



10f Hazardous and offensive development

Explanatory outline

Part 10f outlines application requirements and assessment criteria relating to hazardous and offensive development.

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10f.1 Application of this part

This part applies to development described in Column 1 when carried out on land described in Column 2.

Column 1: Type of development	Column 2: Applicable land
Any development that is potentially hazardous or offensive as specified in <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> regarding Hazardous and Offensive Development	Any land

10f.2 Objectives

The objectives of this part are to ensure that:

1. in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact
2. potentially offensive development does not pose a significant adverse impact in the locality or on the existing or likely future development on other land in the locality
3. potentially hazardous development does not pose a significant risk in relation to the locality to either human health, life or property, or to the biophysical environment

10f.3 Relevant planning instruments & legislation

The *Upper Hunter Local Environmental Plan 2013* is relevant to development to which this part applies.

State Environmental Planning Policy (Resilience and Hazards) 2021 (sections relating to Hazardous and Offensive Development) will apply to development to which this part applies.

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the *Upper Hunter Local Environmental Plan 2013* and/or *SEPP (Resilience and Hazards)* will prevail over requirements or criteria contained in this part.

10f.4 Supporting plans & documentation

Development applications that are subject to this part should be supported by the following plans and documentation.

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Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to part 2 Preparing and lodging a development application .
B. Preliminary risk screening	All applications which have the potential to be hazardous under the requirements of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and the current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development	<p>A report and accompanying plans, prepared by a suitably qualified and experienced person, detailing:</p> <ul style="list-style-type: none"> - all dangerous goods and otherwise hazardous materials involved in the proposed development - include raw materials, intermediates, and products; - Dangerous Goods classifications (including all subsidiary classes) for all Dangerous Goods held on site; - quantities of dangerous goods and otherwise hazardous materials involved in the proposed development; - if the proposed development is an addition or modification to an existing operation, list all existing dangerous goods and otherwise hazardous materials and their quantities already on the site; - the distance* of the stored material from the site boundary for any of the materials in dangerous goods classes 1.1, 2.1 and 3; and <ul style="list-style-type: none"> * Distances: Where liquids are contained in a bunded area, the distance is measured from the bund wall rather than from the tank. For materials stored in underground tanks, the distance is measured from the above ground filling/dispensing point - the mode of storage used (that is, bulk or packages/containers) and the maximum quantity stored or held on site; - the average number of annual and weekly road movements of hazardous material to and from the facility, and the typical quantity in each load. - site layout plan showing proposed development and any existing development on site; - local layout plan showing immediate neighbours and their activities; - a locality plan showing the nearest residential property. <p>If requested by Council, the following must also be provided:</p> <ul style="list-style-type: none"> - any incompatible materials (hazardous and non hazardous materials); - any wastes that could be hazardous; - the possible existence of dusts within confined areas;

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- types of activities the dangerous goods and otherwise hazardous materials are associated with (storage, processing, reaction, etc.);
- incompatible, reactive or unstable materials and process conditions that could lead to uncontrolled reaction or decomposition;
- storage or processing operations involving high (or extremely low) temperatures and/or pressures
- details of known past incidents (and near misses) involving hazardous materials and processes in similar industries

The report must also contain any other specific information requested by Council so that Council can determine whether or not the development requires a Preliminary Hazard Assessment as required by *State Environmental Planning Policy (Resilience and Hazards) 2021*.

C. Preliminary hazard assessment	<p>All applications which have the potential to be hazardous under the requirements of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. This will be determined by the application of the 'Risk Screening' assessment above</p>	<p>A report and accompanying plans, prepared by a suitably qualified and experienced person, complying with the requirements of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and any of the current circulars or guidelines published by the NSW Department of Planning relating to hazardous or offensive development. At 2020, these included the list given in 'Supplementary Information' below</p>
D. Potentially offensive assessment	<p>All applications, which in the opinion of Council, have the potential to be offensive</p>	<p>A report and accompanying plans, prepared by a suitably qualified and experienced person, detailing:</p> <ul style="list-style-type: none"> - a listing of any materials or processes that could produce air, noise, water or other emissions with a potential for pollution; - the quantity and nature of any discharges - details of known requirements for pollution control licenses, permits or agreements from the EPA or other public authority. - the significance of the offence likely to be caused by the development, having regard to the nature of the surrounding land use and the proposed controls. <p>The report must contain enough information so that Council can properly assess the development under the requirements of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and any of the current circulars or guidelines published by the NSW Department of Planning relating to hazardous or offensive development. At 2020, these included the list given in 'Supplementary Information' below.</p>



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10f.5 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

Outcomes to be achieved

Design guidelines

A. General

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| <ul style="list-style-type: none"> ■ Compliance with <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and any current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development. ■ Whether any feasible alternatives to the carrying out of the development or to the location of the development have been considered ■ The potential impacts of the development and its operations on: <ul style="list-style-type: none"> – the site, and – surrounding and nearby properties, and – locality, – society in general taking into consideration the current and any likely future use of the land surrounding the development. | <ul style="list-style-type: none"> • The proposal must refer to the current circulars or guidelines published by the NSW Department of Planning relating to hazardous or offensive development. At 2020, these included the list given in 'Supplementary Information' below. |
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10f.6 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this part.

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- NSW Department of Planning's range of Planning guidelines for hazardous and offensive development at <http://www.planning.nsw.gov.au/Policy-and-Legislation/Hazards> At 2020, this included:
 - Guideline Summary - Hazardous Industry Planning and Assessment Guidelines
 - Applying SEPP 33 — Hazardous and Offensive Development Application Guidelines
 - Multi-level Risk Assessment - Assessment Guideline
 - Hazardous Industry Planning Advisory Paper (HIPAP) series:
 - HIPAP No. 1 — Industry Emergency Planning Guidelines
 - HIPAP No. 2 — Fire Safety Study Guidelines
 - HIPAP No. 3 — Environmental Risk Impact Assessment Guidelines



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- HIPAP No. 4 — Risk Criteria for Land Use Safety Planning
- HIPAP No. 5 — Hazard Audit Guidelines
- HIPAP No. 6 — Hazard Analysis
- HIPAP No. 7 — Construction Safety Study Guidelines
- HIPAP No. 8 — HAZOP Guidelines
- HIPAP No. 9 — Safety Management
- HIPAP No 10 — Land Use Safety Planning
- HIPAP No 11 — Route Selection
- HIPAP No 12 — Hazards-Related Conditions of Consent
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