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Canberra Sand & Gravel Temporary Use

Block 1582 (& 1466),
Belconnen

Reconsideration Report

DA 202240118

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Document Control

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1 Introduction

1.1 Background

Canberra Sand & Gravel has been operating a green waste drop-off service at the old Belconnen Landfill Site on Parkwood Road since approximately 1985.

Green waste refers to grass clippings, garden prunings, leaf litter and weeds. It excludes soil, treated timber, plastic, food and all other contaminants.

Canberra Sand & Gravel occupy the site under a licence agreement and environmental authorisation.

The licence is to be ended so final closure works on the landfill site can be completed.

To provide continuation of this popular and important service to the residents of Belconnen, a new site needs to be identified.

As the management of all waste within the Territory is under continuous review, the new site for Canberra Sand & Gravel is to be a temporary location pending broader waste management decisions. Like the current site, it will operate under a short-term licence rather than a lease or sublease.

1.2 Identified Site

Due to the nature of the activity, the ideal site for a green waste drop-off location is:

- Convenient to likely users to reduce the incentive for illegal dumping
- Sufficient distance from sensitive uses to minimise potential impacts
- Large enough to cater for the required activities
- Suitable for the use in terms of environmental and other considerations.

After reviewing numerous locations, Block 1582 in Belconnen was identified as the preferred location. The key factors in this decision are the ability to locate the activities more than 1 kilometre from residential land, and the previous use of the land as a vineyard resulting in the site having low ecological and heritage constraints.

While not directly related to this proposal, the recently release “Feasibility Study – Mitchell RMC and Identification of Future Waste Sites in North Canberra, Design Options Study” elaborates on the challenges of identifying suitable sites¹.

1.3 Development Application

A development application to establish a site for Canberra Sand & Gravel within Block 1582 was submitted to EPSDD on 26th May 2022.

The DA passed completeness check and the fees were paid on 22nd June 2022.

The public notification period was from 29th June to 20th July 2022. 54 submissions were received from the public. The issues raised are discussed in Sections 3 and 4 of this report.

In parallel with the public notification period the DA was circulated to relevant entities for comment.

A notice of decision was issued on 1st September 2022. The application was refused primarily on the grounds that some of the works were not considered to be Temporary.

¹ [Link](#) to study

1.4 Reconsideration Submission

This submission addresses the matters raised in the Notice of Decision.

The key message in this application for reconsideration is that, while some of the works may not be temporary in nature, the use of the land will be temporary, and hence the proposal may be approved.

1.5 Structure of this Report

This report has been structured to reflect the structure of the Notice of Decision.

- Part A is addressed in Section 2
- Part B Public Notification is addressed in Sections 3 and 4.
- Part B Entity Advice and Requirements is addressed in Section 5.

1.6 Supporting Information

In addition to this report, the following supporting information is provided with this application for reconsideration:

Drawings

Updated drawings reflecting minor changes to address entity comments.

Traffic

Memo addressing short term improvements to the Pro Hart Avenue / Drake Brockman Drive intersection to address the main traffic concerns raised. TCCS conditional support for these improvements.

Bushfire

Bushfire Risk Assessment Report prepared in consultation with ESA.

Heritage

Updated Cultural Heritage Assessment and submission to ACT heritage.

EVO Energy

Copy of the PNA Application

2 Reasons for the Decision

Part A of the notice of decision identifies the reasons for the decision. It was determined that the proposal does not comply with the legislated requirements for merit track applications.

Where inconsistencies were identified, these are addressed below.

2.1 Proposed Use

The proposal was described in the application as Temporary Use.

The definition of Temporary Use for the purpose of the Territory Plan is:

Temporary Use means the use of unleased land for a purpose that is temporary in nature and for which a licence may be issued for a maximum term of three years and which may be renewed.

The proposal asserted that the proposed use meets this definition because:

- The site is unleased territory land.
- The purpose would be temporary in nature as it is subject to short term licencing agreements issued by the ACT Government.

The Notice of Decision identified the following considerations as contributing to the decision that the proposed use was not temporary.

- The predicted traffic generation
- The inclusion of substantial built form (shed) that is of permanent construction
- Issues with site remediation

However, these three considerations are not identified as part of the definition of Temporary Use.

A response to each of them is presented below:

Predicted Traffic – The quantum of traffic generated is not a consideration in the decision about whether the use is temporary. Some clearly temporary uses such as events or festivals generate significant traffic. The requirement to address the likely amount of traffic generated is identified at Criteria 17 of the Non-Urban Zones Development Code as part of the Assessment of Environmental Effects. Further information about traffic is provided in Sections 4.1 and 5.1.

