

From: [Michael, Tara](#)
To: admin@canberratownplanning.com.au
Subject: Further Information request for DA 201936510 - Ahalt plant Hume
Date: Thursday, 27 February 2020 2:20:00 PM
Attachments: [Not Accepted181004.pdf](#)
[%0 Hume B67 S22 - Icon Water Requirements.pdf](#)
[%FLOORASSESS-201936510-GND-01.pdf](#)
[%FLOORASSESS-201936510-UPPER-01.pdf](#)
[APP-201936510-02.pdf](#)
[AUTHORISATION-201936510-01.pdf](#)
[COLOUR-201936510-01.pdf](#)
[COMPSTREET-201936510-01.pdf](#)
[DRIVEWAYPLAN-201936510-01.pdf](#)
[ELEV-201936510-01.pdf](#)
[ESA Comments.pdf](#)
[image003.jpg](#)

UNCLASSIFIED

Good Afternoon,

I have been tasked to review the Entity referral advice for this DA and can now provide the following summary:

Evo Energy

Evo Energy advised the application is supported subject to (standard) conditions.

Jemena Gas

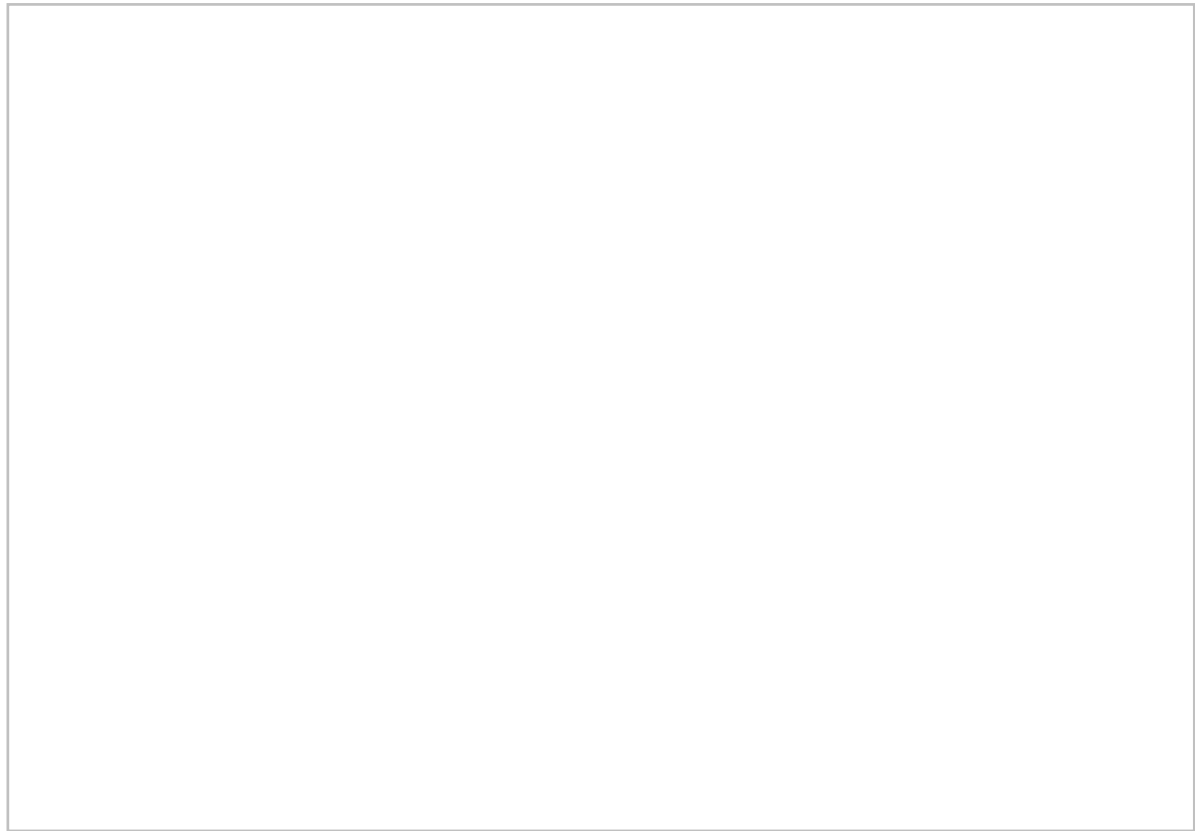
Jemena Gas advised the application is supported subject to (standard) conditions.

Emergency Services Authority (ESA)

ESA advised the application is supported subject to (standard) conditions. A copy of the ESA advice is attached to this Email.

Icon Water

Icon Water advised the application is not supported. A copy of the Icon Water advice is attached to this Email.



Environmental Protection Authority (EPA)

The EPA advised non-support of the proposed asphalt plant as the proposal has not sufficiently demonstrated compliance with required water management and noise and air emission controls as outlined below;

- a. The Noise Management Plan must be revised to include an assessment of the anticipated/predicted noise levels from the plant equipment at the boundary and from trucks operating on the site.
- b. The Air Quality Report (AQR) must include further details about the proposed management of air and odour emissions. The recommendations in the AQR must ensure emissions meet the required standards.
- c. It must be demonstrated that any potentially contaminated water will not be discharged to stormwater.
- d. For further information please contact Robin Brown, the Environment Protection Authority Planning Liaison, at EPAPanningLiaison@act.gov.au or on 6207 5642.

Your application has been placed in a 'waiting for further information' status today, due to the non-support from Icon Water & the EPA.

In order to progress your development application you will need to;

- a. address the Icon Water requirements outlined in attached pdf Hume B67 S22 - Icon Water Requirements, and
- b. provide revised Noise Management Plan, Air Quality Report, and the Water management information, as outlined above, and submit these through eDevelopment in response to

this (section 141) further information request.

NOTE: Please submit **ONLY** the requested information (above) under a **section 141 application** in eDevelopment. If **ANY** design changes are proposed, please ensure these are submitted as a **section 144 application**. Submitting information under the wrong section will delay your application. Responding to this request by email will also delay your DA as any response will need to be submitted in e-development.

If you require any assistance with uploading documents through eDevelopment, please contact EPSDD Customer Services on 62071923. For technical advice on the development application process, please contact the EPSDD Gateway Team on 6205 2888.

Regards

Tara Michael

Development Assessment Officer

Phone (02) 6205 3385 | Fax (02) 6207 1925

Merit Assessment | Planning Delivery | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |

www.environment.act.gov.au



FAILED TO COMPLY

Application No: 181004 **Suburb:** Hume

Block/Section 67 / 22

Appcn Type: Non residential/Addition Inclusions : Landscaping, Signage

Attached Plans

%FLOORASSESS-201936510-GND-01.pdf
%FLOORASSESS-201936510-UPPER-01.pdf
APP-201936510-02.pdf
AUTHORISATION-201936510-01.pdf
COLOUR-201936510-01.pdf
COMPSTREET-201936510-01.pdf
DRIVEWAYPLAN-201936510-01.pdf
ELEV-201936510-01.pdf
ELEV-201936510-02.pdf
ELEV-201936510-RETAINING WALL-01.pdf
ELEV-201936510-RETAINING WALL-02.pdf
ELEV-201936510-SITE DETAILS-01.pdf
ENVMANAGE-201936510-CIVIL CEMP-01.pdf
ENVMANAGE-201936510-CIVIL CEMP-02.pdf
FLOORREG-201936510-GROUND-01.pdf
FLOORREG-201936510-UPPER-01.pdf
HYDRAULICS-201936510-01.pdf
HYDRAULICS-201936510-02.pdf
LIGHTING-201936510-EXTERNAL-01.pdf
LIGHTING-201936510-LIGHTING CATEGORY-01.pdf
LSCAPE-201936510-01.pdf
LSCAPE-201936510-02.pdf
LSCAPE-201936510-COVER SHEET-01.pdf
LSCAPE-201936510-OFFSITE WORKS-01.pdf
LSCAPE-201936510-PLANT IMAGES-01.pdf
LSCAPE-201936510-TREE ASSESSMENT-01.pdf
NOISE-201936510-01.pdf
PLAN-201936510-BIN ENCLOSURE-01.pdf
PLAN-201936510-BIN ENCLOSURE-02.pdf
PLAN-201936510-BIN ENCLOSURE-03.pdf
PLAN-201936510-BUILDING HEIGHT-01.pdf
PLAN-201936510-CIVIL BULK EARTHWORKS-01.pdf
PLAN-201936510-CIVIL TTMP-01.pdf
PLAN-201936510-COVER SHEET-01.pdf
PLAN-201936510-COVER SHEET-02.pdf

PLAN-201936510-ELECTRICAL-01.pdf
PLAN-201936510-ELECTRICAL-02.pdf
PLAN-201936510-ELECTRICAL-03.pdf
PLAN-201936510-PAVEMENT PLAN-01.pdf
PLAN-201936510-WASH BAY DETAILS-01.pdf
PLAN-201936510-WASH BAY DETAILS-02.pdf
PREAPPADV-201936510-01.pdf
ROOF-201936510-01.pdf
SCRITERIA-201936510-02.pdf
SECTION-201936510-01.pdf
SITE-201936510-02.pdf
SUMMARYOFCOSTS-201936510-01.pdf
SUPP-201936510-AIR QUALITY REPORT-01.pdf
SUPP-201936510-CIVIL COVER SHEET-01.pdf
SUPP-201936510-CIVIL GENERAL ARRANGEMENT-01.pdf
SUPP-201936510-CIVIL NOTES & LEGEND-01.pdf
SUPP-201936510-DS TRIGGER ADVICE-01.pdf
SUPP-201936510-EPA ADVICE-01.pdf
SUPP-201936510-IZ1 DEVEL. CODE ASSESS.-01.pdf
SUPP-201936510-IZ1 STORMWATER & WATER RE-01.pdf
SUPP-201936510-SAFETY DATA SHEET-01.pdf
SUPP-201936510-SAFETY DATA SHEET-02.pdf
SURVEY-201936510-01.pdf
SURVEYCERT-201936510-01.pdf
SURVEYCERT-201936510-02.pdf
TRAFFICREPORT-201936510-01.pdf
TURNTEMPLATE-201936510-01.pdf
UTILITIES-201936510-CIVIL EXISTING SERVICES-01.pdf
UTILITIES-201936510-ELECTRICAL SITE PLAN-01.pdf
WASTE-201936510-01.pdf

The design depicted in this application has been assessed by Icon Water and fails to comply with their water and sewerage network protection.

