

From: [Jones, Greg](#)
To: [Teasdale, Jonathan](#)
Cc: [Brown, Robin](#); [Johnson, Lisa](#); [Myers, Rhonda](#)
Subject: Re: Mitchell child care centre appeal [SEC=UNCLASSIFIED]
Date: Tuesday, 22 November 2016 14:02:15

Hi Jonathan

I am in [REDACTED] on [REDACTED].

Greg

On 22 Nov. 2016, at 12:34 pm, Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au> wrote:

Hi Greg

The planning and land authority refused a DA in September 2016 for a lease variation to add child care centre as a use on the crown lease for B18 S11 Mitchell.

The applicant (Konstantinou) has appealed the decision.

The EPA and Health are two of the key referral entities for the appeal.

We have a Conference scheduled at the ACAT on Friday (similar to a formal mediation, difference being the adjudicator can express a view about the appeal). I'm hoping to arrange a quick meeting between you, me and GSO on Thursday. Depending on GSO's view, it might also be to our advantage if you were able to attend on Friday.

Grateful if you could please:

- <!--[if !supportLists]-->• <!--[endif]-->Let me have your availability for a meeting on Thursday.
- <!--[if !supportLists]-->• <!--[endif]-->Confirm if you are available on Friday.

Robin – could you please let me know where your package of information is up, as it underpins pretty much our whole case (no pressure!).

Cheers

Jonathan Teasdale | Senior Manager - Impact Assessment and ACAT Coordination

Phone 02 6207 0316

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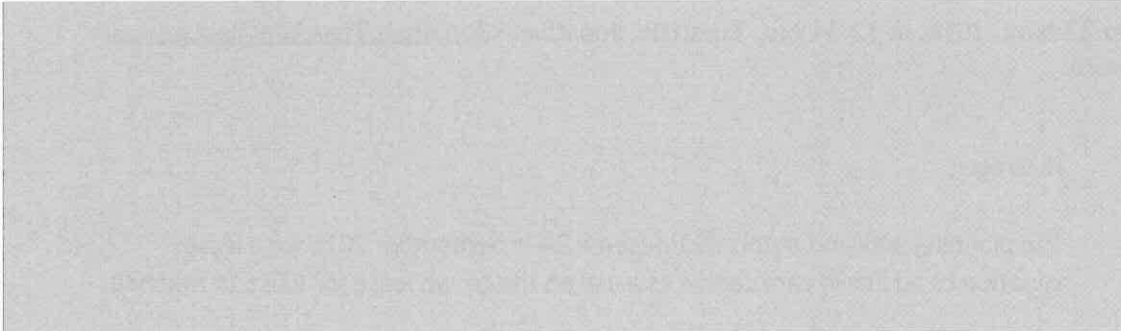
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From: [Teasdale, Jonathan](#)
To: [Myers, Rhonda](#)
Cc: [Johnson, Lisa](#)
Subject: Mitchell appeal - next steps [SEC=UNCLASSIFIED]
Date: Tuesday, 22 November 2016 12:23:39
Attachments: [2016 Urban Sounds - ACCESS.pdf](#)
Importance: High

Hi Rhonda

As discussed earlier with GSO, grateful if you could do the following:



In the meantime I'll contact Health and EPA about meeting prior to the conference on Friday.

Attached is the latest version of the Urban Sounds discussion paper for your information. I'll dig around for any further information about noise impacts on child developmental health.

Lisa – hope you don't mind, but it would be great if this work could be prioritised ahead of any other work Rhonda is doing. More work in this space now will hopefully reduce the chance of this matter proceeding to hearing (and hence less work later).

Cheers

Jonathan Teasdale | Senior Manager - Impact Assessment and ACAT Coordination

Phone 02 6207 0316

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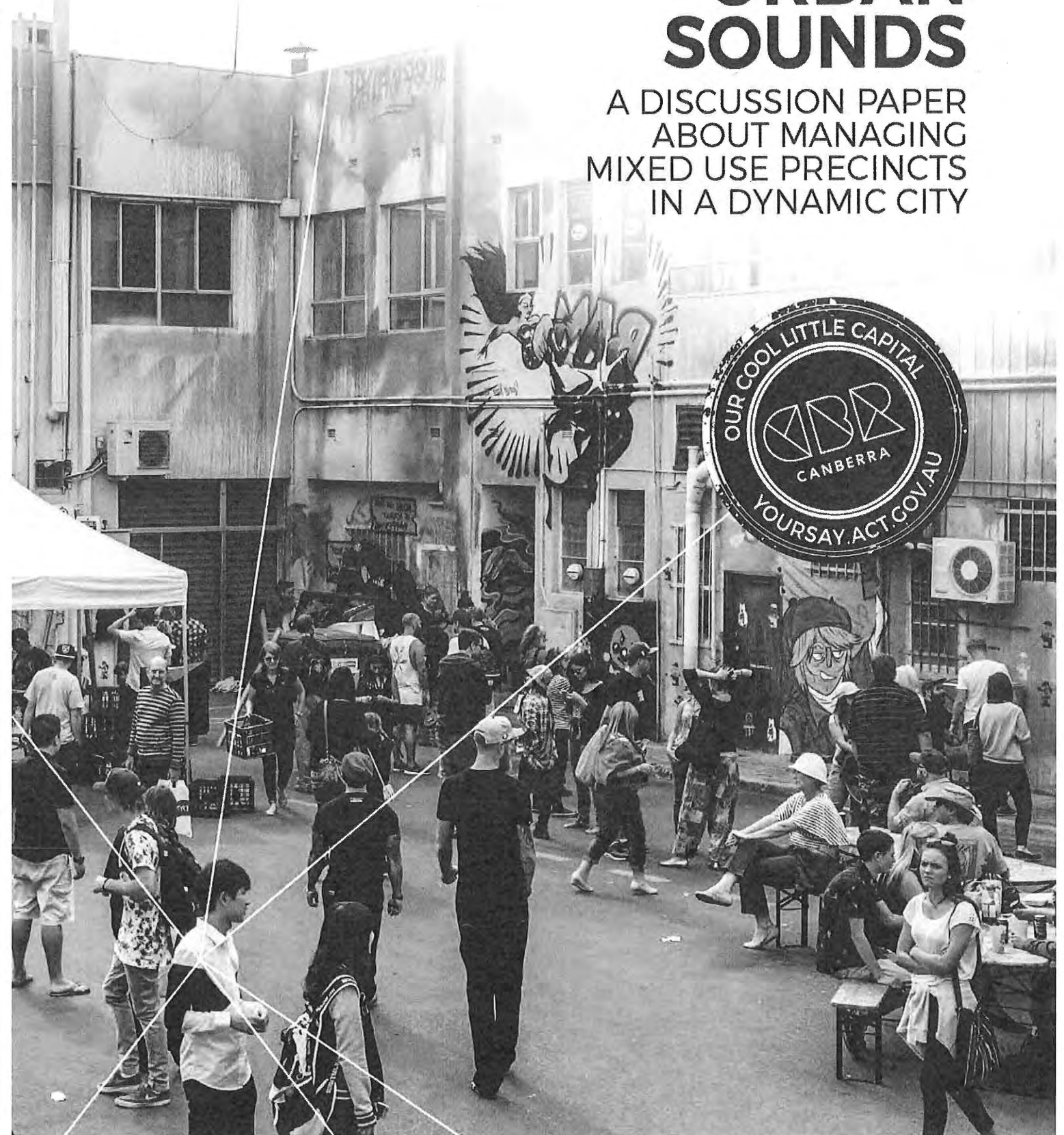
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ACT
Government

URBAN SOUNDS

A DISCUSSION PAPER
ABOUT MANAGING
MIXED USE PRECINCTS
IN A DYNAMIC CITY



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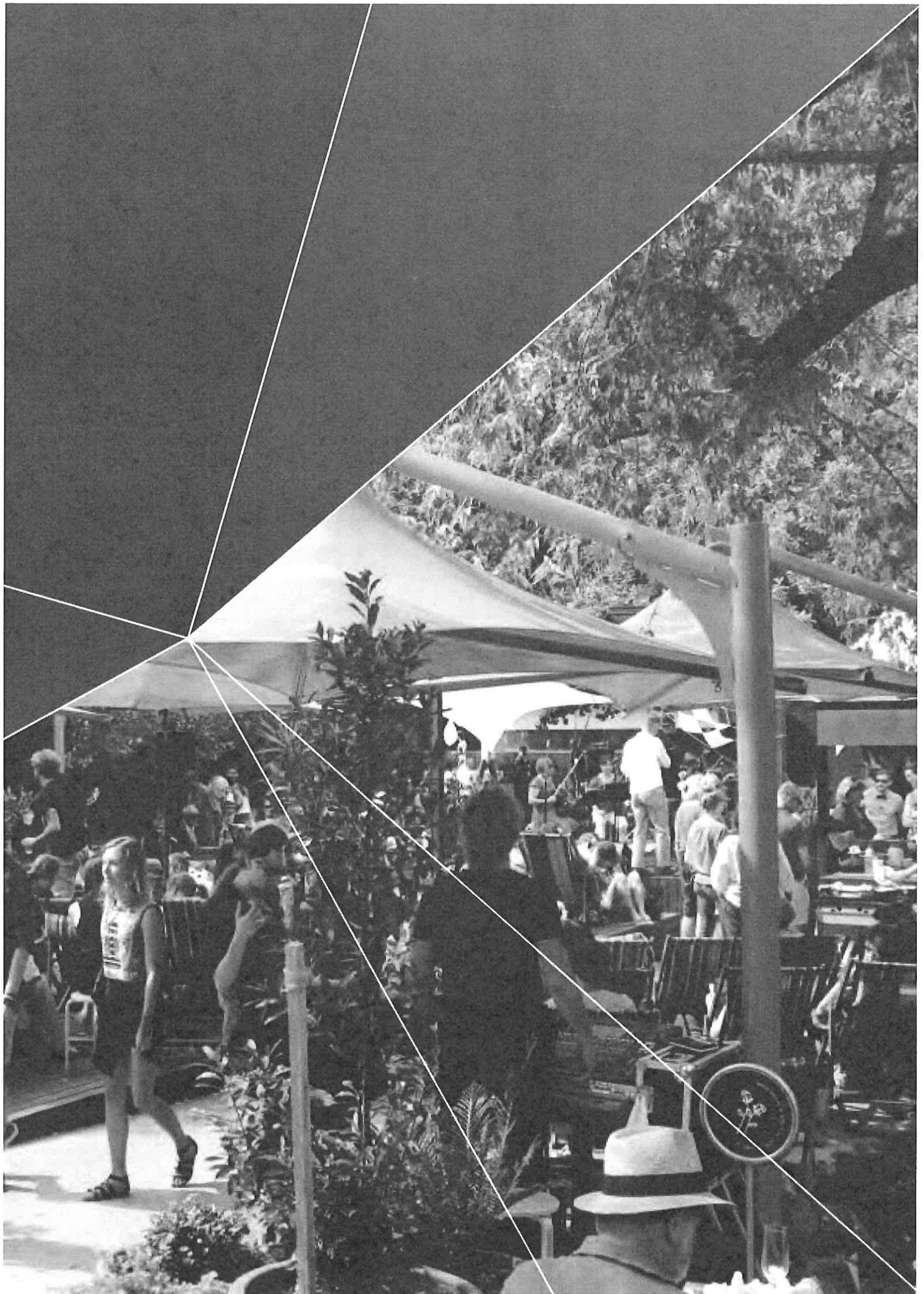
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CONTENTS

Introduction	1
Existing framework	3
Development application (DA) process	3
Requirements of the Crown lease	4
Order of occupancy (agencies of change)	4
Liquor licences	4
Noise abatement direction by ACT policing	4
Noise standards	5
Options	7
Special entertainment precincts	7
Making exclusive entertainment precincts/hubs	9
Architectural treatments	9
Regulate Order of Occupancy Principles	9
DA compliance and enforcement framework	10
Amend noise standards	10
Making information available about noise	10
Regulatory reform to require information to be provided to potential buyers	11
Improve coordination with the National Capital Authority (NCA)	12
Strengthening liquor licensing	12
Active frontages	12
Summary of options	14
How to be involved	15
You can comment	15
Next steps	15
Contact information	15



INTRODUCTION

The ACT Government wants Canberra to continue to grow into a dynamic city which offers people places to live, work, visit and play. Enhancing the existing planning framework to support a wide variety of uses in our city is integral to achieving Chief Minister Andrew Barr's aim of Canberra being the "Coolest little capital in the world".

Entertainment spaces are an important part of Canberra's culture and economy. Furthermore, Time to Talk Canberra 2030 consultations in 2010 showed that more Canberrans want to live—and are already living—in areas that offer entertainment as well as residential accommodation.

Urban renewal is a core priority for the ACT Government, vital to ensuring Canberra continues to grow and develop as a dynamic city. Renewing mixed-use areas will provide more entertainment opportunities for the community and bring more people into mixed-use areas. As we continue to invest in high quality urban renewal we must find a balance between activating spaces and ensuring the community gets a range of mixed-use experiences. Successful urban renewal and an enhanced framework for managing live events will ensure mixed-use areas cater for residents, businesses and visitors.

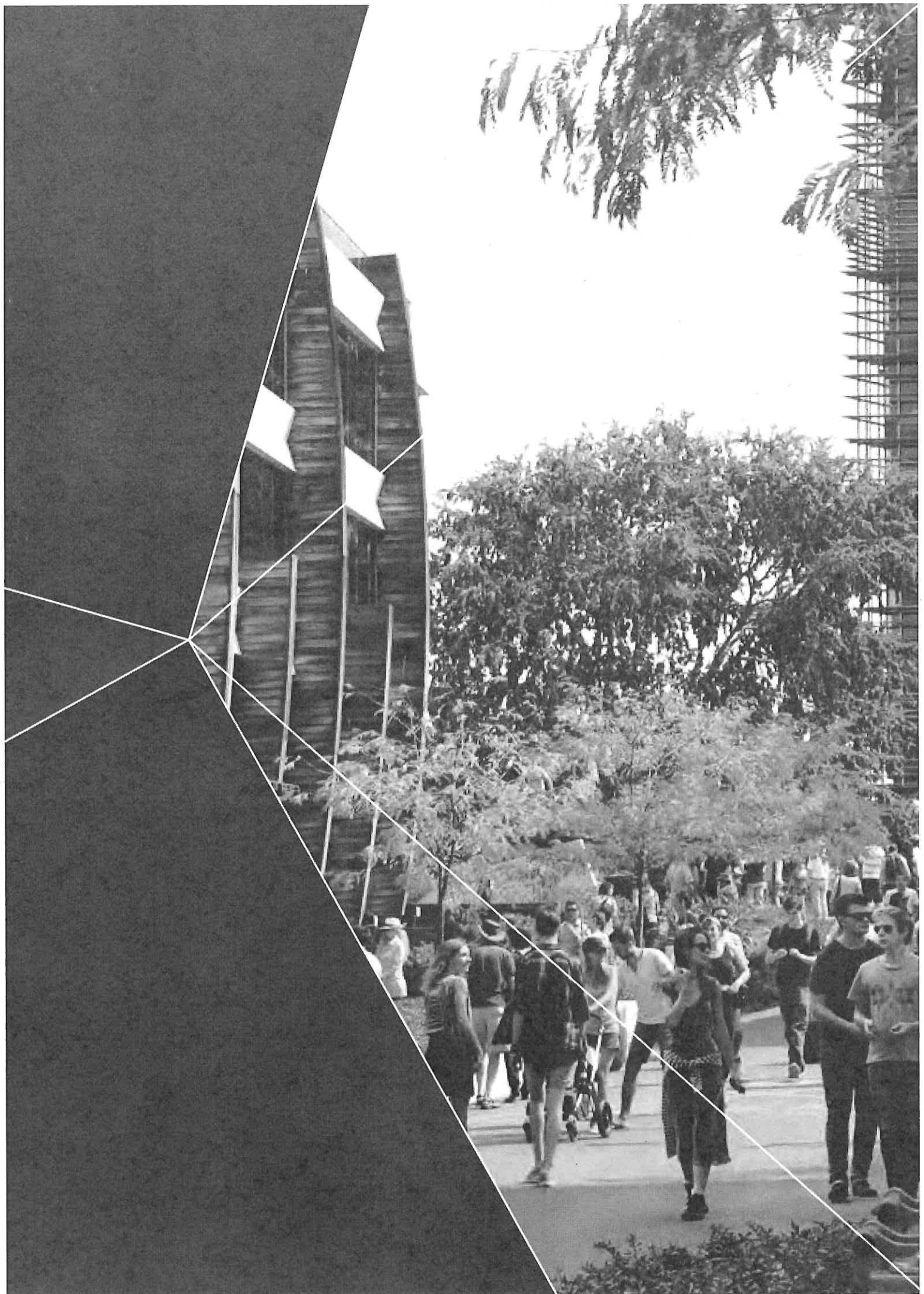
To cater for our community's changing lifestyles and the increasing interest in a variety of entertainment opportunities the ACT Government is considering what improvements can be made to the planning framework to enable more efficient and effective regulation. Community views are important to develop a framework that is acceptable to everyone and we encourage you to have your say.

This discussion paper aims to consider the planning framework for everyday noise from restaurants, licensed premises, music venues and one-off events in mixed-use areas. Mixed-use areas are where residences are located together with businesses, entertainment venues and services.

This paper looks at how the ACT planning and regulatory framework can support a range of activities such as events and music in mixed-use areas, where there is potential for conflict between venues and residents. It will be important to maintain a balance between the needs of different users.

Feedback on this discussion paper and further research will inform changes to the planning framework.





EXISTING FRAMEWORK

The ACT already has a range of regulatory tools available to manage issues such as noise generated by restaurants, licensed premises, music venues and one-off events in mixed-use areas. Some of these tools are designed to control the generation of noise, while others are designed to reduce the impacts of noise.

DEVELOPMENT APPLICATION (DA) PROCESS

Noise generating developments, such as licensed restaurants and bars, are generally permitted within mixed-use precincts subject to a DA assessment process under the *Planning and Development Act 2007* (PD Act).

The Territory Plan is the ACT's key statutory planning document that provides the policy framework for the administration of land use and planning in the ACT. It specifies what can and cannot happen on each block of land; for example, it allows for a mix of uses in commercial zones; such as multi-unit housing and hotels, indoor entertainment facilities, restaurants, drink establishments and shops.

As part of a DA process, proposed developments which may generate potentially noisy uses are required to develop and comply with a noise management plan endorsed by the Environment Protection Authority (EPA). This plan details methods that will be employed to meet the noise zone standards for the particular land use zone.

A noise management plan often includes several methods for reducing noise, such as limiting noise from amplified music, architectural treatments such as double glazing and air locks, and operational limits such as times of occupation of outdoor areas and ensuring windows and doors are closed after certain times.

Development proposals for residential buildings in commercial zones are also required to consider noise from external sources. Dwellings are required to be designed and constructed to Australian Standards and can require a noise management plan.



REQUIREMENTS OF THE CROWN LEASE

When a person or business wants to vary a Crown lease to add a new potentially noisy use, such as a restaurant, their application is assessed for noise as part of the lease variation DA process. For example, a proposal to add a drink establishment to a lease in a commercial mixed-use area would be assessed for potential noise impacts; conditions would be imposed as required.

The requirement to comply with a noise management plan can also be built into a Crown lease. For example, an application could be approved subject to the Crown lease including a requirement that the lessee implement noise attenuation measures in accordance with a noise management plan if a restaurant is opened.

ORDER OF OCCUPANCY (AGENCIES OF CHANGE)

The Territory Plan and DA process requires all the most recent development in an area to comply with the noise standard applicable to the land use zone.

This approach places the onus for managing noise on both existing and new developments. For example, if a new entertainment venue wanted to set up next to a residential development the venue would need to comply with the noise use standard for that land use zone and ensure appropriate noise management measures are in place to protect residents. Conversely, if an apartment block was developed next to an existing music venue, the onus for managing noise would fall on the apartment block but the existing venue must comply with the noise standard for the land use zone.

This process has a similar outcome to other jurisdictions that have implemented an order of occupancy or agent of change principle. For example, the Victorian Government introduced an agent of change principle in late 2014 placing the responsibility on new developments in mixed-use areas to address noise impacts to ensure noise meets the reasonable expectations of the existing users of the area.

The ACT already has, in effect, an order of occupancy principle through noise standards for the different land use zones in the Territory Plan and the requirements for noise management plans and attenuation to meet Australian standards at the DA stage.

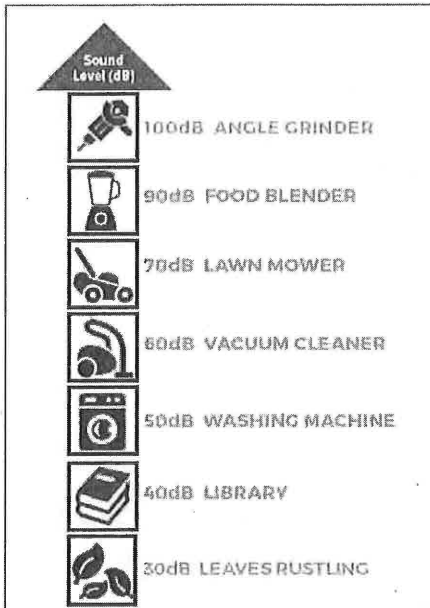
LIQUOR LICENCES

Liquor permits for events and liquor licences for licensed premises (such as bars and restaurants) can include conditions that aim to minimise harm associated with noise likely to emanate from the event or the venue. This places a regulatory burden on venues and events organisers which can be a disincentive to events going ahead.

In making a decision whether or not to grant a liquor licence, the licensing authority must consider noise from licensed premises and permitted premises, which cannot be excessive. Risk-assessment management plans, which are required for liquor licences, must outline how noise from the premise will be mitigated.

NOISE ABATEMENT DIRECTION BY ACT POLICING

ACT Policing has powers under the *Crimes Act 1900* to direct the occupier of a premise or any person to cease making offensive levels of noise. Police officers may also seize anything suspected of being used to make the noise. Individuals or corporations who do not comply with the direction can be charged or fined.

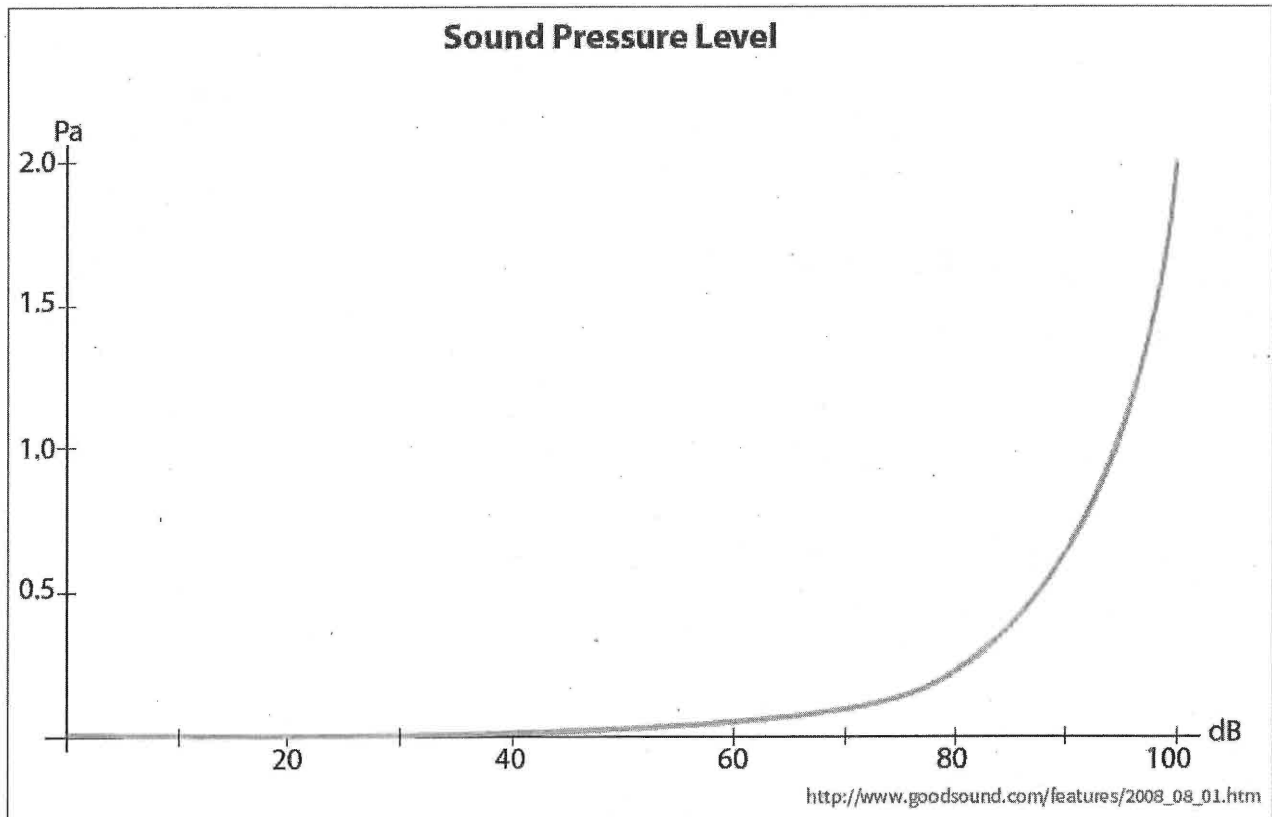


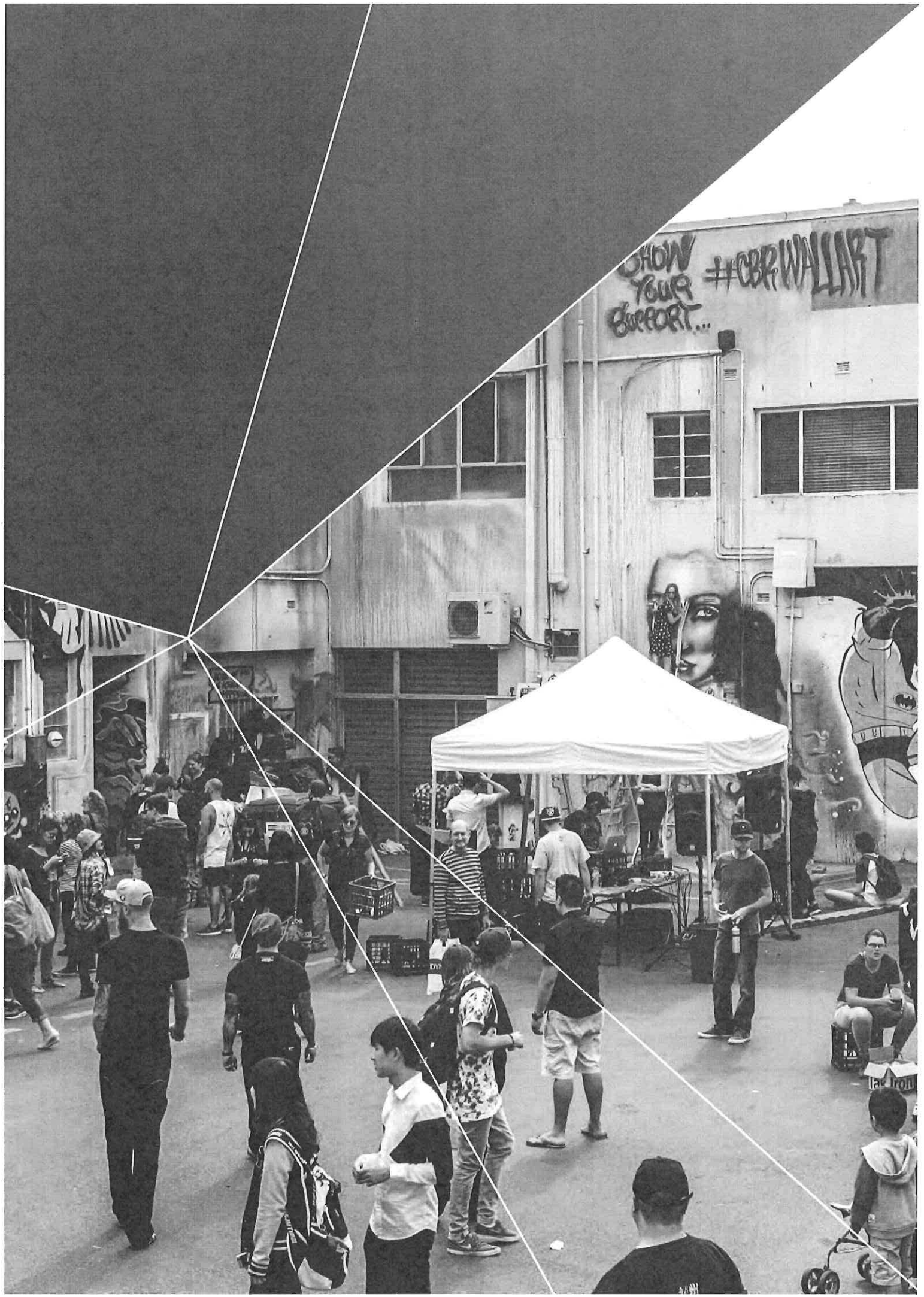
NOISE STANDARDS

The Environment Protection Regulation 2005 sets out noise standards for the different land use zones within the ACT, with the highest levels in city and town centres and the most stringent levels in residential areas. Enforcement action can be taken if noise standards are breached. Noise zones, an effective tool for recognising the different needs of areas such as mixed-use areas, are being adopted in other jurisdictions.

