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Emma Barnet
Senior Environmental Assessment Officer
Energy Resource Industry Assessment
Department of Planning and Environment

(via the Major Projects Planning Portal)

Dear Ms Barnet

Moss Vale Plastics Recycling Facility (SSD 9409987)
EPA advice on the Environmental Impact Statement (EIS)

I am writing to you in reply to your invitation to the NSW Environment Protection Authority (EPA) to provide comment on the Environmental Impact Statement (EIS) for the above project.

The EIS states the project involves the construction and operation of a facility that will receive, sort, and process plastic waste. The facility will consist of two factory buildings, a wastewater treatment plant, internal roadways, worker facilities, and a new access road from the existing public road network. The recycling plant is proposed to operate 24 hours a day, 7 days a week, with waste being accepted between 7 am and 6 pm Monday to Friday.

The EPA has reviewed the following documents:

- *Environmental Impact Statement*, dated 25 January 2022, prepared by GHD (the EIS)
- *Moss Vale Plastics Recycling and Reprocessing Facility Technical Report 2 – Noise and Vibration*, dated 24 January 2022, prepared by GHD (the NVIA)
- *Moss Vale Plastics Recycling and Reprocessing Facility Technical Report 3 – Air Quality and Odour*, dated 25 January 2022, prepared by GHD (the AQIA)

The EPA requires additional information to be able to adequately assess the environmental impacts of the proposal. The EPA's requirements and recommendations regarding the proposal are outlined in **Appendix A**. They relate to the following matters:

- Noise and Vibration
- Waste
- Air Quality
- Water Quality
- EPA licensing
- Diesel Generator
- Contaminated Land

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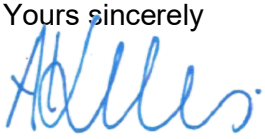
The EPA may have further comments upon receipt and review of any additional information.

If you have any questions about the above information, please contact Katherine Purdy on 9585 6093 or via email at katherine.purdy@epa.nsw.gov.au.

Yours sincerely



Aleksandra Young
Unit Head – Regulatory Operations Metro

APPENDIX A

1. Noise and Vibration

The EPA wishes to raise the following points and recommend the actions listed below, with point 1 being a key matter:

Point 1: Status of proposed access road

It is unclear from the NVIA or the EIS what the status of the proposed access road is and whether it will be considered part of the regulated premises. It appears that some of the road will be constructed on existing private land and some within an area designated as a "paper road". EIS Chapter 7.3 states that the applicant will pay for the construction and Council will own and maintain it. The classification of the road affects how the road noise will be regulated.

Recommendations:

- The applicant should clarify the status of the access road with respect to its being part of the EPA regulated premises (if approved). If the access road is considered part of the premises, then noise generated on the access road must be included in the operational noise assessment with the rest of the premises. In this case, the access road should be assessed using the *Noise Policy for Industry* (EPA, 2017) (NPfI) and be considered cumulatively with noise emissions from the whole premises.
- The Department of Planning and Environment (DPE) considers the appropriate classification of the road as it pertains to noise assessment under the *NSW Road Noise Policy* (DECCW, 2011) (RNP), if the access road does not form part of the EPA regulated premises. If the road is not considered part of the premises and not regulated by the EPA, then it is recommended that the DPE consider the following during its determination:
    - The function/category of the road being assessed using the *NSW Road Noise Policy* (DECCW, 2011) (RNP). The NVIA has designated the road as "sub-arterial" but assessed it as a "local" road. Using the RNP's "local" road assessment criteria appears appropriate in this instance.
    - The method and inputs used to predict impacts from the road such as an appropriate calculation method for small volumes of traffic.

Point 2: Truck traffic volumes

NVIA Chapter 5.4.2.1 states that the indicative traffic generation for the operation are: *"Up to 100 truck movements between 7am and 6pm with a maximum of 5 trucks in a peak hour period".*

It is unclear what the distinction between a "truck movement" and a "truck" is. Assuming an even distribution of truck movements would mean 9 truck movements per hour over the 11-hour period between 7 am and 6 pm. However, from the NVIA, it is unclear if "5 trucks an hour" means 10 truck movements, or 5 truck movements. An even hourly distribution of movements over 11 hours appears unlikely to represent a peak or reasonable worst-case scenario, without further justification. In addition, NVIA Table 6.3 states that delivery truck movements should not exceed 10 in and 10 out hourly volumes without a clear indication of the justification for this measure and how it relates to the number of planned movements and noise impacts. The actual volume of light and heavy vehicles used in the calculations for the access road and operational noise assessment over the relevant time periods (e.g. 15 mins) do not appear to have been reported in the NVIA.