Substantial Built Form – The temporary use of the land is not necessarily linked to the construction of temporary or permanent facilities. A temporary use could occupy a pre-existing building. In the case of this proposal, it is intended to build infrastructure on the site that will facilitate the temporary use, but then be available afterwards for other permissible uses. There are other facilities on the site including roads and sheds that have been associated with earlier uses. All of these provide opportunities for various broadacre uses.

Issues with Remediation – Upon completion of the temporary use the site will be tidied up, but will not be restored to its prior condition. The site is currently a disused vineyard with dead vines and associated trusses. The proposal includes the creation of a large flat pad and associated stormwater management structures. This pad (and the associated shed) would be valuable for other permissible broadacre uses. Potential uses include; agriculture, land management facility, municipal depot etc. Therefore, the make good of the site at the end of the temporary use, would be limited to the removal of the green waste facility operational equipment and materials only.

Based on this information, it is appropriate to assess the proposal as a Temporary Use, which can be assessed in the Merit Track.

2.2 Assessment

The assessment in the Notice of Decision determined that the proposal was a Recycling Facility rather than a Temporary Use. A recycling facility is not permitted in the broadacre zone. This determination led to the decision to refuse the application.

2.3 Section 120 (a)

Section 120 (a) of the Act requires consideration of the zone objectives.

The Development Application presented an assessment of the proposal against the Zone Objectives for the Broadacre Zone.

The Notice of Decision raises a concern against objective d):

“Ensure, where appropriate, that development and the use of land does not undermine the future use of land which may be required for urban and other purposes.”

This objective reflects the Policies for Broadacre Areas identified in the National Capital Plan which describes them as providing “a land bank for future Urban Areas”.

Broadacre areas are identified as being potentially suitable for some industrial, transport, defence and other uses that require large sites. These uses are relatively low value uses that maintain the land in large holdings. This makes it easier to repurpose the land for Urban uses should the need arise, but only after appropriate planning studies have been completed to identify the land as urban land.

The notice of decision notes that while the Temporary Use is operating it may prevent other allowable uses on the site, but these would be limited to non-urban uses, as it is a non-urban zone. The intention of the objective is to reserve the land for future uses rather than concurrent ones.

The temporary use of land as intended by this proposal is consistent with this objective.

2.4 Section 120 (b)

Section 120 (b) of the Act requires the land to be suitable for the proposed development.

The Notice of Decision asserted that the use was not Temporary and therefore the proposal would be described as a Recycling Facility.

Recycling Facility is not identified in the Broadacre Zone Development Table, and hence it is reasonable to assert that the site is not suitable for the proposal. However, as described in Section 2.1 above, the proposed use of the land is temporary, and Temporary Use is assessable as a Merit Track development application in the zone.

Most importantly, the site needs to be identified as suitable for the proposed use from an environmental perspective.

The Development Application presented a Site Suitability Report (Lanterra Consulting) that addressed suitability from an environmental perspective, considering risks associated with contamination, soil conditions and sediment and erosion control.

This report identifies the site as suitable for the proposed use.

The Notice of Decision also notes that the EPA administer issues associated with Air Quality, Pollution, Odour, Environmental Protection, Water Run-Off, Health Implications and Noise. The EPA supported the development subject to conditions.

2.5 Non-Urban Zones Development Code

The Notice of Decision identified four criteria from the Non-Urban Zones Development Code that were considered to require further evidence to support approval.

Criteria 17 - Assessment of Environmental Effects (traffic).

The Notice of Decision states that the traffic generated is likely to impact the road system, and that TCCS did not support the application or associated traffic report.

Traffic impacts were also the most common issue raised by the community in relation to this development application.

The Traffic Impact Assessment that accompanied the Development Application reviewed the operation of the site access to Stockdill Drive, and the intersection with Stockdill Drive and Pro Hart Avenue. These roads are rapidly changing in nature as urban development at Ginninderry proceeds. The Traffic Impact Assessment concluded that these intersections are expected to perform adequately with their current and future layouts, and that the relocation of CSG does not require offsite road upgrade works.

The Traffic Impact Assessment did not consider the intersection of Pro Hart Avenue and Drake Brockman Drive as it is further removed from the site than would normally be assessed, however the community and TCCS expressed concerns about this intersection.

In response to these concerns an additional Traffic Memorandum has been prepared to address this intersection. It identifies that works are required to cater for additional traffic arising in 2023 (associated with the proposal and other development in the area).

Ultimately this intersection will be replaced when Drake Brockman Drive is duplicated, however interim works have been deemed necessary. The recommended solution is a change in the priority of the intersection to give east-west movements priority.

The details of the options and proposed works are provided in the attached memorandum.

TCCS have provided in-principle support for the preferred option.

On the basis of this additional information, it is considered that the road system can cater for the traffic likely to be generated by the proposal.

Criteria 32 – Heritage

ACT Heritage requested further information about the proposal.

