

APPENDIX G: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011

The proposal is classified as State significant development (SSD) under Part 4.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it involves development for the purposes of a resource recovery or recycling facility that handles more than 100,000 tonnes per year of waste, and as such meets the criteria in Clause 23(3) of Schedule 1 in the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Consequently, the Minister for Planning is the consent authority.

State Environmental Planning Policy (Western Sydney Employment Area) 2009

The site is located within the 'Erskine Park Employment Lands Precinct' (Precinct 7). The site is zoned 'IN1 General Industrial'. The WTS and RRF do not fall within the definitions of IN1 General Industrial. However, Clause 120 of the Infrastructure SEPP advises that IN1 General Industrial is a prescribed zone as such the proposed development is permissible with consent under Clause 121 of the Infrastructure SEPP.

Notwithstanding, the development would be consistent with the aims of this policy because it provides employment opportunities on land that has been strategically identified for this purpose by the NSW Government.

The Department notes that the Section 94 Erskine Park Business Park Contributions Plan 2008 is the mechanism by which regional transport infrastructure and services contributions are collected. The Department has been advised by Penrith City Council that it has collected all of the contributions under the 2008 Contributions Plan. Consequently, the Department has issued a Satisfactory Arrangement Certificate for the proposal.

The policy also establishes principle development standards and design principles for new development. The Department has considered the proposed development against these development standards and design principles and has found that the proposed development complies.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP 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 Infrastructure SEPP 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 Infrastructure SEPP, 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 55 – Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS included a Phase 1 contamination assessment for the site which confirmed that the risk of contamination on the site is expected to be low. The Department has included specific conditions for managing any unexpected finds.

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

SEPP 33 aims to identify 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, it would have a significant risk and/or offensive impact on off-site receptors.

The Applicant has advised that the proposal has not been designed to provide storage for dangerous goods in excess of the thresholds established under SEPP 33, and would therefore not constitute a potentially hazardous industry or potentially offensive industry under the SEPP. Notwithstanding, the Department has recommended conditions requiring the Applicant to ensure all dangerous goods are below the thresholds outlined in the *Hazardous and Offensive Development Application Guidelines: Applying SEPP 33*, and are stored in accordance with the *Australian Dangerous Goods Code* and *AS 1940-2004: The storage and handling of flammable and combustible liquids*.

Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River

Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River (SREP 20) aims to protect the environmental of the Hawkesbury Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. It provides general and specific planning policies, recommended strategies and development controls aimed at minimising impacts to environmentally sensitive areas in the catchment.

The subject site is in the South Creek catchment of the Hawkesbury – Nepean River and is not in the vicinity of any wetlands, scenic corridors or areas of regional or local significance. Further, the proposed development includes a number of water management measures to ensure that the proposed development will not adversely impact on the hydrology or water quality of the South Creek catchment. Given the above, the Department is satisfied that the proposed development is consistent with the requirements of SREP 20.

Penrith City Centre Development Control Plan 2014

Penrith Development Control Plan 2014 (Penrith DCP) was adopted on 23 March 2015. Section 6 of PDCP applies specifically to the 'Erskine Business Park' within which the site is located. Relevant provisions include objectives and requirements for height, lot size, air and pollution, waste management, soil, erosion and sediment control, traffic, stormwater, landscaping and biodiversity conservation area. The Department is satisfied that the proposal is consistent with the objectives of the PDCP.