N/A | Construction | <p>All works must be in accordance with the approved CEMP.</p> |
| 5. | Temporary traffic management plan (TTMP) | N/A | Construction | <p>All works must be in accordance with the approved TTMP.</p> |
| 6. | Remedial Action Plan (RAP) | Environment Protection Authority (EPA) | Demolition/construction | <p>All mitigation measures relating to soil and groundwater contamination and site management during remediation in the RAP must be implemented.</p> <p>At completion of remediation and vapour protection works, a site validation report must be prepared in accordance with EPA guidelines. The validation report must be reviewed and endorsed by an accredited Site Auditor and forwarded to the EPA for review and endorsement within 15 working days of the completion of the report.</p> |
| 7. | Operational & Environmental management plan (OEMP) | Planning and land authority | Prior to operation | <p>Prepare an Operational & Environmental Management Plan (OEMP) and have it approved by the planning and land authority. The OEMP must incorporate all mitigation measures from the EIS.</p> |
| 8. | Operational & Environmental management plan (OEMP) | Environment Protection Authority/Transport Canberra and City Services | Prior to operation | <p>Operational management plan to be incorporated into an environmental agreement/licence with Environment Protection Authority or waste licence with TCCS.</p> |

1.4 The Subject Site and Rail Corridor

The subject site for the MRF is Block 14 Section 8, Fyshwick. The subject site is adjoined by Block 11 Section 47, Fyshwick which forms part of the ACT rail corridor. This part Block is currently leased by the Proponent from Transport for NSW for the purpose of use as a rail freight terminal (RFT) including container handling for this proposed MRF. Transport for NSW currently lease the land from the Territory for operation of the rail corridor. A separate DA has been approved (DA201831508) for the construction and use of the RFT, with access via the subject site. The approved EIS has already considered the impacts of using the RFT for rail container storage, loading and unloading.

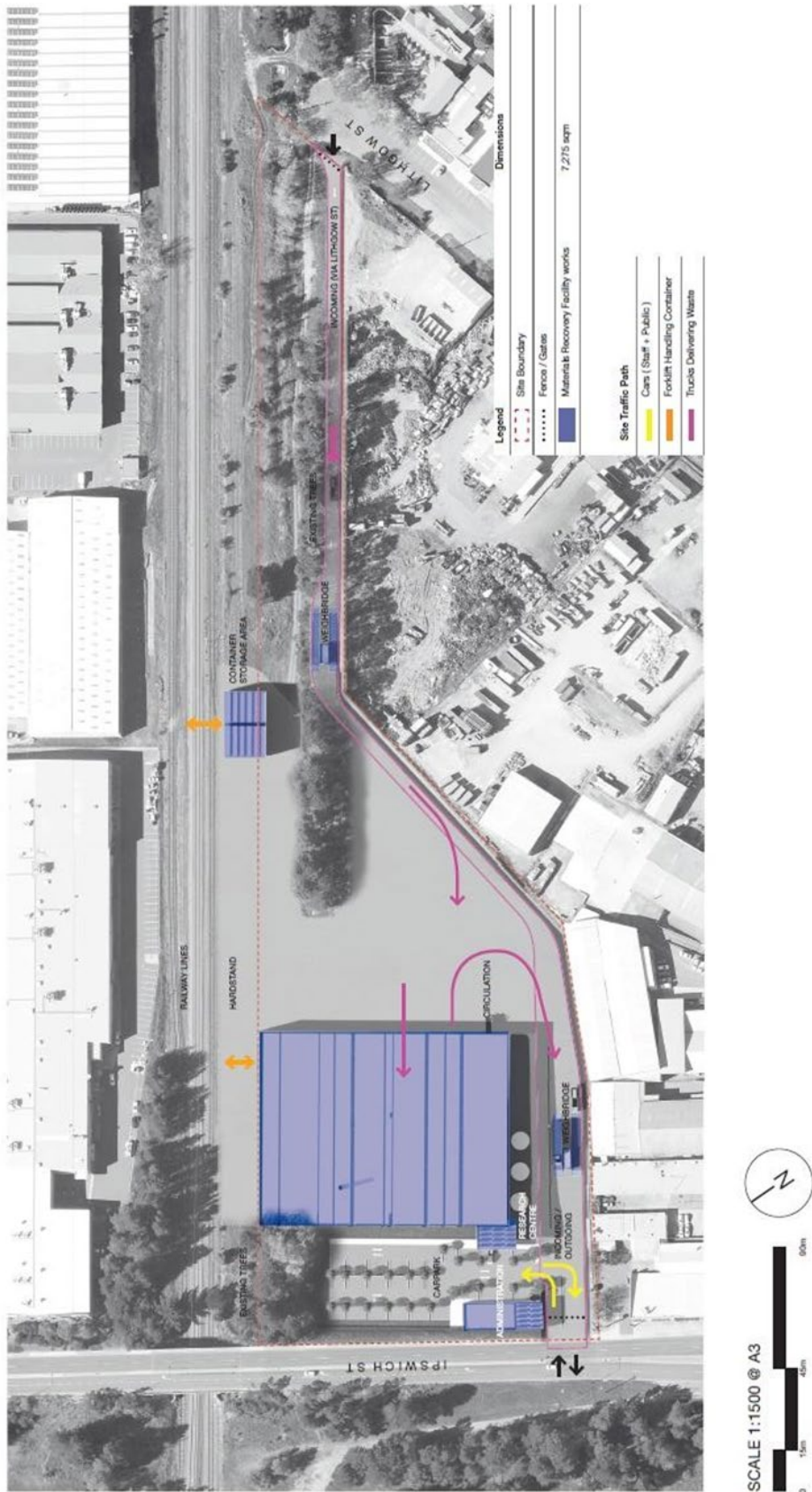
The adjacent Block 11 Section 47, Fyshwick is an active rail transport corridor with three existing rail tracks (two shunts and the Sydney – Canberra main line). Shunt tracks are located on both sides of the main line for access to former industrial sites on each side of the corridor. The south shunt adjoins the subject site and the main track and is approximately 2800m long (see Figure 1 below).

Figure 1: Site Locality



Source: Purdons

Figure 2: EIS Site Plan



2.0 Proposed MRF Development and Lease Purpose Variation

2.1 Site Characteristics

The subject site in its current form contains significant legacy infrastructure from the previous Shell fuel storage and delivery operations. There are several large above ground tanks, associated piping, sheds, firefighting pipework, and hardstand areas. The portion of the block that was used by Shell is fenced, however has been the subject of many theft and vandalism episodes. Block 11 Section 8 (recently purchased block that has been consolidated), Fyshwick is mostly unfenced and has been the subject of illegal pedestrian activity and dumping.

The subject site has several sheds and an existing office building adjacent to the Ipswich street driveway entrance. This office building has also been the subject of theft and vandalism. It is proposed to retain this building and the driveway entrance as part of the proposed facility.

There is a fire hydrant water connection from Ipswich Street at the driveway entrance that runs along the southern boundary to the rear of Block 9. It is proposed to retain this firefighting system and the four fire hydrant access points.

The subject site has a variety of overgrown tree/weed like vegetation. There are numerous semi-mature trees on portions of the block, removal of which is subject of this DA. None of these trees are regulated or protected trees and many are considered weeds.

Adjacent land uses include a metal recycling business, a waste management facility, a large bulky goods retail store, several auction houses, two concrete batching plants and other light industry.

The subject site is not listed on the ACT Heritage Register nor is it listed in the ACT contaminated sites register.

2.2 Proposed Lease Variation

The Territory Plan defines the proposal as a “waste transfer station” and a “recycling facility”, both are permissible in the IZ2 industrial mixed-use zone. The proposal must comply with the Industrial Zones Development Code.

Noting Block 14 Section 8 is a newly consolidated parcel, the Crown Lease is still in draft format. However, based on the Draft Lease provided as part of the Notice of Decision for the block consolidation DA, we understand the Crown Lease purpose clause to be as follows:

- PURPOSE (a) To use the premises only for one or more of the following purposes:
- (i) Bulk landscape supplies
 - (ii) Freight transport
 - (iii) General industry
 - (iv) Industrial trades
 - (v) Industry
 - (vi) Light industry
 - (vii) Plant and equipment hire establishment
 - (viii) Retail plant nursery
 - (ix) Service station
 - (x) Shop limited to – goods (not being new clothing) that have been manufactured or processed on the land or in the building
 - (xi) Shop limited to –
 - a. Food-stuffs or non-alcoholic beverages of a kind commonly known as confectionary or refreshments;

- b. Any other kind of food-stuffs or non-alcoholology beverages, new clothing or goods that have been stored in bulk in the building pending their sale and distribution to persons engaged in retail trade elsewhere that on this land;

PROVIDED ALWAYS THAT the gross floor area for the uses shall be restriction to 46.5 square metres of gross floor area in total:

- (xii) Transport depot
- (xiii) Vehicle sales
- (xiv) Warehouse

The proposed lease purpose clause does not include “waste transfer station” or “recycling facility” which are permitted uses in the IZ2 zone and the subject of this development application. This development application seeks to vary the lease purpose clause to include these uses in line with the Territory Plan.

Upon variation the lease purpose clause will be:

PURPOSE (a) To use the premises only for one or more of the following purposes:

- (i) Bulk landscape supplies
- (ii) Freight transport
- (iii) General industry
- (iv) Industrial trades
- (v) Industry
- (vi) Light industry
- (vii) Plant and equipment hire establishment
- (viii) Retail plant nursery
- (ix) Service station
- (x) Shop limited to – goods (not being new clothing) that have been manufactured or processed on the land or in the building
- (xi) Shop limited to –
 - a. Food-stuffs or non-alcoholic beverages of a kind commonly known as confectionary or refreshments;
 - b. Any other kind of food-stuffs or non-alcoholology beverages, new clothing or goods that have been stored in bulk in the building pending their sale and distribution to persons engaged in retail trade elsewhere that on this land;

PROVIDED ALWAYS THAT the gross floor area for the uses shall be restriction to 46.5 square metres of gross floor area in total:

- (xii) Transport depot
- (xiii) Vehicle sales
- (xiv) Warehouse
- (xv) Recycling facility
- (xvi) Waste transfer station

A valuation report and certificate has been prepared as part of this lease purpose variation assessment and is submitted with the DA.

2.3 MRF Proposal Description

The MRF proposal will involve four key elements:

- 1) **Demolition of the existing fuel facility site infrastructure** (see Figure 2. Below). Much of the materials can be recycled. A demolition plan has been included with this DA package and includes trees to be removed. An inventory, prepared by L&E Consulting, as to the nature of the structural materials to be removed and its hazardous risk levels, is included in the Cardno report attached to the Revised EIS. The issue of site contamination and management is identified by WSP and a Remedial Action Plan (RAP) proposed in the EIS process.
- 2) The **construction of the MRF building**. Its specific requirements are outlined in the Revised EIS and ACTPLA Assessment. This application includes site, ground floor, roof, elevations, sections, parking and landscaping, utilities as well as a development summary that has been prepared by Rothelowman Architects included with this DA package.
- 3) The **construction of ancillary infrastructure** including weighbridges, weighbridge offices, parking, hardstand, landscaping (including 6 x 12m+ trees along Ipswich Street), 2.7m noise protection fence along the southern boundary, water tanks, firefighting equipment, and signalised intersection on ingress/egress to Ipswich Street. These details have also been included on attached site, ground floor A and B, landscape plans included with this DA.
- 4) The **provision and location of key services** including power, firefighting equipment, leachate storage and pump out, onsite detention and stormwater connection detail, relocated water main, site lighting and security. This detail has been included on an attached services plan as well as the site plan and site survey.

Figure 3 Residual fuel storage infrastructure onsite



The subject site generally slopes from east to west which will result in a requirement for cut and fill to achieve the desired interface levels for the MRF building, truck, and forklift movements as well as stormwater flows.

The adjacent approved RFT is designed to meet NSW Country Regional Network Engineering Standards for structures and will slope gently from the rail track back towards the proposed MRF building and hardstand on the adjacent block. The RFT will be used for manoeuvring forklift machinery to load and unload containers from freight trains.

2.4 MRF and Site Operations

The purpose of the MRF is to receive both C&I and MSW wastes, process them through sorting lines and extract valuable recyclable materials. The residues will then be containerised and sent by rail to the Woodlawn bioreactor landfill. The flow of trucks, waste material and containers are indicated on Ground Floor A on the attached plans.

Trucks will access the site in two ways. Firstly, via the Ipswich Street (southbound), where rigid trucks only will be permitted to turn left into the site at the existing Ipswich Street gate. The second access is via Lithgow Street (northbound), where all trucks from the south and any articulated trucks from the north, will turn into Wiluna Street at the traffic lights and then proceed to Lithgow street and enter the site from the east.

Upon entry to the site all trucks will be weighed, documented, and inspected. Trucks will then proceed to the MRF building when instructed, through door number 4 or 5. Trucks will then manoeuvre their loads and tip off inside the shed building, under supervision and instruction by the waste load inspector. Once their loads are inspected and accepted, the truck will depart in a forward motion from the shed via doors number 1 or 2, passing through a wheel bath on the way out. All trucks will leave the site via the proposed new signalised intersection at the Ipswich Street site gate.

Tipped off and inspected waste will be preliminary sorted by a 14T excavator and oversize materials will be broken up or put directly into the sorting bays if reusable. Items like batteries and electrical goods will be placed in plastic lined bins, and any other materials (bulky plastic items) that may obstruct the sorting lines will be put aside for direct loading into the compactor or recycling bins depending upon its recoverability. Wastes will be stored in the C&I and MSW storage areas after triage for steady loading onto the sorting lines.

The excavator will consistently load the sorting lines and recoverable materials will be extracted by hand or by various machines to isolate recoverable materials of recycling value. The types of material expected to be targeted for recovery are:

- Timber
- Plastic
- Ferrous and non-ferrous metals
- Inert (oversize, -8mm fines and 8-70mm aggregates)
- Cardboard/Paper
- Plaster board
- Glass
- Metals (ferrous and non-ferrous)
- Organics (dependant on the ACT green waste bin roll out)

Recovered material will only be stored until there is a truck/container load to be exported.

Storage of recovered materials listed above will be in bays or approx. 5m x 5m x 5m (125m³). The product densities vary, however, materials such as paper/cardboard and plastic will be baled for the purpose of improving transport density. Bales averaging 500Kgs will be stored in the bale storage area until a truck/container load is ready for export. See attached Ground Plan A for indicative locations.

Ferrous and non-ferrous metals will be stored in a bin inside the bay for transport to Access Recycling next door for further processing.

Residues from both sorting lines will be loaded by conveyor (front end loader as a contingency) into slug packers which will compact the waste and then inject it into a 40-foot purpose-built shipping container. The shipping containers will then be transported by forklift and stacked, before being loaded onto a freight train to Woodlawn.

The loading of full and unloading of empty containers from the train will be done using container forklifts. The containers can be stacked and stored on the RFT/MRF site for reuse. This activity has been previously approved across Block 9 and 11 Section 8 Fyshwick and part Block 11 Section 47 Fyshwick.