Under the *Environment Protection Act 1997* (EP Act) a person must not cause an environmental nuisance (which includes excessive noise) and must take steps that are practicable and reasonable to prevent environmental nuisance. The EP Act does not regulate noise made by traffic or by a person using only their body to generate the noise (for example, patrons talking or shouting once they leave an establishment). These types of noise are regulated through the liquor licence.

The following graph shows the logarithmic nature of decibels of sound pressure





OPTIONS

A range of options for enhancing the planning framework are detailed below. Community feedback and further analysis will determine whether all or some of these options are progressed. The list of options below is not all-inclusive and members of the public are encouraged to provide additional ideas for consideration.

SPECIAL ENTERTAINMENT PRECINCTS

OPTION 1: ESTABLISH SPECIAL PRECINCTS IN CENTRAL LOCATIONS THAT CATER FOR ACTIVITIES AND EVENTS WITH HIGHER NOISE LEVELS

Some Australian jurisdictions have created special entertainment precincts that provide a place-based framework for accommodating noise, such as live music, in inner-city settings.

A special entertainment precinct plan could allow higher noise standards complemented by stricter noise attenuation requirements for new developments. Such a plan could also be supported by a communication strategy to ensure residents and businesses understand the plan, including their rights and responsibilities.

The ACT already has clear noise zones or precincts with higher noise levels allowed in city, town, group and local centres with the corresponding requirements for noise management plans and stricter attenuation requirements for residential development. However, the Territory Plan could be amended to include entertainment precincts in commercial areas such as certain areas of town centres (for example, Garema Place); group centres that do not yet have a high density of residential development (such as Manuka and Kingston); and adjacent to existing events infrastructure (for example Gorman and Ainslie Arts Centres and Manuka Oval) to require new developments to have better noise attenuation measures as part of the DA process. There would be cost implications to future developers as a result of stricter development standards.

Setting up special precincts does not mean that other areas should be the subject of stricter controls than currently exist.

An important consideration in special entertainment precincts is noise from street cleaning. Consideration would need to be given to appropriate times for this activities as it will generate noise. In other jurisdictions cleaning is done in low use times (e.g. 4am to 6am). The impact of this activity on residents would need to be taken into consideration.

Establishing special entertainment precincts would likely require other changes to be implemented as well, hence, this option would be implemented in conjunction with a range of other options.

EXAMPLE 1

SPECIAL ENTERTAINMENT PRECINCT

Brisbane's Fortitude Valley is an important entertainment hub for the city. Given the wide range of live music events held in the valley, there has been a conflict between residents, businesses and the entertainment industry because of the noise generated by live music.

To address these noise issues, the Brisbane City Council released the Council's Valley Music Harmony Plan in 2004. Amongst other things, this plan has resulted in the creation of a special entertainment precinct. Within this precinct the onus has been placed on new developments to ensure noise management and attenuation measures are put in place. It also requires greater communication with potential residents to ensure they understand the noise levels in the valley before they make a decision to live there.

For further information on the Brisbane City Council's Valley Music Harmony Plan visit:

<http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/other-plans-projects/valley-special-entertainment-precinct/valley-music-harmony-plan>.

Existing centres and potential special entertainment precincts

★ Potential new special entertainment precincts

EXISTING NOISE STANDARDS

○ 60dB(A) Day*
50dB(A) Night**

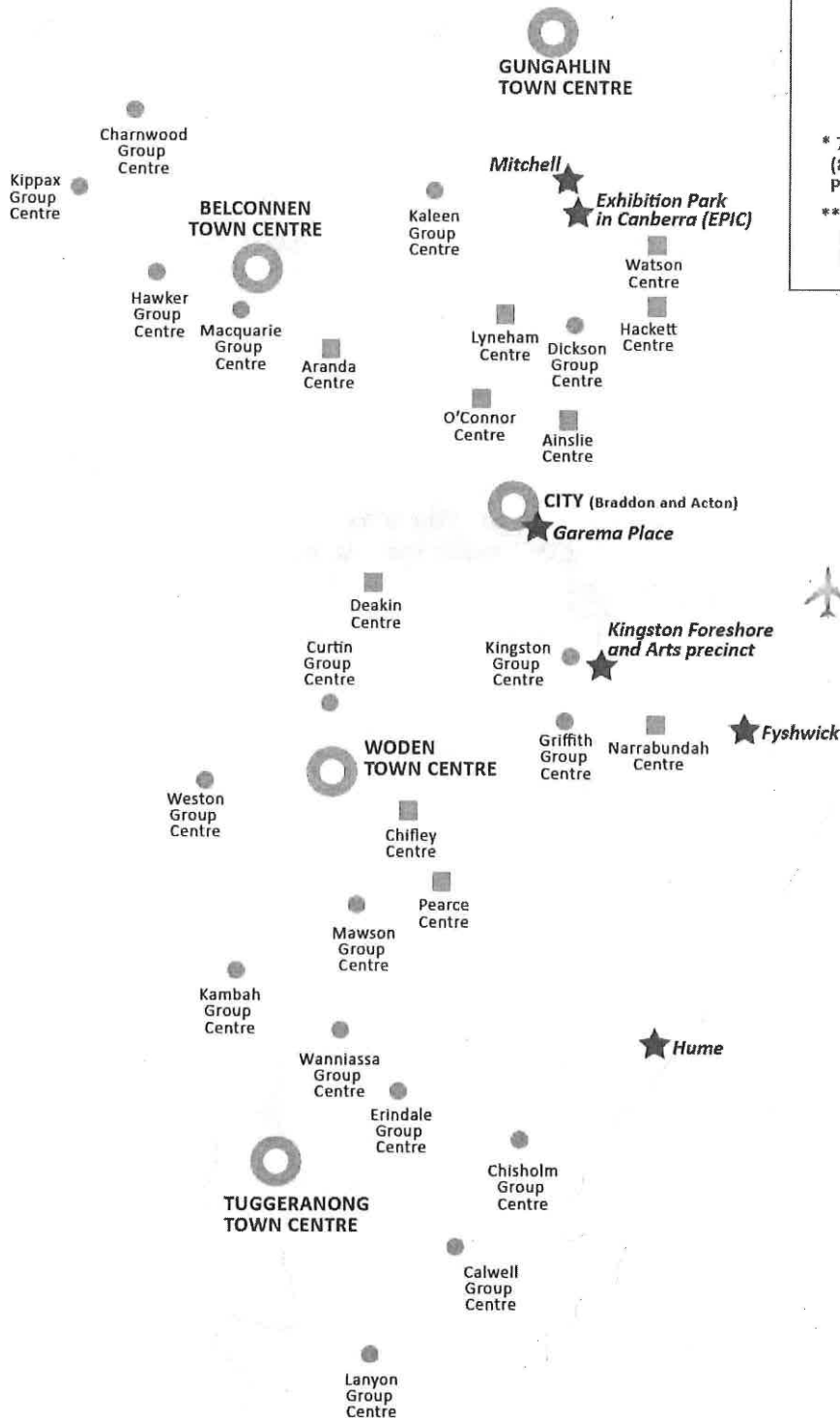
● 55dB(A) Day*
45dB(A) Night**

■ 50dB(A) Day*
35dB(A) Night**

45dB(A) Day*
35dB(A) Night**

* 7am-10pm
(8am-10pm Sunday/
Public holidays)

**10pm-7am
(10pm-8am Sunday/
Public holidays)



MAKING EXCLUSIVE ENTERTAINMENT PRECINCTS/HUBS

OPTION 2: ESTABLISH ENTERTAINMENT ONLY PRECINCTS/HUBS THAT PROMOTE AND FACILITATE EVENTS AND ENTERTAINMENT.

An exclusive entertainment precinct could exclude residential accommodation and 'quiet' services such as libraries. More relaxed rules in this area would provide an incentive for businesses to hold activities and events and establish entertainment venues. This would help the city promote vibrant precincts and nurture the night-time economy.

Consideration could be given to whether this would work in areas such as Garema Place.

EXAMPLE 2

A master plan which is currently being prepared for Belconnen proposes to remove 'residential uses' from the services area to promote the area for activities including entertainment and events.

ARCHITECTURAL TREATMENTS

OPTION 3: STRENGTHEN EXISTING DEVELOPMENT CONTROLS TO INCREASE NOISE ATTENUATION REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL BUILDINGS.

Strengthening existing development controls to contain stricter requirements for noise proofing could reduce the noise impacts of entertainment places. These controls could be limited to new mixed-use areas. This could include architectural treatments—such as double glazing, acoustic requirements for external doors, insulated metal framing, or design elements such as setbacks, sealed windows or 'winter garden' balconies that can be closed—to attenuate noise for residential accommodation and premises providing 'quiet' services such as libraries.

Mitigating noise at residential premises and premises providing 'quiet' services can be effective. However, it would require windows, doors and vents to be sealed, which may not be appealing to residents at all times. Once opened, the noise mitigation benefits are lost. There would be costs associated with extra glazing, sealing and insulation; with some of these measures partially ineffective for low frequency noise associated with contemporary music.

Development controls could also be strengthened for commercial premises, such as acoustic upgrading of windows. However, there are economic costs for developers to implement acoustic upgrading particularly if controls were to apply to existing developments. Consideration would also need to be given to how noise mitigation measures could be applied to older buildings and heritage listed buildings.

REGULATE ORDER OF OCCUPANCY PRINCIPLES

OPTION 4: ORDER OF OCCUPANCY PRINCIPLES ARE NOT EXPLICITLY CONSIDERED UNDER CURRENT ACT LEGISLATION, HOWEVER, THE PRINCIPLES ARE APPLIED THROUGH TERRITORY PLAN CODES AND THE DEVELOPMENT ASSESSMENT PROCESS.

In other jurisdictions order of occupancy principles are embedded in legislation. A similar approach could be taken in the ACT, where powers could be provided under the Liquor Act 2010 for the Commissioner to consider order of occupancy principles when investigating complaints.

If order of occupancy principles are to be applied effectively through legislation they need to be supported by adequate architectural treatments and sound attenuation measures. Stronger requirements could be incorporated into the development application process in the Planning and Development Act 2007.

These concepts could be trialled through a pilot program in a few selected mixed use developments, to assess the effectiveness of these measures before regulatory reform is progressed.

DA COMPLIANCE AND ENFORCEMENT FRAMEWORK

OPTION 5: DEVELOP A TARGETED COMPLIANCE AND ENFORCEMENT FRAMEWORK TO ENSURE COMPLIANCE WITH CONDITIONS OF APPROVAL RELATING TO NOISE MANAGEMENT.

There is potential for new developments to (intentionally or accidentally) fail to comply with conditions of approval for noise mitigation. A more targeted compliance and enforcement framework could assist with this.

A requirement for a building certifier to check compliance with DA conditions during construction could also be built into conditions of approval.

AMEND NOISE STANDARDS

OPTION 6: AMEND NOISE STANDARDS WITHIN SOME COMMERCIAL ZONES TO ENABLE MORE ACTIVITIES AND EVENTS.

The Environment Protection Regulation 2005 already specifies noise standards for the different land use zones in the ACT. The highest noise levels are permitted in city and town centres, with the lowest noise levels permitted in residential areas. Consideration could be given to amending the noise standards in certain commercial zones to allow a greater range of activities and events to occur. Consideration could also be given to extending the hours that higher noise levels are permitted.

This would have the benefit of enabling more live music events; however, the impacts of such a change on existing residents and businesses would need to be considered. This may necessitate modifications to existing properties to deal with the increased noise levels, which would have cost implications for existing residents and businesses.

Noise standards do not take into account noise generated by people, for example, in outdoor cafes or events. Consideration may need to be given to how noise generated by people in outdoor areas can be managed.

MAKING INFORMATION AVAILABLE ABOUT NOISE

OPTION 7: PUBLISH INFORMATION SHEETS AND CHECKLISTS MAKING POTENTIAL BUYERS AND COMMERCIAL OPERATORS AWARE OF THE INCREASED NOISE PERMITTED IN MIXED-USE AREAS.

A cost effective option for businesses, residents and government could be to develop more communication materials in respect of noise for commercial zones in the ACT. This could include information sheets and checklists that make prospective buyers aware of likely noise impacts and emphasise that increased noise can be expected in urban areas such as the inner city. This is the approach taken in other jurisdictions, including Victoria.

EXAMPLE 3

DUE DILIGENCE CHECKLISTS FOR BUYING PROPERTY IN VICTORIA

Consumer Affairs Victoria has published a checklist that makes prospective buyers aware of likely noise impacts. Commencing in 2014, anyone selling a property in Victoria must provide a due diligence checklist to all potential buyers of residential properties which includes a notice about increased noise that should be expected in urban areas such as the inner city.

A similar requirement for information to be provided by real estate agents in the ACT would ensure buyers considering properties in commercial zones would use caution if they were concerned about noise issues. It would ensure more informed decision making by prospective buyers.

The ACT Government's real estate guide for buyers and sellers does not mention noise and is not required to be disclosed on sale of a property. This document could be updated, or alternative guidance documents developed, to help communicate messages to prospective buyers.

Similarly, an information sheet for licensed premises, which includes information on noise management, could assist venue operators to understand how to manage noise in mixed-use areas.

For further information on the Consumer Affairs Victoria due diligence checklist visit:
<https://www.consumer.vic.gov.au/duediligencechecklist>



REGULATORY REFORM TO REQUIRE INFORMATION TO BE PROVIDED TO POTENTIAL BUYERS

OPTION 8: CONSIDER REFORM TO REQUIRE INFORMATION TO BE PROVIDED TO BUYERS ABOUT NOISE BEFORE PURCHASE OF A PROPERTY.

The *Civil Law (Sale of Residential Property) Act 2003* (CL Act) sets rules that must apply to all real estate transactions, including disclosure requirements and the kind of information that must be provided with a contract of sale.

Provisions could be considered to require information in relation to noise to be provided with the conveyance documentation for commercial zones (such as a fact sheet on noise standards and noise management plan requirements). To be effective, the conveyance documentation could be accompanied by mandatory disclosure by real estate agents in relation to noise for properties in commercial zones.

The contract of sale itself could also be amended to notify potential buyers to the different noise standards in commercial zones and for potential buyers to acknowledge these differing standards.

This option would impose some costs on government and potentially on real estate agents, but would be cost effective for businesses and residents. Before making any changes to the CL Act, the implications for stakeholders and costs of imposing new requirements would need consideration.

EXAMPLE 4

ENSURING BUYERS ARE INFORMED IN WESTERN AUSTRALIA

In Western Australia notifications on land title can be proposed by the local council as a condition of development approval in mixed-use areas to inform prospective residents of the likelihood of higher noise levels in the locality. This response recognises that a prospective resident's response to noise levels at their property is influenced by their expectations before purchasing. A similar approach could be beneficial in the ACT.

IMPROVE COORDINATION WITH THE NATIONAL CAPITAL AUTHORITY (NCA)

OPTION 9: WORK WITH THE NCA TO DEVELOP STANDARD PROCEDURES FOR NOISE MANAGEMENT PLANS ACROSS ALL MIXED-USE AREAS, INCLUDING DESIGNATED AREAS.

Coordination with the NCA could be strengthened to ensure noise management plans are required uniformly across the ACT for mixed use precincts. A process for seeking advice from the EPA and endorsement of a noise management plan could be formalised for all mixed-use areas on designated land. This would assist with strategic planning for future mixed-use areas, such as the City to Lake project and for major events in the Parliamentary Triangle.

STRENGTHENING LIQUOR LICENSING

OPTION 10: STRENGTHEN LIQUOR LICENCES FOR POTENTIALLY NOISY PREMISES.

The liquor licensing process could be strengthened in respect of noise. For example, robust policies and guidelines could be developed to ensure that consistent and mandatory noise management measures are required as part of a liquor licence for any potentially noisy premise. This may have cost implications for licensed premises.

The liquor licensing process can only manage noise in relation to licensed premises and not all noise generating developments are licensed. Consultation with stakeholders, including the Liquor Advisory Board, would be required for any proposed changes to the liquor licensing process.

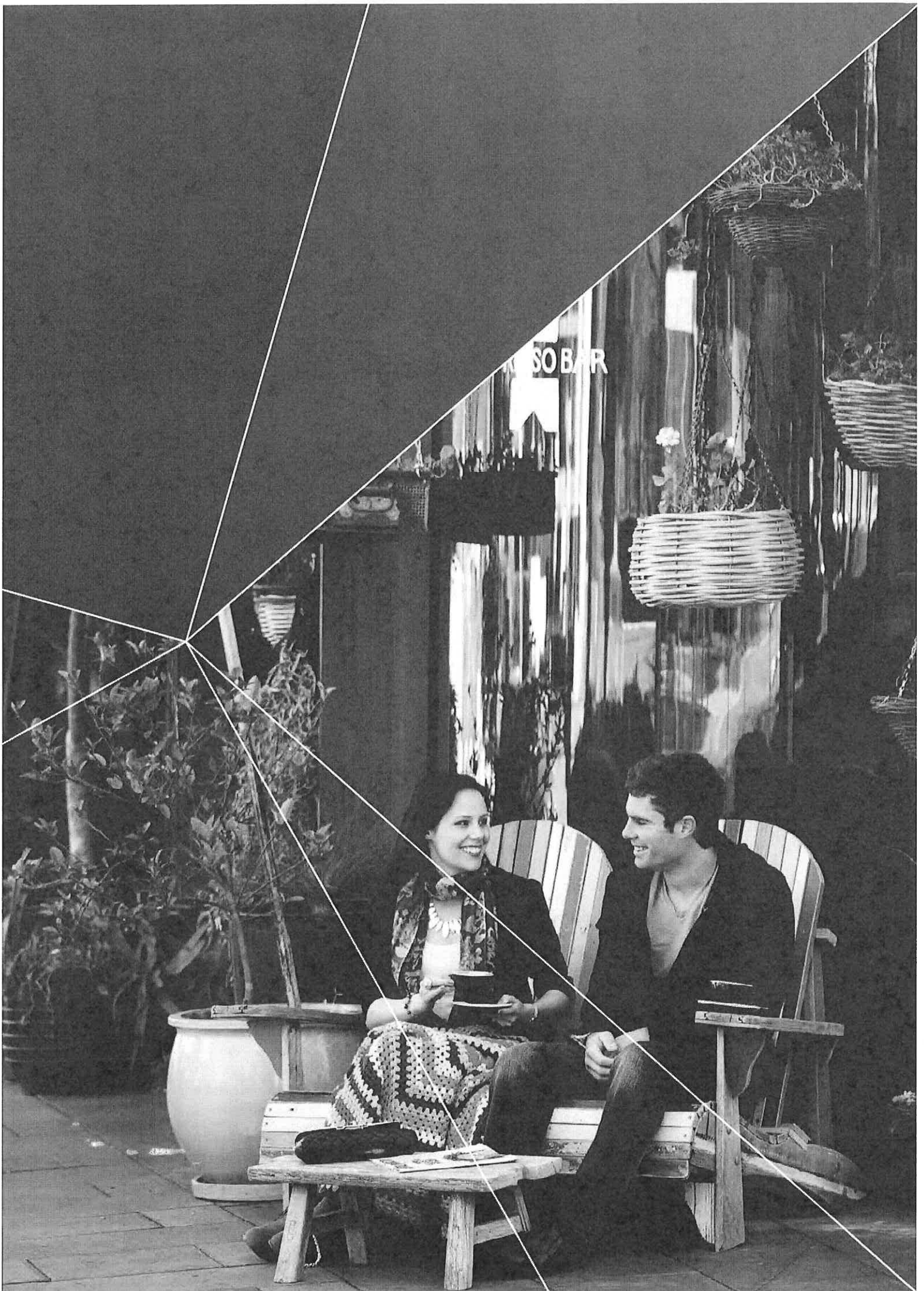
Changes to liquor permit requirements could also be made to ensure noise management measures are considered.

ACTIVE FRONTAGES

OPTION 11: REVIEW THE TERRITORY PLAN TO ACHIEVE A MORE STRATEGIC APPROACH TO LOCATING ACTIVE FRONTAGES.

The Territory Plan currently mandates active frontages in certain locations in the ACT. These are frontages which face onto core pedestrian areas, where the intention is to ensure interaction between the ground floors of buildings and the outdoor space. The plan could be reviewed to ensure active frontages are only mandated in areas where they are likely to achieve the best results in improving the interaction between spaces. Potential flexibility could be introduced to enable surrounding areas to have active frontages, without the requirement being mandatory. This could also involve requirements for buildings in active frontage areas to incorporate noise mitigation elements to allow a change to noisier uses.

Active frontages could be mandated in specific locations within mixed-use areas where the community wants lively public spaces that cater for businesses and residences while also supporting events and entertainment. Discretion could also be applied to certain areas to include or exclude active frontages on a case by case basis.



SUMMARY OF OPTIONS

Option	Advantages	Disadvantages
Option 1: Establish special precincts in central locations that cater for activities and events with higher noise levels.	Provide a place-based framework for accommodating noise, such as live music, in inner city settings.	Increased noise attenuation measures required as part of the DA process would have cost implications for developers.
Option 2: Establish entertainment only precincts/hubs that promote and facilitate events and entertainment.	Creates an exclusive hub for events and entertainment.	Constrains residential options and potential housing choice by excluding residential uses from certain precincts.
Option 3: Strengthen existing development controls to increase noise attenuation requirements for residential and commercial buildings.	Improved noise attenuation for residential accommodation.	Costs associated with extra glazing, sealing and insulation.
Option 4: Include order of occupancy principles in ACT legislation	Would provide a framework for the Commissioner to consider order of occupancy when investigating noise complaints.	Could require stronger noise attenuation measures to be applied to developments. This may have cost implications for premises.
Option 5: Develop a targeted compliance and enforcement framework to ensure compliance with conditions of approval relating to noise management.	Reduced number of developments failing to comply with noise mitigation approval conditions.	More inspections would mean increased government costs.
Option 6: Amend noise standards within some commercial zones to enable more activities and events.	Would allow a wider variety of events and activities to occur.	Could have negative impacts on existing residents and businesses. May necessitate modifications to existing properties to deal with the changed noise levels, with cost implications. Doesn't address noise generated by people in outdoor areas or events.
Option 7: Publish information sheets and checklists making potential buyers and commercial operators aware of the increased noise permitted in mixed use areas.	Prospective buyers would be aware of likely noise impacts before they purchase. Licensed premise operators would understand how to manage noise more effectively.	This information may not be provided to or used by buyers and commercial operators.
Option 8: Consider reform to require information to be provided to buyers about noise before purchase of a property.	Buyers would be properly informed about the noise environment before they purchase a property.	This could have costs for government and real estate agents.
Option 9: Work with the NCA to develop standard procedures for noise management plans across all mixed use areas, including designated areas.	Noise management plans required uniformly across the ACT for mixed use precincts.	None.
Option 10: Strengthen liquor licences for potentially noisy premises.	Consistent and mandatory noise management measures required in liquor licences.	This may have cost implications for licensed premises.
Option 11: Review the Territory Plan to achieve a more strategic approach to locating active frontages.	More strategically defined areas to facilitate activity and events. More balanced outcomes.	Defining specific areas for active frontages could limit some other opportunities for activities and events.

HOW TO BE INVOLVED

This discussion paper provides a range of options to enhance the planning framework. You are encouraged to have your say on ways to enhance the planning framework to help Canberra continue to grow into a dynamic city, where people can live, work, play and visit. You are encouraged to provide comments on the options in this paper and any additional ideas you may have.

Which option (s) do you think will achieve the best outcomes for managing the needs of different community members in mixed use areas?

What areas of Canberra would you like to see established as special entertainment precincts?

Do you have any additional ideas for enhancing the planning framework to support the development of events and activities in mixed use areas of Canberra?

YOU CAN COMMENT

Visit: www.yoursay.act.gov.au

Email: EPDImpact@act.gov.au

Mail: Urban Sounds
Impact Team
Environment and Planning Directorate
GPO Box 158, Canberra ACT 2601

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NEXT STEPS

Your input will help us consider which options to progress to enhance the planning framework.

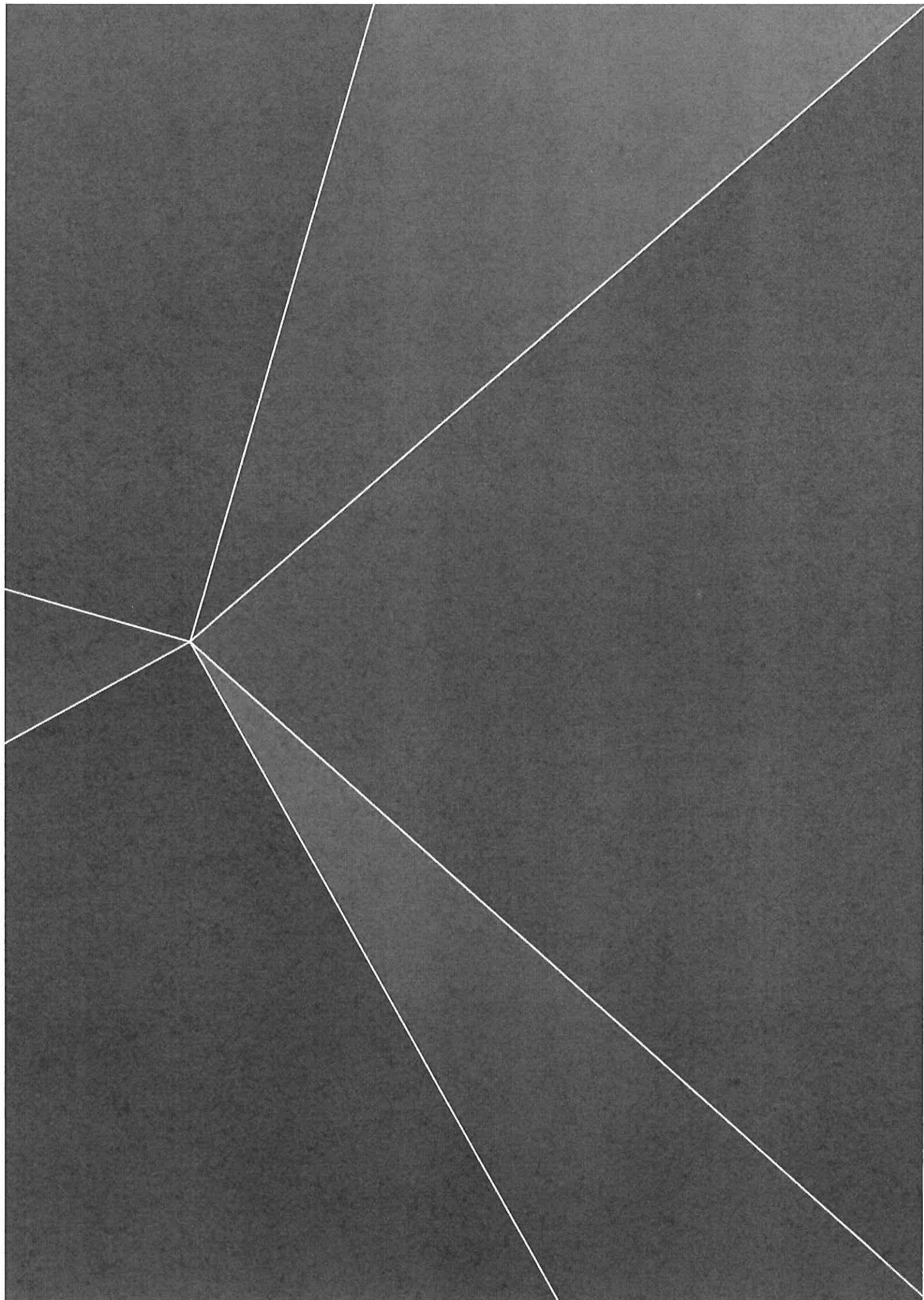
CONTACT INFORMATION

For any queries about public consultation or the development of the strategy, please contact:

Email: EPDImpact@act.gov.au

Phone: 6207 0316

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From: Myers, Rhonda
To: Teasdale, Jonathan
Cc: Johnson, Lisa; Brown, Robin; Krsteski, Radomir (Health); Donohoe, Brigid
Subject: FW: Possible scope for expert report/statement [SEC=UNCLASSIFIED]
Date: Monday, 5 December 2016 10:12:00
Attachments: Scope for Mitchell CCC.doc

Hi all,

I wonder whether the very recent Pialligo fire may also be worth considering – it is at a waste recycling plant. This is the 3rd fire in that area and 2nd on that premises in the last 2 years. The other was at a concrete plant. It is noted that there is a green waste recycling centre and concrete plants in the Mitchell area also, and the Mitchell Waste Centre.

