

# Planning and Development (Approval of Application – DA202037541 – Flexible Waste Facility Hume) Notice 2025

Notifiable instrument NI2025–64

made under the

**Planning and Development Act 2007, s 170 (Notice of approval of application)**

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## **1 Name of instrument**

This instrument is the *Planning and Development (Approval of Application – DA202037541 – Flexible Waste Facility Hume) Notice 2025*.

## **2 Commencement**

This instrument commences on the day after its notification day.

## **3 Application**

- (1) This instrument applies to development application DA202037541 for the construction of a resource recovery facility in Hume (the *DA*).
- (2) The DA includes construction of a resource recovery facility to process waste materials from municipal infrastructure maintenance at Block 11 Section 21 Hume.

## **4 Impact track development approval**

- (1) On 27 April 2022, pursuant to the *Planning and Development Act 2007* (repealed), section 162 (1) (b), a delegate of the planning and land authority approved the DA in the impact track, subject to conditions.
- (2) The approval took effect on 28 April 2022.
- (3) The notice of decision for the DA is in schedule 1.

Alexandra Kaucz  
Delegate of the territory planning authority  
7 February 2025



# NOTICE OF DECISION

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

I, Hayden Pini, 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 **construction of a resource recovery facility to process waste materials from municipal infrastructure maintenance**, to be used as a **recycling facility**, at Block 11 Section 21 HUME, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202037541/s144B  
Block: 11  
Section: 21  
Suburb: Hume  
Application lodged: 23 September 2020 & 3 December 2021  
(s144B)  
Assessment track: Impact

This decision contains the following information:

- Part 1 – conditions of approval
- Part 2 – reasons for the Decision
- Part 3 – 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 9:00 am to 4.00 pm, Monday to Friday at 480 Northbourne Avenue, Dickson, ACT 2602*

Contact:  
DA Enquiries

Ph: 6207 6383  
Online: [https://www.accesscanberra.act.gov.au/app/forms/epd\\_feedback](https://www.accesscanberra.act.gov.au/app/forms/epd_feedback)

**Hayden Pini**  
Delegate of the planning and land authority  
27 April 2022

# NOTICE OF DECISION

DA 202037541

## PART 1 – 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.

**Prior to this decision, an Environmental Impact Statement (EIS201900010) was completed and is relevant to the proposal.**

### A. FURTHER INFORMATION

The applicant shall lodge with the planning and land authority, an application under section 165 of the *Planning and Development Act 2007* (PD Act) seeking approval to address the following conditions:

- (a) a revised site plan, elevations, sections, and roof plan showing that the development will comply with the recommendations of the Bushfire Protection Assessment prepared by ecological Australia, dated 21 August 2019, relating to building wall and roof fire protection requirements and asset protection zones;
- (b) a revised landscape plan showing low lying shrubs and/or small trees planted within the landscape buffer located between the driveway and the north-western boundary. Where possible, additional landscaping should also be planted along the north-eastern boundary of the block, noting the verge crossing and future verge crossing as part of the stage 2 development. Landscaping must be of local native species. A native species schedule can be obtained from the Conservator of Flora and Fauna; and
- (c) evidence from a suitably qualified person confirming overland flow paths are provided and will accommodate overland stormwater flows up to the 1% annual exceedance probability rainfall event and reduce nuisance flooding to comply with the Waterways: Water Sensitive Urban Design General Code. Evidence must be based on methods that are consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.

*Note: A 'suitably qualified person' to provide certification of stormwater assets is: A civil or environmental engineer with at least 10 years' demonstrated experience in stormwater quality and quantity designs.*

#### Notes:

1. *Information shall be submitted in the eDevelopment portal addressing the above conditions. Please ensure plans and supporting information are suitably named as per the Authority's naming convention, are clouded for any amendments, such clouding are labelled consistently with items listed on the s165 application form.*
2. *Any substantial changes to the development required to comply with the above conditions 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*.*

### B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

#### B1. EROSION AND SEDIMENT CONTROL PLAN

- (a) The 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.
- (b) An Erosion and Sediment Control Plan must be submitted to and be endorsed by the EPA prior to works commencing on site.

## NOTICE OF DECISION

DA 202037541

### B2. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

If the small street tree is impacted by the proposed verge crossing then the tree must be transplanted a minimum of 3m away from the driveway in accordance with TCCS Urban Trees street tree planting detail. The new location must be dimensioned on the plans submitted at Design Review stage.

### B3. ACT HERITAGE COUNCIL (Council)

Fencing must be installed to demarcate the location of the heritage site MI 004 prior to ground disturbing works commencing and must be retained throughout construction works. This fence location is to be demarcated by a qualified archaeologist and Representative Aboriginal Organisations (RAOs) and should confirm the assessed boundary of MI 004. Fencing must be adequate to physically protect the site, such as star pickets spaced no more than 4m apart and high visibility barrier mesh. Once installed, the location and adequacy of protective fencing is to be visually confirmed by a qualified archaeologist and RAOs; and the Heritage Council is to be notified of the completion of this action.

Should any works be proposed in the inner asset protection zone, endorsement must be provided by the ACT Heritage Council, prior to their commencement.

### B4. EMERGENCY SERVICES AGENCY

- (a) Light Industry and Large installations are classified as Fire Risk type F4. The proponents must seek clarification from Icon Water to determine the adequacy of existing infrastructure, including water hydrant spacing, for the proposed development.

