

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, 27 June 2018 3:18 PM  
**To:** EPD, Customer Services  
**Cc:** [REDACTED]  
**Subject:** Submission in response to proposed Materials Recovery Facility at Fyshwick EIS2017000  
**Attachments:** EIS20170053 Materials Recovery Facility at Blocks 9 and 11 Section 8 Fyshwick - Objection from Knight Frank Town Planning on behalf of Harvey Norman.pdf  
**Categories:** Green Category

Dear Chief Planning Executive,

On behalf of Harvey Norman Pty Ltd lessee of Blocks 18 and 20 Section 18 Fyshwick (33 Barrier Street), please find attached a letter of objection detailing a range of concerns and impacts envisaged from Environmental Impact Statement (EIS) Application 201700053 (**EIS201700053**) which proposes the construction and operation of a Materials Recovery Facility (**MRF**) at Blocks 9 and 11 Section 8 Fyshwick.

For our records please provide email confirmation that the attached submission has been received by EPSDD.

Kind regards,



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27 June 2018

Chief Planning Executive  
Environment, Planning and Sustainable Development Directorate

Via Email: [EPDCustomerServices@act.gov.au](mailto:EPDCustomerServices@act.gov.au)

Dear Sir/Madam,

**RE: ENVIRONMENTAL IMPACT STATEMENT APPLICATION 201700053 FOR MATERIALS  
RECOVERY FACILITY AT BLOCKS 9 AND 11 SECTION 8 FYSHWICK**

This submission has been prepared by Knight Frank Town Planning on behalf of Harvey Norman Pty Ltd (**Harvey Norman**), lessee of Blocks 18 and 20 Section 18 Fyshwick (33 Barrier Street), in response to Environmental Impact Statement (**EIS**) Application 201700053 (**EIS201700053**) which proposes the construction and operation of a Materials Recovery Facility (**MRF**) at Blocks 9 and 11 Section 8 Fyshwick. The MRF is proposed to receive, sort, separate and export (via truck and rail) the ACT's waste that is currently going to the Mugga Lane landfill as well as wastes currently landfilled in surrounding regions. The application was lodged by Purdon Planning on behalf of Capital Recycling Solutions (**the Proponent**).

It is understood (according to the draft EIS) that a separate Development Application (**DA**) will be lodged to construct and operate a Rail Freight Terminal (**RFT**) to be utilised as part of MRF operations.

Harvey Norman operates a large bulky goods retail and warehouse centre known as Harvey Norman Fyshwick which is housed within a warehouse style building at Blocks 18 and 20 Section 18 Fyshwick (33 Barrier Street). The Proponent's development site (Blocks 9 and 11 Section 8 Fyshwick) is located immediately south of Harvey Norman Fyshwick (Block 20 Section 18 Fyshwick) separated by an existing railway corridor.

In general, Harvey Norman supports investment, development and establishment of new businesses in Fyshwick. However, it is important that investment, new development and business operations are not allowed to unreasonably impinge on the operations and ongoing viability of existing businesses within Fyshwick.

Given the close proximity of the proposed development site, scale and intensity of the MRF and RFT operations, Harvey Norman is concerned that the ongoing and effective operations of Harvey Norman Fyshwick will be undermined. In summary, Harvey Norman raises the following concerns regarding the proposal to construct and operate of a MRF at Blocks 9 and 11 Section 8 Fyshwick.

- Significant scale of development and intensity of MRF operations;
- Amenity (noise, vibration, visual and acoustic) impacts;
- Traffic generation and congestion impacts; and
- Inadequate information to determine the full extent of potential impacts from the MRF and RFT operations.

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In the preparation of this submission we have undertaken a review of the plans, EIS and Appendixes and other documents for draft EIS201700053 application at Blocks 9 and 11 Section 8 Fyshwick, as well as the *Planning and Development (Materials Recovery Facility – Fyshwick) Scoping Document 2018 (Scoping document)*. The following legislative instruments and statutory guidelines were considered as part of preparing this submission:

- Planning and Development Act 2007;
- Planning and Development Regulations 2008;
- Territory Plan 2008;
- National Capital Plan;
- Canberra Spatial Plan; and
- Other relevant statutory approvals, planning and environmental guidelines and management plans.

Based on our review we make the following representations on behalf of Harvey Norman.

