

APPENDIX D

SEPP 33 THRESHOLD TEST

Part 2 of the Hazardous and Offensive Development Application Guidelines establishes a threshold test for classifying development. An assessment of the proposed development against the threshold test follows:

SEPP 33 Threshold Test			
	Threshold	Proposal	Threshold exceeded?
2	Does the proposed use fall within the definition of 'industry' adopted by the planning instrument?	<p>The proposed development involving the processing of waste for commercial purposes is consistent with the definition of an 'industrial activity' under the Queanbeyan Local Environmental Plan 2012 being as follows:</p> <p><i>industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.</i></p>	Yes
2.1	Does a risk screening procedure undertaken in accordance with Section 7 of the Hazardous and Offensive Development Application Guidelines identify the proposal as a potentially hazardous industry?	A risk screening of the proposed development was undertaken in accordance with Section 7 of the Hazardous and Offensive Development Application Guidelines (See table below). This screening found that the proposed development does not exceed the relevant dangerous good threshold	No

		<p>quantities and as such is not classified as 'potentially hazardous industry'.</p> <p>Note: The Preliminary Hazard Analysis prepared by Benbow Environmental that accompanied the subject application makes reference to volumes of Class 6.2 dangerous goods (Infectious materials) that exceed the relevant threshold. However the use of the site for the handling and storage of Class 6.2 dangerous goods was subsequently removed from the proposal.</p>	
2.2	<p>If the proposal is a 'potentially hazardous industry', does a preliminary hazard analysis undertaken in accordance with the risk criteria as set out in Hazardous Industry Planning Advisory Paper No.4?</p> <p>If yes, the proposal is required to be considered a 'hazardous industry.'</p>	Not Applicable, as the proposed development is not classified as a 'potentially hazardous industry' as per 2.1 above.	Not Applicable
2.3	<p>In deciding if a proposal is 'potentially offensive industry' consideration should be given to the follow:</p> <ul style="list-style-type: none"> Does the proposal require a licence under any pollution control legislation? 	The proposed development requires an Environment Protection Licence under the Protection of the Environment Operations Act 1997. As such, the proposed development is considered as	Yes

	<ul style="list-style-type: none"> • If such a pollution control licence or approval is not required, does the proposal cause offence having regard to the sensitivity of the receiving environment? <p>If yes, the proposal is required to be considered as a 'potentially offensive industry'.</p>	'potentially offensive industry'.	
2.4	<p>If the proposal is a 'potentially offensive industry', does assessment against the requirements of SEPP 33 demonstrate that the offence can be controlled to a level of offence which is not significant?</p> <p>If no, the proposal is required to be considered as an 'offensive industry'.</p> <p>Note: The Hazardous and Offensive Development Application Guidelines establish as a rule of thumb that the level of offence would in most instances not be considered to be significant if a pollution control licence is obtained from the relevant authority for the purposes of the proposed development.</p>	<p>General Terms of Approval (GTA) where issued by the NSW Environment Protection Agency on 19 April 2016 and amended GTAs issued on 22 December 2016 including advice that the EPA has determined it is able to issue an Environment Protection Licence for the proposal if development consent was granted. Such a licence is required to be obtained prior to the operation of the site and complied with throughout the ongoing operation of the site.</p> <p>In accordance with the rule of thumb established under the Hazardous and Offensive Development Application Guidelines, as General Terms of Approval were issued by the Environment Protection Agency to undertake a scheduled activity upon the subject</p>	Yes

		<p>site the level of offence likely to be generated by the development can be considered as not being significant. As such, the proposed development is not an 'offensive industry.'</p>	
--	--	--	--