Recommendations:

- The number of vehicles expected to use the access road and the volume of light and heavy vehicles used in the calculation of the access road and operational noise assessment are clarified and provided.

Point 3: Operational noise assessment

The inclusion of source contributions at the most affected receivers benefits the transparency of the assessment, provides a clear picture of the sources affecting receivers and assists in understanding the potential impacts from the premises.

The predicted noise levels at receivers R019 (NCA2) and R160 (NCA3) under noise-enhancing meteorological conditions at night are equal to the project noise trigger levels. NVIA Chapter 5 and Appendix F state that the predictions are based on a number of assumptions, which in turn are based on similar plants, and reliance on meeting specific internal noise levels. Building 1 appears to require mobile plant operating within to feed the processing machine 24 hours a day. This, together with the industrial machinery, makes it unclear if the proposed 85 dBA internal noise limit is achievable without further information. Therefore, the EPA considers there is a risk of impacts above those predicted in the NVIA.

The NVIA states that the highest contributors to these noise levels are: the Building 2 stacks, breakout from various elements of Building 1, and wastewater treatment plant fans. NVIA Chapter 6.2 provides recommendations for mitigation, including that the façade construction meets a noise reduction performance specified in NVIA Appendix F.

Recommendations:

- DPE carefully consider the risks associated with the current status of the design and, if approved, include conditions that account for this.

Point 4: Assessment of annoying characteristics

There does not appear to have been a specific assessment using NPfI Fact Sheet C for all relevant characteristics, particularly low frequency noise (LFN) and intermittency. NVIA Chapter 5.1.4 states that "*there is potential for the stack outlets to results in low-frequency noise at receivers….the stacks should be designed to achieve a stack exit sound power of LAeq 80 dBA or less (5 dB below the modelled level) to account for this.*"

The intended outcome for Fact Sheet C is to remove or reduce annoying characteristics. Therefore, if there is potential for LFN from the stacks, the design intent in the first instance should be to remove and/or reduce any LFN characteristics (as per Fact Sheet C). A penalty should only be applied if the LFN cannot be removed through mitigation. Additionally, the potential for intermittent noise during the night should be addressed – for example if there will be machinery (such as ventilation or scrubbers) turning on and off.

Recommendations:

- The NVIA should provide an assessment of all relevant annoying characteristics as required by NPfI Fact Sheet C.
- The NVIA should update its recommendations in consideration of the intent of Fact Sheet C to remove annoying characteristics in the first instance, including the mitigation recommendations in NVIA Table 6.2.

Point 5: Receiver classification

The table of predicted operational noise levels in Appendix G appears to have labelled some receivers as residential receivers, however, the residential project noise trigger levels do not appear to be assigned to them.

Recommendations:

- The NVIA is reviewed and amended accordingly to assess residential receivers using the residential receivers project noise trigger level.

Point 6: Inconsistent noise trigger levels

NVIA Appendix G appears to have assigned project noise trigger levels to non-residential receivers inconsistently with NVIA Table 4.3. NVIA Table 4.3 appears to have implemented the project noise trigger levels in accordance with the NPfI.

Recommendations:

- The NVIA is amended accordingly to consistently apply project noise trigger levels at non-residential receivers in accordance with the NPfI.

2. Waste

The following points require more information and/or management:

Point 1: Presence of microplastics in liquid waste

The facility operations propose to dispose of up to 10,000 L/d of wastewater to the Moss Vale Sewage Treatment System (operated by Council) when the domestic flows are low. The quality of the wastewater is not provided in the EIS and there is the potential for microplastics to be a significant component of this liquid waste stream. To ensure microplastics are appropriately managed, this warrants further consideration at the design phase of the development as additional treatment processes may be required prior to disposal to sewer.

Recommendations:

- Additional information be sought in relation to the microplastic content of the wastewater to be discharged to sewer. This information should address the capacity of the sewage treatment plant to remove these microplastics or include a provision to upgrade to the onsite wastewater treatment plant to remove these microplastics.

Point 2: Limited storage capacity for incoming waste material

There are limits in relation to plastic storage with only 3 days capacity at the point of receival (Section 9.4.1 of the EIS).