This information has been provided back to ACT Heritage. Refer to letter and (redacted) report attached.

Endorsement by ACT Heritage can be a condition of approval if endorsement is not forthcoming prior to a reconsidered decision being made.

Criteria 39 – Bushfire Risk Mitigation

The development application noted that the requirements of the Bushfire Risk Mitigation General Code are limited to recommendations for the construction of Class 1, 2 & 3 buildings in non-urban areas. There are no requirements in the code that specifically relate to the development proposal.

Notwithstanding, it is recognised that the proposal is within a bushfire prone area, and hence a Bushfire Risk Assessment has been prepared and is submitted with this application for reconsideration.

The risk assessment has been prepared in consultation with ESA and it concludes that the proposal complies with bushfire planning requirements.

Criteria 40 – Waste Management

TCCS provided specific comments in relation to the development application, seeking further information about the proposal.

Responses to these comments are provided in Section 5.1.

2.6 Parking and Vehicular Access Code

The Notice of Decision asserts that parking has not been considered for the proposal.

The Development Application addressed parking against Criteria 26, it stated:

“In the Broadacre Zone, uses that are not specifically identified are subject to individual assessment.

Informal car parking opportunities are provided on site in safe locations and at rates that are appropriate for the use. The rates provided are based on the known demand at the existing Canberra Sand and Gravel operations.”

Notwithstanding the above, the updated plans provided for reconsideration identify parking spaces on the site plan. These plans indicated that there is ample space for parking on site.

2.7 Water Sensitive Urban Design

The Notice of Decision notes that the Development Application did not denote the suitably qualified person who prepared the responses to the Water Sensitive Urban Design General Code.

All civil engineering design to support the development application was prepared by Calibre Consulting. Individual designers are identified in the title bar of the relevant drawings.

3 Public Notification – Notice of Decision

Part B of the Notice of Decision identifies a series of issues raised by the community during notification of the development application.

The community submissions were forwarded to the applicant and responses to the commonly raised matters are addressed in Section 4 of this report.

The table below is provided to enable cross reference between the list of Public Notification issues listed in the Notice of Decision and the proponent’s analysis of commonly raised matters.

Notice of Decision	EPSDD NOD (paraphrased)	Proponent’s Response
Traffic	EPSDD consider traffic inconsistent with Temporary Use. TCCS administer traffic and road network issues and did not support the DA	Traffic Comments are addressed in Section 2.5 and 4.1 TCCS comments are addressed in Section 5.1
Air Quality / Pollution & Odour	EPA provided conditional support	Odour is addressed in Section 4.3 Environmental Pollution is addressed in Section 4.7
Desired Character & Location	Having deemed the proposal not to be “Temporary Use” EPSDD deemed the alternate use definition (Recycling Facility) to be prohibited in the location.	Location Selection is addressed in Section 4.6 Comments about the Entry to Ginninderry and the Nature of Ginninderry are addressed in Sections 4.8 and 4.9 respectively
Bushfire Risk	ESA did not support the application.	Bushfire Risk is addressed in Section 4.4 ESA’s comments are addressed in Section 5.5
Temporary Use Timeframe	EPSDD deemed the proposal not to be a “Temporary Use”.	The nature of the proposal as a temporary use of the land is addressed in Section 2.1.
Environmental Impact	EPA provided conditional support	Odour is addressed in Section 4.3 Environmental Pollution is addressed in Section 4.7 Noise is addressed in Section 4.10
Community Consultation	Pre-DA consultation was not required. Public notification was undertaken by EPSDD as required.	Consultation is addressed in Section 4.2
Development Inconsistent with Ginninderry Marketing	Not a planning consideration.	Location Selection is addressed in Section 4.6 Comments about the Entry to Ginninderry and the Nature of Ginninderry are addressed in Sections 4.8 and 4.9 respectively
Water Run-Off	EPA provided conditional support	Environmental Pollution is addressed in Section 4.7
Public Notification	Public notification was undertaken by EPSDD as required.	Consultation is addressed in Section 4.2

Notice of Decision	EPSDD NOD (paraphrased)	Proponent's Response
Health Implications	EPA provided conditional support	Health is addressed in Section 4.12
Noise	EPA provided conditional support	Noise is addressed in Section 4.10
Site Access Point	TCCS administer traffic and road network issues and did not support the DA	Traffic Comments are addressed in Section 2.5 and 4.1 TCCS comments are addressed in Section 5.1
Property Values	Not a planning consideration.	Not a planning consideration, see Section 4.11
Proposed Use	EPSDD deemed the proposal not to be a "Temporary Use".	The nature of the proposal as a temporary use of the land is addressed in Section 2.1.
Zoning Change	There is no proposal for zoning changes	There is no proposal for zoning changes.

4 Public Notification – Proponent Responses

The proposal is not a type of development that required pre-DA consultation.

