

Australian Capital Territory

Planning and Development (Draft Variation No 305) Consultation Notice 2013

Notifiable instrument NI2013—66

made under the

***Planning and Development Act 2007*, section 63 (Public consultation—notification) and section 64 (Public consultation—notice of interim effect etc)**

Under the *Planning and Development Act 2007*, section 63(1), the planning and land authority, within the Environment and Sustainable Development Directorate (ESDD), has prepared Draft Variation No 305 (DV305) to the Territory Plan – Mugga Lane Resource Management Centre Jerrabomberra Block 2247 (see Annexure A).

DV305 proposes to extend the site specific provision on the land for the existing landfill and resource management centre over Jerrabomberra Block 2247 to allow for the expansion of the landfill.

Written comments from the public are invited by **COB Friday 5 April 2013**. The draft variation and background documents are available online at **www.act.gov.au/draftvariations** until the closing date for written comments. A draft Environmental Impact Statement (EIS) that investigates the potential environmental impacts of the proposal and informs the draft variation has been prepared for concurrent public consultation. A submission made on either the draft variation or the draft EIS will be considered in both contexts, where relevant.

Printed copies of the draft variation and background documents are available for inspection and purchase at the Environment and Sustainable Development Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

Comments should include reference to the draft variation, your name and contact details, and be addressed to the Territory Plan Variation Unit.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Comments, GPO Box 158, Canberra, ACT 2601
- delivered to ESDD's Customer Service Centre at the above address

Copies of written comments will be made available (unless excluded) for public inspection for no less than 15 working days starting 10 working days after the closing date for comment. The comments will be available at ESDD's customer service centre in Dickson and may be published on ESDD's website.

Comments made available will include personal contact details unless excluded under section 411 or 412 of the *Planning and Development Act 2007*. A request for exclusion under these sections must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria.

Effect of the draft variation

The draft variation does not have interim effect and therefore section 65 of the *Planning and Development Act 2007* does not apply. The current Territory Plan will continue to apply while the variation remains in draft form.

Ben Ponton
Delegate of the Planning and Land Authority

13 February 2013



ACT
Government

Environment and
Sustainable Development

Planning and Development Act 2007

Draft
Variation to the
Territory Plan
No 305

Mugga Lane Resource Management
Centre – Jerrabomberra Block 2247

February 2013

Draft variation for public consultation prepared
under s60 of the *Planning and Development Act 2007*

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1. INTRODUCTION

1.1 Summary of the Proposal

Draft variation No 305 (DV305) Mugga Lane Resource Management Centre – Jerrabomberra Block 2247, proposes to amend the Territory Plan to accommodate the expansion of the existing Mugga Lane Resource Management Centre onto Jerrabomberra Block 2247. The land is currently included in the NUZ1 Broadacre zone in which landfill is a prohibited use. The existing landfill and resource management centre on Block 2114, is currently permitted in the Broadacre zone through a site specific provision in the Jerrabomberra precinct map and code. DV305 proposes to extend the site specific provision over block 2247 which adjoins the existing landfill to allow the landfill to expand.

1.2 Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the ACT Planning and Land Authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. The functions of the Authority are administered by the Environment and Sustainable Development Directorate (ESDD).

The Territory Plan is comprised of a written statement and a map. The written statement contains a number of parts, namely governance; strategic directions; zones (including objectives and development tables and zone or centre development codes); precinct codes; general codes; overlays; definitions; structure plans, concept plans and development codes for future urban areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of residential, commercial, industrial, community facility, urban parks and recreation, transport and services and non urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the volumes of the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the ESDD submits a report on consultation and a recommended final variation to the Minister responsible for planning for approval. The Minister has the discretion to determine if referral to the Legislative Assembly standing committee responsible for planning is warranted prior to approval, depending on the nature and significance of the proposal. If the draft variation is referred to the committee by the Minister or otherwise, the Minister must consider the findings of the committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 This document

This document contains the background information in relation to the proposed variation. It comprises the following parts

Part 1 This Introduction

Part 2 An Explanatory Statement, which gives reasons for the proposed variation and describes its effect based on the planning report and draft environmental Impact statement (EIS) prepared in support of the draft variation.

Part 3 The Draft Variation, which details the precise changes to the Territory Plan that are proposed

1.4 Public Consultation

Written comments about the draft variation are invited from the public by close of business **Friday 5 April 2013**.

Comments should include reference to the draft variation, your name and contact details, and be addressed to the Territory Plan Variation Unit.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Comments, GPO Box 1908, Canberra, ACT 2601
- delivered to ESDD's Customer Service Centre at 16 Challis Street, Dickson

Copies of written comments will be made available (unless excluded) for public inspection for no less than 15 working days starting 10 working days after the closing date for comment. The comments will be available at ESDD's customer service centre in Dickson and may be published on ESDD's website.