Hours of operation

The MRF facility will operate across 16 hours (two shifts) for processing dependant on volumes. Waste will be received during these hours. The proposed hours of operation will be:

Table 2: Facility Operation Hours

| Time | Day |
|-------------------|--------------------|
| 6.00am to 10.00pm | Monday to Saturday |
| 8.00am to 2.00pm | Sunday |

3.0 Strategic and Statutory Planning Considerations

This section assesses the proposed development in the context of the strategic and statutory planning framework for Canberra and Fyshwick.

Considered in the Revised EIS phase were the following Acts, strategies, and policies amongst others:

- Planning and Development Regulation 2008 (ACT)
- Environment Protection and Biodiversity Conservation Act 1999 (Comm)
- Environment Protection Act 1997 (ACT)
- Waste Management and Resource Recovery Act 2016 (ACT)
- Waste Management and Resource Recovery Regulation 2017 (ACT)
- State Environment Planning Policy No.33 (NSW)
- ACT Work Health and Safety Act 2011 (ACT)
- 2018 ACT Planning Strategy
- Statement of Planning Intent
- ACT Climate Change Strategy
- ACT Climate Change Strategy AP2 2012
- Transport for Canberra 2012-2031
- ACT Sustainable Energy Policy 2011-2020

It is considered that the proposal aligns with all relevant Acts, strategies, and policies.

3.1 National Capital Plan

The Monaro Highway is an Approach Route recognised in the National Capital Plan (NCP). Special requirements of the NCP apply to land adjacent to Approach Routes and within 200m of the centreline. As the site is not adjacent to the Approach Route, special requirements do not apply.

3.2 Territory Plan

The subject site is zoned IZ2 – Industrial Mixed-Use in the Territory Plan. The proposal is defined as a “waste transfer station” and a “recycling facility” under the Territory Plan. Both activities are consistent with the IZ2 Zoning (see Figure 4 below)

3.3 Statement of Strategic Directions

The Statement of Strategic Directions sets out the principles for giving effect to the main object of the Territory Plan as required by the *Planning and Development Act 2007*.

The principles in the Statement of Strategic Directions provide a framework to guide the planning and development of the ACT and a basis for considering proposed variations to the Territory Plan.

The principles outline the ‘triple bottom line’ approach relating to environmental, economic and social sustainability.

The spatial planning and urban design principles are divided into specific principles relating to urban areas, non-urban areas, and urban design that are intended to guide the more specific policy content of the Territory Plan.

With respect to industrial areas, the Strategy states:

- *An adequate and diverse supply of industrial land will be maintained to facilitate both conventional and new forms of industry*
- *Industrial areas will be in locations accessible to suitable freight services, and where industrial activity is unlikely to have a significant adverse effect on the environment or the amenity of residential areas.*
- *Planning policies will facilitate the widest possible range of commercial, retail, industrial, rural, tourism, and other forms of economic activity in order to promote new investment and a more diversified economy, to underpin employment growth, and to respond to changing economic opportunities*

The proposed MRF directly responds to these objectives through provision of an industrial facility that is new and innovative, in a location that is well connected to freight services and has the ability to generate economic activity.

The EIS has provided methods for operating this facility without causing a significant adverse impact to residential areas.

Figure 4: Fyshwick Precinct Zoning Map and site relationship

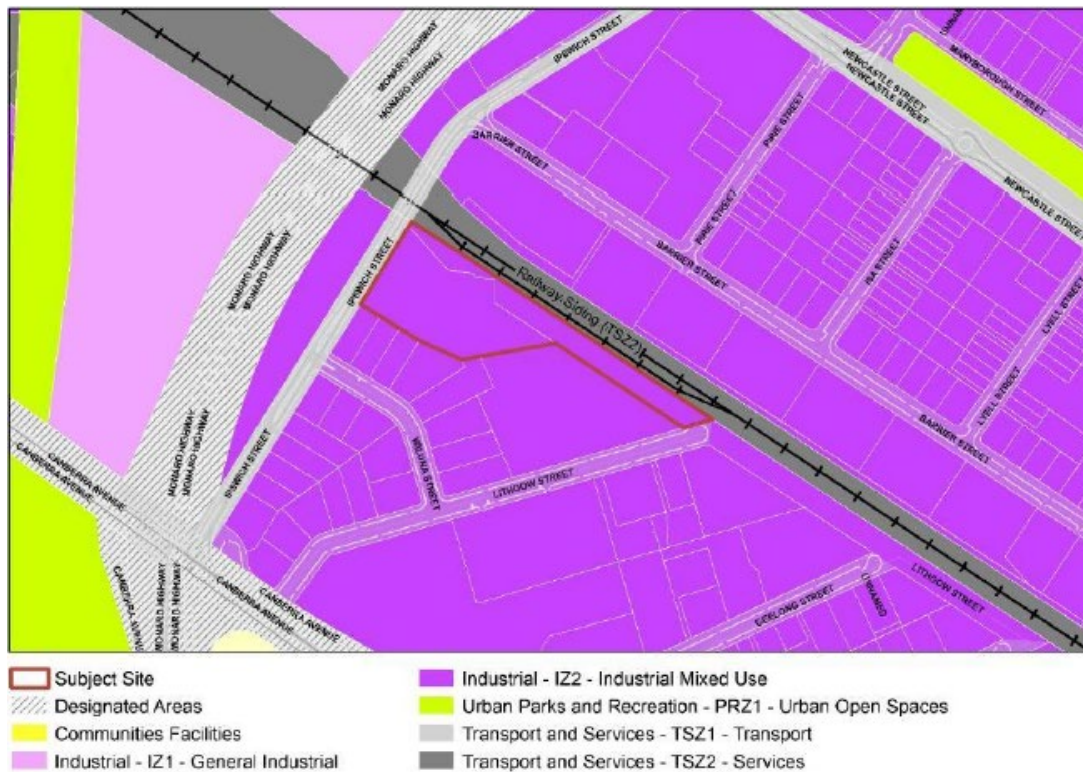


Table 3: IZ2 – Industrial Mixed-Use zone development table

IZ2 – Industrial Mixed Use Zone Development Table

| EXEMPT DEVELOPMENT | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Development approval is not required. Building approval may be required. On leased land, development must be authorised by a lease. | |
| Development identified in the Planning and Development Act 2007 as exempt (see sections 133 and 134 of the Act and section 20 and schedule 1 of the Planning and Development Regulation 2008) | |
| ASSESSABLE DEVELOPMENT | |
| Development application required. On leased land, development must be authorised by a lease. | |
| MINIMUM ASSESSMENT TRACK CODE | |
| Development listed below requires a development application and is assessed in the code track | |
| Development | |
| Varying a lease to do one or more of the following: | |
| <ol style="list-style-type: none"> 1. express or change the number of approved or lawfully erected units 2. remove, relocate or change easements. | |
| MINIMUM ASSESSMENT TRACK MERIT | |
| Development listed below requires a development application and is assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track) or specified as prohibited development in a precinct map. | |
| Development | |
| ancillary use | minor road |
| bulk landscape supplies | minor use |
| bulky goods retailing | municipal depot |
| car park | NON RETAIL COMMERCIAL USE |
| caretaker's residence | outdoor recreation facility |
| club | parkland |
| communications facility | pedestrian plaza |
| COMMUNITY USE | plant and equipment hire establishment |
| consolidation | public transport facility |
| craft workshop | recyclable materials collection |
| defence installation | recycling facility |
| demolition | restaurant |
| development in a location and of a type identified in a precinct map as additional merit track development | scientific research establishment |
| drink establishment | service station |
| emergency services facility | SHOP |
| freight transport facility | sign |
| funeral parlour | store |
| general industry | subdivision |
| indoor entertainment facility | temporary use |
| indoor recreation facility | transport depot |
| industrial trades | varying a lease (where not prohibited, code track or impact track assessable) |
| light industry | vehicle sales |
| liquid fuel depot | veterinary hospital |
| major road | warehouse |
| MAJOR UTILITY INSTALLATION | waste transfer station |

Source: Territory Plan

3.3.1 IZ2 Industrial Mixed-Use Zone Objectives

The Territory Plan objectives for the IZ2 Industrial Mixed-use zone is to:

- a) *Support the diversification and expansion of the ACT's industrial base and employment growth*
- b) *Facilitate investment in a wide range of industrial and related activities, with efficient land utilisation and provision of infrastructure*
- c) *Provide convenient access for ACT and regional residents to industrial goods, services and employment opportunities*
- d) *Ensure that industrial development achieves high environmental standards of cleaner production, waste disposal, noise, and air quality*
- e) *Encourage the design and construction of industrial and commercial buildings that are energy efficient, functional, and flexible*
- f) *Ensure that development along major approach routes and major roads meets appropriate standards of urban design*
- g) *Accommodate industry-associated retailing, services, and other commercial uses without jeopardising an adequate supply of industrial land*
- h) *Provide for a range of commercial and service activities at a scale that will protect the planned hierarchy of commercial centres and the Territory's preferred locations for office development*
- i) *Meet the need for a mix of lower rent bulky goods retailing, specialised industrial, commercial and service activities alongside general industry*
- j) *Preserve and promote viable industries that can coexist with more commercially oriented uses*
- k) *Make provision for small-scale services that support surrounding industrial activities, or which meet the needs of the local workforce?*
- l) *The following Zone Objectives apply specifically to West Fyshwick:*
 - i) *Encourage Canberra's regional role for food processing, wholesaling, distribution and marketing*
 - ii) *Cluster uses which are compatible with and complementary to existing facilities, particularly with regard to food processing and warehousing and the markets, including some small-scale food retailing*
 - iii) *Protect the safety and amenity of food related enterprises*
 - iv) *Promote buildings along Canberra Avenue that maintain and enhance a character appropriate for a major approach road to the Central National Area*

The proposed MRF directly and positively responds to the relevant IZ2 Industrial Mixed-use zone objectives being 'a', 'b', 'c', 'd', 'e', 'f', 'i' and 'j'. The proposed MRF is not located in the West Fyshwick area and therefore zone objective 'l' does not apply.

Statements against the relevant Code criteria are provided in this report (see appendices 1- 4). The MRF will also facilitate a significantly better utilisation of the subject site and provide a much-needed municipal service to the ACT community.

3.3

4.0 MRF Design Impact Assessment

Many of the mitigation commitments proposed in the Revised EIS will be addressed at construction, licensing, and operational stages. However, those commitments that can be addressed through built form, are required to be included in the subject DA.

As part of the Revised EIS assessment, ACTPLA has created a list of items to be addressed in any subsequent DA. These specific items are addressed in Table 4 below.

4.1 EIS Matters Raised by ACTPLA for Inclusion

Table 4: Revised EIS matters raised by ACTPLA for inclusion in the DA

| EPSSD Requirement | Proponent Response |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Traffic and Parking:</u> A traffic and parking assessment report will be required for any subsequent DA. The report must provide an assessment relating to the final design and include SIDRA data, detail on construction traffic and parking. The DA will be assessed against the requirements of the Territory Plan, TCCS design standards and PD Act.</p> | <p>AECOM have now consolidated into a single summary, four separate appendices from the EIS. This includes the initial Traffic Impact Assessment (Appendix E) revised signalisation phasing (Appendix E1), Contingency traffic impact the rail line was unavailable (Appendix W) and sensitivity modelling regarding the facility opening hours (Appendix Y). Further information regarding parking and updated SIDRA data is also provided as requested by ACTPLA. This summary report includes various mitigation measures including: The traffic and parking measures proposed including signalisation, parking and revised entry arrangements for southbound rigid trucks are discussed in Section 4.3 of this report. The Ipswich entry exit detail and parking design detail are incorporated in the attached DA plans</p> |
| <p><u>Utilities:</u> An external services plan must be provided with the DA outlining the final design and relocation of services. The external services plan must make clear proposed services that are part of the DA submission. It is noted that Evo energy requires a new twin pad mount substation with main switchboard to be located on-site.</p> | <p>A specific external services plan has been prepared and is submitted with this DA. This plan includes references to the location of existing services on or adjacent to the site as well as proposed services associated works already consented by DA 201834656 on Block 11, Section 8. Details of existing and proposed services are summarised in Section 4.4 of this report and attached plans.</p> |
| <p><u>Materials and Waste:</u> The DA must include emergency management options for the proposed facility. The emergency management options must identify other solutions, including licenced landfills that will have capacity to accept waste if Mugga is not operating at full capacity. The DA and emergency management plan should provide multiple options to ensure the waste is managed appropriately and incorporated into an environmental or waste licence.</p> | <p>Section 6.11.3.5 of the Revised EIS discussed specific contingencies relating to business interruption scenarios.</p> <p>An updated contingency table (like that produced in the Revised EIS) has been provided as part of this application. The table identifies the risk of business interruption, contingencies relative to the business interruption timing and all reasonable scenarios and alternatives. Mugga Lane landfill remains as one of the solutions even if it does not operate at full capacity. Nominal worst-case tonnages have been included as indicative of the contingency requirement dependant on the interruption situation.</p> |

A contingency summary table has been included as an attachment to this DA submission

The DA must also provide detail on waste types to be handled and propose maximum capacities for each waste type. Storage areas within the MRF building will need to be identified with the maximum capacities

The MRF facility would be approved and licensed to receive 300,000 Tpa of waste material per year.

The composition of the waste material received will depend on several factors including gate price, waste levy, existing contracts, and other commercial matters. The waste types proposed to be handled have been modelled on an expected maximum of the waste types currently going to landfill that has the potential for recovery processing. Based on the maximum tonnage the modelling is as follows:

Commercial and Industrial (includes light construction and demolition, commercial putrescible, clean-up type waste, street sweepings – 210,000Tpa

Municipal solid waste (kerbside collected wastes, green waste) – 90,000

The environmental impacts were assessed on this basis. If the maximums are not achieved, or if MSW continues to go to Mugga Lane landfill, then there would be a lower environmental impact. The nature of waste management varies over time so the purpose of this MRF is to be adaptable to the contracts and policies of the Territory, as well as recycling technologies as they become commercially available.

The storage of waste will be kept to a minimum. There is no merit in storing waste residues on site and the objective is to process and containerise these as quickly as possible to keep the shed free of waste and contain any odour from the unrecoverable food waste proportion.

