

APPENDIX C CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011

The aims of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) are to identify State significant development and State significant infrastructure and provide the necessary functions in determining development applications.

The development triggers the criteria in Clause 1 of Schedule 1 of the SRD SEPP as it involves development for the purposes of intensive livestock agriculture with a capital investment value of more than \$30 million. Therefore, the project is considered State significant development and the Minister for Planning is the consent authority for the development.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (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 development satisfies the criteria for traffic generating development under Clause 104 of the SEPP and was therefore referred to RMS for comment as required under the ISEPP.

The RMS' comments are summarised in **Section 4** of this report. In summary, the RMS raised no objection to the development and requested their recommended conditions relating to intersection design and construction works be included. The development is considered to be consistent with the ISEPP given the relevant consultation and consideration of the issues raised by the RMS in the Department's assessment in **Section 5** of this report.

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

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). 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 12 of SEPP 33, the Applicant did not provide a Preliminary Hazards Analysis (PHA) as part of the EIS, as the screening test indicated that the quantities of dangerous goods to be stored on-site would not exceed the relevant thresholds stipulated in the Department's guideline, *Applying SEPP 33*. The Applicant's screening test identified that the quantities of ammonia and other chemicals to be stored on-site would be just below the relevant thresholds. A condition of consent has been recommended to ensure the threshold limits established by SEPP 33 are not exceeded.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) aims to provide a State wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required;
- the relevant considerations for consent to carry out remediation work; and
- that remediation works undertaken meet certain standards and notification requirements.

The Applicant assessed the potential for site contamination as part of the RTS, which concluded that the land is not contaminated and is suitable for the intended industrial use. The Department reviewed the assessment and considers the development would be undertaken consistently with the aims, objectives and provisions of SEPP 55.

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy (Rural Lands) 2008 aims to facilitate the orderly and economic use and development of rural lands for rural and rural related purposes and minimise land use conflicts. The development would support the goat industry in the Bourke region in response to increasing international demand for goat meat. Further, the site is located on unconstrained land and has been designed with regards

to minimising impacts to biodiversity, native vegetation and water resources. As such, the Department is satisfied that the proposed development is consistent with the Rural Planning Principles of the SEPP.

Bourke Local Environmental Plan 2012

The Bourke LEP aims to conserve and manage the natural and built resources of the LGA for present and future generations applying the principles of ecologically sustainable development. The site is zoned RU1 primary production under the LEP. Under this zone intensive livestock processing, including abattoirs, is permissible with consent as a subset of "Rural Industries".

The development is consistent with the relevant aims and objectives of the RU1 zone. The development will encourage diversity in primary industry enterprises and systems appropriate for the area. The development will also provide an alternative destination for sheep farmers in the region. The remoteness of the site, its relative removal from urban centres and isolated residential properties will minimise conflict between land uses within this zone and land uses within adjoining zones. Further, the development will minimise the fragmentation and alienation of resource lands as the site and surrounding land will be under single ownership for the duration of its operation.

The Department considers that the development is generally consistent with the relevant provisions of the Bourke LEP.