Recommendations:

- Storage will need to be carefully managed in the event of a process failure as bales of plastic would need to be stored outside of the enclosed facility. Note that the conditions of approval/ environmental protection licence will likely prohibit external storage due to associated risks.

Point 3: Battery waste

The wastes have been classified as general solid waste and liquid waste except for batteries. It is noted that batteries are to be disposed of as hazardous waste (table 9.14 at Bowral Waste Centre).

Recommendations:

- Table 9.13 should be changed for the battery category to “recycle” at a facility that can accept batteries and the reference to disposal of hazardous waste at Bowral Waste Centre can then be removed as this facility is not able to accept hazardous waste.

Point 4: Limited capacity of chosen disposal locations

A total of 23,800 tonnes of solid waste will require disposal from the facility. The destination for this waste is outlined to be either Bowral Waste Centre Pty Ltd (EPL 13366) or Wollongong Waste and Resource Recovery Park (EPL 5862).

Bowral Waste Management Centre has a limit on the EPL (Condition L4.2): *“The total amount of waste received at the premises must not exceed 80,000 tonnes in any twelve-month period”*. Should all the solid waste generated by the proposed development be disposed of at this facility it would account for approx. 30% of the licensed annual capacity of the landfill.

Recommendations:

- The applicant should consider Wollongong Waste and Resource Recovery Park (EPL 5862) – also known as Whytes Gully Waste Disposal Facility – has no limit on the quantities of wastes received. This location is also within the waste levy area and may be appropriate for the facility’s waste disposal.

3. Air Quality

The EPA has identified issues with the AQIA. The assessment has not been conducted in accordance with the *Approved Methods for Modelling and Assessment of Air Pollutants in NSW* (EPA, 2016) (the Approved Methods). The EPA recommends that the applicant revises the AQIA to address the identified issues.

The points of issue identified are:

Point 1: Process description lacks clarity

Section 5.4 of the AQIA states that the proposed emission controls system includes localised capture of emissions from individual processing units with emissions ventilated to four emission controls systems. Three emission control systems would include a pneumatic cyclone spray tower, an electrostatic degreasing device, and activated carbon adsorption prior to treated air being discharged from a stack. The fourth system would be for the treatment of particulate matter.

However, the AQIA does not provide further detailed descriptions of each emission control system. This includes (but is not limited to): describing which unit operations (or processing units) each emission control system would collect emissions from, how emissions would be collected, the number and size of particular treatment steps such as any activated carbon vessels, or how any proposed activated carbon changeout would be managed to prevent emission breakthrough. Additionally, process flow diagrams detailing the unit operations and the relationship between each emission control system has not been included to provide sufficient clarity on the proposed emission control systems.

Further, the AQIA does not provide specific information on the operating parameters of specific individual unit operations (or processing units) or emission control systems. This includes but is not limited to the process inputs (i.e. the types of plastics) to individual process units, the operating temperatures of process units and the performance of the proposed controls. Process parameters

and inputs can impact the potential generation and emission of air pollutants. As such it is important to convey this information to understand potential risks to air pollutant emission generation and potential impact.

Recommendations:

- The AQIA be revised to include a more detailed process description.

Point 2: Emissions inventory lacks clarity

Table 5.3 provides a single list of values for discharge parameters that apply to each stack. However, it is not clear why two (2) stack diameters are provided and if there are stacks with different stack diameters. Additionally, it is not clear what pollution control system is associated with each discharge stack, the proposed location of each stack discharge, and descriptive information on which process units each stack is associated with. Further, each proposed discharge point should include an identification name or number to provide a clear and transparent picture of the proposed discharge points. This is of particular importance to enable any potential recommended environment protection licence conditions.

Recommendations:

- The AQIA be revised to include a more descriptive, clear, and transparent emissions inventory.

Point 3: Clarification on potential combustion sources for steam generation

Section 7.5.4 of the EIS describes the use of steam to sterilise plastics, however, it is not described how the steam would be generated. Steam could be generated by onsite boilers which may involve the combustion of fuels and hence emissions of combustion air pollutants from the premises. The AQIA does not account for any potential combustion emissions from potential boilers should they be proposed. Clarification is required.

Recommendations:

- The applicant must clarify how steam is generated at the premises. Should combustion sources be proposed, the AQIA would need to be revised to include assessment of these sources.