The maximum waste composition to the facility was conservatively modelled for potential odour generation in the EIS process. The recommended maximum to be stored on the tipping floor at any one time is as follows:

Commercial and industrial waste stored only – 953T/max at any one time

Municipal solid waste stored – 211T/max at any one time

A combination of the above on a 70:30 split basis would be - 462T/max at any one time

Recovered materials will be stored in bin/bay storage cells 5m (w) x 5m (d) x 5m (h) – 125m³ max each

| | |
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| | <p>Bins will be typically utilised for CANDL recycled material:</p> <ul style="list-style-type: none"> • Timber • Plastic • Ferrous and non-ferrous metals • Inert (oversize - 8mm fines and 8-70mm aggregates) • Cardboard • Plaster board <p>Bins will be utilised for MSW recycled material:</p> <ul style="list-style-type: none"> • Paper/cardboard • Plastic • Glass • Metals • Large inert (brick, tile, concrete) • Organics (dependant on the ACT green waste bin roll out) <p>Details of waste storage locations and maximums have been nominally noted on the attached DA plans. The final sequencing and locations may vary depending on the final sorting line design and the waste composition being received at the time. Negotiations regarding incoming waste cannot properly occur until there is an approved facility to consider. This will not occur until after the DA stage.</p> |
| <p>Building design will need to reflect the measures proposed in the EIS and noted in this assessment report.</p> | <p>As mentioned above, the design elements proposed inside the shed building and incorporated on the attached DA plans are:</p> <ul style="list-style-type: none"> Waste Storage locations and max volume Sorting line bin locations Hazardous waste drum locations Shed bunding Fire hose reel locations Fire exits Shed ventilations system Infra- red firefighting system and location Leachate storage tank location Grease and oil storage shed Fuel and gas tank locations |
| <p><u>Landscape and visual:</u> The DA must include the detailed design of the proposed buildings, storage areas and the proposed and existing landscaping. The DA must demonstrate that the detailed design is consistent with the requirements of Territory Plan and PD Act.</p> | <p>A landscaping plan has been developed to comply with the design requirements of the relevant codes. 6 mature screening trees have been incorporated along Ipswich Street as required by the Territory on previous Development Consents.</p> <p>An analysis of the trees and vegetation species and health has been conducted by Tree Canopy Experts. Tree removal proposed in this application is further discussed in Section 4.2 of this DA report. An application to remove the relevant trees proposed</p> |

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| | <p>in this DA has already been submitted to the ACT Conservator.</p> <p>The building design has incorporated the mitigation measures outlines in the EIS. Externally the building now features tilt up concrete wall and includes the relevant fire safety features. 4 rainwater collection tanks are included (120,000 litres total capacity) to capture and reuse roof collected water. There are photo montages and street view elevations to show the relative size and scale of the proposal against adjacent existing buildings. The proposed MRF building and site facilities comply with the relevant design codes</p> |
| <p><u>Contamination:</u> The DA must include contamination management measures which will be part of the Remedial Action Plan (RAP) that is consistent with the EIS and appendices. The contamination measures must demonstrate how contaminated soil and groundwater (including Jerrabomberra Creek) will be managed during remediation of the site. The details will be considered further as part of the DA assessment process.</p> | <p>The subject site is not listed on the ACT register of contaminated sites.</p> <p>This DA generally proposes filling rather than significant excavation and remedial works in line with the Remedial Action Plan (submitted with the Revised EIS). In addition, ground levels in the old rail unloading area, which is identified as the most potentially contaminated point, will be raised by some 1.1- 1.5m rather than further excavation.</p> <p>The DA plans now include reference to a vapour barrier under the MRF building and passive ventilation system which would be designed and installed to the satisfaction of the site auditor.</p> <p>A copy of the WSP Remedial Action Plan is submitted with this DA and the contamination management processes proposed in the RAP are required to be endorsed by the ACT EPA as part of the approval process.</p> <p>Establishing the current contamination levels (soil and groundwater) would be a part of the EMP and CMP and occur prior to any construction works.</p> |
| <p>The DA must also outline the proposed method for leachate disposal, given the EPA have not supported the transport or disposal of leachate interstate</p> | <p>As outlined in the Revised EIS, there were alternatives for leachate disposal proposed. As the ACT EPA determined, the leachate cannot leave the territory so it will be collected in the proposed 20,000 litre leachate tank and then pumped out to a licenced liquid waste transporter. Discussions have already taken place with ICON water about a trade waste agreement; however, this cannot occur until the leachate can be tested during operations. The attached DA plans show the collection tank which will either be pumped out or discharged to sewer. Provision will be shown for connection to sewer although this will be subject to a trade waste agreement.</p> |

| | |
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| <p>Detailed design will need to reflect the measure proposed in the EIS and noted in the assessment report</p> | <p>The vapour barrier and passive ventilation system is incorporated in the sections of the attached DA plans. The leachate collection tank as discussed above is also shown on the site plans and the services plan included a possible sewers connection if a trade waste agreement can be reached with Icon Water after operations commence.</p> |
| <p><u>Air Quality:</u> As described above, the DA must provide detail on waste types to be handled and propose maximum capacities for each waste type. Storage areas within the MRF building will need to be identified with the maximum capacities.</p> | <p>Please see a response to ‘material and waste’ above.</p> <p>Air Quality design mitigations, particularly the design and function of the ventilation system, have been included in the building design. The plans include the nominal location of the extraction vent inside the shed and the ceiling mounted extraction fan (x2). Wall louvres have been included on the eastern wall that will automatically open when the doors are closed to allow constant draw through of air to achieve the 5-x air rotation per hour. This is discussed in Section 4.6 of this report and included in the attached DA plans.</p> |
| <p><u>Hazardous waste:</u> The DA will need to provide detail of storage areas for hazardous waste within the MRF building. The areas must provide detail of maximum capacities and any further management measures.</p> | <p>Government waste audits have indicated that of the 300,000 Tpa that goes to landfill currently some 1% was audited as hazardous (Paint, batteries, chemicals, asbestos, medical other). To avoid risk of contamination, inspections will occur at the tipping floor and waste will be turned over with the excavator before sorting. In the C&I waste stream this method is particularly effective. If loads contain unacceptable waste, they will be reloaded and sent back to the source. As the percentage of contaminated waste is low (1%), this is not a frequent occurrence and will be controlled predominantly at the weighbridge and tipping floor.</p> <p>In the instance where a small amount of hazardous waste was experienced, then specific and agreed OEMP handling procedures would be followed to isolate and store the waste. Contaminated waste, such as lead batteries, will be placed within plastic lined 240 litre drums. If discovered, this type of waste will be isolated by the excavator and put into the plastic drum. Electronics such as TV’s, computers, power drills, smoke alarms and phones will also be put into the drums. These types of items will be collected by MRI- Recycle in Fyshwick for further processing. The location of the hazardous waste bins will be adjacent to the stockpiles and at the end of the sorting lines. The small excavator can place the material safely in the respective drums, as shown on plans submitted with the DA.</p> <p>Asbestos was not identified in the MSW waste audit. However, any hazardous material discovered will be rejected from the facility upon tipping along</p> |

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| | <p>with the entire load it arrived in. An inadvertent piece of asbestos discovered on the sorting line will be isolated, wrapped and taped and then put in a plastic lined drum or skip bin and kept sealed until disposal. A record of rejected loads will be documented. The procedures for this will be outlined in the OEMP which will be established as a requirement of facility licencing.</p> |
| <p><u>Hazards and risks:</u> The DA will need to detail locations and access requirements for the proposed firefighting equipment, hydrants, tanks etc. Water tanks must include proposed locations and capacities.</p> | <p>The details of proposed firefighting equipment have been included in the site plan and services plan attached to this DA. There are existing hydrants from the water main in Ipswich Street which provides four fire hydrants locations along the southern perimeter. The MRF has vehicular access to all sides. There is an existing water tank to be demolished and replaced with four x 30,000 litre rainwater collection tanks (120,000 litres) as shown on the attached plans. These tanks will be incorporated as part of the onsite stormwater retention requirement of 71,000 litres as explained by Cardno in the Stormwater Analysis also submitted with this application.</p> <p>In the EIS, discussion and details in Appendix X relating to a thermal camera operated fire management system developed by Benedict Recycling in some of their facilities. The features of this system have been included in the MRF building floorplan attached to this DA.</p> |
| <p>Building design will need to reflect the measures proposed in the EIS and noted in this assessment report.</p> | <p>This detail of all services (existing and proposed) is shown on the services plan. Firefighting equipment (fire hydrants, fire hose reels), fire doors and thermal camera and water cannon fire systems are also included in the DA plans submitted. Water tanks, leachate tank, fuel tank and gas tank are all shown with their respective capacities and locations.</p> |

4.2 Urban Design

The design of the MRF building and associated facilities have considered all relevant aspects of the Industrial Zones Development Code, particularly in relation to design and form. The Revised EIS has discussed the need to create a MRF Building that mitigates any noise, odour and leachate as well as satisfies the design requirements of the Territory Plan. The creation of any new hardstand, weighbridges, driveway access from Lithgow Street and associated lighting and fencing will ensure activation of an area that is currently prone to weeds, illegal dumping, vandalism, theft, and illegal railway crossings.

A key element of the design is to create a negative pressure environment within the MRF building that utilises a combination of rapid opening doors and louvres in conjunction with a ceiling mounted fan extraction system. This negative pressure environment will mitigate odour and emissions.

Key building design features, other than those required by the relevant codes, were discussed in the Revised EIS and have been incorporated in the MRF design. These features are drawn or noted on the attached DA plans:

- Wall material – tilt up concrete slabs

- Internal push walls 4-5m high
- Roof water collection and storage tanks – onsite retention/dust suppression misting
- Rapid open and close doors
- 150mm bund inside the MRF building to contain any leachate inside and stormwater outside
- Air exchange system inside the shed (5 x per hour) extraction system including wall louvres, fans, and extraction ducting
- Leachate collection tank
- External roof covered self-bunded fuel/gas facilities
- Oils and tool storage
- Firefighting equipment locations hose for reels, hydrants, doors, and extinguishers
- Infra-red fire detection system and water cannon system over the waste stockpiles

4.2 Landscape Design

An application has already been made to the ACT Conservator in July 2020 to remove trees that are affected by this MRF development proposal. The attached demolition and tree removal plan show the trees as listed in the Canopy Tree Assessment, also submitted with this development application. It should be noted that some trees on the site have already been approved for removal by other Development Approval (DA201834656 and DA201835108)). These trees have been separately highlighted, and the trees specifically affected by this application are clearly indicated in red on the attached demolition and tree removal plan.

The trees on site have previously been inspected by the TCCS tree protection officer and most of the trees are not protected or are non-native trees.

The attached Canopy Tree Experts tree assessment shows the location and types of vegetation (weeds, regulated or non-regulated, native, or non-native) on the subject site. The species type, their condition and merit are also included.

4.2.1 Tree Removal

Trees proposed to be removed by this development application are marked on the demolition and tree removal plan attached to this DA.

Comments by Canopy Tree Experts:

“The weed species, including the row of Monterey Pines, do not require approvals for their removal [these have already been Consented for removal by DA34656], however, the removal of the Monterey Pines would be difficult without the removal of the Canary Island Pines. The Canary Island Pines are mostly one sided due to their close association with the Monterey Pines and are unlikely to be stable if left to stand alone.

If the Canary Island Pines are retained the average Tree Protection Zone (according to AS4970-2009) would be in the order of 4 -5m radius.

The other trees that are regulated are the Populus x canariensis (tentative identification). These are of mostly of low or poor quality due to decay and/or the leaning form. Poplars are generally brittle and would not be a good proposition to be retained if the surrounding trees are removed.”

It is proposed to remove all the weed type tree varieties that have been identified on the demolition plans. There are random pockets of plant growth at different locations on the site and some of it is occurring in and around the current open stormwater drains.

The only regulated trees are the Populus x canadensis on the site. Canopy Tree Experts have assessed these as “mostly low or poor quality” and unlikely to survive if the surrounding weed trees are removed. As such the removal of these trees is proposed as part of this DA.

4.2.2 Landscaping

Required by previous DA Consents (DA201834656 and DA201835108) were 6 x 12m+ mature screening trees which will be planted along Ipswich Street as a way of providing screening to the site. These trees as well as other proposed plantings have been included in landscape plans submitted with this DA.

4.3 Traffic and Site Access Design Mitigation

Attached to this DA is an updated Traffic Summary report prepared by AECOM that brings together four different appendices from the EIS process. The EIS included a traffic assessment and then supplementary information was submitted relating to:

Revised signalisation phasing and confirming that there will be no right-hand turn into the site from Ipswich Street;

Traffic impact modelling for business interruption involving the unavailability of the rail line; and

Sensitivity modelling for the hours of operation whereby the traffic impact scenarios for smaller bands of opening hours and the impact on the surrounding streets.

Additional information is included in the updated Traffic Summary including parking analysis for construction and operations and updated SIDRA data has been included as requested by ACTPLA.

4.3.1 Site Access

As part of the EIS process, it was assessed that traffic signalisation (phased with the Wiluna Street traffic lights sequencing) at the existing Ipswich Street site entrance was not technically required. CRS has agreed to the inclusion of signalisation for the MRF to ensure any community road and pedestrian safety concerns were addressed and promote smooth operations. No other changes will be made to the adjacent Ipswich Street road network or alignment because of the proposed MRF development.

Formal driveway access is proposed from the block's existing Lithgow Street frontage. Vehicles using the MRF facility will broadly circulate in the same direction, regardless of their purpose which increases safety and reduces risk of vehicle conflicts. There is limited pedestrian activity in Lithgow Street as it is a cul-de-sac within an industrial area with no established footpaths. This access has been approved in the current RFT and FTF development approvals.

There is an existing informal dirt road from Lithgow Street as shown in Figure 6 below.

The use of the subject site for the purposes of MRF will result in a marginal increase to local traffic volumes due to waste deliveries. The details regarding traffic generation and hours of operation are assessed during the EIS stages and additional information has now been consolidated and summarised by AECOM and is included as part of this DA package.

Figure 5: Lithgow Street cul-de-sac – New site entrance location



4.3.2 Car Park

There is an existing hard stand on Block 9 Section 8. In addition, Block 11 Section 8 has four approved car spaces.

Specific mitigation measures were proposed during the EIS process concerning traffic matters and issues raised via public feedback. Plans submitted with the DA incorporate these measures. These measures include:

- Signalised intersection at the site entrance to Ipswich Street (See attached site plan)
- Traffic lights to be phased with the existing traffic lights at the corner of Wiluna Street and Ipswich Street.

Trucks arriving to the site will access as follows:

Arriving from the north along Ipswich Street

- Rigid trucks can turn left into the site
- Articulated trucks turn left at Wiluna Street and enter via Lithgow Street

Arriving from the south along Ipswich Street

- Rigid and articulated trucks turn right at Wiluna Street and entre at Lithgow Street
- Rigid and articulated trucks arrive along Lithgow Street

Cars arriving to the site will access as follows:

Arriving from the north along Ipswich Street

- Turn left into the site

Arriving from the south

- Turn right at Wiluna and arrive a Lithgow Street entrance

All vehicles will leave the site via Ipswich Street signalised intersection and can turn left or right from the site. The phasing of the new intersection with the existing lights at Wiluna Street is described in the AECOM report included in this DA package.

A statement against the Territory Parking & Vehicle Access Code is provided in the appendix.

Construction site ingress/egress and parking

A Temporary Traffic Management Plan (TTMP) and a Traffic Control Devices (TCD) plan will be prepared by the contractor and submitted for approval by TCCS prior to any construction taking place for the MRF.