<http://www.canberratimes.com.au/act-news/fire-at-pialligo-recycling-plant-reignites-20161204-gt3lk1.html>

<http://mobile.abc.net.au/news/2016-12-04/fire-at-pialligo-recycling-centre-in-canberra-again/8091024>

<http://mobile.abc.net.au/news/2016-11-30/firefighters-battle-third-large-blaze-in-pialligo-in-two-years/8080174>

Please contact me by reply email or on 6207 1794 if you wish to discuss this matter further.

Kind regards

Rhonda Myers

Assistant Manager | DA Leasing | Lease Administration
Planning Delivery | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601
P **02 6207 1794** | e rhonda.myers@act.gov.au | web www.planning.act.gov.au

From: Teasdale, Jonathan
Sent: Friday, 2 December 2016 2:54 PM
To: Brown, Robin; Myers, Rhonda; Krsteski, Radomir (Health); Donohoe, Brigid; Johnson, Lisa
Subject: Possible scope for expert report/statement [SEC=UNCLASSIFIED]

Hi all

Please see draft (crude) scope for independent expert review.

This could really go one of two ways – really detailed and specific (prescriptive) or simple, general and a bit more ‘open’.

I’ve opted for the latter option.

Grateful if you could review and go to town if you want/need to! I want to be sure all of our respective interests are captured.

Cheers

Jonathan Teasdale | Impact Assessment and ACAT Coordination

Phone 02 6207 0316

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au | www.planning.act.gov.au

Scope

- Please provide a desktop review of existing literature/material in relation to any policy of having childcare centres in industrial zones. The review should focus on the national jurisdiction, but include international references if relevant.
- Provide a review of the planning and land authority's assessment of the development application, including the reconsideration.
- Outline the benefits and constraints of permitting child care centres in IZ1 and IZ2 under the ACT Territory plan.
- Examine the capability of these zones to accommodate child care centres.
- Consider comparative practice in other states/jurisdictions.
- Provide an environmental impact assessment including noise, air quality and traffic, of having a child care centre in these zones, with emphasis on young children.
- Provide a view about what would happen to a child care centre (and its occupants) if a Mitchell fire type scenario was to occur. Include a comparison with a similar child care centre that might be in Harrison or Dickson.

From: [JACS, AdminReview](#)
To: [Alisa Taylor; Griffin, Verity](#)
Cc: [EPD, Customer Services; Borrett, Samantha; Aloisi, Angelina](#)
Subject: AT 63/2016 Konstantinou Developments v ACTPLA [SEC=UNCLASSIFIED]
Date: Tuesday, 13 December 2016 14:47:08

Dear Parties,

Please find attached a copy of orders in the above matter.

Kind regards,

Mineka Karunaratne | Senior Support Officer | Administrative Review, Occupational Regulation, Discrimination and Appeals Section

Phone: +61 2 6207 7426 | Fax: +61 2 6205 4855 |

ACT Civil and Administrative Tribunal

Level 4, 1 Moore Street, Canberra City 2601 | GPO Box 370 Canberra ACT 2601 | www.acat.act.gov.au

The ACAT will be closed for the Christmas/New Year holiday break from 3:00pm on Friday 23 December 2016 through to 9:00am on Tuesday 3 January 2017. Please note that emails and telephones will not be monitored over this period. Details of arrangements for filing documents and for hearing of urgent matters are at www.acat.act.gov.au

We wish you a happy and safe holiday season.

From: [Walters, Daniel](#)
To: [EPAPanningLiaison](#)
Subject: RE: Draft separation guidelines [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Monday, 7 November 2016 16:19:59
Attachments: [image001.jpg](#)
[Separation Distance Guidelines for Air Emissions - 1Nov.pdf](#)

Robin

Latest version attached, Brief to Minister remains with our DDG.

Regards

Daniel Walters

Senior Manager | Environment Protection Policy
Environment and Planning Directorate | ACT Government

☎ *Ph:* (02) 6207 6334

☎ *Fax:* (02) 6207 6084

✉ *email:* daniel.walters@act.gov.au

🌐 *http:* www.environment.act.gov.au/

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<https://www.yoursay.act.gov.au/urban-sounds>

Urban-sounds-footer



From: EPAPanningLiaison
Sent: Monday, 7 November 2016 4:16 PM
To: Walters, Daniel
Subject: Draft separation guidelines [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Daniel,

As discussed, could you please forward the latest copy of the draft separation guidelines.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

Environmental Quality | Construction Environment & Workplace Protection | Access Canberra | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au



ACT
Government

SEPARATION DISTANCE GUIDELINES FOR AIR EMISSIONS

MAY 2016

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CONTENTS

1. Introduction	2
2. Background	2
3. Role of the guidelines	3
4. Application of separation distances	3
4.1 Separation distance application considerations	3
4.2 Activity boundary	4
4.3 Measurement point	4
4.4 Recommended separation distance	4
4.5 Buffer area	4
4.6 Sensitive land uses	5
5. Amendments to separation distances	6
6. Separation distances for air emissions (air quality and odour)	7
6.1 Surface roughness factor	7
7. References	8
Appendix 1. Recommended separation distances for airborne emissions	9
Appendix 2. Vegetated buffer element design for agricultural spray drift	15

1. INTRODUCTION

The Environment and Planning Directorate (EPD) has prepared these Separation Distance Guidelines for Air Emissions (the guidelines) for use as a tool in the development application process for new or expanding developments in the Australian Capital Territory (the Territory). These guidelines may be used by the Territory's planning and land authority, developers, planning consultants and the community.

These guidelines provide recommended separation distances between various emitters and sensitive land uses. They will ensure incompatible land uses are located in a way that minimises the impacts of odour and polluting air emissions when applied in the assessment of new development applications. While the guidelines will assist in the siting of new developments, they may also be used to ensure industrial activities in appropriate zones are protected from encroachment by residential and other sensitive land uses that would have a negative effect on the viability of industry.

EPD supports the use of these guidelines as one method of considering potential conflicts between incompatible land uses.

These guidelines are to be used in the assessment of new developments and are not to be applied retrospectively to existing industrial operations.

While the separation distances in these guidelines are recommended distances, there is the opportunity for a proponent to demonstrate that a separation distance, other than the recommended distance, is appropriate by using the mechanism in the guidelines. Therefore, the distances recommended in these guidelines are indicative and may be adjusted having regard to specific site circumstances.

These guidelines are not intended to address occupational health and safety issues, or circumstances, where there is a direct health issue. These guidelines do not address major hazards such as fire or explosion, nor do they address the cumulative impacts of industrial activities.

2. BACKGROUND

Good planning is a major contributing factor to the achievement of sustainable development and environmental protection. The Territory Plan provides for the separation of certain classes of activities through the use of land use zones in the ACT. This separation protects the amenity of residential areas and allows businesses in industrial and commercial areas, as well as agricultural and municipal activities, to operate without hindrance.

The separation of certain land use activities is the basis for the preparation of these guidelines. The guidelines are intended to assist informed decisions that address potential conflicts between residential and other sensitive land uses and industry due to air emissions.

The use of separation distances is not an alternative to compliance by industry with its statutory obligations; it is an aid to locating industry and sensitive land uses to minimise the impacts of odour, polluting air emissions, waste water or noise that may result from accident, power failure, equipment failure, unusual meteorological conditions or human error, as well as normal operation. Under the *Environment Protection Act 1997* (the Act), industrial emissions are regulated by the requirement to comply with the general environmental duty and any relevant statutory conditions.

Similarly, the use of separation distances is not an alternative to the provision of appropriate planning policies and zoning in the Territory Plan. The guidelines may inform the planning process and should be seen as one of a number of tools available to deal with the loss of amenity caused by close proximity of incompatible land uses.

The primary role of the guidelines is to aid in the assessment of development proposals. The application of the guidelines will assist in protecting the amenity in residential and other sensitive areas, and can be used by planning authorities to protect industry from encroachment by sensitive land uses.

The guidelines may be used by developers and planning consultants to assist in the planning and assessment of development proposals and amendments to development.

3. ROLE OF THE GUIDELINES

Adequate separation distances reduce the potential for conflict between industrial and sensitive land uses, and support the fact that industrial activities cannot be undertaken with optimum emission control conditions all the time.

These guidelines are designed to be:

- simple – proponents, community and government can easily determine compliance
- transparent – the separation distances are reproducible and consistent for all proposals with similar configurations
- quick and cheap – expert air quality advice should not be required
- generally more conservative than the separation distances predicted by air pollution modelling for a high percentage of proposals.

The recommended separation distances are based on the assumption that Best Available Technology Economically Achievable (BATEA) is implemented. BATEA involves the use of emission control technology, which, although representing a significant financial cost, will not be such that the viability of the enterprise is threatened. Using BATEA will help ensure an enterprise complies with the general environmental duty under the *Environment Protection Act 1997*.

Separation distances are not an alternative to source control and cleaner production methods. They are a means of reducing the effects of residual emissions and, in exceptional circumstances, the emissions from an enterprise operating under less than optimum conditions. It is important the application of separation distances is not seen as a substitute for BATEA.

While a separation distance is recommended for an industry, the ensuing buffer area can still be used for other compatible land uses.

4. APPLICATION OF SEPARATION DISTANCES

4.1 SEPARATION DISTANCE APPLICATION CONSIDERATIONS

These guidelines apply to new industries/activities and redevelopment of existing industries/activities for which a development application is required under the *Planning and Development Act 2007*. The guidelines are not to be applied retrospectively to an existing industry/activity.

In cases where the site of some proposed activities is fixed, the activity occurs infrequently and the recommended separation distance cannot be achieved, extra precautions would be required to minimise the potential impact of the activity. There may still, however, be an environmental nuisance for a short period of time. An example of this would be the abrasive blasting of a steel bridge for corrosion protection.

The guidelines may be used as a tool to assist in the planning and assessment of development proposals by the planning and land authority, developers and planning consultants. Proposed residential development near an existing industry may be assessed using the guidelines to ensure that the development does not have unsatisfactory environmental impacts and does not unduly affect the existing industry.

The guidelines do not address the cumulative impact of several industries; rather they address the potential impact from a single industry. The cumulative impact would need to be assessed on an individual site basis.

When applying the guidelines, the following concepts must be taken into consideration.

4.2 ACTIVITY BOUNDARY

The activity boundary is the boundary drawn to enclose all activities, plant, buildings, other structures or other sources from which residual emission may arise.

The activity boundary includes all sources of potential emissions, such as stockpiles and storage facilities. These must be identified and included within the activity boundary from which separation distances are taken. This concept allows industrial developers to provide for a buffer area or part thereof on their own premises if circumstances permit. The activity boundary may not coincide with the property boundary. The concepts of activity boundary and separation distance are shown in Figure 1.

4.3 MEASUREMENT POINT

The measurement point is the point on or adjacent to the nearest sensitive land use or zone at which a separation distance is assessed.

4.4 RECOMMENDED SEPARATION DISTANCE

The recommended separation distance is the distance recommended in the guidelines for the activity or activities listed. This distance is measured from the activity boundary.

The separation distances are based on typical to large sized existing developments for that industry sector. If a proposed development has the potential to have a significantly larger impact than this, the recommended distances may not be sufficient. The recommended distance can then be estimated using the procedure in Section 5 'Amendments to Separation Distances'.

4.5 BUFFER AREA

The buffer area is the area from the activity boundary to the outer limit of the separation distance (Figure 1). The buffer area may have a natural or artificial feature that mitigates an adverse impact; for example, a hill. The ongoing ownership and maintenance of the buffer area must be considered. If the buffer area is not maintained there may be an increase in the potential impacts and a significant business risk to the proposed or new operation.

Where the distance between the measurement point and the activity boundary is less than the recommended separation distance, the Planning and Land Authority should request the proponent to demonstrate why the lesser distance would be appropriate in accordance with Section 5 'Amendments to Separation Distances' of these guidelines.

For the purpose of these guidelines, any land zoned for sensitive land uses under the Territory Plan should be treated as if the land were being used for that activity regardless of its current use. The nearest zone boundary to an actual or potential source of emissions is the measurement point in this case.

By careful layout within a site, and by locating the source of the residual emissions as far as practicable from the nearest sensitive land use, the impact on neighbouring landholders can be reduced. Careful examination of the proposed site, activities, plant and installation, in conjunction with the relevant planning and environmental legislation and details of existing land uses in the vicinity, is necessary if the separation distance requirements of a proposal are to be addressed adequately.

Industries themselves can be incompatible neighbours. For example, chemical works are incompatible with food preparation premises; a dusty concrete plant is incompatible with a paint shop requiring a dust free atmosphere. The reasons for their incompatibility are often highly individual and need to be addressed on a case-by-case basis to ensure sensible planning solutions are reached.

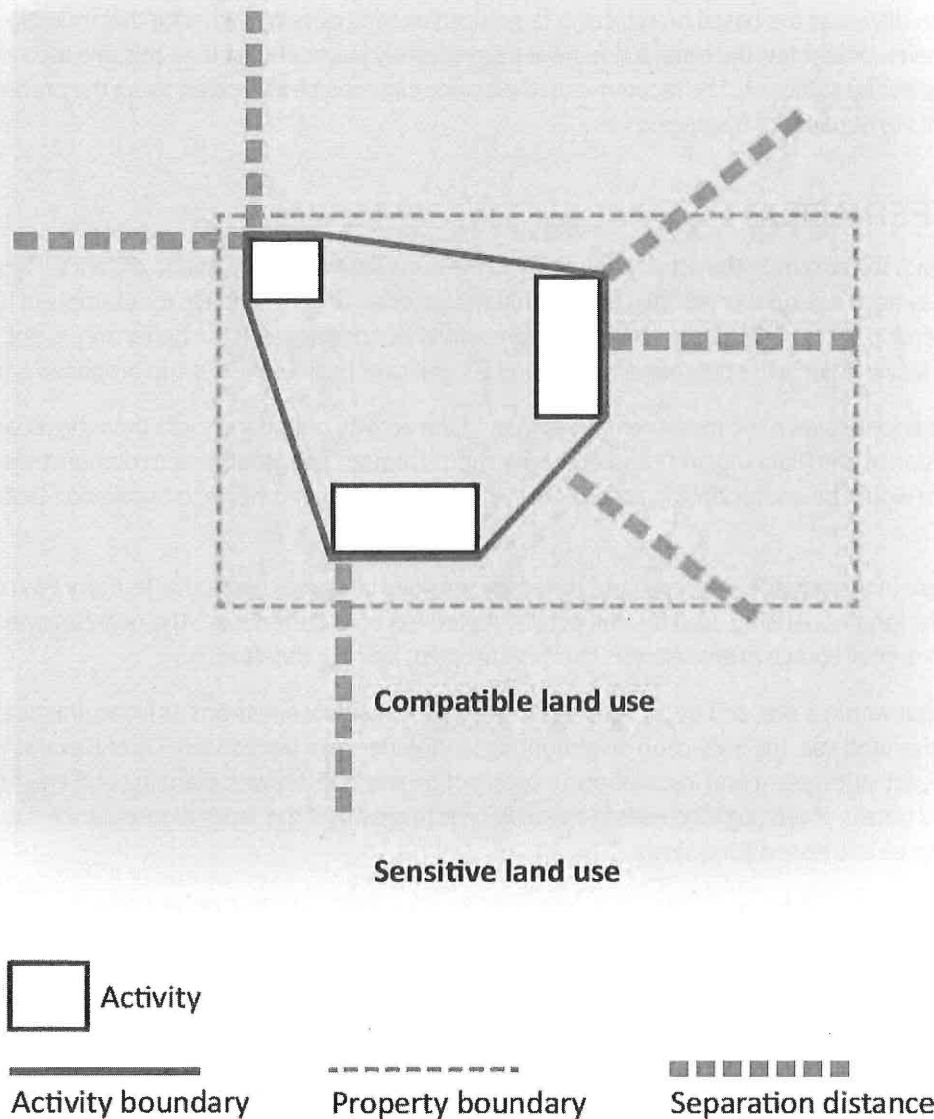
When setting up initial separation distances, the developer should make allowance for the possibility of future expansion on a site. Otherwise the expansion could be prevented by the lack of separation.

4.6 SENSITIVE LAND USES

These guidelines are intended to protect the amenity of sensitive land uses, such as, but not limited to:

- Caravan park
- Community centres
- Consulting rooms
- Educational establishments
- Childcare centres
- Hospitals
- Hotels
- Motels
- Nursing homes
- Tourism accommodation
- Residential (including detached dwellings, multiple dwellings, semi-detached dwellings)
- Parklands, recreation areas or reserves (regular public use)

Figure 1 Concepts of activity boundary and separation distance



5. AMENDMENTS TO SEPARATION DISTANCES

If site specific circumstances appear to indicate a reason for departing from the recommended separation distance (e.g. scale of operation, local topography, state of the art technology etc.), a separation distance different from the recommended distances may be justified.

The onus will be on the party seeking an amendment to the recommended distance to demonstrate that the recommended separation distance is inappropriate for the particular situation.

As a guide, the following criteria should be addressed when seeking a site-specific variation from the recommended separation distance:

- the scale of operation of the proposal (e.g. the proposed plant is significantly smaller/larger than the normal operation for that activity and will produce substantially lower/higher emissions)
- evidence of pre-existing incompatible land use impacts extending beyond the recommended separation distance
- the standard of emission control technology to be used (e.g. will have a standard of emission control technology significantly better than the good level of control normally applied to that activity, i.e. Best Available Technology, rather than BATEA)
- evidence of the effectiveness of the proposed technology
- an environmental audit of residual emission (air, water, noise, waste) from an existing plant on the proposed site or a similar plant at another site, that has been carried out and made available to support an increase/decrease to the recommended separation distance
- details of how the residual emissions will be addressed
- details of any history of complaints arising from residual emissions from an existing plant, on the proposed site or a similar plant at another site
- details on how the proposed development may comply with industry guidelines (if available)
- existence of new applicable research
- existence of exceptional topographic, meteorological or other circumstances that will affect the emission or dispersion of residual emissions
- evidence from tools such as odour modelling, demonstrating that the potential odour impact is less/more than the adopted odour criteria for normal conditions and other conditions including times of higher emissions from accident, power failure, equipment failure, unusual meteorological conditions or human error.

Variation to the recommended separation distances should be included by proponents as either part of the development application process, or in a submission in relation to a development application. Such variations should address the criteria outlined above. It is suggested that those seeking a variation to recommended separation distances engage the services of experienced and appropriately qualified environmental consultants.

6. SEPARATION DISTANCES FOR AIR EMISSIONS (AIR QUALITY AND ODOUR)

The separation distances for odour or air pollutants are shown in Appendix 1. The distances given should be adjusted for the vegetation/surface roughness between the source and the receptor and the terrain effects around the site, particularly the effects of terrain features on the meteorology of the area.

The recommended separation distance for air quality purposes from Appendix 1 is multiplied by the appropriate surface roughness factor and the terrain weighting factor to give the final recommended separation distance.

- **Recommended distance = value in Appendix 1 x surface roughness factor (Table 1) x terrain weighting factor (Table 2)**

6.1 SURFACE ROUGHNESS FACTOR

The surface roughness factor varies according to the roughness of the land surface between the site and the receptor. The principal elements that determine surface roughness are vegetation density and surface topography. Recommended values of surface roughness are provided in Table 1. The values presented in this table are not to be added; only the value for the single category that best represents the site conditions should be used.

The roughness factors given in Table 1 assume that the selected roughness is continuous between the site and the receptor. Where roughness is variable or non-continuous, judgment should be used in selecting an appropriate composite factor.

The values given in Table 1 should be used with care; a number of qualifications apply to their use. For receptors located at larger separation distances, more than one surface roughness factor may apply over different sections of the separation. In this instance, the surface roughness factor applied should be selected after considering the relative weighting of the different factors. When selecting factors based on the presence of vegetation, some consideration should be given to the potential for the vegetation to be cleared during the life of the activity. For example, off-site vegetation is beyond the control of the operator, but may be regarded as permanent depending on the owner of the land (e.g. national park/reserves where no timber harvesting is undertaken).

Table 1. Values of surface roughness factor

Surface roughness features	Description	Factor
Settled areas	Metropolitan area or continuous residential, commercial and/or industrial areas.	1.00
Long grass, few trees	Open country with few or scattered trees. Topography would be predominantly flat to slightly undulating.	1.00
Undulating hills	Situations where topography consists of continuous rolling, generally low-level hills and valleys, but without sharply defined ranges, ridges or escarpments. (Assumes minimal vegetation.)	0.93
Level wooded country	Open forest country with tree density not sufficient to provide a continuous canopy, but sufficiently dense to influence air movement. There would be little or no lower storey vegetation. The density is such that the vegetation can be considered as a continuous belt.	0.85
Heavy timber	Generally tall forests with dense timber stands, providing a continuous canopy. There is limited understorey vegetation, mainly associated with regrowth.	0.77
Significant hills and valleys	Situations where one or more lines of hills sufficiently large enough to influence air movement exist between the receptor and the activity.	0.68

Table 2 Values of terrain weighting factor

Terrain	Weighting factor Downslope	Upslope
Broad valley/drainage (0.1–1%)	1.6	1
Sloping terrain (1–2%)	1.5	1
Flat (<0.1% in all directions)	1	1
Hilltop (>4%)	1.2	–
Narrow valley (1–2%)	1.2	0.5

Notes

1. These factors may not apply where prevailing winds are a significant influence on weather patterns, or where odour is emitted from elevated vent sources.
2. Downslope factors should be applied across an angle of 90° centred on the terrain feature. Upslope factors should be applied across an angle of 60° centred on the terrain feature.
3. % is percentage slope.

The location of the operation should be checked in relation to the topography. For example:

- If the operation is on a slight slope (<1%) within a broad valley, a terrain weighting factor of 1.0 should be used upslope and 1.6 downslope of the facility.
- If the operation is situated on a moderate slope (1–2%), a terrain weighting factor of 1.0 should be used upslope and 1.5 downslope of the facility.

Weighting factors should be applied for the range of distances applicable to site impacts.

However, the application of these weighting factors is dependent on the homogeneity of terrain between source and receptor. For example, if the terrain remains similar between the operation and receptor, the weighting factor can be applied for an indefinite distance. The weighting factor is, however, less reliable if significant terrain changes occur between source and receptor.

The terrain weighting factors apply to most locations. If, however, the site is not described by these factors, a terrain weighting factor of 1.0 should be used.

Examples

The recommended separation distance for Hot Mix Asphalt Preparation in Appendix 1 is 1,000 metres.

If the proposed plant has heavy timber between the plant and the receptor and the plant is located on a slight slope (<1%) within a broad valley the recommended distance is $1000 \times 0.77 \times 1.0 = 770$ metres for upslope of the plant and $1000 \times 0.77 \times 1.6 = 1,232$ metres downslope of the plant.

The recommended separation distance from Appendix 1 for Milk Processing Works is 100 metres.

If the proposed plant is located in residential/industrial area and the land is flat (<0.1%) the recommended distance is $100 \times 1.0 \times 1.0 = 100$ metres.

7. REFERENCES

South Australian Environment Protection Authority, Guidelines for Separation Distances December 2007

Department of Natural Resources Queensland, Planning Guidelines Separating Agricultural and Residential Land Uses, 1997 DNRQ 97088.

Victorian Environment Protection Authority, Recommended separation distances for industrial residual air emissions, March 2013

APPENDIX 1. RECOMMENDED SEPARATION DISTANCES FOR AIRBORNE EMISSIONS

The distances provided in this appendix are in metres.

Recommended separation distances		Meters
Agriculture and other animal activities		
Abattoirs or slaughterhouses	The conduct of slaughtering works for commercial purposes for the production of meat or meat products for human or animal consumption:	
	Other than poultry	500
	Poultry only	300
Agricultural chemical spray drift	Open ground conditions	300
	Vegetated buffer (see Appendix 2 for buffer conditions)	40
Cattle feedlot		See note #
Dairies	A dairy involving more than 100 milking cows at any one time	300
Dog kennels		200
Poultry farms	Keeping of poultry involving an enclosed shed area exceeding 1,000 square metres	750
Saleyards	Commercial conduct of yards at which cattle, sheep or other animals are gathered or confined for the purpose of their sale, auction or exchange, including associated transport loading facilities, being yards with a throughput >50,000 dry sheep equivalent units per year [dry sheep equivalent units: 1 sheep or goat = 1 unit; 1 pig (<40kg) = 1 unit; 1 pig (>40kg) = 4 units; 1 cattle (<40kg) = 3 units; 1	
	cattle (40 – 400kg) = 6 units; 1 cattle (>400kg) = 8 units].	500
	With throughput >25,000 but <50,000 dry sheep equivalent units per year	200
Chemical and petroleum		
Chemical storage and warehousing facilities	Storage of warehousing of chemicals or chemical products that are, or are to be, stored or kept in bulk or in containers having a capacity exceeding 200 litres at facilities with a total storage capacity exceeding 1,000 cubic metres.	500
Chemical works		500
Petroleum storage	Petroleum products are stored in tanks with a total storage capacity exceeding 2,000 cubic metres	250
Hydrocarbon production, refining, processing and recovery	Production, processing or recovery of other petroleum products/ derivatives (other than refining oil or gas, producing hydrocarbon fractions or liquefying gas)	500

Recommended separation distances		Meters
Food and beverage production and animal and plant processing		
Bakery	> 40 tonnes/day	100
	< 40 tonnes/day	See note ~
Breweries	The conduct of works for the production of beer by infusion, boiling or fermentation, with a beer production capacity, where liquid waste is discharged onto land or into waters:	
	> 5,000 litres/day	500
	< 5,000 litres/day	See note ~
Coffee roasting	Roasting >200 tonnes per year of coffee beans	250
	Roasting <200 tonnes per year of coffee beans	See note ~
Milk processing works	Works where milk is separated evaporated or otherwise processed for the manufacture of evaporated or condensed milk, cheese, butter, ice cream or other similar dairy products at a rate of greater than 1 M litres per year.	100
Produce processing works	Processing agricultural crop material by deep fat frying, roasting or drying through the application of heat	150
Produce processing works	Processing any agricultural crop material where waste water is generated and disposed of otherwise than to a sewer or septic tank effluent disposal system	150
Tanneries or fellmongeries	The commercial preservation or treatment of animal skins or hides (excluding the processing of skins or hides by primary producers in the course of primary production activities outside built up areas and the processing of skins or hides in the course of taxidermy)	500
Wineries or distilleries	Processing of grapes or other produce to make wine or spirits where greater than 50 tonnes of grapes or other produce are processed per year with: Mechanically treated wastewater	300
	Wastewater storage lagoons without any aeration device: BOD >4000mg/LMechanically treated wastewater	1,000
	BOD >1000 & <4000mg/L BOD	750
	>100 & >1000mg/L BOD	500
	<100mg/L	300
	Bottling only	300
Wool scouring		500

Recommended separation distances		Meters
Manufacturing and mineral processing		
Abrasive blasting	Blasting outside	500
	Blast cleaning cabinets less than 5 cubic metres in volume or totally enclosed automatic blast cleaning units	100
Ceramic works	Works for the production of ceramics or ceramic products such as bricks, tiles, pipes, pottery goods, refractories or glass that are manufactured or are capable of being manufactured in furnaces or kilns fired by any fuel with a total capacity for the production of products exceeding 100 tonnes per year	500
Concrete batching works	Works for the production of concrete or concrete products that are manufactured or capable of being manufactured by mixing cement, sand, rock, aggregate or similar materials with a total capacity for production exceeding 0.5 cubic metres per production cycle.	100
Hot mix asphalt preparation	Conduct of works at which crushed or ground rock aggregates are mixed with bituminous or asphaltic materials for the purposes of producing road building mixtures	1,000
Pulp or paper works	Works at which paper pulp or paper is manufactured where production is:	
	>100 tonnes/year	2,000
	<100 tonnes/year	1,000
Scrap metal recovery	Works at which scrap metals are treated in any type of fuel burning equipment or electrically heated furnaces or are disintegrated by mechanical means for recovery of metal, but excluding commercial printing establishments at which type metal is melted or re-melted in thermostatically controlled ports for the purpose of type casting	500
Surface coating	Electroplating, electrolyse plating, anodising (chromating, phosphating and colouring), chemical etching or milling, or printed circuit board manufacture	100
Surface coating	Hot dip galvanising	300
Surface coating	Spray painting and powder coating with a capacity to use more than 100 litres/day of paint or 10 kilograms/day of dry powder	300
	Spray painting and powder coating with a capacity to use less than 100 litres/day of paint or 10 kilograms/day of dry powder	100
Timber preserving works	Treating or preserving timber using hazardous or toxic chemical substances	100
Wood processing works	The conduct of works other than works at a builders supply yard or a home improvement centre at which timber is sawn, cut, chipped, compressed, milled or machined (sawmills and joineries)	100

Recommended separation distances		Meters
Material handling		
Crushing, grinding or milling	Processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner) of chemicals or rubber	300
Crushing, grinding or milling (excluding non-commercial processing for on-farm use)	Agricultural crop products	300
Crushing, grinding or milling	Rock, ores or minerals excluding lease or private mine or wet sand	500
Extractive industries	Operations involving extraction, or extraction and processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner), of sand, gravel, stone, shell, shale, clay or soil:	
	with blasting	500
	no blasting	300
Composting works	Compost is produced at a rate of:	
	> 200 tonnes/year	1,000
	>20 & < 200 tonnes/year	300

Recommended separation distances		Meters
Waste management		
Biosolid depot	Receiving, drying, composting, mixing or processing biosolids	400
Incineration	Destruction of chemical wastes	1,000
	Destruction of medical wastes	500
	Cremation	150
	Solid municipal waste	500
Landfill	Municipal solid waste and commercial and industrial waste landfill activities	500
Materials recovery facility*	Collecting, dismantling, treating, processing, storing or recycling used or surplus materials	300
Permanent contaminated soil treatment facility	Permanent facility for the temporary storage, processing and treatment of contaminated soil (excludes on-site contaminated site soil treatment)	500
Sewage pumping stations	Facilities including, pumps and equipment, for pumping sewage to processing sites	100
Sewage treatment works	Mechanical/biological wastewater plants including aerated lagoons:	
	<1,000 equivalent population	100
	>1,000 & <5,000	200
	>5,000 & <15,000	300
	>15,000	Individual assessment
	Facultative lagoons:	
	<1,000 equivalent population	150
	>1,000 & <5,000	350
	>5,000 & <15,000	700
	>15,000	Individual assessment
Sewer vents	A ventilation system to ensure there is air movement in the sewer system, pits and drains to decrease gaseous build ups	50
Waste transfer station*	Collection, consolidation, temporary storage, sorting or recovering refuse or used materials prior to transfer for disposal or use elsewhere	300

Recommended separation distances		Meters
Miscellaneous		
Dying/finishing	Dying or finishing cotton, linen, woollen yarns or textiles	100
Fibre-reinforced plastic manufacturing		300
Gas distribution works	Regulating stations, boundary regulators, trunk receiving stations and similar types of gas infrastructure capable of causing air emissions	300
Marinas and boating facilities: repair or maintenance	Works for the repair or maintenance of vessels	300
Printing	Printing works emitting >100 kilograms per day of volatile organic compounds	500

Department of Primary Industries and Resources (SA) and Local Government Association of South Australia 2006, EPA 252/06 *Guidelines for establishment and operation of cattle feedlots in South Australia*.