The Development Application was publicly notified between 29 June and 20 July 2022.

EPSDD forwarded 54 submissions to the proponent for consideration during the assessment period. This consisted of 42 unique submissions, three duplicate submissions (where two people provided identical submissions) and six submissions that referred to an identical pre-prepared submission.

The assessment of a development application such as this must be made against the requirements of the Territory Plan, and take into account related guidelines and controls, such as those prescribed by the Environment Protection Agency. The Territory Plan seeks to strike a balance between the need to provide for the full spectrum of land uses and activities necessary to support the needs of the Canberra community, and the impacts that specific uses and activities may have, especially on neighbouring land uses and residents. Whilst all matters raised in submissions are important and warrant consideration it is inevitable that not all can be fully reconciled. Against this background the following sections address the most commonly raised issues.

4.1 Traffic

49 of the 54 submissions raised traffic as an issue.

Issues Raised	Response
The Drake Brockman Drive / Pro Hart Avenue intersection is already busy and Ginninderry is growing.	<p>As pointed out in many of the submissions, all the residents of the existing and future suburbs of Ginninderry use these roads and this intersection.</p> <p>There is a planned program of works in place to deliver upgrades to the road network to support the ongoing development of Ginninderry, including the intersection in question.</p> <p>Typically traffic to green waste facilities does not coincide with peak commuter times and will not cause significant traffic congestion.</p>
Traffic study only considered Stockdill Drive, not Pro Hart Avenue.	<p>It is appropriate for the traffic study to be limited to assessing the connectivity of the project to the Urban Distributor road network (Pro Hart Avenue) as at that point the traffic associated with the proposal will be disbursed into the Urban Distributor and Urban Arterial road network.</p> <p>The traffic report finds that the traffic likely to be generated by the proposed facility can be accommodated on the immediate road network as it currently exists, noting also that the road network will be progressively upgraded as Ginninderry grows.</p> <p>Total anticipated traffic volume of 1400 vehicles per day (in and out) is about 5% of the total traffic on Pro Hart Ave (east) in 2041. To put this in perspective, 1400 trips per day is equivalent to the traffic generated by about 140 households. Ginninderry will ultimately accommodate about 11,500 households.</p>

Will result in 'industrial' traffic through residential areas	<p>Most of the traffic will be light vehicles (Belconnen and Ginninderry residents dropping off green waste). Pro Hart Avenue and Stockdill Drive are not classified as residential streets.</p> <p>The development proposal is not within the Ginninderry area, it is within an area of land that is zoned Broadacre on the south side of Stockdill Drive. The broadacre zone allows for a wide range of non-residential uses.</p>
Improvements to Pro Hart Avenue to support the development of Ginninderry need to be brought forward.	<p>The traffic analysis report lodged with the DA found that the proposed development will not have an adverse effect on the immediate road network, noting it also included consideration of future proposed improvements. The timing of road upgrades will be related to actual and forecast demand, in this case this is substantially related to the development of Ginninderry.</p> <p>TCCS have provided in-principal support for a short term upgrade of the Pro Hart Avenue/Drake Brockman Drive intersection to improve the traffic situation in advance of wider Drake Brockman Drive improvements being delivered. Details of the interim change are provided in response to TCCS comments in Section 2.5.</p>

4.2 Inadequate Consultation

36 of the 54 submissions suggested that the consultation was inadequate

Issues Raised	Response
Residents were not informed of the green waste facility proposal prior to purchasing properties in Ginninderry.	<p>The current Belconnen green waste facility has been operating within the Ginninderry Project area at the West Belconnen Resource Management Centre site since approximately 1985. DA 202240118 is a proposal by the ACT Government to relocate the facility to a location that is outside the Ginninderry project area.</p> <p>Ginninderry are not the proponents of the proposal and do not have control over the use of land that is outside the Ginninderry Project Area.</p>
Pre-DA consultation was not undertaken, making the sessions during DA notification meaningless.	<p>The Planning and Development Act identifies certain types of development that may be sensitive in the community and therefore require pre-DA consultation. The types include (subject to some conditions):</p> <ul style="list-style-type: none"> - Residential development of 3 storeys or 15 or more dwellings - Single buildings larger than 5000 m² or combined buildings larger than 7000 m² - Buildings taller than 25 metres - Removing the concessional status of a lease - An estate development plan <p>This development did not require pre-DA consultation.</p> <p>The information sessions hosted during the DA notification period were intended to help people to understand the nature of the proposal.</p>
Potentially impacted residents of adjoining suburbs were not notified.	<p>EPSDD are responsible for notification of development applications in accordance with the Act. Signs were erected at the site, and the DA was notified as required on the EPSDD website.</p> <p>In addition to the notification requirements, community information sessions were jointly hosted by Ginninderry and the proponent during the DA notification period to ensure general awareness in the community.</p>

Community was not involved in the selection of the location and the process lacks transparency.	The selection of a site for a use such as this would not normally be undertaken through a process of community involvement. There is a need for the existing green waste facility to be relocated, this site is under the custodianship of the SLA and is considered suitable for this use. The DA process provides the opportunity for community input on the proposal.
Unsure whether the temporary facility will become permanent.	The proposal is for a temporary facility. A permanent facility would require different approvals. Any such proposal would be via a process that included opportunities for public input.
Impression that the proposal is within Ginninderry.	The proposal is outside the Ginninderry Joint Venture area. This is a TCCS proposal hosted on land held by the Suburban Land Agency.

