

From: [REDACTED]
Sent: Thursday, 28 June 2018 12:00 AM
To: EPD, Customer Services
Subject: Property Council of Australia Submission_EIS Materials Recovery Facility Fyshwick FINAL 20180627
Attachments: Property Council of Australia Submission_EIS Materials Recovery Facility Fyshwick FINAL 20180627.pdf
Categories: Green Category

Please find attached the Property Council's submission.

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Environmental Impact Statement (EIS): Proposed Development of a Materials Recovery Facility, Lithgow/Ipswich Street Fyshwick (EIS Application 201700053)

Response provided by the ACT Division of the Property Council of Australia

Dear Mr Ponton,

Thank you for the opportunity to provide comments and feedback on the Draft EIS.

The ACT Property sector is the second biggest industry in Canberra – behind the public and health services – employing 1 in 7 Canberrans – driving economic growth and renewal across our city. Our sector is critical to the diversity of the economy and contribute 57.5% of all government revenue which funds our schools, hospitals, municipal, community and government services. Our contribution to renewing our city at a time of transformation and growth is immense.

Many of our members work on a daily basis with members and officials within the government to drive development and renewal across the city – from townhouses to mixed use developments, multi-residential sites and commercial and retail projects – to whole estates and suburbs and precincts from the local shops to the high-rise developments in our town centres.

Our members include developers, financiers, architects, property law specialists, town planners, heritage consultants, universities, government agencies at both the Federal and Territory level and local utilities.

Our advocacy priorities include:

- **Encouraging urban renewal** that is vital to the future of Canberra's economic and social wellbeing.
- **Planning and Sustainable Development polices** which are outcomes focused.

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- **Transport Orientated Development** that delivers density and liveability in the major transport corridors and in our town centres.
- **Housing choice for all Canberrans** including retirement living and affordable housing.
- **Taxes and charges which are fair**, administered efficiently and encourage development where it is needed.
- **Long term infrastructure planning** which will help transform our city.

Purpose of Submission

The submission is provided in response to the invitation to provide comments on the Environmental Impact Statement (EIS application 201700053) prepared for the proposed development of a Materials Recovery Facility in Lithgow Street/Ipswich Street Fyshwick.

The submission from the Property Council has been made in response to the following:

- Inconsistency of the proposed activity within current Government strategy for facilities of this nature;
- The nature of the surrounding land use and development of Fyshwick of a general mixed-use business and service area, including existing and permissible land uses;
- The need to better define industrial uses within the ACT and creating greater spatial delineation between industrial zones;
- Need to confirm land uses and potential applications for greater certainty within the Fyshwick and other light industrial areas; and
- The need to consider provision of sufficient opportunities for industries of this nature, where adequate measures including separation is provided without need to limit future growth or urban evolution.

Background

On the former Shell fuel storage facility at Block 9 Section 8 and Block 11 Section 8 Fyshwick, Capital Recycling Solutions Pty Ltd (CRS) propose to develop a Materials Recovery Facility (MRF) which will receive, sort, separate and export the ACT's waste that is currently going to the Mugga Lane landfill as well as wastes currently landfilled in surrounding regions. The proposal integrates the use of an adjacent Rail Freight Terminal (RFT) on Block 11 Section 47 to replace the former facility in Kingston which is no longer operational.

The proposal is in response to the ACT Waste Feasibility Study and in particular the market sounding released by the ACT Government on 20 February 2017.

Sustainable Development

The Property Council of Australia and our members support the objectives of the Waste Feasibility Study and the other initiatives of government to promote sustainable urban environments. Indeed, the property industry is itself a leading innovator in the field of sustainability. The Government's initiative in inviting industry to participate in delivering innovative waste management solutions is also supported.

In particular, we note the Waste Feasibility Strategy's Outcome Three Strategy 3.3 Development of the Hume Resource Recovery Estate which will provide *"residents and businesses with a number of accessible options for recycling"*. The strategy advocates that major new waste infrastructure will primarily be located in the Hume Resource Recovery Estate beside the Mugga Lane Resource Management Centre. The strategy notes that:

"There are a number of benefits that arise from co-location of waste facilities (at Hume) including the synergies between different parts of the recycling industry which could result in increased resource recovery, reduced costs and reduced traffic movements".

The Property Council agrees with these statements. Indeed, we would go further and identify additional benefits arising from co-location of waste facilities at Hume or another purpose built well located estate. These include:

1. Allowing multiple new businesses to enter into the recycling and waste management market through the co-ordinated provision of suitable land thereby increasing competition and reducing costs to the community;
2. Providing land sales opportunities to Government;
3. Minimising the potential for the introduction of additional heavy vehicle movements into built up urban areas;
4. Minimising the potential for impacts on and conflicts with established and future residential areas; and
5. Minimising the potential for impacts on existing commercial property interests.

The Nature of Fyshwick

It must be acknowledged that it is erroneous to dismiss Fyshwick as a conventional industrial area. Fyshwick has long established itself as a mixed-use precinct including major retail, services, commercial and employment hub for residents of Canberra and the surrounding region. Government has acknowledged this fact by applying the IZ2 Mixed Use Industry Zone under the Territory Plan.

The planning objectives for the IZ2 Zone affirm the role of Fyshwick as providing:

- Convenient access for ACT and regional residents to industrial goods, services and employment opportunities;
- Industry-associated retailing, services and other commercial uses; and
- A range of commercial and service activities at a scale that will protect the planned hierarchy of commercial centres and the Territory's preferred locations for office development.

This role is reflected in the range of permissible uses set out in the Assessable Development Table of the Territory Plan which includes bulky goods retailing, caretakers residence, club, community use (including child care, community activity centres, cultural facilities, health centres and educational establishments), drink establishment, indoor entertainment facility, indoor recreation facility, non-retail commercial (including offices, business agencies, public agencies, financial establishments), restaurants and shops.