~ For food and beverage manufacturing where, no separation distances are specified. For these cases it is recommended that there be no visible discharge of dust or emission of odours offensive to humans, beyond the boundary of the premises, subject to the adoption of BATEA.

* Does not include the temporary storage at the place at which the waste (not being tyres or tyre pieces) is produced while awaiting transport to another place; or the storage, treatment or disposal of domestic waste at residential premises.

Note: These separation distances apply to air emissions only. Certain activities may require further separation for noise emissions.

APPENDIX 2. VEGETATED BUFFER ELEMENT DESIGN FOR AGRICULTURAL SPRAY DRIFT

Separation distances should be determined on the basis of the sustainable agricultural land use with the potential to have the most impact on adjacent land uses and which is reasonably likely to be practised regardless of current use.

The separation distance of vegetated buffer area should be located within the site being developed for sensitive land uses, and be provided/funded by the proponent of that development.

While a separation distance of 300 metres is recommended for forward planning between sensitive receivers and agricultural areas, 'vegetated buffers' can offer an alternative to this separation requirement. Research into the behaviour of pesticide spray drift has shown that vegetation screens can prove effective barriers to spray drift where they meet **all** the following criteria:

- are of a minimum total width of 40 metres
- contain random plantings of a variety of tree and shrub species of differing growth habits at spacings of 4-5 metres for a minimum width of 20 metres
- include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets
- provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (approximately 50% of the screen should be air space)
- foliage is from the base to the crown
- include species which are fast growing and hardy
- have a mature tree height 1.5 times the spray release height or target vegetation height, whichever is higher
- have mature height and width dimensions which do not detrimentally impact upon adjacent cropped land
- include an area of at least 10 metres clear of vegetation or other flammable material to either side of the vegetated area.

Vegetated buffers have other advantages in that they:

- create habitat and corridors for wildlife
- increase the biological diversity of an area, thus assisting pest control
- favourably influence the microclimate
- are aesthetically pleasing
- contribute to the reduction of noise and dust impacts.

Applications for development, where vegetated buffers are proposed, should include a landscape plan indicating the extent of the buffer, the location and spacing of proposed and existing trees and shrubs and a list of tree and shrub species to be planted. The application should also contain details concerning proposed ownership of the vegetated buffer and the means by which the buffer is to be maintained.

While the recommended vegetated buffer (which includes multiple rows of trees) will not capture 100% of the chemical spray drift, it may reduce spray drift to less than 1% at a sensitive land use when managed in terms of porosity, litter build up and noxious weed control to ensure effectiveness.

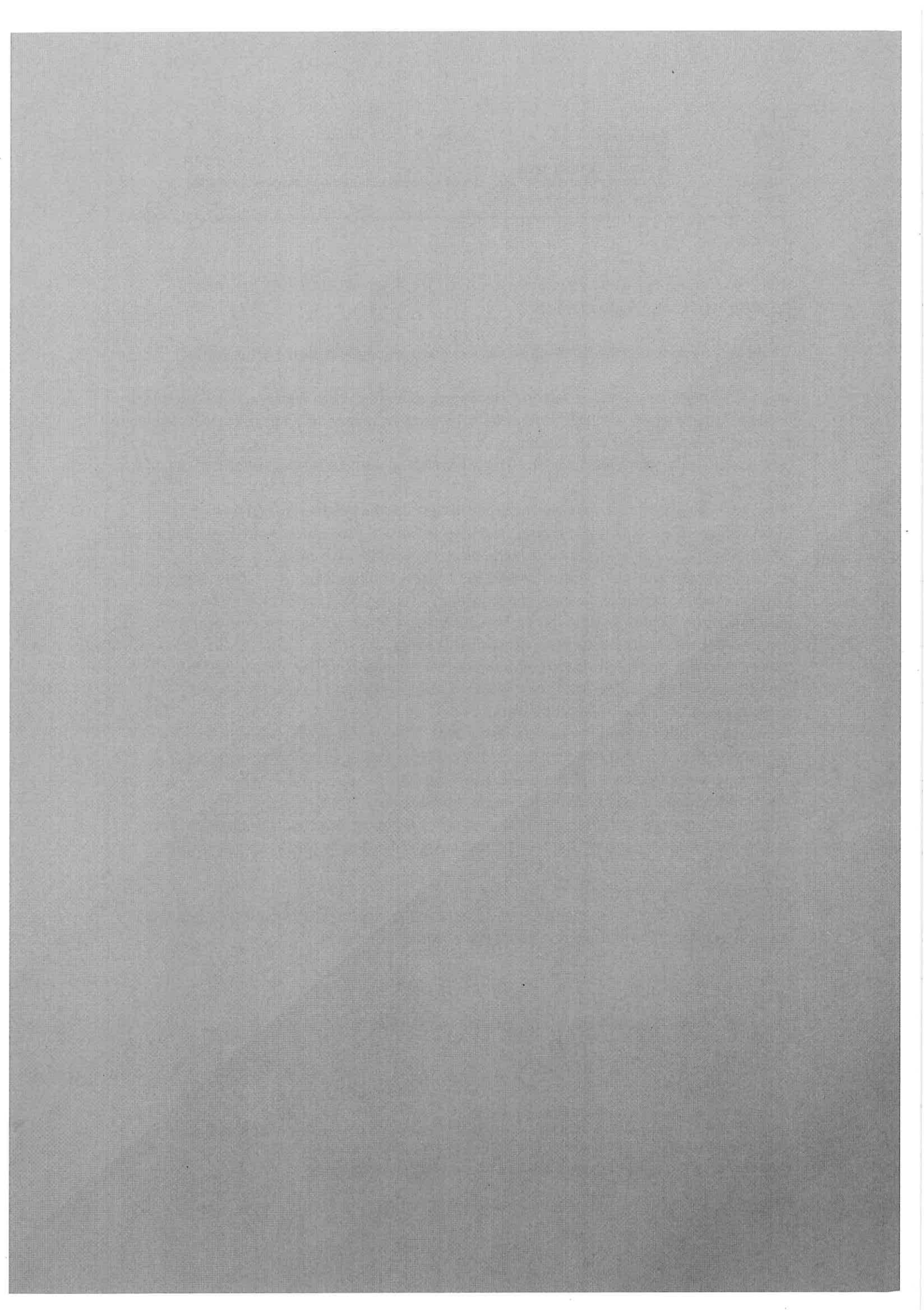
Farm management can also influence the effectiveness of the separation distance and vegetative buffer areas. The separation distance and vegetative buffer areas recommended assumes farmers and their employees and contractors carry out their activities in a reasonable manner and apply agricultural and veterinary chemicals registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA), or for which a permit has been issued by the APVMA under the Commonwealth *Agricultural and Veterinary Chemicals Code Act 1994*, in accordance with directions specified on the label of the registered agricultural or veterinary chemical or directions specified in a permit.

Factors affecting separation distance and vegetative buffer area requirements for reducing agricultural chemical spray drift include:

- chemical composition/formulation e.g. toxicity, evaporation rates
- method of application/release height e.g. aerial application, air blast mister etc
- spray technology, e.g. nozzle type, droplet size
- frequency of application
- ability of the vegetation to capture spray droplets
- target structure
- weather conditions. e.g. wind speed and direction, air turbulence, inversions
- microclimate
- geographical conditions and barriers, e.g. topography.

In order to locate new sensitive receivers so that the impact of agricultural chemical spray drift on amenity and health is avoided and complaints from residents regarding the use of agricultural chemicals is unlikely, the following must be implemented:

- the separation distance between a sensitive receiver and agricultural land is a minimum of 300 metres or
- a vegetated buffer designed by a suitably experienced consultant that incorporates the criteria outlined above is located between the sensitive receiver and adjacent agricultural land. The vegetated buffer should:
 - » be provided with a suitable watering system
 - » include access strips on either side which are kept clear of vegetation and other flammable materials
 - » be of a height, density and width (40 metres minimum) acceptable to the EPA prior to the development of sensitive receivers within 300 metres of the agricultural land.



From: [Myers, Rhonda](#)
To: [Brown, Robin](#)
Cc: [Messer, Sue](#); [Pankhurst, Owen](#)
Subject: 18/11 Mitchell DA201528763 - ACAT 63/2016 - child care in industrial area [SEC=UNCLASSIFIED]
Date: Monday, 7 November 2016 15:51:00

Hi Robin,

Thank you for meeting with us this afternoon about 18/11 Mitchell DA201528763 - ACAT 63/2016 - child care in industrial area.

I note that we discussed the following, things for you to action are in purple for us in green:

Draft ACT Guidelines - Draft Separation Distance Guidelines for Air Emissions – is not a currently web published document and the version we have has been superseded. Robin, can you please send me a copy of the last draft version.

EPA do not support the lease variation. Greg Jones cleared the advice given by Robin as the DA entity referral.

A proposal requesting support, including expert witness for the Territory, will go through Sue, (with the agreement of Maggie Chapman and Brett Phillips) to Robin, then David Power, Dave Middlemiss to Greg Jones. Greg Jones holds the positions of the Director, Construction, Environment and Workplace Protection AND Work Safety Commissioner. If Mr Jones does not have an expert to nominate, an independent witness to act on EPA's behalf on the EPA advice may/is likely be sought. Sue is to talk to Brett about approaching EPA to provide an expert witness. Robin to brief Greg on pending approach from us.

Does EPA have a list of preferred expert witnesses from outside the EPA? Yes and advice would be requested from Greg Jones as to who would be most suitable. To be sought via email pending response to Sue's request for witness.

A meeting is to be organised between Daniel Walters, David Power, Robin, Strategic Planning (Anne Moroney), Sue, Owen and I to discuss the child care facilities in industrial areas policy work done earlier this year. I will co-ordinate the meeting.

Email brief to Robin about the case. Rhonda to draft for Sue.

Collation of existing case studies, legislation and policy papers that would have impact on the recommendations of the EPA. South Sydney council guidelines, NSW planning policy such as State Environment Plan doc 33. Robin to collate

Mitchell fire – published report – Robin to source

Worksafe – Dangerous goods register – would this provide supporting information/case studies identifying the location of dangerous goods and potential for incident.

Please contact me by reply email or on 6207 1794 if you wish to discuss this matter further.

Kind regards

Rhonda Myers

Assistant Manager | DA Leasing | Lease Administration
Planning Delivery | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601
P **02 6207 1794** | e rhonda.myers@act.gov.au | web www.planning.act.gov.au

From: [EPAPanningLiaison](#)
To: [Myers, Rhonda](#)
Subject: FW: Child care centres in Industrial Zones - discussion follow up [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Tuesday, 8 November 2016 10:47:46
Attachments: [20160119 - Child care centres in Industrial Zones \(A11658828\) Daniel Comments.doc](#)
[Leichhardt Council Childcare in industrial zones.pdf](#)
[image001.jpg](#)

Hi Rhonda,

Please see below correspondence and attachments from Daniel.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

Environmental Quality | Construction Environment & Workplace Protection | Access Canberra | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: Walters, Daniel
Sent: Tuesday, 8 November 2016 9:58 AM
To: EPAPanningLiaison
Subject: FW: Child care centres in Industrial Zones - discussion follow up [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Robin

The attached may assist with your current appeal as discussed there seems to be sufficient basis for rejection based on planning principals, supported by EPA position regarding sensitive receivers and their incompatibility with permitted uses in Industrial zones.

Regards

Daniel Walters

Senior Manager | Environment Protection Policy
Environment and Planning Directorate | ACT Government

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🌐 *http:* <http://www.environment.act.gov.au/>

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Urban-sounds-footer

From: Walters, Daniel
Sent: Friday, 26 February 2016 4:23 PM
To: Murray, Adam
Cc: Brown, Robin; Dix, Rodney; Power, David
Subject: RE: Child care centres in Industrial Zones - discussion follow up

Adam

As discussed please see attached some suggested edits / comments. I've also attached a paper from Leichhardt Council which may be of value, it includes a consultant's assessment of the same issue.

Regarding the questions below, if the use is not permitted in industrial areas, the considerations could simply be that a proponent similar to standard NSW application have to consider any environmental impacts that may be relevant including land contamination, current and past land uses and surrounding activities that may impact the proposed use and any controls to mitigate any identified impacts.

Happy to discuss.

Cheers

Daniel Walters

Senior Manager | Environment Protection Policy
Environment and Planning Directorate | ACT Government

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From: Murray, Adam
Sent: Friday, 12 February 2016 1:06 PM
To: Moroney, Anne; Messer, Sue; Brown, Robin; Parsons, Dave; Rafferty, Max; Pankhurst, Owen; Myers, Rhonda; Walker, Karen; Kaucz, Alix; Cilliers, George; Dix, Rodney; Teasdale, Jonathan; Liston, Tegan; Walters, Daniel
Subject: Child care centres in Industrial Zones - discussion follow up

Dear all,

Following a meeting this week with Education regarding regulation and compliance of child care

centres, please find attached a checklist (new version) that is used internally by Education for the assessment of proposed child care centres.

From our discussion, it was suggested that the checklist could be expanded and possibly to provided to those wishing to apply for DA's including child care centres. This information would alert the applicant of the scrutiny applied to child care applications by Education (and other directorates) and may have those applicants seeking only to maximise lease value re-evaluate their decision.

Questions to consider are:

1. Does the checklist cover all concerns?
2. Are there currently any other scenarios where a proponent utilises a checklist prior to lodging a DA (legislated or not legislated under the Act?)
3. How do we ensure potential applicants are aware of the checklist before they employ consultants (requirement written in to TPlan/ the Act/elsewhere?)
 - a. What is the time frame of this option? (e.g. changes to the Act require assembly approval, TPlan change requires variation process)
 - b. Is there an option that can avoid lengthy process?

One suggestion was for the checklist to be made available prior to a pre-app. However, this may cause some applicants to question why the information was not provided at an earlier stage, hence another option may be required.

Also with you for feedback is the draft paper evaluating options for child care centres in industrial zones, which I circulated earlier. Copy also attached.

Would you please forward your comment on both documents by **Friday 26 February**.

A follow up meeting will be arranged in the week starting 29 February to discuss the revised paper and the checklist.

Kind regards,
Adam Murray

From: Donohoe, Brigid
Sent: Friday, 12 February 2016 9:18 AM
To: Moroney, Anne; Messer, Sue; Murray, Adam; Brown, Robin; Parsons, Dave; Furner, Tim; Rafferty, Max; Pankhurst, Owen; Forest, Jason; Myers, Rhonda; christine.lucetti@act.gov.au; Walker, Karen; Sare, Irma; Gianakis, Anna; Donaldson, Nyah
Cc: Moysey, Sean; Sullivan, Susan
Subject: CECA assessment checks

Good morning

As agreed at the meeting to discuss planning for education and care services on Wed, I am sending the checklists we use during assessment of a service approval application to everyone who was invited to the meeting .

Best Regards
Brigid

Brigid Donohoe | Team Leader Quality Assurance | Email:brigid.donohoe@act.gov.au

Phone + 61 2 6205 4648 | Fax 02 6207 1128 |

Children's Education and Care Assurance | Education | ACT Government

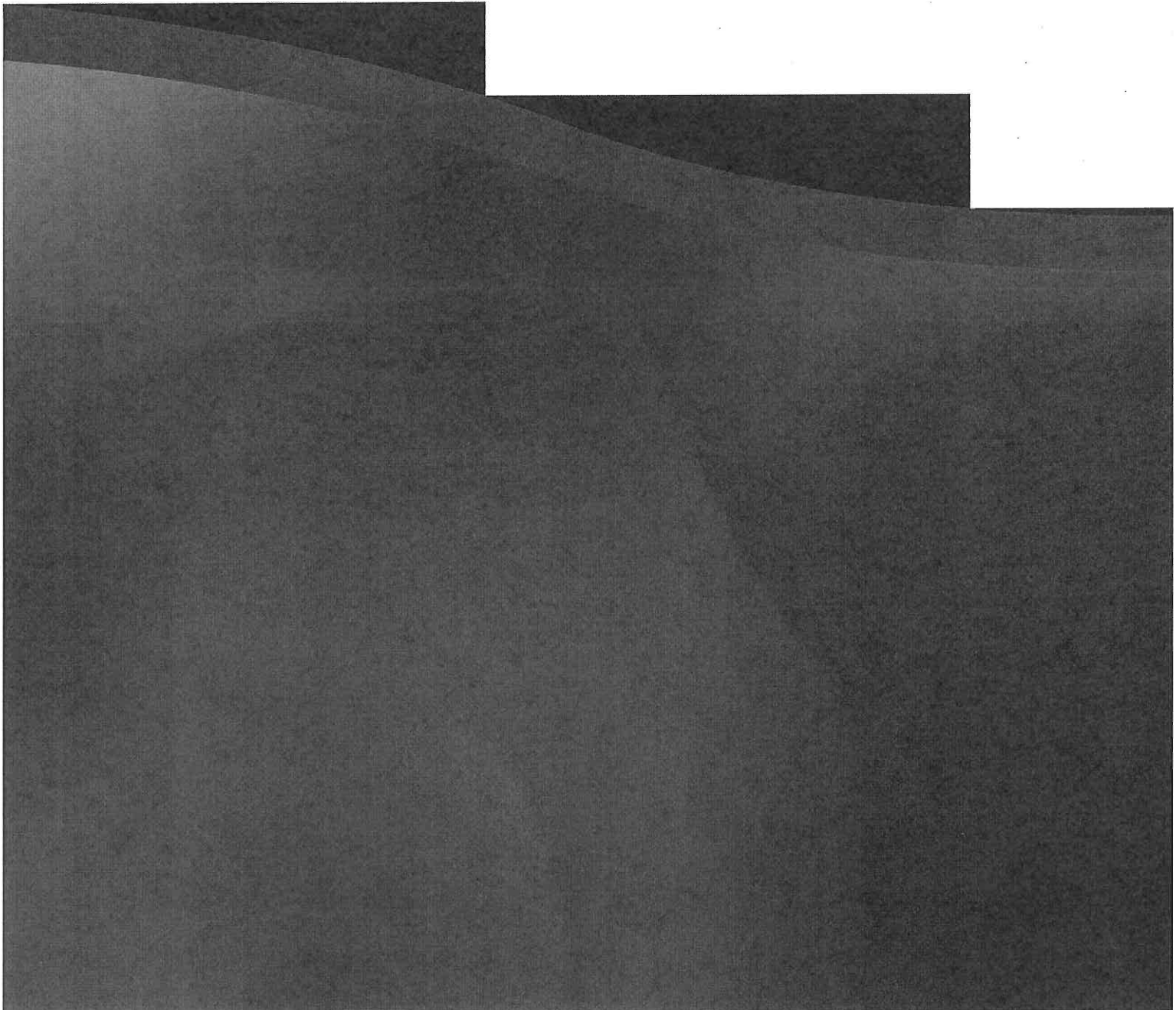
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**Child Care Centres within Industrial Zones –
Position Paper
DRAFT**

February 2016





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Contents

Introduction.....	4
The issue	4
Effect of child care centre within an Industrial Zone.....	4
Current situation	5
Community Use.....	5
Community uses within Industrial Zones.....	6
Current Child Care Centres within Industrial Zones.....	7
Industrial zones objectives.....	7
ACT Government’s position.....	9
Formal position.....	9
Other considerations.....	10
Other jurisdictions - case studies	11
City of Sydney, NSW – Guidelines child care centres.....	11
Banyule City Council, VIC – Child care centres guidelines.....	12
Fairfield City Council, NSW – Citywide Development Control Plan 2013.....	13
Wollongong City Council, NSW – Child care centres.....	14
Rockdale City Council, NSW – DCP 31: Child care centres.....	14
Parramatta City Council, NSW – Child Care Centres DCP.....	14
Analysis of possible actions.....	15
Options	17
Proposed preferred approach	18
Next steps.....	18



Introduction

The purpose of this paper is to identify the issues associated with the current planning provisions which allow a child care centre to be located in industrial areas in the ACT. There are concerns about the appropriateness of locating vulnerable people such as children in industrial areas, as well as the possible impact such sensitive uses may have on neighbouring industrial uses and their long term viability. The paper assesses approaches in other jurisdictions and local government areas, discusses alternative responses and identifies a preferred position.

The issue

There has recently been increased interest in lease variations seeking to add child care centre to crown leases within IZ1 – General Industrial and IZ2 – Industrial Mixed Use zones of the Territory Plan without an associated design and siting application to activate the use.

The increase in lease variations to add child care centre can be attributed to a disallowable instrument (DI2014-97 – Attachment A), which allows leaseholders to be eligible for a 100% remission on their lease variation charge if the variation application is to authorise the use of the land under the lease for a child care centre. The instrument does not preclude any land use zones that allow child care from eligibility of the remission, potentially raising land use conflicts and safety concerns within industrial areas such as Fyshwick, Mitchell, Hume and Symonston. The child care centre remission is set to be active until 6 March 2016. Without the 100% remission on the lease variation charge, it is questionable as to whether a lease variation alone for the addition of child care centre to crown leases in industrial zones provides any market benefit as design and siting locations of child care centres are strategically determined by market demand.

In the Territory Plan, child care centres are contained within the umbrella term of 'Community Use', which allows a leaseholder to activate a child care centre among other community uses.

On 5 November 2015, representatives from the Environment Protection Authority (EPA), Chief Minister, Treasury and Economic Development Directorate (CMTEDD) and Environment and Planning Directorate (EPD) met to discuss the issues and potential risks associated with this use in industrial zones including methods that could be used to reduce or prevent the risks.

Effect of child care centre within an Industrial Zone

The location of a child care centre within an Industrial Zone could have the following effects:

- Potential risks to children's health and safety being exposed to industrial air, soil and noise pollutants from neighbouring industrial uses
- Potential risks to children's health and safety being placed in a location in close proximity to hazardous industries (ie. explosion sources from chemical and gas storage facilities etc).



- Potential to sterilise potential future industrial development on adjacent and surrounding sites
- Potential to limit the ability of existing lessees to activate uses currently included on their leases which may have a negative impact on the health and wellbeing of children located in a nearby child care centre
- Potential to affect the price of industrial land surrounding a child care centre.

Current situation

There are only a few constructed child care centres within industrial zones in the ACT however, there has been an increase in the number of lease variation applications to add child care centre to existing Crown Leases. The EPA are currently refusing to endorse lease variations they receive in agency circulation that request to add child care centres to leases in industrial areas due to the health concerns of vulnerable people.

Currently, there is nothing contained within the Territory Plan that would infer an application for a child care centre in industrial zones would be subjected to health and safety considerations. As such, proponents are absorbing costs in applying for a lease variation for child care centres without knowledge the application may be rejected. It is understood that further prohibitive measures need to be investigated and implemented in to the Territory Plan.

Community Use

In the Territory Plan, 'Community Use' is an umbrella term that encompasses a number of community related uses, including:

Child care centre means the use of land for the purpose of educating, supervising or caring for children of any age throughout a specified period of time in any one day, which is registered under the *Children and Young People Act 2008* or authorised pursuant to the *Education and Care Services National Law (ACT) Act 2011* and which does not include residential care.

Community activity centre means the use of land by a public authority or a body of persons associated for the purpose of providing for the social well being of the community.

Community theatre means the use of land for a theatre, cinema, concert hall, auditorium or theatre run by non-profit organisations.

Cultural facility means the use of land for the purpose of cultural activities to which the public normally has access, but does not include a shop for art, craft or sculpture dealer.

Educational establishment means the use of land for the purpose of tuition, training or research directed towards the discovery or application of knowledge, whether or not for the purposes of gain, and may include associated residential accommodation.



Health facility means the use of land for providing health care services (including diagnosis, preventative care or counselling) or medical or surgical treatment to outpatients only.

Hospital means the use of land for the medical care (including diagnosis, preventative care and counselling) of inpatients, whether or not out-patients are also provided with care or treatment, and may include associated residential accommodation.

Place of worship means the use of land for the primary purposes of religious worship and associated activities by a congregation, religious group or members of the public whether or not the premises are also used for religious instruction, tuition, meetings, training and other community activities.

Religious associated use means the use of land for the activities conducted by religious organisations other than for worship or for offices and may include residential accommodation by ministers of religion.

The following community uses are currently located in industrial zoned land:

Community uses within Industrial Zones

Location	Name	Community use	Zone
Fyshwick	Vision Christian Fellowship	Place of worship	I22
Fyshwick	Jobsolve Welfare counselling	Community activity centre	I22
Fyshwick	Questacon Exhibitions for Hire	Cultural facility	I22
Fyshwick	OzHelp Foundation	Community activity centre	I22
Fyshwick	1Way FM	Community activity centre	I22
Fyshwick	M16 Gallery	Cultural facility	I22
Fyshwick	Canberra Institute of Technology (CIT)	Educational establishment	I22
Fyshwick	Canberra Recovery Services Centre	Community activity centre	I22
Fyshwick	Salvos Stores Fyshwick	Community activity centre	I22
Fyshwick	Hands On Studio	Community activity centre	I22
Mitchell	Australian National Archives	Cultural facility	I21
Mitchell	Lifeline Warehouse	Community activity centre	I22
Mitchell	Salvation Army Family Store	Community activity centre	I22
Mitchell	Canberra Fathers and Children Service	Community activity centre	I22



	(CANFaCS)		
Mitchell	Family Centre Store	Community activity centre	IZ2

Current Child Care Centres within Industrial Zones

Location	Name	Zone
Fyshwick	Artemis Early Learning	IZ2
Symonston	Stepping Stones Child Care	IZ1

The two existing child care centres while located in industrial zones are in locations in areas with no hazardous industrial activities. West Fyshwick has predominately commercial storage and educational facilities and Symnston is more technological based industrial facilities rather than hazardous industries which was its purpose when developed as an industrial technology hub.

Industrial zones objectives

The objectives of the IZ1 – General Industrial Zone and the IZ2 – Industrial Mixed Use Zone of the Territory Plan are set out below.