4.3 Odour

36 of the 54 submissions raised concerns about potential odour.

Issues Raised	Response
Composting will generate odours	<p>The principal use of the site will be for green waste collection, mulching and resale.</p> <p>However, as green waste will begin to compost as soon as it is stockpiled, some composting will naturally occur. As a result, the Environment Protection Authority will require this site to hold an Authorisation associated with composting activities, which includes odour control requirements.</p> <p>The ACT Government's separation distance guidelines do not include separation distance recommendations for temporary use of the land, however for permanent installations a 300 metre separation is recommended between sensitive users and materials recovery for recycling and waste transfer stations. A 1000 metre separation is recommended for facilities that include composting.</p> <p>The proposed green waste site is about 1350 m from the nearest existing house in Strathnairn; with this separation distance the possibility of any odour impact is negligible. The current facility at West Belconnen is 1000 m from existing housing at Holt and West Macgregor.</p> <p>By way of comparison the nearest housing to Mugga Tip is at 1225 m, a full-scale putrescible waste rubbish tip.</p>
The smell from the sewerage plant is already significant	The odour from the Lower Molonglo Water Quality Control Centre is not a consideration for this development application.
Buffer is insufficient	<p>The ACT Government's Separation Distance Guidelines for Air Emissions have been used to determine the appropriate buffer distance.</p> <p>The 1000 metres adopted for a composting works is considered conservative.</p> <p>By comparison, the recommended buffer to a municipal waste landfill is 500 metres.</p> <p>It is considered that the buffer will be sufficient for the proposed activity.</p>
Odour control is reliant on good practices on site.	Odour control management on site will be managed through the implementation of an Environmental Authorisation issued and regulated by the Environment Protection Authority This is a legal requirement and condition that the facility must comply with, in addition to good practices.
Green waste facility in Mitchell has odour issues relating to Franklin	<p>The green waste facility in Mitchell is approximately 150 metres from the nearest dwelling.</p> <p>The proposed 1000 metre buffer will make a substantial difference to the circumstances experienced in Mitchell.</p>

Want a commitment that if odour issues occur, the site will be shut down.

If the site is not operated in accordance with the Environmental Authorisation, then appropriate enforcement action will be taken which may include shutting the operation down. The EPA regularly monitor the compliance with Authorisation requirements.

4.4 Bushfire

30 of the 54 submissions raised concerns about bushfire risk

Issues Raised	Response
The site is in a bushfire prone area	It is acknowledged that the site is within the bushfire prone area to the west of the city. This brings with it management responsibilities that will be reflected in the operational plans for the facility. The DA was referred to ACT Emergency Services. Refer to comments and responses in section 5.5.
There is only one road out and evacuation may be complicated by extra traffic	The operating plans and licence for the facility can identify days when it will not be open due to the level of fire danger. Canberra Sand and Gravel close their existing operations on days of adverse weather conditions.
The green waste represents a fuel load	The site is located a kilometre from existing and future residential areas. In the event of a bushfire, the fuel load at the site is not likely to increase the risk to residential areas. Canberra Sand and Gravel will also have their own bushfire management plan.
Operations on site could start fires.	The operational procedures on site will include activities to minimise the risk of starting fires, particularly on days of adverse weather conditions.
A fire fighting water supply is not proposed.	The application has been amended to clearly show the provision of a fire fighting water supply that meets the recommendations of the ESA.

4.5 Safety

22 of the 54 submissions referenced safety as a concern

Issues Raised	Response
Lack of cycle lanes on Pro Hart Avenue	This is outside the scope of this DA. There is an off-road cycle commuter path in addition to the mixed use path along Pro Hart Avenue that provides an alternative to on-road cycling. This facility was designed in consultation with Pedal Power ACT.
Maintenance required on Drake Brockman Drive.	This is a general issue for TCCS to address.
Road safety concerns related to increased traffic and increased heavy vehicles.	These concerns are similar to the concerns raised in relation to traffic numbers. Roads usage in the area is increasing as the development of Ginninderry and other development in the area progress. Heavy vehicles are currently servicing the development areas and it is a reasonable expectation that this will continue. There is a program of planned road upgrades to support the development in the area. The traffic assessment indicates that vehicle numbers on Pro Hart Avenue are expected to increase from 9600 vehicles per day in 2031 to over 22,000 vehicles per day in 2041.
Concerns for the safety of children playing in front yards near the roads.	The traffic associated with this development application is only a small portion (approximately 5%) of the overall traffic on the nearby roads. The change in risk profile to children is not material.