## **1. Significant scale and intensity of the Materials Recovery Facility**

The draft EIS outlines the scale and intensity of operations proposed for the MRF. In summary, the MRF will operate 7 days a week, Monday to Saturday 6:00am to 10:00pm and Sunday (as required) 8:00am to 2:00pm. The MRF will process municipal solid wastes, commercial and industrial and light residues from construction and demolition, and other wastes. Wastes are expected to total around 300,000 tonnes per annum. The operation of the MRF is estimated to generate on average 230 truck traffic movements per day. Removal of the processed wastes will be via rail, however the construction and operation of the RFT does not form part of this draft EIS application, and very little information nor consideration or assessment of the likely impacts from the operation of the RFT used to enable operation of the MRF are provided as part of this EIS application.

As detailed Harvey Norman Fyshwick is a substantial bulky goods retailer housed within a warehouse style building which occupies a prominent corner site with frontages to Ipswich and Barrier Street. Barrier Street Fyshwick is well-known for offering a diverse mix of land uses, services, shops and businesses which have successfully coexisted and in many instances flourished over a long period.

The proposal to construct and operate the MRF represents a new land use and proposes a scale and intensity of operations that are not characteristic of the immediate locality nor is it characteristic of any existing land use located more broadly within the District of Fyshwick. The sheer volume of wastes and materials to be delivered, collected, sorted, packaged, handled and transported from the MRF requires the facility to operate 16 hours per day Monday to Saturday, and 6 hours on a Sunday. As illustrated in the submitted site and locality plans, the proposed development site (Blocks 9 and 11 Section 8 Fyshwick) shares block boundaries with a multitude of surrounding blocks including a north block boundary orientated towards the Harvey Norman Fyshwick site.

Although the Harvey Norman Fyshwick store is separated from the Proponent's site by the existing railway corridor, the proposal contends that the railway corridor will be utilised as part of the MRF operating as an RFT which will presumably load/unload trains to export wastes and materials from the MRF. Use of the existing railway corridor as an RFT further expands the scale and intensity of the MRF operations and eliminates the existing barrier created by the railway corridor between the Proponent's

development site and Harvey Norman's site at Blocks 18 and 20 Section 18 Fyshwick (33 Barrier Street).

Having regard to the proposed land uses, scale and intensity the MRF operations and use of the existing railway corridor as a RFT, it could be reasonably considered that the proposed land use and development is contrary to the zone objectives of the *IZ2 – Industrial Mixed Use Zone*. Specifically the *IZ2 – Industrial Mixed Use Zone* objectives require proposed land uses, development and operations to ensure the proposal both preserves and promotes the coexistent of a mixture of industries, commercial and service activities, bulky goods retailing and other general industry. The reliance upon operations of the MRF to utilise the existing railway corridor as an RFT to export wastes and materials, will further impact on Harvey Norman Fyshwick by eliminating the existing separation of operations between the blocks and allowing the Proponent to conduct operation activities in the railway corridor. As the RFT does not form part of this EIS application and a number of impacts associated with the operation of the RFT have not been addressed, we are concerned that Harvey Norman Fyshwick will not be able to coexist with the proposed MRF and RFT operating along the south block boundary of Harvey Norman Fyshwick.

## 2. Amenity impacts

The proposed MRF land use, scale of operations and associated RFT are located immediately south of Harvey Norman Fyshwick. Accordingly, the proposed land use, scale of operation of the MRF and use of the railway corridor as an RFT are likely to generate a range of unreasonable amenity impact on Harvey Norman Fyshwick. If these impacts are not addressed the ongoing effective operation of Harvey Norman Fyshwick as a bulky goods retail outlet will be compromised.

### Noise impacts

The proposed construction and operation of the MRF and associated RFT will generate a range of temporary and ongoing noise impacts on surrounding properties and the locality. These noise impacts include, but are not limited to the following activities construction work, truck movements, sorting, packaging and exporting of wastes and materials delivered to the MRF and loading/unloading associated container handling for the RFT.

Section 5.3 Predicted Operational Noise Levels Table 12 of the Noise Management Plan (**NMP**) prepared by Rudd Acoustics indicates that the adjoining property to the north (Harvey Norman Fyshwick) will be impacted by the proposed construction and ongoing operational noise emissions. The results stated in Table 12 of the NMP state that the predicted noise levels with the North boundary (Harvey Norman Site) will be 73 dBA which exceeds the noise level limit of 65 dBA.