IZ1 – General Industrial Zone	IZ2 – Industrial Mixed Use Zone
a) Support the diversification and expansion of the ACT's industrial base and employment growth	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	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	c) Provide convenient access for ACT and regional residents to industrial goods, services and employment opportunities
d) Make provision for transport-related businesses in locations accessible to major road, rail and air links	d) Ensure that industrial development achieves high environmental standards of cleaner production, waste disposal, noise and air quality
e) Encourage the clustering of industrial activities according to the principles of industrial ecology	e) Encourage the design and construction of industrial and commercial buildings that are energy efficient, functional and flexible
f) Ensure that industrial development achieves	



<p>high environmental standards of cleaner production, waste disposal, noise and air quality</p> <p>g) Encourage the design and construction of industrial and commercial buildings that are energy efficient, functional and flexible</p> <p>h) Ensure that development along major approach routes and major roads meets appropriate standards of urban design Make provision for manufacturing, warehouse and transport land uses requiring large land areas accessible to main interstate road and rail connections</p> <p>i) Ensure that the use of the land for predominantly industrial purposes is not jeopardised by the uncontrolled development of higher rent commercial uses such as retailing and offices</p> <p>j) Provide small-scale services to meet the needs of the local workforce</p>	<p>f) Ensure that development along major approach routes and major roads meets appropriate standards of urban design</p> <p>g) Accommodate industry-associated retailing, services and other commercial uses without jeopardising an adequate supply of industrial land</p> <p>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</p> <p>i) Meet the need for a mix of lower rent bulky goods retailing, specialised industrial, commercial and service activities alongside general industry</p> <p>j) Preserve and promote viable industries that can coexist with more commercially oriented uses</p> <p>k) Make provision for small-scale services that support surrounding industrial activities, or which meet the needs of the local workforce</p>
---	---

The following zone objectives also apply 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.



ACT Government's position

Planning position

Apart from the land use zone development tables of the Territory Plan and requirement to consider submissions from mandatory referral agencies, there are no specific regulations contained within ACT planning framework that would restrict location opportunities for a child care centre. Even though it could be argued that child care facilities are not an industrial land use.

The Territory Plan's Community and Recreation Facilities Location Guidelines General Code does, however set out location guidelines for the development of a child care centre (long day care or occasional care) as follows:

Relationship to shops	Near retail centre (for occasional care).
Relationship to other uses	Long day care centres on major work routes, or easy vehicle access near major work places. Only small centres in residential areas; on pedestrian path/open space system where possible.
Separated from	Social separation from correction facilities. Buffered from sight, smell, fumes and noise of industrial uses and from roads with high traffic volumes (refer to air quality guidelines). Separated from safety hazards (e.g. water bodies; busy roads).
Co-location opportunity	Pre-School or primary school for long day care. Recreation facility or community centre/house for occasional care centre; neighbourhood centre. Baby health clinic. Long day care with occasional care or at major workplaces.
Other issues	Child care centres must be licensed to operated by the Children's Youth and Family Services Bureau. Requirements include minimum standards for building size and play area. The Bureau must be consulted in the process of site selection. Play areas should have north easterly orientation. Cul-de-sac sites acceptable if there is street capacity to handle traffic generated by the centre; corner blocks acceptable if safe access to site provided.

The guidelines themselves, although considered in the assessment of a DA, are considered criteria rather than mandatory rules. The general code states that *"they are not rigid standards, but a guide intended for ACT planning and facility providers in determining suitable sites and locations for facilities. Location decisions should try to meet the general objectives, recognising that specific guidelines may not be achievable in all cases"*. It is questionable if the Community and Recreation Facilities Location Guidelines could provide credence to appeal a decision for a child care centre approved within an industrial area.



Other Agencies Position

The EPA administers a regulatory and policy framework under the *Environment Protection Act 1997* and Environment Protection Regulation 2005 that seeks to protect human health and the environment from pollution.

The EPA's Air Quality, Hazardous Material and Contaminated Sites Environment Protection Policies made under the environment protection legislation and the recent draft Separation Distance Guidelines for Air Emissions are based on other jurisdictions policies and all contain similar policy objectives to protect sensitive receptors from hazardous substances and pollution.

These policies and guidelines detail matters and standards to be considered to protect sensitive receptors from industrial pollutants. Children and residential uses are considered the most sensitive receptors in these considerations from a human health perspective.

Other considerations

South Tralee, NSW

In a 2010 submission to Queanbeyan City Council in response to the public exhibition of the draft Queanbeyan Local Environmental Plan for South Tralee, the ACT Government took the position that the proposed 250 metre (m) buffer of residential uses and the Hume Industrial estate were not sufficient, citing among others:

- *the incompatibility of land uses with existing and future industrial operations at Hume, associated traffic and transport issues;*
- *potential residential amenity issues that are likely to arise should the proposed residential development proceed; and*
- *the lack of evidence regarding the adequacy of the proposed buffer adjacent to Hume, particularly given the range of facilities already in place in Hume that may give rise to concerns from future residents in the area.*

The government made a recommendation of at least a 500m buffer between the industrial estate and any sensitive uses proposed for South Tralee, including child care centres.

Geoscience Australia, Symonston, ACT

In March 2014, Geoscience Australia engaged EPD to discuss a potential development of a child care centre on Block 9 Section 107 Symonston. The block is zoned NUZ1 - Broadacre which lists COMMUNITY USE as prohibited within the development table. The applicant was permitted to proceed with an application as the child care centre was considered ancillary to the existing use. In December 2014, the applicant lodged a formal DA for a design and siting of a child care centre on the western portion of the block. Due to the proximity of the chosen site to an agricultural chemical testing area, a S141 request for further information was sent to the applicant from the EPA:



A spray drift management plan is to be prepared by a suitably qualified consultant and be submitted to the EPA for review and endorsement prior to DA approval.

Conditions:

The EPA would support the lease variation subject to the following condition:

Prior to the site being used for other purposes an environmental assessment in accordance with EPA endorsed guidelines must be undertaken by a suitably qualified environmental consultant to determine whether past activities have impacted the site from a contamination perspective and to determine whether the site is suitable for the proposed uses. The assessment report must be reviewed and endorsed by the EPA prior to the site being used for other purposes.

Following the request for further information, the applicant withdrew the application.

In August 2015, the applicant lodged a new DA for a revised location, on the opposite side of the block, away from the chemical facility. This application was approved with condition. One of the conditions was a requirement of the EPA:

Prior to the site being used for childcare centre, an environmental assessment in accordance with EPA endorsed guidelines must be undertaken by a suitably qualified environmental consultant to determine whether past activities have impacted the site from a contamination perspective and to determine whether the site is suitable for the proposed use. The assessment report must be reviewed and endorsed by the EPA prior to the site being used for a childcare centre.

Other jurisdictions - case studies

Several NSW councils' policies relating to sensitive uses and industrial areas were examined. Below are excerpts of the relevant provisions as they relate to environmental quality and the protection of existing land uses.

City of Sydney, NSW – Guidelines child care centres

The objectives of the City of Sydney guidelines

(http://www.cityofsydney.nsw.gov.au/data/assets/pdf_file/0012/142041/Guidelines-Childcare-Centres.pdf) are as follows:

- To ensure child care centres are located in areas of high environmental quality, without exposure to undesirable health and safety risks from the site and surrounding areas
- To encourage ease of access to child care centres by all forms of public transport, vehicles, bicycles and walking, and in proximity to public transport nodes and complementary community land uses



- To ensure that sites are free from contamination, which may affect children's health.

The controls are as follows:

1. Child care centres are to be located in proximity to:
 - (i) public transport, such as trains, buses and light rail, and
 - (ii) complementary community land uses, such as schools, libraries, parks and the like.
2. The location of a child care centre is to take into consideration any environmental health hazard or risk relevant to the site and/or existing buildings within the site or in the surrounding area, having regard to the following:
 - (i) wind tunnels and downdraft created by high rise buildings
 - (ii) pollution created by car and other vehicle fumes
 - (iii) proximity to LPG tanks
 - (iv) existing and potential on and off-site electromagnetic fields (50Hz and radio frequency fields 3KHz – 300GHz)
 - (v) contaminated land
 - (vi) lead in painted surfaces, carpets, furnishings and roof void in existing buildings
 - (vii) asbestos in existing buildings
 - (viii) mould and mildew in existing buildings
 - (ix) proximity to water cooling and water warming systems
 - (x) proximity to noise sources
 - (xi) proximity to odour (and other air pollutants) generating uses and sources
 - (xii) any other identified environmental health hazard or risk relevant to the site and/or existing buildings within the site.
3. A Preliminary Investigation and further action may be required by State Environmental Planning Policy No. 55 – Remediation of Land and City of Sydney Contaminated Land DCP where the land concerned is:
 - (i) land that is within an investigation area.
 - (ii) land on which development for a purpose referred to in Table 1(4)
 - (iii) land which is for the purposes of child care. Refer to State Environmental Planning Policy No. 55 – Remediation of Land and the City of Sydney Contaminated Land DCP for further information.
4. Child care centres are not to be located within close proximity to mobile phone towers and base stations, transmission line easements or other sources of significant electromagnetic radiation. Where a centre is to be located within 300m of these electromagnetic sources, a report by a suitably qualified person is to be prepared to assess the potential exposure impacts on the child care centre.

Banyule City Council, VIC – Child care centres guidelines

Banyule City Council's child care centres guidelines (<http://www.banyule.vic.gov.au/files/23a5a0bc-9d76-4ad6-9b87-a1c700cf7beb/Child-Care-Centre.pdf>) do not support the location of child care



centres within industrial areas, due to possible hazards to children's health. If an industrial zone location is to be proposed, Council will require a detailed assessment of the site regarding contamination and an analysis of neighbouring uses and the potential for conflicts between uses.

Fairfield City Council, NSW – Citywide Development Control Plan 2013

Fairfield City Council's Development Control Plan (DCP) 2013

(http://www.fairfieldcity.nsw.gov.au/download/downloads/id/909/fairfield_city_wide_dcp_version_11.pdf) contains the following objectives for child care centres:

- a) To encourage the clustering of child care centres with community facilities and other complementary land-uses
- b) To ensure that selected sites are not subjected to environmental hazards that may be detrimental to the health or safety of the users of the facility
- c) To ensure that principal character and purpose of the various zones is maintained and that child care centres are an ancillary facility, servicing the local community within which they are located.

The DCP contains the following controls:

- a) A location analysis shall be submitted with each application. For child care centres, the locational analysis should also indicate in map form all existing child care centres as well as all parks, schools and other community facilities within a two-kilometre (2km) radius of the proposed centre. The map shall identify the capacity of surrounding centres, as well as any potential health and safety risk hazards. An analysis of the need for a centre in the proposed location must also support the application.
- Council discourages the location of child care centres in the following zones:
 - 1(a) Non-Urban – Residential
 - 1(b) Non-Urban – Extractive Industry
- b) Where a child-care centre is located in a commercial or industrial zone, the applicant must demonstrate that it is ancillary to the principal commercial or industrial uses on the same land and primarily serves the needs of the local work force
- c) The location of child care centres shall take into consideration the proximity to environmental health or safety risk hazards
- d) In addition, consideration shall be given to the following hazards either within the site or in the surrounding area: Contaminated land:
 - (i) Proximity to water cooling and water warming systems



- (ii) Proximity to odour generating uses and sources
- (iii) Any other identified environmental hazards or risks relevant to the child care activity.

Wollongong City Council, NSW – Child care centres

Chapter 5 of Wollongong City Council's Development Control Plan (DCP) 2009 (<http://www.wollongong.nsw.gov.au/council/governance/Policies/Wollongong%20DCP%202009%20Chapter%20C5%20-%20Child%20Care%20Centres.pdf>) states that child care centres will not be permitted within a 500m radius from any industry or warehouse distribution facility involving the use or storage of any dangerous goods as listed under the Dangerous Goods Code. Nor will child care be located within a 500m radius of extractive industries, intensive agriculture, agricultural spraying activities, waste transfer depot or landfill sites.

Rockdale City Council, NSW – DCP 31: Child care centres

Rockdale City Council's DCP for child care centres (https://www.rockdale.nsw.gov.au/development/Pages/pdf/Development/DCP_31-Child_Care_Centres-Mar_04.pdf) states that child care centres should not be located in/adjacent to industrial areas/contaminated sites or other similar site where health hazard may occur.

Any child care centre proposed within or adjoining industrial land will automatically require additional environmental survey details and associated testing. Land with a previous use will also require environmental analysis and associated testing in order to determine any conflicting land uses.

Parramatta City Council, NSW – Child Care Centres DCP

The Parramatta City Council's DCP for child care centres (https://www.parramatta.nsw.gov.au/data/assets/pdf_file/0006/8673/ChildCareDCP.pdf) states that to ensure that proposed child care centres will be compatible with the objectives of the relevant zone:

- Proposed child care centres in non residential zones are compatible with, and do not affect the operation of, any existing or likely future non residential land uses in the immediate vicinity
- Proximity to noise or odour generating uses child care centres must not be situated near to significant noise or odour generating uses, or to sites which (due to the prevailing land use zoning) may in future accommodate noise or odour generating uses.

Adam – If attached a similar paper to this one undertaken by the Leichhardt Council. In this case the council engaged a consultant to provide them with a report which is included, dated April 2014. Risk consideration are very closely aligned.



Analysis of possible actions

A number of possible actions and their consequences have been investigated to address the issues raised, including changes to the Territory Plan, which are presented in the table below.

No.	Action	Result
1	Remove COMMUNITY USE umbrella term from IZ1 and IZ2 development table of the Territory Plan. Replace with specific community uses, do NOT include child care centre.	<ul style="list-style-type: none"> • Child care removed from the merit track. • Leaseholders are able to lodge a DA for a child care centre but are required to submit an Environmental Impact Assessment (EIS) which can be scoped for specific purpose. • Advice from agencies <i>must</i> be considered in approval process (s129 of the <i>Planning and Development Act 2007</i>). • The remaining activities covered under COMMUNITY USE would remain within the permitted development table as they are used primarily by adults.
2	List child care centre as a <i>prohibited use</i> under IZ1 and IZ2 development table of the Territory Plan	<ul style="list-style-type: none"> • Industrial zones will be unable to include child care facilities. • Sites with leases that permit a child care centre will be assessed in the impact track if the leaseholders choose to develop the child care centre. • Leaseholders will be unable to apply for a lease variation or design and siting to add child care centre.
3	Vary applicable precinct codes of the Territory Plan to prohibit child care centre in certain areas (see figure 1).	<ul style="list-style-type: none"> • May result in a complex precinct code map. • Works in conjunction with delisting of COMMUNITY USE and removal of child care centre from development table (impact track). • Able to further restrict development from particular areas. • Leaseholders in areas that are not prohibited are able to lodge a DA for a child care centre but it will be subject to the impact track process and an EIS. • The EIS is not applicable to a lease variation. • Creates potential for future land use conflicts in the future, e.g. if a batch manufacturing plant wishes to open upwind from the child care centre, should they be regulated or prohibited because of the child care centre?



		<ul style="list-style-type: none"> • Can potentially affect industrial land values in specific areas.
4	Vary applicable precinct codes of the Territory Plan to permit child care centre in certain areas	<ul style="list-style-type: none"> • May result in a complex precinct code map. • DAs for a child care centre will fall under the merit track and require entity advice. • Creates potential for future land use conflicts in the future, e.g. if a batch manufacturing plant wishes to open upwind from the child care centre, should they be regulated or prohibited because of the child care centre? • Can potentially affect industrial land values in specific areas.
5	<p>Add child care specific rule/criteria to the Industrial Zones Development Code of the Territory Plan, for example:-</p> <p>a) <i>“Community Uses do not compromise the viability of both existing and future Industry activities;”</i> and/or</p> <p>b) <i>“A report by a suitably qualified person can demonstrate, to the satisfaction of the EPA, a child care centre will not be subject to unsafe air pollutants or noise levels from surrounding uses.”</i></p>	<ul style="list-style-type: none"> • Does not require a precinct map/code variation. • Responses to criteria in the code can be considered subjective. • EPA will need to provide a standard report template to be created by the proponent. • Introduces EPA in to the planning stage rather than having a primarily regulatory role, which is not ideal. • May potentially make it too prohibitive to build a child care centre.
6	Strengthen child care development type in the Community and Recreation Facilities Guidelines General Code of the Territory Plan	<ul style="list-style-type: none"> • The General Code is considered primarily a ‘guideline’ and is only taken into account in the DA stage. • May not present a strong argument in the ACT Civil and Administrative Tribunal (ACAT) as it is a ‘guideline’.
7	Apply a 500m radius buffer from any industry or warehouse distribution facility involving the use or storage of any dangerous goods (A 500m radius around existing child care centres in industrial zones is demonstrated in figure 2. As demonstrated, this includes much of the existing industrial use).	<ul style="list-style-type: none"> • May preclude most of the area of industrial precincts. • Does not solve the issue of impacting future industrial uses. • Existing child care centres are already within the 500m buffer of Fyshwick industrial uses. • Implementation would be unprecedented as there are no similar rules in effect elsewhere in the Territory Plan. Would it be an absolute minimum or could proponents argue for compromise? • Who decides and regulates each activity?
8	Amend DI2014-97 to prohibit its application for industrial areas	<ul style="list-style-type: none"> • Will prevent proponents lodging DAs, exclusively for applying for the lease variation charge remission.



		<ul style="list-style-type: none"> Will not exclusively prevent all DAs for child care in industrial zones. Genuine proposals will still occur.
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Options

Following the analysis of possible actions, further investigation has been undertaken and a list of options is presented for consideration:

1. Remove COMMUNITY USE and replace with specific community use activities, prohibit child care centre within IZ1 – General Industrial Zone development table only.

IZ1 – General Industrial Zone is primarily set as low value industrial land which can accommodate general industrial activities such as manufacturing. The primary locations of IZ1 are in Hume and sections of Mitchell. Some areas of Fyshwick contain IZ1 but are increasingly being developed with higher value industrial activity which is typically low polluting. It is proposed that child care centre not be permitted within IZ1 zone to ensure vulnerable people within potential centres are not exposed to pollutants or industrial hazards, while also avoiding industrial land use conflicts in the future.

2. Remove COMMUNITY USE umbrella term and replace with specific community use activities, but not child care centre from both IZ1 and IZ2 development tables.

This action alone will see child care centre removed from the permitted development table which means that any development application (DA) will see it assessed under the impact track. Although an EIS can be scoped for a child care centre, it does not apply to DAs for lease variations only. However, a child care centre within the impact track may deter proponents from lodging lease variations for child care centres.

3. Remove COMMUNITY USE umbrella term and replace with specific community use activities, but not child care centre, AND vary applicable precinct codes to prohibit child care centre in certain areas (see figure 1).

This action will allow for the controlling of where child care centres in industrial areas can be developed, for example, it may be appropriate for the newer section of Fyshwick along Iron Knob Street to accommodate a child care centre. However, this may potentially cause future land use conflicts if a polluting activity is proposed within the same precinct.

4. Remove COMMUNITY USE and replace with specific community use activities, prohibit child care centre from both IZ1 and IZ2 development tables.

This action will prohibit child care centres completely from being proposed within Industrial Zones. If alternative actions are to make the process more difficult, it may be appropriate to



prohibit the option altogether. This will ensure that potential future exposure to pollution and future land use conflicts are avoided.

5. Add child care specific rule/criteria to the Industrial Zones Development Code.

A child care centre specific rule or criteria within the development code may deter proponents from proposing child care centres within industrial areas. Requiring the applicant to submit a report demonstrating the use would not conflict with surrounding and future uses may prove almost impossible for the applicant. Should a requirement of a report to meet the satisfaction of the EPA be included in to the development code, it will potentially place the decision making ability on to the EPA rather than planning delivery. This will need to be further discussed with EPA.

6. Amend DI2014-97 to prohibit its application for Industrial areas.

In an attempt to prevent proponents taking advantage of 100% LVC remission, it is proposed to amend the disallowable instrument to specifically exclude industrial areas. This action will cease those lease variations that are primarily doing it for the remission however, it will not prevent genuine proposals for child care centres. Therefore this does not address the original concern of the EPA of exposure of pollutants to vulnerable people.

Proposed preferred approach

A number of options have been presented in an effort to make the application for a child care centre in an industrial zone more prohibitive. However, it is likely that a more prohibitive approach will in fact restrict market desire for child care centres in industrial zones due to costs incurred (professional to draft EIS document for example) and the uncertainty of approval. Therefore:

- It is recommended that child care centre be listed within IZ1 and IZ2 development tables as **prohibited** to eliminate uncertainty and prevent future proposals for child care centres within industrial zones.

Although part k) of the IZ1 and IZ2 objectives states that services be provided to meet the needs of the local workforce, and a child care centre can be argued to be included within this description, the health and safety of vulnerable people should take primary consideration. Strategically, it is also advisable to protect industrial land zones from sensitive uses that could otherwise undermine zone objectives and future proposed uses. Should the market seek a child care centre to cater for the local industrial work force, it is not unreasonable for the provision of child care to be located within surrounding non-industrial zoned land.

Next steps

This paper has been prepared in response to a meeting held on 5 November 2015 between representatives from EPA, CMTEDD and EPD (Leasing, Strategic Planning and Planning Delivery) to discuss the issues and potential methods that could be used to reduce or prevent this occurrence.

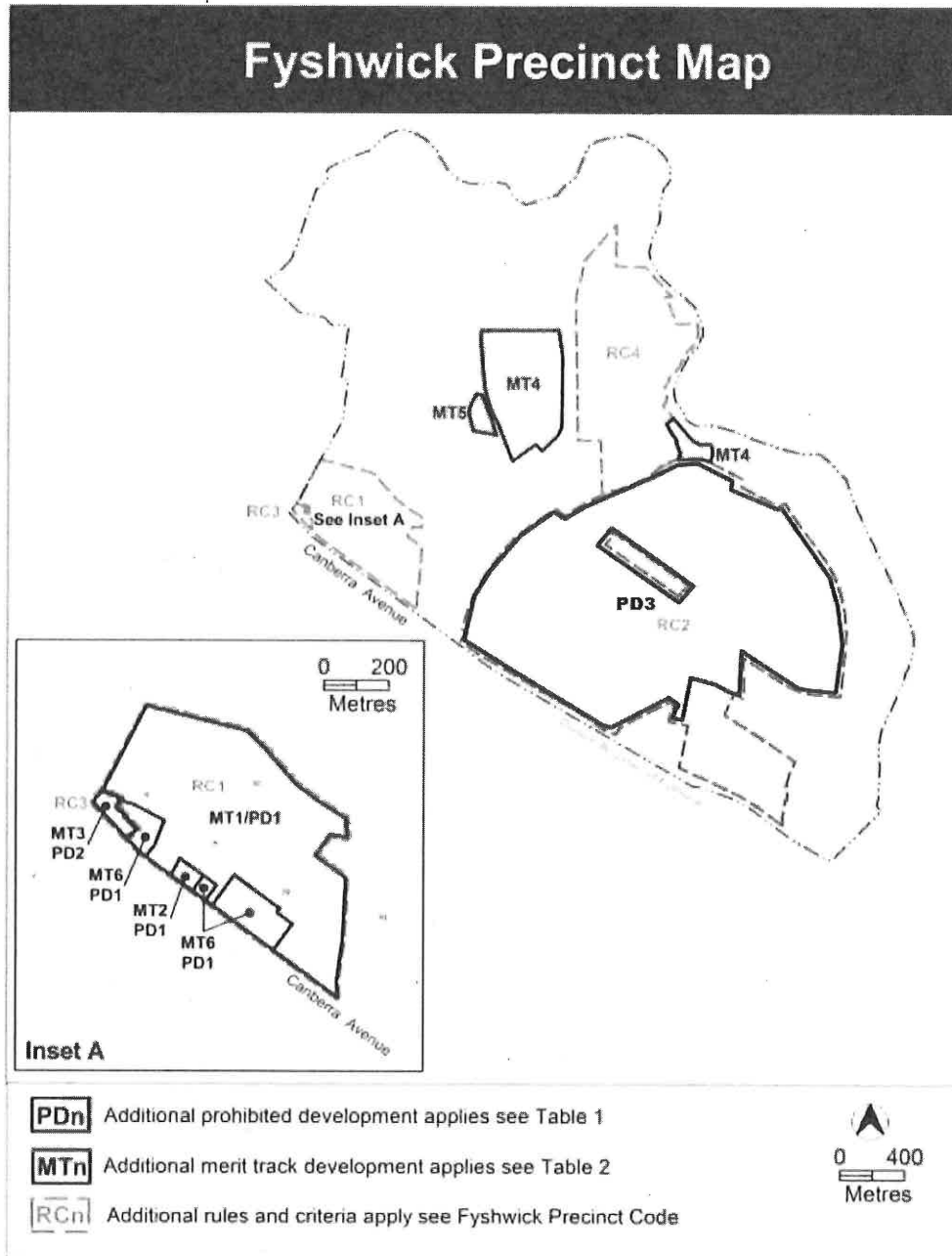


This draft paper will be circulated by EPD to relevant agencies for consideration. Comments received by EPD will be considered in finalising the paper, which will then be forward to the EPD Director-General for consideration.

DRAFT



Figure 1 – Indicative Fyshwick Precinct Map including additional prohibited use locations



Additional prohibited development		
Suburb precinct map label	Zone	Development
PD3	I22	child care centre



Figure 2 – 500m radius of existing child care centres. Also showing 500m radius of new area of Fyshwick



ITEM 2.4 CONSIDERATION OF CHILD CARE CENTRES IN PROHIBITED ZONES UNDER THE LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

Division	Environment and Community Management
Author	Vasiliki Andrews – Strategic Planner
Strategic Plan Objective	Community Well Being Accessibility

SUMMARY AND ORGANISATIONAL IMPLICATIONS

Purpose of Report	<p>This report:</p> <ul style="list-style-type: none"> • outlines the benefits and constraints of permitting child care centres in zones where they are prohibited under the <i>Leichhardt Local Environmental Plan 2013</i>; • examines the capability of these zones to accommodate child care centres; • considers comparative practice in other Councils; and • provides a recommendation about whether to allow childcare centres in zones where they are currently prohibited under the <i>Leichhardt Local Environmental Plan 2013</i>.
Background	Council resolution (C417/13): strategic planning team research the urban planning benefits and/or disadvantages of permitting child care centres within the industrial zone and any other zones where they are prohibited within the municipality.
Current Status	NIL
Relationship to existing policy	Leichhardt Local Environmental Plan 2013
Financial and Resources Implications	NIL
Recommendation	<ol style="list-style-type: none"> 1. Receive and note the information in this report in response to Council resolution (C417/13) relating to child care centres. 2. Continue to prohibit child care centres in zones IN2 Light Industrial, RE2 Private Recreation and SP1 Special Activities under the <i>Leichhardt Local Environmental Plan 2013</i>
Notifications	NIL
Attachments	Discussion Paper: Consideration of Child care centres in prohibited zones under Local Environmental Plan 2013

Purpose of Report

The purpose of this report is to:

1. respond to the September 2013 Council resolution (**C417/13**);
2. outline the benefits and constraints of permitting child care centres in zones where they are currently prohibited under the *Leichhardt Local Environmental Plan 2013*; namely zones IN2 Light Industrial, RE2 Private Recreation and SP1 Special Activities (where applicable);
3. examine capability of these zones to accommodate child care centres;
4. consider planning policy, controls and practice in other local government areas; and
5. provide a recommendation about whether to allow childcare centres in zones where they are currently prohibited under the *Leichhardt Local Environmental Plan 2013*.

Recommendation

1. Receive and note the information in this report in response to Council resolution (C417/13) relating to child care centres.
2. Continue to prohibit child care centres in zones IN2 Light Industrial, RE2 Private Recreation and SP1 Special Activities under the *Leichhardt Local Environmental Plan 2013*.

Background

1. Leichhardt Local Environmental Plan 2013

The *Local Environmental Plan 2013* is primarily a "translation" of the former *Leichhardt Local Environmental Plan 2000*. This means, wherever practicable, existing zones, provisions and controls were matched with an equivalent provision under the Standard Instrument.

The *Leichhardt Local Environmental Plan 2013* was published on the NSW Legislation Website on the 23 December 2013 and came into effect on the 3 February 2014.

During the public exhibition of the *Local Environmental Plan 2013* Council received two submissions requesting that childcare centres be permissible with consent in the IN2 Light Industrial Zone, namely:

- Submission No. 16 Yuri Reznik of My Stepping Stones Group
- Submission No. 246 Caladines Town Planning Pty Ltd

These submissions can be accessed on the dedicated Draft Local Environmental Plan website <http://lmclep.nsw.gov.au/>.

At the extraordinary meeting in May 2013 Council resolved (**C202/13**) to endorse the following recommendation relating to child care and submit the *Draft Leichhardt*

Local Environmental Plan 2013 (as amended) to the Director General of Planning and Infrastructure.