Point 4: Manufacturers' specifications or emission guarantees not provided

Section 5.4 of the AQIA states that emissions estimations provided in Table 5.4 are based on maximum emission concentrations as guaranteed by the equipment provider. However, no emission guarantees or manufacturers specifications are provided.

Additionally, assessed emissions for particulate matter and total VOCs appear to be based on the assumptionthat emissions are equivalent to specific prescribed concentrations contained in the *Protection of the Environment Operation (Clean Air) Regulation 2021* (the Clean Air Regulation), rather than specific emission guarantees or manufacturers specifications.

As per section 3.3 of the Approved Methods the EPA's preferred methods are manufacturers' design specifications and/or performance guarantees for proposed sources.

Recommendations:

- The AQIA be revised to include emission guarantees or manufacturers specifications and revise the assessment (where necessary) to be based on proposed manufacturers specifications and/or emission guarantees.

Point 5: Assessment does not demonstrate compliance with the Clean Air Regulation

The emissions inventory provided in the AQIA does not include a demonstration that compliance with the prescribed concentrations contained in the Clean Air Regulation can be achieved. As per section 3.5 of the Approved Methods the emissions inventory must be used to demonstrate compliance with the Clean Air Regulation.

Recommendations:

The AQIA be revised to include a demonstration that:

- compliance with the Clean Air Regulation can be achieved.
- The design of the air management systems (including four proposed stacks) can allow monitoring/verification of emissions. This includes consideration of the requirements outlined in Australian Standard AS4323.1: Stationary source emissions - Selection of sampling positions (2021).

Point 6: Emissions of principal air toxics not demonstrated to be minimised to the maximum extent achievable

The AQIA includes a quantitative assessment (dispersion modelling) of Benzene emissions. Benzene is classified as a principal toxic air pollutant as per the Approved Methods. Section 7.2.1 of the Approved Methods describes that principal toxic air pollutants must be minimised to the maximum extent achievable through the application of best-practice process design and/or emission controls. The AQIA does not benchmark the proposed design against best practice or include a demonstration that emissions of air toxics have been minimised to the maximum extent achievable.

Recommendations:

- The AQIA be revised to demonstrate that principal air toxics have been minimised to the maximum extent achievable. Where a robust demonstration cannot be provided, the design of the project should be revised to include the application of best practice process design and/or emission control to minimise emissions of principal air toxics to the maximum extent achievable.

Point 7: Assessment of the potential risk for emissions of persistent organic pollutants not provided

The proposed development includes the processing of 120,000 tonnes of plastic waste per year including used PVC pipes. The EPA understands that part of the process involves processing waste material under heat. Processing of plastics under heat has the potential to generate persistent organic pollutants (POPs) (such as dioxins), however the potential risk would be dependent on such factors as composition of waste material and processing parameters. The AQIA does not assess the potential risk of emissions of persistent organic pollutants.

Recommendations:

- The AQIA be revised to include an assessment of potential risk for emissions of persistent organic pollutants. Where there is potential for emissions of POPs the AQIA must be revised to include an assessment of the potential impacts of these pollutants.

Point 8: Justification for assessed pollutants not provided

The AQIA assesses potential impacts of benzene (a principal toxic air pollutant), toluene and styrene (both odorous air pollutants). However, the assessment does not include a justification for the selection and assessment of these individual volatile organic compounds (VOCs). Given the proposed processing of various plastic materials it could be that a range of VOCs or other air

pollutants are potentially generated and emitted from the premises. For example, the proposed development seeks to process Acrylonitrile butadiene styrene (ABS) plastics. Acrylonitrile is a principal toxic air pollutant as per the Approved Methods. Processing of some plastics, such as ABS may result in emission of other air pollutants. However, this would be dependent on the specific operational nature of the proposed processing (i.e. temperatures), emission control performance, and waste input streams.

Recommendations:

- The AQIA be revised to include a justification for the assessed air pollutants including VOC's and demonstrate that the assessed air pollutants represent a reasonable worst-case assessment. Alternatively, the assessment could be revised to include assessment of potential impacts of additional VOCs or air pollutants should they be proposed to be emitted from the premises.

Point 9: Meteorological data not demonstrated to be site representative

Section 4.2.2 of the AQIA describes that meteorological data for the Bureau of Meteorology weather station at Moss Vale was considered to represent the meteorological environment at the proposal location. The AQIA presents wind roses for five years of data collected from the Moss Vale station.