AECOM in their attached Traffic Impact Summary has nominated potential construction access and parking locations. In principle the traffic will mimic the access methodology that is proposed for the MRF operations where possible.

4.4 Utilities and Services (existing and proposed)

The proposed MRF development has been the subject of EIS discussions with ACT Planning, TCCS and other relevant services entities (Icon Water, Evo Energy, Jemena) as well as with the current RFT and FTF development approvals on Blocks 9 & 11 Section 8, Fyshwick and part Block 11 Section 47, Fyshwick.

This DA will be referred to relevant entities for further review, comment and endorsements will need to be obtained.

Existing servicing requirements were detailed by Cardno in Appendix H of the EIS and discussed in the following chapters:

- 4.1.1 Electrical
- 4.1.2 Gas
- 4.1.3 Telecommunication Services
- 4.1.5 Water Supply
- 4.1.6 Sewer

For this DA, the utilities identified by Cardno in the EIS have been refined and included in the services plan attached to this DA application. These include:

Electrical: Provision, for the estimated electricity load, of a twin pad mount substation with mains switchboard at the entrance from Ipswich Street (see services plan). A network connection application to ActewAGL is to be provided following the completion of final design

Gas: A gas connection is available from the western side of Ipswich Street (see services plan), however the operational design does not require this connection

Telstra: A connection pit is available adjacent to the existing office (see services plan) and was connected previously. The connection can be re-established by liaison with the Telstra Network Integrity Team during detailed design

Water Supply: The relocation of the DN150 water main has already been assessed and approved in DA 201834656. The relocation works would occur prior to construction of the MRF (see services plan). The DN150 water main from Ipswich Street was calculated to be sufficient for the proposed MRF. A line of fire hydrants already exists along the southern boundary and it is proposed to retain these, and they have been included on the attached site plans.

Sewer: The sewer load for the admin and offices (mainly existing facilities) was calculated in the EIS as 2.1 L/s and deemed sufficient.

The management of leachate in the MRF building has been discussed specifically in the issues raised by ACTPLA. A 20,000litre collection tank has now been shown on the southern edge of the MRF building to collect any leachate that may arise in the building. The leachate will drain to this tank and then be able to be pumped out to a licensed liquid waste transporter or it will be connected to the sewer, provided a trade waste agreement is reached with ICON water. CRS has had preliminary discussion on the trade waste connection; however, this cannot be achieved until operations have commenced and typical samples of leachate are collected and tested. The leachate tank has now been located on the attached site plans. Cardno has confirmed in its discussion with ICON Water

(letter dated 2017-10-19) that the capacity of the existing sewer network and service tie for and additional combined load of 7.5L/s which suggests there is capacity for a trade waste connection. In the short term the tank will be pumped out and treated by a licensed contractor on an as needs basis.

Stormwater: The establishment of a stormwater culvert along Block 11 Section 8, has already been assessed and approved in DA201834656. The approval of the adjacent Rail Freight terminal also considered its impact on the stormwater. This DA assesses the proposed surface and roof area catchments and the appropriate modelling has been conducted and referred to in the Statement against criteria for the Industrial Zone Development Code (Sections 6.1-6.3).

The capacity of the overland flow generated by the MRF has been simulated using DRAINS and BOM's 2016 rainfall data. The detail of the modelling is attached to this DA. Cardno have undertaken conceptual design and hydraulic modelling of the stormwater infrastructure to service the proposed MRF development, with enough capacity for 1 in 100-year storm event as required by Industrial Services Development Code 6.1-6.3.

The requirements for 71m³ of on-site detention for the new MRF design have been calculated by Cardno, as well as considering the impact of already approved other activities on site. The table below outlines the OSD volume required and any offsets for existing. The use of 4 x 30,000ltr rainwater collection tanks have been incorporated at the southern end the MRF building for roof water collection. There is a capacity to capture some 120,000 litres of roof water, as part of the OSD system, and reuse this in the operations inside the MRF building (dust and fire management as well as external landscape maintenance and cleaning activities. Should the tank system be full then the system will release to the stormwater network. The tank location details, and sizes have been included in the attached plans.

Lighting: Proposed lighting for the site includes pole locations (12m high LED and hooded) and wall mounted lighting (11m) that will comply with the relevant Australian Standards and will minimise light spill. The locations of lighting have been approved on previous DA Consents and have been adapted and included on the attached DA site plans

4.5 Air Quality Design Mitigation

Waste types and volumes have been addressed above in Table 2. The volume and type of waste to be stored is conservatively estimated and indicated on the attached DA plans. All waste will be stored in a controlled shed environment to ensure there is no impact to air quality because of odour.

The proposal incorporates a ventilation and extraction system that assists in ensuring the management of the air quality inside the MRF and in the precinct. Incorporated in the attached plans are the following design measures:

- Vent stack (2.64m diameter/9m tall above roof)
- Ceiling mounted twin variable speed fan system and associated extraction ducting to exchange the shed air volume 5 times per hour
- Automatic/manual wall louvres (up to 70m² – three banks in eastern wall) to allow the extraction system to draw air into the building when the doors are closed and create continuous negative air pressure.
- Rapid opening doors (Nos.1-4) on the East elevation to ensure that the building maintains negative air pressure and is managing any fugitive emissions

The proposed measures are endorsed by the report prepared by The Odour Unit (originally submitted with the EIS).

4.6 Erosion and Sediment Measures

The subject site is relatively flat and slopes gently from east to west. The subject site is not located adjacent to any sensitive environmental areas. The attached DA plans show that there will be some significant fill required in the north-western corner of the site, rather than excavation.

An erosion and sediment control plan has been prepared by Rothelowman and has been included as part of the plans submitted with this application.

4.7 Noise Design Mitigations

Rudds Consulting Engineers were engaged by the Proponent as part of the EIS assessment for the MRF. The impacts of operational noise were considered in the EIS process.

Key mitigation measures in the Revised EIS included the construction of a 2.7m noise prevention fence along the southern boundary and noise attenuation kits on the external working forklifts. These measures have already been included in the existing development consent for the Rail Freight Terminal (DA 201835108) but have also been included in the MRF plans attached to this application.

4.7.1 Construction Noise

Rudds considered construction noise in Section 2.4 of its EIS report and this has been included in bold below including the construction noise limits at the site boundaries:

TABLE 7 DEVELOPMENT SPECIFIC CONSTRUCTION NOISE LIMITS

| Location | Noise Standard (L10 dBA) | | |
|---------------------|--------------------------|---------------|-----------------|
| | 6 am to 8 pm | 8 pm to 10 pm | All other times |
| All site boundaries | Exempt | 65 | 55 |

**Note:* A road or road related area cannot be considered an affected place for the purpose of noise assessments. Where there is an intervening road Rudds considers the appropriate compliance location to be the nearest leased boundary on the opposite side of the road to the project site.

2.4.2 AS2436 – 2010 Noise from Construction Work

AS2436 – 2010 *Guide to noise and vibration control on construction, demolition and maintenance sites* provides a series of recommendations to minimise noise and vibration from construction activities. The engineering principles commonly used to control noise fall into the following broad categories:

1. Controlling noise at the source. This includes selecting quiet equipment where possible and maintaining the equipment in accordance with manufacturers specifications.
2. Controlling the spread of noise. This includes siting potentially noisy equipment in a location that minimises noise spill to adjoining sites and providing shielding, where necessary, to further reduce noise from equipment.
3. Controlling noise at the receiver. This includes providing acoustic shielding near the residences. Where this is insufficient, further noise mitigation may be necessary to achieve a satisfactory outcome for the residents.

The principle control measure should always be to control the noise at the source, followed by controlling the spread of noise and then finally controlling noise at the receiver should be the last option chosen of all other options are not sufficient to reduce noise to within acceptable levels.

The proposed construction works are adjacent to industrial land uses and there are no residential or other sensitive land uses (receptors) near the site with the exception of an approved caretaker's residence at the rear of No.8 Wiluna Street (southern side). It is anticipated that any construction noise will not exceed the noise levels (shown above) of the adjacent industrial activities.

The final Construction Environment Management Plan (CEMP) will address construction noise management. A CEMP will be developed as part of the detailed design phase prior to construction and licensing.

Assessment of the construction noise was included in the Rudds Noise report attached to the Revised EIS – submitted with this development application.

4.8 Fire Risk Management Mitigations

The MRF building design has now incorporated the following fire safety features in the attached DA plans:

- Emergency fire doors x 4 locations
- 30m Fire hose reels (FHR) such that they overlap in coverage x 7 locations
- Portable extinguishes located adjacent to the FHR's x 7 locations

An infrared thermal camera and water cannon system has been added to the attached plans to monitor waste stockpile temperatures in the MRF and provide rapid dousing water to negate any rise in temperature above 68 degrees in the waste stockpiles and prevent any fire risk. This was discussed in the EIS and specifically outlined in Appendix X of the EIS and is a system designed and implemented by Benedict Recycling in some of their recycling facilities.

Specific to both stockpiles, there will be two thermal cameras located above each stockpile and three water cannons (50mm supply) for dousing each stockpile if required. Each water cannon will deliver 160 litres per minute and will operate automatically or manually as required. Should the thermal camera be triggered then a third-party operator will be notified, and the site supervisor will be able to remotely observe the stockpiles and determine if the fire brigade is called. Inside the shed a strobe light and alarm will also be activated. The system is programmable and can be shut off automatically if the stockpile temperature drops below 68 degrees.

The ring main for this water cannon system will have a generator fitted in case power is shut off from the MRF building. The system will be designed and adapted as part of the detailed design but is included in the attached DA plans.

There is an existing DN150 water main from Ipswich Street that included a series of fire hydrants along the southern boundary. It is proposed to retain this so that there are some four hydrant locations along the southern perimeter of the site for fire truck use. The location of these fire hydrants has been included on the attached DA plans

Firefighting equipment, including fire hose reels, fire exits, and portable extinguisher locations have been included in the attached DA plans

Emergency Services Access

The site will be accessible from both Ipswich and Lithgow Streets and will provide un-obstructed access for emergency service vehicles. The MRF building is accessible from all side for emergency vehicles

4.9 Contingency Plans

A range of contingency plans were discussed in the Revised EIS and these have been summarised and brought forward in this DA. The likelihood of the types of events has now also been included as well as destination options. This are compiled in Appendix 6:

Bushfire

- Asset Protection Zone to be established
- Fire hydrant spacing and sizing to comply with AS 2419.1-2005 and not be in any roadway
- Roads and driveways to be designed to provide safe and operational access to structures and water supply for emergency services.
- An emergency management plan as part of the CMP and OEMP

Water supply for fire suppression

- Ensure that there is adequate water supply and pressure for firefighting requirements

Onsite equipment failure

- Provide alternate/duplicate infrastructure and equipment where possible
 - Duplicate in and out weighbridges
 - Multiple in and out doorways with fast closing doors and twin wheel baths
 - Two separate processing/sorting lines with by-pass arrangements should a specific conveyor belt or piece of equipment fail
 - Two waste compactors to load shipping containers
 - A ventilation system that utilises two variable speed extraction fans operating at 75% capacity. If one fails, the other can be operated at greater capacity whilst the other is serviced or repaired
 - Minimum of two items of equipment such as forklifts, front-end loaders, and excavators to allow operations to be continuous
 - Equipment to have service contracts/replacement arrangements from suppliers to allow operations to continue or be repaired expeditiously
 - CRS to carry a range of critical parts for all equipment to minimise downtime.
 - A minimum of eight hours downtime will be scheduled daily to allow for servicing and maintenance to occur
 - The eight hours of non-operational time each day can be used for maintenance and repairs if required

Electricity interruption

- Approval will be sort by the relevant authority to access portable generators. This will form part of the OEMP to be developed prior to operation and construction.
- Hire equipment will be sourced from local hire companies for short notice deployment

Fire interruption

The following measures are to be implemented to reduce the potential impact associated with a fire:

- Loads will be inspected for hazardous and non-conforming wastes as it arrives and is tipped. There is an opportunity at this stage to assess waste that may be a fire risk and isolate or reject the load
- Benedict Recycling has developed an in-situ automatic thermal camera fire prevention system for its enclosed waste management facilities (see plans included with this DA package)
- In the event of there being a rise of temperature in a stockpile the automated fire system operates as follows:
 - Thermal imaging cameras placed above waste stockpiles will monitor temperature variations and stream infrared images with embedded temperature readings. A rise in temperature of +8 degrees can be detected in a matter of minutes. This technology can look 6 meters deep and identify any “hot spots” within the monitored stockpile areas
 - The system will automatically trigger when the set temperature is detected (currently set at 68 degrees). The site alarm system is also triggered, and a third-party remote monitoring control room will then advise the site supervisor, who can observe the building remotely and assess the need for the fire brigade. A strobe light and siren will activate locally in the shed
 - Water Cannons/Sprinklers are triggered to target the stockpile and wet the identified hotspot. Water cannons will deliver water at 160 litres per minute and are currently set for a 30 second duration, however, this is programmable. The cycle will keep repeating until the temperature readings fall below the programmed threshold. The thermal imaging cameras continuously assesses the temperature and can be monitored together with general security cameras from the site office or remotely via the internet. The process may be repeated until the temperature drops below the thermal temperature setting. The water cannons can also be manually activated via a remote-control panel.

- The camera system runs continuously, however, the water cannons are not left on automatic during operating hours as the heat signature of the operating equipment will trigger the system. The system triggers phone alerts to management.
- Locations of the thermal cameras, water cannons, and ring pipe are included in the DA plans submitted with this application.

Minimising onsite stockpiling and the prevention of inappropriate waste acceptance is key to minimising the risk of fire and avoids the likelihood of business shutdown. The firefighting technology is to be used as a preventative measure when the site is both manned and unmanned.

Railway Track Interruption

The following measures will be implemented to reduce the impact of a railway interruption:

- Programmed rail maintenance is already scheduled into the rail use as the track is shared by daily commuter use
- In the instance of a catastrophic rail track event that closed the track for longer than 3 days, it would necessitate the transfer of containers by road to Woodlawn.
- The intermodal containers proposed can be carried by non-specific container trucks which are readily available for subcontract at short notice. This would add two extra truck movements per hour for the duration of the emergency and would be an unusual circumstance that would affect all rail activities into Canberra. This scenario was discussed in the Revised EIS and outlined in Appendix W of the Revised EIS.
- Should the Government wish to assist in the emergency contingency planning then an alternative could be to utilise Mugga Lane landfill in this circumstance, but it would still involve truck movements as an emergency measure. Assuming Mugga Lane landfill is still operating then the tonnage impacts for the type of waste, and the days, weeks or months are indicated in the contingency table submitted with this application.

Business Interruption Alternatives

In the instance of a short-term business interruption, an alternative arrangement will be required. There are a range of likelihood scenarios and destinations outlined below and in plans and reports included with this DA package.

