

Our reference: DOC15/370713
Contact: Corrie Ford

David Gibson
Team Leader – Social Infrastructure Assessments
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Dear Mr Gibson,

**DEVELOPMENT APPLICATION – SSD 7588
Northside Mental Health Facility**

I refer to the State Significant Development application at 10 Herbert Street, St Leonards, received by the Environment Protection Authority (EPA) on 12 July 2016.

On the basis of the information provided, the proposal does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). However, based on previous experience with such developments, the EPA notes that there may be the *potential* for the following licenced activities in Schedule 1 of the POEO Act to be triggered by the proposal:

- **Crushing, grinding or separating (potentially undertaken in the construction phase)**

- (1) This clause applies to **crushing, grinding or separating**, meaning the processing of materials (including sand, gravel, rock or minerals, but not including waste of any description) by crushing, grinding or separating them into different sizes.
- (2) The activity to which this clause applies is declared to be a scheduled activity if it has a capacity to process more than 150 tonnes of materials per day or 30,000 tonnes of materials per year.

- **Electricity generation (potentially undertaken in the operational phase)**

- (1) This clause applies to the following activities:

...

metropolitan electricity works (internal combustion engines), meaning the generation of electricity by means of electricity plant:

- (a) that is based on, or uses, an internal combustion engine, and
- (b) that is situated in the metropolitan area or in the local government area of Port Stephens, Maitland, Cessnock, Singleton, Wollondilly or Kiama.

- (1A) However, this clause does not apply to the generation of electricity by means of electricity plant that is emergency stand-by plant operating for less than 200 hours per year.
- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Column 1 Activity	Column 2 Criteria
...	
metropolitan electricity works (internal combustion engines)	capacity to burn more than 3 megajoules of fuel per second

- **Extractive activities (potentially undertaken in the construction phase)**

- (1) This clause applies to the following activities:

land-based extractive activity, meaning the extraction, processing or storage of extractive materials, either for sale or re-use, by means of excavation, blasting, tunnelling, quarrying or other such land-based methods.

...

- (2) In this clause, extractive materials means clay, sand, soil, stone, gravel, rock, sandstone or similar substances that are not minerals within the meaning of the Mining Act 1992.
- (3) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Column 1 Activity	Column 2 Criteria
land-based extractive activity	involves the extraction, processing or storage of more than 30,000 tonnes per year of extractive materials
...	

Should the proponent identify that the proposal includes any of the activities detailed above, then it will need to apply to the EPA for an Environmental Protection Licence (EPL). Any licence application will need to be supported by an appropriate level of environmental assessment and confirmation that the activity has been approved as part of the planning consent (if issued).

For this reason, the EPA recommends that the Department of Planning and Environment clarify with the proponent if the proposal is likely to trigger any scheduled activity threshold. The EPA further notes that in the event that the a cogeneration plant exceeds the threshold for *metropolitan electricity works (internal combustion engines)*, the level of environmental assessment required to support a licence application will include:

- Preparation of an Air Quality Impact Assessment in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*; and

- Consideration of the requirements of the Protection of the Environment (Clean Air) Regulation and the EPA's *Interim Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra*.

Please feel free to contact Corrie Ford on 9995 6044 with any queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Gathercole', with a long, sweeping horizontal line extending to the right.

2 August 2016

DAVID GATHERCOLE
Unit Head Sydney Industry
Environment Protection Authority

