

APPENDIX G – CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is classified as State Significant Development (SSD) under Part 4.1 of the EP&A Act as it involves the development for the purposes of a resource management facility that would handle more than 100,000 tonnes per year of waste. As such, it satisfies the criteria in Clause 23(3) of Schedule 1 in the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Consequently, the proposal has been identified as State Significant Development and the Minister for Planning is the consent authority.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence (odour, noise etc). A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/or offence impact on off-site receptors.

The facility does propose the on-site storage of chemicals however they are all below the threshold limits established for SEPP 33. The proposal is therefore not considered to be 'hazardous' or 'offensive' industry as defined by SEPP 33.

Veolia's Preliminary Hazard Analysis found that that the other potential hazards during operation include vehicle fire; waste or recycled materials fire; flooding; breach of security/sabotage; or a fire in the diesel storage area. However, the PHA found that impacts from the potential hazardous events do not extend far from the recycling building and therefore the proposed development is not potentially hazardous.

The proposed development is therefore not considered to be 'hazardous' or 'offensive' industry as defined by SEPP 33, and the requirements of the SEPP have been satisfactorily addressed

The Department has reviewed the proposal and the EIS and is satisfied that the facility would not pose an unacceptable off-site risk.

The Department's assessment of hazards and risk is contained in Section 5.3 of this report.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal constitutes traffic generating development under Schedule 3 of the ISEPP and was referred to the RMS for comment. RMS confirmed that they have no objection to the proposed development.

The development is considered to be consistent with the aims and objectives of the ISEPP, and the requirements of Clause 104 of the SEPP, as demonstrated by the response received from the RMS and in the assessment of the proposal contained in Section 5 of this report.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7(1) of the SEPP requires the Minister to consider whether the land is contaminated, and if it is contaminated, be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed development. And, if the land requires remediation to be made suitable for the proposed development, be satisfied that it will be remediated before it is used for the proposed development.

The EPA issued Veolia a Remediation Site Notice for the site in December 2005. An investigation undertaken by Veolia confirmed high levels of Cr (VI) in the site groundwater and elevated levels of Cr (VI) in the soil where the fill had been locally contaminated with Chrome Ore Processing Residue. As a result, Veolia relined the stormwater drains to prevent groundwater from leaching into the surface water drainage system. In addition, Veolia are installing a permeable reactive barrier and implementing a range of institutional controls currently managed through a Site Specific Environmental Management Plan to manage the flow of groundwater into the Parramatta River. The site has also been capped to manage interaction with the soil.

Veolia has proposed a number of detailed mitigation measures to minimise and manage the disturbance of the contaminated soil during construction. New pavement and building layers would form a new cap and provide an extra layer of protection during operation.

The Department has concluded that the spillage of hazardous material during operation is unlikely to cause any significant issue. Diesel will be stored in a bunded tank with any spillage to be contained in the bund. Veolia has also committed to periodic monitoring of discharges from the stormwater drain system.

The Department is therefore satisfied that the development would not result in adverse impacts on the environment or human health, and that the proposal is therefore generally consistent with the aims and objectives of SEPP 55. would be suitable for the proposed development.