Comments made available will include personal contact details unless excluded under section 411 or 412 of the *Planning and Development Act 2007*. A request for exclusion under these sections must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria.

Further Information

The draft variation, fact sheet and background documents (planning report and environment impact statement) are available online at www.act.gov.au/draftvariations until the closing date for written comments.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at the Environment and Sustainable Development Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

2. EXPLANATORY STATEMENT

2.1 Background

ACT NOWaste has investigated options for long term waste disposal in the ACT. This has included implementation of recycling facilities and strategies for waste management. However, there remains a longer term need for a landfill facility. The existing facility at Mugga Lane is anticipated to reach capacity in 2015/2016. Alternative landfill sites have been investigated and the preferred option is to expand the existing facility onto Jerrabomberra Block 2247. This will meet the ACT's landfill requirements for up to 30 years.

2.2 Site Description

The site for the expansion of the landfill is Jerrabomberra Block 2247 and is adjacent to the existing landfill as identified on **Figure 1** below.

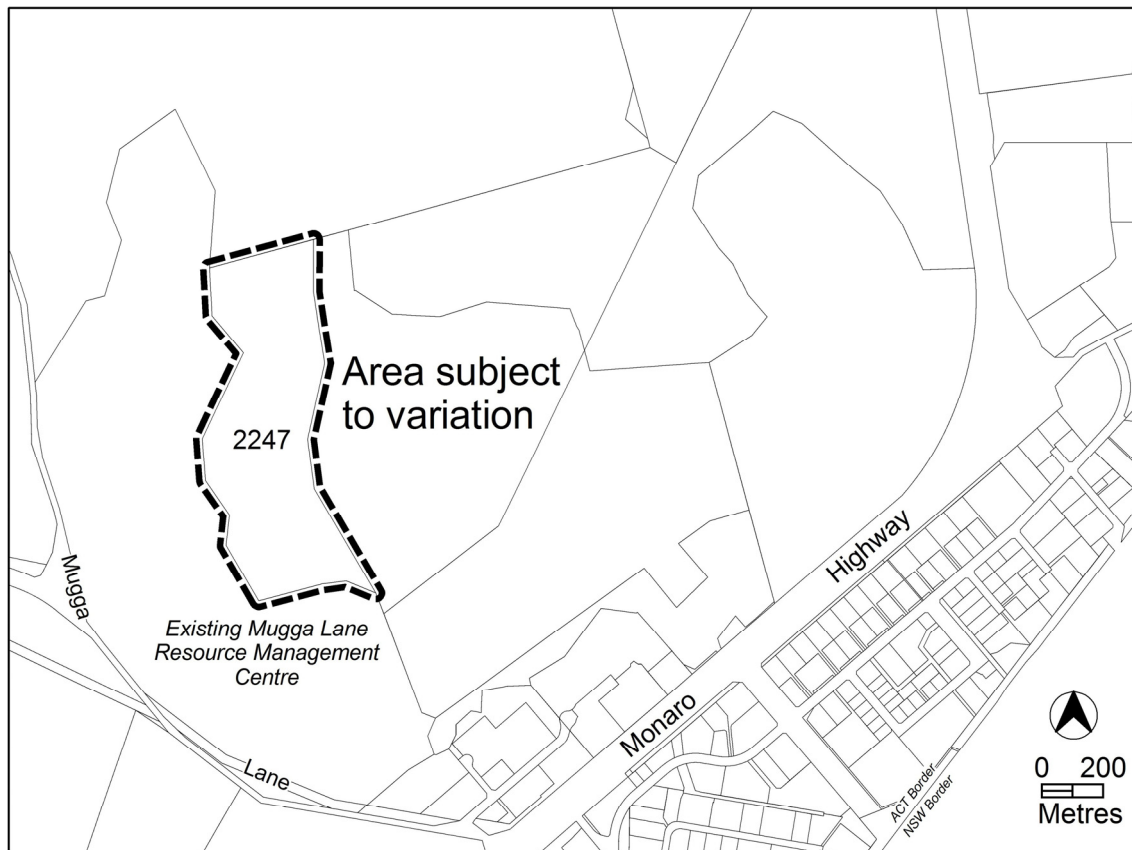


Figure 1 Site Plan

2.3 Current Territory Plan Provisions

The Jerrabomberra District precinct map for the area subject to this variation is shown in **Figure 2** below. There is also a need for consequential amendments to the Tuggeranong District precinct map and the Hume precinct map.

