

APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP identifies certain classes of development as SSD. In particular, development for the purpose of waste or resource transfer stations in metropolitan areas of the Sydney region that meets the criteria in Clause 23(2) of the SRD SEPP is classified as State significant development. The proposal satisfies the criteria in Clause 23(2) as it would handle more than 100,000 tpa of waste.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

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.

Clause 45 of the ISEPP applies to development in the vicinity of electricity easements and therefore must be referred to the relevant electricity supplier for comment prior to determination. The Department referred the application to TransGrid, who raised an objection to the small vehicle drop-off in the application. On 14 July 2017, the Applicant formally requested the development application be amended under clause 55 of the *EP&A Regulation* to excise the proposed small vehicle drop-off area and retain this existing service as is. The Acting Director Industry Assessments agreed the development application was able to be amended in the manner proposed. TransGrid raised no further objection to the application subject to the inclusion of standard conditions. These conditions have been included as recommended conditions of consent. The Department concludes that the notification requirements as set out in clause 45 of the ISEPP have been met.

The proposed development constitutes traffic generating development under Schedule 3 of the ISEPP and therefore was referred to the RMS for comment. RMS confirmed they have no objection to the development and did not provide any conditions. The development is considered to be consistent with the aims and objectives of the ISEPP, and the requirements of clause 104 of the ISEPP.

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

SEPP 33 outlines the items that a consent authority must consider to assess whether a development is hazardous or offensive.

The Applicant reviewed the development in accordance with SEPP 33 and advised the development would not store dangerous goods above the threshold limits specified in SEPP 33, therefore it would not be considered potentially hazardous or offensive development. The Department has concluded the development is not considered a potentially hazardous or offensive development as the Applicant has demonstrated that dangerous goods stored on the site is below the threshold limits specified in SEPP 33.

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

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS considered site contamination and confirmed that a remedial action plan is not required. The Department has included specific conditions for managing any unexpected contaminated material during excavation and construction works.

Fairfield Local Environmental Plan 2013 (FLEP)

The FLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Fairfield LGA. The FLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The development is located on industrial zoned land and the area immediately surrounding the site is also located on industrial zoned area.

The Department has consulted with Fairfield City Council throughout the assessment process and has considered all relevant provisions of the FLEP and those matters raised by Council in its assessment of the development (see **Section 5** of this report). The Department concludes the development is consistent with the relevant provisions of FLEP.

Fairfield City Wide Development Control Plan Fairfield (DCP)

The DCP includes specific development controls for the Fairfield LGA. The relevant provisions for the development include Chapter 9 – Development in Industrial Areas and Chapter 11 – Flood Risk Management. The proposed built form, site layout and design features of the development are compatible with the character of existing development in the surrounding area and development is generally consistent with the relevant provisions of the Fairfield DCP. The impact of the development on flood levels would be kept within the site and therefore complies with the Flood Effects section (Schedule 6 of Chapter 11) of the DCP.

The Department has consulted with Fairfield City Council throughout the assessment process and has considered all relevant provisions of the DCP and those matters raised by Council in its assessment of the development (see **Section 5** of this report).