Reasons for Failure to Comply

All Icon Water Valves, Hydrants, Meters and Maintenance Holes/Pits must have 24/7 access by Icon Water and Emergency Services. The developer must provide Icon Water 24/7 access to the construction site. The developer is to obtain Icon Water padlocks which must be installed in a daisy chain fashion at each entry and exit point of the construction site. No stockpile, Temporary structures or equipment is to be located within the pipe protection envelope. This is to be noted on relevant verge plans.

Design Acceptance for External Services or off site works must be in principle design approved by Icon Water Hydraulic Assets. Phone Icon Water Asset Acceptance on ph.: 02 6248 3111 or email to hydraulicassetacceptance@iconwater.com.au. This needs to be referred back to Icon Water Building Approvals area for approval prior to any DA/BA Approval by ACTPLA or certifiers.

Emergency access to sewerage manholes has not been provided, contrary to section 124 of the Utility Act.

Other: See comments

Please complete attached Icon Water Design Form Pack, Hydraulic servicing plans and email to hydraulicassetacceptance@iconwater.com.au. Icon Water will then identify whether your development falls into the capital contribution code scheme, and will write you a letter to confirm.

On confirmation, please resubmit Development Application to Icon Water for Building Approval prior to any DA/BA approval by ACTPLA or certifiers.

Please refer to additional Icon Water requirements attached as "Hume B67 S22 - Icon Water Requirements" with this statement. Contact Bibek Ligal at 6180 6964 for any queries.

Resubmission of this application must be made to both Water and Energy Networks in order to ensure that subsequent changes to the plans meet the compliance requirements of both areas. You may also need to resubmit the application to other referral entities to ensure the changes comply with their requirements.

WARNING

This submission fails to comply with Icon Water requirements. A decision to proceed is likely to result in interference with an Icon Water sewer or water asset. Part 5 of the Utilities (Technical Regulation) Act 2014 applies, which indicates a person who interferes with a utility asset may be subject to prosecution. The current maximum penalty is 200 penalty units, imprisonment for two years, or both. In addition the land-holder can be ordered at their expense to stop the interference, which may involve removal of the building work or that part of the building work that is causing, or is likely to cause interference.

Comments:

Signed Bibek Ligal

Date 13 Jan 2020

For further information please phone Icon Water 6248 3111.

Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012

Current version for 17 April 2020 to date (accessed 22 May 2020 at 10:29)

[Part 7](#) [Clause 7.4](#)

7.4 Land adjoining Hume Industrial Area and Goulburn/Bombala Railway Line

- (1) The objectives of this clause are to—
 - (a) minimise the impact of any noise, vibration or other emissions on the land to which this clause applies, and
 - (b) require certain land uses on the land to which this clause applies to include, or to be the subject of, appropriate noise mitigation measures.
- (2) This clause applies to the land identified as “Visual and Acoustic Buffer Land” on the [Local Clauses Map](#).
- (3) Despite any other provision of this Plan, the consent authority must not grant consent to any development on the land to which this clause applies, unless the consent authority has assessed the following matters—
 - (a) the impact of any noise from any nearby land uses, having regard to any noise attenuation measures proposed,
 - (b) the visual impact that any nearby land uses would have on the proposed development,
 - (c) the impact that noise and other emissions from any nearby industrial land uses and associated activities would have on the proposed development.

Note.

Clause 87 (Impact of rail noise or vibration on non-rail development) of the [State Environmental Planning Policy \(Infrastructure\) 2007](#) also applies to this land.

Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012

Current version for 17 April 2020 to date (accessed 22 May 2020 at 10:44)

[Schedule 1](#)

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land adjoining Goulburn/Bombala Railway Line

- (1) This clause applies to land adjoining the Goulburn/Bombala Railway Line, identified as “Additional Development Area 1” on the [Local Clauses Map](#).
- (2) Development for the purposes of food and drink premises, hotel or motel accommodation, office premises, service stations and signage is permitted with development consent.

Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012

Current version for 17 April 2020 to date (accessed 22 May 2020 at 10:29)

[Part 7 Clause 7.4](#)

7.4 Land adjoining Hume Industrial Area and Goulburn/Bombala Railway Line

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 - (b) require certain land uses on the land to which this clause applies to include, or to be the subject of, appropriate noise mitigation measures.
- (2) This clause applies to the land identified as “Visual and Acoustic Buffer Land” on the [Local Clauses Map](#).
- (3) Despite any other provision of this Plan, the consent authority must not grant consent to any development on the land to which this clause applies, unless the consent authority has assessed the following matters—
 - (a) the impact of any noise from any nearby land uses, having regard to any noise attenuation measures proposed,
 - (b) the visual impact that any nearby land uses would have on the proposed development,
 - (c) the impact that noise and other emissions from any nearby industrial land uses and associated activities would have on the proposed development.

Note.

Clause 87 (Impact of rail noise or vibration on non-rail development) of the [State Environmental Planning Policy \(Infrastructure\) 2007](#) also applies to this land.



S165

SATISFYING CONDITIONS OF APPROVAL

ASSESSMENT REPORT

APPLICATION NUMBER: 201936510 / S165B

BLOCK: 67

SECTION: 22

DIVISION: HUME

PROPOSAL:	Asphalt plant, ancillary buildings, structures and associated infrastructure, signage, site services, landscaping, bulk earthworks, retaining walls, and associated on-site and off-site works.
NOD Decision Date:	25 May 2020
S165C Decision Date:	Xx August 2020

S165 assessments:

	Condition of approval	Is Condition satisfied for release of approved plans?
A1	<u>Approval does not take effect – Environment Protection Authority</u> (a) This approval does not take effect unless the lessee/applicant has obtained the written approval from the Environment Protection Authority (EPA) in relation to the air quality and noise management measures for the development and any other issues identified by the EPA, and submits such approval to the planning and land authority as satisfying this condition of approval under s165 of the Planning and Development Act 2007.	Yes. Applicant has provided evidence of EPA endorsement for the purposes of this condition. <i>Future endorsement is required, however, is subject to EPA consideration.</i>
A3	<u>Approval does not take effect – grant of Crown lease</u> This approval does not take effect until a Crown lease that permits the approved development is granted over Block 67 Section 22 Division of Hume and registered at Access Canberra (Land Titles and Rental Bonds).	Yes. Applicant has provided evidence of registration of the new Crown lease. ACTLIS search confirms registration of the Crown lease.
A6	<u>Works not to commence – ICON Water</u> (a) No works in relation to this development approval is to commence until the lessee/applicant has obtained written approval (Statement of Compliance) from ICON Water and submits such approval to the planning and land authority as satisfying this condition of approval under s165 of the Planning and Development Act 2007.	No. Applicant has provided an “in-principle support” stamped hydraulics plan.
A7	<u>Further information</u> Within 28 days from the date of this decision, or within such further time as may be approved in writing by the planning and land authority, the applicant shall lodge with the planning and land authority for approval:	Not addressed within this application “Further information will be subject to a s197 amendment which is to be submitted shortly. We will provide further advice in relation to this condition as soon as the s197 is in assessment.”

a)	Revised plans and any other relevant documentation, based on the relevant drawings submitted as part of the application, showing:	
i.	storage capacities for any liquid storage on the site to the satisfaction of the planning and land authority, <i>Note: As this approval has been granted in the Merit track, the planning and land authority cannot support any storage that involve the storage of the placard quantity of a Schedule 11 (Work Health and Safety Regulation 2011) hazardous chemical – refer to Schedule 4 of the Planning and Development Act 2007.</i>	Not addressed within this application "Further information will be subject to a s197 amendment which is to be submitted shortly. We will provide further advice in relation to this condition as soon as the s197 is in assessment."
ii.	fencing details to the satisfaction of the planning and land authority, with a preference for a less impermeable fence type for areas visible from the public domain, and	Not addressed within this application "Further information will be subject to a s197 amendment which is to be submitted shortly. We will provide further advice in relation to this condition as soon as the s197 is in assessment."
iii.	external lighting to building frontages, to all pathways, roads/laneways and car parking areas in accordance with Australian Standard 1158.1.3 Pedestrian Lighting and AS 4282 Control of the Obtrusive Effects of Outdoor Lighting, and to the satisfaction of the planning and land authority. <i>Note: Exterior lighting including of the production facility must ensure that there is no/minimum light spill, so as not to distract aircraft approaching or departing Canberra\Airport. Further evidence to this end may be required by the planning and land authority.</i>	Not addressed within this application "Further information will be subject to a s197 amendment which is to be submitted shortly. We will provide further advice in relation to this condition as soon as the s197 is in assessment."