4.6 Location Selection

22 of the 54 submissions questioned the location selection process

Issues Raised	Response
Location is too close to residential area	The proposed facility is approximately 1.35 kilometres from the closest houses on Yoornie Way, Strathnairn, and is 1 kilometre from future residential areas adjacent to Stockdill Drive. For comparison, the residential area at the northern intersection of Pro Hart Avenue and Lionel Rose Street is approximately 1.1 kilometres from the existing CSG facility at Parkwood.
Bringing trucks into a residential area	The traffic to the facility will use Pro Hart Avenue and Stockdill Drive. These are not residential streets, they are Collector or Distributor roads.
Other vacant areas in Belconnen and Molonglo should be considered	As outlined in the Feasibility Study ² on future waste sites in North Canberra, there are very few sites available in Belconnen that are accessible by road, more than 1 kilometre from current or future residential development, not environmentally constrained and not privately owned. The proposed site meets these requirements.

² [Link](#) to study

Bulk landscape supplies is a prohibited use under the current zoning	The proposal is for the temporary use of the land. This is permissible on unleased land that is licenced for the purpose.
Should not be in Strathnairn / Ginninderry	The project is not in Strathnairn or Ginninderry.
Should be near Hall	The proponent is not aware of any land in or near Hall that would meet the site selection criteria.
Ginninderry Community Group would like to be involved in a discussion about the location.	The proposal is for a specific use in a specific location. The location has been selected by the proponent as the preferred location.
Visibility from Pro Hart Avenue	The proposal will not be visible from Pro Hart Avenue. The part of the site that is the subject of the proposal is shielded from view by the topography.
Should be within the Lower Molonglo Water Quality Control Centre odour buffer zone.	Areas closer to Lower Molonglo are less accessible to the public, typically steeper, more environmentally constrained, subject to hills ridges and buffers, or river corridor zoning and not currently available to the proponent for the intended temporary use.

4.7 Environmental Pollution

21 of the 54 submissions raised the potential for environmental pollution as a concern

Issues Raised	Response
Runoff to creeks causing pollution.	The proposal includes sediment and erosion control measures that have been designed to meet the EPA requirements for pollution control, which includes diverting runoff away from the creek into a sediment control basin, and contingency measures to prevent/minimise potential impacts into the creek. Re-use of captured water on site is intended to help with dust suppression.
Major runoff events in changed climate storm regime	Stormwater modelling has been prepared by Calibre Consulting. The latest Australian Rainfall and Runoff calculations include consideration of higher intensity storms due to climate change.
Sufficient water for dust management	Experience operating the existing site has informed decisions about water availability.
Introduction of new weeds to the area and downstream	The green waste brought to site will be managed within the site, with minimal risk of it crossing the site boundaries. Active weed control measures may be necessary to control weeds around the perimeter. These can be addressed in an environmental management plan.
If FOGO collection is adopted across Canberra, this site would be unsuitable	The proposal does not include management of FOGO waste streams.

4.8 Entry to Ginninderry

12 of the 54 submissions were concerned about the proposal being at the entry to Ginninderry

Issues Raised	Response
Don't want the entrance to the suburb to be a waste movement area	The traffic, approximately 5% of the total traffic volume, will be integrated with all the other traffic on the road. It should also be noted that green waste is a relatively benign form of waste.

4.9 Nature of Ginninderry

9 of the 54 submissions indicated that the proposal was not compatible with the proposed nature of the Ginninderry development.

Issues Raised	Response
Ginninderry is 6 star green star and sold on the basis of the natural environment, this is not compatible	Note that the proposal is not within Ginninderry, however, collecting and re-using waste plant material is absolutely consistent with a 6-star green star community.
Negative interaction with active travel encouragement	The additional vehicles will be focussed on Pro-Hart Avenue and Stockdill Drive, not the residential streets of Strathnairn.

4.10 Noise

8 of the 54 submissions raised noise as a potential concern

Issues Raised	Response
Concerns about extra traffic noise caused by trucks accessing the facility	The traffic noise caused by the facility is only a fraction of the traffic on the main roads.
Operational noise affecting the rural environment.	The proposal is located approximately 1.35 kilometres from the nearest residential dwelling. Some operational noise is to be expected from land in a broadacre zone.

4.11 House Prices

8 of the 54 submissions were concerned about impacts on house prices.