## C. DURING CONSTRUCTION AND/OR DEMOLITION

### C1. CONTAMINATION AND HAZARDOUS MATERIALS

- (a) A site-specific unexpected finds protocol (UFP) must be prepared by a suitably qualified environmental consultant and implemented during site development works. The UFP must include, amongst other things, appropriate procedures for the identification, assessment, management, validation, and disposal of potential contamination at the site and contractor induction procedures into the use of the UFP. Where remediation and validation is required at the site under the UFP the site validation report must be forwarded to the EPA for review and endorsement prior to occupancy of the site.
- (b) All spoil identified at the site must be managed in accordance with EPA Information Sheet – Spoil Management in the ACT.
- (c) 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 EPA approval.
- (d) Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.
- (e) All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed to accept the waste.

## NOTICE OF DECISION

DA 202037541

### C2. EROSION AND SEDIMENT CONTROL

- (a) Sediment control ponds must be incorporated during the construction phase of the development until 85% of the site is stabilised. Pond construction must be in accordance with the following guidelines:
- (i) be of adequate size to control all runoff from the site (i.e. 150 cubic metres per hectare of catchment);
  - (ii) no discharge from dam unless sediment level is less than 60 mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre;
  - (iii) water level must not exceed 20% capacity at all times to allow runoff storage during a rain event;
  - (iv) regular dredging of the dam must be carried out to remove silt; and
  - (v) site drawing and details must be provided to Environment Protection Unit, Environment ACT for approval prior to works commencing.
- (b) All excavations that collect rainwater during a rain storm event would be considered as a sediment control pond, and must not discharge water unless sediment level is less than 60 mg/litre. If the 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.
- (c) All works must be carried out in accordance with *Environment and Sustainable Development Information Sheet 1 Prevent Pollution from Residential Building Sites, February 2014* and *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*.
- (d) The undeveloped part of the block is to remain fenced off until it is developed to prevent the area being used for truck parking and material storage.

### C3. EMERGENCY SERVICE AGENCY (ESA)

- (a) The bushfire protection measures recommended by the bushfire assessment report 18HNG\_11840 - prepared by Eco Logical Australia Pty Ltd dated 21 August 2019 must be implemented.
- (b) All roads and driveways for the development site must be constructed to allow the access and egress of fire fighting vehicles, crews, and equipment. Refer to Part 3 of the decision (ESA advice) for further information.
- (c) Where construction works prevent travel along existing fire trails or access ways, alternate access, constructed to Rigid Float standard in accordance with the Strategic Bushfire Management Standards (2014) must be provided to ensure access for firefighting operations is maintained.
- (d) In ground and above ground hydrants, other water supplies and all services shut offs must not be impeded by street furniture, landscaping, trees or be covered by materials. Hydrants should be clearly identified, easily accessible and not have vehicles parking over them. Street furniture, landscaping and trees must not impede the progress of emergency service vehicles attending the facility. The minimum height clearance for ACTF&R vehicles must be 4.5 metres.

## NOTICE OF DECISION

DA 202037541

- (e) All emergency access gates must be fitted with standard ACTF&R locks to enable ACTF&R access.
- (f) Standard industry procedures are to be adhered to for hot works during construction and operation at the facility and a permit will be required for any high-risk activities such as hot works on total fire ban days. To obtain a permit to burn you should contact ACTF&R by email [actf&risk&planning@act.gov.au](mailto:actf&risk&planning@act.gov.au)
- (g) Demolition and asbestos management must be undertaken in accordance with the *Building Act 2004*, *Dangerous Substances Act 2004*, *Work Health and Safety Act 2011* and Work Health and Safety (How to Safely remove asbestos Code of Practice) approval 2014.
- (h) ACTF&R request notification on commencement and completion of all significant asbestos removal. Notification can be made to the ACTF&R Communication centre on 62004111.

#### C4. ACT HERITAGE COUNCIL

If any suspected Aboriginal places or objects are discovered during the works, works at those locations must cease immediately to allow for heritage assessment and management (in accordance with Section 75 of the *Heritage Act 2004*). The Council must be notified within 5 working days of the discovery (in accordance with Section 51 of the *Heritage Act 2004*), and the discovery is to be managed in accordance with any further Council advice.

#### C5. UTILITY REQUIREMENTS

The development must satisfy the requirements of the following entities as stated in their advice. Copies of advice from the entities are attached to the Notice of Decision.

- ICON Water
- Evoenergy Electricity

### D. **POST CONSTRUCTION AND/OR PRIOR TO OPERATION**

#### D1. ENVIRONMENTAL AUTHORISATION (EPA)

The applicant will be required to apply for and obtain an EA from the EPA prior to any Schedule 1 Class A operations commencing.

#### D2. WASTE FACILITY LICENSE

A waste facility license under the *Waste Management and Resource Recovery Act 2016* must be granted by granted by TCCS prior to operations at the facility commencing.

#### D3. OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN (OEMP)

- (a) A Facility Operation Manual (FOM) must be prepared that includes management of process water, stormwater, waste received, recovered materials, hazardous materials, health hazards, dust, odour, noise, attraction of wildlife, vehicle traffic, bushfire, and emergencies. The FOM must include the mitigation measures described in the revised EIS and EIS Assessment Report, for example the delivery and processing of waste inside the building, storing only recovered materials outside the building, and storing filter cake inside the building.
- (b) The FOM must include monitoring of respirable crystalline silica and hydrocarbons in the air inside the building and monitoring and control measures for *legionella* bacteria. The FOM must describe that if the types or sources of waste processed at the facility change, the risks may need to be reassessed.