Jerrabomberra District Precinct Map

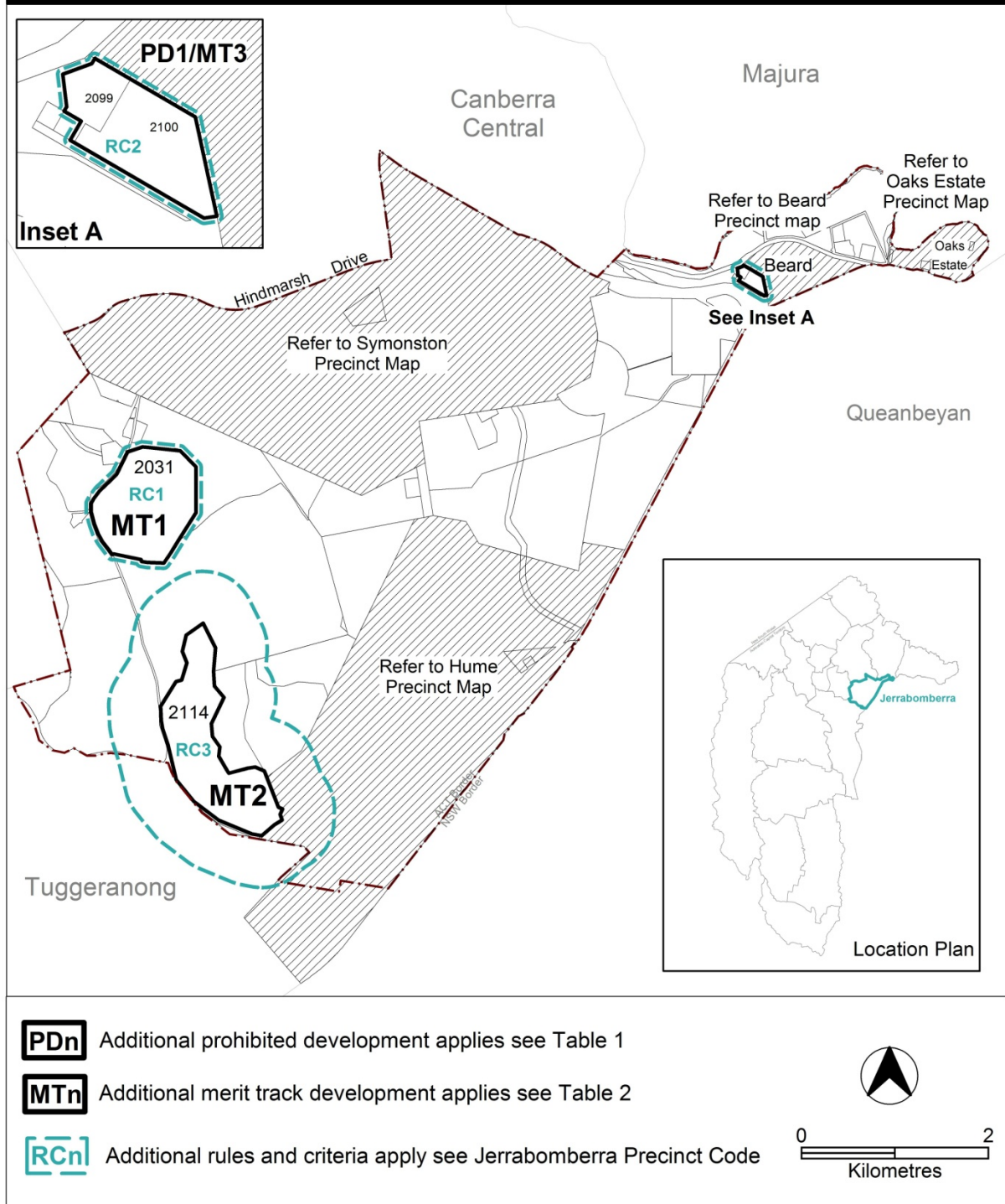


Figure 2 Jerrabomberra District precinct map

2.4 Proposed Changes

2.4.1 Proposed Changes to Territory Plan

The proposed changes to the precinct code maps and codes are detailed at Part 3 of this document and in Appendix A, B and C. These changes are detailed as follows:

Jerrabomberra District precinct map

- Extend the boundary of the MT2 to include Jerrabomberra Block 2247. This will mean that the following uses are merit assessable development on Block 2247 and will accommodate the proposed expansion of the landfill facility onto this block:
 - Landfill site
 - Recycling facility
 - Recyclable materials collection
 - Store
 - Warehouse
 - Waste transfer station
- Extend the boundary of RC3 Mugga Lane Landfill Clearance Zone to 500m of the amended MT2 boundary.

