

## 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)	<p>The proposal is considered to be consistent with the relevant EPIs, including SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP No. 33 – Hazardous and Offensive Development, SEPP No. 55 – Remediation of Land, BLEP 2015 and the Central City District Plan 2018.</p> <p>The site is also located within 500 m of a residential zone. This is an Integrated DA under clause 4.46 of the EP&amp;A Act 1979 as it is a scheduled activity which triggers the requirement for an Environment Protection License from the EPA under the POEO Act and Designated Development because it triggers the threshold for a waste management facility under Schedule 3, Clause 32(1)(c) and 32(1)(d)(vi) of the Environmental Planning and Assessment Regulation 2000.</p> <p>Blacktown LEP 2015 defines a waste or resource management facility to include a resource recovery facility.</p> <p>The proposed resource recovery facility is a permissible land use in the IN1 General Industrial zone and provides a land use which is compatible with the zone objectives outlined under Blacktown LEP 2015.</p>	Yes
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	There are no proposed instruments relevant to the site.	Not applicable
(iii) Any development control plan (DCP)	Blacktown DCP 2015 applies to the site. The proposed development is compliant with the numerical controls established under the DCP.	Yes
(iii)a. Any Planning Agreement	There are no planning agreements associated with this proposal.	Not applicable
(iv) The regulations	<p>The DA is Designated Development as it triggers the threshold for a waste management facility under Schedule 3, clause 32(1)(c) and 32(1)(d)(vi) of the Environment Planning and Assessment Regulation 2000 (the Regulation).</p> <p>As required by Clause 78 of the Regulation, a copy of the DA and accompanying documents, including the EIS, was provided to DPIE for public inspection during the exhibition period, between 10 July 2019 and 9 August 2019.</p> <p>As required by clause 80 of the Regulation, the DA was publicly exhibited.</p>	Satisfactory

Heads of Consideration	Comment	Complies
	The DA has been appropriately exhibited in accordance with the Regulation.	
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	<p>It is considered that the likely impacts of the development, including access, traffic and parking, loading, landscaping, design, bulk and scale, overshadowing, noise, odour, privacy, waste management and stormwater management have been satisfactorily addressed, subject to conditions.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above, it is believed that the proposed development will not have any adverse social, economic or environmental impacts.</p>	Yes
c. The suitability of the site for the development	<p>The site is zoned IN1 General industrial and the site is currently operating as a resource recovery facility under DA-16-04535.</p> <p>The continued use of the expanded site as a resource recovery facility is suitable for this activity provided 46 and 50 Tattersall Road are able to be used together. Normally Council would require the lots to be consolidated into 1 title to ensure that this occurs. However, as both sites are leased then this is not possible to expect the Applicant to consolidate the lots. On this basis an operational condition of consent is recommended that in the event either site is no longer available for the use due to a termination of the lease, then the expanded use is to cease immediately and consent surrendered.</p> <p>The proposed layout and operational procedures demonstrate that it is a suitable use of the site which is compatible with surrounding land uses.</p> <p>The site is serviced by a suitable road network, including Sunnyholt Road to the east.</p>	Yes, subject to conditions
d. Any submissions made in accordance with this Act, or the regulations	<p>The DA was exhibited for comment for a period of 30 days. One submission was received from a Kings Park resident raising concern regarding potential impacts on air quality and stormwater management. Based on a response to each issue provided by the Applicant, the issues raised by the submitter are resolved and/or are capable of being appropriately managed by conditions of consent. Refer to attachment 7 for consideration of the issues raised.</p> <p>The submitter does not specifically object to the proposal but requests that the potential impact on air quality and stormwater management be suitably addressed by Council.</p> <p>The issues raised in the submission are not considered to warrant refusal of the application.</p>	Satisfactory, subject to conditions of consent.
e. The public interest	<p>It is considered that no adverse matters relating to the public interest arise from the proposal.</p> <p>The proposal provides for the continued and improved use of the approved resource recovery facility which is anticipated to service the waste and recycling needs of the locality and wider area.</p>	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 the development in accordance with Schedule 7 clause 7(c) as it is designed development for the purposes of waste management facilities or works.</p> <p>The application proposes to increase the total processing capacity of this approved waste recovery facility to 28,000 tonnes per year for solid and/or liquid organic and green waste.</p> <p>This is Designated Development as it triggers the threshold for a waste management facility under Schedule 3, clause 32(1)(c) and 32(1)(d)(vi) of the Environmental Planning and Assessment Regulation 2000.</p> <p>As this DA is for Designated Development with a processing capacity over 5,000 tonnes of green waste, 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 No. 33 – Hazardous and Offensive Development