To reduce noise emissions the NMP recommends specialised equipment be utilised to minimise noise impacts from the container handling operations for the RFT. However the RFT does not form part of this EIS application, and therefore Harvey Norman is not able to consider this part of the proposal; this is of particular concern given the commentary made on page 17 of the NMP.

*“There is an unusual situation with this particular operation in that the container handler and train loading will occur within the rail corridor, not on the CRS block. Rudds has treated this assessment assuming all noise sources within the rail corridor are associated with the development, but the compliance point is the northern side boundary of the rail corridor.”*

In addition, to the commentary above the conclusion of the NMP states inter alia:

*“This Noise Management Plan deals with site operations only. Any noise associated with the rail transport is to be addressed as a separate component and is outside the scope of this document. Nevertheless, operation of the container handler within the rail corridor and a standing locomotive have been included in the model for completeness.”*

The above commentary in the NMP does not provide certainty that the full extent of noise impacts have been adequately considered as part of the proposed operations of the MRF and RFT. Further information should be tabled to enable Harvey Norman and its representatives to consider the full extent of noise impacts on the operations of Harvey Norman Fyshwick.

#### Odour impacts

It is generally acknowledged within the proposal, that wastes and materials to be processed/handled by the MRF will generate odours. These odours if not managed appropriately have the potential to impact on the amenity of surrounding blocks and businesses, including Harvey Norman Fyshwick. The draft EIS is accompanied by an Odour Impact Assessment (**OID**) and Health Impact Assessment (**HIA**) that consider odour impacts generated from the operation of MRF on surrounding land uses and businesses.

It is understood that odour impacts emissions are expected to occur from the site as a result of the vent stack emissions from the main building and as a result of truck movements into and out of the main building to deliver wastes and materials. Although the OID and HIA require a number of mitigation measures to reduce odour emissions from the MRF on surrounding land uses and businesses; the proposed scale, intensity and complexity of the MRF operations, provides little comfort to Harvey Norman that odour emission impacts will be adequately mitigated. Adding to the uncertainty regarding the mitigation of odour emission impacts on surrounding blocks and specifically Harvey Norman Fyshwick is commentary made on page 18 of the HIA which stated inter alia:

*“The odour assessment predicts no odour impacts for the residential community provided the control measures are in place. Depending on the effectiveness of these control measures, surrounding commercial and industrial enterprises may experience some odour impacts.”*

It is acknowledged that Fyshwick is an industrial suburb however, the immediate vicinity surrounding the proposed recycling plant comprises a predominantly established bulky goods retailing precinct including Harvey Norman, Nick Scali, Bing Lee and The Good Guys. When odour emissions are an issue, the proximity of the MRF operations to the Harvey Norman Fyshwick store will have a negative impact on the effective ongoing operations of the business and value of the property.

#### Dust impacts

The proposed construction and operation of a MRF and RFT will undoubtedly result in the generation of dust. As Harvey Norman Fyshwick is located immediately north of the proposed development and operation site/s dust impacts from the construction and operation of the MRF and RFT will have a negative impact on the ongoing effective operation of Harvey Norman Fyshwick.

### Vibrations impacts

The proposed construction and operation of the MRF and RFT will likely generate a range of vibration impacts on the immediate locality. Given the proximity to the MRF and RFT operations to Harvey Norman Fyshwick concern is raised that any resulting vibrations will have a negative impact on the ongoing operation of the property as a bulky good retailer. Accordingly, it is requested that further studies and investigations be undertaken to determine the full extent of vibration impacts on the Harvey Norman Fyshwick premises/site.

### **3. Traffic generation and congestion**

The draft EIS and Traffic and Transport Assessment (TTA) prepared by AECOM, indicates that the proposed construction and operation will have a range of traffic and transport impacts on the immediate locality of the Proponent's development site and more broadly within the District of Fyshwick. Concerns are raised regarding the following traffic and transport matters pertaining to both the construction and operation of the MRF and RFT.