We also note that Fyshwick's role as a retail destination was further enhanced by the recent passing of DV353 that provides for a supermarket of up to 1000 m² within the Canberra Outlet Centre.

Several such uses are existent on the immediately adjacent blocks and all of these uses are included in the purpose clauses of many property owners in the immediate and wider areas.

As was pointed out in a different context in our August 2017 response to *DV352 – Changes to various development tables, codes and definitions including prohibition of child care centres in industrial zones* – the Property Council believes that the current application of Industrial zones and the spatial distribution of these areas within the Territory needs to be more carefully considered.

Due to the social and economic outcomes within the many of these zones and the need to ensure provision of essential services within these areas, it may be more beneficial to review the following:

- The current size and distribution of IZ1 and IZ2 to ensure that current and future land for these uses are met; and
- Consideration of additional zones for heavier industrial to provide adequate separation from other light industrial and mixed uses.

The area size and location of more noxious industries and Industrial areas away from mixed-use Industrial zones.

As such our principal concern is that the proposed MRF, if approved, could constrain the ability of property owners to realise the full potential legitimately available to them under the terms of their crown lease for the reasons outlined below.

Impact on surrounding Land Uses

The EIS deals with the potential impact of surrounding land uses in Section 6.1.2 at page 63. Confidence in this assessment is undermined by reference to the “closest residential development being 450m away.” This fails to take into account future uses of land as identified by the ACT Government. This includes the East Lake Urban Redevelopment Area is only 188 metres away on the opposite side of the Monaro Highway. East Lake is clearly identified by the ACT Government in the Canberra Spatial Plan as a priority urban renewal area.

Failure to specifically address the potential impacts on East Lake is in conflict with requirements of Section 8.1.1 of the Scoping Document. We note that the Strategic Planning Unit of the Environment Planning and Sustainable Development Directorate, quite properly, specifically stated that:

“The proposed noise and odour assessments to be undertaken for nearby residential areas needs to be expanded to include the ACT Government’s proposed East Lake residential development and surrounding development”.

Sensitive Uses Not Limited to Residential

The EIS assumes that residential use is the only use sensitive to potential impacts from the proposed MRF. This is evidenced by the statement in Section 6.1.2 at page 63 of the EIS that:

“There was a perceived risk identified as part of the scoping document which highlighted that development of such a proposal may render nearby blocks of land unavailable for uses such as residential, and less so for industrial use”.

The scoping document makes no such distinction between residential and other uses. In addressing the risk of sterilisation of land uses the scoping document refers to section 8.1.1 of that document which states:

“8.1.1 Planning and land status

- Include a description of planning context of the area where the project will be located*
- Describe planning and development status of any land or project relevant to the proposal*
- Describe land use of the proposed land and any land to be affected (including, but not limited to, zoning, lessee(s) or custodian of the land, the permissibility of the proposed use defined in the Territory Plan).”*

The scoping document prepared by the planning authority and published as a notifiable instrument, quite properly, requires an assessment of the potential impact on the ability of adjacent lessees to realise all of the potential uses available to them under their crown leases. We are concerned that the EIS does not adequately address the requirements of the scoping document.

Future Risk to Property Owners Legitimate Interests

In addition to impacts on the existing sensitive uses in the area which includes major bulky goods retail outlets, service providers and food and beverage there is a very real risk that many other property owners will be denied the ability to accommodate such uses in the future, notwithstanding the zoning and crown lease provisions.

It is important that future use of the land, including sensitive uses as outlined in section 4, page 5 of the EPA guidelines may be impacted and that of the land within 300m² radius of the proposed facility and must be considered against the scoping document.

Alternatives to the Proposal

The scoping document prepared by EPSDD requires the consideration of alternatives. The EIS addresses this at Section 2.6 pages 28 to 29. It addresses two alternatives being:

- Expansion of Mugga Lane; and
- Alternative Rail Connected Sites

The EIS however does not address any other alternatives including the Hume Resource Recovery Estate (HRRE), particularly given the ACT Government's Waste Feasibility Strategy and the acknowledged benefits that the co-location of waste recovery facilities at Hume would bring.

Consequently, there appears to be no close alignment between this proposal and specific Government policy aspirations other than the acknowledged need to reduce the level of waste consigned to land fill at Mugga Lane.

In order to fully address the requirements of the EIS scope with regards to assessment of alternatives and alignment with government strategic policy, a full assessment of the potential of HRRE to accommodate the proposal should be undertaken.

Rail Connected Sites -

This emphasis on access to rail services, which we note was not a specific requirement of the Scoping Document nor the Government's Waste Feasibility Strategy, led to a focus on the Kingston and Fyshwick Areas.

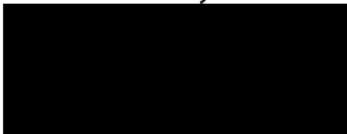
However, the assessment of potential locations within the Fyshwick area is incomplete and could have extended to consider the eastern periphery of Fyshwick which immediately adjoins the railway corridor – for example Part Block 3 Sections 45 Fyshwick and/or Section 47 Fyshwick.

Whilst we acknowledge the benefits of access to rail access to these types of facilities, it should be considered that there is more than one site which could provide such access. Further, strategic planning of the area is critical to determine and best use of the land to meet the needs of our city into the future, including land currently owned by the government.

The Property Council supports the Government's policy to reduce and deal with waste. But it is also the view of our members that the ACT Government must actively lead the

implementation by providing appropriate sites and infrastructure necessary to see the policy most effectively implemented with the benefits optimised for all.

Yours sincerely

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ACT Executive Director