Staff recommendation in response to submissions relating to childcare

The Draft Local Environmental Plan is a translation of Local Environmental Plan 2000. Child care centres are prohibited in Local Environmental Plan 2000 Industrial zone.

Child care centres are permitted with consent in a majority of zones under the Draft LEP as follows:

- *R1 General Residential,*
- *B1 Neighbourhood Centre,*
- *B2 Local Centre,*
- *B7 Business Park*
- *SP2 Infrastructure, and*
- *RE1 Public Recreation*

Child care centres are prohibited in the remaining zones:

- *IN2 Light Industrial as outlined,*
- *SP1 Special Activities – applies to two sites within the municipality, and*
- *RE2 Private Recreation – applies to two small sites in LGA.*

2. Council Review of Early Education and Care Services

In 2012 Council commissioned CRED Community Planning to undertake a Review of Early Education and Care Services in the municipality which identified that the Local Government Area had a gap of 284 child care places and a forecast gap of 443 places in 2021.

Since then Council has been investigating options to address this gap through construction of three new facilities and support for appropriate private development.

It is also noted that a number of private child care centres have been approved or have applied for approval.

Report

1. Investigation into planning considerations of child care in currently prohibited zones

On 22 October 2013 Council resolved (C417/13) that Council's strategic planning team research the urban planning benefits and/or disadvantages of permitting child care centres within the industrial zone and any other zones where they are prohibited within the municipality.

Council subsequently engaged CRED Community Planning to prepare a discussion paper to respond to this resolution.

The discussion paper is attached to this report (**Attachment 1**).

The discussion paper provides an overview of:

- current supply and demand for child care places in the municipality;
- the planning context;
- Sydney Regional Organisation of Councils' discussion paper on the advisability of permitting child care centres in industrial zones;
- comparative practice in other Councils; and
- the advantages and disadvantages of permitting child care in industrial zones.

The following section outlines the advice in relation to each zone where child care centres are currently prohibited under the *Leichhardt Local Environmental Plan 2013*.

Zone RE2 Private Recreation

The RE2 Private Recreation is considered to be inappropriate zone for child care centres. The RE2 Private Recreation Zone only applies to two very small privately owned sites. These sites include the open space adjacent to the Colgate Palmolive Building, East Balmain and open space on the corner of Victoria Road and Robert Street, Rozelle. Both sites would be unsuitable for a child care centre due to size and for the second also because of its location on a major road.

Zone SP1 Special Activities

The SP1 Special Activities zone is considered to be inappropriate zone for child care centres. The SP1 Zone is intended for special land uses or sites with special characteristics that cannot be accommodated in other zones. The SP1 Special Activities zone has been applied to the Canal Roads Arts Precinct (1 and 91 Canal Road, Lilyfield) to protect it for film, media and art uses.

Zone IN2 Light Industrial

The IN2 Light Industrial zone is considered to be inappropriate zone for child care centres because:

- of health and safety risks; and
- Council has only the one Industrial zone – IN2 Light Industrial and permitting child care in this zone could:
 - create land use conflicts;
 - sterilise industrial land uses on adjacent sites;
 - preclude future industrial development; and
 - impose further constraints on existing employment land uses.

For more information refer to **Attachment 1**.

Summary/Conclusions

This report outlines the rationale for continuing to prohibit child care centres in zones IN2 Light Industrial, RE2 Private Recreation and SP1 Special Activities under the *Leichhardt Local Environmental Plan 2013*.

Attachments

1. Discussion Paper: Consideration of Child care centres in prohibited zones under Local Environmental Plan 2013

LEICHHARDT MUNICIPAL COUNCIL
DISCUSSION PAPER: CONSIDERATION
OF CHILD CARE CENTRES IN
PROHIBITED ZONES UNDER LEP 2013

10 APRIL 2014



Creating and building community

1. BACKGROUND

In 2012, Leichhardt Municipal Council commissioned a review of child care supply and demand in the Leichhardt LGA. Based on this study¹, it was found that in February 2013 Leichhardt Council had a gap of around 284 child care places and a forecast gap (in 2021) of around 443 places. Council has been investigating options to address this gap through construction of three new facilities and supporting appropriate private development.

The inability to access child care can place significant stress and pressures on local families who depend on quality care to:

- support their participation in the workforce; and
- provide socialisation and education for their children in a safe environment.

Conversely, the ability to find appropriate sites in residential and commercial zones that are large enough to build viable centres, and not result in objections from neighbours due to perceived noise, traffic, parking and streetscape impacts is also difficult.

The increasing awareness of the need to increase places in appropriate locations has led Council to consider the possibility of permitting child care centres in currently prohibited zones. A recent Mayoral Minute (C417/13) resolved that Council's Strategic Planning Team research the urban planning benefits and/or disadvantages of permitting, with consent, child care centres within industrial zones and any other zones where they are prohibited within the municipality.

3. CURRENT PLANNING CONTEXT

In the Leichhardt LGA, child care centres are currently listed as permitted with consent in zones:

- R1 General Residential;
- R3 Medium Density Residential Zone;
- B1 Neighbourhood Centre;
- B2 Local Centre;
- B4 Mixed Use; and
- B7 Business Park Zone.

Child care centres are currently listed as prohibited development in zones:

- IN2 Light Industrial;
- SP1 Special Activities; and
- RE2 Private Recreation Zone.

Zone SP1 Special Activities

The SP1 Zone is generally intended for special land uses or sites with special characteristics that cannot be accommodated in other zones. In Leichhardt Municipality the SP1 Special Activities zone has been applied to two sites, which form the Canal Roads Arts Precinct:

¹ Cred Community Planning and Community Child Care Cooperative (NSW), A review of early education and care service delivery for children under school age in the Leichhardt Government Area, February 2013

1. 1 Canal Road, Lilyfield: owned by Government Property NSW and occupied by Canal Road Film Centre used for film, media and the arts, in multiple tenancies; and
2. 91 Canal Road, Lilyfield: owned by the Minister for Arts. This site includes performance and rehearsal space, office space, and meeting rooms. A portion of the site is also used as a purpose built facility that has an important ancillary function to the Art Gallery of NSW.

It not proposed to permit child care centres at these sites as they are intended to be protected for special land uses associated with film, media and arts.

Zone RE2 Private Recreation

The RE2 Private Recreation Zone applies only to two very small sites within the municipality, which are privately owned. These sites include:

- the open space area adjacent to the Colgate Palmolive Building, East Balmain; and
- a small area of open space on the corner of Victoria Road and Robert Street, Rozelle.

In each case both sites would not be suitable for a child care centre due to size and in the case of Victoria Road, its location along a major road.

The following section of this report considers the benefits and constraints of permitting child care centres in industrial zones.

4. PLANNING REQUIREMENTS FOR CHILD CARE CENTRES

In response to member council interest, in 2005 Southern Sydney Regional Organisation of Councils (SSROC)² released a Discussion Paper on planning requirements for child care centres. In terms of location requirements, the Paper found for the benefits of children, and to mitigate possible objections, that child care centres are best located:

- in or adjacent to parks and public areas, schools, churches and community facilities;
- in residential areas immediately adjacent to commercial or medium density development;
- in or adjacent to business parks or commercial areas such as town centres; and
- on corner sites, as there is more parking available for pick up/drop off.

The Paper considered other areas where child care could possibly be located, but recommended that child care should never be permitted in or immediately adjacent to general and heavy industrial zones. In addition to the significant risks to children this poses, the presence of a child care centre in this zone could effectively preclude legitimate development in the surrounding industrial land. The Paper recommends that child care should never be located immediately adjacent to Heavy and General Industrial zones, but notes that it may be appropriate to permit child care centres within the IN2 Light Industrial zone as this is a use that would be consistent with the objectives of the zone. This is only recommended if the centre is located an appropriate distance from adjacent incompatible uses which pose health and safety risks to children.

² Southern Sydney Regional Organisation of Councils (SSROC), 2005. Discussion Paper on planning requirements for Child Care Centres

5. LOCAL GOVERNMENT PRECEDENTS

Sydney councils have a range of approaches regarding permitting child care centres in industrial zones. Table 1 shows child care permissibility under council Local Environmental Plans (LEPs) and where relevant where controls have been included in the respective DCP. This information has been provided for neighbouring LGAs and councils where there is a DCP that specifically mentions permissibility in industrial zones. While some councils prohibit child care in IN2 Light Industrial Zones, others have locational clauses and requirements to allow child care in certain circumstances only. Others are silent on the issue or exclude child care in areas where there are health risks nearby.

Table 1 Local Government Precedents

Council	LEP Industrial zones – child care permissibility	DCP requirements for Industrial zones
Ashfield	<ul style="list-style-type: none"> • IN1 General Industrial – prohibited • IN2 Light Industrial – permissible 	<p>Includes location criteria that requires consideration of any environmental health hazard or risk relevant to the site and/or existing buildings within the site or in the surrounding area, including having regard to:</p> <ul style="list-style-type: none"> • proximity to dangerous goods; • potentially contaminated land; • proximity to noise sources, odour (and other air pollutants) generating uses and sources; and • any other identified environmental health hazard or risk relevant to the site and/or existing buildings within the site.
Botany Bay	<ul style="list-style-type: none"> • IN1 General Industrial - prohibited • IN2 Light Industrial - prohibited 	<p>DCP 2013: C13 The location of child care centres shall take into consideration any environmental risk or hazard including:</p> <ul style="list-style-type: none"> • pollution created by cars and other vehicle fumes; • proximity to LPG tanks; • existing and potential on and off-site electromagnetic fields; • proximity to water cooling and water warming systems; and • proximity to noise sources.
City of Canada Bay	IN1 General Industrial – prohibited	Child care centres should not be located on allotments which adjoin service stations or industrial developments.
City of Sydney	<ul style="list-style-type: none"> • IN1 General Industrial – Permissible with consent • IN2 Light Industrial – Permissible with consent 	DCP is silent on IN2 Light Industrial Zones, however, it states that child care centres are not permitted “ <i>where there are undue health risks on the site or in the vicinity</i> ”
Marrickville	• IN1 General Industrial	Does not specifically mention IN2 Light Industrial Zones.

Council	LEP Industrial zones – child care permissibility	DCP requirements for Industrial zones
	<ul style="list-style-type: none"> - Prohibited • IN2 Light Industrial – Permissible with Consent 	Child care controls will be completed for Stage 2 of the Marrickville Development Control Plan 2011.
Randwick	<ul style="list-style-type: none"> • IN2 Light Industrial – prohibited 	Does not specifically mention IN2 Light Industrial Zones but states that (D11) child care centres are discouraged in proximity to LPG tanks.
Hills Shire	<ul style="list-style-type: none"> • IN1 General Industrial - Permissible with consent • IN2 Light Industrial - Permissible with consent 	<p>Part B Section 6 states that consideration of the following should be taken into account when selecting a site for a child care centre:</p> <ul style="list-style-type: none"> • proximity to service stations; • proximity to LPG tanks; • proximity to odour (and other air pollutants) generating uses and sources; • proximity to pollution created by cars and other vehicle fumes.
North Sydney	IN2 Light Industrial – permissible with consent	Does not mention industrial zones but section 5.8 states that children should not be exposed to potentially harmful environmental pollutants.
Wyong	<ul style="list-style-type: none"> • IN1 General Industrial - Permissible with consent • IN2 Light Industrial- Permissible with consent in 	<p>In relation to Industrial Zones, the DCP states (3.1 and 3.2) that:</p> <ul style="list-style-type: none"> • where free standing child care centres are proposed within industrial estates, they should be located so as to minimise traffic, noise and safety conflicts; • child care centre proposals will not be supported as refits of existing factory units in industrial zones.

*Ashfield Interim Development Assessment Policy 2013 – This is an interim Policy will be used to assess development applications submitted under the Ashfield LEP 2013 and for administrative purposes.

6. BENEFITS/CONSTRAINTS

Table 2 provides a summary of the potential benefits and constraints of permitting child care centres in Industrial Zones.

Table 2 Benefits and constraints of permitting child care Industrial Zones

Benefits	Constraints
Large sites are available to support increased child care centre development.	<ul style="list-style-type: none"> • Sites may be impacted by poor environmental quality and expose children and child care workers to unnecessary health and safety risks. • Require significant testing (potentially remediation). • Require minimum distance between the centre and nearby

	<p>activities that may pose health and safety risks through toxic fumes or other activities.</p> <ul style="list-style-type: none"> • Very large sites may result in applications for very large centres of over 90 children, which are not considered to provide quality outcomes for children.
<p>Reduce objections to noise, traffic and streetscape that could be expected in residential areas.</p>	<ul style="list-style-type: none"> • Preclude future industrial development in the area and activities on surrounding industrial land. • Create land use conflict.
<p>Support the local workforce of the industrial zone.</p>	<p>Location and access to sites may not be desirable for creating walkable and connected neighbourhoods.</p>

7. CONCLUSION

While the need to provide additional child care places to support local residents and workers is a priority for Council, there is also the need to balance the:

- health and safety outcomes for children to ensure that child care centres are located in areas of high environmental quality, without exposure to undesirable health and safety risks from the site and surrounding areas;
- ability for current and future industrial functions to continue unimpeded; and
- role of child care centres to support local neighbourhood building and the increasing trend of Leichhardt residents to walk to child care on their way to work/public transport. While land might be available in a light industrial zone, this may not actually be desirable for local residents in creating a walkable and connected community.

8. RECOMMENDATION

It is recommended that Council does not permit child care centres within the IN2 Light Industrial Zone as:

- (a) Health and safety risks and potential impacts on neighbouring industrial uses, would outweigh the benefits of permitting child care centres in IN2 Light Industrial Zones; and
- (b) The standard instrument LEP template provides four industrial zones:
 1. Zone IN1 General Industrial
 2. Zone IN2 Light Industrial
 3. Zone IN3 Heavy Industrial
 4. Zone IN4 Working Waterfront

Council has applied only the one Industrial zone within the municipality - IN2 Light Industrial.

Permitting child care in Council's only industrial zone could potentially:

- Create land use conflict;
- Sterilise industrial land uses on adjacent sites;
- Preclude future industrial development; and

- Impose further constraints on existing employment land uses.

However, if Council considers that there is potential to permit child care in the IN2 Light Industrial Zone, further research would be required to develop controls for inclusion within the DCP 2013. The following clauses and requirements would need to be considered:

- demonstration that there are not undue health risks on the site or in the vicinity;
- potential for land use conflict;
- child care centre is primarily for local workers; and
- minimum distance between the child care centre and neighbouring industrial uses is provided.

From: [Johnson, Lisa](#)
To: [Myers, Rhonda](#)
Subject: FW: Mitchell appeal - next steps [SEC=UNCLASSIFIED]
Date: Wednesday, 23 November 2016 22:02:45
Attachments: [Hazardous - Mitchell2.pdf](#)
[Hazardous - Mitchell map.pdf](#)

Mitchell maps ☺ Sorry for the delay!

From: Teasdale, Jonathan
Sent: Tuesday, 22 November 2016 12:52 PM
To: Myers, Rhonda
Cc: Johnson, Lisa
Subject: RE: Mitchell appeal - next steps [SEC=UNCLASSIFIED]

Terrific, thanks Rhonda!

Lisa has copies of these maps and can provide them to you.

Cheers

Jonathan Teasdale | Senior Manager - Impact Assessment and ACAT Coordination
Phone 02 6207 0316
Planning Delivery

From: Myers, Rhonda
Sent: Tuesday, 22 November 2016 12:26 PM
To: Teasdale, Jonathan
Cc: Johnson, Lisa
Subject: RE: Mitchell appeal - next steps [SEC=UNCLASSIFIED]

Thanks Jonathon,

I'm on it ☺

Can you please send me a copy/ref to the hazardous uses mapping that Lisa has already done to assist me to address dot point 2

Thanks

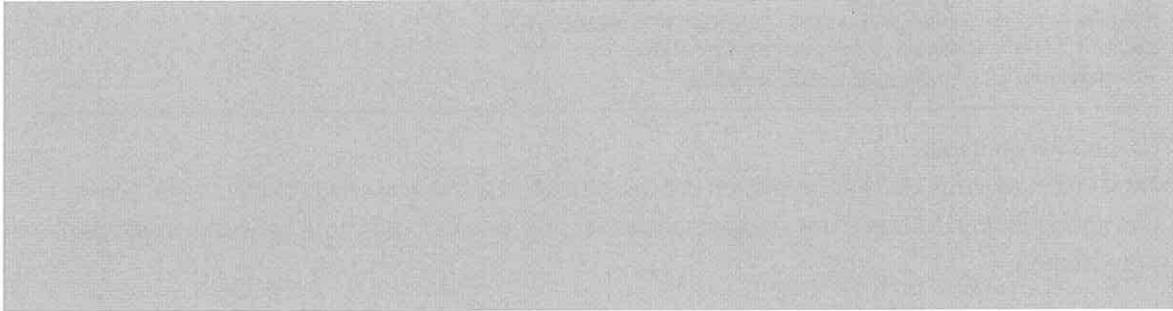
Rhonda Myers

Assistant Manager | DA Leasing | Lease Administration
Planning Delivery | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601
P **02 6207 1794** | e rhonda.myers@act.gov.au | web www.planning.act.gov.au

From: Teasdale, Jonathan
Sent: Tuesday, 22 November 2016 12:24 PM
To: Myers, Rhonda
Cc: Johnson, Lisa
Subject: Mitchell appeal - next steps [SEC=UNCLASSIFIED]
Importance: High

Hi Rhonda

As discussed earlier with GSO, grateful if you could do the following:



In the meantime I'll contact Health and EPA about meeting prior to the conference on Friday.

Attached is the latest version of the Urban Sounds discussion paper for your information. I'll dig around for any further information about noise impacts on child developmental health.

Lisa – hope you don't mind, but it would be great if this work could be prioritised ahead of any other work Rhonda is doing. More work in this space now will hopefully reduce the chance of this matter proceeding to hearing (and hence less work later).

Cheers

Jonathan Teasdale | Senior Manager - Impact Assessment and ACAT Coordination

Phone 02 6207 0316

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

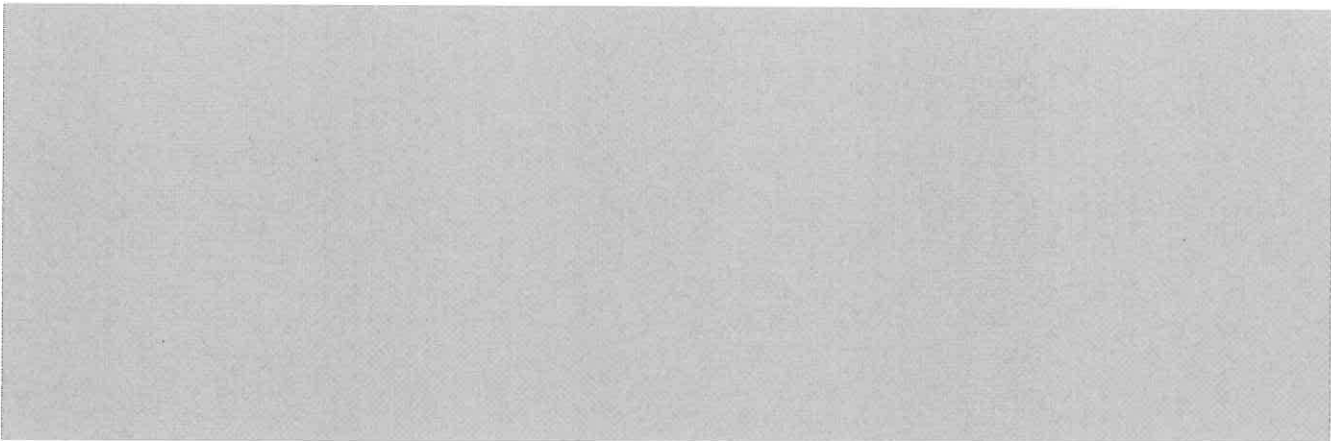
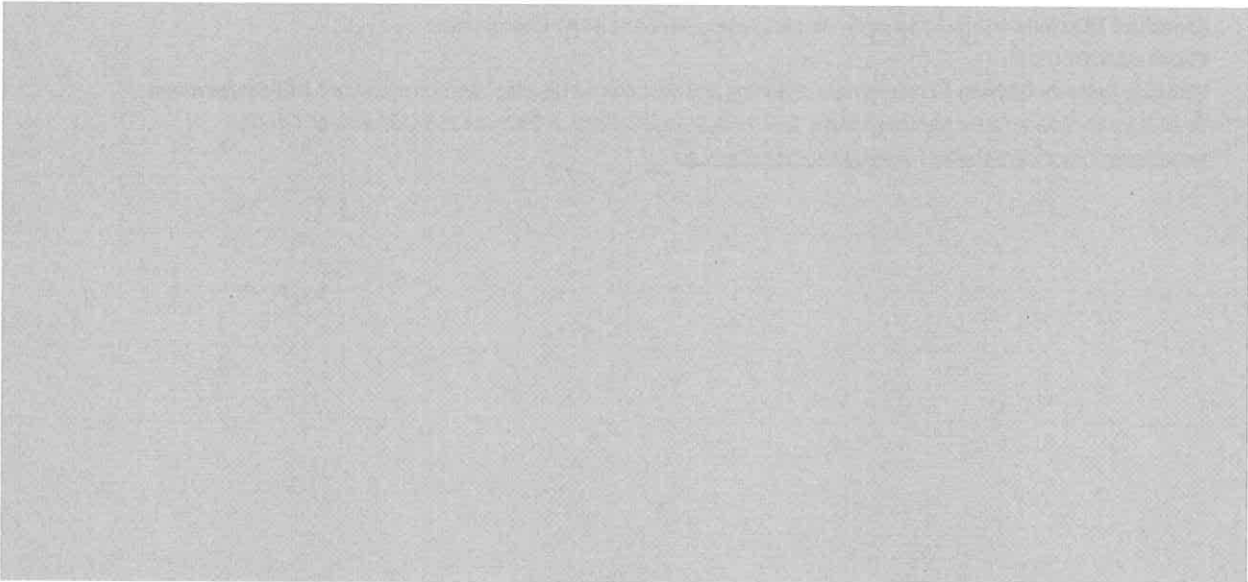
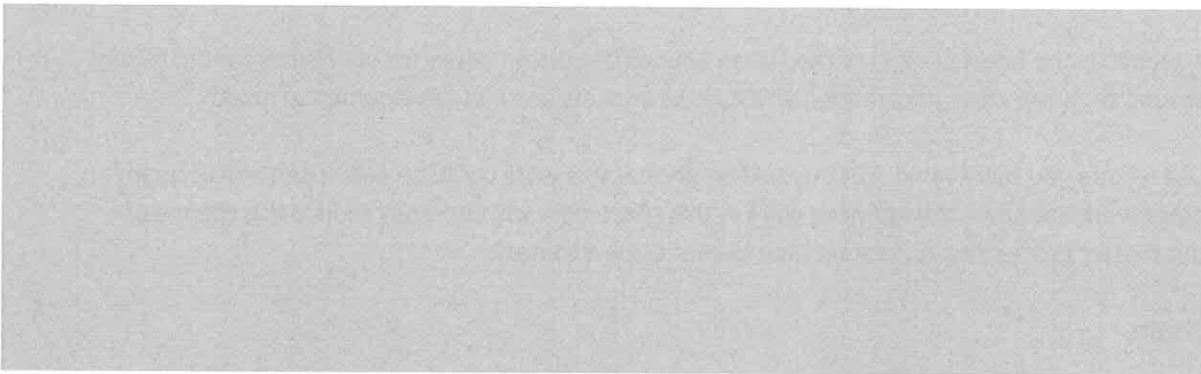
www.environment.act.gov.au | www.planning.act.gov.au

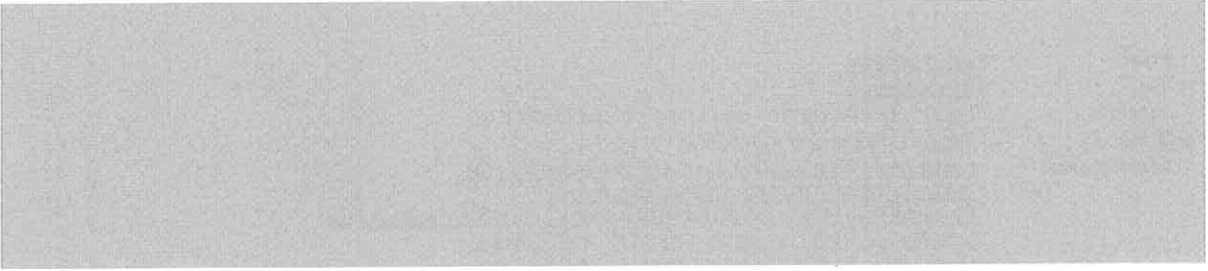
From: [Myers, Rhonda](#)
To: [Teasdale, Jonathan](#)
Cc: [Johnson, Lisa](#)
Subject: childcare apps 2013 - 2016.xlsx [SEC=UNCLASSIFIED]
Date: Monday, 5 December 2016 16:29:00
Attachments: [childcare apps 2013 - 2016.xlsx](#)

Hi Jonathan and Lisa,

Attached is a list of DAs that have been processed that in some way relate to child care. There has not been time to check the accuracy of this list, it is what I could come up with in restricted time frame.

There was also interest in the following information:





I hope this is of assistance. I will be on a course tomorrow. Can you please message me on my mobile if we are meeting with Lezsek and Verity on Wednesday.

Kind regards

Rhonda Myers

Assistant Manager | DA Leasing | Lease Administration

Planning Delivery | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

P **02 6207 1794** | e rhonda.myers@act.gov.au | web www.planning.act.gov.au

From: [Myers, Rhonda](#)
To: [Myers, Rhonda](#)
Subject: 2013-14 fy lease checks - child care [SEC=UNCLASSIFIED]
Date: Friday, 2 December 2016 10:35:31
Attachments: [Development Application leasing Check DA-201425746.msg](#)
[LEASING CHECK-201425691-113 BARTON-01.msg](#)
[DA LEASING CHECKLIST-DA201425618-BLOCK 3 SECTION 8 OXLEY-01.msg](#)
[Development Application leasing Check DA-201425509.msg](#)
[Development Application Leasing check-201425442-01.msg](#)
[DA LEASING CHECKLIST-201425259-165 TURNER-01.msg](#)
[LEASING CHECK FOR DA-201425203-1112 AMAROO-01.msg](#)
[URGENT -LODGE MENT CHECKLIST-201222871-RECONSIDERATION-BI 10 Sec 45 Hughes.msg](#)
[LEASING CHECK FOR DA-201323859-779 PHILLIP-01.msg](#)
[Leasing Check - 201323653 - 526 Crace.msg](#)

From: [Myers, Rhonda](#)
To: [Messer, Sue](#); [Pankhurst, Owen](#)
Subject: List of Child Care Centres - Dec 2015 & existing in Industrial Zones [SEC=UNCLASSIFIED]
Date: Friday, 28 October 2016 14:27:00
Attachments:



[lease variation - mitchell - 11 - 17 u9.pdf](#)



Hi Sue and Owen,
Here is the list of registered child care centres as of December 2015. There are 3 in industrial areas, as discussed at the meeting yesterday.



There are no registered centres in Mitchell. The lease was varied for unit 9 Block 17 Section 11 Mitchell in 2000, which is a variation that pre-dates the Planning and Development Act 2007, to permit short stay child care. There was no registered child care facility on that premises according to the list attached.



☺ Rhonda

From: Myers, Rhonda
Sent: Thursday, 5 May 2016 10:43 AM
To: Messer, Sue
Subject: child care in industrial paper [SEC=UNCLASSIFIED]

Please contact me by reply email or on 6207 1794 if your wish to discuss this matter further.

Kind regards

Rhonda Myers

Assistant Manager | DA Leasing | Lease Administration
Planning Delivery | Environment and Planning | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601
P 02 6207 1794 | e rhonda.myers@act.gov.au | web www.environment.act.gov.au

From: Murray, Adam
Sent: Wednesday, 27 April 2016 2:33 PM

To: Myers, Rhonda
Subject: RE: DI2014-97 child care [SEC=UNCLASSIFIED]

Hi Rhonda,

I have attached both the draft list of childcare centres (dec 15) and the draft Position paper which we will be sending to the DG shortly.

Kind regards,
Adam

From: Myers, Rhonda
Sent: Wednesday, 27 April 2016 10:11 AM
To: Murray, Adam
Subject: RE: DI2014-97 child care [SEC=UNCLASSIFIED]

Hi Adam,

Is there any chance I can have a look at it?

Please contact me by reply email or on 6207 1794 if your wish to discuss this matter further.