Following Further Information Required:

Assessment form completed by:



Block/s:	67	DA number:	201936510
Section:	22	Date lodged:	24-Nov-20
Suburb:	Hume	Due date:	N/A
Zone/s:	Territory Plan - Land Use Zone: IZ1: GENERAL INDUSTRY	Unit Number (if applicable)	
Proposal:	AMENDMENT TO APPROVED DA201936510. Amendment to the development application proposal for industrial building - the amendment includes: walls adjusted and roof added over bunkers and cold feed bins; retaining wall position adjusted; air recirculation note added; location of substation adjusted; and associated works.		
Proposed Use:	Industrial		

STAGE 1 – PRE-ASSESSMENT APPRAISAL

Is the notification wording appropriate (if applicable):	Yes <input type="text"/>
Have all Entities been referred to (if applicable)?	Yes <input type="text"/>
197 NOD outline saved into Objective	Yes <input type="text"/>

Notes for the assessment officers / Key issues identified:

- [Click here to enter text.](#)






OUTCOME

- Can proceed to next stage
- Issue identified that may result in a refusal, subject to further assessment and entity advice

Assessment officer:	Name – Walid Elhassan	04/12/2020
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STAGE 2 – INFORMATION COLLECTION (ENTITIES – including EPSDD DA Leasing)

The DA was referred to the following Entities (or internal Sections) with the following response(s):

Entity	Did the entity support the application?	Assessment comments / Conditions required
Evo Energy - Electricity	Yes - with conditions	<p>Evo Energy conditions need to be added in the NoD</p>  <p>COMM-EVOENERGY ELECTRICITY-201936!</p>
Evo Energy - Gas	Not Applicable	No comments received to date
ICON Water	No	<p>Reasons for Failure Condition can be added to get compliance from Icon Water to ensure access gates with Icon Water padlocks are provided as per prior acceptance conditions before any work commence on site.</p> <p>Emergency access to sewerage manholes has not been provided, contrary to the Utilities (Technical Regulation) Act 2014 Part 5 Division 5.2 General Interference. Icon Water access gates as provided in prior conditional acceptance has been removed. Please amend plans to ensure access gates with Icon Water padlocks are provided as per prior acceptance conditions.</p>  <p>COMM-ICON WATER-201936510-5</p>
TCCS	Yes - with conditions	<p>Previous comments on the original DA dated 24/01/2020 remains same</p>  <p>COMM-TCCS-20193 6510-67_22 HUME-0</p>
QBN Palarang Council	Not Applicable	No comments received to date
ESA (Emergency Services Authority)	Yes - with conditions	<p>All previous comments remain valid</p>  <p>COMM-ACTESA-201 936510-S197E-67_22</p>
EPA (Environment Protection Authority)	Yes - with conditions	<p>Previous comments provided by the Environment Protection Authority on the DA stand</p>  <p>COMM-EPA-201936 510-S197E-67_22 HU</p>
Water Policy	Yes - without conditions	It could not be readily ascertained if the revised development application below, has increased impervious area by more than 100m ² , thus requiring compliance with Rule R2 of the WSUD code.
EPSDD DA Leasing	Choose an item.	Email sent to Karen on 2/3

LRP/MPRG

Does any Entity advice received trigger referral to either the LRP or MPRG:	No
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Additional information requests:

Is further information required at this phase: (s.141 or s.144)	No	
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Does any entity advice received mean the application must be refused:	No
Conditions required from entity advice:	Entered in draft NoD: Other (specify below) Please add the highlighted conditions above in the NoD

Final

Has the entity advice received on this application been considered: (s.120(e))	Yes, see summary above.
An <i>alias</i> of advice from the Utility service providers and other relevant entities has been moved into the approved plans folder.	Yes

Completion

<input checked="" type="radio"/> Stage 2 assessment has been completed with no issues identified. <input type="radio"/> Stage 2 assessment has been completed with the following issues noted: Other - discuss <input type="radio"/> Stage 2 has identified issues that prevent further assessment, specifically (insert below) 	
Assessment officer: Jesmin Abdullah	Date: 02/03/2021

STAGE 3 – ISSUES CONSIDERATION (REPRESENTATIONS)

- Representation/s were made in respect of the application under section 156 of the Planning and Development Act 2007. All representations have been read and considered, and a summary of key concerns / issues can be found below:

<p>Specify number of Representation/s received:</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px auto; text-align: center;">1</div>
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Area of concern / issue	Assessing officer response
<ul style="list-style-type: none"> The smell and noise generated by this plant are significant and beyond the territory guidelines The operation is also scheduled to run into the night The noise, dust, and pollution levels generated by this plant will be well above both daytime and night time compliance levels. Light pollution should also be considered as 36m tower lit with spotlights will cause multiple blind spots and visual impairments to local industry, roadways and residential estates. Chemical residues will be runoff will be flows into Lake Burley Griffin and downstream water supplies. Although there does not seem to be any water retention facilities noted on the plans 	<p>The development has been approved with condition that to receive information regarding noise, smell, dust pollution to the satisfaction of EPA, before the approval is to take effect. The applicant lodged S165C application to satisfy the conditions of the decision and approved plans were released on 21/8/20. This application for minor changes to the already approved development.</p>
Do any issues raised in representations require a further information request: (s.141 or 144)	No
Do any issues raised in representations mean the application must be refused:	No
All representations made about this application been considered in the assessment of this proposal: (s.120(d))	Yes, see assessment above
Do any representations trigger a referral to MPRG or LRP?	No
Was a site inspection undertaken in this stage:	No

Do representors have the right to review in ACAT? (See Schedule 1 of the Act and Schedule 3 of the Regulation)	Yes
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Completion

<input checked="" type="radio"/> Stage 3 has been completed with no issues identified.
<input type="radio"/> Stage 3 has been completed with the following issues noted: Choose an item.
<input type="radio"/> Stage 3 has identified issues that prevent further assessment, specifically (insert below)

STAGE 4 – ASSESSMENT

Proposed Use	Is the proposed use allowable in the applicable zone/s? Yes
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Does the proposal trigger referral to the MPRG at this phase:	MPRG: No
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S198 (5)(a) &(b) The planning and land authority must refuse to amend the development approval if the changed development proposal and the original development proposal would be in different tracks	The amended approval will not result in the track being changed.
S198(5)(c)(i) The planning and land authority must refuse to amend the development approval if the changed development proposal would be in breach of a condition on the approval- Imposed (rather than confirmed or varied) by a court or tribunal.	The approval is not subject to a condition/s imposed by a court or tribunal.
S198(5)(c)(ii) The planning and land authority must refuse to amend the development approval if the changed development proposal would be in breach of a condition on the approval- Relating to a conditional environmental significance opinion.	The original application was not subject to an Environmental Significance Opinion (ESO).
S198 (6) Also, the planning and land authority must refuse to amend the development approval unless satisfied that, after the amendment, the development approved will be substantially the same as the development for which approval was originally given	The approval when amended is determined to be substantially the same as the original approval.

Territory Plan assessment		
Codes of the Territory Plan considered include: Please only assess what has been amended	SUBURB Precinct Map & Code: <input checked="" type="checkbox"/> Industrial Zones Development Code	
Does the amended application meet all relevant mandatory rules:	Yes	
The assessing officer undertook an assessment of the proposal and found that the following KEY rules and criteria warrant further discussion. <i>Note: Further issues may have been identified in a plan based assessment that have not necessarily been included in this or is of a significance that did not warrant particular discussion.</i>		
Code	Rule / Criteria	Assessment/Discussion
		<p>These items are marked as 4 to 8 on the drawings</p> <ol style="list-style-type: none"> 1. Walls adjusted and roof added over bunkers and cold feed bins (shown on A101, A102, A503, A504, A505 and A506) Roof added over cold feed bins and extended roof over RAP bunker along with wall showing clearly in north and east elevation, setback 2.5m from the eastern boundary. 2. Retaining wall position adjusted (shown on A101 ad A102) Length of the retaining wall reduced around the plant area – the area is clouded on site plan 3. Air Recirculation note added (shown on A102) No changes to the design 4. Location of substation slightly adjusted Location slightly shifted to the west <p>Detail description of the proposed changes provided by the applicant in the supporting document submitted with the application</p>

Further assessment documents, if any, can be found in the assessment file in Objective. Choose an item.

Is the proposal consistent with the relevant zone objectives: (s.120(a))	<input checked="" type="radio"/> Yes
Is the proposal considered suitable for the land on which it is to take place: (s.120(b))	Yes – Based on relevant legislation and the Territory Plan assessment, the proposal is considered suitable for the land
Is an environmental significance opinion in force & relevant: (s.120(c))	No known ESO applies
What is the probable impact of the proposed development (including nature, extent and significance of probable environmental impacts): (s.120(g))	<input checked="" type="radio"/> No probable impacts identified that require amendment or refusal of the proposed development OR <input type="radio"/> Condition(s) of approval have been imposed to address probable impacts OR <input type="radio"/> Impacts identified require amendment of the proposal OR <input type="radio"/> Impacts identified require refusal of the proposal Comments for discuss: <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
Is a public land management plan is in force over the land, (s.120(f))	NO If Yes – Has the DA been referred to the Conservator? Choose an item. Additional referral requested Click or tap to enter a date.