The types of contingency actions (short and medium term) could include:

- Customers (waste collection contractors) would be advised, and if possible, waste collection schedules would be adjusted.
- Commercial waste could be disposed at other licensed receivers who may be approached to assist until the CRS facility is operational.
- If equipment, electricity, container loading and train access were all unavailable due to a fire, as an example, (although the fire prevention equipment would prevent this) an unaffected section of the building would be utilised for short-term operation
- If the compactors were both unavailable, then a mobile container box tilt platform from Access Recycling would be used. The building and shipping containers would be end loaded directly with mixed heavy/putrescible waste by an excavator with a set of grab buckets. The containers would then be loaded by forklift onto intermodal trucks and transported to Woodlawn
- Walking floor truck and trailers from the waste industry in Sydney, will provide 3 semi-trailers to transport the light, bulky dry commercial and industrial waste component with 5 hours' notice. Typically, these trailers carry some 22+ tons (110m³ capacity) and are used for waste transfer in and around cities. These can be loaded off the floor by the Access Recycling excavator until normal operations resume.

5.0 Conclusion

The report assesses the development against relevant code rules and criteria in the Territory Plan and outlines the planning and design context for the development, together with its impact on adjacent areas.

The DA has been lodged as an impact track proposal because of the Minister taking no action over the Revised MRF EIS. Support for the development has been provided by John Holland Rail and Transport for NSW (TfNSW) the operators and owners of the rail corridor, respectively.

The DA has a full set of detailed plans which include the mitigations referred to in the Revised EIS stage. This DA report demonstrates that the proposed MRF development is consistent with the Territory Plan and planning strategies for Fyshwick. It is also consistent with code requirements for the precinct and relevant detail has been incorporated in this report or the attached plans for development approval.

It has been established that the proposed MRF development and mitigations, which have been included in this DA, will not have adverse impacts on surrounding development and will make a positive contribution to recycling, employment, and other aspects such as supporting the viability of rail freight in NSW and Canberra.

It is recommended that ACTPLA and other consent authorities support the proposed MRF development.

Purdon Planning

February 2021

Appendix 1 : Statement Against Industrial Zones Development Code (Blocks 9 and 11 Section 8)

| Rules | Criteria |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Part A (2) – IZ2 - Industrial Mixed-Use Zone | |
| Element 1: Restrictions on Use | |
| 1.1 Gross Floor Area | |
| <p>R2 The maximum gross floor area per shop is as follows: a) supermarket or shop selling food: 200 m² b) other shops, except for bulky goods retailing: 3000 m²</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>Not applicable. No shop is proposed.</p> | |
| Part B – General Development Controls | |
| Element 1: Restrictions on Use | |
| 1.1 Community Use | |
| <p>Not applicable. No community use proposed.</p> | |
| 1.2 Non-Retail Community Uses | |
| <p>R5 The total GFA of any individual or combination of the following must not exceed 2000 m² per lease: a) business agency b) financial establishment c) office d) public agency.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>Not applicable. None of the above land uses are proposed.</p> | |
| 1.3 Caretaker’s Residence | |
| <p>Not applicable. No caretaker’s residency proposed.</p> | |
| Element 2: Building and Site Controls | |
| 2.1 Subdivision | |
| <p>R7 Subdivision is only permitted where: a) it is part of a development application for another assessable development b) it is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant section of this Code.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>Not Applicable – Subdivision is not proposed as part of this DA.</p> | |
| <p>R9 Urban infrastructure designs are in accordance with the Design Standards for Urban Infrastructure (ACT Department of Urban Services).</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>Complies. Design is in accordance with the Design Standards for Urban Infrastructure. Indicative sketch plans have been provided; designs will be finalised as part of the detailed design phase.</p> | |
| 2.2 Demolition | |
| <p>R10 In accordance with section 148 of the Planning and Development Act 2007, the application is accompanied by a Statement of Endorsement from utility provider (including water, sewerage, storm water, electricity, and gas) stating that: a) All network infrastructure on or immediately adjacent the site has been identified on the plan</p> | <p>C10 If a Statement of Endorsement is not provided the application will be referred to relevant utility provider in accordance with the requirements of the Planning and Development Act 2007.</p> |

| Rules | Criteria |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>b) All potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified</p> <p>c) All required network disconnections have been identified and the disconnection works comply with utility requirements</p> <p>d) All works associated with the demolition comply with and are in accordance with utility asset access and protection requirements.</p> | |
| <p>Complies. A demolition plan, services plan and survey plan have been submitted with this DA. All relevant utilities have been consulted in the EIS process and have also provided stamped plans for the other Consents on the Blocks where the utilities are identified.</p> <p>A hazard risk inventory was prepared as part of the EIS submissions.</p> <p>The relevant utilities are already disconnected.</p> <p>This DA will be further referred to entities for approval.</p> | |
| <p>2.3 Height</p> | |
| <p>R11 The maximum height of any wall of the building is 12 metres above natural ground level.</p> | <p>C11 Development is of an appropriate scale compatible with an industrial area.</p> |
| <p>Complies with C11. The majority of the building is contained within 12m of the NGL, however the north eastern corner adjacent the Southern NSW Railway Line encroaches the 12m NGL as shown on Section Plan TP02.00 RevB. This minor height encroachment is not inconsistent with the character of the industrial area, and in addition, is screened by the trees at the front of the property boundary. Due to the heavily altered condition of the subject site over time, the sections provided TP02.01 [Rev B] provide the best representation of NGL and shows a very minor encroachment for part of the building, which is consistent with surrounding built form in the area (refer Ipswich Street Elevation and Renders TP03.02).</p> | |
| <p>2.4 Setbacks</p> | |
| <p>There is no applicable rule.</p> | <p>C12 Front and side boundary setbacks provide an acceptable design solution for the development of the site and are not detrimental to the visual relationship with adjoining buildings or the streetscape.</p> |
| <p>Complies with C12. New buildings are setback from the street. In addition, screening trees are to be established along Ipswich Street frontage as a part of the existing development Consents. The trees are reflected in the plans submitted with the DA</p> | |
| <p>2.5 National Capital Plan</p> | |
| <p>There is no applicable rule.</p> | <p>C13 Where a development is subject to Special Requirements under the National Capital Plan, or any relevant Development Control Plan prepared under the National Capital Plan, the development is not inconsistent with the Special Requirements or Development Control Plan. Where any provision of this code is inconsistent with Special Requirements under the National Capital Plan, or any relevant Development Control Plan prepared under the National Capital Plan, that provision has no effect.</p> |
| <p>Complies with C13. The subject site is some 200m from Monaro Highway which is an identified Approach Route in the National Capital Plan. A DCP is not required as the site is not directly adjacent to the Monaro Highway. Advice has been received from NCA to confirm that a DCP is not required.</p> | |


| Rules | Criteria |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Element 3: Built Form | |
| 3.1 Building Design | |
| R14 External service equipment must be screened from public view. | C14 External service equipment must be integrated into the building design. |
| Complies with R14. All service equipment has been considered in the design. | |
| There is no applicable rule. | C15 The elevations of all buildings facing roads should contribute to the quality of the streetscape through well-designed buildings that respect adjoining buildings and street landscaping. |
| Complies with C15. The design is consistent with the streetscape and adjoining buildings. A requirement for large screening trees has been identified by the Territory along Ipswich Street; therefore, the elevation will be largely screened from the street. | |
| 3.2 Materials and Finish | |
| There is no applicable rule. | C17 The roof and/or wall finish is of low reflectivity and not white or off-white or untreated metal. |
| Complies with C17. The walls will be colour painted (not white or off-white) | |
| R18 External walls are clad with durable materials, such as masonry, fibre cement sheeting or prefinished metal. | C18 Where practicable, materials are chosen to increase the sustainability of the building and the built environment. |
| Complies with R18. The construction will use tilt up concrete slabs that will be painted. This will also assist in achieving odour and noise mitigation objectives | |
| There is no applicable rule. | C19 Materials colours and textures are compatible within any development and should contribute to the built character of the adjoining development. |
| Complies with C19. Fyshwick incorporates a variety of building colours and building styles. The proposed MRF building design is considered in keeping with the character of the immediate area. The size and scale of the proposed MRF is illustrated with existing adjoining structures in the Streetscape elevations in the attached plans. | |
| 3.3 Interface | |
| There is no applicable rule. | C20 Public access to shops and offices ancillary to industrial buildings provide legible and safe entries located to the front of buildings. |
| Complies with C20. The existing and proposed offices are located at the front of the site and will be legible by virtue of their location. | |
| There is no applicable rule. | C21 Fencing visible from the public domain is compatible with the predominant building on the site, and is at least 50% transparent. |
| Complies with C21. Chain link fencing is already in use around the site and will be supplanted in a similar style to be both transparent and secure. The southern boundary will have a solid 2.7m high noise prevention fence as part of the noise mitigation measures required. | |
| 3.4 Crime Prevention Through Environmental Design | |
| There is no applicable rule. | C22 |

| Rules | Criteria |
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| | The development meets the requirements of the Crime Prevention Through Environmental Design General Code. |
| Complies with C22. Statement against CPTED code provided in appendix 5, below. | |
| 3.5 Access and Mobility | |
| There is no applicable rule. | C23 The development meets the requirements of the Access and Mobility General Code. |
| Not applicable as the proposed Waste Transfer Station and Recycling Facility are not listed as developments in Table 1 of the Access and Mobility General Code, where the code need apply. Nonetheless, any relevant provisions of the Code have been addressed in Appendix 6 below. | |
| 3.6 Location Requirements for Community and Recreation Facilities | |
| Not applicable. No community and recreation facilities proposed. | |
| Element 4: Parking and Site Access | |
| 4.1 Vehicle Access and Parking | |
| There is no applicable rule. | C24 Driveways and pedestrian entrances to the site are clearly visible from the front site boundary. |
| Complies with C24 – Vehicle and pedestrian entries are clearly defined and visible from the boundary. | |
| R26 Loading docks or vehicular entries to buildings are not provided on the street frontages of buildings. | C26 Loading docks and building entries do not dominate the street frontage or conflict with parking and pedestrian movements in front of the building. |
| Complies with C26. All access to the MRF building is from the north and east and not visible from the Ipswich Street frontage. | |
| There is no applicable rule. | C27 Parking and vehicular access must comply with the requirements of the Parking and Vehicular Access General Code. |
| Complies with C27. 64 staff car parking spaces are proposed, and 2 disabled spaces are included as well as 2 motorcycle parking spaces. The staff car parking is more than the requirements for parking in the Code. See the attached plans for the parking layout | |
| R28 Parking facilities are located behind the minimum front setback but forward of any onsite activity. | C28 The location of car-parking areas maximises opportunities for passive surveillance from areas within and adjacent to the site. |
| Complies with C28. All car parking areas are located such that they are visible from the office areas to ensure passive surveillance | |
| There is no applicable rule. | C29 Where applicable, bicycle parking complies with the requirements of the Bicycle Parking General Code. |
| Not applicable. If necessary, bicycle parking can be accommodated on site in an informal arrangement. | |
| 4.2 Services Access and Delivery | |
| R30 Provision is made onsite for the loading and unloading of vehicles, with adequate | C30 Provision is made for associated loading and |

| Rules | Criteria |
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| <p>manoeuvring space so that vehicles can enter and leave the site travelling in a forward direction.</p> <p>Note: Loading/unloading and associated manoeuvring areas is in addition to minimum parking requirements.</p> | <p>unloading of goods which complies with all of the following:</p> <p>a) demonstrates adequate justification for the proposed arrangements when not entering and exiting in a forward direction</p> <p>b) does not unreasonably compromise the safety of pedestrian and traffic movement and operation of any adjoining facilities such as road, cycleway, or pedestrian pathway, and on-street and off-street parking</p> <p>c) provides adequate space for the manoeuvring of vehicles</p> <p>d) is endorsed by the Department of Territory and Municipal Services.</p> |
| <p>Complies with R30. All types of vehicles will be entering and leaving the site in a forward direction. The construction of signalised ingress/egress on Ipswich Street will provide safety for both vehicles and pedestrians on Ipswich Street. Lithgow Street is a cul-de-sac and does not have passing traffic or pedestrian arrangements. TCCS have been consulted throughout the EIS process.</p> | |
| <p>Element 5: Amenity</p> | |
| <p>5.1 Landscape</p> | |
| <p>There is no applicable rule.</p> | <p>C31 The minimum setback area includes landscaping, comprising advanced trees and shrubs, in order to minimise the visual impacts of buildings, carparking areas, and plant and materials stored on site.</p> |
| <p>Complies with C31. Advanced trees will be planted along the Ipswich Street frontage to create a visual barrier as well as other planting in appropriate and maintainable locations. A landscaping plan has been submitted as part of this DA.</p> | |
| <p>There is no applicable rule.</p> | <p>C32 Tree planting to parking areas are positioned to provide shade to such areas and to soften the visual impact of such areas.</p> |
| <p>Complies with C32. The advanced trees to be planted are located adjacent to the parking area.</p> | |
| <p>5.2 Noise</p> | |
| <p>There is no applicable rule.</p> | <p>C33 Where the proposed use is adjacent to, or is, a noise producing activity, noise attenuation measures are utilised to protect the amenity of the area and promote compatibility of uses.</p> |
| <p>Complies with C33. A noise assessment was undertaken by Rudds as part of the EIS process. Noise associated with the proposed MRF includes internal equipment and external vehicles and equipment was assessed and the inclusion of a 2.7m high noise prevention fence along the southern boundary has been included in the DA plans as well as noise abatement equipment on any external forklifts.</p> | |
| <p>R34 A Noise Management Plan prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society, endorsed by Environment Protection is provided for the following uses: -club -drink establishment</p> | <p>C34 If an endorsed Noise Management Plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |

| Rules | Criteria |
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| -hotel -industry (except light industry) -indoor entertainment facility -restaurant The Noise Management Plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbours. | |
| Complies with R34. A noise management assessment was submitted and assessed with the EIS and any mitigation measures have been incorporated in this application and attached plans. | |
| 5.3 Lighting | |
| R35 External lighting is provided to building frontages, to all pathways, roads/laneways, and car parking areas in accordance with Australian Standard 1158.1.3 Pedestrian Lighting. | C35 External lighting is provided in accordance with the Crime Prevention Through Environmental Design General Code. |
| Complies with C35. External lighting has been provided to the MRF hardstand and car parking areas to the Australian Standard and shown on the attached DA plans. | |
| R36 All external lighting provided is in accordance with AS 4282 Control of the Obtrusive Effects of Outdoor Lighting. | C36 All lighting, including security and car park lighting is designed to minimise light spill |
| Complies with C36. External lighting will be provided to the MRF surrounds and car parking areas in accordance with AS4282 and shown on the attached DA Plans | |
| 5.4 Signs | |
| There is no applicable rule. | C37 Signs must comply with the Signs General Code. |
| No signage has been submitted with this application and any signage will be the subject of separate application | |
| Element 6: Environment | |
| 6.1 Water Sensitive Urban Design – Mains Water Consumption | |
| R38 Evidence is provided that shows the development achieves a minimum 40% reduction in mains water consumption compared to an equivalent development constructed in 2003 using the ACTPLA on-line assessment tool or another tool as included in the Water Ways: Water Sensitive Urban Design General Code. The 40% target is met without any reliance on landscaping measures to reduce consumption. This requirement does not apply for extensions with an increase in the combined roof area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area. | C38 This is a mandatory requirement. There is no applicable criterion. |
| Complies with C38. Cardno, in its attached Stormwater Analysis Report, makes the following comment: <i>“Cardno notes that the ACTPLA on-line assessment tool and other tools listed in the Water Sensitive Urban Design General Code can only be used for single residential, multi-unit residential and commercial developments. It enables measures such as rainwater tanks and greywater systems to be assessed in terms of meeting the water use reduction target. The stormwater assessment submitted with this DA is therefore in compliance with rule/criterion 38 of the IZ2 Industrial Zone Development Code and therefore no further mitigation measures or revised plans for reducing stormwater pollutant is required for this DA submission.”</i> | |

