



21 October 2010

REFUSAL OF DA FOR TOMERONG WASTE FACILITY

The Southern Region Joint Regional Planning Panel (JRPP) has refused a development application (DA) proposing to convert a portion of an existing hard rock quarry into a solid waste, non-putrescible landfill facility.

The proposed facility, at Parnell Road, Tomerong, was to initially receive about 50,000 tonnes of waste per year, increasing to around 100,000 tonnes per year over an eight year period.

Chair of the Southern Region JRPP, Pam Allan, said, “the proposed development did not comply with a number of provisions detailed within several planning instruments and controls and therefore the panel had no other option than to refuse the development.”

“Furthermore the application contained insufficient information to determine whether the hazardous and offensive components of the proposal had the potential to pose a significant risk and adversely impact the environmentally sensitive locality,” Ms Allan continued.

Summing up, Ms Allan said “that panel considered that the proposed development was not in the public interest. “

Issues of non-compliance with relevant environmental planning instruments included:

- The application had insufficient information to determine whether, under State Environmental Planning Policy no.33 (SEPP 33), the hazardous and offensive components of the proposed development have the potential to pose a significant risk to, and adversely impact, the surrounding environmentally sensitive locality.
- The proposed development fails to comply with the Shoalhaven Local Environmental Plan; specifically the objectives relating to the protection of the water quality of the area. In the event of any failure of the proposed leachate management system and soil sedimentation controls, the proposed waste facility could potentially contaminate both St Georges Basin and the Jervis Bay Marine Park.
- The applicant has not addressed the need for a water licence which would be a requirement under the NSW Water Act as the facility would potentially be intercepting groundwater. In addition, more surface and groundwater modelling is required by the applicant.
- The application did not adequately address Section 5A of the NSW Environmental Planning & Assessment Act in that it does not provide adequate assessment on whether and how threatened species, their populations, ecological communities and/or habitats would be adversely impacted as a result of the proposed development.



Furthermore, under SEPP 33 the proposed waste facility is identified as a 'hazardous development' due to the potential risk of hazardous or toxic waste material being disposed of on site. At least four examples of hazardous materials have been identified to have the potential to contaminate the Tomerong creek, which flows through the site, as well as the surrounding environment in the event that there was a failure or breach of the proposed leachate management system.

In addition, the Southern Region JRPP found that extensive and increased truck movements would have a long term impact on the existing and future amenity of those residents living in close proximity to the proposed waste facility.

In their assessment of the proposed development, the panel members considered the economic impact of the waste facility and found that there would not be any significant increase in local employment if the project was to proceed. The proposed waste facility may also have an adverse effect on the local tourism industry due to the increased truck movements along the access route and the potential to negatively impact the sensitive ecologies of both Jervis Bay and St Georges Basin.

Over 800 submissions were received in relation to the development. They came from public authorities and the general public and concerned a wide range of environmental, economic and social issues.

The application is classified as designated development and was therefore referred to the JRPP.

More information on the JRPPs can be found at www.jrpp.nsw.gov.au