

Assessment report to Sydney Central City Planning Panel

Panel reference: 2019CCI040

Development application

DA number	SPP-19-00004	Date of lodgement	28 May 2019
Applicant	Envirocivill NSW Pty Ltd		
Owner	Sell & Parker (Holdings) Pty Ltd		
Proposed development	Designated Development - Increase in the processing capacity of the existing resource recovery facility to a total processing capacity for solid and/or liquid organic and green waste of 28,000 tonnes per year and associated site works including expansion of site operation into 46 Tattersall Road		
Street address	Lots 13 & 14 DP 220004, 46 and 50 Tattersall Road, Kings Park		
Notification period	10 July to 9 August 2019	Number of submissions	1

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> Waste facility - Designated Development Processing capacity over 5,000 tonnes of green waste (solid organic materials)
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation (Clause 32 of Schedule 3) State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development State Environmental Planning Policy No. 55 – Remediation of Land Blacktown Local Environmental Plan 2015 Blacktown Development Control Plan 2015
Report prepared by	Luma Araim, Assistant Team Leader
Report date	25 September 2020
Recommendation	Approve, subject to conditions listed in attachment 8.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development application plans
- 6 Assessment against planning controls
- 7 Summary of residents concerns and Council response
- 8 Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the Assessment report? Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? Not applicable

Conditions

Have draft conditions been provided to the applicant for comment? Yes

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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- matters raised in the public submission which is considered in detail at Section 8 of this report. The objection is not considered sufficient to warrant refusal of the DA.
 - The proposed development 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. The proposal is satisfactory subject to conditions.
 - The proposed development is also integrated development under Clause 4.46 of the Environmental Planning and Assessment Act 1979 as it is a scheduled activity which triggers the requirement for an Environmental Protection License from the NSW Environment Protection Authority (EPA) under the Protection of the Environment Operations Act 1997 (POEO Act). The EPA has no objection to the proposal and has given its General Terms of Approval (GTAs).
- 1.2 Assessment of the DA against the relevant planning framework and consideration of matters by our technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The DA is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the DA subject to the recommended conditions listed in attachment 8.

2 Location

- 2.1 The site is located in the Kings Park industrial area.
- 2.2 The site and surrounding area are occupied by industrial uses, including other material sorting and recycling facilities.
- 2.3 Residential properties are located approximately 465 m to the east on the eastern side of Sunnyholt Road, 570 m to the north and 1 km to the west on the western side of the railway corridor in Marayong.
- 2.4 The location of the site is shown at attachment 1.

3 Site description

- 3.1 The site has an area of 3,338 m² and is rectangular in shape. Its registered title description is Lots 13 and 14 in DP 220004. The site has a frontage of 54.8 m wide to Tattersall Road.
- 3.2 The site contains existing warehouse buildings and associated offices, sheds, awning areas, storage areas, 2 access driveways, including a weighbridge on the western driveway, truck manoeuvring areas at the rear of the site, areas for truck loading and car parking in the building setback area, scattered landscaping and fencing.
- 3.3 An aerial photo image of the site and surrounding area is at attachment 2.
- 3.4 The site is zoned IN1 General Industrial under Blacktown Local Environmental Plan 2015. The zoning plan for the site and surrounds is at attachment 3.

4 Background

- 4.1 In 1988, DA-88-650 was approved for a factory warehouse at 46 Tattersall Road, Kings Park.
- 4.2 On 6 January 2017, DA-16-04535 was approved for a change of use of an industrial building to a waste management works recovery facility for green waste collected from stormwater gross pollutant traps and street sweeping, including installation of a weighbridge, but only at 50 Tattersall Road, Kings Park.
- 4.3 This approval limited the amount of recovered waste to be stored and processed on site at any one time to no more than 1,000 tonnes or 1,000 cubic metres or not more than 6,000 tonnes per year. The approved hours of operation were 24 hours a day 7 days per week, subject to the use of the land not interfering with the amenity of the area by way of noise or odour at any time.
- 4.4 On 28 May 2019, this DA was lodged to seek approval to expand the existing approved operation into the eastern adjoining site at 46 Tattersall Road, Kings Park (Lot 14 in DP 220004). This lot will accommodate the office / administration and the truck parking depot component of the approved operation in existing buildings.