Additional Information

Is **further information** required at this phase: No (s.141 or s.144)

Was a site inspection undertaken in the assessment stage:	No
Have any issues been identified that would result in a refusal:	No
Conditions required from initial review of application or Territory Plan assessment:	Recommended condition: Please add entity condition as outlined in Stage 2 assessment

Completion

<input checked="" type="radio"/> Stage 4 has been completed with no issues identified.		
<input type="radio"/> Stage 4 has been completed with the following issues noted: Choose an item.		
<input type="radio"/> Stage 4 has identified issues that prevent further assessment, specifically (insert below)		
Assessment officer:	Jesmin Abdullah	02/03/2021

STAGE 5 – PRELIMINARY DECISION MAKING Including MPRG / LRP

The proposed amendments are considered substantially same as the original approval. However, the original approval is awaiting ACAT decision. Please discuss with Chris before making any decision. Jesmin

Have all previous Stages (1-4) been completed?	Yes	
Is a site inspection required to make a decision?	No If yes; photos and details have been put in the objective folder: Choose an item.	
Are there any Stage 1-4 reasons for referral to LRP, MPRG, Other?	No - Delete all cells below in this stage other than sign off If yes, what date is the proposal booked into MPRG/LRP: Click or tap to enter a date.	
Assessment officer:	Name Nicholas Lane	Date: 25/03/2021

STAGE 6 – RECOMMENDED DETERMINATION OF PROPOSAL

Have all previous Stages (1-4) been signed off recommending approval?	Yes <input type="text"/>	
Was the DA referred to LRP or MPRG	No	
Has the leasing manager requested to be referred during the decision stage (see stage 3 assessment)	Choose an item. If yes, an email was sent to the DA Coordinator for DA Leasing referral: Date: Click or tap to enter a date.	
Has leasing advice been incorporated into the decision:	Not Applicable	
Is a site inspection required to make a decision:	No If yes; photos and details have been put in the objective folder	
Has the Notice of Decision been finalised:	Recommended reasons for decision:	Yes
	Recommended conditions:	Yes
	Entity advice:	Yes
	Representations:	Yes
	Do third party appeal rights apply:	No
The application is to be:	<input type="radio"/> Approved <input checked="" type="radio"/> Approved with conditions <input type="radio"/> Partially Approved/Refused. Details below: <input type="text"/> <input type="radio"/> Refused	

Has a conflict of interest been declared? - <i>If Yes, the proposal must be Peer Reviewed by Stage 6 officer (without potential conflict) and Signed/determined by a Senior manager</i>	No
Does the determining officer have the correct classification to make the decision? <i>Refer to Classification Matrix</i>	Choose an item.

Peer review <i>To be completed ONLY IF the delegate (determining officer) undertook another stage in the assessment.</i>					
Reviewing officer name:	<input type="text"/>	Classification:	<input type="text"/>	Date:	Click or tap to enter a date.
Has the Notice of Decision been scanned and sent to customer services? PLEASE NOTE: THE SUBJECT OF THE SCANNED DOCUMENT TO CS SHOULD INCLUDE THE DA NUMBER				Yes	

Sign Off

Determination:	In my findings, I have considered the advice and recommendations received by the officers who undertook stages	Date: 26/03/2021
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	<p>1-5 in this assessment document and determine that the application is to be:</p> <p><input type="radio"/> Approved</p> <p><input checked="" type="radio"/> Approved subject to conditions consistent with the above assessment</p> <p><input type="radio"/> Refused consistent with the above assessment</p> <p>OTHER/COMMENTS:</p>	
Determining officer & Delegate:	Name: Nicholas Lane	Date 26/03/2021

Post Determination

Can stamped plans be released with decision?

Yes - Stage 6 officer to Stamp Plans and email Customer Services to Dispatch

No - select below:

S165 Conditions required to be satisfied - Stage 6 to organise Stamped Plans once endorsed

Leasing conditions to be satisfied - Once satisfied Plans to be Stamped and dispatched by Stage 6

3rd party appeals - Set reminder date in calendar when plans can be Stamped and promptly dispatched

Other (specify below)



ACT
Government

SEPARATION DISTANCE GUIDELINES FOR AIR EMISSIONS

NOVEMBER 2018

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1. INTRODUCTION

The Environment, Planning and Sustainable Development Directorate (the Directorate) 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 authorities, 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.

The Directorate 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 mechanisms in these 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.

Separation distances provide an envelope around an activity, or multiple activities, within which environmental risks should be assessed against current knowledge, technologies and practices.

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

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.

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 understand
- 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 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.

4.1.1 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.

4.1.2 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.

4.1.3 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'.

4.1.4 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.

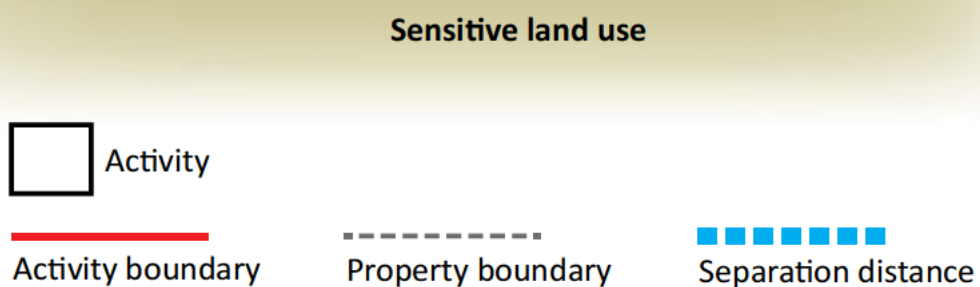
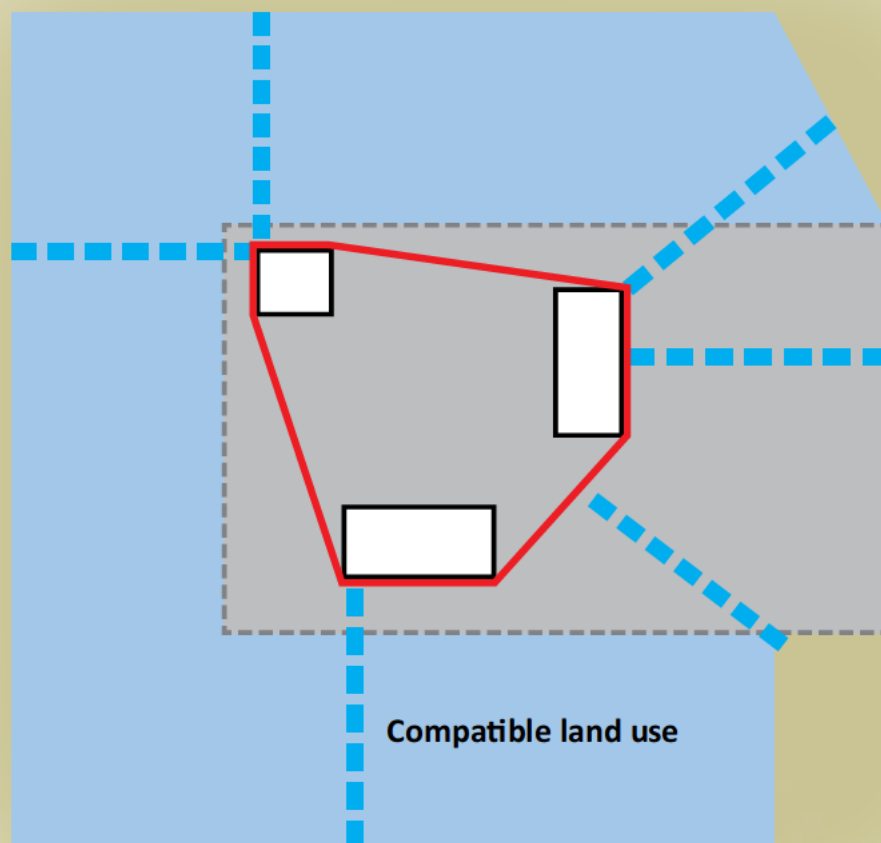
When setting up initial separation distances, the developer should make allowance for the possibility of future expansion on a site. Otherwise the expansion could be prevented by the lack of separation.

4.2 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.

Separation distances embody the principle of best available technology economically achievable (BATEA), requiring processes and emissions control technologies that commensurate with current practices for the industry sector. BATEA forms part of a 'reasonable and practical' approach to regulation of industry. However, BATEA does not remain fixed and will evolve as more effective technologies become competitive. Therefore, separation distances are not a substitute for effective source control, cleaner production methods or facility management.

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

Queensland Department of Infrastructure, Local Government and Planning, State Planning Policy – state interest guideline: Agriculture, April 2016

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

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

South Australian Environment Protection Authority, Evaluation distances for effective air quality and noise management, August 2016

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

Victorian Environment Protection Authority, Assessing planning proposals within the buffer of a landfill, October 2017

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 animals 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

Recommended separation distances		Meters
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 petroleum products/ derivatives (other than refining oil or gas, producing hydrocarbon fractions or liquefying gas)	500
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
	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

Recommended separation distances		Meters
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
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

Recommended separation distances		Meters
Surface coating	Electroplating, electrolyse plating, anodising (chromating, phosphating and colouring), chemical etching or milling, or printed circuit board manufacture	100
	Hot dip galvanising	300
	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
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
	Rock, ores or minerals excluding lease or private mine or wet sand	500
Crushing, grinding or milling (excluding non-commercial processing for on-farm use)	Agricultural crop products	300
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
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

Recommended separation distances		Meters
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
Waste transfer station*	Collection, consolidation, temporary storage, sorting or recovering refuse or used materials prior to transfer for disposal or use elsewhere	300
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.



ACT
Government

Environment, Planning and
Sustainable Development

Ms Alexia Foster-Bohm
Canberra Town Planning Pty Ltd
5/32 Lonsdale Street
Braddon ACT 2612

Dear Ms Foster-Bohm,

**BLOCK 67 SECTION 22 – HUME: Application Number: DA201936510 – S165B & C
(Lessee: Platform Holdings Pty Ltd)**

I refer to the information you submitted in response to **Condition A1, Condition A3, Condition A6** and **Condition A7** of the Notice of Decision (the Decision), dated 25 May 2020, with respect to the above Development Application.

The information submitted regarding Environment Protection Authority endorsement, registration of the Crown lease and revised plans now satisfies **Condition A1, Condition A3** and **Condition A7** of the Decision and has been endorsed to form part of the above Development Approval.