## NOTICE OF DECISION

DA 202037541

- (c) The FOM must describe that the facility will use a wet processing methodology to process waste as it is a process that does not produce greenhouse gas emissions. Thermal treatment of waste will not be conducted as it produces greenhouse gas emissions.
- (d) The FOM must include the beneficial re-use determination (BUD) framework. The BUD will control waste accepted at the facility to avoid receiving contaminated waste and waste that will result in stockpiles of unwanted recovered materials accumulating on site. The BUD will include testing procedures for contaminants in waste, recovered materials and process water.
- (e) The FOM will be an alternative to an operational environmental management plan (OEMP).
- (f) The FOM must be endorsed by the EPA and TCCS during the facility licensing process, prior to operation of the facility.
- (g) A copy of the final, endorsed FOM, is to be submitted to the planning and land authority at [EPDImpact@act.gov.au](mailto:EPDImpact@act.gov.au).

#### D4. HEALTH PROTECTION SERVICE (HPS)

Any taps supplied with captured stormwater must be clearly labelled as being provided with non-potable water.

#### D5. ICON WATER TRADE WASTE AGREEMENT

Prior to operation of the facility, a trade waste agreement must be negotiated with ICON Water to allow the discharge of process water to sewer that cannot be reused.

### E. GENERAL CONDITIONS

#### E1. COMMENCEMENT AND COMPLETION OF DEVELOPMENT

- (a) 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 extend the time to commence or finish the development if an application, to extend the time to commence or finish the development, is made prior to when the development has to be started or finished – refer to section 184(3) and 188 of the PD Act).*

#### E2. ROOF FINISH

The roof finish must be of a low reflectivity and not white or off-white or untreated metal.

#### E3. EXTERNAL LIGHTING

External lighting is to comply with the following:

- (a) *Australian Standard AS1158.3.1 Pedestrian Lighting*; and
- (b) *Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting*

#### E4. ONSITE CUT & FILL

Onsite cut and fill must be minimised and managed to ameliorate negative off-site impacts of excavation.

## NOTICE OF DECISION

DA 202037541

### E5. SIGHTLINES

The mature height of plants and any structures within a right triangle formed on each side of the driveway, 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 – Parking Facilities, Part 1: Off-street car parking*.

### F. **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.

#### F1. EMERGENCY SERVICES AGENCY

- (a) The location of the proposed development indicates that ACTF&R will be able to provide operational response to the area and its surrounds.
- (b) Compliance to the National Construction Code (NCC) and inbuilt fire safety systems are outside the scope of this document and will be assessed separately by ACTF&R Fire Safety Section at the building approval stage.
- (c) All significant alterations and construction, alternate building solutions or extensions of buildings greater than 500m<sup>2</sup> will require a fire safety review at the building application to ensure NCC compliance.

#### F2. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS standard conditions apply to this development proposal and have been attached to the Notice of Decision.

#### F3. HEALTH PROTECTION SERVICE (HPS)

- (a) The design and construction of any sedimentation control measures must minimise the potential for them becoming a local mosquito nuisance. The applicant is advised to contact the HPS for further information.
- (b) All reasonable and practicable measures must be taken to suppress dust.



# NOTICE OF DECISION

DA 202037541

## PART 2 – REASONS FOR THE DECISION

### Proposal

The proposal is for the construction and operation of a resource recovery facility processing waste from municipal infrastructure maintenance. Waste from street sweeping, stormwater maintenance, hydro excavation and golf course bunker sand is proposed to be processed, and construction aggregate, sand, clay/soil, wastewater, metal and plastic to be recovered for beneficial reuse and/or recycling. The facility is proposed to process 23,000 tonnes of material per year.

### Impact track

The Hume Resource Recovery Facility development proposal was lodged and assessed under the impact track as it is a development of a kind mentioned in Schedule 4 of the PD Act. This proposal triggers Schedule 4, part 4.2 item 9 (c), *a proposal for the construction of a waste management facility that is - for the storage, treatment, disposal, processing, recycling, recovery, use or reuse of regulated waste.*

Under section 127 of the PD Act, a development application for a development proposal in the impact track must include a completed Environmental Impact Statement (EIS) in relation to the proposal (unless the application is exempted under section 211 of the Act).

### Impact track process

On 2 April 2019 a scoping document was created by the Authority that described the matters required to be addressed by the EIS. A draft EIS was subsequently submitted to and assessed by the Authority and entities and was publicly notified concurrently with DA202037541 for 35 working days. A revised EIS responding to the Authority's and entities' comments on the draft EIS was submitted and assessed by the Authority and entities.

The Authority accepted the EIS as the EIS sufficiently addressed each matter raised in the scoping document for the proposal. The Minister for Planning and Land Management took no action on the EIS under s 226 of the PD Act. The EIS for this proposal was deemed complete on 19 April 2022.

The EIS provides an understanding of the potential adverse environmental impacts of the proposal and has been used to inform the decision on the development application.

### Impacts of proposal

The EIS described the potential impacts of the proposal due to contaminated water, pollution of stormwater, waste stockpiling, hazardous materials, health hazards, odour, air pollution, traffic, bushfire and risk to aircraft.