Kind regards

Rhonda Myers
Assistant Manager | DA Leasing | Lease Administration
Planning Delivery | Environment and Planning | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601
P **02 6207 1794** | e rhonda.myers@act.gov.au | web www.environment.act.gov.au

From: Murray, Adam
Sent: Tuesday, 26 April 2016 4:14 PM
To: Myers, Rhonda
Cc: Messer, Sue
Subject: RE: DI2014-97 child care [SEC=UNCLASSIFIED]

Hi Rhonda,

Sorry I didn't reply earlier. Thank you very much for sending through the information. The child care centre in industrial zone position paper is being sent to the DG shortly.

Regards,
Adam

From: Myers, Rhonda
Sent: Tuesday, 26 April 2016 10:09 AM
To: Murray, Adam
Cc: Messer, Sue
Subject: RE: DI2014-97 child care [SEC=UNCLASSIFIED]

Hi Adam,

This DI has been included in Reg 170 of the Planning and Land Regs.

**170 Exempt variations—Act, s 276, def *chargeable variation*,
par (c)**

(1) The following are prescribed: ...

(d) a variation, if the only effect of the variation is to—

(i) authorise the use of the land under the lease for a childcare centre; or

(ii) do both of the following:

(A) authorise the use of the land under the lease for a childcare centre;

(B) limit the maximum number of children provided care in the childcare centre permitted under the lease; or

(iii) increase the maximum number of children provided care in the childcare centre permitted under the lease; or

(iv) increase the maximum gross floor area of any building or structure permitted for use as a childcare centre on the land under the lease.

As with the now expired DI, the only variation in that application can be for childcare. It can include other works.

Hope this helps ☺

Kind regards

Rhonda Myers

Assistant Manager | DA Leasing | Lease Administration

Planning Delivery | Environment and Planning | **ACT Government**

Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

P 02 6207 1794 | e rhonda.myers@act.gov.au | web www.environment.act.gov.au

From: Murray, Adam

Sent: Thursday, 21 April 2016 2:48 PM

To: Messer, Sue

Cc: Myers, Rhonda

Subject: DI2014-97 child care

Hi Sue,



Kind regards,

Adam

Adam Murray | Policy Officer

Phone: 02 6207 4586 | Email: adam.murray@act.gov.au

Strategic Planning | Environment and Planning Directorate | ACT Government

Level 3 North Building, Dickson | Dame Pattie Menzies House 16 Challis Street, Dickson ACT 2602 | act.gov.au

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2 story place
Graces A.C.T.
BOX NO: *2607*
APPROVAL NO: 499

1186996

AUSTRALIAN CAPITAL TERRITORY
APPLICATION FORM
LAND TITLES ACT 1925



THIS FORM MAY BE USED FOR MISCELLANEOUS APPLICATIONS FOR WHICH NO FORM IS PRESCRIBED BY THE LAND TITLES ACT 1925 (EG APPLICATIONS TO CHANGE NAME OF PROPRIETOR, TO CORRECT THE REGISTER, ETC.)

1. LAND

DISTRICT/DIVISION	SECTION	BLOCK	UNIT	VOL/FOL	INSTRUMENT NO.
MITCHELL	11	17	9	1583:69	Units Plan No. 1836

2. TITLE OF APPLICATION

FOR REGISTRATION OF A VARIATION OF CROWN LEASE PURSUANT TO SECTION 72A OF THE LAND TITLES ACT 1925

3. NATURE OF APPLICATION (IF INSUFFICIENT SPACE PLEASE ATTACH ANNEXURE)

I, **DULCE LANDER** being a person authorised in that behalf by the Minister, APPLY to you to register the variation which has been made to the Crown lease of the land described.

An Approval of Variation of Lease is submitted herewith in accordance with section 72A of the Land Titles Act 1925.

4. DATE

5 December 2000

5. EXECUTION

SIGNED IN MY PRESENCE BY THE APPLICANT.

DULCE LANDER

a person duly authorised by the Australian Capital Territory Executive for and on behalf of the Commonwealth in the presence of:

SIGNATURE OF APPLICANT.

MONICA CARROLL

Public Servant of 5 years
Canberra

SIGNATURE OF WITNESS.

OFFICE USE ONLY

DOCUMENTS LODGED HEREWITH:

CERTIFICATE OF TITLE	CERTIFICATES	OTHER
1583:69	—	

CERTIFICATE OF REGISTRATION:

EXAMINED:	[REDACTED]
VOLUME:FOLIO	[REDACTED]
REGISTERED:	[REDACTED]

DATE:	11 DEC 2000
-------	-------------

OFFICE USE ONLY	
Time Out:.....	3.52
Date C.....	1.1.DEC.2000
Initial.....	[REDACTED]

REC'D 00 41 013

ANNEXURE

ANNEXURE TO MEMORANDUM OF VARIATION TO A UNIT LEASE

DATED 5 DECEMBER 2000

AUSTRALIAN CAPITAL TERRITORY
LAND (PLANNING AND ENVIRONMENT) ACT 1991
SECTION 250

APPROVAL OF A VARIATION OF THE SCHEDULE OF PROVISIONS,
COVENANTS AND CONDITIONS SUBJECT TO WHICH LEASES OF UNITS ARE
HELD

Under the Land (Planning and Environment) Act 1991 I, **DULCE LANDER**, approve the variation of schedule of provisions, covenants and conditions subject to which leases of units are held and specified hereunder:

Name of Registered Proprietor: **M.C.I. PTY. LIMITED A.C.N. 008 585 877**

Register Book Volume **1583** Folio **69** Units Plan No.: **1836**

Short Description of Land affected:

Unit **9** Block **17** Section **11** Division of **Mitchell**

PARTICULARS OF VARIATION -

FORM 4

FORMER PROVISION

3. (c) To use Unit 1 to 10 for one or more of the following purposes;
- (i) any manufacturing process other than offensive hazardous or noxious industries and the retail sale of goods manufactured on the premises other than the retail sale of foodstuffs and beverages;
 - (ii) storage and wholesale disposal of goods;
 - (iii) repair and servicing of vehicles caravans boats and machinery including the sale of parts and accessories thereof;
 - (iv) auction rooms second hand stores and other businesses concerned with the storage of sale of used goods;
 - (v) the storage and sale distribution or hire of building materials and equipment builder's hardware garden supplies and sporting equipment; and
 - (vi) funeral parlour excluding any chapel;

AMENDED PROVISION

3. (c) To use Unit 1 to 10 for one or more of the following purposes;
- (i) any manufacturing process other than offensive hazardous or noxious industries and the retail sale of goods manufactured on the premises other than the retail sale of foodstuffs and beverages;
 - (ii) storage and wholesale disposal of goods;
 - (iii) repair and servicing of vehicles caravans boats and machinery including the sale of parts and accessories thereof;
 - (iv) auction rooms second hand stores and other businesses concerned with the storage and sale of used goods;
 - (v) the storage and sale distribution or hire of building materials and equipment builder's hardware garden supplies and sporting equipment; and
 - (vi) funeral parlour excluding any chapel

AND IN ADDITION Unit 9 may also be used for the purposes of a child care centre restricted to short term child care only;

INSERTED PROVISION

Replace the full stop/period (".") at the end of sub-clause 6(j) with a semi-colon (";") and add the following sub-clause 6(k) as follows:

6. (k) "child care centre" means the use of land for the purpose of supervising or caring for children of any age throughout a specified period of time in any one day which is registered under the Children's and Young People Act 1999 and which does not include residential care.

Date:

5 December 2000

DULCE LANDER

the person for the time being holding or performing
the duties of the office of Senior Officer Class C,
Position Number 13092
Department of Urban Services
Delegate of the Minister



ACT
Government

SEPARATION DISTANCE GUIDELINES FOR AIR EMISSIONS

MAY 2016

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CONTENTS

1. Introduction	2
2. Background	2
3. Role of the guidelines	3
4. Application of separation distances	3
4.1 Separation distance application considerations	3
4.2 Activity boundary	4
4.3 Measurement point	4
4.4 Recommended separation distance	4
4.5 Buffer area	4
4.6 Sensitive land uses	5
5. Amendments to separation distances	6
6. Separation distances for air emissions (air quality and odour)	7
6.1 Surface roughness factor	7
7. References	8
Appendix 1. Recommended separation distances for airborne emissions	9
Appendix 2. Vegetated buffer element design for agricultural spray drift	15

1. INTRODUCTION

The Environment and Planning Directorate (EPD) has prepared these Separation Distance Guidelines for Air Emissions (the guidelines) for use as a tool in the development application process for new or expanding developments in the Australian Capital Territory (the Territory). These guidelines may be used by the Territory's planning and land authority, developers, planning consultants and the community.

These guidelines provide recommended separation distances between various emitters and sensitive land uses. They will ensure incompatible land uses are located in a way that minimises the impacts of odour and polluting air emissions when applied in the assessment of new development applications. While the guidelines will assist in the siting of new developments, they may also be used to ensure industrial activities in appropriate zones are protected from encroachment by residential and other sensitive land uses that would have a negative effect on the viability of industry.

EPD supports the use of these guidelines as one method of considering potential conflicts between incompatible land uses.

These guidelines are to be used in the assessment of new developments and are not to be applied retrospectively to existing industrial operations.

While the separation distances in these guidelines are recommended distances, there is the opportunity for a proponent to demonstrate that a separation distance, other than the recommended distance, is appropriate by using the mechanism in the guidelines. Therefore, the distances recommended in these guidelines are indicative and may be adjusted having regard to specific site circumstances.

These guidelines are not intended to address occupational health and safety issues, or circumstances, where there is a direct health issue. These guidelines do not address major hazards such as fire or explosion, nor do they address the cumulative impacts of industrial activities.

2. BACKGROUND

Good planning is a major contributing factor to the achievement of sustainable development and environmental protection. The Territory Plan provides for the separation of certain classes of activities through the use of land use zones in the ACT. This separation protects the amenity of residential areas and allows businesses in industrial and commercial areas, as well as agricultural and municipal activities, to operate without hindrance.

The separation of certain land use activities is the basis for the preparation of these guidelines. The guidelines are intended to assist informed decisions that address potential conflicts between residential and other sensitive land uses and industry due to air emissions.

The use of separation distances is not an alternative to compliance by industry with its statutory obligations; it is an aid to locating industry and sensitive land uses to minimise the impacts of odour, polluting air emissions, waste water or noise that may result from accident, power failure, equipment failure, unusual meteorological conditions or human error, as well as normal operation. Under the *Environment Protection Act 1997* (the Act), industrial emissions are regulated by the requirement to comply with the general environmental duty and any relevant statutory conditions.

Similarly, the use of separation distances is not an alternative to the provision of appropriate planning policies and zoning in the Territory Plan. The guidelines may inform the planning process and should be seen as one of a number of tools available to deal with the loss of amenity caused by close proximity of incompatible land uses.

The primary role of the guidelines is to aid in the assessment of development proposals. The application of the guidelines will assist in protecting the amenity in residential and other sensitive areas, and can be used by planning authorities to protect industry from encroachment by sensitive land uses.

The guidelines may be used by developers and planning consultants to assist in the planning and assessment of development proposals and amendments to development.

3. ROLE OF THE GUIDELINES

Adequate separation distances reduce the potential for conflict between industrial and sensitive land uses, and support the fact that industrial activities cannot be undertaken with optimum emission control conditions all the time.

These guidelines are designed to be:

- simple – proponents, community and government can easily determine compliance
- transparent – the separation distances are reproducible and consistent for all proposals with similar configurations
- quick and cheap – expert air quality advice should not be required
- generally more conservative than the separation distances predicted by air pollution modelling for a high percentage of proposals.

The recommended separation distances are based on the assumption that Best Available Technology Economically Achievable (BATEA) is implemented. BATEA involves the use of emission control technology, which, although representing a significant financial cost, will not be such that the viability of the enterprise is threatened. Using BATEA will help ensure an enterprise complies with the general environmental duty under the *Environment Protection Act 1997*.

Separation distances are not an alternative to source control and cleaner production methods. They are a means of reducing the effects of residual emissions and, in exceptional circumstances, the emissions from an enterprise operating under less than optimum conditions. It is important the application of separation distances is not seen as a substitute for BATEA.

While a separation distance is recommended for an industry, the ensuing buffer area can still be used for other compatible land uses.

4. APPLICATION OF SEPARATION DISTANCES

4.1 SEPARATION DISTANCE APPLICATION CONSIDERATIONS

These guidelines apply to new industries/activities and redevelopment of existing industries/activities for which a development application is required under the *Planning and Development Act 2007*. The guidelines are not to be applied retrospectively to an existing industry/activity.

In cases where the site of some proposed activities is fixed, the activity occurs infrequently and the recommended separation distance cannot be achieved, extra precautions would be required to minimise the potential impact of the activity. There may still, however, be an environmental nuisance for a short period of time. An example of this would be the abrasive blasting of a steel bridge for corrosion protection.

The guidelines may be used as a tool to assist in the planning and assessment of development proposals by the planning and land authority, developers and planning consultants. Proposed residential development near an existing industry may be assessed using the guidelines to ensure that the development does not have unsatisfactory environmental impacts and does not unduly affect the existing industry.

The guidelines do not address the cumulative impact of several industries; rather they address the potential impact from a single industry. The cumulative impact would need to be assessed on an individual site basis.

When applying the guidelines, the following concepts must be taken into consideration.

4.2 ACTIVITY BOUNDARY

The activity boundary is the boundary drawn to enclose all activities, plant, buildings, other structures or other sources from which residual emission may arise.

The activity boundary includes all sources of potential emissions, such as stockpiles and storage facilities. These must be identified and included within the activity boundary from which separation distances are taken. This concept allows industrial developers to provide for a buffer area or part thereof on their own premises if circumstances permit. The activity boundary may not coincide with the property boundary. The concepts of activity boundary and separation distance are shown in Figure 1.

4.3 MEASUREMENT POINT

The measurement point is the point on or adjacent to the nearest sensitive land use or zone at which a separation distance is assessed.

4.4 RECOMMENDED SEPARATION DISTANCE

The recommended separation distance is the distance recommended in the guidelines for the activity or activities listed. This distance is measured from the activity boundary.

The separation distances are based on typical to large sized existing developments for that industry sector. If a proposed development has the potential to have a significantly larger impact than this, the recommended distances may not be sufficient. The recommended distance can then be estimated using the procedure in Section 5 'Amendments to Separation Distances'.

4.5 BUFFER AREA

The buffer area is the area from the activity boundary to the outer limit of the separation distance (Figure 1). The buffer area may have a natural or artificial feature that mitigates an adverse impact; for example, a hill. The ongoing ownership and maintenance of the buffer area must be considered. If the buffer area is not maintained there may be an increase in the potential impacts and a significant business risk to the proposed or new operation.

Where the distance between the measurement point and the activity boundary is less than the recommended separation distance, the Planning and Land Authority should request the proponent to demonstrate why the lesser distance would be appropriate in accordance with Section 5 'Amendments to Separation Distances' of these guidelines.

For the purpose of these guidelines, any land zoned for sensitive land uses under the Territory Plan should be treated as if the land were being used for that activity regardless of its current use. The nearest zone boundary to an actual or potential source of emissions is the measurement point in this case.

By careful layout within a site, and by locating the source of the residual emissions as far as practicable from the nearest sensitive land use, the impact on neighbouring landholders can be reduced. Careful examination of the proposed site, activities, plant and installation, in conjunction with the relevant planning and environmental legislation and details of existing land uses in the vicinity, is necessary if the separation distance requirements of a proposal are to be addressed adequately.

Industries themselves can be incompatible neighbours. For example, chemical works are incompatible with food preparation premises; a dusty concrete plant is incompatible with a paint shop requiring a dust free atmosphere. The reasons for their incompatibility are often highly individual and need to be addressed on a case-by-case basis to ensure sensible planning solutions are reached.

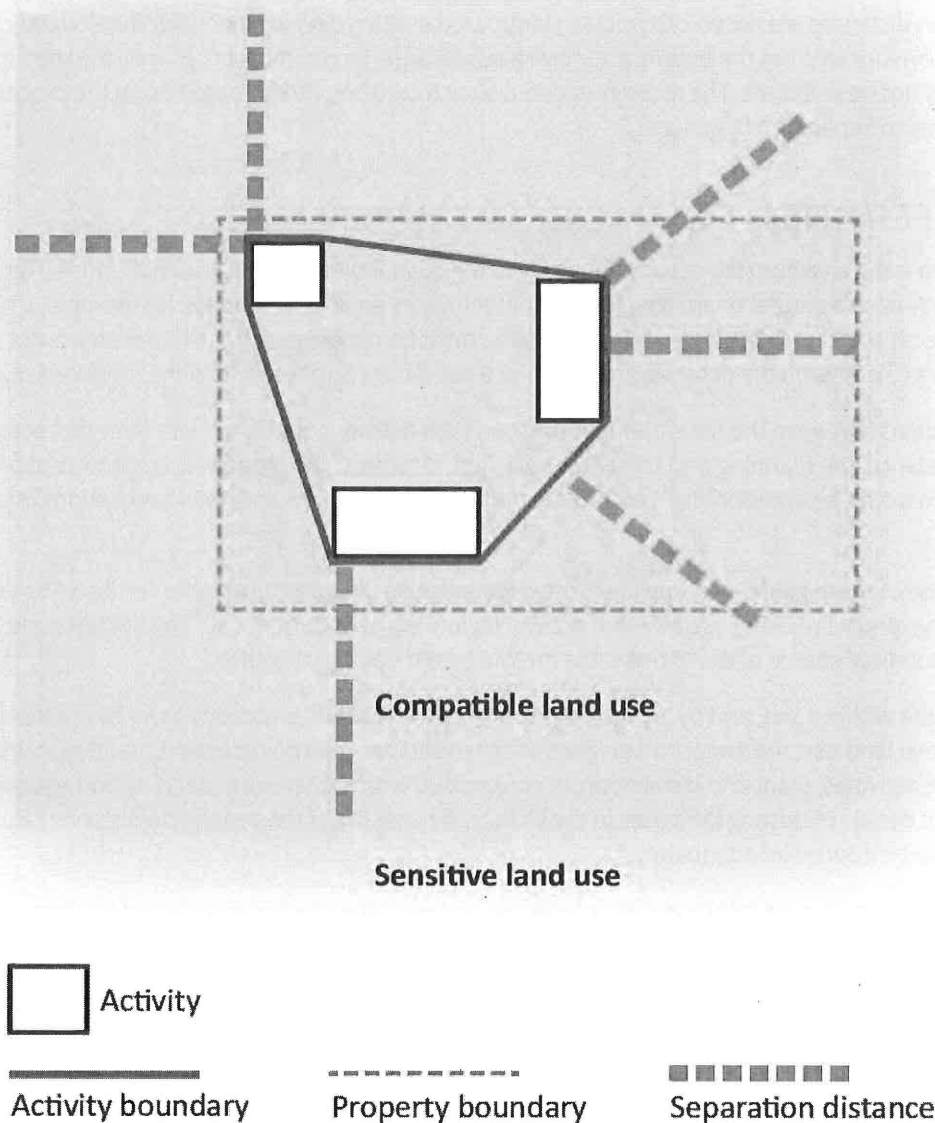
When setting up initial separation distances, the developer should make allowance for the possibility of future expansion on a site. Otherwise the expansion could be prevented by the lack of separation.

4.6 SENSITIVE LAND USES

These guidelines are intended to protect the amenity of sensitive land uses, such as, but not limited to:

- Caravan park
- Community centres
- Consulting rooms
- Educational establishments
- Childcare centres
- Hospitals
- Hotels
- Motels
- Nursing homes
- Tourism accommodation
- Residential (including detached dwellings, multiple dwellings, semi-detached dwellings)
- Parklands, recreation areas or reserves (regular public use)

Figure 1 Concepts of activity boundary and separation distance



5. AMENDMENTS TO SEPARATION DISTANCES

If site specific circumstances appear to indicate a reason for departing from the recommended separation distance (e.g. scale of operation, local topography, state of the art technology etc.), a separation distance different from the recommended distances may be justified.

The onus will be on the party seeking an amendment to the recommended distance to demonstrate that the recommended separation distance is inappropriate for the particular situation.

As a guide, the following criteria should be addressed when seeking a site-specific variation from the recommended separation distance:

- the scale of operation of the proposal (e.g. the proposed plant is significantly smaller/larger than the normal operation for that activity and will produce substantially lower/higher emissions)
- evidence of pre-existing incompatible land use impacts extending beyond the recommended separation distance
- the standard of emission control technology to be used (e.g. will have a standard of emission control technology significantly better than the good level of control normally applied to that activity, i.e. Best Available Technology, rather than BATEA)
- evidence of the effectiveness of the proposed technology
- an environmental audit of residual emission (air, water, noise, waste) from an existing plant on the proposed site or a similar plant at another site, that has been carried out and made available to support an increase/decrease to the recommended separation distance
- details of how the residual emissions will be addressed
- details of any history of complaints arising from residual emissions from an existing plant, on the proposed site or a similar plant at another site
- details on how the proposed development may comply with industry guidelines (if available)
- existence of new applicable research
- existence of exceptional topographic, meteorological or other circumstances that will affect the emission or dispersion of residual emissions
- evidence from tools such as odour modelling, demonstrating that the potential odour impact is less/more than the adopted odour criteria for normal conditions and other conditions including times of higher emissions from accident, power failure, equipment failure, unusual meteorological conditions or human error.

Variation to the recommended separation distances should be included by proponents as either part of the development application process, or in a submission in relation to a development application. Such variations should address the criteria outlined above. It is suggested that those seeking a variation to recommended separation distances engage the services of experienced and appropriately qualified environmental consultants.

6. SEPARATION DISTANCES FOR AIR EMISSIONS (AIR QUALITY AND ODOUR)

The separation distances for odour or air pollutants are shown in Appendix 1. The distances given should be adjusted for the vegetation/surface roughness between the source and the receptor and the terrain effects around the site, particularly the effects of terrain features on the meteorology of the area.

The recommended separation distance for air quality purposes from Appendix 1 is multiplied by the appropriate surface roughness factor and the terrain weighting factor to give the final recommended separation distance.

- **Recommended distance = value in Appendix 1 x surface roughness factor (Table 1) x terrain weighting factor (Table 2)**

6.1 SURFACE ROUGHNESS FACTOR

The surface roughness factor varies according to the roughness of the land surface between the site and the receptor. The principal elements that determine surface roughness are vegetation density and surface topography. Recommended values of surface roughness are provided in Table 1. The values presented in this table are not to be added; only the value for the single category that best represents the site conditions should be used.

The roughness factors given in Table 1 assume that the selected roughness is continuous between the site and the receptor. Where roughness is variable or non-continuous, judgment should be used in selecting an appropriate composite factor.

The values given in Table 1 should be used with care; a number of qualifications apply to their use. For receptors located at larger separation distances, more than one surface roughness factor may apply over different sections of the separation. In this instance, the surface roughness factor applied should be selected after considering the relative weighting of the different factors. When selecting factors based on the presence of vegetation, some consideration should be given to the potential for the vegetation to be cleared during the life of the activity. For example, off-site vegetation is beyond the control of the operator, but may be regarded as permanent depending on the owner of the land (e.g. national park/reserves where no timber harvesting is undertaken).

Table 1. Values of surface roughness factor

Surface roughness features	Description	Factor
Settled areas	Metropolitan area or continuous residential, commercial and/or industrial areas.	1.00
Long grass, few trees	Open country with few or scattered trees. Topography would be predominantly flat to slightly undulating.	1.00
Undulating hills	Situations where topography consists of continuous rolling, generally low-level hills and valleys, but without sharply defined ranges, ridges or escarpments. (Assumes minimal vegetation.)	0.93
Level wooded country	Open forest country with tree density not sufficient to provide a continuous canopy, but sufficiently dense to influence air movement. There would be little or no lower storey vegetation. The density is such that the vegetation can be considered as a continuous belt.	0.85
Heavy timber	Generally tall forests with dense timber stands, providing a continuous canopy. There is limited understorey vegetation, mainly associated with regrowth.	0.77
Significant hills and valleys	Situations where one or more lines of hills sufficiently large enough to influence air movement exist between the receptor and the activity.	0.68

Table 2 Values of terrain weighting factor

Terrain	Weighting factor Downslope	Upslope
Broad valley/drainage (0.1–1%)	1.6	1
Sloping terrain (1–2%)	1.5	1
Flat (<0.1% in all directions)	1	1
Hilltop (>4%)	1.2	–
Narrow valley (1–2%)	1.2	0.5

Notes

1. These factors may not apply where prevailing winds are a significant influence on weather patterns, or where odour is emitted from elevated vent sources.
2. Downslope factors should be applied across an angle of 90° centred on the terrain feature. Upslope factors should be applied across an angle of 60° centred on the terrain feature.
3. % is percentage slope.

The location of the operation should be checked in relation to the topography. For example:

- If the operation is on a slight slope (<1%) within a broad valley, a terrain weighting factor of 1.0 should be used upslope and 1.6 downslope of the facility.
- If the operation is situated on a moderate slope (1–2%), a terrain weighting factor of 1.0 should be used upslope and 1.5 downslope of the facility.

Weighting factors should be applied for the range of distances applicable to site impacts.

However, the application of these weighting factors is dependent on the homogeneity of terrain between source and receptor. For example, if the terrain remains similar between the operation and receptor, the weighting factor can be applied for an indefinite distance. The weighting factor is, however, less reliable if significant terrain changes occur between source and receptor.

The terrain weighting factors apply to most locations. If, however, the site is not described by these factors, a terrain weighting factor of 1.0 should be used.

Examples

The recommended separation distance for Hot Mix Asphalt Preparation in Appendix 1 is 1,000 metres.

If the proposed plant has heavy timber between the plant and the receptor and the plant is located on a slight slope (<1%) within a broad valley the recommended distance is $1000 \times 0.77 \times 1.0 = 770$ metres for upslope of the plant and $1000 \times 0.77 \times 1.6 = 1,232$ metres downslope of the plant.

The recommended separation distance from Appendix 1 for Milk Processing Works is 100 metres.

If the proposed plant is located in residential/industrial area and the land is flat (<0.1%) the recommended distance is $100 \times 1.0 \times 1.0 = 100$ metres.

7. REFERENCES

South Australian Environment Protection Authority, Guidelines for Separation Distances December 2007

Department of Natural Resources Queensland, Planning Guidelines Separating Agricultural and Residential Land Uses, 1997 DNRQ 97088.

Victorian Environment Protection Authority, Recommended separation distances for industrial residual air emissions, March 2013

APPENDIX 1. RECOMMENDED SEPARATION DISTANCES FOR AIRBORNE EMISSIONS

The distances provided in this appendix are in metres.