However, the information submitted in response to **Condition A6** regarding ICON Water endorsement has not satisfied the condition of approval. Submitted documentation has been stamped by ICON Water 'in-principle' for progress purposes and is not a Statement of Acceptance. Please refer to ICON Water's advice issued with the Decision for direction on obtaining a Statement of Acceptance.

Please note, additional documentation to satisfy **Condition A6** is to be submitted as a separate S165 application in *e-Development* and must be satisfied prior to any works commencing on site. Any other outstanding conditions of approval in the Decision may also need to be addressed prior to development commencing on the site.

Enclosed are copies of the approved plans.

Please be aware DA 201936510 is currently the subject of a judicial review application in the ACT Supreme Court (SC 260/2020). It is strongly recommended that you seek your own legal advice in this regard. Whilst the decision in respect of DA201936510 is not currently the subject of a stay order, any works that may occur on site prior to Supreme Court matter SC 260/2020 being finalised will be at the lessee/s own risk.

If you would like to discuss this matter further, please contact George Cilliers on (02)62076804 or George.Cilliers@act.gov.au.

Yours sincerely



George Cilliers
Delegate of the planning and land authority
Environment, Planning and Sustainable Development Directorate
21 August 2020



ACT
Government

Environment, Planning and
Sustainable Development

Ms Alexia Foster-Bohm
Canberra Town Planning Pty Ltd
5/32 Lonsdale Street
Braddon ACT 2612

Dear Ms Foster-Bohm,

BLOCK 67 SECTION 22 – HUME
Application Number: DA201936510 / S165D
Lessee: Platform Holdings Pty Ltd


I refer to the information you submitted in response to **Condition A6** of the Notice of Decision, dated 25 May 2020, with respect to the above Development Application.

The information submitted regarding ICON Water endorsement now satisfies **Condition A6** of the decision and has been endorsed to form part of the above Development Approval.

Please note that any other outstanding conditions of approval in the Notice of Decision may also need to be addressed prior to development commencing on the site.

If you would like to discuss this matter further, please telephone DA Coordinator on (02) 6207 6383.

Yours sincerely


George Ciffiers
Delegate of the planning and land authority
Environment, Planning and Sustainable Development Directorate
28 September 2020



NOTICE OF DECISION

Made under part 7 of the *Planning and Development Act 2007*

S197 Amendment

I, Nicholas Lane, delegate of the planning and land authority, pursuant to section 198 of the *Planning and Development Act 2007*, **approve subject to conditions**, to amend the development approval, in accordance with the application made under section 197 of the Act, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

Pursuant to section 197 of the *Planning and Development Act 2007*, approval is sought to amend development approval No. 201936510 dated 25 May 2020 by:

- a) Walls adjusted and roof added over bunkers and cold feed bins
- b) Retaining wall position adjusted
- c) Air recirculation note added
- d) Location of substation adjusted

DA Number:	201936510 / S197E
Block:	22
Section:	67
Suburb:	HUME
Address:	5 PASPALEY STREET
Application lodged:	24 November 2020
Assessment track:	Merit

This decision contains the following information:

- Part A – conditions of approval
- Part B – reasons for the Decision
- Part B – public notification & entity advice

A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 480 Northbourne Avenue, Dickson, ACT 2602

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

https://www.accesscanberra.act.gov.au/app/forms/epd_feedback

Nicholas Lane

Delegate of the planning
and land authority

26 March 2021

NOTICE OF DECISION

DA 201936510 S197E

PART A – CONDITIONS OF APPROVAL

This application is approved subject to the following conditions being satisfied. Some conditions of the approval may require attention before work commences or before approved drawings will be released.

1. COMPLIANCE WITH ICON WATER ACCESS REQUIREMENTS

Access gates with Icon Water padlocks (as provided in prior conditional acceptance by Icon Water) to be reinstated to allow emergency access to sewerage manholes.

The development must continue to comply with any other conditions imposed by Icon Water in previous submitted comments.

2. COMPLIANCE WITH ENTITY REQUIREMENTS

Further advice was received from Evoenergy, regarding the amended development approval.

The development must comply with all the relevant conditions/advice imposed by each of the relevant entities as stated in each of their advice (refer to Attachments).

ADVISORY NOTES

This application is approved with the following advisory notes. It is recommended that careful consideration be given to advisory notes prior to commencing work.

1. ORIGINAL DECISION

The amended approval is to be read in conjunction with the original decision and its associated conditions and advisory notes.

2. SIGNAGE

All signage installed at the site, including advertising signage and hoarding, should comply with the *Australian Association of National Advertisers (AANA) Code of Ethics* and the *ACT Government's Hoarding Signage Advertising Guidelines* available online at <https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines>

PART B – REASONS FOR THE DECISION

The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007*.

The following evidence formed part of the assessment of this application:

Development Application: 201936510 / S197E
Territory Plan Zones: IZ1: General Industrial Zone
Development Codes: Industrial Zones Development Code
Precinct Code: Hume Precinct Map and Code
Legislative requirements: Sections 119 and 120 of the *Planning and Development Act 2007*
Entity advice: addressed in Part C of this Decision

NOTICE OF DECISION

DA 201936510 S197E

PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 27 November 2020 to 18 December 2020. One written representation was received during public notification period.

The issues raised in the representations received were considered in the assessment and making of the decision for this development application.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into Part A of this Decision. A summary of entity comments can be found below.

1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)
 - TCCS provided advice stating that the proposal is supported and that previously submitted comments stand.
2. ICON WATER
 - Icon Water provided advice stating that the proposal is not accepted due to the required access gates provided as a previous condition of approval are not identified on the plans.
 - A condition has been imposed in **Part A** of this decision that the Icon Water access gates (and any other conditions imposed previously for entity compliance) be reinstated.
3. EVOENERGY (ELECTRICITY)
 - Evoenergy provided advice stating that the proposal is supported subject to conditions.
 - Refer to **Part A** for conditions in regard to compliance with entity advice. A copy of the Evoenergy advice is attached to this Notice of Decision.
4. JEMENA (GAS)
 - Jemena Gas did not provide a response to the proposed amendments and as such is taken to have provided support.
5. EMERGENCY SERVICES AGENCY (ESA)
 - The ESA provided advice stating that the proposal is supported and that previously submitted comments stand.
6. ENVIRONMENT PROTECTION AUTHORITY (EPA).
 - The EPA provided advice stating that the proposal is supported and that previously submitted comments stand.

NOTICE OF DECISION

DA 201936510 S197E

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TRANSLATING AND INTERPRETING SERVICE

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ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, this approval takes effect the day after the date of this decision. The effective date for development applications approved subject to conditions may also be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

Pursuant to section 184 of the *Planning and Development Act 2007* (Act), this approval will expire if:

- the development or any stage of the development is not started within three years after the day the approval takes effect;
- the development is not finished three years after the day the development begins; or
- the development approval relates to land comprised in a lease that requires the development to be completed on a stated date – the date stated in the lease for completion of the development, or the approval is revoked pursuant to section 189 of the Act.

Under section 184 of the Act, the applicant may apply to the planning and land authority to extend the prescribed period to finish the development, but such an application must be made within the original period specified for completion.

A development approval, to which section 184 of the Act applies, continues unless the approval ends under sections 184, 185, 186 or 187 of the Act.

Inspection of the Application and Decision

A copy of the application and the decision can be inspected between 8:30am and 4:30pm weekdays at the Environment, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 480 Northbourne Avenue, Dickson, ACT.

Submission of revised drawings or documentation

If a condition of approval requires the applicant to lodge revised drawings and / or documentation with the planning and land authority for approval pursuant to section 165 of the Act, the submission must be made by completing an application in e-development.

Reconsideration of the Decision

If the applicant is not satisfied with the decision made by the planning and land authority, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision pursuant to section 191 of the Act. A longer timeframe may apply only if granted in writing by the planning and land authority pursuant to section 184 of the Act.

More information is available online at <https://www.planning.act.gov.au/build-buy-reno/build-buy-or-reno/approvals/development-applications/appeal-a-da-decision>.

Please contact Access Canberra Customer Services if you wish to lodge a reconsideration application.

Review by the ACT Civil and Administrative Tribunal (ACAT)

1. Decisions that are reviewable by the ACAT are identified in Schedule 1 of the Act, except for matters that are exempted under Schedule 3 of the *Planning and Development Regulation 2008* (matters exempt from third party review).
2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.
4. If you think you have a right of appeal, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also download the form from the ACT Legislation Register.
5. If you are unsure of whether you have a right of appeal, you may contact Access Canberra Customer Services who can provide you with assistance.
6. More information on appeal rights is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.
7. If you are applying on behalf of an organisation or association, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.
8. The time limit to make a request for a review is 28 days from the date of this notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; and rule 38 of the *ACT Civil and Administrative Tribunal Procedures Rules 2020*).
9. Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Applications should be made in writing to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.
10. The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.
11. The following organisations may be able to provide you with advice and assistance if you are eligible:
 - ACT Law Society, telephone 6274 0300ACT
 - Legal Aid Office, telephone 1300 654 314
 - ACT Council of the Ageing, telephone 02 6154 9740
 - Welfare Rights Centre, telephone 1800 226 028
 - Environmental Defender's Office (ACT), telephone 02 6243 3460.