The major mitigation measures determined during the EIS process for the potential impacts of the proposal include:

- conducting all waste processing and storage inside an enclosed and bunded building;
- processing residues that require disposal to landfill will be kept inside the building for short periods of time;
- only recovered materials will be stored outside the building in bays covered from rainfall and kept for short periods of time;
- receipt and processing of waste at the facility will be controlled using a facility operation manual (FOM). Contaminated waste will not be accepted onsite and the

## NOTICE OF DECISION

DA 202037541

FOM will include testing procedures to determine the content of hazardous contaminants in waste, recovered materials, residues to landfill and process water;

- the FOM will describe procedures for the management of waste, management of environmental pollution and the safe operation of the facility;
- water used in waste processing will be recycled within the plant or discharged to sewer;
- stormwater generated by outdoor sealed surfaces will be treated by an onsite stormwater quality control device to capture pollutants;
- waste processing will use wet processing methods which will not produce dust, air pollution or greenhouse gas emissions;
- the facility will not attract pest animals as all waste will be inside an enclosed building and only washed, sorted recovered materials will be stored outside in covered bays; and
- the proposed facility will require an environmental authorisation under the *Environment Protection Act 1997* and a license under the *Waste Management and Resource Recovery Act 2016* to operate.

The EIS and EIS assessment report were considered in the assessment of the development application. The mitigation measures proposed in the EIS have been included in the drawings and other documentation forming part of this approval and in the conditions of approval in **Part 1** of this notice.

### Territory plan

The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan and sections 128 and 129 of the PD Act.

In relation to s 128 of the PD Act, an EIS for the proposal has been completed. The EIS has considered and addressed the relevant strategic directions from the statement of strategic directions in the territory plan, from both sections of principles for sustainable development, and spatial planning and urban design principles. The proposal is consistent with the statement of strategic directions. The development approval is not inconsistent with advice given by entities.

In relation to s 129 of the PD Act, the proposal is consistent with the IZ1 General Industrial Zone Objectives and the relevant codes. The land is considered suitable for the proposed development. Advice from entities was considered and the approval is consistent with their advice.

Other sub-sections of section 129 are not relevant to this proposal - no representations were received during the public notification period for the concurrent development application; the development was not of a type that is required to be presented to the design review panel; the proposed development does not relate to public land; the offsets policy is not relevant; an inquiry into the EIS did not occur; and an EIS exemption was not granted for the proposal.

In deciding the development application, the authority has considered the zone objectives in conjunction with other requirements of the Territory Plan, such as the relevant codes and Strategic Directions, to achieve a balanced approach in assessing the environmental impacts.

## NOTICE OF DECISION

DA 202037541

After considering the issues and impacts raised during the assessment process, especially those set out in advice received from entities, the authority is satisfied that the social, environmental, and other impacts that may arise from the development are adequately addressed by the conditions imposed in this Decision and the land is suitable for the proposed development.

### Section 144B Amendment Application

The applicant submitted an amendment application, under section 144 of the PD Act (s144 application), to address comments made by the Authority and entities on the draft EIS. The s144 application consisted of amended stormwater, bushfire, cut and fill, waste management and sediment control plans.

The s144B application was referred to relevant entities for further comments. However, was not renotified. Please refer **Part 3** for further details.

### **EVIDENCE**

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

Development Application:	202037541/s144B
Territory Plan Zones:	IZ1 General Industrial Zone
Development Codes:	Industrial Zones Development Code
Precinct Code:	Hume Precinct Map and Code
Crown Lease:	Volume: 2308 Folio: 44
Legislative requirements:	Sections 128 and 129 of the <i>Planning and Development Act 2007</i> ACT Emergency Services Agency, Environment Protection Authority, ACT Health, ACT Heritage Council, Conservator of Flora and Fauna, TCCS, Icon Water, Evoenergy, Jemena, National Capital Authority, Queanbeyan Palerang Regional Council.
Entity advice:	

## NOTICE OF DECISION

DA 202037541

### PART 3 – PUBLIC NOTIFICATION AND ENTITY ADVICE

#### PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 1 October 2020 to 19 November 2020. No written representations were received during the public notification period.

Pursuant to section 146(3) of the Act, the authority waived the requirement to publicly notify the s144B application.

The authority was satisfied that:

- a) no-one other than the applicant will be adversely affected by the amendment; and
- b) the environmental impact caused by the amendment will do no more than minimally increase the environmental impact of the development.

#### ENTITY ADVICE

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application and the subsequent s144B amendments were referred to the below entities. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into **Part 1** of this Decision. A summary of entity comments can be found below.

##### Environmental Protection Authority (EPA)

The EPA provided advice on 16 October 2020 stating that the proposal is supported subject to conditions:

##### Environmental Authorisation

*Schedule 1 of the Environment Protection Act, 1997 identifies Class A activities which require an Environmental Authorisation (EA) to be held by the activity manager prior to operations commencing. The following Class A activities are proposed to be undertaken at the site:*

*Item number 43: The operation of a facility for the crushing, grinding or separating of materials, if the processing facility is designed to produce more than 10 000t of processed materials per year. Item number 45: The operation of a waste transfer station receiving 30 000t or more of waste each year.*

*Should the DA be approved, the applicant will be required to apply for and obtain an EA from the EPA prior to any Schedule 1 Class A operations commencing. Approval for the DA does not automatically mean an EA will be granted by the EPA.*