| Rules | Criteria |
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| 6.2 Water Sensitive Urban Design – Storm water Quality | |
| <p>R39 All sites of size greater than 2,000m² need to provide evidence of storm water storage greater than or equal to the volume of 1.4kL per 100m² of impervious area and release over a period of 1 to 3 days. 50% of the volume of rainwater tanks with a toilet connection may be regarded as contributing towards this requirement. This requirement does not apply for extensions with an increase in the combined roof area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area.</p> | <p>C39 Evidence is provided that demonstrates that for all sites of size greater than 2,000m², a reduction of 1-in-3-month storm water peak run off flow to pre-development levels with release of captured flow over a period of 1 to 3 days can be achieved. This requirement does not apply for extensions with an increase in the combined roof area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area.</p> |
| <p>Complies with C3: Cardno, in its attached Stormwater Analysis Report, makes the following comment: <i>“As per Element 6.2, Rule 39 of the IZ2:Industrial Zone Development Code (and the WSUD General Code, ACT Practice Guidelines for Water Sensitive Urban Design), stormwater storage capacity of 1.0 kL per 100 m² of total impervious area is to be provided specifically to retain the stormwater generated. This requirement recognises the difficulty of making stormwater retention and detention requirements retrospective for sites within existing urban areas and that commercial and industrial areas were previously expected to have a higher impervious proportion. Table 1-1 below provides a summary of the pre-and post-development impervious areas used to estimate the required stormwater storage in order to demonstrate compliance with Rule 39 of the IZ2 Industrial Zone Development Code, taking into consideration existing aerial photography, the demolition plan and the proposed EIS Site Plan (See Cardno Stormwater Analysis Report included with this DA)”</i></p> | |

| Rules | | Criteria | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|------------------------------------------------------------------------------------|---------------------------------------------------|
| OSD Requirements | |  | |
| Areas | Pre-development Impervious Area (m ²) | Post-Development Impervious Area (m ²) | |
| Roof - Existing Metal Shed (Demolition) | 254.37 | -254.37 | |
| Roof - Existing Metal Shed (Demolition) | 112.75 | -112.75 | |
| Roof - Existing Metal Shed (Demolition) | 31.58 | -31.58 | |
| Roof - Existing Metal Shed (Demolition) | 240.00 | -240 | |
| Roof - Existing Metal Shed (Demolition) | 251.15 | -251.15 | |
| Existing Structure (Demolition) | 839.84 | -839.84 | |
| Existing Structure (Demolition) | 42.22 | -42.22 | |
| Existing Structure (Demolition) | 74.93 | -74.93 | |
| Existing Structure (Demolition) | 136.39 | -136.39 | |
| Existing Structure (Demolition) | 99.03 | -99.03 | |
| Existing Structure (Demolition) | 97.67 | -97.67 | |
| Existing Structure (Demolition) | 32.67 | -32.67 | |
| Existing Building - western boundary (Retained) | 307.95 | 307.95 | |
| Existing Hardstand (Retained) | 4157.36 | 4157.36 | |
| Existing Hardstand/Proposed Carpark Area (Retained) | 2113.3 | 2113.3 | |
| Landscaping | 298.69 | 298.69 | |
| Proposed New Building (Construction) | - | 7312.5 | |
| Total Impervious Area | 9089.90 | 14,189.80 | |
| | Difference | 5099.90 | |
| I22 Zone Development Code Element 6, Stormwater Storage Capacity Provision | | 1 | KL per 100m ² of total impervious area |
| Required OSD as per as per the WSUD General Code, ACT Practice Guidelines for Water Sensitive Urban Design and the Industrial Zone Development Code Extract, Element 6 | | 141.90 | KL |

R40
 Sites of size greater than 5,000m² need to provide evidence showing a reduction in average annual storm water pollutant export load of:
 a) suspended solids by 60%
 b) total phosphorous by 45%
 c) total nitrogen by 40%
 compared to an urban catchment with no water quality management controls, using the MUSIC model to demonstrate compliance. This requirement does not apply for extensions with an increase in the combined roof area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area.

C40
 Sites of size greater than 5,000m² need to provide evidence showing a reduction in average annual storm water pollutant export load of:
 a) suspended solids by 60%
 b) total phosphorous by 45%
 c) total nitrogen by 40%
 compared to an urban catchment with no water quality management controls, using any other method. This requirement does not apply for extensions with an increase in the combined roof area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area.

Complies with C40: Cardno in its attached Stormwater Analysis Report makes the following comment:
“As shown in the above table, the proposed increase in combined roof area, car manoeuvring areas and carparking is approximately 5,099m² in total. This increase is less than 25% of the existing area defined by the site boundary (32,662m²) as shown in Figure 1-1.

| Rules | Criteria |
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| <p><i>The stormwater assessment submitted with this DA is therefore in compliance with rule/criterion 40 of the IZ2 Industrial Zone Development Code and therefore no further mitigation measures or revised plans for reducing stormwater pollutant is required for this DA submission.”</i></p> | |
| <p>6.3 Water Sensitive Urban Design – Stormwater Quantity</p> | |
| <p>R41 All sites of size greater than 2,000m² and subject to redevelopment need to ensure that the capacity of the existing pipe (minor) storm water connection to the site is not exceeded in the 1 in-10-year storm event. All sites of size greater than 2,000m² and subject to redevelopment need to ensure that the capacity of the existing overland (major) storm water system to the site is not exceeded in the 1-in-100-year storm event. For estate and multiple block developments larger than 5000 m², retardation of storm water to meet the above requirements are to be met at the estate scale rather than by measures on individual blocks.</p> | <p>C41 Evidence is provided by a suitably qualified person that shows that for all sites of size greater than 2,000m² and subject to redevelopment EITHER a reduction of 1-in-5 year and 1-in-100-year storm water peak run off flow to pre-development levels. See Waterways General Code for more detail. OR That the capacity of the downstream piped Storm water system to its outlet with an open channel is not exceeded in the 1-in-10-year storm event. For estate and multiple block developments larger than 5000 m², retardation of storm water to meet the above requirements are to be met at the estate scale unless it can be demonstrated that this is less feasible than measures on individual blocks.</p> |
| <p>Complies with C41: Cardno, in its attached Stormwater Analysis Report, notes that <i>“all sites of size greater than 2,000m² and subject to redevelopment need to ensure that the capacity of the existing pipe (minor) stormwater connection to the site is not exceeded in the 1-in-10-year storm event. Cardno notes that the subject site does not currently have a stormwater connection. However, an existing DN1050 stormwater main is located along the western boundary and through the northern area of the site where an individual connection can be provided. Refer 0 on the following page for the calculations showing the required size and capacity of the (minor) stormwater connection for the 1-in-10-year storm event on the subject site).”</i></p> | |

| Rules | Criteria |
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| 6.4 Heritage | |
| <p>R42 In accordance with section 148 of the Planning and Development Act 2007, applications for development on land or buildings subject to interim or full heritage registration are to be accompanied by advice from the Heritage Council stating that the development meets the requirements of the Heritage Act 2004.</p> | <p>C42 If advice from the Heritage Council is required, but not provided, then the application will be referred to the Heritage Council in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Not applicable. No heritage objects or buildings are on the sites.</p> | |
| 6.5 Contamination | |
| <p>R43 A statement is provided that the potential for land contamination has been assessed in accordance with the ACT Government Strategic Plan – Contaminated Sites Management 1995 and the ACT Environment Protection Authority Contaminated Sites Environmental Protection Policy 2000, and it is demonstrated that the land is suitable for the proposed development.</p> | <p>C43 If a statement that the site has been assessed is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Complies with C43. It is acknowledged that the site may be contaminated, and this was considered in the EIS assessment and relevant measures have been adopted by this DA. See the WSP Remedial Action Plan submitted with this application</p> | |
| 6.6 Trees | |
| <p>R44 This rule applies to a development that has one or more of the following characteristics: a) requires groundwork within the tree protection zone of a protected tree b) is likely to cause damage to or removal of any protected trees The authority shall refer the development application to the Conservator of Flora and Fauna. Notes: 1. Under the Planning and Development Regulation 2008 a development application for a declared site under the Tree Protection Act 2005, must be referred to the Conservator of Flora and Fauna. 2. The authority will consider any advice from the Conservator of Flora and Fauna before determining the application in accordance with the Planning and Development Act 2007. 3. Protected tree and declared site are defined under the Tree Protection Act 2005.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>Not applicable. There are no protected trees identified onsite. The application has a report from Tree Canopy Experts attached and an application was made to the Conservator for relevant tree removal in July 2020</p> | |

| Rules | Criteria |
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| 6.7 Hazardous Material | |
| <p>R46 For the demolition of multi-unit housing (including garages and carports) constructed* prior to 1985, and Commercial / Industrial premises constructed prior to 2005, a Hazardous Materials Survey (including an asbestos survey) is carried out and signed by an appropriately licensed person and is endorsed by environment Protection. The Survey is provided and covers the disposal of hazardous materials, showing that:</p> <p>a) Hazardous material disposal (including asbestos) is to be at a licensed disposal facility in the ACT</p> <p>b) If hazardous materials are to be transported for disposal interstate, approval from the Environment Protection Authority is obtained prior to removal of material from the site</p> <p>c) An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</p> <p>* construction date means the date when the Certificate of Occupancy was issued</p> | <p>C46 If an endorsed hazardous material survey is required however evidence of an endorsed hazardous materials survey is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Complies with C46. A Hazardous material survey was submitted by Cardno for consideration in the EIS assessment.</p> | |
| 6.8 Excavation | |
| <p>There is no applicable rule.</p> | <p>C47 Onsite cut and fill are minimised and managed to ameliorate negative off-site impacts.</p> |
| <p>Complies with C47. The total design has been engineered to minimise waste. The finished levels and any required cut and fill are designed to balance within the site as much as possible for the construction of the proposed works.</p> | |
| 6.9 Erosion and Sediment Control | |
| <p>R48 For sites less than 0.3 of a hectare, a plan is provided to demonstrate that the development complies with the ACT Environment Protection Authority, Environment Protection Guidelines for Construction and Land Development in the ACT, August 2007.</p> | <p>C48 If a plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Not applicable. The subject site is greater than 0.3 Ha.</p> | |
| <p>R49 For development on a site greater than 0.3 of a hectare, the application is accompanied by an Erosion and Sediment Control Plan endorsed by ACT Environment Protection.</p> | <p>C49 If an endorsed Sediment and Erosion Control Plan is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Complies with C49. A plan is submitted with DA for consideration</p> | |
| Element 7: Services | |
| 7.1 Waste Management | |

| Rules | Criteria |
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| <p>R50 In accordance with section 148 of the Planning and Development Act 2007, applications are to be accompanied by a statement of compliance from the Department of Territory and Municipal Services stating that the waste facilities and management associated with the development are in accordance with the current version of the Development Control Code for Best Practice Waste Management in the ACT.</p> | <p>C50 If a statement of compliance is not provided the application will be referred to the Department of Territory and Municipal Services in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Not applicable. DA to be referred to the relevant entity</p> | |
| <p>7.2 Utilities</p> | |
| <p>R51 A Statement of Compliance from each relevant utility provider is provided, which confirms that the location and nature of earthworks, utility connections, proposed buildings, pavements, and landscape features comply with utility standards, access provisions and asset clearance zones.</p> <p>Note: Where there is a conflict between planning and utility requirements, the utility requirements take precedence over other provisions of this Code.</p> | <p>C51 If a statement of endorsement is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Complies with C51. The relevant Utilities have all been consulted in the EIS process and their requirements considered and incorporated. Recent development Consents on the site have also had similar consultation. The DA will be re-referred as part of standard procedure</p> | |
| <p>7.3 Liquid Trade Waste</p> | |
| <p>R52 A Statement of Compliance from the relevant agency is provided, which confirms that the discharge (or potential discharge by accident or spillage) of non-domestic liquid waste to the sewerage or storm water networks complies with utility standards and requirements.</p> | <p>C52 If a Statement of Compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>The system for trade waste will be designed and constructed. No liquid trade waste can occur until an agreement (testing program) has occurred in the operational phase and there is concurrence from Icon Water. Pump out of trade waste to a licensed liquid waste transporter will occur until the trade waste agreement can occur (or is possible).</p> | |
| <p>7.4 Waste Water</p> | |
| <p>R53 Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p> | <p>C53 This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>Complies with R53. All undercover areas will drain to the leachate tank or sewer</p> | |
| <p>7.5 Storage</p> | |
| <p>R54 Outdoor storage areas are located behind the building line and screened from view from any road or other public area.</p> | <p>C54 Where the proposed use of the site requires open areas for storage of goods and materials, adequate provision is included in the design and layout of the site.</p> |
| <p>Complies with R54. Only shipping containers will be stored outside and are screened from Ipswich Street by the MRF building and mature planting trees.</p> | |

| Rules | Criteria |
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| <p>R55 Outdoor storage areas do not encroach on required car-parking spaces, driveways exclusively required for vehicular circulation or landscape areas.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>Complies with R55. No shipping containers will encroach or impede</p> | |
| <p>7.6 Servicing and Site Management</p> | |
| <p>R56 In accordance with section 148 of the Planning and Development Act 2007, applications are accompanied by a statement of endorsement from the relevant agency stating that the waste facilities and management associated with the development is in accordance with the Design Standards for Urban Infrastructure.</p> | <p>C56 If a statement of endorsement is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p> |
| <p>Not applicable. This proposal will not utilise external waste facilities and will manage its own wastes.</p> | |

