

APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies certain classes of development as SSD. The proposal is classified as SSD under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves an extension to a putrescible landfill and construction of a resource recovery facility that meets the criteria in Clause 23 of Schedule 1 in the SRD SEPP. Consequently, the Minister for Planning is the consent authority for the proposed development.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by identifying matters for assessment and providing for consultation with relevant public authorities.

Clause 123 of the ISEPP outlines matters a consent authority must take into consideration when determining a development for construction, operation or maintenance of a landfill for the disposal of waste. The Applicant addressed each of these matters in the EIS and the Department has considered these matters in its assessment of the development. The Department notes the development provides a suitable level of waste recovery through expansion of the GO facility and construction of the ARRT facility, the design of the landfill would adopt best practices, there would be no land use conflicts and there is adequate transport links to the landfill. The Department concludes the development is consistent with the aims of the ISEPP.

State Environmental Planning Policy 19 – Bushland in Urban Areas (SEPP 19)

SEPP 19 aims to protect and preserve bushland within urban areas. Schedule 1 of SEPP 19 lists Sutherland local government area, therefore SEPP 19 applies to the development.

The Department has considered the impacts of the development on native bushland in Section 5.6 of this report. The GO and ARRT facilities were re-located to minimise impacts on native vegetation following consultation with OEH. The Department considers the development would have a minor impact on native vegetation and these impacts would be offset through retirement of ecosystem and species credits.

State Environmental Planning Policy 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence (e.g. odour, noise). 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 proposed development is located in an area well separated from existing and known future residential and sensitive land uses. The quantities of dangerous goods to be stored on site are below the threshold for SEPP 33, therefore a preliminary hazard analysis was not required for the development. The Department's assessment of hazards and risk is contained in Section 5.7 of this report.

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)

Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The EIS included a desktop review of contamination on the site and noted landfilling of waste as the main source of contamination. The Applicant provided a detailed leachate assessment to evaluate the volume of leachate generated by the landfill and the adequacy of the existing treatment and disposal system to manage leachate from the expanded landfill. The Department considered leachate contamination as part of its assessment of the application and concluded the development would not adversely affect local groundwater or surface water.

Sutherland Local Environmental Plan 2015 (SLEP)

The SLEP aims to deliver the community's vision for Sutherland Shire by achieving an appropriate balance between development and management of the environment that will be ecologically sustainable, socially equitable and economically viable.

The Department consulted with Sutherland Council throughout the assessment process and considered all relevant provisions of the SLEP and those matters raised by Council in its assessment of the proposal in Section 5 of this report. Council is also a joint Applicant for the proposed development and was extensively involved in the preparation of the EIS.

The development is located across two zones, including SP1 – Special Activities (Waste Recycling) and RE1 – Public Recreation. Under the SLEP, waste disposal is not permissible in the SP1 or RE1 zones and resource recovery is not permissible in the RE1 zone. Therefore, the Applicant submitted a Planning Proposal to amend the SLEP to include new provisions for the LHRP to allow the development to be permissible within the current zoning, see Section 3.4 of this report. The Deputy-Secretary, as delegate of the Greater Sydney Commission, approved an amendment to the SLEP with the amendment commencing on 23 December 2016. Therefore, the proposal is permissible with consent.