However, the AQIA does not describe which year of meteorological data was utilised for conducting the dispersion modelling, and it does not include a demonstration that the selected modelled year was representative.

As per the Approved Methods a Level 2 impact assessment must be conducted using at least one year of site-specific or site-representative meteorological data. Site representative data must be correlated against a longer-duration site representative meteorological database of at least five years. It must be clearly established that the data adequately describes the expected meteorological patterns at the site under consideration. Meteorological data used in dispersion modelling is of fundamental importance as it drives the transport and dispersion of the air pollutants in the atmosphere.

Recommendations:

- The AQIA be revised to demonstrate that the meteorological dataset for the modelled year is site representative.

Point 10: Predicted ground level concentrations and potential exceedances require review

Section 6.2 of the AQIA provides an assessment of the potential impacts for operation of the proposed development. Table 6.6 provides incremental ground level concentrations at sensitive receptors for particulates with comparison against assessment criteria. However, the assessment criteria contained in the Approved Methods is a cumulative assessment criterion. As such predicted cumulative impacts should be presented for comparison against the impact assessment criteria.

Additionally, the AQIA references a $PM_{2.5}$ criteria of 20 ug/m^3, whereas the impact assessment criteria as per the Approved Methods is 25 ug/m^3. Additional analysis has been presented on potential cumulative impacts, with the assessment stating there is potential for exceedances of the $PM_{2.5}$ assessment criteria. However, this analysis is not based on the criteria contained in the Approved Methods

Recommendations:

- The AQIA be revised to include a clear and transparent assessment of potential impacts. As per Section 7.7 of the Approved Methods, if the EPA's impact assessment criteria are exceeded, the dispersion modelling must be revised to include various pollution control strategies until compliance is achieved.

Point 11: Selected background data for assessing cumulative impacts requires review

Section 6.2.4 of the AQIA provides time series plots of potential cumulative ground level concentrations. The time series plots label the background air quality data as being referenced from the Goulburn monitoring station. However, other sections of the AQIA describe background air quality data as being referenced from the Bargo monitoring station. Hence there is conflicting information on the assessment methodology.

Recommendations:

- The AQIA be revised to provide a clear and transparent assessment of cumulative impacts. Referenced background data must be justified.

Point 12 Prevention and Control of Offensive Odour

There appears to be limited information in the EIS on odour emissions and control with broad claims that the emission of odour is low, unlikely and minor. An odour assessment does not appear to have been conducted and there appears to be no explicit statement regarding compliance with Section 129 of the POEO Act 1997 (offensive odours).

The EPA's policy framework for managing odour is the Approved methods for the modelling and assessment of air pollutants in NSW and Technical framework - assessment and management of odour from stationary sources in NSW. This includes planning to prevent and minimise odour, use of a range of strategies to manage odour and ongoing environmental improvement. The odour benchmark for an operational facility is whether emission of odour is 'offensive' (scheduled activities) or is being prevented or minimised using best management practices and best available technology (scheduled as well as non-scheduled activities). New or modified activities must also incorporate all best practicable means to prevent or minimise odour.

The EPA makes the following observations:

- The EIS states the received (baled) plastic waste can contain residual liquid waste (such as liquid in beverage containers etc). This and other waste material (eg residual foodstuff, cleaning products or cosmetics) have the potential to generate odours during storage, sorting and washing.
- The EIS appears to put an emphasis on localised capture of emissions from specified individual processes in each building. The facility buildings are claimed to be fully enclosed and fitted with high speed roller doors to keep any potential odours inside. A ventilation system will be used to prevent any odours escaping the building. There is no detail on the building air extraction and air treatment systems to control air pollutants (including odours).
- The wastewater treatment system relies on Dissolved Air Flotation to purify the water and make it suitable for reuse. It is unclear how soluble components in the water (and resulting odorous water) will be managed to prevent odours & facilitate water reuse. This includes but is not limited to; presence of soluble proteins from residual dairy products in ice cream, milk or yogurt containers, need for further wastewater treatment (e.g. biological) etc.