Recommended separation distances		Meters
Agriculture and other animal activities		
Abattoirs or slaughterhouses	The conduct of slaughtering works for commercial purposes for the production of meat or meat products for human or animal consumption:	
	Other than poultry	500
	Poultry only	300
Agricultural chemical spray drift	Open ground conditions	300
	Vegetated buffer (see Appendix 2 for buffer conditions)	40
Cattle feedlot		See note #
Dairies	A dairy involving more than 100 milking cows at any one time	300
Dog kennels		200
Poultry farms	Keeping of poultry involving an enclosed shed area exceeding 1,000 square metres	750
Saleyards	Commercial conduct of yards at which cattle, sheep or other animals are gathered or confined for the purpose of their sale, auction or exchange, including associated transport loading facilities, being yards with a throughput >50,000 dry sheep equivalent units per year [dry sheep equivalent units: 1 sheep or goat = 1 unit; 1 pig (<40kg) = 1 unit; 1 pig (>40kg) = 4 units; 1 cattle (<40kg) = 3 units; 1 cattle (40 – 400kg) = 6 units; 1 cattle (>400kg) = 8 units].	500
	With throughput >25,000 but <50,000 dry sheep equivalent units per year	200
Chemical and petroleum		
Chemical storage and warehousing facilities	Storage of warehousing of chemicals or chemical products that are, or are to be, stored or kept in bulk or in containers having a capacity exceeding 200 litres at facilities with a total storage capacity exceeding 1,000 cubic metres.	500
Chemical works		500
Petroleum storage	Petroleum products are stored in tanks with a total storage capacity exceeding 2,000 cubic metres	250
Hydrocarbon production, refining, processing and recovery	Production, processing or recovery of other petroleum products/ derivatives (other than refining oil or gas, producing hydrocarbon fractions or liquefying gas)	500

Recommended separation distances		Meters
Food and beverage production and animal and plant processing		
Bakery	> 40 tonnes/day	100
	< 40 tonnes/day	See note ~
Breweries	The conduct of works for the production of beer by infusion, boiling or fermentation, with a beer production capacity, where liquid waste is discharged onto land or into waters:	
	> 5,000 litres/day	500
	< 5,000 litres/day	See note ~
Coffee roasting	Roasting >200 tonnes per year of coffee beans	250
	Roasting <200 tonnes per year of coffee beans	See note ~
Milk processing works	Works where milk is separated evaporated or otherwise processed for the manufacture of evaporated or condensed milk, cheese, butter, ice cream or other similar dairy products at a rate of greater than 1 M litres per year.	100
Produce processing works	Processing agricultural crop material by deep fat frying, roasting or drying through the application of heat	150
Produce processing works	Processing any agricultural crop material where waste water is generated and disposed of otherwise than to a sewer or septic tank effluent disposal system	150
Tanneries or fellmongeries	The commercial preservation or treatment of animal skins or hides (excluding the processing of skins or hides by primary producers in the course of primary production activities outside built up areas and the processing of skins or hides in the course of taxidermy)	500
Wineries or distilleries	Processing of grapes or other produce to make wine or spirits where greater than 50 tonnes of grapes or other produce are processed per year with: Mechanically treated wastewater	300
	Wastewater storage lagoons without any aeration device: BOD >4000mg/L Mechanically treated wastewater	1,000
	BOD >1000 & <4000mg/L BOD	750
	>100 & >1000mg/L BOD	500
	<100mg/L	300
	Bottling only	300
Wool scouring		500

Recommended separation distances		Meters
Manufacturing and mineral processing		
Abrasive blasting	Blasting outside	500
	Blast cleaning cabinets less than 5 cubic metres in volume or totally enclosed automatic blast cleaning units	100
Ceramic works	Works for the production of ceramics or ceramic products such as bricks, tiles, pipes, pottery goods, refractories or glass that are manufactured or are capable of being manufactured in furnaces or kilns fired by any fuel with a total capacity for the production of products exceeding 100 tonnes per year	500
Concrete batching works	Works for the production of concrete or concrete products that are manufactured or capable of being manufactured by mixing cement, sand, rock, aggregate or similar materials with a total capacity for production exceeding 0.5 cubic metres per production cycle.	100
Hot mix asphalt preparation	Conduct of works at which crushed or ground rock aggregates are mixed with bituminous or asphaltic materials for the purposes or producing road building mixtures	1,000
Pulp or paper works	Works at which paper pulp or paper is manufactured where production is:	
	>100 tonnes/year	2,000
	<100 tonnes/year	1,000
Scrap metal recovery	Works at which scrap metals are treated in any type of fuel burning equipment or electrically heated furnaces or are disintegrated by mechanical means for recovery of metal, but excluding commercial printing establishments at which type metal is melted or re-melted in thermostatically controlled ports for the purpose of type casting	500
Surface coating	Electroplating, electrolyse plating, anodising (chromating, phosphating and colouring), chemical etching or milling, or printed circuit board manufacture	100
Surface coating	Hot dip galvanising	300
Surface coating	Spray painting and powder coating with a capacity to use more than 100 litres/day of paint or 10 kilograms/day of dry powder	300
	Spray painting and powder coating with a capacity to use less than 100 litres/day of paint or 10 kilograms/day of dry powder	100
Timber preserving works	Treating or preserving timber using hazardous or toxic chemical substances	100
Wood processing works	The conduct of works other than works at a builders supply yard or a home improvement centre at which timber is sawn, cut, chipped, compressed, milled or machined (sawmills and joineries)	100

Recommended separation distances		Meters
Material handling		
Crushing, grinding or milling	Processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner) of chemicals or rubber	300
Crushing, grinding or milling (excluding non-commercial processing for on-farm use)	Agricultural crop products	300
Crushing, grinding or milling	Rock, ores or minerals excluding lease or private mine or wet sand	500
Extractive industries	Operations involving extraction, or extraction and processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner), of sand, gravel, stone, shell, shale, clay or soil:	
	with blasting	500
	no blasting	300
Composting works	Compost is produced at a rate of:	
	> 200 tonnes/year	1,000
	>20 & < 200 tonnes/year	300

Recommended separation distances		Meters
Waste management		
Biosolid depot	Receiving, drying, composting, mixing or processing biosolids	400
Incineration	Destruction of chemical wastes	1,000
	Destruction of medical wastes	500
	Cremation	150
	Solid municipal waste	500
Landfill	Municipal solid waste and commercial and industrial waste landfill activities	500
Materials recovery facility*	Collecting, dismantling, treating, processing, storing or recycling used or surplus materials	300
Permanent contaminated soil treatment facility	Permanent facility for the temporary storage, processing and treatment of contaminated soil (excludes on-site contaminated site soil treatment)	500
Sewage pumping stations	Facilities including, pumps and equipment, for pumping sewage to processing sites	100
Sewage treatment works	Mechanical/biological wastewater plants including aerated lagoons: <1,000 equivalent population	100
	>1,000 & <5,000	200
	>5,000 & <15,000	300
	>15,000	Individual assessment
	Facultative lagoons: <1,000 equivalent population	150
	>1,000 & <5,000	350
	>5,000 & <15,000	700
	>15,000	Individual assessment
Sewer vents	A ventilation system to ensure there is air movement in the sewer system, pits and drains to decrease gaseous build ups	50
Waste transfer station*	Collection, consolidation, temporary storage, sorting or recovering refuse or used materials prior to transfer for disposal or use elsewhere	300

Recommended separation distances		Meters
Miscellaneous		
Dying/finishing	Dying or finishing cotton, linen, woollen yarns or textiles	100
Fibre-reinforced plastic manufacturing		300
Gas distribution works	Regulating stations, boundary regulators, trunk receiving stations and similar types of gas infrastructure capable of causing air emissions	300
Marinas and boating facilities: repair or maintenance	Works for the repair or maintenance of vessels	300
Printing	Printing works emitting >100 kilograms per day of volatile organic compounds	500
<p># Department of Primary Industries and Resources (SA) and Local Government Association of South Australia 2006, EPA 252/06 <i>Guidelines for establishment and operation of cattle feedlots in South Australia</i>.</p> <p>~ For food and beverage manufacturing where, no separation distances are specified. For these cases the it is recommended that there be no visible discharge of dust or emission of odours offensive to humans, beyond the boundary of the premises, subject to the adoption of BATEA.</p> <p>* Does not include the temporary storage at the place at which the waste (not being tyres or tyre pieces) is produced while awaiting transport to another place; or the storage, treatment or disposal of domestic waste at residential premises.</p> <p>Note: These separation distances apply to air emissions only. Certain activities may require further separation for noise emissions.</p>		

APPENDIX 2. VEGETATED BUFFER ELEMENT DESIGN FOR AGRICULTURAL SPRAY DRIFT

Separation distances should be determined on the basis of the sustainable agricultural land use with the potential to have the most impact on adjacent land uses and which is reasonably likely to be practised regardless of current use.

The separation distance of vegetated buffer area should be located within the site being developed for sensitive land uses, and be provided/funded by the proponent of that development.

While a separation distance of 300 metres is recommended for forward planning between sensitive receivers and agricultural areas, 'vegetated buffers' can offer an alternative to this separation requirement. Research into the behaviour of pesticide spray drift has shown that vegetation screens can prove effective barriers to spray drift where they meet **all** the following criteria:

- are of a minimum total width of 40 metres
- contain random plantings of a variety of tree and shrub species of differing growth habits at spacings of 4-5 metres for a minimum width of 20 metres
- include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets
- provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (approximately 50% of the screen should be air space)
- foliage is from the base to the crown
- include species which are fast growing and hardy
- have a mature tree height 1.5 times the spray release height or target vegetation height, whichever is higher
- have mature height and width dimensions which do not detrimentally impact upon adjacent cropped land
- include an area of at least 10 metres clear of vegetation or other flammable material to either side of the vegetated area.

Vegetated buffers have other advantages in that they:

- create habitat and corridors for wildlife
- increase the biological diversity of an area, thus assisting pest control
- favourably influence the microclimate
- are aesthetically pleasing
- contribute to the reduction of noise and dust impacts.

Applications for development, where vegetated buffers are proposed, should include a landscape plan indicating the extent of the buffer, the location and spacing of proposed and existing trees and shrubs and a list of tree and shrub species to be planted. The application should also contain details concerning proposed ownership of the vegetated buffer and the means by which the buffer is to be maintained.

While the recommended vegetated buffer (which includes multiple rows of trees) will not capture 100% of the chemical spray drift, it may reduce spray drift to less than 1% at a sensitive land use when managed in terms of porosity, litter build up and noxious weed control to ensure effectiveness.

Farm management can also influence the effectiveness of the separation distance and vegetative buffer areas. The separation distance and vegetative buffer areas recommended assumes farmers and their employees and contractors carry out their activities in a reasonable manner and apply agricultural and veterinary chemicals registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA), or for which a permit has been issued by the APVMA under the *Commonwealth Agricultural and Veterinary Chemicals Code Act 1994*, in accordance with directions specified on the label of the registered agricultural or veterinary chemical or directions specified in a permit.

Factors affecting separation distance and vegetative buffer area requirements for reducing agricultural chemical spray drift include:

- chemical composition/formulation e.g. toxicity, evaporation rates
- method of application/release height e.g. aerial application, air blast mister etc
- spray technology, e.g. nozzle type, droplet size
- frequency of application
- ability of the vegetation to capture spray droplets
- target structure
- weather conditions. e.g. wind speed and direction, air turbulence, inversions
- microclimate
- geographical conditions and barriers, e.g. topography.

In order to locate new sensitive receivers so that the impact of agricultural chemical spray drift on amenity and health is avoided and complaints from residents regarding the use of agricultural chemicals is unlikely, the following must be implemented:

- the separation distance between a sensitive receiver and agricultural land is a minimum of 300 metres or
- a vegetated buffer designed by a suitably experienced consultant that incorporates the criteria outlined above is located between the sensitive receiver and adjacent agricultural land. The vegetated buffer should:
 - » be provided with a suitable watering system
 - » include access strips on either side which are kept clear of vegetation and other flammable materials
 - » be of a height, density and width (40 metres minimum) acceptable to the EPA prior to the development of sensitive receivers within 300 metres of the agricultural land.

ITEM 2.4 CONSIDERATION OF CHILD CARE CENTRES IN PROHIBITED ZONES UNDER THE LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

Division	Environment and Community Management
Author	Vasiliki Andrews – Strategic Planner
Strategic Plan Objective	Community Well Being Accessibility

SUMMARY AND ORGANISATIONAL IMPLICATIONS

Purpose of Report	<p>This report:</p> <ul style="list-style-type: none"> • outlines the benefits and constraints of permitting child care centres in zones where they are prohibited under the <i>Leichhardt Local Environmental Plan 2013</i>; • examines the capability of these zones to accommodate child care centres; • considers comparative practice in other Councils; and • provides a recommendation about whether to allow childcare centres in zones where they are currently prohibited under the <i>Leichhardt Local Environmental Plan 2013</i>.
Background	Council resolution (C417/13): strategic planning team research the urban planning benefits and/or disadvantages of permitting child care centres within the industrial zone and any other zones where they are prohibited within the municipality.
Current Status	NIL
Relationship to existing policy	Leichhardt Local Environmental Plan 2013
Financial and Resources Implications	NIL
Recommendation	<ol style="list-style-type: none"> 1. Receive and note the information in this report in response to Council resolution (C417/13) relating to child care centres. 2. Continue to prohibit child care centres in zones IN2 Light Industrial, RE2 Private Recreation and SP1 Special Activities under the <i>Leichhardt Local Environmental Plan 2013</i>
Notifications	NIL
Attachments	Discussion Paper: Consideration of Child care centres in prohibited zones under Local Environmental Plan 2013

Purpose of Report

The purpose of this report is to:

1. respond to the September 2013 Council resolution (**C417/13**);
2. outline the benefits and constraints of permitting child care centres in zones where they are currently prohibited under the *Leichhardt Local Environmental Plan 2013*; namely zones IN2 Light Industrial, RE2 Private Recreation and SP1 Special Activities (where applicable);
3. examine capability of these zones to accommodate child care centres;
4. consider planning policy, controls and practice in other local government areas; and
5. provide a recommendation about whether to allow childcare centres in zones where they are currently prohibited under the *Leichhardt Local Environmental Plan 2013*.

Recommendation

1. Receive and note the information in this report in response to Council resolution (C417/13) relating to child care centres.
2. Continue to prohibit child care centres in zones IN2 Light Industrial, RE2 Private Recreation and SP1 Special Activities under the *Leichhardt Local Environmental Plan 2013*.

Background

1. Leichhardt Local Environmental Plan 2013

The *Local Environmental Plan 2013* is primarily a "translation" of the former *Leichhardt Local Environmental Plan 2000*. This means, wherever practicable, existing zones, provisions and controls were matched with an equivalent provision under the Standard Instrument.

The *Leichhardt Local Environmental Plan 2013* was published on the NSW Legislation Website on the 23 December 2013 and came into effect on the 3 February 2014.

During the public exhibition of the *Local Environmental Plan 2013* Council received two submissions requesting that childcare centres be permissible with consent in the IN2 Light Industrial Zone, namely:

- Submission No. 16 Yuri Reznik of My Stepping Stones Group
- Submission No. 246 Caladines Town Planning Pty Ltd

These submissions can be accessed on the dedicated Draft Local Environmental Plan website <http://lmclep.nsw.gov.au/>.

At the extraordinary meeting in May 2013 Council resolved (**C202/13**) to endorse the following recommendation relating to child care and submit the *Draft Leichhardt*

Local Environmental Plan 2013 (as amended) to the Director General of Planning and Infrastructure.

Staff recommendation in response to submissions relating to childcare

The Draft Local Environmental Plan is a translation of Local Environmental Plan 2000. Child care centres are prohibited in Local Environmental Plan 2000 Industrial zone.

Child care centres are permitted with consent in a majority of zones under the Draft LEP as follows:

- *R1 General Residential,*
- *B1 Neighbourhood Centre,*
- *B2 Local Centre,*
- *B7 Business Park*
- *SP2 Infrastructure, and*
- *RE1 Public Recreation*

Child care centres are prohibited in the remaining zones:

- *IN2 Light Industrial as outlined,*
- *SP1 Special Activities – applies to two sites within the municipality, and*
- *RE2 Private Recreation – applies to two small sites in LGA.*

2. Council Review of Early Education and Care Services

In 2012 Council commissioned CRED Community Planning to undertake a Review of Early Education and Care Services in the municipality which identified that the Local Government Area had a gap of 284 child care places and a forecast gap of 443 places in 2021.

Since then Council has been investigating options to address this gap through construction of three new facilities and support for appropriate private development.

It is also noted that a number of private child care centres have been approved or have applied for approval.

Report

1. Investigation into planning considerations of child care in currently prohibited zones

On 22 October 2013 Council resolved (C417/13) that Council's strategic planning team research the urban planning benefits and/or disadvantages of permitting child care centres within the industrial zone and any other zones where they are prohibited within the municipality.

Council subsequently engaged CRED Community Planning to prepare a discussion paper to respond to this resolution.

The discussion paper is attached to this report (**Attachment 1**).

The discussion paper provides an overview of:

- current supply and demand for child care places in the municipality;
- the planning context;
- Sydney Regional Organisation of Councils' discussion paper on the advisability of permitting child care centres in industrial zones;
- comparative practice in other Councils; and
- the advantages and disadvantages of permitting child care in industrial zones.

The following section outlines the advice in relation to each zone where child care centres are currently prohibited under the *Leichhardt Local Environmental Plan 2013*.

Zone RE2 Private Recreation

The RE2 Private Recreation is considered to be inappropriate zone for child care centres. The RE2 Private Recreation Zone only applies to two very small privately owned sites. These sites include the open space adjacent to the Colgate Palmolive Building, East Balmain and open space on the corner of Victoria Road and Robert Street, Rozelle. Both sites would be unsuitable for a child care centre due to size and for the second also because of its location on a major road.

Zone SP1 Special Activities

The SP1 Special Activities zone is considered to be inappropriate zone for child care centres. The SP1 Zone is intended for special land uses or sites with special characteristics that cannot be accommodated in other zones. The SP1 Special Activities zone has been applied to the Canal Roads Arts Precinct (1 and 91 Canal Road, Lilyfield) to protect it for film, media and art uses.

Zone IN2 Light Industrial

The IN2 Light Industrial zone is considered to be inappropriate zone for child care centres because:

- of health and safety risks; and
- Council has only the one Industrial zone – IN2 Light Industrial and permitting child care in this zone could:
 - create land use conflicts;
 - sterilise industrial land uses on adjacent sites;
 - preclude future industrial development; and
 - impose further constraints on existing employment land uses.

For more information refer to **Attachment 1**.

Summary/Conclusions

This report outlines the rationale for continuing to prohibit child care centres in zones IN2 Light Industrial, RE2 Private Recreation and SP1 Special Activities under the *Leichhardt Local Environmental Plan 2013*.

Attachments

1. Discussion Paper: Consideration of Child care centres in prohibited zones under Local Environmental Plan 2013

LEICHHARDT MUNICIPAL COUNCIL
DISCUSSION PAPER: CONSIDERATION
OF CHILD CARE CENTRES IN
PROHIBITED ZONES UNDER LEP 2013

10 APRIL 2014



Creating and building community

1. BACKGROUND

In 2012, Leichhardt Municipal Council commissioned a review of child care supply and demand in the Leichhardt LGA. Based on this study¹, it was found that in February 2013 Leichhardt Council had a gap of around 284 child care places and a forecast gap (in 2021) of around 443 places. Council has been investigating options to address this gap through construction of three new facilities and supporting appropriate private development.

The inability to access child care can place significant stress and pressures on local families who depend on quality care to:

- support their participation in the workforce; and
- provide socialisation and education for their children in a safe environment.

Conversely, the ability to find appropriate sites in residential and commercial zones that are large enough to build viable centres, and not result in objections from neighbours due to perceived noise, traffic, parking and streetscape impacts is also difficult.

The increasing awareness of the need to increase places in appropriate locations has led Council to consider the possibility of permitting child care centres in currently prohibited zones. A recent Mayoral Minute (C417/13) resolved that Council's Strategic Planning Team research the urban planning benefits and/or disadvantages of permitting, with consent, child care centres within industrial zones and any other zones where they are prohibited within the municipality.

3. CURRENT PLANNING CONTEXT

In the Leichhardt LGA, child care centres are currently listed as permitted with consent in zones:

- R1 General Residential;
- R3 Medium Density Residential Zone;
- B1 Neighbourhood Centre;
- B2 Local Centre;
- B4 Mixed Use; and
- B7 Business Park Zone.

Child care centres are currently listed as prohibited development in zones:

- IN2 Light Industrial;
- SP1 Special Activities; and
- RE2 Private Recreation Zone.

Zone SP1 Special Activities

The SP1 Zone is generally intended for special land uses or sites with special characteristics that cannot be accommodated in other zones. In Leichhardt Municipality the SP1 Special Activities zone has been applied to two sites, which form the Canal Roads Arts Precinct:

¹ Cred Community Planning and Community Child Care Cooperative (NSW), A review of early education and care service delivery for children under school age in the Leichhardt Government Area, February 2013

1. 1 Canal Road, Lilyfield: owned by Government Property NSW and occupied by Canal Road Film Centre used for film, media and the arts, in multiple tenancies; and
2. 91 Canal Road, Lilyfield: owned by the Minister for Arts. This site includes performance and rehearsal space, office space, and meeting rooms. A portion of the site is also used as a purpose built facility that has an important ancillary function to the Art Gallery of NSW.

It not proposed to permit child care centres at these sites as they are intended to be protected for special land uses associated with film, media and arts.

Zone RE2 Private Recreation

The RE2 Private Recreation Zone applies only to two very small sites within the municipality, which are privately owned. These sites include:

- the open space area adjacent to the Colgate Palmolive Building, East Balmain; and
- a small area of open space on the corner of Victoria Road and Robert Street, Rozelle.

In each case both sites would not be suitable for a child care centre due to size and in the case of Victoria Road, its location along a major road.

The following section of this report considers the benefits and constraints of permitting child care centres in industrial zones.

4. PLANNING REQUIREMENTS FOR CHILD CARE CENTRES

In response to member council interest, in 2005 Southern Sydney Regional Organisation of Councils (SSROC)² released a Discussion Paper on planning requirements for child care centres. In terms of location requirements, the Paper found for the benefits of children, and to mitigate possible objections, that child care centres are best located:

- in or adjacent to parks and public areas, schools, churches and community facilities;
- in residential areas immediately adjacent to commercial or medium density development;
- in or adjacent to business parks or commercial areas such as town centres; and
- on corner sites, as there is more parking available for pick up/drop off.

The Paper considered other areas where child care could possibly be located, but recommended that child care should never be permitted in or immediately adjacent to general and heavy industrial zones. In addition to the significant risks to children this poses, the presence of a child care centre in this zone could effectively preclude legitimate development in the surrounding industrial land. The Paper recommends that child care should never be located immediately adjacent to Heavy and General Industrial zones, but notes that it may be appropriate to permit child care centres within the IN2 Light Industrial zone as this is a use that would be consistent with the objectives of the zone. This is only recommended if the centre is located an appropriate distance from adjacent incompatible uses which pose health and safety risks to children.

² Southern Sydney Regional Organisation of Councils (SSROC), 2005. Discussion Paper on planning requirements for Child Care Centres

5. LOCAL GOVERNMENT PRECEDENTS

Sydney councils have a range of approaches regarding permitting child care centres in industrial zones. Table 1 shows child care permissibility under council Local Environmental Plans (LEPs) and where relevant where controls have been included in the respective DCP. This information has been provided for neighbouring LGAs and councils where there is a DCP that specifically mentions permissibility in industrial zones. While some councils prohibit child care in IN2 Light Industrial Zones, others have locational clauses and requirements to allow child care in certain circumstances only. Others are silent on the issue or exclude child care in areas where there are health risks nearby.

Table 1 Local Government Precedents

Council	LEP Industrial zones – child care permissibility	DCP requirements for Industrial zones
Ashfield	<ul style="list-style-type: none"> IN1 General Industrial – prohibited IN2 Light Industrial – permissible 	Includes location criteria that requires consideration of any environmental health hazard or risk relevant to the site and/or existing buildings within the site or in the surrounding area, including having regard to: <ul style="list-style-type: none"> proximity to dangerous goods; potentially contaminated land; proximity to noise sources, odour (and other air pollutants) generating uses and sources; and any other identified environmental health hazard or risk relevant to the site and/or existing buildings within the site.
Botany Bay	<ul style="list-style-type: none"> IN1 General Industrial - prohibited IN2 Light Industrial - prohibited 	DCP 2013: C13 The location of child care centres shall take into consideration any environmental risk or hazard including: <ul style="list-style-type: none"> pollution created by cars and other vehicle fumes; proximity to LPG tanks; existing and potential on and off-site electromagnetic fields; proximity to water cooling and water warming systems; and proximity to noise sources.
City of Canada Bay	IN1 General Industrial – prohibited	Child care centres should not be located on allotments which adjoin service stations or industrial developments.
City of Sydney	<ul style="list-style-type: none"> IN1 General Industrial – Permissible with consent IN2 Light Industrial – Permissible with consent 	DCP is silent on IN2 Light Industrial Zones, however, it states that child care centres are not permitted “ <i>where there are undue health risks on the site or in the vicinity</i> ”
Marrickville	<ul style="list-style-type: none"> IN1 General Industrial 	Does not specifically mention IN2 Light Industrial Zones.

Council	LEP Industrial zones – child care permissibility	DCP requirements for Industrial zones
	<ul style="list-style-type: none"> - Prohibited • IN2 Light Industrial – Permissible with Consent 	Child care controls will be completed for Stage 2 of the Marrickville Development Control Plan 2011.
Randwick	<ul style="list-style-type: none"> • IN2 Light Industrial – prohibited 	Does not specifically mention IN2 Light Industrial Zones but states that (D11) child care centres are discouraged in proximity to LPG tanks.
Hills Shire	<ul style="list-style-type: none"> • IN1 General Industrial - Permissible with consent • IN2 Light Industrial - Permissible with consent 	Part B Section 6 states that consideration of the following should be taken into account when selecting a site for a child care centre: <ul style="list-style-type: none"> • proximity to service stations; • proximity to LPG tanks; • proximity to odour (and other air pollutants) generating uses and sources; • proximity to pollution created by cars and other vehicle fumes.
North Sydney	IN2 Light Industrial – permissible with consent	Does not mention industrial zones but section 5.8 states that children should not be exposed to potentially harmful environmental pollutants.
Wyong	<ul style="list-style-type: none"> • IN1 General Industrial - Permissible with consent • IN2 Light Industrial- Permissible with consent in 	In relation to Industrial Zones, the DCP states (3.1 and 3.2) that: <ul style="list-style-type: none"> • where free standing child care centres are proposed within industrial estates, they should be located so as to minimise traffic, noise and safety conflicts; • child care centre proposals will not be supported as refits of existing factory units in industrial zones.

*Ashfield Interim Development Assessment Policy 2013 – This is an interim Policy will be used to assess development applications submitted under the Ashfield LEP 2013 and for administrative purposes.

6. BENEFITS/CONSTRAINTS

Table 2 provides a summary of the potential benefits and constraints of permitting child care centres in Industrial Zones.

Table 2 Benefits and constraints of permitting child care Industrial Zones

Benefits	Constraints
Large sites are available to support increased child care centre development.	<ul style="list-style-type: none"> • Sites may be impacted by poor environmental quality and expose children and child care workers to unnecessary health and safety risks. • Require significant testing (potentially remediation). • Require minimum distance between the centre and nearby

	<p>activities that may pose health and safety risks through toxic fumes or other activities.</p> <ul style="list-style-type: none"> • Very large sites may result in applications for very large centres of over 90 children, which are not considered to provide quality outcomes for children.
Reduce objections to noise, traffic and streetscape that could be expected in residential areas.	<ul style="list-style-type: none"> • Preclude future industrial development in the area and activities on surrounding industrial land. • Create land use conflict.
Support the local workforce of the industrial zone.	Location and access to sites may not be desirable for creating walkable and connected neighbourhoods.

7. CONCLUSION

While the need to provide additional child care places to support local residents and workers is a priority for Council, there is also the need to balance the:

- health and safety outcomes for children to ensure that child care centres are located in areas of high environmental quality, without exposure to undesirable health and safety risks from the site and surrounding areas;
- ability for current and future industrial functions to continue unimpeded; and
- role of child care centres to support local neighbourhood building and the increasing trend of Leichhardt residents to walk to child care on their way to work/public transport. While land might be available in a light industrial zone, this may not actually be desirable for local residents in creating a walkable and connected community.

8. RECOMMENDATION

It is recommended that Council does not permit child care centres within the IN2 Light Industrial Zone as:

- (a) Health and safety risks and potential impacts on neighbouring industrial uses, would outweigh the benefits of permitting child care centres in IN2 Light Industrial Zones; and
- (b) The standard instrument LEP template provides four industrial zones:
 1. Zone IN1 General Industrial
 2. Zone IN2 Light Industrial
 3. Zone IN3 Heavy Industrial
 4. Zone IN4 Working Waterfront

Council has applied only the one Industrial zone within the municipality - IN2 Light Industrial. Permitting child care in Council's only industrial zone could potentially:

- Create land use conflict;
- Sterilise industrial land uses on adjacent sites;
- Preclude future industrial development; and

- Impose further constraints on existing employment land uses.

However, if Council considers that there is potential to permit child care in the IN2 Light Industrial Zone, further research would be required to develop controls for inclusion within the DCP 2013. The following clauses and requirements would need to be considered:

- demonstration that there are not undue health risks on the site or in the vicinity;
- potential for land use conflict;
- child care centre is primarily for local workers; and
- minimum distance between the child care centre and neighbouring industrial uses is provided.

From: [Rhonda Myers](#)
To: [Myers, Rhonda](#)
Subject: Abc news
Date: Wednesday, 30 November 2016 17:30:27

<http://mobile.abc.net.au/news/2016-11-30/firefighters-battle-third-large-blaze-in-pialligo-in-two-years/8080174>

From: [Myers, Rhonda](#)
To: [Myers, Rhonda](#)
Subject: ABC News: The Mitchell blaze sent a large plume of black smoke across Canberra homes.
[SEC=UNCLASSIFIED]
Date: Thursday, 27 October 2016 13:12:16

<http://www.abc.net.au/news/2012-01-24/thick-black-smoke-pours-from-a-chemical-fire-in-mitchell/3790212>

The Mitchell blaze sent a large plume of black smoke across Canberra homes.

<http://www.abc.net.au/news/topic/mitchell-2911> - many more articles – 16 Sept 2011

From: [Rhonda Myers](#)
To: [Myers, Rhonda](#)
Subject: Area closure fyshwick
Date: Wednesday, 2 November 2016 21:56:00

<http://mobile.abc.net.au/news/2016-11-02/exclusion-zone-asbestos-dislodged-in-canberra-warehouse/7991068>

From: [Rhonda Myers](#)
To: [Myers, Rhonda](#)
Subject: Child care article
Date: Sunday, 4 December 2016 18:55:04

<http://www.canberratimes.com.au/act-news/canberra-life/prestige-childcare-to-open-in-canberra-with-a-side-of-kale-and-quinoa-20160811-gqq93f.html>