5 The proposal

- 5.1 The DA was lodged by Claron Consulting Pty Ltd.
- 5.2 The Applicant proposes to increase the processing capacity of the approved resource recovery facility from the approved 6,000 to 28,000 tonnes per year for solid and/or liquid organic and green waste. The nature of waste types to be processed will continue to be mixed green waste.
- 5.3 This expansion in the operation will also necessitate some site works.
- 5.4 Other details about the proposal are at attachment 4, including details of the operator of the facility, management of the facility, proposed hours of operation and procedures, access, traffic and parking matters, and stormwater management. Details are also provided regarding dust, air quality, odour and noise matters. A copy of the development plan is at attachment 5.

6 Assessment against planning controls

- 6.1 An assessment of the DA against relevant section 4.15(1)(a) matters of the Environmental Planning and Assessment Act 1979 are provided at attachment 6.

7 Key issues

7.1 Matters raised in the public submission

- 7.1.1 Matters raised in the public submission are considered in detail below in Section 8 of this report. In summary, these matters relate to air quality, burning of materials, managing stormwater discharge, dirty water, volume of household grade chemicals and volume of storage of waste materials. The objection is not considered sufficient to warrant refusal of the DA as these can be addressed by way of conditions of consent included at attachment 8.

7.2 The proposal is designated development

- 7.2.1 The proposed development 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 which states:

(1) *'Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and—*

(c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or'

(d) that are located—

(vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.'

7.2.2 The proposed land use is defined as a 'waste or resource management facility' under Blacktown LEP 2015, which includes a 'resource facility' as defined below:

'waste or resource management facility means any of the following—

(a) a resource recovery facility,

(b) a waste disposal facility,

(c) a waste or resource transfer station,

(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).'

7.2.3 A 'resource recovery facility' is defined as:

'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.'

7.3 The proposed development is integrated development

7.3.1 The proposed development is also integrated development under Clause 4.46 of the Environmental Planning and Assessment Act 1979 as it is a scheduled activity which triggers the requirement for an environmental protection license from the EPA under the POEO Act. The EPA has raised no objection to the proposal and has given its General Terms of Approval (GTAs). These GTAs have been included as conditions of consent.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 10 July and 9 August 2019. The DA was also advertised in the local newspapers and a sign was erected on the site as required for designated development. A copy of the DA for public inspection was available at our offices and at the NSW Department of Planning, Industry and Environment (DPIE) during the exhibition period.
- 8.2 We received 1 submission. The issues raised by the resident relate to ensuring that potential impacts on air quality and stormwater management are suitably addressed by Council, but does not specifically object to the proposal.
- 8.3 A summary of each issue raised by the submitter and our response is detailed in attachment 7.

9 External referrals

9.1 The DA was referred to the following external authorities for comment:

Authority	Comments
NSW Environment Protection Authority, Waste and Resource Recovery section	Acceptable, subject to General Terms of Approval.
Sydney Water	Acceptable, subject to conditions.

10 Internal referrals

10.1 The DA was referred to the following internal sections of Council for comment:


Section	Comments
Environmental Health	Acceptable, subject to conditions.
Building	Acceptable, subject to conditions.
Traffic	Acceptable, subject to conditions.
Engineering	Acceptable, no conditions required.

11 Conclusion

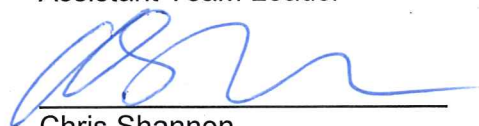
11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development, subject to conditions.

12 Recommendation

- 1 Approve DA SPP-19-00004 for the reasons listed below, and subject to the conditions listed in attachment 8.
 - a The issues raised in the public submission can be addressed by operational conditions.
 - b The proposal is in the public interest.
 - c The site is considered suitable for the proposed development.
 - d The proposal encourages reuse and recycling which has environmental benefits.
- 2 Council officers to notify the Applicant and submitter of the Panel's decision.


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