12. You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party in the circumstances specified in s 48 of the *ACT Civil and Administrative Tribunal Act 2008*. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.
13. You may apply for access to any documents you consider relevant to this decision under the *ACT Freedom of Information Act 2016*. Information about Freedom of information requests is available on the planning and land authority's web site at <https://www.environment.act.gov.au/about/access-government-information> or by contacting us by phone on 02 6207 1923.
14. The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

Review by the ACT Supreme Court

1. The Authority's decision may also be subject to judicial review by the ACT Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989* (ADJR Act).
2. Under the ADJR Act, an *eligible person* may make an application for review of a decision.
3. An *eligible person* must demonstrate that their interests are adversely affected by the decision and that the application raises a significant issue of public importance.
4. Section 5 of the ADJR Act sets out the grounds on which a decision can be reviewed.
5. The time limit to make an application for review is 28 days from the date the Notice of Decision is provided to the applicant and those people who made a representation.
6. The ACT Supreme Court is a costs jurisdiction where costs generally follow the event. This means that the unsuccessful party is required to pay the costs of the successful party.
7. For more information on ACT Supreme Court processes and fees, please visit <https://courts.act.gov.au/home>.

Other approvals

A notice of decision under the *Planning and Development Act 2007* grants development approval only. Other approvals may be required, including:

1. **Building Approval**

Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).

2. **Tree damaging activity approval**

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/trees>.

3. Use of verges or other unleased Territory Land

In accordance with the *Public Unleased Land Act 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at https://www.tccs.act.gov.au/city-living/public_land_use.

4. Works on unleased Territory Land

In accordance with the *Public Unleased Land Act 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Place Coordination and Planning, Transport Canberra and City Services Directorate by way of:

- (a) a certificate of design acceptance prior to the commencement of any work; and
- (b) a certificate of operational acceptance on completion of all works to be handed over to TCCS.

Works on unleased Territory land may include the construction or upgrading of driveway verge crossings, public footpaths, roads, street lighting, stormwater works, waste collection amenities, street signs and line marking, road furniture and landscaping.

Contact details for relevant agencies

ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601	www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855
ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601	www.courts.act.gov.au 02 6205 0000
Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601	www.planning.act.gov.au 02 6207 1923
<ul style="list-style-type: none">• <i>Planning and land authority</i><ul style="list-style-type: none">- list of certifiers for building approval- demolition information- asbestos information• <i>Environment Protection Authority</i><ul style="list-style-type: none">- environment protection- water resources- asbestos information• <i>Conservation, Planning and Research</i><ul style="list-style-type: none">- threatened species/wildlife management	www.environment.act.gov.au 132 281 www.environment.act.gov.au 132 281
Transport Canberra and City Services <ul style="list-style-type: none">- tree damaging activity approval- use of verges or other unleased Territory land- works on unleased Territory land - design acceptance- damage to public assets	www.tccs.act.gov.au 132 281 02 6207 0019 (place coordination)

Health Directorate	www.health.act.gov.au 02 6205 1700
Utilities	
- Telstra (networks)	02 8576 9799
- TransACT (networks)	02 6229 8000
- Icon Water	02 6248 3111
- Electricity reticulation	02 6293 5738

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ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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NOTICE OF DECISION

Made under part 7 of the *Planning and Development Act 2007*

S197 Amendment

I, Nicholas Lane, delegate of the planning and land authority, pursuant to section 198 of the *Planning and Development Act 2007*, **approve subject to conditions**, to amend the development approval, in accordance with the application made under section 197 of the Act, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

Pursuant to section 197 of the *Planning and Development Act 2007*, approval is sought to amend development approval No. 201936510 dated 25 May 2020 by:

- a) Walls adjusted and roof added over bunkers and cold feed bins
- b) Retaining wall position adjusted
- c) Air recirculation note added
- d) Location of substation adjusted

DA Number: 201936510 / S197E
Block: 22
Section: 67
Suburb: HUME
Address: 5 PASPALEY STREET
Application lodged: 24 November 2020
Assessment track: Merit

This decision contains the following information:

- Part A – conditions of approval
- Part B – reasons for the Decision
- Part B – public notification & entity advice

A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 480 Northbourne Avenue, Dickson, ACT 2602

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

https://www.accesscanberra.act.gov.au/app/forms/epd_feedback

Nicholas Lane
Delegate of the planning
and land authority
26 March 2021

NOTICE OF DECISION

DA 201936510 S197E

PART A – CONDITIONS OF APPROVAL

This application is approved subject to the following conditions being satisfied. Some conditions of the approval may require attention before work commences or before approved drawings will be released.

1. COMPLIANCE WITH ICON WATER ACCESS REQUIREMENTS

Access gates with Icon Water padlocks (as provided in prior conditional acceptance by Icon Water) to be reinstated to allow emergency access to sewerage manholes.

The development must continue to comply with any other conditions imposed by Icon Water in previous submitted comments.

2. COMPLIANCE WITH ENTITY REQUIREMENTS

Further advice was received from Evoenergy, regarding the amended development approval.

The development must comply with all the relevant conditions/advice imposed by each of the relevant entities as stated in each of their advice (refer to Attachments).

ADVISORY NOTES

This application is approved with the following advisory notes. It is recommended that careful consideration be given to advisory notes prior to commencing work.

1. ORIGINAL DECISION

The amended approval is to be read in conjunction with the original decision and its associated conditions and advisory notes.

2. SIGNAGE

All signage installed at the site, including advertising signage and hoarding, should comply with the *Australian Association of National Advertisers (AANA) Code of Ethics* and the *ACT Government's Hoarding Signage Advertising Guidelines* available online at <https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines>

PART B – REASONS FOR THE DECISION

The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007*.

The following evidence formed part of the assessment of this application:

Development Application: 201936510 / S197E
Territory Plan Zones: IZ1: General Industrial Zone
Development Codes: Industrial Zones Development Code
Precinct Code: Hume Precinct Map and Code
Legislative requirements: Sections 119 and 120 of the *Planning and Development Act 2007*
Entity advice: addressed in Part C of this Decision

NOTICE OF DECISION

DA 201936510 S197E

PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 27 November 2020 to 18 December 2020. One written representation was received during public notification period.

The issues raised in the representations received were considered in the assessment and making of the decision for this development application.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into Part A of this Decision. A summary of entity comments can be found below.

1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)
 - TCCS provided advice stating that the proposal is supported and that previously submitted comments stand.
2. ICON WATER
 - Icon Water provided advice stating that the proposal is not accepted due to the required access gates provided as a previous condition of approval are not identified on the plans.
 - A condition has been imposed in **Part A** of this decision that the Icon Water access gates (and any other conditions imposed previously for entity compliance) be reinstated.
3. EVOENERGY (ELECTRICITY)
 - Evoenergy provided advice stating that the proposal is supported subject to conditions.
 - Refer to **Part A** for conditions in regard to compliance with entity advice. A copy of the Evoenergy advice is attached to this Notice of Decision.
4. JEMENA (GAS)
 - Jemena Gas did not provide a response to the proposed amendments and as such is taken to have provided support.
5. EMERGENCY SERVICES AGENCY (ESA)
 - The ESA provided advice stating that the proposal is supported and that previously submitted comments stand.
6. ENVIRONMENT PROTECTION AUTHORITY (EPA)
 - The EPA provided advice stating that the proposal is supported and that previously submitted comments stand.

NOTICE OF DECISION

DA 201936510 S197E

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NOTICE OF DECISION

Made under part 7 of the *Planning and Development Act 2007*

I, George Cilliers, delegate of the planning and land authority, pursuant to section 162 of the Planning and Development Act 2007, **approve subject to conditions**, the proposal for an asphalt plant; ancillary buildings, structures, and associated infrastructure; signage; site services; landscaping; bulk earthworks; retaining walls; and associated on-site and off-site works, at Block 67 Section 22 Hume, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 201936510
Block: 67
Section: 22
Address: 5 Paspaley Street
Suburb: Hume
Application lodged: 19 December 2019
Assessment track: Merit

This decision contains the following information:

- Part A – conditions of approval
- Part B– reasons for the Decision
- Part C – public notification & entity advice
- Attachment 1 – administrative information

A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 16 Challis Street, Dickson, ACT 2602

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

https://www.accesscanberra.act.gov.au/app/forms/epd_feedback


George Cilliers

Delegate of the planning and
land authority

25 May 2020

NOTICE OF DECISION

DA 201936510

PART A – CONDITIONS OF APPROVAL

This application is approved subject to the following conditions being satisfied. Some conditions of the approval require attention before work commences or before approved drawings will be released.

1. Approval does not take effect – Environment Protection Authority

- (a) This approval does not take effect unless the lessee/applicant has obtained the written approval from the Environment Protection Authority (EPA) in relation to the air quality and noise management measures for the development and any other issues identified by the EPA, and submits such approval to the planning and land authority as satisfying this condition of approval under s165 of the *Planning and Development Act 2007*.

The EPA may require additional information, clarification, or further review of matters identified by the EPA prior to providing its advice or decision. The EPA may also impose further conditions in addition to the conditions of this decision.

Notes: Any additional conditions imposed, and any amended drawings or environmental reports relied on for the EPA's support must be included to the information submitted to the planning and land authority. Any substantial changes to the development required for EPA approval will need to be submitted for the consideration of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007.

- (b) The lessee/applicant must comply with any additional conditions imposed by the EPA.

2. Compliance with condition 1 (EPA) – approval will end

This approval will end if the lessee/applicant has not complied with Condition 1 within 18 months from the date of this decision.

3. Approval does not take effect – grant of Crown lease

This approval does not take effect until a Crown lease that permits the approved development is granted over Block 67 Section 22 Division of Hume and registered at Access Canberra (Land Titles and Rental Bonds).

4. Compliance with condition 3 – approval will end

In accordance with Section 184(2)(a) of the *Planning and Development Act 2007*, this approval will end if the lessee has not complied with Condition 3 and commenced the approved development on the site within 24 months of the date of this decision.