Tuggeranong District precinct map

- Consequentially amend the shaded area to reflect the changes to the Jerrabomberra District precinct map.

Hume precinct map

- Consequentially amend the shaded area to reflect the changes to the Jerrabomberra District precinct map.

2.5 Reasons for the Proposed Draft Variation

The proposal will result in the loss of Yellow Box – White Box – Red Gum Woodland which is a critically endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999*. However, offset areas have been identified and will be assessed by the Commonwealth Government once the draft EIS has been finalised and accepted by the Minister.

Additionally, the potential for environmental impacts of the proposed landfill are wide ranging and complex. For this reason a draft EIS has been prepared to address the environmental impacts of the proposal. It will be assessed in the coming months to ensure there is full understanding of the potential environmental impacts and that wherever possible the impacts are avoided, mitigated or offset.

On balance there are economic, environmental and social benefits in expanding the existing landfill in this location rather than establishing a purpose built facility elsewhere in the ACT or disposal of waste to an existing facility in NSW. On this basis, the reasons for the draft variation are as follows:

- The ACT Waste Management Strategy 2011-2025 identifies the need for additional area for landfill as the current facility will reach capacity by 2015/2016. In this regard, the Strategy identifies the subject site as the preferred option for landfill.
- Strategy 3.4 of the ACT Waste Management Strategy 2011-2025 seeks to maintain a safe and environmentally responsible landfill to meet the ACT's future needs. In doing so the Strategy identifies landfill as option of last resort to disposal of residual waste to protect human health and the environment. This acknowledges that not all waste can be recycled or minimised (e.g. asbestos) and as such there is a need for a landfill in the ACT for the next 30 years.
- The extension of the existing landfill facility onto Jerrabomberra block 2247 is the most efficient and effective option. Alternatives that have been considered included a purpose built facility elsewhere in the ACT or transportation of waste for disposal in a NSW facility.
- The potential impacts of the proposal have been investigated and a draft EIS prepared. The draft EIS will be assessed to determine if the impacts are manageable.
- The proposal is consistent with the statement of strategic directions of the Territory Plan as outlined in item 2.6.2.
- The proposal is not inconsistent with the National Capital Plan having regard to the management of visual impacts. Advice from the National Capital Authority is provided in item 2.8.

2.6 Planning Context

2.6.1 National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The *Planning and Land Management Act 1988* also required that the Territory Plan is not inconsistent with the NCP.

2.6.2 Territory Plan

The ACT Planning Strategy 2012 and Transport for Canberra 2012 -203 provide a long term framework to guide planning and development across the ACT in the longer term. These strategies are enshrined in the Territory Plan statement of strategic directions.

The proposal is generally consistent with the Territory Plan's statement of strategic directions in terms of environmental, economic and social sustainability and spatial planning and urban design principles as outlined below:

1. Principles for sustainable development

General principles

1.1 The reasons for DV305 have been provided under item 2.5 above and have been based on consideration of economic, community and environmental considerations. Extensive investigations were undertaken in determining the most appropriate location for the proposed landfill facility. A draft EIS has been prepared for the site and extensive community consultations have been undertaken in relation to the proposal. These are outlined in the planning report.

1.2 The National Capital Authority has advised that DV305 is not inconsistent with the National Capital Plan having regard to the management of visual impacts.

1.3 The proposed landfill will accommodate waste disposal needs of the ACT community over the next 30 years. Social, economic and environmental matters are addressed in the draft EIS.

1.4 Waste disposal options included sites in the broader region as well as across the ACT. The subject site was identified as the most efficient and effective with the least implications for the ACT or the broader region.

Environmental Sustainability

1.5 The proposed landfill facility is a component of the broader waste management and minimisation strategies for the ACT. It proposed to utilise existing infrastructure established for the existing landfill facility.

1.6 A draft EIS has been prepared which investigates the suitability of the land for the purposes of a landfill.

1.7 Land and water resources are a key consideration of the draft EIS for the proposed landfill. There will be loss of Yellow Box – White Box - Red Gum Woodland which is listed as a critically endangered ecological community under the Environment Protection and Biodiversity Conservation Act 1999. An offset area has been proposed and will be assessed by the Commonwealth government once the draft EIS is finalised and approved by the Minister.

A key consideration of the draft EIS is the management of landfill cells to prevent soil and groundwater contamination.

1.8 Existing infrastructure at the current landfill facility will be utilised for the proposed expansion of the landfill onto block 2247. This will minimise the area of land required for the facility. A purpose built facility in any other location would necessitate duplication of some of this infrastructure.