Issues Raised	Response
Concerns about reduced house values close to the facility.	On EPSDD's web site about making Representations on Development Applications they state: "it is encouraged that a representation should not: state it will impact surrounding land value – this is not a consideration of the ACT planning system".

4.12 Health

6 of the 54 submissions raised concerns about health and wellbeing.

Issues Raised	Response
Concerns about health for nearby residents caused by additional traffic, dust, odour etc	The location of the facility, approximately 1.35 kilometres from the nearest residential dwelling is consistent with the ACT Government's separation distance guidelines
Possible spread of pathogens to adjoining rural land	The operations at the facility will be managed to control air emissions. The existing green waste facility on the old Belconnen land fill site has operated adjacent to rural land without any problems.

5 Entity Advice and Requirements

5.1 Transport Canberra and City Services (TCCS)

TCCS provided advice that the proposal was not supported. The advice came in the form of a series of questions seeking clarification about the proposal. The questions are reproduced below (in blue), along with the proponent's responses.

Roads:

Please confirm that roads vertical alignment is designed as per the Austroads design standards. Please provide the clarification on "How this vertical alignment will work for the heavy vehicles"?

The vertical road grading has been designed to AustRoads design standards for TCCS local access roads for posted speed of 50km/hr and design speed of 60km/hr, however it is noted that this is a private access road proposed to be slow speed and sign posted at 40km/hr.

The maximum vertical grading of the access road is up to 8% grade which occurs over 160m. The remainder of the access road has grades ranging from 3 to 5%. 8% longitudinal grading is suitable for a bus routes in the ACT so is considered acceptable in the ACT context for a TCCS road for heavy vehicles. AustRoads Part 3 Table 8.3 says that for Rolling Terrain and operating speed of 60km/hr the maximum grades should be between 7-9%. Table 8.2 says that grades between 3-6% will have some effect on heavy vehicle speed and that grades between 6-9% will cause heavy vehicle speeds to be significantly lower. We note that the grades will affect the speed of heavy vehicles on this road, but that this is a private access road which is intended to be signposted as 40km/hr and is therefore considered to be suitable.

Please clarify further on sight line distance provided for the proposed intersection how this satisfied the total (sight line) distance requirement, vertical and horizontal curve requirement of the Austroad.

Sight distance check on Stockdill Drive is based on 60km/hr posted speed and 70km/hr design speed and has been checked for horizontal and vertical sight distance. Sight distance for vehicles travelling along the internal access road is based on posted speed of 50km/hr and design speed of 60km/hr suitable for a local access road. Additional survey of the Stockdill Drive road pavement crossfall has led to the vertical geometry for the access road changing from original DA submission and the long-section and grading has been updated which improves sight distance on this road. All horizontal and vertical sight distances comply with AustRoads Guidelines. We note that this access road is a private access road which will sign posted at 40km/hr.

Stormwater:

Please provide the clarification and updated plan (if required) for stormwater. The propose stormwater discharged from the hill/upper ground, as per the submitted plan crossing the road via pipe culvert however based on the contours the fall is towards the site (proposed waste facility) how this SW will be discharge through pipe culvert shown in plan.

Concept Sediment and erosion control plan has been updated to reflect the stormwater masterplan which shows the cutoff drains uphill of the CSG facility to divert upstream runoff around the site to proposed culverts. The SWMP notes rip rap to be placed at outlet of each proposed culvert to manage flow velocities.

Car Parking

The proposed car parking supply for the development is unknown. The proponent is to confirm and justify the adequacy of the parking based on the number of employees and visitors expected.

The size of the facility is based on the current facility at Parkwood road. Carparking has been added on plan D012 and D127.

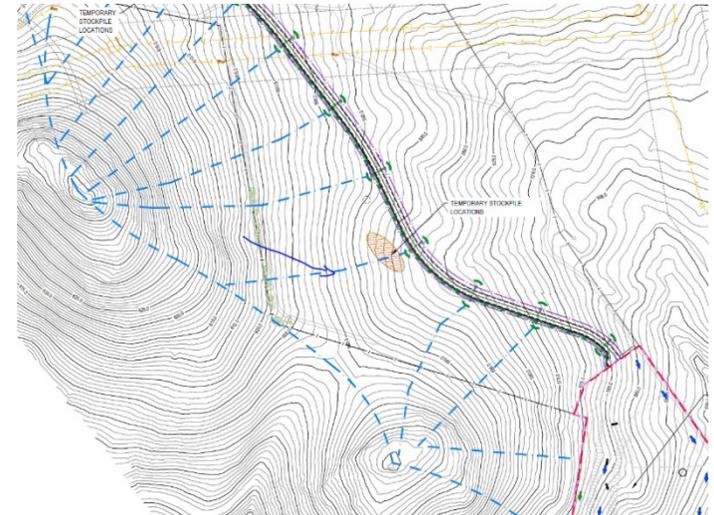
Traffic

The number of heavy vehicles assumed as part of the development's traffic generation is unknown. Please confirm heavy vehicle assumptions and its application in the SIDRA modelling.