##### Contamination

*A site-specific unexpected finds protocol (UFP) must be prepared by a suitably qualified environmental consultant and implemented during site development works. The UFP must include, amongst other things, appropriate procedures for the identification, assessment, management, validation and disposal of potential contamination at the site and contractor induction procedures into the use of the UFP. Where remediation and validation is required at the site under the UFP the site validation report must be forwarded to the EPA for review and endorsement prior to occupancy of the site.*

## NOTICE OF DECISION

DA 202037541

*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 EPA approval.*

*Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.*

*All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed to accept the waste.*

### Sediment and erosion controls

*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 EA or enter into an Environmental Protection Agreement with the 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.*

*All works must be carried out in accordance with Environment and Sustainable Development Information Sheet 1 Prevent Pollution from Residential Building Sites, February 2014 and Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011, available by calling 132281.*

### Advice

*For sites greater than 1 hectare, sediment control ponds must be incorporated during the construction phase of the development until 85% of the site is stabilised. Pond construction should be in accordance with the following guidelines:*

- 1. Be of adequate size to control all runoff from the site (i.e. 150 cubic metres per hectare of catchment).*
- 2. No discharge from dam unless sediment level is less than 60 mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.*
- 3. Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.*
- 4. Regular dredging of the dam must be carried out to remove silt.*
- 5. Site drawing and details must be provided to Environment Protection Unit, Environment ACT for approval prior to works commencing.*
- 6. Temporary Erosion & Sediment control ponds must be incorporated into each stage of development. The size of the ponds must be minimum of 150 m<sup>3</sup>/hectare and the temporary ponds shall not be removed until 85% of the developments are*

## NOTICE OF DECISION

DA 202037541

*complete or all the disturbed areas are stabilised. The lessee shall comply with the Environment Protection Act 1997 (the Act) and all relevant policies and guidelines.*

*All excavations that collect rain water during a rain storm event would be considered as a sediment control pond, and must not discharge unless sediment level is less than 60 mg/litre. If the 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.*

Assessment note: The comments above have been incorporated as conditions of approval, please refer to **Part 1**.

### Emergency Services Agency (ESA)

The ESA provided advice on 16 October 2020 stating that the proposal is supported subject to conditions:

*Water Supplies: Light Industry and Large installations are classified as Fire Risk type F4. The proponents must seek clarification from Icon Water to determine the adequacy of existing infrastructure, including hydrant spacing, for the proposed development.*

*ACT Fire and Rescue Access: All roads and driveways for the development site must be suitably constructed to allow the access and egress of fire fighting vehicles, crews and equipment. Refer to general advice below for appliance dimensions. Paths of travel that traverse over or are in close proximity to basement surfaces or water retention pits require pavement loading suitable for ACTF&R Pumper/Specialist Vehicles access/egress.*

### Bushfire Protection Requirements:

- *Bushfire Assessment Report: ACTF&R notes the reference to AS3959-2009 in the bushfire assessment report. This has been superseded by AS3959-2018 and all construction requirements, as recommended in the bushfire assessment report 18HNG\_11840, are to be as per AS3959-2018.*

*ACTF&R has reviewed bushfire assessment report 18HNG\_11840 - prepared by Eco Logical Australia Pty Ltd and concur with its findings and recommendations. A condition of ACTF&R support is the implementation of the bushfire protection measures as recommended by the bushfire assessment report 18HNG\_11840 - prepared by Eco Logical Australia Pty Ltd.*

- *Bushfire Protection Measures - During Construction: Where works prevent travel along existing fire trails or access ways, alternate access, constructed to Rigid Float standard in accordance with the Strategic Bushfire Management Standards (2014) must be provided to ensure access for firefighting operations is maintained.*

*Standard industry procedures are to be adhered to for hot works during construction and operation at the facility and a permit will be required for any high-risk activities such as hot works on total fire ban days. To obtain a permit to burn you should contact ACTF&R by email [actf&risk&planning@act.gov.au](mailto:actf&risk&planning@act.gov.au)*

## NOTICE OF DECISION

DA 202037541

- *Hazardous Materials: Demolition and asbestos management must be undertaken in accordance with the Building Act 2004, Dangerous Substances Act 2004, Work Health and Safety Act 2011 and Work Health and Safety (How to Safely remove asbestos Code of Practice) approval 2014.*

*ACTF&R request notification on commencement and completion of all significant asbestos removal. Notification can be made to the ACTF&R Communication centre on 62004111.*

- *Street Furniture, Landscaping and Tree Planting: ACTF&R has the following requirements in relation to the location of street furniture, landscaping, existing trees and tree planting. The following must be observed:*

*In ground and above ground hydrants, other water supplies and all services shut offs must not be impeded by street furniture, landscaping, trees or be covered by materials;*

*Hydrants should be clearly identified, easily accessible and not have vehicles parking over them; and*

*Street furniture, landscaping and trees must not impede the progress of emergency service vehicles attending the facility. The minimum height clearance for ACTF&R vehicles is 4.5 metres. Site maintenance should include pruning of any overhanging branches over driveways and pathways.*

### ACTF&R General Advice

- *Fire Station Response Area: The location of the proposed development indicates that ACTF&R will be able to provide operational response to the area and its surrounds.*
- *ACT Fire and Rescue Access: All emergency access gates are to be fitted with standard ACTF&R locks.*
- *ACTF&R Pumper vehicle dimensions: Length: 8.1m, Width: 2.5m, Height: 3.2m, Weight: 14 tonnes, Turning Circle: 18m*
- *Building fire safety system: Compliance to the National Construction Code and inbuilt fire safety systems are outside the scope of this document and will be assessed separately by ACTF&R Fire Safety Section at the building approval stage.*

*All significant alterations and construction, alternate building solutions or extensions of buildings greater than 500m<sup>2</sup> will require a fire safety review at the building application to ensure NCC compliance.*

Assessment note: The comments above have been incorporated as conditions of approval, please refer to **Part 1**.