5. Commencement and completion of development

- a) Subject to conditions 1 - 4 above, this development must be started (commenced) within three years from the date when this approval take effect.
- b) This development must be finished (completed) within three years from the date when it started, or within such further time as approved in writing by the planning and land authority.

Note: The planning and land authority may only extend the time to finish the development if an application, to extend the time to finish the development, is made prior to when the development has to be finished – refer to section 184(3) of the Planning and Development Act 2007.

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6. Works not to commence – ICON Water

- (a) No works in relation to this development approval is to commence until the lessee/applicant has obtained written approval (Statement of Compliance) from ICON Water and submits such approval to the planning and land authority as satisfying this condition of approval under s165 of the *Planning and Development Act 2007*.
- (b) The lessee/applicant must comply with any additional conditions imposed by ICON Water.

Notes: Refer to ICON Water "Failed to Comply" statement included with this decision. Endorsed plans may not be released prior to compliance with this condition - to the discretion of the planning and land authority. Any substantial changes to the development required for ICON Water approval will need to be submitted for the consideration of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007. A resubmission to Icon Water will be required and be approved prior to commencement.

7. Further information

Within 28 days from the date of this decision, or within such further time as may be approved in writing by the planning and land authority, the applicant shall lodge with the planning and land authority for approval:

- a. Revised plans and any other relevant documentation, based on the relevant drawings submitted as part of the application, showing:
- i. storage capacities for any liquid storage on the site to the satisfaction of the planning and land authority,
Note: As this approval has been granted in the Merit track, the planning and land authority cannot support any storage that involve the storage of the placard quantity of a Schedule 11 (Work Health and Safety Regulation 2011) hazardous chemical – refer to Schedule 4 of the Planning and Development Act 2007.
 - ii. fencing details to the satisfaction of the planning and land authority, with a preference for a less impermeable fence type for areas visible from the public domain, and
 - iii. external lighting to building frontages, to all pathways, roads/laneways and car parking areas in accordance with Australian Standard 1158.1.3 Pedestrian Lighting and AS 4282 Control of the Obtrusive Effects of Outdoor Lighting, and to the satisfaction of the planning and land authority.
Note: Exterior lighting including of the production facility must ensure that there is no/minimum light spill, so as not to distract aircraft approaching or departing Canberra Airport. Further evidence to this end may be required by the planning and land authority.

8. Compliance with approved plans

Plans endorsed as forming part of the approval, including any plans required to be submitted as a condition of the approval, will form part of this approval. Any changes to these plans may need to be submitted for the approval of the planning and land authority with an application to amend the approval under s197 of the *Planning and Development Act 2007*.

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9. Compliance with entity requirements

The development must comply with all the conditions imposed by each of the relevant entities as stated in each of their advice.

10. Emergency Services

The development shall comply with the attached conditions and advice provided by the ACT Emergency Services Authority, as signed by *Mark Brown AFSM, Chief Officer ACT Fire and Rescue*, dated 26 January 2020.

11. Transport Canberra and City Services (TCCS)

The development shall comply with the following conditions to the satisfaction of TCCS:

VERGE CROSSING

- (a) The driveway must be constructed in accordance with TCCS Design Standards.
- (b) The levels on the verge must not be altered as a result of the new constructed driveway.

PEDESTRIAN NETWORK

- (c) The pedestrian walkway / footpath must take precedence over the driveway.
- (d) All verge protective fencing must be placed in a way such that the verge is protected but access to the pedestrian network is provided at all times.
- (e) Adequate clearance must be provided for pedestrian walkway / footpath in accordance with the TCCS Standard Drawing 04: Verge Design.
- (f) Existing footpath must be extended till east side boundary
- (g) The proposed path links to the existing pedestrian networks must be installed in accordance with TCCS drawing ACTSD-0501 which requires 100mm thick concrete with SL82 centrally placed reinforcement. The paths must be appropriately jointed to the existing pedestrian path subject to Design Review approval. The path connections remain the responsibility of the developer.

VERGE / VERGE TREE

- (h) Urban Treescapes support the removal of trees 1 & 2 as shown on Drawing number L100 Rev C Tree Management Plan on the condition that two replacement trees be planted on the verge. If the tree 3 exists, this can be removed with following other conditions
- (i) Prior to the removal of any trees on the verge TCCS Urban Treescapes must be notified on 62058679 or email TCCS.UrbanTreesDDCoord@act.gov.au three weeks before the applicant intends to remove the trees so that arrangements can be made to post signs on the trees in line with TCCS tree removal notification process. The developer must contact TCCS and advise who will be responsible for maintaining the trees during the consolidation period. Provide a contact name and phone number of the responsible person within the organisation.
- (j) New street trees must be planted in accordance with the attached tree planting detail specifications.
- (k) The new trees must be species *Eucalyptus sideroxylon* in line with the designated street trees for Paspaley Street Hume.
- (l) The contact person is required to notify a TCCS officer on 62058679 or email TCCS.UrbanTreesDDCoord@act.gov.au when the trees have been planted to arrange an inspection and if TCCS staff are satisfied the trees have been planted in accordance with tree planting details provided, the consolidation period will commence.
- (m) The trees must be placed 12.0m apart from each other and any other existing trees on the verge. There must be a minimum clearance of 4.0m between the new plantings and the proposed driveway verge crossings.

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- (n) Tree stock must be 200-300mm spring ring (1.5m height) that meets the criteria of Australian Standards 2303:2015 Tree Stock for Landscape Use are to be used.
- (o) The compacted ground surrounding where the new trees are to be planted is to be de-compacted prior to planting.
- (p) There is a 52-week consolidation period prior to the trees being handover to the Territory.
- (q) If any of the trees are in poor condition or die during the consolidation period, they must be replaced with an advanced tree of the same species and size to match the other trees.
- (r) The contact person must notify a TCCS officer at the end of the consolidation period to meet on site and ensure the trees are in a healthy condition and suitable to be handed over to the Territory for further maintenance to ensure the trees survive.

WASTE COLLECTION

- (s) Waste collection trucks must have unobstructed access during the collection from entrance to egress for safe operation

Standard TCCS conditions (attached to this Notice of Decision) also apply. Please refer to TCCS for further information.

12. Landscaping

Landscaping must be undertaken in accordance with the approved landscaping plan.

13. Retaining walls

Retaining walls and associated foundations must be constructed within the block boundary. Drainage through the retaining walls and weep holes must be connected to stormwater network and must fall within the block boundary.

14. Sightlines

The mature height of plants and any structures within a right triangle formed on each side of the driveways, with dimensions of 2m along the front boundary and 2.5m from the front boundary along the edge of the driveway, shall not exceed 700mm (to comply with AS 2890.1).

15. Visitor parking

All visitor parking spaces on the block are to be clearly identified for visitor parking by appropriate line marking and signage.

16. Services

Any service connections e.g. point of entry, meter boxes, gas meters are to be located clear of areas approved for car parking space(s) to ensure these services do not reduce the minimum area of the parking spaces and/or restrict vehicular access.

17. Waste Management

All building waste is to be stored on the site in suitable receptacles and collected regularly. The lessee is to take all reasonable steps to ensure that waste, particularly wind-borne litter, does not affect adjoining or adjacent properties.

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18. Sediment and Erosion Control (during construction)

All unsurfaced entry and exit points must be consolidated with crushed aggregate or similar extending from the road kerb to the building line. Temporary sediment controls – comprising, as a minimum, geotextile silt fencing along the lowest points of the site and hay bale filters as required – are to be installed and maintained at least daily to prevent sediment from reaching the stormwater mains system.

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PART B – REASONS FOR THE DECISION

(The application)

The development is proposed on Block 67 Section 22 Hume (5 Paspaley Street, Hume). The site has an area of 9270m².

In the submitted application form the proponent described the development as:

- *Bulk earthworks and ground contouring, including retaining walls and other structures;*
- *Installation and operation of an asphalt plant, including all required infrastructure;*
- *Signage;*
- *Site landscaping; and*
- *Site services, access arrangements, waste management arrangements, off-site works and other works as documented in this proposal and in the documentation included in the submission.*

In the submitted application form the proponent described the proposed use of the land as a *hazardous industry*.

Block 67 Section 22 Hume is zoned *IZ1 General Industrial Zone* under the Territory Plan 2008. *Hazardous industry* is a development listed in the *IZ1 General Industrial Zone Development Table* of the Territory Plan as a development requiring a development application and assessment in the merit track unless specified in schedule 4 of the *Planning and Development Act 2007* (as impact track) or specified as prohibited development in a precinct map.

The proposed development is not a development specified in schedule 4 of the *Planning and Development Act 2007* (as impact track). Conditions are imposed on this development to ensure it does not operate beyond the limits identified in schedule 4 of the act ---The proposed development is not specified as prohibited development in the *Hume Precinct Map and Code*. The

(Representations received)

The development application received five representations during the public notification period. Issues raised through representations were considered in making this decision. This is further discussed in Part C of this decision.

(Entity advice received)

Advice received from all entities was considered in making this decision. This is further discussed in Part C of this decision; however, reference is made to the following:

- The Environment Protection Authority (EPA) did not support the proposal, raising concerns with “technical deficiencies raised regarding the SLR report”. The report referred to is the Air Quality Impact Assessment prepared by SLR Consulting Australia Pty Ltd dated 17 March 2020. The EPA suggested that the SLR air quality assessment report needs to be independently reviewed. This decision will allow an opportunity for further review and further consideration by the EPA, particularly in relation to the air quality and noise management measures for the development and any other issues identified by the EPA, prior to it taking effect. The decision will not take effect if the EPA does not support the development following its further consideration, or within 18 months if it is not resolved with the EPA.

