

Suite 408
Henry Lawson Building
19 Roseby Street
Drummoyne NSW 2047
P +61 2 8541 6169
E info@mraconsulting.com.au

mraconsulting.com.au

22 April 2022

Attn: Mr Chris Ritchie,

Director Industry Assessments
4 Parramatta Square,
12 Darcy Street Parramatta 2150

RE: Request for Additional Information 20220408 – Letter of Response

1 Introduction

In a request for further information (RFI) letter dated 8th April 2022, the Department of Planning and Environment (DPIE) identified several items to be addressed related to the proposed development of a liquid waste treatment, drilling mud processing, hazardous materials transfer and product destruction facility at 5 Kiora Crescent, Yennora.

It is understood the key objectives of the RFI are to address matters related to permissibility of the proposed development, the relationship of the proposed development with the existing facility at 14-16 Kiora Crescent, Yennora, consultation with authorities and the impact of flood levels on proposed elements of the proposed use. The following sections outline the issues raised and provide clarifications and additional information to address any potential concerns.

2 Response

2.1 Permissibility

Issue

Provide further justification as to why the proposed use of the site is considered suitable with regard to the restrictions placed on the current development consent that applies to the site and future use as a waste facility. It is recommended that you consult with Council as to their position on the proposed use of the site.

Please provide in the scoping report further justification of the permissibility of the development, with particular regard to the provisions of Chapter 11 of State Environmental Planning Policy (Biodiversity and Conservation) 2021. As advised in the scoping meeting, the Department is also seeking advice in relation to this issue and may provide further feedback when it is available.

Response

As it relates to the permissibility of the proposed use, Section 4.2 of the MRA scoping report addresses the relevant sections of environmental planning instruments (EPIs) relevant to the site, including the interactions between the SEPP *Transport and Infrastructure 2021* and SEPP *Biodiversity and Conservation 2021*.

In summary, Chapter 11.2 (1) of the Biodiversity and Conservation SEPP states that *if this Chapter is inconsistent with another **regional environmental plan or a local environmental plan**, then this Chapter prevails to the extent of the inconsistency, subject to section 36 (4) of the Act.*

It is noted that Chapter 2.7 (1) *Relationship to other environmental planning instruments* of the *Transport and Infrastructure SEPP 2021* states that it prevails over **any other planning instrument**. Thus, the *Transport and Infrastructure SEPP* prevails over the *Biodiversity and Conservation SEPP*, as it prevails over *any planning instrument* and not only a *regional environmental plan* or *local environmental plan*. Thus the development is permissible, under the *Transport and Infrastructure SEPP* within the designated IN1 site zoning.

Furthermore, the proposed development site has previously been approved for the construction of 3 industrial units which would be adapted to the uses identified as part of the proposed development. All industrial buildings approved have been designed and modelled to mitigate the impact of flooding at the site and according to Flood Study completed by SGC in November of 2019, are not impacted by the PMF event. Since the development area is not susceptible to the PMF event it is considered that the provisions of the *Biodiversity and Conservation SEPP 2021*, as it relates to the permissibility of the proposed use on *flood liable land* need not apply.

With consideration to the above points, the proposed development is regarded to be permitted with consent. Given the nature and scale of the proposed use, approval would be sought as State Significant Development under Schedule 1, Section 23 of the *State Environmental Planning Policy (Planning Systems) 2021*.

Ongoing consultation with Council and other relevant stakeholders would be conducted throughout the progressing project program. Any advice provided by Council or other stakeholders would be provided to the DPIE when available.

2.2 Relationship to 14-16 Kiora Crescent, Yennora Facility

Issue

Provide further detail in the scoping report about the relationship between the proposed development and the existing facility at 14-16 Kiora Crescent (SSD-10407), and the intention for the future use of both sites should the proposed development proceed.

Response

Sections 5.2 and 5.3 of the MRA scoping report identify the relationship of the proposed development to the waste water treatment plant operating at 14-16 Kiora Crescent. Details are also outlined as follows:

The proximity of the proponent's existing water treatment facility at 14-16 Kiora Crescent, would allow for synergies and efficiencies between the two operations. Although there is overlap regarding the liquid treatment capabilities of the proposed facility and the existing facility at 14-16 Kiora Crescent, it is intended that once operational, the two facilities would handle different liquid waste types, meaning both facilities would become specialised in their capacity to process and handle liquid wastes.

Based on current growth expectations in liquid waste treatment, hazardous materials/dangerous goods management and drilling mud processing, it is expected that the proposed development is expected to receive the proposed quantities of materials within a reasonable growth period (5-10 years of operating). The proposed development would provide for both increased processing and transfer capacity for nominated streams both in the near- and long-term future, and improved site management.

2.3 Consultation with Cumberland Council

Issue

You are strongly encouraged to consult with Cumberland City Council and the Environment Protection Authority about the proposed development and include any advice received in the scoping report.

Response

Ongoing consultation with Council and other relevant stakeholders would be conducted throughout the project. The intention is to consult with Cumberland City Council and the Environment Protection Authority prior to the submission of the Planning Application.

2.4 Flood levels

Issue

It is also noted that the approved loading bay for Unit 2 is 900mm below the FFL, and the Flood Study prepared by SGC recommends louvres surround the docking area for overland flow to pass in its natural state. This area is identified as a wash bay in Appendix B of the Scoping Report. Please clarify if this an appropriate location for a wash bay given the flood affectation.

Response

Regarding the location of the wash bay within the loading bay for Unit 2, the proposal will re-consider the impact of flood through the preparation of an environmental impact statement and relevant specialist studies to ensure the proposed facility is designed to accommodate potential flood levels. As such, the plans submitted with the scoping report are subject to modification in the final development design to be submitted for approval and the location of the wash bay may be altered.

3 Conclusions

With consideration of the above additional information provided, MRA deems that matters of permissibility, relationship to 14-16 Kiora Crescent Facility, consultation, and flood levels have been addressed to the extent that satisfies the request for further information.

Thank you for your consideration of the matters contained. Should you have further questions or require clarification of any of the contained information, please feel free to get in contact with the undersigned.

Sincerely,



Esther Hughes / Principal Environmental Consultant

Esther@mraconsulting.com.au

MRA Consulting Group

02 8541 6169

Suite 408 Henry Lawson Building

19 Roseby Street, Drummoyne NSW 2047

mraconsulting.com.au

Disclaimer

This report has been prepared by MRA Consulting Group (MRA) (registered as Mike Ritchie and Associates Pty Ltd) for Kiora One Pty Ltd. MRA (ABN 13 143 273 812) cannot accept any responsibility for any use of or reliance on the contents of this document by any third party.