

## APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

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### **State Environmental Planning Policy (State and Regional Development) 2011**

The SRD SEPP identifies certain classes of development as SSD. The development is State significant development pursuant to section 4.36 of the EP&A Act because it involves development with a CIV of more than \$30 million for the purposes of electricity generating works which meets the criteria in Clause 20 of Schedule 1 in the SRD SEPP.

### **State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

The ISEPP aims to facilitate the effective delivery of infrastructure across the State and has specific planning provisions and development controls for 25 types of infrastructure works or facilities, including 'electricity generating works' and 'waste or resource management facilities'. The ISEPP outlines the planning rules for these works and facilities, including, where such development can be undertaken, what type of development can be approved under Part 4 of the EP&A Act and the relationship of other statutory planning instruments to the ISEPP.

Clause 34 of the ISEPP identifies development that is permitted with consent. Clause 34(1) states that development for the purpose of electricity generating works may be carried out by any person with consent on any land in a prescribed rural, industrial or special use zone. The land is zoned IN1 General Industrial under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP). The development constitutes a 'waste management facility' and 'electricity generating works' as defined by the Standard Instrument – Principal Local Environmental Plan.

Clause 34 of the ISEPP identifies development that is permitted with consent. Clause 34(1) states that development for the purpose of 'electricity generating works' may be carried out with consent in a prescribed industrial zone.

Therefore, under the provisions of the ISEPP, the proposal is permissible with consent.

The development constitutes traffic generating development in accordance with the ISEPP as it would generate more than 200 vehicles. Consequently, it requires referral to RMS for comment and consideration of accessibility and traffic impacts.

The development was referred to RMS for consideration. RMS requested additional information regarding the traffic modelling of the surrounding intersections to allow further assessment of the traffic impacts of the proposal. Further clarification and design details were also requested for the proposed future access to Archbold Road and the proposed access road from Honeycomb Drive. This information was subsequently provided by the Applicant.

The development is therefore considered consistent with the ISEPP.

### **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 (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.

Consistent with clause 33 of SEPP 33, the Applicant provided a Preliminary Hazard Analysis (PHA) as part of the EIS. The PHA identified that the quantities of LPG to be transported to and stored on-site would exceed the threshold limits established by SEPP 33 and therefore constituted a potentially hazardous development. The Department has assessed the PHA and concludes it has satisfied Applying SEPP33 Guidelines (DOP 2001a).

The Department notes that the control measures for the development predominantly rely on compliance with the relevant codes and standards. It would therefore be necessary for the Applicant to prepare appropriate safety and emergency plans, consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis' AS/NZS 1596:2014 - The Storage and Handling of LP Gas' to mitigate the risks associated with the transport and storage of LPG on-site.

**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 included a contamination assessment for the site which confirmed that a remedial action plan is not required.

**State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)**

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of high quality design and finish.

The finished development would include three signs to be erected on the north, east and west elevations of the tipping hall. Each sign would be painted on metal background, framed and mounted on building cladding, and illuminated via stalk lighting. The Amended EIS included an assessment of the proposed signage against the criteria in Schedule 1 of SEPP 64 and a Signage Plan.

The Department is satisfied that the proposed signage would not detract from the surrounding locality and would provide suitable wayfinding and direction within the site. The Department is satisfied that the development would be consistent with the aims and objectives of SEPP 64.

**State Environmental Planning Policy (Western Sydney Employment Area) 2009**

The WSEA SEPP aims to protect and enhance the WSEA for employment purposes. It aims to promote economic development and creation of employment, provide for the co-ordinated planning and development of land, rezone land for employment or environmental conservation purposes, improve certainty and regulatory efficiency, and conserve and rehabilitate culturally or environmentally valuable areas.

The WSEA SEPP requires a consent authority to take the Eastern Creek Precinct Plan (Stage 3) into consideration when determining a development application on land to which the Precinct Plan applies. An objective of the Precinct Plan is for development to aim to achieve a minimum employment density target of 45 jobs per hectare in order to achieve the overall projected employment forecast of approximately 20,000 jobs for the whole Precinct. This equates to a requirement of 900 jobs for the 20 ha site. The proposed facility would generate 55 permanent jobs, which is equivalent to an employment density of approximately three jobs per hectare.

The strategic objectives of the WSEA SEPP are identifies strategic employment areas in western Sydney, encouraging appropriate development of such land for employment uses and ensuring adequate provision of infrastructure and services.

In light of these strategic objectives, the Department has considered the following key aspects of the proposal:

- the proposal would provide a local access road (Precinct Road) that would be transferred to Council as a Standard Collector Road
- the proposal would provide a reasonable contribution to Council toward the acquisition and construction of the 'quarry link road' (another local road)
- the proposal would provide a satisfactory contribution toward regional road infrastructure
- the proposal would manage stormwater on site through a pit and pipe system and an on-site detention basin without cost to Council for the long term
- the proposal would create only three jobs per hectare and generate employment opportunities during construction
- the proposal would subdivide the broader site and allow for future high-end employment generating uses.

The proposal allows for adequate infrastructure and service provision (both local and regional) to facilitate broader economic development of the area. There are broad environmental benefits, including greenhouse gas savings from minimal transport gained from locating such a facility central to its market, and reduced volumes of residual waste to landfill. However, based on the size of the proposed site for the proposed facility, being approximately 20 ha, the proposal would generate only 6% of the employment density target set by the Precinct Plan. This is significantly short of the target of 900 jobs for the site.

The Department therefore considers the proposed development is not consistent with the objectives of either the WSEA SEPP or the Precinct Plan as it does not significantly contribute to job creation in the Western Sydney area.