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- ICON Water issued a “Failed to Comply” statement, raising concerns about technical matters relating to ICON Water assets, and the need for an in-principle approval for off-site works. Matters raised by ICON Water have been accordingly conditioned for compliance.

(Submission from Queanbeyan-Palerang Regional Council)

A submission received from Queanbeyan-Palerang Regional Council raised concerns with the proximity to current and future residential development at South Jerrabomberra (South Tralee); noise, air quality and odour assessment; and potential land use conflicts.

The assessment undertaken for this proposal had regard to applicable land use provisions including the *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012* and the associated “Land Zoning” maps and “Local Clauses” map(s); the *South Jerrabomberra Development Control Plan* and the associated Master Plan incorporated to the development control plan. It is noted that the development is approximately 330m at the closest point to the ACT border and about 600m to the land designated as “residential/potential residential” for Stage 3 South Jerrabomberra (as indicated on Map 2 of the associated Master Plan incorporated to the Development Control Plan) and indicated as zoned *R2 Low Density Residential* on the relevant land zoning map. It is noted that the buffer is zoned *RE2 Private Recreation*, with the exception of a smaller portion in Stage 1 (approximately 700m north-east from the development site) that is zoned *B1 Neighbourhood Centre* and *B4 Mixed Use*.

In considering probable impacts the planning and land authority also had regard to the additional controls applicable to the buffer adjoining the Hume industrial area. In this respect, the planning and land authority formed the view that, from a land use perspective, the separation between the proposed development and potential future land uses in South Jerrabomberra is sufficient considering the buffer provided, possible additional controls and the obligation on the consent authority to assess the impacts associated with Hume industrial area prior to providing its consent, for example clause 7.4 of *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012*. The planning and land authority furthermore noted that it is open to the consent authority to require increased separation for future land uses, for example clause 8.12 of Part 8 (*Environmental Management*) of the *South Jerrabomberra Development Control Plan* state that should mitigation measures alone not be to Council’s satisfaction, increased separation of the use and the source may be required.

While the probable impact on the proposed residential development of South Jerrabomberra has been considered, this consideration has been undertaken in the context of the existing land use zoning and developments in the ACT’s Hume industrial estate.

(Assessment and decision)

Further information was required and received pursuant to section 141 of the *Planning and Development Act 2007* (the Act), particularly in relation to advice received from the EPA, prior to making this decision.

The proposed development was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet the relevant provisions of the Territory Plan, including relevant provisions contained in the *Industrial Zones Development Code*.

In making this decision, advice given by each entity to which the application was referred was considered.

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Advice received from EPA and Icon Water are dealt with as conditions of approval in Part 1 of this decision, requiring the applicant to resolve concerns raised by the EPA prior to the approval taking effect, and to obtain a statement of compliance from ICON Water prior to commencing construction works.

In considering the advice from the EPA consideration was given to applicable guidelines, including the *Separation Distance Guidelines for Air Emissions* (November 2018, EPSDD, ACT Government). In considering the advice from the EPA, the assessment undertaken furthermore found that, with the exception of the conditions imposed, there is no realistic alternative to the proposed development. The development is located in the only appropriate zone for this land use in the Territory Plan.

This decision is consistent with the object of the Territory Plan (as in section 48 of the Act) in that it is *not inconsistent with the National Capital Plan*, and that the proposal will *provide the people of the ACT with an attractive, safe and efficient environment*, by establishing the proposed development in a locality that is appropriately zoned for the proposed use.

In deciding to approve the application with conditions, each of the matters or issues set out in section 120 of the *Planning and Development Act 2007* have been considered.

In relation to section 120(a), the assessment established that the proposed development meets all relevant objectives of the *IZ1 – General Industrial Zone*; having considered objectives (a), (b), (c), (f) and (j) as the most relevant.

In relation to section 120(b), it was established that the subject land is suitable for the proposed development, provided the conditions imposed as part of this decision to approve the application is met, and subject to any additional requirements that might be imposed by entities, including the EPA. It is considered that by complying with the *Environment Protection Act 1997* and subject to receiving any relevant environmental authorisation as required under that Act, the land is suitable for this proposal as regulated by environmental legislation.

In relation to section 120(c), it was noted that there is no environmental significance opinion in force for the development proposal.

In relation to section 120(d), it is noted that all representations received were considered prior to making this decision.

In relation to section 120(e), it is noted that the proposed development is not a development that required advice from the design review panel.

In relation to section 120(f), advice from the relevant entities were considered and where necessary conditions or advice have been included pursuant to section 162(1)(b) of the Act that reflect that advice.

In relation to section 120(g), no public land management plan was identified that applies to public land elements that adjoins the development site.

In relation to section 120(h), the probable impacts were considered, including the potential environmental impacts noting the zoning of the site of application, adjacent uses, the site's proximity to the ACT border, and the potential future land uses and planning controls for adjacent land.

The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007*.

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(Conditions)

Conditions have been imposed to address the key issues identified in the assessment and to ensure that the proposal remains consistent with the Territory Plan and the *Planning and Development Act 2007*.

Additional conditions include conditions in relation to liquid storage, external lighting, TCCS requirements, verge trees, and ESA requirements.

The following evidence formed part of the assessment of this application:

Development Application:	201936511
Territory Plan Zones:	<i>IZ1 General Industrial Zone</i>
Development Codes:	Industrial Zones Development Code
Precinct Code:	Hume Precinct Map and Code
Legislative requirements:	Sections 119 and 120 of the <i>Planning and Development Act 2007</i>
Entity advice:	As addressed in Part C of this Decision

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PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 13 January 2020 until 3 February 2020. Five written representations were received during public notification period.

The issues raised in the representations included:

- Air quality
- Health impacts
- Noise pollution
- Proximity to receptors
- Stormwater collection and runoff issues
- Toxic chemicals and fumes
- Parking and traffic
- Vehicle access and movements
- Fire risk
- Site suitability and demand for asphalt
- Decrease in property values

The applicant submitted a response to representations received as further information pursuant to s141 of the Act. In addition to its own consideration of the representations received, the planning and land authority also had regard to this response.

Relevant issues raised in the representations were considered in the assessment and in making of the decision for this development application. Some issues such as the impact on property values are not matters for consideration against the provisions of the Territory Plan. Most issues raised however related to environmental impacts and processes associated with the proposed development. This decision allows an opportunity for further review and further consideration by the EPA of environmental impacts associated with the proposed development such as air quality and noise management measures prior to the development taking effect.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into Part A of this Decision. A summary of entity comments can be found below.

TRANSPORT CANBERRA AND CITY SERVICES (TCCS).

TCCS provided advice stating that the proposal is supported subject to conditions. Refer to Part A for conditions.

EVOENERGY

Evo Energy (Electricity) provided advice stating that the proposal is supported subject to conditions. Refer to Part A for conditions regarding compliance with entity advice. A copy of the Evo Energy advice is attached to this Notice of Decision

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ICON WATER.

Icon Water provided advice stating that the proposal is not supported. A condition has been imposed in Part A of this decision that construction work do not commence until written endorsement is provided by Icon Water. A copy of the Icon Water advice is attached to this Notice of Decision.

ENVIRONMENT PROTECTION AUTHORITY (EPA).

Initial advice from the EPA required further information on the basis that the application has not sufficiently demonstrated compliance with required water management and noise and air emission controls with specific requirements that:

- a) *The Noise Management Plan must be revised to include an assessment of the anticipated/predicted noise levels from the plant equipment at the boundary and from trucks operating on the site.*
- b) *The Air Quality Report (AQR) must include further details about the proposed management of air and odour emissions. The recommendations in the AQR must ensure emissions meet the required standards.*
- c) *It must be demonstrated that any potentially contaminated water will not be discharged to stormwater.*

The applicant responded with further information submitted pursuant to s141 of the Planning and Development Act 2007. The information included a revised noise management plan (SLR, dated 4 March 2020); a (supplementary) air quality impact assessment (SLR, dated 17 March 2020).

The EPA had further regard to a review of the air quality and noise assessments (ERM, dated 1 May 2020) submitted by a representor.

The EPA provided final advice (on 19 May 2020) stating that:

*In response to additional information provided to both the ACT Planning Authority and the Environment Protection Authority (EPA), the Office of the Environment Protection Authority (OEPA) has undertaken a further assessment of the supporting documentation provided with Development Application 201936510 for a proposed Asphalt Plant at 5 Paspaley Street, Block 67 Section 22, Hume ACT 2620 and **does not support** the Development Application. In light of the technical deficiencies raised regarding the SLR report the OEPA believes that the SLR air quality assessment report needs to be independently reviewed to ensure that the air quality modelling is satisfactory to demonstrate the proposed development is compatible with surrounding permitted land uses.*

This decision will allow an opportunity for further review and further consideration by the EPA in relation to the air quality and noise management measures for the development and any other issues identified by the EPA, prior to it taking effect. Refer to Part A, condition 1. The decision will not take effect if the EPA does not support the development following its further consideration or within 18 months if it is not resolved with the EPA.

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JEMENA GAS

Jemena provided advice stating that the proposal is supported subject to conditions. Refer to Part A for conditions regarding compliance with entity advice. A copy of the Jemena advice is attached to this Notice of Decision

ACT EMERGENCY SERVICES AGENCY (ESA)

The ACT ESA provided advice stating that the proposal is supported subject to conditions and advice. A copy of the ESA advice is attached to this Notice of Decision

QUEABYAN PALARANG REGIONAL COUNCIL (QPRG)

The QPRG provided a submission regarding the proposal. The matters raised in the correspondence have been taken into consideration in the making of the decision. Refer to Part B, for further elaboration on the consideration of the QPRG submission.

Translation and interpretation services

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week by calling 131 450.

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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