

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Part 3A of the Environmental Planning and Assessment Act 1979 (the Act)

On 1 August 2005, Part 3A was introduced to the Environmental Planning and Assessment Act 1979 (EP&A Act). Part 3A and its accompanying Regulations and Guidelines (the latter yet to be gazetted), contains a new assessment and determination framework for major projects.

The Director General as delegate of the Minister has formed the opinion that the development to which this application relates is a project for the purposes of Part 3A of the Act. The project application to which this Environmental Assessment report relates has therefore been lodged pursuant to Section 75E of the Act, for approval to carry out a project as defined in Part 3A of the Act.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP)

The Major Projects SEPP outlines the types of development declared a project for the purposes of Part 3A of the Act.

For the purposes of the Major Projects SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within it.

On 28 February 2008, the Director General (as delegate for the Minister for Planning) formed the opinion that the project is a development which meets the criteria of Clause 3, Schedule 5 as the project is for the redevelopment of Liverpool Hospital.

State Environmental Planning Policy (Infrastructure) 2007

SEPP 11 applied to the Project Application at the time of its lodgement. The SEPP was repealed by SEPP (Infrastructure) 2007 when it became operational on 1st January 2008. The SEPP (Infrastructure) does not, however, apply to the application as it is subject to its Savings provision (Cl.11 (1)(b)).

Notwithstanding this, the development proposal was referred to the RTA on 27 August 2008 for comment. The RTA did not provide a comment on the proposal.

State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying that certain considerations be made by the consent authority when determining development applications in general, and where relevant, land has been appropriately remediated.

Contamination was addressed in the Concept Plan approval, including soil contamination investigations. Appendix H – Hazardous Materials Report of the EA details contamination, including a number of recommendations to address disposal and safety. The report, along with recommended conditions of approval, is considered to satisfactorily address the requirements of the SEPP.