Appendix 2: Statement Against Fyshwick Precinct Code

| Rules | Criteria |
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| RC1 – West Fyshwick Industrial Area | |
| Element 1: Use | |
| 1.1 SHOP – floor area limit | |
| R1 The maximum gross floor area of SHOP complies with all of the following: a) on Fyshwick section 30 block 18, for display and sale of alcohol beverages – 1200 m2 b) in all other locations – 200 m2 | This is a mandatory requirement. There is no applicable criterion. |
| Not applicable. The subject site as the site is not within West Fyshwick Industrial Area. | |
| RC2 – Industrial Mixed-Use Zone | |
| Element 2: Use | |
| 2.1 SHOP – floor area limit | |
| R2 The maximum gross floor area per shop complies with all of the following: a) SHOP selling food or supermarket, except produce market – 200m2 b) SHOP, except bulky goods retailing – 3000m | This is a mandatory requirement. There is no applicable criterion |
| Not applicable. SHOP is not proposed. | |
| RC3 – Canberra Avenue Corridor | |
| Element 3: Use | |
| 3.1 Restaurant and Shop | |
| Element 4: Buildings | |
| 4.1 Number of storeys | |
| 4.2 Setback | |
| 4.3 Materials and Finish | |
| Not applicable. Subject site is not within the Canberra Avenue Corridor. | |
| RC4 – Agricultural Area | |
| Element 5: Use | |
| 5.1 Agriculture | |
| Not applicable. The subject site is not in RC4. | |
| RC5 – Block 8 Section 48 Fyshwick | |
| Not applicable. | |

Appendix 3: Statement Against Lease Variation General Code

| Lease Variation General Code | |
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| Rules | Criteria |
| Part A – Lease Variations in the merit or impact track | |
| Element 1: Variations - general | |
| 1.1 Varying leases - general | |
| There is no applicable rule. | <p>C1</p> <p>A <i>lease</i> is varied only where all of the following are achieved:</p> <ul style="list-style-type: none"> i) the varied lease is consistent with the Territory Plan including all relevant codes ii) the land to which the <i>lease</i> applies is suitable for the development or use authorised by the varied <i>lease</i>. |
| The proposed uses (Waste Transfer Station and Recycling Facility) are both permissible in the IZ2 – Industrial mixed-use zone that applies to the two blocks. The land is suitable for the proposed development as demonstrated in this DA package and through the EIS process. | |
| Element 2: Increasing rights | |
| 2.1 Increasing rights | |
| There is no applicable rule. | <p>C2</p> <p>A right under a <i>lease</i> is increased only when all of the following are achieved if the additional rights are granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking is provided on site or is available off site in accordance with the <i>Parking and Vehicular Access General Code</i> ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in the level of noise for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land. <p>Note: examples of rights are the maximum <i>gross floor area</i>, the maximum floor area allocated to a particular use, <i>building</i> heights.</p> |
| Not applicable. No additional rights are sought as part of this DA. | |
| Element 3: Variations to add uses - general | |
| 3.1 Adding uses generally | |
| There is no applicable rule. | <p>C3</p> <p>An additional use is authorised by a <i>lease</i> only when all of the following are achieved if the additional use is granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking is provided on site or is available off site in accordance with the <i>Parking and Vehicular Access General Code</i> |

| Lease Variation General Code | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rules | Criteria |
| | <ul style="list-style-type: none"> ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in level of noise for the occupants of <i>dwelling</i>s on the <i>block</i> or on adjoining land v) no unreasonable risk to occupants of the <i>block</i> through any contamination of the <i>block</i> or on adjoining land vi) no unreasonable level of odour for the occupants of <i>dwelling</i>s on the <i>block</i> or on adjoining land vii) no unreasonable level of light emission for the occupants of <i>dwelling</i>s on the <i>block</i> or on adjoining land. |
| <ol style="list-style-type: none"> 1) Sufficient car parking is provided for on site in accordance with the Parking and Vehicular Access General Code. 2) Traffic flows have been assessed throughout the EIS assessment stages and has been deemed acceptable. Original and Summary Traffic Reports are included as part of the EIS and this DA package. 3) Post occupancy waste management on site can be provided due to the nature of the business proposed. 4) Noise mitigation measures have been incorporated in the design. There are no <i>dwelling</i>s on the blocks or adjoining lands. 5) Any on site residual contamination from the previous use has a remedial action plan proposed as well as design features (including membrane) if required. 6) Any odour impacts have been assessed in the EIS process and mitigation measures incorporated in the design. There are no <i>dwelling</i>s on the blocks or adjoining lands. 7) The lighting will meet AS standards under the Industrial General Code for illumination and spill and have been included in the attached plans. There are no <i>dwelling</i>s on the blocks or adjoining lands. | |
| Element 4: Variations to add particular uses | |
| 4.1 Community and Recreational Facilities | |
| There is no applicable rule. | C4 Community facilities or recreational facilities that are authorised by a <i>lease</i> comply with the <i>Community and Recreational Facilities Location Guidelines General Code</i> . |
| Not applicable. There are no community or recreational facilities uses proposed. | |
| Note Element 4 no longer contains section 4.2, R5 and C5 | |
| 4.3 Secondary residence | |

| Lease Variation General Code | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rules | Criteria |
| R6 A variation to a <i>lease</i> to authorise a <i>secondary residence</i> is approved only where the <i>block</i> affected by the <i>lease</i> is 500m ² or larger. | This is a mandatory requirement. There is no applicable criterion. |
| Not applicable. No residences are proposed. | |
| 4.4 Emergency management plan | |
| R6A A variation to a <i>lease</i> to authorise an <i>animal care facility</i> in the industrial zones is approved only where an emergency management plan is provided and has been endorsed by the Emergency Services Authority (ESA). | C6A If an endorsed Emergency Management Plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007. |
| Not applicable. Animal care facility use is not proposed. | |
| 4.5 Noise | |
| R6B A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustic Society, is provided for an <i>animal care facility</i> . The Noise Management Plan details the design, siting, and construction methods, which will be used to minimise the impact of noise on neighbouring uses and reduce the intrusion of noise from industrial uses into the facility. | This is a mandatory requirement. There is no applicable criterion. |
| Complies with R6B. This has already occurred in the EIS stage and mitigation measures to manage noise have been included in this DA and attached plans. | |
| Part B – Lease variations in the code track | |
| Element 5: Variations to express the number of dwellings | |
| 5.1 Expressing the number of dwellings or units | |
| R7 This rule applies to any of the following: a) Varying a <i>lease</i> to express the number of approved or lawfully erected <i>dwellings</i> or units b) Varying a <i>lease</i> to change the number of approved or lawfully erected <i>dwellings</i> or units c) Varying a <i>lease</i> to add a <i>secondary residence</i> where erection of a <i>secondary residence</i> has been approved The variation to the <i>lease</i> is consistent with the following: i) all other provisions of the <i>lease</i> ; and ii) the Territory Plan, including all relevant codes. | This is a mandatory requirement. There is no applicable criterion. |
| Not applicable. No dwellings or units are proposed. | |

| Lease Variation General Code | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Rules | Criteria |
| Element 6: Variations to remove, relocate or change easements | |
| 6.1 Removing relocating or changing easements | |
| <p>R8 A proposal to vary a lease to remove, relocate or change easements is consistent with both of the following:</p> <ul style="list-style-type: none"> a) is supported by written endorsement from the relevant service provider b) is supported by drawings and information demonstrating that easements are not required or are provided elsewhere on the land. | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>Not applicable. There are no additional requirements to remove, relocate or change any easements because of this application.</p> | |

Appendix 4: Statement Against the Parking & Vehicle Access Code

Split across two shifts, 48 full-time and 10 part-time staff have been nominated in the Revised EIS for the MRF.

Section 3.5 of the Parking and Vehicular Access General Code discusses the requirements for industrial zone development and would require the following:

Table 5: MRF Parking (required and proposed)

| Required (recycling facility/waste transfer station) Section 3.5 of the Parking and Vehicular Access General Code | Proposed (MRF) – see attached plans |
|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| 24 spaces (1 per peak shift employee) | 64 spaces (48 f/t staff, 10 p/t staff, 6 visitor) |
| 3% spaces for disability parking | 2 spaces (3% x 48 spaces) |
| 3 scooter/motorbike per 100 spaces | 2 spaces |

Staff parking will be accommodated on site (refer to plans submitted with the DA). The excess parking is to ensure sufficient spaces are available for all workers during the overlap period of shifts, approximately 2.00pm.

Appendix 5: Statement Against the Crime Prevention Through Environmental Design Code

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| Element 1: Neighbourhood Design | |
| 1.1 Neighbourhood Design | |
| There is no rule applicable. | C1 Design is in accordance with the recommendations of a crime risk assessment as outlined in the ACT Crime Prevention and Urban Design Resource Manual. |
| Complies with C1: Any relevant design principles have been adopted or adapted. The site is not for public use or thoroughfare. | |
| Element 2: Use | |
| 2.1 General Code | |
| There is no applicable rule. | C2 The development described in Table 1 (attached at conclusion) meets the Crime Prevention Through Environmental Design General Code. |
| Complies with C2: The MRF development (transfer station and recycling facility) is not listed as having to meet the Crime Prevention Code as per Table 1 below. | |

Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

| Rule | Criteria |
|------|----------|
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Table 1: Development required to meet the Crime Prevention Through Environmental Design General Code.

| | | |
|-----------------------------|--------------------------------|-----------------------------------|
| Airport | Health facility | Retirement Village |
| Ancillary use | Hospital | Road |
| Aquatic recreation facility | Hotel | Rural Produce Retailing |
| Boarding house | Indoor entertainment facility | Rural Supply retailing |
| Bulky goods retailing | Indoor recreation facility | Scientific research establishment |
| Business agency | Mint | Service station |
| Car park | Mobile home park | Serviced apartment |
| Caravan park/camping ground | Motel | Shop |
| Child care centre | Multi-unit housing | Special care establishment |
| Civic administration | Municipal depot | Special care hostel |
| Club | Office | Special dwelling |
| Community activity centre | Outdoor recreation facility | Store |
| Community theatre | Parkland | Subdivision |
| Corrections facility | Pedestrian plaza | Supermarket |
| Craft workshop | Personal services | Supportive housing |
| Cultural facility | Place of assembly | Take-away food shop |
| Defence installation | Place of worship | Tourist facility |
| Department Store | Playing field | Tourist resort |
| Drink establishment | Produce market | Transport depot |
| Drive-in cinema | Public agency | Vehicle sales |
| Educational establishment | Public transport facility | Veterinary hospital |
| Emergency services facility | Railway use | Water based recreation |
| Financial establishment | Religious associated use | Zoological facility |
| Funeral parlour | Residential care accommodation | |
| Guest house | Restaurant | |

Element 3: Public Realm

3.1 Open Space and Community (Shared) Areas

| | |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| There is no rule applicable. | <p>C3</p> <p>Natural surveillance of open space and community areas is provided by:</p> <ul style="list-style-type: none"> a) locating adjacent to activity centres; b) encouraging pedestrian (or cyclist) movement through the space; c) ensuring clear site lines from, and between, buildings and open space areas: community areas; and d) designing out any entrapment spaces. |
| Not applicable: No open space shared areas are proposed | |
| There is no rule applicable. | <p>C4</p> <p>Natural access is considered, providing clear entry and exit points and a legible, accessible route through the space.</p> |
| Not applicable: No public pedestrian or non-customer vehicle access is permitted through the site | |
| There is no rule applicable. | C5 |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
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| Rule | Criteria |
| | Planting in public spaces do not obscure views along paths and streets, or to entrances and should not create secluded, hiding areas. |
| Not applicable: Not a public space | |
| There is no rule applicable. | C6 Selection of plant material that is sturdy in areas of high crime, to make it difficult to snap main growing stems – heavy standard (140-160mm girth) or semi-mature trees (200-270mm girth) should be used to increase their chance of survival. |
| Not applicable: Not a public space | |
| There is no rule applicable. | C7 Plant material, such as creepers or low hedges may be used to deter access and limit the opportunity for graffiti on fences and walls. |
| Not applicable: Noted | |
| There is no rule applicable. | C8 Hard landscape features such as low walls, bollards are used to delineate movement areas from semi-private areas. |
| Complies with C8: These types of features are incorporated in the landscape design | |
| 3.2 Children’s Play Areas | |
| There is no rule applicable. | C9 Children’s play areas are located and designed to comply with each of the following: a) there is natural surveillance from adjoining areas b) adjacent areas are used by compatible groups c) there are multiple entry/exits |
| Not applicable: No children’s play areas are proposed | |
| 3.3 Lighting | |
| There is no rule applicable. | C10 Provide a schedule of lighting showing that lighting complies with each of the following: a) Australian Standard AS1158 Lighting for Roads and Public Spaces Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| | b) Australian Standard AS1158: Lighting for Roads and Public Spaces Part 2: Computer Procedures for the Calculations of Light Technical Parameters for Category V and Category P Lighting c) Australian Standard AS4282: The Control of Obtrusive Effects of Outdoor Lighting, in the case of security lighting |
| Complies with C10: Lighting will comply with workplace standards and has been included on the attached plans | |
| There is no rule applicable. | C11 Legitimate users and activities at night are encouraged by lighting: a) spaces evenly and consistently (except where accent/feature lighting is necessary) b) inset spaces, entries/exits and paths c) to reduce the casting of shadows that could hide intruders d) directional signage e) building entries f) exterior to interior spaces evenly to allow for surveillance |
| Complies with C11: Noted | |
| There is no rule applicable. | C12 Areas that are not intended for nighttime are not lit and are closed off to pedestrians. |
| Not applicable: Not a public space | |
| There is no rule applicable. | C13 Damage to light fixtures are minimised by selecting vandal-resistant, high mounted light fixtures. All light bulbs are protected with a suitable lantern bowl. |
| Complies with C13: Noted | |
| 3.4 Signs | |
| R14 A statement is provided that all directional signage will comply with the requirements of AS1742.10 (1991) Manual of Uniform Traffic Control Devices – Pedestrian Control and Protection | This is a mandatory requirement. There is no applicable criterion. |
| Complies with R14: Any required directional signage will be provided before facility licensing | |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
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| Rule | Criteria |
| There is no rule applicable | <p>C15</p> <p>Locate signs so that they comply with each of the following:</p> <ul style="list-style-type: none"> a) they are clearly visible from a distance at all times b) they are not likely to be obscured by growing vegetation c) they are strategically placed at entrances and near activity centres including bus stops, taxi rank and public facilities |
| Complies with C15: Appropriate signage locations will be chosen. | |
| There is no rule applicable. | <p>C16</p> <p>Provide legible signs for all users:</p> <ul style="list-style-type: none"> a) specify signs of high contrast, with light lettering on dark backgrounds with non-reflective surfaces; b) signs should be developed as a system with a consistent pattern, based on a hierarchy of most important messages. |
| Complies with C16 | |
| Element 4: Built Form | |
| 4.1 Interface between buildings and public realm | |
| There is no rule applicable. | <p>C17</p> <p>Building entrances are easily identified, providing easy access to all users, affording visibility to and from the street and minimising the potential for hiding spots.</p> |
| Complies with C17: Noted – Main office is existing and new office complies | |
| There is no rule applicable. | <p>C18</p> <p>Provide clear sightlines from the building foyer so that occupants can see the nearest pedestrian area/surface car park before leaving the building.</p> |
| Complies with C18 | |
| There is no rule applicable. | <p>C19</p> <p>Recessed sections in the building elevation/façade are detailed and located so that there is opportunity for natural surveillance, for spill lighting, and the potential for hiding is minimised.</p> |
| No applicable – no recessed sections proposed | |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
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| Rule | Criteria |
| There is no rule applicable. | C20 Buildings are detailed in a manner that deters scaling (climbing) the building to access balconies from the ground and/or access between individual balconies. |
| Not applicable: There are no balconies | |
| There is no rule applicable. | C21 Where buildings are set back from the street and/or pedestrian path, the area is developed to minimise hiding and entrapment spots. |
| Complies with C21: appropriate lighting, landscaping and design has minimised hiding and entrapment spots | |
| 4.2 Materials and Finish | |
| There is no rule applicable. | C22 Building materials and finishes are of an appropriate quality and detailed in a manner to: a) reduce opportunities for graffiti and vandalism b) facilitate cleaning and replacement c) avoid facilitating illegal access to the building and to services |
| Complies with C22: The new construction work is offset from the street and the site will be fenced and gated when not open or monitored by video from the two weighbridge offices at each entrance | |
| Element 6: Travel and Access | |
| 6.1 Pedestrian Routes, Bicycle Paths and Lanes | |
| There is no rule applicable. | C23 Pedestrian Routes, Bicycle Paths and Lanes are designed to maximise opportunities for natural surveillance by: a) maintaining sightlines along paths between destination points b) allowing overlooking from adjacent area. |
| Not applicable | |
| There is no rule applicable. | C24 Provide direct access routes to buildings streets, car parks and public transport. Signs should be used to assist pedestrians where it is not possible to establish clear sightlines between destinations. |
| Not applicable | |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
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| Rule | Criteria |
| There is no rule applicable. | <p>C25</p> <p>Security of pedestrian routes, bicycle paths and lanes are provided by:</p> <p>a) selecting and lighting 'safe routes' to the standard required for pedestrian areas so that these become the focus of legitimate movement after dark;</p> <p>b) ensuring that laneways have more than one entrance to avoid "dead-ends" and entrapment spots, where possible.</p> |
| Not Applicable | |
| There is no rule applicable. | <p>C26</p> <p>When planting adjacent to pedestrian /bicycle routes:</p> <p>a) ensuring there are open sightlines. Low planting (maximum height 600mm) and high-branching trees (two metres) should be used;</p> <p>b) avoiding tall bushes, dense shrubbery and dense clusters of trees, especially immediately adjacent to routes and at predictable stopping points such as road crossings.</p> |
| Not applicable | |
| <p>R27</p> <p>A Statement is provided that pedestrian paths are designed in accordance with AUSTRROADS Guide to Traffic Engineering Practice Part 13. – Pedestrians</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Complies with R27: Pedestrian paths have been considered at the signalized entrance to the site from Ipswich Street | |
| <p>R28</p> <p>A Statement is provided that Bicycle Paths are designed in accordance with AUSTRROADS Guide to Traffic Engineering Practice Part 14. – Bicycles.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Not applicable | |
| 6.2 Pedestrian Underpasses and Overpasses | |
| There is no rule applicable. | C29 |

Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

| Rule | Criteria |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>The use of pedestrian underpasses is to be avoided. Where there is no practical or feasible alternative underpasses are designed:</p> <ul style="list-style-type: none"> a) wide enough to accommodate both pedestrian and cycle traffic b) straight and without recesses c) with mirrors so pedestrians can see around corners if there is a turn of 60 degrees or more d) with entrances and exits that are visible from shops, homes or other areas of frequent pedestrian traffic e) to ensure there is no screening of entries/exits f) with signs at each end indicating where it leads and an alternative route to use at night |
| Not Applicable | |
| There is no rule applicable. | <p>C30</p> <p>Overpasses are designed to reduce opportunities to throw missiles at cars or pedestrians.</p> |
| Not Applicable | |
| 6.3 Bus Interchange, Bus Stops and Taxi Ranks | |
| There is no rule applicable. | <p>C31</p> <p>Locate bus stops and taxi ranks so that:</p> <ul style="list-style-type: none"> a) natural surveillance is possible b) there are no walls, landscaping, fences or other structures which block sightlines to bus stops and taxi ranks c) they are not located adjacent to vacant land, alleys, car parks or near possible entrapment spots d) there are short, safe routes to bus stops and taxi ranks from night-time venues such as cinemas, theatres, etc |
| Not Applicable | |
| There is no rule applicable. | <p>C32</p> <p>Major bus stops and taxi ranks are well lit and protected from the weather, or adjacent to areas which are well lit or that provide protection from the weather.</p> |
| Not Applicable | |
| There is no rule applicable. | C33 |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
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| Rule | Criteria |
| | Directional signage makes it easy to find bus stops or taxi ranks, and provides up-to-date passenger information. |
| Not Applicable | |
| There is no rule applicable. | C34 Interchanges are located on the same level as significant activity generators to avoid entrapment, increase natural surveillance and provide direct routes of access. |
| Not Applicable | |
| Element 7: Services | |
| 7.1 Automatic Teller Machines (ATMs) | |
| There is no rule applicable. | C35 Approaches and entrances to ATMs are highly visible and adequately lit so that people cannot loiter, or enter, without being seen. |
| Not Applicable | |
| There is no rule applicable. | C36 Locations near licensed premises, and bus stops should be avoided to discourage loitering by potential offenders. |
| Not Applicable | |
| There is no rule applicable. | C37 Where ATMs are enclosed in a vestibule or similar, the vestibule should be securely glazed, adequately and secure from non-legitimate users |
| Not Applicable | |
| There is no rule applicable. | C38 Use bollards, or other landscaping, to restrict the potential for vehicle incursions. |
| Not Applicable | |
| 7.2 Local Waste Storage Facilities | |
| There is no rule applicable. | C39 Screening does not provide entrapment or hiding spots and safe access and adequate lighting is provided near the waste storage areas. |

| Crime Prevention Through Environmental Design General Code (effective 16 December 2011) | |
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| Rule | Criteria |
| Not Applicable | |
| 7.3 Local Utility Facilities | |
| There is no rule applicable. | C40 Air conditioning plants, meter boxes and other service points are mounted within a secure building / enclosure for protection. |
| Complies with C40: Any of these elements will be enclosed in detailed design stage | |
| 7.4 Delivery and Storage Facilities | |
| There is no rule applicable. | C41 Ensure that: a) Delivery and storage areas are not isolated from the main building b) Secure storage areas are provided for shop owners |
| Not Applicable | |
| 7.5 Public Toilets | |
| There is no rule applicable. | C42 Ensure that: a) Public toilets are located in obvious locations, but not in isolated areas of activity centres b) Entrances are highly visible so that people cannot loiter or enter without being seen, particularly for toilets close to Children's' playgrounds c) Public seating and telephones are located away from public toilets to avoid opportunities for loitering. |
| Not Applicable | |
| 7.6 Public Telephones | |
| There is no rule applicable. | C43 Public telephones are located in obvious locations, are well lit and well signposted, e.g. near bus stops or taxi ranks. |
| Not Applicable | |

Appendix 6: Statement Against the Access and Mobility General Code

| Access and Mobility General Code (effective 4 October 2013) | |
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| Rule | Criteria |
| Part A – General Development Controls | |
| Element 1: Parking | |
| 1.1 Car Parking | |
| R1 j) Designated accessible car parking spaces meet the requirements of <i>AS2890.1</i> and <i>Parking and Vehicular Access General Code</i> . | C1 Car parking is provided at designated locations to meet the needs of people with disabilities. |
| Complies with C1: Required disabled parking provided | |
| R2 Car parking spaces provided for people with disabilities must have vertical clearance for the entire width of the space and the adjacent shared area of not less than 2.5m described in Figure 2.7 of the <i>AS2890.6</i> . | C2 Adequate space is provided to allow a roof-mounted wheelchair to be unloaded either front – in or reverse-in position. |
| Complies with C2: 2 spaces provided | |
| Element 2: External Access to Entrances | |
| 2.1 Continuous Accessible Path of Travel and Walkways | |
| R3 A continuous accessible path of travel is provided that complies with: i) <i>AS 1428.1 - Design For Access and Mobility</i> ; ii) <i>AS 1428.4 – Tactile ground surface indicators</i> for the orientation of people with vision impairment to highlight hazards or provide direction; iii) <i>AS 4586 – Slip Resistant Classification of New Pedestrian Surface Materials</i> for external paving and ground surfaces; and iv) Designed so that the placement of facilities does not intrude into the continuous accessible path of travel. v) Walkways and glass adjacent to walkways to comply with <i>AS1428.1</i> and <i>AS1428.2</i> | C3 Continuous accessible path of travel is provided for owners, occupants, employees and visitors: a) to all areas and all required facilities of the building; b) from property boundary, designated accessible parking spaces, passenger drop off points and public spaces to entrances of buildings; c) to connect buildings, facilities and spaces that are on the same block or part of the same complex unless topographically impossible; and d) to minimise distances travelled between elements of buildings and facilities. e) Walkways are of an appropriate scale and if clear glass is used adjacent to walkways, are identified by appropriate luminance contrast. |
| Complies with C3 | |
| 2.2 Lighting | |
| R4 Internal lighting along the whole of the continuous accessible path of travel designed to meet <i>AS1680.0</i> . | C4 This is a mandatory requirement. There is no applicable criterion. |
| Will comply with C4 | |

| Access and Mobility General Code (effective 4 October 2013) | |
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| Rule | Criteria |
| <p>R5</p> <p>External lighting along the whole of the continuous accessible path of travel meets AS1158.3.1 and the <i>ACT Crime Prevention and Environmental Design General Code</i>.</p> | <p>C5</p> <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Complies with C5 | |
| 2.3 Way Finding | |
| <p>R6</p> <p>Where installed directional signage or other wayfinding methods, e.g. tactile indicators, to be in accordance with <i>AS1428.1</i> and <i>AS1428.4</i> and must identify the continuous accessible path of travel, accessible parts of buildings and all accessible facilities.</p> <p>Details to meet <i>AS1428.1</i> and <i>AS1428.4</i>.</p> | <p>C6</p> <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Will comply with C6 where required | |
| <p>R7</p> <p>There is no applicable rule.</p> | <p>C7</p> <p>For illuminated signs, the luminance of the symbols to be at least 30% in contrast to the background.</p> |
| Will comply with C7 where required | |
| Element 3: Entry and Doorways | |
| 3.1 Doorways and Doors | |
| <p>R8</p> <p>Doorways and doors are designed to meet AS 1428.1- Design for Access and Mobility for:</p> <p>a) pedestrian entrances and exits;</p> <p>b) public circulation areas; and any common use areas.</p> | <p>C8</p> <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Will comply with C8 where required | |
| <p>R9</p> <p>There is no applicable rule.</p> | <p>C9</p> <p>Automatic doors for public entrances should be installed in high use commercial and public buildings.</p> |
| Not Applicable | |
| Element 4: Circulation | |
| Stairways, Stairway lifts, Passenger lifts, Ramps, Handrails and Grab rails are provided in accordance with appropriate Australian Standards (refer to Appendix A [of the Code]). | |

| Access and Mobility General Code (effective 4 October 2013) | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rule | Criteria |
| Will comply with Element 4 where required | |
| Element 5: Toilets | |
| Sanitary facilities and associated signage are designed and provided to meet the purpose of the buildings and appropriate Australian Standards (refer to Appendix A [of the Code]). | |
| Will comply with Element 5 where required | |
| Elements 6: Facilities | |
| Street furniture (seating, drinking fountains, litterbins and the like) and ATM facilities are designed and provided in accordance with appropriate Australian Standards (refer to Appendix A [of the Code]). | |
| Not Applicable | |
| Part B - Additional Specific Controls – ADAPTABLE HOUSING | |
| Element 1: Built Form | |
| 1.1 Building Design | |
| R10 Where dwellings are required to be adaptable, the dwellings must be designed in accordance with <i>AS4299 Class C (Adaptable Housing)</i> | C10 This is a mandatory requirement. There is no applicable criterion. |
| Not Applicable | |
| R11 There is no applicable rule. | C11 In multi-unit residential complexes, adaptable dwellings are required to be distributed in the development and be representative sample of sizes provided. |
| Not Applicable | |
| Element 2: Parking | |
| 2.1 Car Parking | |
| R12 Minimum of one accessible car parking space for each adaptable dwelling is designed in accordance with <i>AS2890.6</i> . | C12 Accessible car spaces are to be located in close proximity to the entrance of the adaptable units, and if a lift or stair platform lift is provided to serve adaptable units in multi-unit buildings. |
| Not Applicable | |
| R13 There is no applicable rule. | C13 Where there is a change in grade between the carparking and the adaptable unit, a lift or access ramp is to be provided from any basement or |

| Access and Mobility General Code (effective 4 October 2013) | |
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| Rule | Criteria |
| | internal car parking for the adaptable units or visitors to the floor level of any adaptable dwelling. Access ramp to comply with AS1428.1. |
| Not Applicable | |
| Element 3: Access to Common Use Areas | |
| 3.1 Entries | |
| R14 Common use areas including shared corridors in multi-unit developments to meet AS1428.1. | C14 This is a mandatory requirement. There are no Criteria. |
| Not Applicable | |
| Element 4: Circulation | |
| 4.1 Lifts | |
| R15 Passenger lifts meet AS1735.12 - <i>Lifts, Escalators and Moving Walks – Facilities for Persons with Disabilities</i> where they are provided as part of a multi-unit housing development, which includes adaptable dwellings. | C15 Where a multi-storey –multiunit development proposal does not incorporate a lift, the building is designed to be capable of having lift access for future use as adaptable units. |
| Not Applicable | |
| Part B - Additional Specific Controls – SPECIAL PURPOSE DEVELOPMENT | |
| Element 1: Access | |
| 1.1 Special Purpose Development | |
| R16 There is no applicable rule. | C16 Access in a special purpose development for older people with disabilities to be in accordance with AS4299 – <i>Adaptable Housing – Class C</i> and access is provided to, and within, 100% of units within the development. |
| Not Applicable | |
| R17 There is no applicable rule. | C17 For places of shared accommodation for people with disabilities: a) Where developments have a gross floor area not exceeding 300m ² , and no more than 12 person capacity – provide 1 accessible room b) Where developments have a gross floor area exceeding 300m ² provide accessible rooms at the following rates: i) Less than 49 person capacity – 2 rooms |

| Access and Mobility General Code (effective 4 October 2013) | |
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| Rule | Criteria |
| | ii) More than 49, but less than 99 – 4 rooms iii) More than 99 persons – 6 rooms. Note Capacity based on no more than average of 2 people per room. |
| Not Applicable | |
| Part B - Additional Specific Controls – FIXED SEATING VENUE | |
| Element 1: Built Form | |
| Seating arrangements to meet with appropriate Australian Standards (refer to Appendix A [of the Code]). | |
| Not Applicable | |
| Element 2: Hearing Augmentation Facilities | |
| Hearing Augmentation Facilities, Emergency Warning Systems and Public Phones are provided according to appropriate Australian Standards (refer to Appendix A [of the Code]). | |
| Not Applicable | |

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