1.9 The proposal does not involve urban development.

1.10 There is no change to existing transport arrangements as the proposal is to expand the existing landfill.

1.11 The draft EIS has been prepared to thoroughly investigated potential impacts and identified management strategies to maintain amenity, minimise pollution and protect public health and safety. Strategy 3.4 of the ACT Waste Management Strategy 2011-2025 seeks to maintain a safe and environmentally responsible landfill to meet the ACT's future needs. In doing so the Strategy identifies landfill as option of last resort to disposal of residual waste to protect human health and the environment.

Economic Sustainability

1.12 There is no change to existing economic activities as the proposal to expand the existing landfill has not prevented the use of the surrounding land for rural purposes.

1.13 – 1.16 There are no implications for economic growth, industrial land, tourism or the supply of broadacre zoned land as a result of the proposal.

1.17 The proposed landfill makes efficient use of existing infrastructure, being an expansion of an existing facility.

Social Sustainability

1.18 – 1.24 There are no implications for community facilities, open spaces, housing or new suburban areas as a result of this proposal. There will be no public access to the landfill site.

1.25 – 1.26 Heritage and cultural values have been investigated as part of the draft EIS and the ACT Heritage Council has advised that it has no objection to DV305.

2. Spatial Planning and Urban Design Principles

Urban Areas

2.1 – 2.10 There are no implications for the planning and expansion of urban areas as a result of this proposal.

Non Urban Areas

2.11 Landscape and environmental qualities has been investigated as part of the draft EIS for the proposal.

2.12 There are no implications for research, education, recreation or tourism uses in non urban areas as a result of the proposal.

2.13 The proposed expansion of the landfill also involves the expansion of the 500m buffer around the landfill as identified in the Jerrabomberra District precinct map.

Urban Design

2.14 – 2.17 There are no urban design implications as a result of the proposal.

2.7 Interim Effect

Section 65 of the Planning and Development Act 2007 does not apply in relation to the draft variation so it does not have interim effect. The current Territory Plan will continue to apply while the variation remains in draft form.

2.8 Consultation with Government Agencies

The ESDD is required to, in preparing a draft variation under section 61(b) consult with each of the following in relation to the proposed draft variation:

- the National Capital Authority
- the Conservator of Flora and Fauna
- the Environment Protection Authority
- the Heritage Council
- The Territory and Municipal Services Directorate as custodian for the land.

National Capital Authority

The National Capital Authority (NCA) provided the following comments on 27 November 2012

I refer to your email dated 12 November 2012 seeking advice for the draft planning report regarding the proposed expansion of the Mugga Lane RMC.

As stated previously, the NCA's interest in the expansion of the Mugga Lane RMC is ensuring that future development is not inconsistent with the National Capital Plan (the Plan), and ensuring the visual impact of development is minimised, particularly from the Monaro Highway, an Approach Route defined in the Plan.

The NCA has previously recommended that a visual impact assessment be completed to ensure that the new landfill operations will not have a significant adverse impact on the character and landscape of the area.

It is noted that a visual impact assessment will be included with the submitted EIS and that key visual impact mitigation strategies include litter and dust control, covering of waste and revegetation of capped cells.

Response

The comments are noted. A visual analysis has been included in the draft EIS. Any comments the National Capital Authority makes in relation to the draft EIS will inform this draft variation.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 20 November 2012.

No comments on the Planning Report.

Response

Any comments the Conservator of Flora and Fauna makes in relation to the draft EIS will inform this draft variation.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 17 December 2012.

The Environment Protection Authority (EPA) has reviewed the draft planning report for the proposed expansion of the Mugga Lane Resource Management Centre (RMC) – proposed expansion of the landfill. No areas of concern have been identified from the documentation supplied and

there are no comments at this time. However, the EPA understands that an EIS is currently being undertaken for this proposal and may have comments on environmental impacts identified once this report is received.

Further comments were provided on 15 January 2013 as outlined below.

The Environment Protection Authority has reviewed the associated documentation and agrees that the proposed Territory Plan Variation may proceed to public notification, noting that the proposal is subject to a formal EIS which will be subject to assessment by the EPA.

Response

Any comments the EPA makes in relation to the draft EIS will inform this draft variation.

Heritage Council

The Heritage Council provided the following comments on 26 November 2012.

I refer to your email dated 12 November 2012 and associated documentation in relation to the draft planning report for a proposed variation to the Territory Plan to allow for the expansion of the Mugga Lane Resource Management Centre.

Please note that Section 3.3.5 of the Report adequately addresses the heritage constraints and proposed mitigation measures that must be considered in the future Environmental Impact Statement. The information provided satisfies the interests of the ACT Heritage Council.