Summary comment	Complies
<p>In determining whether the proposed development constitutes 'potentially hazardous development' in accordance with SEPP 33, an assessment against the DPIEs 'Applying SEPP 33 Guidelines' has been undertaken.</p> <p>The proposed development is expected to have only minimal amounts of chemicals and dangerous goods stored on the premises. Therefore, it does not trigger the thresholds listed in SEPP 33 and would not fit the definition of 'potentially hazardous industry' or a 'hazardous storage establishment'.</p> <p>The Applicant states that if the quantities of chemicals increase, a formal screening/assessment process will be followed as per the Department's 'Hazardous and Offensive Development Application Guidelines – applying SEPP 33 – January 2011.'</p> <p>Accordingly, the development is able to be conducted in a manner that is consistent with the aims, objectives and provisions of SEPP 33.</p>	Satisfactory

## 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.</p> <p>The DA is accompanied by a Phase 1 Environmental Site Assessment Report prepared by Benbow Environmental and dated August 2016. The report states that the site inspection found no visual evidence of past contamination. A detailed review of the site's history was undertaken and identified that some contaminating activities may have occurred in the past. Due to the rear section of the site being fully concreted, any potential contamination from past activities is kept separate from human contact. The report concludes that the continued use of the site for this industrial use is satisfactory given the site is to remain and be operated in this current condition.</p> <p>Our environmental health section has reviewed this report and supports its recommendation. They advise that should any future works be proposed which modify the</p>	Satisfactory, subject to conditions of consent.

Summary comment	Complies
concreted section, alter the buildings or change the use of the site, a further contamination assessment will be required at that time.	

## 5 Blacktown Local Environmental Plan 2015

Summary comment	Complies
<p>BLEP 2015 applies to the site. The use is defined as a 'resource recovery facility', which seeks to process materials (mixed green waste collected from stormwater gross pollutant traps and street sweepings) to create solid and/or liquid organic and green waste.</p> <p>'Resource recovery facility' means 'a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.'</p> <p>The proposal is permissible in the IN1 General Industrial zone under BLEP 2015.</p>	Yes

## 6 Blacktown Development Control Plan 2015

Summary comment	Complies
<p>The provisions of BDCP 2015, including Part A - Introduction and Design Guidelines, Part E - Development in the Industrial Areas, Part G - Site Waste Management and Minimisation and Part J - Water Sensitive Urban Design and Integrated Water Cycle Management are relevant to the site and proposed resource recovery facility.</p> <p>The proposal complies with the relevant provisions of the DCP.</p>	Yes, subject to conditions

## 7 Central City District Plan 2018

Summary comment	Complies
<p>While the Act does not require consideration of District Plans in the assessment of DAs, the DA is consistent with the following overarching planning priority of the Central City District Plan:</p> <p><b>Productivity</b></p> <ul style="list-style-type: none"> <li>The use of the land for an industrial purpose is maintained.</li> </ul>	Yes

## 8 Blacktown Local Strategic Planning Statement 2020

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement (LSPS) outlines a planning vision for the City over the next 20 years to 2036. The LSPS contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation. The DA is consistent with the following local planning priority:</p> <ul style="list-style-type: none"> <li>LPP 16 reducing carbon emission and managing energy, water and waste efficiently.</li> </ul>	Yes