- The EIS states the wastewater treatment plant will be fully enclosed with air flow through natural ventilation of the building. There is no detail on odour emission and its prevention and control.
- The EIS states some odour may be generated from handling and storage of dewatered sludge (filter cake residue) from the WTP. Up to 9000 tpa of sludge is expected to be generated. There does not appear to be information on odour emission and its prevention related to storage, handling and offsite disposal.
- The EIS states heating and processing of plastics has the potential to lead to emissions of VOCs found as impurities in the plastic. The specific types and quantities of VOCs generated during the processing are dependent on a number of factors, including type of plastic, purity of material, processing methodology, residence time and processing temperature. There is uncertainty in these emissions and a resulting risk of odorous air pollutants that does not appear to have been adequately addressed.
- The recovered plastics will be cleaned and disinfected with steam and a patented alkaline water disinfectant solution. The potential to generate odours from this process does not appear to have been assessed. The disinfectant solution comprises tea tree oil, essential oils, natural plant-based ingredients and turpentine which all have potentially odorous components. Condensed steam would be treated at the onsite wastewater treatment plant and reused back in the process. The site water balance however appears to state up to 30 kilolitres per day of water will be lost through evaporation.
- Should odour impacts be experienced once a facility is operational, it will be necessary to address them and, if required, modify the facility based on actual operational outcomes. Addressing odour impacts retrospectively is likely to be more difficult and costly than incorporating such measures in the initial proposal.

Recommendations:

Further information should be provided to demonstrate the following environmental outcomes:

- The POEO Act requires that no occupier of any premises causes air pollution (including odour) through a failure to maintain or operate equipment or deal with materials in a proper and efficient manner. The operator must also take all practicable means to minimise and prevent air pollution (sections 124, 125, 126 and 128 of the POEO Act).
- The POEO Act states the occupier must not cause or permit the emission of any offensive odour from the premises to which the licence applies (section 129).

The information should include, but not be limited to:

- An assessment of the risks of odours.
- The air pollution controls that will be implemented to address these risks and satisfy the above environmental outcomes
- Benchmarking any proposed controls against best practice and/or current industry standards; and
- Identifying additional feasible measures that could be adopted in the event odour impacts occur once the proposed facility is operational.

The EPA may have further comments upon receipt and review of any additional information.

4. Water Quality

The EIS states the proposed facility is in the Sydney drinking water catchment area with sensitive receptors. As such, it is recommended that the applicant adopts enhanced erosion and sediment

control measures to minimise impacts on drinking water. These controls may include larger sediment basins where practical, stabilising areas as quickly as possible, and inspecting and monitoring erosion and sediment control measures regularly, particularly after rainfall and runoff events.

5. EPA Licensing

The EIS states the proposal will require an environment protection licence (EPL) under section 43 of the Protection of the Environment Operations Act 1997 (POEO Act) for:

- Chemical Production - plastics reprocessing - Clause 8 of Schedule 1 of the POEO Act.
- Recovery of General Waste - Clause 34 of Schedule 1 of the POEO Act

The EPA Guide to Licensing is a general guide to EPA's environment protection licensing requirements. The applicant should check this information to determine the type of environment protection licence required (if approved). This should include consideration of other activities such as potentially waste storage - Clause 42 of Schedule 1 of the POEO Act.

To comply with the waste legislation, those who generate waste are responsible for classifying their waste. The EPA has developed Waste Classification Guidelines which are a step-by-step process for classifying waste. Generators and waste facilities must ensure they classify their waste carefully in accordance with the procedures in the guidelines. This is because waste can only be taken to, and accepted at, a waste facility which is lawfully authorised to receive, re-use and/or dispose of that classification or type of waste.

6. Diesel Generator

The EIS appears to state a backup diesel generator will be installed on the site. Further details should be provided on the location and operation of this generator (and fuel storage). This should include the assessment of noise, air quality and fuel storage (bunding) matters as well as demonstrated compliance with relevant statutory requirements.

7. Contaminated Land

The EIS appears to conclude the potential risk from contamination is low. This is based on a Preliminary Site Investigation (PSI). The PSI appears to be based on a desk top study and site inspection (visual).

The PSI identifies data gaps in site knowledge including limited information regarding site activities prior to 1949 and excavation and a statement that filling activities of unknown nature (including waste) may have occurred at the site.

The State Environmental Planning Policy (Resilience and Hazards) 2021 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.

Additional site investigations should be considered to address the identified data gaps in the PSI and satisfy the above requirements.

If activities have been carried out across the site which may have caused significant site contamination, the consent authority should request the services of an accredited site auditor for those areas.