

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, including SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP No. 33 – Hazardous and Offensive Development, SEPP No. 55 – Remediation of Land, State Environmental Planning Policy (Western Sydney Employment Area) 2009 and the Central City District Plan 2018. This is an Integrated DA under section 4.46 of the EP&A Act 1979 as it is a scheduled activity which triggers the requirement for an Environment Protection Licence from the EPA under the Protection of the Environment Operations Act (POEO Act) 1997. It is also Designated development because it triggers the threshold for a waste management facility under Schedule 3, Clause 32(1)(b)(iii) of the Environmental Planning and Assessment Regulation 2000. Waste or resource management facilities are permitted with consent in the IN1 General Industrial zone under Clause 121(1) of Division 23 under State Environmental Planning Policy (Infrastructure) 2007.	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)	The Eastern Creek Precinct Plan Stage 3 DCP applies to the site. The proposed development is compliant with the DCP.	Yes
(iii a) Any Planning Agreement	There are no planning agreements associated with this proposal.	Not applicable
(iv) The regulations	The DA is Designated development as it triggers the threshold for a waste management facility under Schedule 3, Clause 32(1)(b)(iii) of the Environmental Planning and Assessment Regulation 2000 (the Regulation). As required by Clause 78 of the Regulation, a copy of the DA and accompanying documents, including the Environmental Impact Statement, was provided to the Department of Planning, Industry and Environment for public inspection during the exhibition period, between 2 September and 8 October 2020. As required by Clause 80 of the Regulation, the DA was publicly exhibited.	Satisfactory

Heads of Consideration	Comment	Complies
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 likely impacts of the development, including access, traffic and parking, loading, design, noise, odour, privacy, waste management and stormwater management, can be satisfactorily addressed by way of conditions, including a new EPA licence under the POEO Act 1997. It is considered that the proposed development will not have any adverse social, economic or environmental impacts, as these can be mitigated by conditions.	Yes
c. The suitability of the site for the development	The site is zoned IN1 General Industrial and the site is currently operating as a resource recovery facility. The continued use of the site as a resource recovery facility is acceptable as this site is suitable for this activity. The site is also serviced by a suitable road network.	Yes, subject to conditions
d. Any submissions made in accordance with this Act, or the regulations	The DA was exhibited for a period of 30 days with 1 submission, received from a resident in Minchinbury, raising concerns about potential impacts on air quality, noise, polluting local area and waterways. The facility is already in operation and the increase in the processing capacity will not significantly alter the current operation, so the impact on residential properties will be negligible if at all. The application has been accompanied by an Environmental Impact Statement and associated reports that address all environmental impacts of the proposal on adjoining and nearby properties. Measures are recommended to mitigate any potential adverse impact of the proposal. The issues raised in the submission are not considered sufficient to warrant refusal of the application.	Satisfactory, subject to conditions of consent
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal will provide for the continued and improved use of the existing resource recovery facility, and will increase its service of the city and beyond with its waste and recycling needs.	Yes

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

Summary comment	Complies
The Sydney Central City Planning Panel is the consent authority for the development under Schedule 7 Clause 7(c) of the SEPP as it is Designated development for the purposes of waste management facilities or works which meet the requirements for Designated development under Clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000. The application proposes to increase the total processing capacity of this approved waste processing facility from 30,000 tonnes per year to 40,000 tonnes per year for solid waste consisting of plastic, aluminium, liquid paperboard, steel and glass beverage containers.	Yes

Summary comment	Complies
The proposal is Designated development as it triggers the threshold for a waste management facility under Schedule 3, Clause 32(1)(b)(iii) of the Environmental Planning and Assessment Regulation 2000. As this DA is for Designated development with a processing capacity over 30,000 tonnes of waste, Council is responsible for the assessment of the DA and determination of the application is to be made by the Regional Panel.	

3 State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

Summary comment	Complies
In determining whether the proposed development constitutes 'potentially hazardous development' in line with SEPP 33, an assessment against the Department of Planning, Industry and Environment's 'Applying SEPP 33 Guidelines' has been undertaken. The proposed development is expected to have only minimal amounts of liquid petroleum gas (LPG) stored on the premises. Therefore, it does not trigger the thresholds listed in SEPP 33 and would not fit the definition of a 'potentially hazardous industry' or a 'hazardous storage establishment'. Accordingly, the development is able to be conducted in a manner that is consistent with the aims, objectives and provisions of SEPP 33. This will be reinforced with an operational condition that no hazardous goods are to be processed or stored on this site other than the limited storage of LPG required to operate the facility.	Satisfactory subject to conditions

4 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
'Waste or resource management facilities' are permitted with consent in the IN1 General Industrial zone under Clause 121(1) of Division 23 of State Environmental Planning Policy (Infrastructure) 2007. The proposal is for resource recovery facility and therefore is permissible in the IN1 General Industrial zone under the SEPP.	Yes

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

Summary comment	Complies
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. As no physical work is proposed under this development, as the facility is already in operation, no further assessment under SEPP 55 is required.	Not applicable

6 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 Growth Centres SEPP.	Yes

7 State Environmental Planning Policy (Western Sydney Employment Area) 2009

Summary comment
We have assessed the DA against the relevant provisions and it is compliant with all matters under State Environmental Planning Policy (Western Sydney Employment Area) 2009. Satisfactory Arrangements for State Public Infrastructure Certificate was obtained under DA-11-886, a copy of which is on the DA file. Under subclause 4 of Clause 29, consent is not required if the development was used for industrial purposes immediately before the application was made. The development was not referred as it is already used for industrial purposes.

8 Eastern Creek Precinct Plan Stage 3 - prepared under SEPP 59

Summary comment
We have assessed the DA against the relevant provisions and it is compliant with all matters under the Eastern Creek Precinct Plan Stage 3.

9 Central City District Plan 2018

Summary comment	Complies
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: Productivity - Supporting growth of targeted industry sectors. Sustainability - Reducing carbon emissions and managing energy, water and waste efficiently.	Yes

10 Blacktown Local Strategic Planning Statement 2020

Summary comment	Complies
The Blacktown Local Strategic Planning Statement (LSPS) outlines a planning vision for the City over the next 20 years to 2041. 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 planning priority: LPP 16 Reducing carbon emissions and managing energy, water and waste efficiently.	Yes