### ACT Health

- The ACT Health provided advice on 12 October 2020 and 28 January 2022 stating that the proposal is supported subject to conditions.

*The applicant is also advised that:*

## NOTICE OF DECISION

DA 202037541

- *The HPS supports the development and implementation of Construction and Operational Environmental Management Plans.*
- *The design and construction of any sedimentation control measures must minimise the potential for them becoming a local mosquito nuisance. The applicant is advised to contact the HPS for further information.*
- *Any taps supplied with captured stormwater are clearly labelled as being provided with non-potable water.*
- *All reasonable and practicable measures are taken to suppress dust.*

Assessment note: The comments above have been incorporated as conditions of approval, please refer to **Part 1**. A Construction Environment Management Plan (CEMP) will not be required for this development. Requirements to protect the environment and health during construction will be achieved with specific conditions imposed by entities that are included in **Part 1**. A condition has been included that a Facility Operation Manual will be submitted to and endorsed by the relevant entities prior to operation of the facility.

- ACT Health had no additional comments on the s144B amendment application.

### ACT Heritage Council

The ACT Heritage Council provided advice on 16 November 2020 and 28 January 2022 stating that the proposal is supported subject to conditions.

- Comments on original application (16 November 2020)

*Review of the ACT Heritage Register identifies that the subject block contains no registered or recorded heritage places or objects. Additionally, previous heritage assessments (AASC 2007 and CHMA 2008) found the locality to be of low archaeological potential.*

*A previous development application (DA201834694) was approved on 17 May 2019 for Block 11 Section 21 Hume which allowed excavation for early works including: installation of retaining walls; installation of fences; and establishment of erosion and sediment controls. Aerial imagery indicates that the block has been subject to earthworks since that time which reduces the likelihood of Aboriginal places or objects being present.*

*For this reason, the Council considers the proposed development is unlikely to damage Aboriginal places or objects, subject to the following conditions:*

*1. Development activities must immediately cease if any suspected Aboriginal objects and/or places are identified and are not recommence until an exception in accordance with Section 76 of the Heritage Act 2004 is obtained; and*

*2. All Aboriginal heritage sites must be reported to the Council within five working days, in accordance with Section 51 of the Heritage Act 2004.*

*Should the ACT planning and land authority approve this development application, the Council requests that the above heritage requirements are identified as approval conditions in the Notice of Decision.*

- Comments on S144B application (28 January 2022)



## NOTICE OF DECISION

DA 202037541

*A heritage survey was completed in March 2021 as part of an assessment of the upgrades to the Monaro Highway. This included survey and assessment of the land surrounding the subject block and recorded an Aboriginal place, 'MI 004', just outside the proposed development area.*

Advice:

*While review of the ACT Heritage Register and records confirm that the subject block contains no registered or recorded heritage places or objects and has been subject to previous earthworks, MI 004, has been recently recorded just outside the block boundary on its south-western side.*

*Accordingly, the Council advises the following conditions should be adhered to ensure that the proposed development does not damage Aboriginal places or objects:*

- 1. Fencing must be installed to demarcate the location of MI 004 prior to ground disturbing works commencing and must be retained throughout construction works. This fence location is to be demarcated by a qualified archaeologist and Representative Aboriginal Organisations (RAOs) and should confirm the assessed boundary of MI 004. Fencing must be adequate to physically protect the site, such as star pickets spaced no more than 4m apart and with high visibility barrier mesh. Once installed, the location and adequacy of protective fencing is to be visually confirmed by a qualified archaeologist and RAOs; and the Council is to be notified of the completion of this action;*
- 2. MI 004 is located in the inner asset protection zone as per the submitted Bushfire Protection Assessment. This assessment does not suggest works will occur in this zone, however, should any works be proposed, Council advice must be sought, and endorsement provided, prior to their commencement. Depending on the location of any works Heritage Act 2004 approvals may be required; and*
- 3. If any Aboriginal places or objects are discovered during the works, works at those locations must cease immediately to allow for heritage assessment and management (in accordance with Section 75 of the Heritage Act 2004). The Council is to be notified within 5 working days of the discovery (in accordance with Section 51 of the Heritage Act 2004), and the discovery is to be managed in accordance with any further Council advice.*

*Should the ACT planning and land authority approve this development application, the Council requests that the above heritage requirements are identified as approval conditions in the Notice of Decision.*

Assessment note: The comments above have been incorporated as conditions of approval, please refer to **Part 1**. Information on Aboriginal place MI004 can be obtained by contacting the ACT Heritage Council on [heritage@act.gov.au](mailto:heritage@act.gov.au).

### Conservator of Flora and Fauna

The Conservator of Flora and Fauna provided advice on 13 November 2020 and 25 January 2022 stating that the proposal is supported with conditions.