Please note that the Council wishes to be consulted in the future in relation to this proposal.

Response

Any comments the Heritage Council makes in relation to the draft EIS will inform this draft variation.

Land Custodian

The Territory and Municipal Services Directorate (TAMS) the land custodian of Jerrabomberra block 2247 provided the following comments on

TAMS has reviewed the draft planning report and supports ACT NOWaste proposed variation to the Territory Plan for the proposed expansion of the Mugga Lane RMC.

Response

The support for the proposal is noted. Any comments TAMS makes in relation to the draft EIS will inform this draft variation.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan

The Territory Plan is varied in all of the following ways:

Variation to the Jerrabomberra District precinct map and code

1. Jerrabomberra District precinct map

Substitute with Appendix A

Variation to the Tuggeranong District precinct map and code

2. Tuggeranong District precinct map

Substitute with Appendix B

Variation to the Hume precinct map and code

3. Hume precinct map

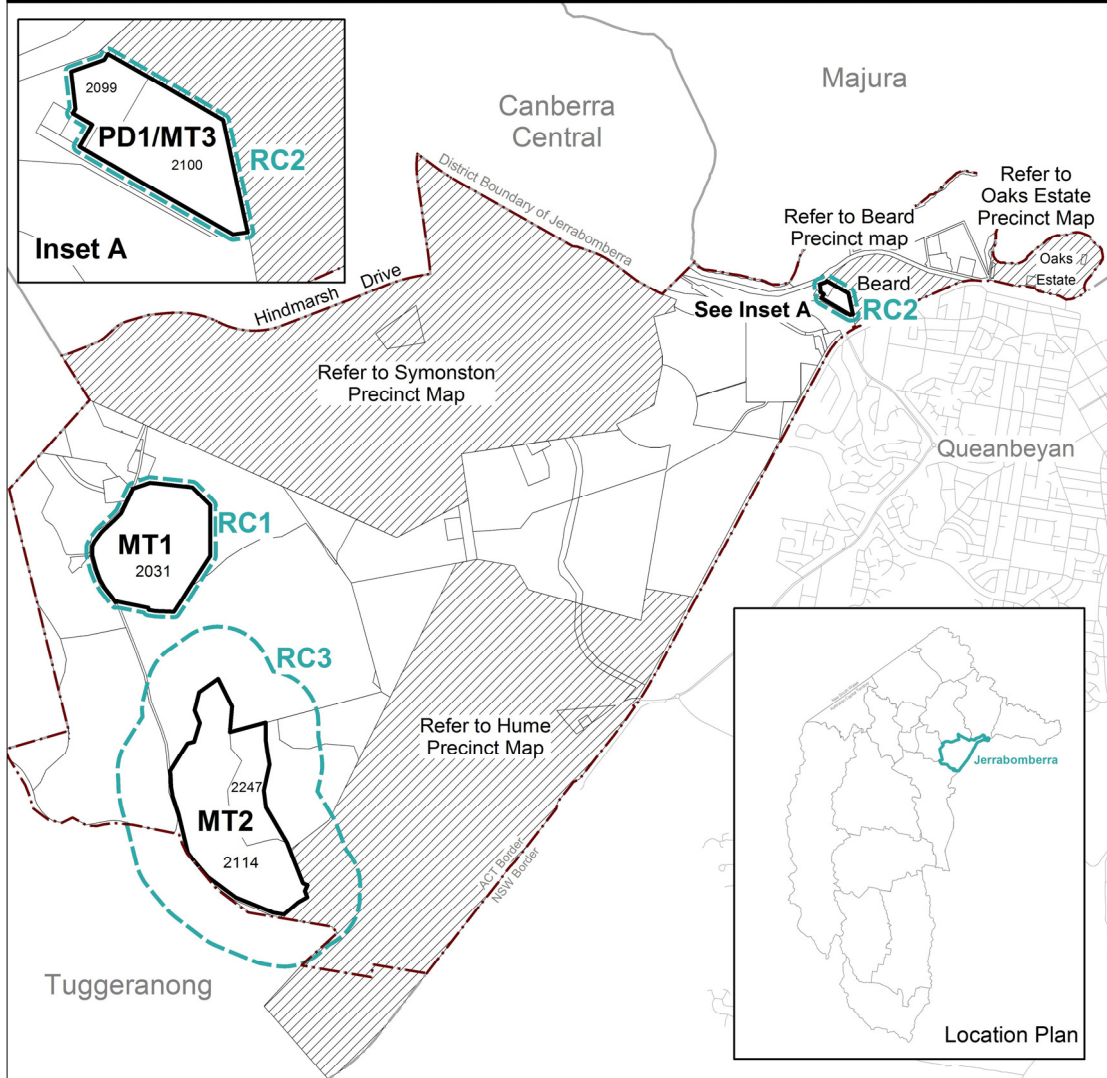
Substitute with Appendix C

Interpretation service

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 τηλεφωνήστε στο
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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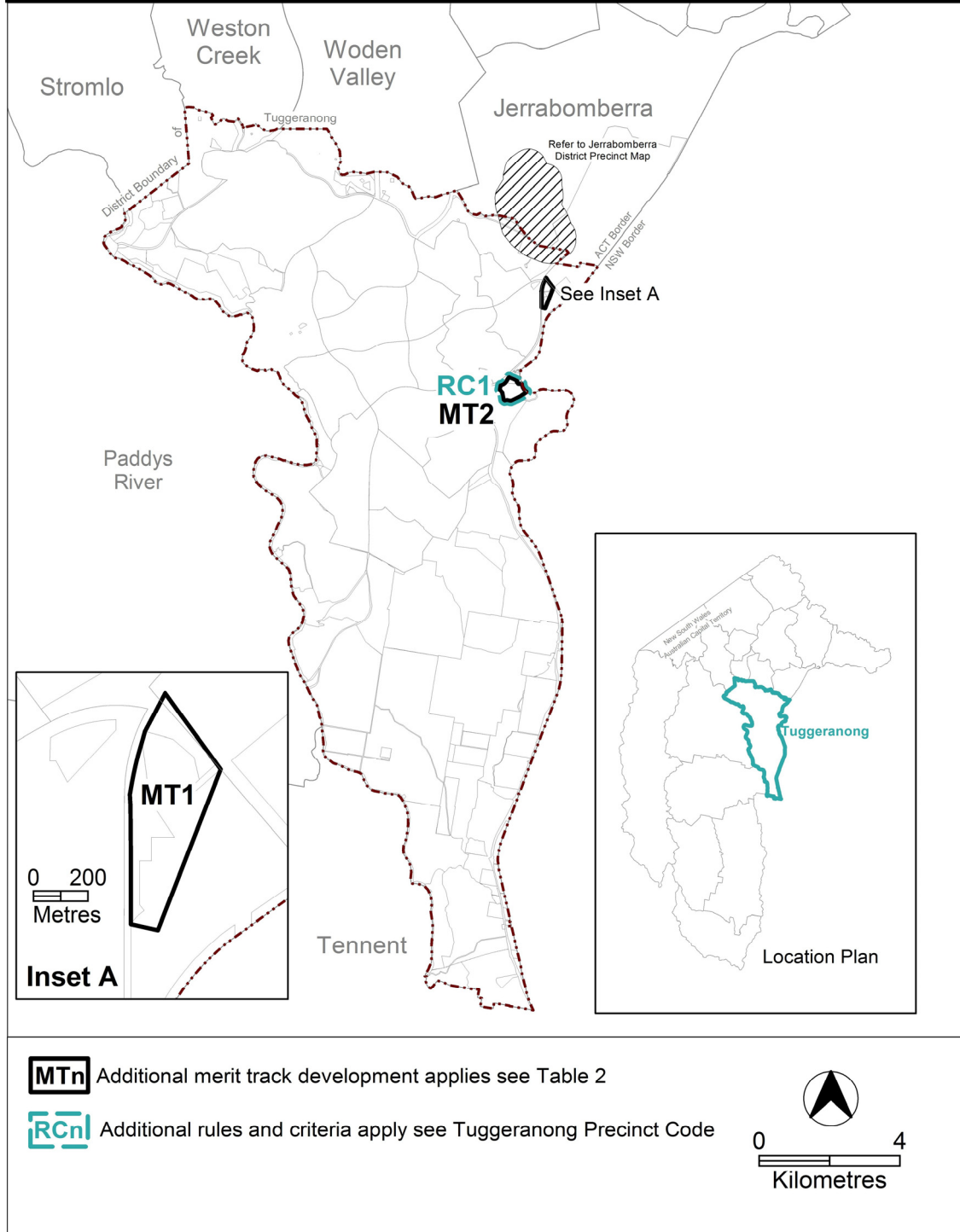
Jerrabomberra District Precinct Map