- The MRF will receive waste and materials from both Government and privately operated vehicles. While the TTA indicates truck deliveries to the site will need to be staggered or scheduled to minimise peak traffic periods it is unknown how and with what certainty the Proponent will be able to determine the delivery of wastes and materials to the site, as both Government and private trucks will be accepted.
- The area around the proposed recycling plant comprises narrow roads which, according to the Traffic Report, are at capacity or nearing capacity, particularly during peak periods. Traffic and pedestrian safety concerns are raised due to the increased loads and movements within the local roads. In addition, the additional vehicle movements are likely to place further unacceptable pressure on the local road network which is already close to or at capacity.
- The TTA identifies an additional peak period (12pm – 1pm) on Canberra Avenue service road. The assessment states that this additional lunch time peak period should only be considered if the Canberra Avenue service road was to receive significant additional traffic. This alternative option has been disregarded and is not discussed in any detail within any documentation prepared as part of the EIS package. As it is proposed that the heavy vehicles utilising the site will be outside the normal (am and pm) peak periods, detailed consideration should be given to this third peak.
- Reliance on a reduction to traffic movements within Fyshwick due to the closure of other bulky goods retailing uses (Bunnings) is considered flawed as Bunnings operations continue and there are no guarantees Bunnings will cease operations in Fyshwick . .
- The Cardno report indicates all access and egress motions are to be 'left-in left-out' by on-site traffic control signage. However, the Traffic Report suggests that the signalised intersection will allow both left and right out onto Ipswich Street.
- A truck management plan should be provided detailing when truck deliveries will be scheduled to understand impacts on adjacent blocks and the District of Fyshwick.

### **4. Inadequate information to determine full extent of potential impacts on Harvey Norman**

The *Planning and Development (Materials Recovery Facility – Fyshwick) Scoping Document 2018 (Scoping document)* is extensive outlining a broad range of matters and issues that must be investigated, considered and addressed as part of the submission of a EIS or draft EIS for the consideration of the ACT Environment, Planning and Sustainable Development Directorate (**EPSDD**).

Following our review of the draft EIS (including Appendixes) prepared on behalf of the Proponent by Purdon Planning against the requirements of the *Scoping document*, the following Environmental Themes and Risks identified are considered to be required for further investigations, consideration and assessment.

- EIS lodgement requirements - The *Scoping document* states on page 2 that “*The Authority requires that the proponent engage a suitably qualified independent consultant to prepare an EIS OR the proponent submits, with the draft EIS, an independent review of the draft EIS undertaken by a suitably qualified consultant.*” The draft EIS is accompanied by a number of investigations, advices and other reports, however *an independent review of the draft EIS undertaken by a suitably qualified consultant* was not sighted as part of the EIS201700053 package of documents.
- Planning and land status and sterilisation of surrounding land uses - A more detailed assessment of the potential sterilisation of surrounding land uses in particular existing commercial and retail uses within the immediate vicinity of the development site, should be complied to provide a greater level of certainty regarding how the facility will be operated to ensure that it does not pose a risk to Harvey Norman Fyshwick.
- Traffic and transport - The scoping document specifies increased rail movements as a risk to be considered and addressed part of the traffic and transport considerations. However the TTA provides limited assessment of the rail movement risks and specifically what risks are posed to surrounding blocks and the locality.
- Lighting plans and details – Lighting plans and details have not been sighted as part of this EIS application. The Scoping document requires submission of lighting information as part of the EIS. Accordingly, we are unable to determine the potential full visual amenity impacts from the proposed development.
- Rail operations - As the operation of the MRF relies heavily upon the construction and operation of the RFT within the existing railway corridor, detailed assessment of the operation of the RFT and specifically any impacts envisaged for Harvey Norman Fyshwick and the locality should be addressed. It is requested that further information regarding the construction works, operational requirements of the RFT and works within the railway corridor be provided for consideration as part of the proposed MRF. In the event the Proponent is unable to secure approval to construct and operate the RFT impacts on local traffic movements and transport by operating the MRF are likely to significantly increase.

## Conclusion

It is submitted that the proposed development and operation of Blocks 9 and 11 Section 8 Fyshwick as a materials and recovery facility and subsequent construction and operation of a rail freight terminal within the existing railway corridor are likely to have a range of adverse impacts on the existing and ongoing operation of Harvey Norman Fyshwick (bulky goods retailer) located at 33 Barrier Street, Fyshwick and the wider Fyshwick economy.

We trust that this submission is of assistance to the assessment, consideration and determination of the draft EIS 201700053 and respectfully request to be notified of any further information or amendments to the proposed development, in order that our clients can make arrangements to have the information considered with regards to potential impacts on their property and ongoing operation of Harvey Norman Fyshwick.

Should any clarification on the above be required, please contact the undersigned.

Thank you for the opportunity to make this submission.

Yours faithfully,

 Knight  
Frank

██████████  
Senior Town Planner