## NOTICE OF DECISION

DA 202037541

- Comments on original DA (13 November 2020)

*This is a cleared site and there are no concerns regarding direct impact on wildlife. The landscape plan only shows a thin strip of hedge planting on the south-east corner of the block. The species to be utilised does not appear to have been provided but invasive species should be avoided – the species schedule can be confirmed with the Conservator. It would be of some local biodiversity benefit if the area of screen plantings could be extended around the outside of the site, particularly if locally native species are utilised.*

- Comments on S144B application (25 January 2022)

### Bushfire

*The DA plans do not show the measures mentioned in the bushfire report as providing bushfire protection to the structure. The DA assessment officer should check the plans demonstrate compliance between the bushfire report and the plans or otherwise could be required as a condition on a decision.*

*The asset protection zones are on TCCS land to SW of the project site as shown on ACTMAPI which does not compromise a conservation reserve.*

*The only consideration from a fire perspective would be the management of stockpiles of combustible materials during the operation of the facility. This would be a matter for regulation between Fire and Rescue and the EPA via an operational license. There should be some consideration for limiting the amount of combustible materials kept on site during time of elevated fire danger to limit the chance for the development to cause a fire to impact on surrounding lands.*

### Stormwater

*We have concerns about the section of the block that will not be developed, but rather planted down to native grasses. Unless this is fenced off, it is reasonable to expect it would become a truck parking/dumping ground. If this were to occur, it may become a major contributor of contamination to stormwater. This area is identified in the landscape plan. The landscape plan identifies a temporary fence. This fence should be permanent until such time as the adjacent area is developed.*

**Assessment note:** The comments above have been incorporated as conditions of approval, please refer to **Part 1**.

### Transport Canberra and City Services Directorate (TCCS)

- TCCS provided advice on 16 November 2020 and 27 January 2022 stating that the proposal is supported subject to conditions.

### Landscape management

*There appears to be a small street tree impacted by the proposed verge crossing. This must be confirmed and, if impacted, transplanted a minimum of 3m away from the driveway in accordance with TCCS Urban Trees street tree planting detail. The new location must be dimensioned on the plans submitted at Design Review stage.*

### Waste

*The Construction Environmental Management Plan (CEMP) and Facility Operation Manual (FOM) and/or Operational Environment Management Plan (OEMP) must be*

## NOTICE OF DECISION

DA 202037541

*provided. It is noted that this information was requested by the Impact Assessment team (EPSDD) during the DA completeness check.*

### Standard conditions

*The following general conditions will apply as appropriate for the Works and use of Territory land in addition to the above.*

### Early Works or prior to construction

*In accordance with the Public Unleased Land Act 2013 no Works are to be undertaken without the approval of the TCCS. Such approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch TCCS by the ways of (1) a Letter of Early Works Approval for demolition and/or earthworks only; and/or (2) a Letter of Design Review, prior to the commencement of any Works.*

*Fees and charges will apply for Early Works Approval as per TCCS "GEN-06 - Submissions and Inspections Guideline Principles and Related Fees and Charges for TCCS and Industry".*

### Design Review

*In order to obtain the Letter of Design Review, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, stormwater, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with TCCS "REF-06 - Requirements for Design Review Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the relevant Senior Director of the TCCS Development Coordination Branch.*

### Waste and Recycling Management Plan (WRMP) review

*A WRMP in accordance with the relevant revision of the Development Control Code for Best Practice Waste Management in the ACT must also be submitted at the Design Review stage.*

### Operational Acceptance/Soft Landscape Consolidation Commencement

*On completion of the Works a Certificate of Operational Acceptance is required from the relevant Senior Director of the TCCS Development Coordination Branch, prior to the issuance of a Certificate of Occupancy.*

*Where required, a Certificate of Soft Landscape Consolidation Commencement must also be obtained from the relevant Senior Director of the TCCS Development Coordination Branch for the placement of soft landscape works on consolidation.*

*A Chartered Engineer/Landscape Architect must certify compliance with TCCS "REF 08 - Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance and/or Consolidation Commencement is made to the relevant Senior Director of the TCCS Development Coordination Branch on completion of all Works.*

### Final Acceptance/Soft Landscape Handover

*A Certificate of Final Acceptance for all civil and hard landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Defects Liability Period (DLP) as noted in the Certificate of Operational Acceptance.*

## NOTICE OF DECISION

DA 202037541

*A Certificate of Soft Landscape Handover for all soft landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Consolidation Period as noted in the Certificate of Consolidation Commencement.*

### Temporary Traffic Management (TTM)

*A TTM plan approval from the Manager of TCCS Traffic Management & Safety, Roads ACT, must be obtained prior to commencement of Works. This plan must be prepared by a suitably qualified person and address, as a minimum, measures to be employed at all times during construction activities to manage all traffic, including construction and regular traffic in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated temporary traffic control devices.*

### Landscape Management & Protection Plan (LMPP)

*LMPP approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch or the delegated authority. During construction, all existing vegetation (trees, shrubs and grass) located within the verge and unleased Territory land immediately adjacent to the development must be managed, protected and maintained in accordance with the approved LMPP. This plan must be implemented before the commencement of any Works, including demolition on the site, and must be in accordance with TCCS "REF 04 - Requirements for the Protection of Public Landscape Assets Adjacent to Development Works".*

### 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 carrying out of Works, including storage of materials or waste, without prior approval from TCCS. If required, such approval can be obtained from TCCS Licensing and Compliance.*

### Repair of damage to public assets

*Before the Works commence TCCS must be notified of any existing damage to public assets via a Dilapidation Report. The applicant/lessee is held responsible for repairing any damage to ACT Government's assets, caused by the development activities, to the satisfaction of TCCS. If a Dilapidation Report is not provided, any pre-existing damage must also be repaired at the applicant/lessee's cost.*

### Notice of Commencement of construction

*A Notice of Commencement for the Works within Unleased Territory Land must be submitted to TCCS one week prior to the commencement of Works. The notice must also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.*

**Assessment note:** The comments above have been incorporated as conditions of approval, please refer to **Part 1**. TCCS Standard Conditions will be released with the decision.