Allowance of heavy vehicles is noted in Section 5.2 of the traffic report. This is based on advice from CSG of heavy vehicle volumes at current site on Parkwood Road.

The 2041 analysis undertaken by Calibre for this site considered an ultimate signalised layout for the Pro Hart Ave/Stockdill Drive intersection. This configuration was recommended in the West Belconnen Neighbourhood One EDP Traffic Modelling Report published by AECOM in April 2016. However, the intersection has not been identified by TCCS for upgrade in the near future. Hence, the 2041 scenario should also consider the existing layout in the SIDRA analysis.

Previous modelling and reports by AECOM identify that this intersection must be signalised by 2041. There is therefore no need to model the intersection for unsignalized in 2041. Riverview are undertaking regular traffic monitoring of the performance of the Ginninderry road network and will upgrade Pro Hart Avenue, including intersections, as and when required. This intersection upgrade will occur when it is required, expected to occur before 2041.



5.2 Environmental Protection Authority (EPA)

The EPA provided advice stating that the proposal is supported subject to the following conditions/advice.

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

The consultant's assessment report into the site's suitability for the proposed and permitted uses from a contamination perspective must be submitted to the EPA in accordance with Information sheet 11 - EPA Report Submission Requirements for review and endorsement prior to the site being used for other purposes.

All spoil identified at the site must be managed in accordance with EPA Information Sheet - Spoil Management in the ACT.

All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT.

No soil is to be disposed from site without approval from the Office of the Environment Protection Authority.

All works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011", available at www.environment.act.gov.au or by calling 132281.

As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the Environment Protection Act, 1997. The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environmental Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.

An Erosion and Sediment Control Plan must be submitted to and be endorsed by the EPA prior to works commencing on site.

Prior to operations commencing the applicant must apply for and be granted an Environmental Authorisation for the proposed Class A activity.

All excavations that collect rainwater during a rainstorm event would be considered as a sediment control pond and must meet the following condition - No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the pond must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

These conditions/advice can be included as conditions to the approval.

5.3 Conservator of Flora and Fauna

The Conservator provided advice stating that they have no comment on this Development Application, as the proposed works are on unleased land and therefore not covered by the Tree Protection Act 2005.

No further response required.

5.4 ACT Heritage Council

The Council provided advice stating that further information is needed to determine whether the development will damage Aboriginal places or objects.

The Heritage Council's advice sought clarification of some elements of the Aboriginal Cultural Heritage Assessment that was provided with the Development Application. An updated report has been prepared and submitted to Heritage ACT. A (redacted) copy of the updated assessment and cover letter are provided with this submission.

5.5 ACT Emergency Services Agency (ACTESA)

The ACTESA provided advice stating that the proposal is not supported.

"ACTF&R does not support this development in its current design until evidence of appropriate bushfire protection measures and sufficient water supply for firefighting purposes can be demonstrated.

To assist in gaining ACTF&R support, the developer will need to provide the following documentation:

- A Bushfire Assessment Report by an accredited Bushfire Consultant for the proposed development.
- Evidence of sufficient water supply for firefighting purposes to ICON water F5 fire risk category."

A Bushfire Risk Assessment Report, prepared by Mick George at GHD in consultation with ACTF&R is presented with this application for reconsideration. The report includes recommended design features to address bushfire risk. Where appropriate these design features are reflected in the updated plans.

5.6 ICON Water

ICON Water provided advice stating that the proposal Fails to Comply with their water and sewerage network protection requirements.

An updated application for in principle design approval has been lodged with ICON Water.

5.7 EVOEnergy (Electricity)

EvoEnergy (Electricity) provided advice stating that the proposal Fails to Comply with their network protection requirements.

An updated application for preliminary network advice has been lodged with EVO Energy.

5.8 EVOEnergy (Gas)

EvoEnergy (Gas) provided advice stating that they do not object to the proposed works.

No further response required.

6 Conclusion

Based on the information provided in this report, the following conclusions are made.

- The proposed use of the land meets the definition of Temporary Use.
- Temporary Use is a merit track assessable use in the Broadacre Zone
- The physical infrastructure on the site will be available for other approvable uses once the temporary use ceases.
- The public comments raised Traffic as the major concern.
- There is a program of works in place to support the ongoing development of the Ginninderry Joint Venture that will address current and future road capacity issues.
- Information in this report provides evidence that the proposal is consistent with the Territory Plan.
- Further information required by entities to support the proposal is included with this submission, or has been provided directly to entities.

Overall, it is concluded that the proposal should be approved.