

Assessment against planning controls: section 4.15, summary assessment and variations to standards

1 Environmental Planning and Assessment Act 1979

1.1 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI)	The proposal is considered to be consistent with the relevant EPIs. The proposed development is a permissible land use with the IN1 General Industrial zone and satisfies the zone aims and objectives outlined under the Blacktown Local Environmental Plan 2015 (BLEP).	Yes
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	N/A	N/A
(iii) Any development control plan (DCP)	The Blacktown Development Control Plan 2015 is applicable to the site. The proposed development is compliant with the controls established under the DCP.	Yes
(iii a) Any Planning Agreement	N/A	N/A
(iv) The regulations	Complies	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	It is considered that the potential impacts of the development can be satisfactorily addressed through conditions of consent. It is considered that the proposed development will not cause any significant adverse or unfavourable social, economic or environmental impacts, subject to conditions being imposed, including operating hours.	Yes
c. The suitability of the site for the development	The site is zoned IN1 General Industrial under BLEP 2015. The proposed development is permissible with consent in this zone as a Resource Recovery Facility as the proposal is defined as a Waste Management Facility under the ISEPP. The subject site is located centrally within an established and relatively large industrial precinct. The site is surrounded by industrial land uses and associated built form. Although the area around the Riverstone Industrial Precinct is likely to experience significant residential development in line with the Sydney Region Growth Area SEPP, the proposal will remain suitable given it is located centrally within an established	Yes

Heads of Consideration	Comment	Complies
	industrial precinct.	
d. Any submissions made in accordance with this Act, or the regulations	Three submissions were made. One of the submissions requested that the owner's details remain confidential. The other 2 submissions were non-confidential individual submissions. The issues raised are not sufficient to warrant refusal of this DA, as it is considered that the operation's adherence with strict conditions will be able to address these concerns.	Yes
e. The public interest	The proposal is permissible with consent in the subject IN1 General Industrial zone. The proposal also satisfies the relevant objectives of the zone. The proposal is compliant with the controls provided in Blacktown DCP 2015. The proposal's environmental impacts are considered to be reasonable, subject to various mitigation measures being carried out as per the proposed conditions of consent. The proposal will convert a vacant, underutilised site into a facility that will generate economic and employment opportunities. As such, the proposal is suitable for the subject site and is in the public interest.	Yes

2 State Environmental Planning Policy (State and Regional Development) 2011

Summary comment	Complies
<p>The Sydney Central City Planning Panel (SCCPP) is the consent authority for all 'designated development' applications that are waste management facilities. The proposed crushing plant is classified as 'designated development' under Schedule 3, Clause 32 of the Environmental Planning and Assessment Regulation 2000 as a waste management facility, given that the proposed activity will have an intended handling capacity of more than 30,000 tonnes per year of concrete demolition material.</p> <p>Therefore, Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel.</p>	Yes

3 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
<p>State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure.</p> <p>The site is zoned IN1 General Industrial under Blacktown Local Environmental Plan 2015. The proposed development is permissible with development consent in this zone as a Resource Recovery Facility as the proposal is defined as a 'waste management facility' under the ISEPP.</p> <p>The proposed development is consistent with the aims of the ISEPP, as there are positive productivity outcomes associated with converting a vacant, underutilised site into an operational enterprise. The proposal would also minimise landfill and generate additional material for construction purposes. The proposal would not generate any significant demand on existing or proposed public roads as confirmed by Council's Traffic Section.</p>	Yes

Summary comment	Complies
The proposal was referred to the RMS as a traffic generating development under Schedule 3 of the ISEPP. RMS has advised that it has no comments on the proposal.	

4 State Environmental Planning Policy No. 55 – Remediation of Land

Summary comment	Complies
<p>SEPP 55 aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent. A Preliminary Site Investigation has been submitted with the DA that found that the risk of contamination was low to moderate and that the site could be made suitable for the proposal subject to the:</p> <ul style="list-style-type: none"> • preparation of a Stage 2 Detailed Site Assessment, including a salinity assessment • undertake Council and WorkCover searches and address data gaps. <p>A Stage 2 Detailed Site Assessment (DSA) has been carried out. Soil samples from 9 locations across the site were analysed at a laboratory to determine the nature and extent of contamination (if any). The Data Quality Objective (DQO) process was also applied to the investigation to ensure that all data collection activities were appropriate and achieved the project objectives. The DSA concludes that, based on the investigation undertaken, the site is considered to be suitable for the proposal with no requirement for further investigation or preparation of a Remediation Action Plan.</p>	Yes

5 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

Summary comment	Complies
The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Blacktown Development Control Plan 2015.	Yes

6 State Environmental Planning Policy No 33 – Hazardous and Offensive Development

Summary comment	Complies
<p>SEPP 33 provides clear definitions of hazardous and offensive industries and aims to facilitate such developments. A SEPP 33 Assessment Report has been prepared for the application, to examine and identify whether the impacts of the operation of the proposal are considered to be potentially hazardous or offensive as defined under SEPP 33.</p> <p>A screening analysis of the proposal was undertaken in preparing the SEPP 33 Assessment Report, which found that both the crusher and the front end loader will operate on diesel fuel. Diesel is a C1 combustible liquid as classified by AS 1940:2017, however is not considered to be potentially hazardous under the SEPP 33 framework as there will be no storage of diesel on site as fuel will be delivered by a re-fuelling truck when required. No further potentially hazardous materials were identified as being used or stored as part of the proposal's operation. The proposal is therefore not considered a 'potentially hazardous industry' and there is no requirement to perform a preliminary hazard assessment.</p>	Yes

Summary comment	Complies
<p>The proposal, however, is identified as 'potentially offensive industry' as it requires licensing from the NSW Environment Protection Authority (EPA) for the operation of the concrete crusher that will process more than 30,000 tonnes of VENM per year, which makes it a scheduled premises. The proposal was referred to the EPA for concurrence. The EPA has since provided General Terms of Approval for the proposal, including the requirement for an Environment Protection Licence to be obtained.</p> <p>The minimum requirements under SEPP 33 for this development as a 'potentially offensive industry' are to demonstrate that the relevant environmental criteria can be met through the level of activity, or implementation of appropriate controls and subsequently obtain the relevant licence from the NSW EPA. Recommendations contained in the Noise and Vibration Assessment, Air Quality Impact Assessment, Mechanical Ventilation Assessment and Waste Management Plan demonstrate that the criteria can be met as confirmed by the EPA and our Environmental Health Unit subject to conditions.</p> <p>The proposal will not be hazardous as no contaminated concrete is to enter the site for crushing. The driver of the delivery truck will be required to produce a Qualified Hygienist Certificate to ensure that the concrete being delivered from the source of the demolition works contains no asbestos contamination or the like. This will be included as a condition in any consent granted.</p>	

7 Central City District Plan 2018

Summary comment	Complies
<p>While the Act does not require consideration of District Plans in the assessment of Development Applications, the DA is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p>Liveability</p> <ul style="list-style-type: none"> Improving access to jobs and services. 	Yes

8 Blacktown Local Environmental Plan 2015

Summary comment	Complies
<p>We have assessed the DA against the relevant provisions and have found that it is compliant with all matters under Blacktown Local Environmental Plan 2015.</p>	Yes

9 Blacktown Development Control Plan 2015

Summary comment	Complies
<p>We have assessed the DA against the relevant provisions and have found that it is compliant with all matters under Blacktown Development Control Plan 2015.</p>	Yes