### National Capital Authority (NCA)

NCA provided advice on 21 October 2020 and 10 January 2022 stating that the proposal is supported.

## NOTICE OF DECISION

DA 202037541

*The site is more than 200 metres from the Monaro Highway and is not subject to Special Requirements in the National Capital Plan. The NCA has no comment for the proposed development.*

### EvoEnergy Electricity

Evoenergy electricity provided advice on 15 October 2020 stating that the proposal is supported subject to conditions.

*An area for a Substation needs to be allowed for on the block/s. This area will be determined by Evoenergy when the proponent submits the electrical load of the development. The area will be 11.1m x 4.3m for loads within 500kVA and 11.7m x 5.4m for loads within 1500kVA. If the load exceeds 1.5MVA a Chamber Substation will be required. Evoenergy may determine that twin pad mount substations with an area of 11.7m x 8.4m will be installed if the load does not exceed 3MVA.*

*Development is to comply with minimum 1.5m machinery access clear of obstacles and vegetation to assets within the block.*

*Development is to comply with minimum separation requirements to underground assets. Ref Evoenergy Drawing 3832-018*

*Proponent is required to submit an "Application for Electricity Network Connection or Alteration form" to [network.connectionapplication@evoenergy.com.au](mailto:network.connectionapplication@evoenergy.com.au) (available on Evoenergy website) prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets.*

*The proponent is responsible for ensuring that Evoenergy's Design and Siting requirements for substations are met. This includes but not limited to meeting all the requirements of Evoenergy Drawing 3832-018, in particular that no underground uninsulated metal work, metal pipes, metal fencing or metal clad buildings are within 7 meters of any part of a padmount substation. Unhindered direct access to the substation will be required 24/7.*

**Assessment Note:** The comments above have been incorporated as conditions of approval, please refer to **Part 1**. The statement of conditional compliance will be released with the decision.

### Icon Water

Icon Water provided advice on 6 October 2020 and 10 January 2022 stating that the proposal is supported subject to conditions.

*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 stockpiles, Temporary structures or equipment is to be located within the pipe protection envelope.*

*Icon Water accepts only standard concrete with expansion joints, and maximum 100mm thickness within sewer easement or pipe protection envelope.*

## NOTICE OF DECISION

DA 202037541

*Location of the water meter is to be clear of driveways and footpaths with a 1m radius unhindered access maintained. If required, relocation of the water service is to be undertaken by Icon Water at the lessee's cost. Relocations further than 1.5m laterally require a Hydraulic plan to be approved by Icon prior to applying for the relocation. Evidence of this being performed and constructed is to be forwarded to Icon Water before the certificate of occupation is issued.*

*Non domestic liquid waste agreements are to be entered into with Icon Water where nondomestic liquid waste or increased load is planned to be discharged to the sewer network. To apply for a liquid trade waste agreement please visit [www.iconwater.com.au/Developers-and-Renovators/LiquidTradeWaste.aspx](http://www.iconwater.com.au/Developers-and-Renovators/LiquidTradeWaste.aspx)*

*Servicing of water and sewerage must be in accordance with Icon Water requirements. Design of External Services plans and Off Site Works must be approved by Icon Water Hydraulic Assets Acceptance section. Icon Water assets shall be protected for the duration of the construction works at all times from machinery, vibration and groundwater ingress or infiltration. All costs associated with repairing damage to Icon assets resulting from the construction works must be paid by the developer.*

**Assessment Note:** The comments above have been incorporated as conditions of approval, please refer to **Part 1**. The statement of conditional acceptance will be released with the decision.

### Queanbeyan Palerang Regional Council (QPRC)

QPRC provided advice on 28 September 2020 stating that the proposal is supported subject to conditions:

*The lands adjoining the ACT border immediately adjacent Hume are identified for future residential use under the Queanbeyan Residential and Economic Strategy 2031. The land known as 'South Jerrabomberra' is zoned for residential purposes.*

*Given the proximity of the proposed development at Hume to the lands identified for residential purposes at South Jerrabomberra, QPRC requests that adequate design measures are taken to ensure the impacts of this development are minimised or mitigated. Appropriate conditions should be attached to any approval granted to ensure the operation of the proposed recycling does not detrimentally impact on the amenity of the residential properties at South Jerrabomberra.*

**Assessment note:** The comments above have been considered and the approval includes conditions to ensure potential impacts do not detrimentally impact on residential properties at South Jerrabomberra. Please refer to **Part 1**.

### Jemena Gas

Jemena Gas provided advice on 12 January 2022 stating that they have no comment for the proposed Development Application.

**Assessment Note:** No further action is required in relation to this advice.

## NOTICE OF DECISION

DA 202037541

### 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-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:
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TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
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### **TRANSLATING AND INTERPRETING SERVICE**

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