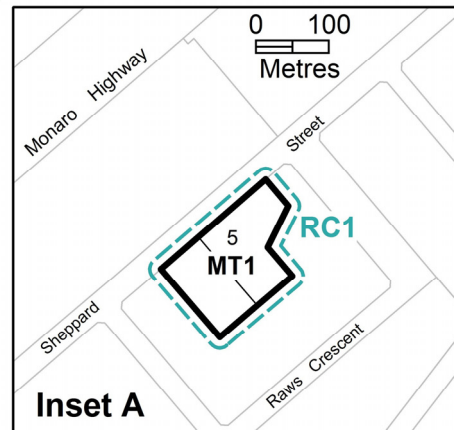
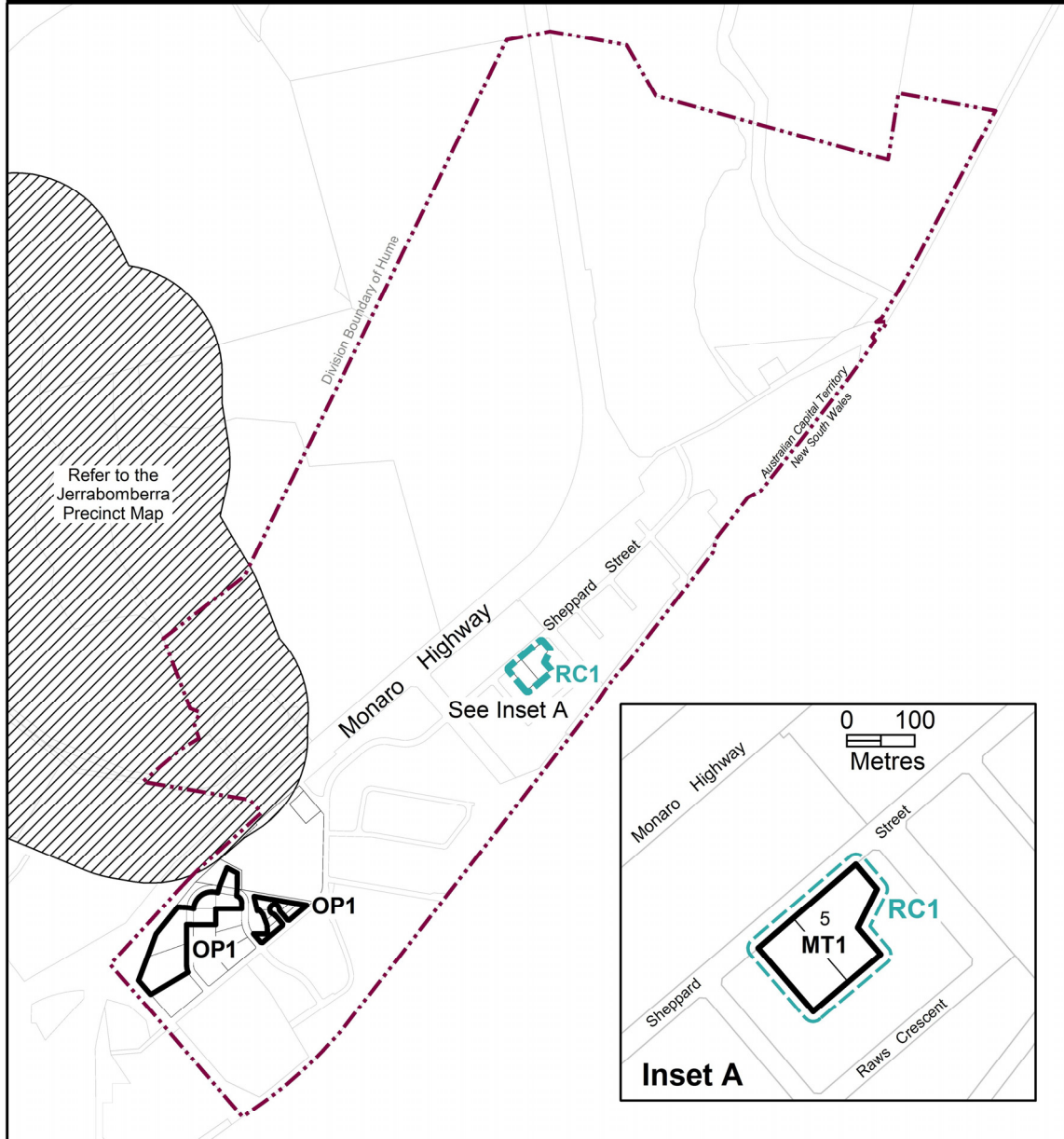
- PDn** Additional prohibited development applies see Table 1
- MTn** Additional merit track development applies see Table 2
- RCn** Additional rules and criteria apply see Jerrabomberra Precinct Code



Tuggeranong District Precinct Map



Hume Precinct Map



OPn Ongoing provisions apply see Hume Precinct Code

RCn Additional rules and criteria apply see Hume Precinct Code



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Metres